



## **RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA**

**FEBRUARY 1, 2011  
6:00 PM**

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

**INVOCATION** **THE HONORABLE DAMON JETER**

**PLEDGE OF ALLEGIANCE** **THE HONORABLE DAMON JETER**

### **Approval Of Minutes**

1. Regular Session: January 18, 2011 [**PAGES 8-15**]
2. Zoning Public Hearing: January 25, 2011 [**PAGES 17-19**]

### **Adoption Of The Agenda**

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

### **Citizen's Input**

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

### **Report Of The County Administrator**

4. a. Employee Grievance [ACTION] - Deferred from January 18th Council Meeting  
b. Overview of January 24th Transit Organizational Meeting  
c. Reminder of February 2nd Legislative Delegation Reception at Convention Center [ACTION]  
d. Community Development Recognition  
e. IFAS Council Update  
f. United Way Update  
g. Appearance Count Presentation

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

### **Report Of The Chairman**

5. a. Contractual Matter
- b. Lexington County Transportation Request **[PAGE 23]**

### **Open/Close Public Hearings**

6. a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits, Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the "Emergency Planning Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5, Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code
- c. An Ordinance Authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters

### **Approval Of Consent Items**

7. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the "Emergency Planning Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County **[THIRD READING] [PAGES 26-29]**
8. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5. Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code **[THIRD READING][PAGES 31-35]**
9. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-180, Signs; Subsection (g), On-Premises Signs Permitted in Rural And Residential Districts; so as to establish the maximum height and square footage of signs for institutional uses in the RU Rural District **[THIRD READING] [PAGES 37-38]**
10. An Ordinance Authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters **[SECOND READING] [PAGES 40-66]**
11. 10-33MA  
Odom Enterprise  
Steven Odom  
RU to LI (2.33 Acres)

5771 Lower Richland Blvd. [**SECOND READING**] [**PAGE 68**]

12. An Ordinance the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (A), General; so as to require notification to the Building Inspections Department and to the Emergency Services Department whenever plans are submitted that affect the "Emergency Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County [**SECOND READING**] [**PAGES 70-71**]
13. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection (I), On-Premises Signs Permitted in the General Commercial District; Paragraph (4), Height; so as to the maximum height for on-premise signs in the GC (General Commercial) District [**SECOND READING**] [**PAGE 73**]
14. Construction Services/Detention Center Chiller Project [**PAGES 75-76**]
15. Judicial Center and Administration Building Lighting Upgrades [**PAGES 78-79**]
16. Kershaw County IGA Screaming Eagle Landfill [**PAGES 81-85**]
17. Recreation for Adults/Seniors [**PAGES 87-88**]
18. Richland County North Paving Contract RC-008-CN-1011 [**PAGES 90-91**]
19. A Resolution in support of the Central Midlands Council of Governments' pursuit of grant funding from the Department of Defense [**PAGES 93-95**]
20. Decker International Corridor Lighting [**PAGES 97-98**]
21. Jim Hamilton-L.B. Owens Airport Master Plan Update Executive Summary [**PAGES 100-106**]

### **First Reading Items**

22. Sale of Property to Vulcan [**PAGE 108**]

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

23. Richland County membership in the U.S. Green Building Council [**TO DENY**] [**PAGES 110-111**]
24. The Town of Irmo Animal Care Intergovernmental Agreement [**PAGES 113-118**]
25. To amend the existing Intergovernmental Agreement with the Town of Arcadia Lakes for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance, dated July 14, 2003 [**PAGES 120-122**]

### **Report Of Administration And Finance Committee**

- 26.

Consultant Services for Employee, Retiree, and Medicare Group Benefits & Insurance RFP  
[PAGES 124-126]

27. An Ordinance Authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in an aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING] [PAGES 128-146]
28. An Ordinance Authorizing the issuance and sale of Sewer System General Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; other matters relating thereto [FIRST READING] [PAGES 148-173]

### **Report Of Economic Development Committee**

29. Pass Through Grants: [PAGE 175]
  - a. Project P - SC Energy Office Clean Green Investment Incentives
  - b. Project P - SC Department of Commerce Closing Grant Fund
  - c. Project Cyrus - SC Department of Commerce Closing Grant Fund

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

1. **Notification Of Vacancies**
  30. Community Relations Council-1 [Rebecca A. Williams, September 9, 2011 (Resigned)]
2. **Discussion From Rules And Appointments Committee**
  31. Amendment to the Ordinance regarding Richland County Boards, Commissions and Committees [PAGES 178-201]
  32. Motion to amend Council's Rules to read: Whenever a meeting is held on the second Tuesday of the month, appropriate written/backup materials for all items of business that are to be included in the Administrative and Finance or Development and Services Committee agendas must be delivered electronically to the Administrator's Office no later than the adjournment of the meeting approximately two weeks prior to the committee meeting scheduled meeting date. [JACKSON][PAGE 203]
  33. Legislative Delegation Report Regarding Voter's Registration [PAGE 205]
  34. Due to South Carolina's poor national reputation regarding females elected and appointed positions, I move Council create an ad-hoc committee to study and report any gender disparities in regard to appointment and other leadership positions within the Council's purview of powers [MANNING]

35. Ordinance to Establish the Richland County Complete Streets Commission [**PAGES 208-211**]
36. In the absence of an established Richland County Council policy/rule regarding agency Directors making endorsements of candidates for positions on their respective Boards and/or Commissions appointed by Richland County Council, I move that the Rules & Appointments Committee evaluate this situation and make a recommendation to the full Council to establish a policy on this matter. [**PEARCE**]

## **Other Items**

37. 2011 Council Retreat Items:
  - a. 2011 Annual Goals [**PAGES 214-217**]
  - b. Strategic Plan 2011 Annual Action Plan [**PAGES 218-221**]
  - c. 2011 Legislative Items [**PAGES 222-225**]
  - d. 2011 Items for Further Analysis [**PAGES 226-238**]
38. Fire Service Audit Options:
  - a. Complete the audit
  - b. Obtain enough information to redraft the Fire Service Agreement
39. 2012 Budget Calendar [**PAGES 241-242**]

## **Citizen's Input**

40. Must Pertain to Items Not on the Agenda

## **Executive Session**

## **Motion Period**

41.
  - a. Based on a fabulous idea by Councilman Norman Jackson, I move that County Council institute a State of the County Address like the State of the Union, State, and City [**MANNING**]
  - b. Motion that County staff be directed to research the viability and costs associated with streaming council meetings live via the county website, furthermore, I also move that staff research and evaluate the resources needed to video tape council meetings for re-broadcast on the County's cable channel [**ROSE**]
  - c. Based on the economy and decreased revenues, which would appear to reduce workload on staff, I move that a moratorium be placed on any hiring for positions that become vacant due to retirements or resignations [**MALINOWSKI**]
  - d. Have the Administrator encumber as much of the general budget reserve fund as possible in the event the State creates an ordinance stating counties with reserve funds must use these funds

for running the County [MALINOWSKI]

e. Resolution Honoring Odell Harris [WASHINGTON]

## **Adjournment**



# Richland County Council Request of Action

**Subject**

Regular Session: January 18, 2011 [PAGES 8-15]

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JANUARY 18, 2011 6:00 p.m.

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

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### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Sara Salley, Stephany Snowden, Tamara King, Melinda Edwards, Larry Smith, David Hoops, Daniel Driggers, Andy Metts, Donny Phipps, Donald Chamblee, Anna Almeida, Monique Walters, Michelle Onley

**POINT OF PERSONAL PRIVILEGE** – Mr. Rose recognized that Durham Carter, President of the Martin Luther King Neighborhood Association, was in the audience and would be offering the invocation and leading the audience in the Pledge of Allegiance.

### CALL TO ORDER

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

### INVOCATION

The Invocation was given by the Durham Carter.



### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Durham Carter.

### APPROVAL OF MINUTES

**Regular Session: January 4, 2011** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF AGENDA

Mr. Pope stated that the Employee Grievance under the Report of the County Administrator was an action item.

Mr. Jackson moved, seconded by Ms. Dickerson, to adopt the agenda as amended. The vote in favor was unanimous.

### REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. Personnel Item: Sheriff's DNA Lab
- b. Employee Grievance

### CITIZENS' INPUT

No one signed up to speak.

### REPORT OF THE COUNTY ADMINISTRATOR

**Employee Grievance** – Mr. Washington moved, seconded by Mr. Manning, to defer this item. The vote in favor was unanimous.

**Legislative Follow-Up Meeting** – Mr. Pope stated that meeting will be held on February 2<sup>nd</sup>, 5:30-7:30 p.m. at the Convention Center.

**Annual Audit Report** – Mr. Tom McNeish of Elliott Davis gave a brief presentation of the completed audit to Council.

**New Employee Recognition** – Mr. Pope introduced Ms. Melinda Edwards, Public Information Office employee, to Council.

### REPORT OF THE CLERK OF COUNCIL

No report was given.

## REPORT OF THE CHAIRMAN

**Committee Assignments** – Mr. Livingston provided Council with the 2011 committee assignments.

## APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits, Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the “Emergency Planning Zone (EPZ)” of the V. C. Summer Nuclear Plant, which is located in Fairfield County [SECOND READING]**

Mr. Malinowski moved, seconded by Ms. Kennedy, to approve the consent items. The vote in was unanimous.

## THIRD READING

**An Ordinance Amending the Fiscal Year 2010-2011 Utilities Fund Annual Budget to appropriate \$75,463 of Utilities Fund Interest for Broad River Capital Project Closeout** – A discussion took place.

Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item and to provide Mr. Malinowski with any additional requested information. The vote in favor was unanimous.

## SECOND READING

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5, Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code** –

Ms. Kennedy moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

## REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

**Resolution Identifying an Economic Development Project to be located and constructed in Richland County, SC by Mars Petcare US, Inc.; Authorizing a Fee Agreement between Mars Petcare US, Inc. and Richland County, SC to induce Mars Petcare US, Inc. to expand its existing facility located in Richland County, SC; and other related matters** – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

**An Ordinance Authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters [FIRST READING]** – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Planning Commission—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

### II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee (Hospitality)—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Appearance Commission, Landscaper/Landscape Architect—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments & Appeals, Licensed Contractor—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- e. **Central Midlands Regional Transit Authority—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- f. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Cynthia Demetra Jones. The vote in favor was unanimous.
- g. **Internal Audit Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.

### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Motion to amend Council's Rules to read: Whenever a meeting is held on the second Tuesday of the month, appropriate written/backup materials for all items of business that are to be included in the Administrative and Finance and Development and Services Committee agendas must be delivered electronically to the Administrator's Office no later than the adjournment of the meeting approximately two weeks prior to the committee meeting scheduled meeting date [JACKSON] – This item was held in committee for additional information.**
- b. **Due to South Carolina's poor national reputation regarding females in elected and appointed positions, I move Council create an ad-hoc committee to study and report any gender disparities in regard to appointment and other leadership positions within the Council's purview of powers [MANNING] – This item was held in committee to allow Mr. Manning to attend the meeting to present additional information.**
- c. **In the absence of an established Richland County Council policy/rule regarding agency Directors making endorsements of candidates for positions on their respective Boards and/or Commissions appointed by Richland County Council, I move that the Rules & Appointments Committee evaluate this situation and make a recommendation to the full Council to establish a policy on this matter. [PEARCE] – This item was held in committee and will be coming forward as an action item at the February 1<sup>st</sup> meeting.**

### OTHER ITEMS

#### 2011 Council Retreat Items:

- a. **2011 Annual Goals**
- b. **Strategic Plan 2011 Annual Action Plan**
- c. **2011 Legislative Items**
- d. **2011 Items for Further Analysis**

Mr. Washington moved, seconded by Mr. Malinowski, to defer this item until a work session can be held. A discussion took place.

Mr. Pearce moved, seconded by Ms. Dickerson, to schedule a work session for January 25<sup>th</sup> immediately following the Zoning Public Hearing. The vote in favor was unanimous.

**CMRTA Funding** – Mr. Pearce moved, seconded by Mr. Rose, to approve the Administrator's recommendation. A discussion took place.

Mr. Jackson made a substitute motion to reduce the Mass Transit Fee to \$3.00 permanently. The motion died for lack of a second.

Mr. Washington made a substitute motion, seconded by Mr. Manning, to allocate the fund balance plus an additional road maintenance fee to equate to \$3 million, to partner with the CTC low volume alternative paving pilot program. A discussion took place.

Mr. Livingston ruled that this motion was not germane to the item before Council.

Mr. Washington made a motion to challenge the Chair's ruling. The motion died for lack of a second.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to call for the question. The vote was in favor.

The vote on the motion to approve the Administrator's recommendation was in favor.

Ms. Dickerson moved, seconded by Mr. Malinowski, to reconsider this item. The motion failed.

**Personnel Matter: Sheriff's DNA Lab** – This item was taken up during Executive Session.

**The Unsafe Housing Procedures** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve this item as amended. The vote in favor was unanimous.

#### CITIZEN'S INPUT

No one signed up to speak.

#### EXECUTIVE SESSION

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**Council went into Executive Session at approximately 7:34 p.m. and came out at approximately 7:48 p.m.**  
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- a. **Personnel Matter: Sheriff's DNA Lab** – Mr. Pearce moved, seconded by Mr. Malinowski, to accept the Administrator's recommendation regarding the payment of the employee's in the DNA lab. The vote in favor was unanimous.

### MOTION PERIOD

**I propose a resolution honoring Jim Wilson's service to Richland County in the conservation field. [HUTCHINSON]** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to adopt the resolution honoring Jim Wilson on his service to Richland County in the conservation field. The vote in favor was unanimous.

**A resolution supporting Representative Jim Harrison's pre-filed bill to have the Recreation Commission to fall under the jurisdiction of Richland County Council [JACKSON]** – This item was referred to the D&S Committee.

**I request that staff revisit the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County as well as the Priority Investment Areas to determine what action, if any, needs to be taken in those areas. [MALINOWSKI]**  
– This item was referred to the D&S Committee.

### ADJOURNMENT

The meeting adjourned at approximately 7:55 p.m.

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

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Damon Jeter, Vice-Chair

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Gwendolyn Davis Kennedy

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Seth Rose

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Zoning Public Hearing: January 25, 2011 [PAGES 17-19]



## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, JANUARY 25, 2011 7:00 p.m.

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

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#### **MEMBERS PRESENT:**

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

**OTHERS PRESENT:** Geo Price, Amelia Linder, Milton Pope, Sparty Hammett, Tamara King, Melinda Edwards, Michael Byrd, Randy Cherry, Don Chamblee, Brian Cook, Monique Walters, Michelle Onley

#### **CALL TO ORDER**

The meeting was called to order at approximately 7:03 p.m.

#### **ADDITIONS/DELETIONS TO AGENDA**

Mr. Price corrected the page numbers that were listed in the agenda packet.

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

## MAP AMENDMENTS

**10-33MA, Odom Enterprise, Steven Odom, RU to LI (2.33 Acres), 5771 Lower Richland Blvd., 21613-01-02**

Mr. Livingston opened the floor to the public hearing.

The applicant chose not to speak at this time.

The floor to the public hearing was closed.

Mr. Washington moved, seconded by Mr. Manning, to give First Reading approval to this item. The vote in favor was unanimous.

**10-34MA, Dennis & Nancy Hunniford, Dennis Hunniford, RU to RS-LD (.76 Acres), Haven Circle, 01409-03-16**

Mr. Livingston opened the floor to the public hearing.

Mr. Dennis Hunniford spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. Jackson, to deny the re-zoning request. The vote was in favor.

**11-01MA, Carolina Child Care Properties, LLC, Dennis Dew, OI to GC (3.6 Acres), Bickley Rd., 02416-01-05**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to defer this item until the February Zoning Public Hearing and to not hold an additional public hearing on this item. The vote in favor was unanimous.

## TEXT AMENDMENT

**An Ordinance Amending Chapter 26; so as to require notification to the Building Inspections Department and to the Emergency Services Department whenever**

**plans are submitted that affect the “Emergency Planning Zone (EPZ)” of the V. C. Summer Nuclear Plant, which is located in Fairfield County**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to give First Reading approval to this item. The vote in favor was unanimous.

**An Ordinance Amending Chapter 26; so as to establish the maximum height and square footage of signs for institutional uses in the RU Rural District**

Mr. Livingston opened the floor to the public hearing.

Mr. Mark Williams spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Jackson moved, seconded by Mr. Washington, to give Second Reading approval to this item. The vote in favor was unanimous.

**An Ordinance Amending Chapter 26; so as to establish the maximum height for on-premise signs in the GC General Commercial District**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Washington moved, seconded by Mr. Jeter, to give First Reading approval to this item. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 7:26 p.m.

Submitted respectfully by,

Paul Livingston  
Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

# Richland County Council Request of Action

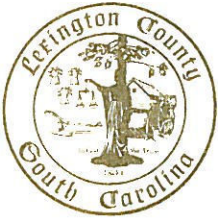
## **Subject**

- a. Employee Grievance [ACTION] - Deferred from January 18th Council Meeting
- b. Overview of January 24th Transit Organizational Meeting
- c. Reminder of February 2nd Legislative Delegation Reception at Convention Center [ACTION]
- d. Community Development Recognition
- e. IFAS Council Update
- f. United Way Update
- g. Appearance Count Presentation

# Richland County Council Request of Action

## **Subject**

- a. Contractual Matter
- b. Lexington County Transportation Request [**PAGE 23**]



# County of Lexington

December 23, 2010

The Honorable Paul Livingston  
Chairman, Richland County Council  
PO Box 192  
Columbia, SC 29202

Re: John Hardee Expressway Phase II – Local Match

Dear Paul:

The purpose of the letter is to ask for your consideration of financial support for the construction of the John N. Hardee Expressway Phase II. The completion of this project is essential to the Midlands region and its economic prosperity.

Over fifteen years ago, it was recognized by community leaders in the Midlands region that there was a need for a direct link from Interstate 26 to the Airport. Currently, passengers and cargo vehicles must travel along a congested one-mile section of SC Route 302. This congestion has hindered airline passengers, the general public traveling through this area, as well as commercial and cargo handling vehicles trying to access the interstate. One major industry near the Airport, UPS, decided to locate their Southeastern Hub in Columbia with the assurance that a direct link to I-26 would be constructed in the near future. To date, this has not occurred. The most recent announcement of Amazon.com choosing Lexington County as its home will almost certainly increase the strain on this corridor until the project is completed.

SCDOT estimates that the total estimated cost for Phase II to be \$76.8 million. In order to receive favorable consideration for funding by the SCDOT Commission, our region is being asked to make a \$13.7 million local investment in the project. At the December 9, 2010 Central Midlands Council of Governments meeting, the Board accepted Lexington County's proposal to delay the funding of a rural transportation project near the Town of Pelion in order to dedicate \$10.7 million towards the match. The remaining \$3 million still remains to be identified.

While there are a number of regional initiatives under discussion, this expressway link to the interstate continues to be critical to the economic future of the Midlands. The project is ready to go to construction immediately as soon as funds are made available. Your assistance with helping to identify the remaining needed match funds is greatly appreciated. In lieu of a cash obligation, it has been suggested that one strategy could be for Richland County and the City of Columbia to agree to delay the next road project in the COATS plan long enough to cover the remaining \$3.7 million.

We certainly appreciate your consideration of this request. Please let us know if there is any additional information that would be helpful to you as we work together to identify the needed matching funds for this essential transportation link.

Sincerely,

James E. Kinard, Jr., Chairman  
Lexington County Council

Randy Halfacre, Mayor  
Town of Lexington

cc: Members, Lexington County Council  
Members, Lexington Town Council

Item# 5

Attachment number 1  
Page 1 of 1

# Richland County Council Request of Action

## **Subject**

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits, Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the "Emergency Planning Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5, Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code
- c. An Ordinance Authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters



# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the "Emergency Planning Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County **[THIRD READING] [PAGES 26-29]**

## **Notes**

December 21, 2010 - The committee recommended that Council approve the request to create an ordinance to require approval of an evacuation plan before the issuance of a building permit for projects located in the Emergency Planning Zone and employing or housing more than 100 people on a regular basis. The vote in favor was unanimous.

First Reading: January 4, 2011

Second Reading: January 18, 2011

Third Reading:

Public Hearing:

## Richland County Council Request of Action

**Subject:** Proposed Ordinance for Emergency Planning (ESD 012010)

### **A. Purpose**

At the November 9, 2010, County Council meeting, Councilman Malinowski made a motion referencing emergency planning requirements. The motion is: “Any entity having a location in Richland County that will employ or house more than 100 persons in a facility on a regular basis and lies within the nuclear evacuation zone is required to submit an evacuation plan that must be approved prior to issuance of any building permit.” County Council’s approval is required to begin the process of enacting a new ordinance. The motion was sent to the Emergency Services Department to prepare the council report.

### **B. Background / Discussion**

The V.C. Summer Nuclear Plant located in Fairfield County, creates an Emergency Planning Zone (EPZ) requirement in Richland County. In conjunction with SCE&G, Richland County is required to maintain emergency planning programs in the area of the EPZ. The EPZ is primarily located in the northwest portion of Richland County and includes farms, residential and business properties. As more structures are built in this area, additional emergency planning is needed and the ability to fulfill emergency planning requirements becomes more challenging. Richland County is required by federal energy and nuclear regulatory agencies, FEMA and the South Carolina Emergency Management Division to successfully demonstrate the ability to alert, evacuate and care for people within the EPZ should an emergency occur at the plant. Richland County is tested on this requirement every two years. In addition, SCE&G has applied for permits to build two additional reactors on the current site which will increase planning and exercise requirements. Having large entities plan for emergencies in the initial stages of site planning and construction will assist Richland County in meeting emergency planning requirements and help in the orderly and rapid evacuation of the EPZ. Failure to adequately plan for, and demonstrate the ability to respond to all plant emergencies could result in the suspension of the operating license of the plant.

### **C. Financial Impact**

The Richland County Emergency Services Department is tasked with the requirement to oversee emergency planning and exercises for the V.C. Summer Nuclear Plant. As more construction takes place in this mostly rural area of the county, a larger requirement will be placed on Richland County. While there is not a direct financial impact, more staff time will be required for reviewing plans and additional resources will be needed to exercise the emergency plans every two years. Emergency Services will review plans submitted under the new ordinance at the same time the Building Department reviews site and construction plans to reduce the possibility of a delay in the issuance of a building permit.

#### D. Alternatives

1. Approve the request to create an ordinance to require approval of an evacuation plan before the issuance of a building permit for projects located in the EPZ and employing or housing more than 100 people on a regular basis.
2. Do not approve the request to require approval of an emergency plan.
3. Change the requirement parameters: Examples – Changing the requirement to withholding the Certificate of Occupancy until the plan is approved or increase threshold number of employees to 200, etc.

#### E. Recommendation

It is council's discretion to approve the motion to require any entity having a location in Richland County that will employ or house more than 100 persons in a facility on a regular basis and lies within the nuclear evacuation zone be required to submit an evacuation plan that must be approved prior to issuance of any building permit.

Motion By: Councilmember Malinowski

Report by: Michael A. Byrd Department: Emergency Services Date: November 19, 2010

#### F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

##### Finance

Reviewed by: Daniel Driggers

Date: 12/1/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

##### Emergency Services Department

Reviewed by: Michael Byrd

Date: 12/15/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

##### Building Department

Reviewed by: Donny Phipps

Date: 12/15/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

##### Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

##### Administration

Reviewed by: Tony McDonald

Date: 12/15/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 3, PERMITS, INSPECTION AND CERTIFICATE OF APPROVAL; SECTION 6-43, PERMITS REQUIRED/EXCEPTION; SO AS TO ADD A NEW PARAGRAPH TO REQUIRE AN EVACUATION PLAN FOR CERTAIN ENTITIES WITHIN THE "EMERGENCY PLANNING ZONE (EPZ)" OF THE V.C. SUMMER NUCLEAR PLANT, WHICH IS LOCATED IN FAIRFIELD COUNTY.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43; is hereby amended by the addition of a new paragraph, to read as follows:

(d) Any entity having a location in Richland County that will employ or house more than one hundred (100) persons in a facility on a regular basis and lies within the "Emergency Planning Zone" (EPZ) of the V.C. Summer Nuclear Plant (which is located in Fairfield County), must submit an evacuation plan with the Richland County Emergency Services Department. Such evacuation plan must be approved prior to the issuance of any building permit.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2010

\_\_\_\_\_  
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:  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5. Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code **[THIRD READING]**  
**[PAGES 31-35]**

## **Notes**

December 21, 2010 - The committee recommended that Council approve an ordinance to amend Chapter 6, Building and Building Regulations, so as to properly empower the Building Code Board of Adjustments to hear appeals under the International Fire Code. The vote in favor was unanimous.

First Reading: January 4, 2011  
Second Reading: January 18, 2011  
Third Reading:  
Public Hearing:

## Richland County Council Request for Action

Subject: Ordinance to amend Chapter 6, Building and Building Regulations, regarding language affecting the Building Codes Board of Adjustment.

### A. Purpose

County Council is requested to approve an ordinance to amend Chapter 6, Building and Building Regulations; Article II, Administration; Section 6-75, Building Codes Board of Adjustment; so as to properly empower the Board to hear appeals under the International Fire Code.

### B. Background / Discussion

The proposed ordinance was drafted to empower the Building Codes Board of Adjustment to hear appeals under the International Fire Code. None of the currently appointed members have the background or experience in dealing with hazardous materials or other fire related issues. The language has now been amended to include alternate members who could participate in a hearing based on the nature of the appeal.

In addition, the ordinance further amends the language to clarify that only appeals of orders, decisions, or determinations that have been made by the Building Official or Fire Official relative to the application and interpretation of the various codes adopted in this Chapter can be heard and that the board would have no authority to waive the requirements of any currently adopted code dealing with existing or proposed structures within Richland County. With that in mind, the ordinance would also rename the Board from “Building Codes Board of Adjustment” to “Building Codes Board of Appeals”.

### C. Financial Impact

None.

### D. Alternatives

1. Approve the ordinance as presented.
2. Approve an amended ordinance.
3. Do not approve the ordinance.

### E. Recommendation

It is recommended that County Council approve the ordinance as presented.

Recommended by: Donny Phipps    Department: Building Inspections    Date: 11/12/10

### F. Approvals

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers  
✓ Recommend Council approval  
Comments regarding recommendation:

Date: 12/2/10  
 Recommend Council denial

**Building and Inspections**

Reviewed by: Donny Phipps  
✓ Recommend Council approval  
Comments regarding recommendation:

Date:  
 Recommend Council denial

**Planning**

Reviewed by: Amelia Linder  
Recommend Council approval  
Comments regarding recommendation:

Date: 12/2/10  
 Recommend Council denial

**Legal**

Reviewed by: Larry Smith  
 Recommend Council approval; Council discretion  
denial

Date:  
 Recommend Council denial

Comments regarding recommendation: The ordinance could serve as a starting point in the various steps that should be taken in establishing a board of appeals pursuant to the International Building Code (IBC) and International Fire Code (IFC). The Legal Department has independently provided guidance to the principals and stakeholders vis-à-vis the boards of appeal required by the IBC and IFC enforcement, and would suggest that the overall board of appeals establishment and functioning should build upon whatever ordinance may be passed, to include the adoption of rules of procedure [which are described in the proposed amended ordinance subsection 6-75(e)] (i.e., this ordinance, if adopted, should be built upon along the lines of guidance Legal has previously given).

**Administration**

Reviewed by: Sparty Hammett  
✓ Recommend Council approval  
Comments regarding recommendation

Date:  
 Recommend Council denial



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 5. BUILDING CODES BOARD OF ADJUSTMENT; SECTION 6-75, BUILDING CODES BOARD OF ADJUSTMENT; SO AS TO EMPOWER THE BOARD TO HEAR APPEALS UNDER THE INTERNATIONAL FIRE CODE.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5. Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; is hereby amended to read as follows:

**Sec. 6-75. Building codes board of adjustments appeals.**

(a) *Establishment.* The building codes board of adjustment appeals is hereby established and shall consist of seven (7) members. Such board shall consist of one (1) architect, one (1) engineer, ~~and~~ one (1) contractor, ~~and~~ one (1) alternate member from each of the building, electrical, gas and plumbing industries, ~~and three (3) alternate members from the fire protection industry.~~ All members shall be residents of the county. All members shall be appointed by the council and serve without compensation. Based on the nature of the pending appeal(s), the Building Official shall select four (4) of the alternate members to serve on the board for any scheduled meeting and shall take into consideration the expertise offered by said member in making such selections.

(b) *Term of office.* All appointments shall be for three (3) year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

(c) *Quorum.* For any scheduled meeting, ~~Four (4) members of the board shall constitute a quorum. In varying the application of any provisions of this chapter or in modifying an order of the Building Official or Fire Official management director,~~ affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which he or she has a personal interest.

(d) *Records.* The ~~director~~ Building Official or Fire Official, or their designee, shall act as secretary of the board of adjustment appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(e) *Procedures.* The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this chapter. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal is received from the ~~director~~ Building Official or Fire Official.

(f) *Variations and modifications.*

- (1) The board of ~~adjustment~~ appeals shall hear and decide appeals of orders, decisions, or determinations made by the Building Official or Fire Official relative to the application and interpretation of the various codes adopted in this Chapter, ~~when so appealed to~~ and after a hearing, may modify or reverse ~~vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or public interest, or when, in its opinion, the interpretation of the director~~ said Building Official or Fire Official should be modified or reversed.
- (2) A decision of the board of ~~adjustment~~ appeals ~~to vary the application of any provision of this chapter or to modify an order of the director~~ Building Official or Fire Official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reason thereof.
- (3) The board shall have no authority to waive the requirements of any currently adopted code dealing with existing or proposed structures within Richland County.

(g) *Decisions.*

- (1) Every decision of the board of ~~adjustment~~ appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote on the decision. Every decision shall be promptly filed in the office of the ~~director~~ Building Official or Fire Official and shall be open to public inspections; a certified copy shall be sent by registered mail or otherwise delivered to the appellant.
- (2) The board of ~~adjustment~~ appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.
- (3) If a decision of the board of ~~adjustment~~ appeals reverses or modifies a refusal, order, or disallowance of the ~~director~~ Building Official or Fire Official, ~~or varies the application of any provision of this chapter~~, the ~~director~~ Building Official or Fire Official shall immediately take action in accordance with such decision.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2011

\_\_\_\_\_  
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:  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-180, Signs; Subsection (g), On-Premises Signs Permitted in Rural And Residential Districts; so as to establish the maximum height and square footage of signs for institutional uses in the RU Rural District **[THIRD READING] [PAGES 37-38]**

## **Notes**

November 23, 2010 - The committee recommended that Council approve the amendment to the Land Development Ordinance so as to establish the maximum height and square footage of signs for institutional uses (such as churches) in the RU Rural District and send it to the Planning Commission for their recommendation. The vote in favor was unanimous.

First Reading: December 7, 2010  
Second Reading: January 25, 2011  
Third Reading:  
Public Hearing: January 25, 2011

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SUBSECTION (G), ON-PREMISES SIGNS PERMITTED IN RURAL AND RESIDENTIAL DISTRICTS; SO AS TO ESTABLISH THE MAXIMUM HEIGHT AND SQUARE FOOTAGE OF SIGNS FOR INSTITUTIONAL USES IN THE RU RURAL DISTRICT.

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 Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection (g), On-premises signs permitted in rural and residential districts; is hereby amended by the addition of a new paragraph, to read as follows:

(3) *Signs for institutional uses.* Signs relating to permitted institutional uses may be erected, subject to the following provisions:

a. *Maximum size.* Fifty (50) square feet of total surface area per side per road frontage.

b. *Number.* One (1) sign per road entrance. Two (2) sides permitted per road frontage if affixed to masonry, brick, or wood fences. Such signs shall be limited to twenty (20) square feet each.

c. *Type.* Freestanding or wall.

d. *Height.* Wall signs shall not project above the roofline. Freestanding signs shall not exceed fifteen (15) feet above the ground level.

e. *Location.* Vision clearances established in Section 26-181(c) of this chapter shall be observed.

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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
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: December 7, 2010  
Public Hearing: January 25, 2011  
Second Reading: January 25, 2011  
Third Reading: February 1, 2011 (tentative)

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters **[SECOND READING] [PAGES 40-66]**

## **Notes**

First Reading: January 18, 2011

Second Reading:

Third Reading:

Public Hearing:

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

AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT, BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND MARS PETCARE US, INC., AS SPONSOR, TO PROVIDE FOR A FEE-IN-LIEU OF *AD VALOREM* TAXES INCENTIVE; AND OTHER RELATED MATTERS.

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”), is authorized and empowered under and pursuant to the provisions of the South Carolina Constitution (“Constitution”), the Code of Laws of South Carolina, 1976, as amended (“Code”), and the case law of the courts of the State of South Carolina, to offer and provide certain privileges, benefits, and incentives to prospective and existing industries as inducements for economic development within the County;

WHEREAS, the County is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code (“Act”) to enter into certain agreements with any industry that constructs, operates, maintains, and improves certain properties (which constitute “projects” as defined in the Act) and to accept any grants for such projects;

WHEREAS, through employment of the powers granted by the Act, the County is empowered to promote the economic and industrial development of the State of South Carolina (“State”) and develop its trade by inducing manufacturing and commercial enterprises to locate and remain in the State and thus use and employ the manpower, agricultural products, and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally by providing for the exemption of such project from property taxes and for the payment of a fee in lieu of property taxes (a “fee agreement,” as defined in the Act);

WHEREAS, Mars Petcare US, Inc., a corporation organized and existing under the laws of the State of Delaware (“Company”), but authorized to conduct, and conducting business in the County, desires to expand its existing facility located in the County (“Facility”) including, but not limited to, any combination of the following: the construction of one or more new buildings, the expansion of one or more existing buildings, and the addition of machinery and equipment at the Facility (“Project” as further defined below), and has requested the County to provide certain inducements to the Company by entering into a fee agreement;

WHEREAS, the Project involves an anticipated investment by the Company of at least \$7,000,000 over a period of five years from the last day of the property tax year during which the Project or a portion of the Project is first placed in service;

WHEREAS, the County, by proper action, identified the Project and indicated its intent to provide certain economic development incentives by proper resolution of the County Council, adopted January 18, 2011 (“Identification Resolution”);

WHEREAS, in connection with the economic development incentives hereby authorized, the County and the Company are prepared to enter into a fee agreement as set forth in the Act (“Fee Agreement”) pursuant to which the property comprising the Project will be exempted from property tax for a period of time during



which the Company shall make certain payments to the County in lieu of property taxes (“FILOT Payments”); and

WHEREAS, the County has reviewed the Fee Agreement, a copy of the substantially final form of which is attached as Exhibit A and which is incorporated in this Ordinance, and determined that the same is appropriate in form and substance for execution by the County so long as the Fee Agreement includes the County Reporting Requirements, as show on the attached Exhibit B.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Findings and Determinations. Based on the Company’s representations, it is hereby declared that the facts set forth in the recitals to this Ordinance are true and correct in all respects. It further is found, determined, and declared by the County Council, based on information provided by the Company, as follows:

(a) the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(b) the Project gives rise to no pecuniary liability of the County or incorporated municipality or results in a charge against its general credit or taxing power; and

(c) the purposes to be accomplished by the Project, including, without limitation, economic development, jobs creation, and expansion of the County’s tax base, are proper governmental and public purposes and the benefits of the Project are greater than the costs.

Section 2. Approval of Fee Agreement. The Fee Agreement is approved as follows:

(a) The form, terms, and provisions of the Fee Agreement presented to this meeting and filed with the Clerk to County Council (“Clerk”) are approved and all of the terms, provisions, and conditions of the Fee Agreement are incorporated by reference. The Chairman of the County Council (“Chairman”) and the Clerk are authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name of the County. The Chairman and the Clerk are further authorized, empowered, and directed to cause the Fee Agreement to be delivered to the Company.

(b) The Fee Agreement to be executed on behalf of the County shall be in substantially the form now before the County Council and shall include only changes that are approved by the County officials executing the Fee Agreement. The County officials shall consult the attorney for the County (“County Attorney”) with respect to any changes to the Fee Agreement. The execution of the Fee Agreement by County officials shall constitute conclusive evidence that they have approved all changes to or revisions of the Fee Agreement now before this meeting.

(c) If under the Fee Agreement or the Act any future actions of the Company (including, without limitation, the supplementation of the exhibits thereto and/or any assignments of the Project) require the approval of the County, such approval can be given on behalf of the County by the Chairman or the Richland County Administrator (“County Administrator”) upon affirmative resolution of the County Council to the extent permitted by law. The County officials shall consult the County Attorney with respect to such approval. The execution of a written approval by County officials shall constitute conclusive evidence that the County has approved the respective actions of the Company.

(d) The Fee Agreement shall provide that the Company will invest at least \$7,000,000 at the Project over a period of five years from the last day of the property tax year during which the Project or a portion of the Project is first placed in service.

Section 3. Execution of Document. The Chairman, the County Administrator, the Clerk, and the County Attorney are each authorized and directed to do all things reasonably necessary to effect the execution and delivery of the Fee Agreement and the County's performance of its obligations under the Fee Agreement.

Section 4. Severability. The provisions of this Ordinance are declared to be separable. If any section, phrase, or provision shall be declared by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining sections, phrases, and provisions of the Ordinance shall remain valid.

Section 5. Repeal of Conflicting Ordinances. All orders, resolutions, and other ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date of Ordinance. This Ordinance shall take effect immediately upon third reading of the County Council.

RICHLAND COUNTY COUNCIL

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

(SEAL)

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011

\_\_\_\_\_  
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: January 18, 2011  
Second Reading: February 1, 2011  
Public Hearing: February 1, 2011  
Third Reading: February 15, 2011

**EXHIBIT A**  
**[FORM OF]**  
**FEE AGREEMENT**

**Item# 10**

Attachment number 1  
Page 5 of 7

**EXHIBIT B**  
**COUNTY REPORTING REQUIREMENTS**

I. Annually, throughout the length of the incentives, beginning with the property tax year in which the Fee Agreement takes effect, the Company shall submit, on or before January 31 of each year, to the Richland County Administrator's Office at the following address:

Richland County Administrator  
Attn: Economic Development  
Post Office Box 192  
Columbia, South Carolina 29202

the following information:

- a. Name of company;
- b. Cumulative capital investment (less any removed investment) to date as a result of the Project;
- c. Cumulative ad valorem taxes (if any) and fee in lieu payments made in connection with the facility;
- d. Net jobs created to date as a result of the Project;
- e. List of all employees for reporting year by residential zip code only;
- f. Community Service Involvement, including Zip Codes of assisted organizations, which shall include a description of the company's financial and in-kind donations made to organizations in the County during the preceding year, as well as such other information as the company desires to share regarding its community activities.

II. The Richland County Administrator's Office is entitled to request additional information from the Company, which the Company shall submit in no more than 30 days after notification of the request.

If the Company fails to provide any part of the information outlined in Items No. I and II, above, then the County is entitled to require the Company to return all incentives, or a dollar amount equal to the incentives, to the County. The Company is required to make any return or repayment to the County no more than 60 days after the date on which the Company should have provided the information outlined in Items No. I and II to the County.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

I, the undersigned, Clerk to County Council of Richland County (“County Council”), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on three separate days. At least one day passed between first and second reading and at least seven days between second and third reading. At each meeting, a quorum of the County Council was present and remained present throughout the meeting.

To the best of my knowledge, the County Council has not taken any action to repeal the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Richland County Council, South Carolina, as of this \_\_\_\_ day of \_\_\_\_\_, 2011.

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Michielle R. Cannon-Finch,  
Clerk to County Council  
Richland County, South Carolina

**FEE AGREEMENT**

**between**

**RICHLAND COUNTY, SOUTH CAROLINA**

**and**

**MARS PETCARE US, INC.**

**Effective: January 1, 2011**

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## FEE AGREEMENT

THIS FEE AGREEMENT ("Fee Agreement"), effective January 1, 2011, is between RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina ("County"), and MARS PETCARE US, INC., a corporation organized and existing under the laws of the State of Delaware ("Company"). The County and the Company are sometimes jointly referred to in this Fee Agreement as the "parties," or severally as a "party."

### WITNESSETH:

WHEREAS, the Act, as defined herein, empowers the several counties of the State of South Carolina to enter into a fee agreement with an industry as an optional method of providing fee in lieu of property tax benefits for a project; and

WHEREAS, the County is authorized to enter into this Fee Agreement by passage of a resolution and an ordinance that summarize the fee in lieu of property tax provisions to be incorporated in a fee agreement between the Company and the County; and

WHEREAS, the Company desires to expand its existing manufacturing facility located within the County ("Facility"), including but not limited to through the construction of a new building(s), the expansion of an existing building(s), and/or the addition of machinery and equipment at the Facility ("Project"), and has requested the County to commit to provide certain inducements to the Company by entering into this Fee Agreement; and

WHEREAS, subject always to the Act, the parties desire to define the terms under which the Project will qualify for fee in lieu of property tax treatment.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained and the mutual benefits to be derived by the parties, the receipt and adequacy of which are acknowledged by the parties, the County and the Company agree as follows:

## 1. DEFINITIONS

### 1.1. *Specific Definitions*

In addition to the words and terms elsewhere defined in this Fee Agreement, the following words and terms as used herein shall have the following meanings unless the context or use indicates a different meaning or intent.

"*Act*" means the Fee in Lieu of Tax Simplification Act of 1997, S.C. Code § 12-44-10, *et seq.*, as amended.

"*Additional Payments*" shall have the meaning set forth in Section 4.3 of this Fee Agreement.

"*Administrative Expenses*" means the reasonable and necessary expenses incurred by the County in reviewing, implementing or amending this Fee Agreement and the Related Documents, including, without limitation, legal fees and expenses incurred by the County, but excluding the salaries and overhead of County personnel. Prior to an Event of Default, no expense shall be considered an Administrative Expense until the County has furnished to the Company a statement in writing indicating in reasonable detail the amount of such expense and the reason it has been or will be incurred. Expenses incurred in

connection solely with a general taxpayer challenge to the validity of the Act shall not be deemed an Administrative Expense unless the Company requests the County to defend the suit on Company's behalf.

*"Authorized Company Representative"* means any person or persons at the time authorized to act on behalf of the Company including, without limitation, the president, any vice president, the secretary, and the treasurer of the Company.

*"Code"* means the Code of Laws of South Carolina, 1976, as amended.

*"Commencement Date"* or *"Effective Date"* means January 1, 2011.

*"Company"* means Mars Petcare US, Inc., a corporation organized and existing under the laws of the State of Delaware, and any surviving, resulting or transferee limited liability company, corporation, partnership or other business entity in any merger, consolidation or transfer of assets permitted under this Fee Agreement.

*"Completion Date"* means December 31, 2016, or such earlier date as may be specified by the Company pursuant to Section 3.2 hereof, or such later date, if any, that the County approves in its discretion pursuant to the extension provisions of Section 12-44-30(13) or other applicable provisions of the Act.

*"Cost"* or *"Cost of the Project"* means the cost to the Company of acquiring the Project, by construction, purchase, or lease, and shall be deemed to include, whether incurred prior to or after the Commencement Date: (a) costs incurred for architects, engineers, designers, landscape architects, attorneys, estimators, and other Project consultants; (b) costs incurred for labor, materials and other expenses to contractors, builders and suppliers in connection with the acquisition, construction and installation of the Project; (c) Project financing costs, (d) the cost of contract bonds and insurance of all kinds that may be required or necessary during the course of acquisition, construction and installation of the Project; (e) the expenses of the Company for tests, borings, surveys, test and pilot operations, estimates, plans and specifications and preliminary investigations therefore, and for supervising construction, as well as for the performance of all other duties required by or reasonably necessary in connection with the acquisition, construction and installation of the Project; (f) other costs that the Company shall be required to pay under the terms of any contract or contracts for the acquisition, construction and installation of the Project; (g) costs incurred by the Company for the acquisition and insuring of any interest in the land upon which the Project is located; (h) costs incurred for the Project by third parties on behalf of the Company; and (i) any sums required to reimburse the Company for advances made by it for any of the above items, or for any other work done and costs incurred by the Company which are for the acquisition of property of a character subject to the allowance for depreciation provided for under Section 167 of the Internal Revenue Code of 1986, as amended, and included in the Project, all whether or not reimbursed by the County or by third parties, all as reflected on the Company's property tax return Form PT-300, with all attachments and schedules thereto, as filed with the Department of Revenue.

*"County"* means Richland County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina, and its successors and assigns.

*"County Council"* means the governing body of the County and its successors.

*"County Reporting Requirements"* means those requirements as set forth on *Exhibit A* attached hereto and made a part hereof.

“*Default*” means an event or condition, the occurrence of which would, after the passage of any time permitted for cure or the giving of notice or both, become an Event of Default as defined in Section 7.1 hereof.

“*Department of Revenue*” means the South Carolina Department of Revenue or its successor agency.

“*Equipment*” means all equipment, machinery, furnishings, and other personal property of Company that are made part of the Project by placing it in service in the County during the Project Period, and any other property described in *Exhibit B* attached hereto and made a part hereof, including all Replacement Property that is personal property of the Company.

“*Event of Default*” means any of those events set forth in Article 7 of this Fee Agreement.

“*Fair Market Value*” shall have the meaning set forth in Section 5.1(B) of this Fee Agreement.

“*Fee Agreement*” means this Fee Agreement as originally executed and from time to time supplemented or amended as permitted herein.

“*FILOT Payments*” shall have the meaning set forth in Section 5.1 of this Fee Agreement.

“*Independent Counsel*” means an attorney duly admitted to practice law in the State of South Carolina who does not represent either party to this Agreement.

“*Identification Resolution*” means the identification resolution passed by County Council in which County identified the Project and agreed to consider offering the economic development incentives provided for in this Fee Agreement.

“*Ordinance*” means the ordinance of the County Council that authorizes execution and delivery of this Fee Agreement and other applicable Related Documents by the County.

“*Person*” means any individual, association, corporation, partnership, limited liability company, unincorporated organization, joint venture, trust, or government or agency or political subdivision thereof.

“*Project*” shall have the meaning set forth in the recitals hereof, as further defined herein, and shall specifically mean the Real Property and the Equipment.

“*Project Period*” means the 5-year period beginning with the Commencement Date.

“*Real Property*” means the real property, if any, made part of the Project during the Project Period, including any leasehold improvements or other capital expenditures of the Company that qualify as economic development property under the Act, as more fully described in *Exhibit C* attached hereto, as from time to time supplemented by the Company, and all Replacement Property that is real property.

“*Related Documents*” means this Fee Agreement, the Ordinance, and any documents to which the County and/or the Company are parties that are reasonably required for the consummation of the transactions contemplated hereby or thereby.

“*Replacement Property*” means all property that is placed in service as a replacement for a portion of the Project, to the maximum extent permitted by the Act.

“*State*” means the State of South Carolina.

“*Term*” means the duration of this Fee Agreement.

**1.2. References to Fee Agreement**

The words “hereof,” “herein,” “hereunder” and other words of similar import refer to this Fee Agreement.

**2. REPRESENTATIONS AND WARRANTIES**

**2.1. Representations and Warranties by the County**

The County warrants that:

(A) The County is a body politic and corporate and a political subdivision of the State of South Carolina and is authorized and empowered by the provisions of the Act to enter into the transactions contemplated by this Fee Agreement and to carry out the County’s obligations hereunder. Based on representations of the Company, the Project constitutes or will constitute a “project” within the meaning of the Act. By proper action by County Council, the County has been duly authorized to execute and deliver this Fee Agreement;

(B) Prior to the delivery of this Fee Agreement, the County has adopted the Identification Resolution and enacted the Ordinance;

(C) The execution and delivery of this Fee Agreement and compliance by the County with the terms and conditions thereof will not constitute a material breach of, or a material default under any existing law, regulation, decree, or order, or any material agreement, mortgage, lease or other instrument to which the County is subject or by which it is bound; and

(D) To the best of its knowledge, no actions, suits, proceedings, inquiries or investigations are pending or threatened against or affecting the County in any court or before any governmental authority or arbitration board or tribunal that would materially adversely affect the validity or enforceability of this Fee Agreement.

**2.2. Representations and Warranties by Company**

The Company represents and warrants that:

(A) The Company is a corporation organized and in good standing under the laws of the State of Delaware, is authorized to transact business in the State of South Carolina, and has power to enter into this Fee Agreement, and, by proper action, has been duly authorized to execute and deliver this Fee Agreement;

(B) The execution and delivery of this Fee Agreement and compliance by the Company with the terms and conditions hereof will not constitute a material breach of, or a material default under, (i) any existing law, regulation, decree, or order, or (ii) any material term, condition, or provision of any corporate restriction or any agreement or instrument to which the Company is now a party or by which it is bound; and will not result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the Company that would materially restrict the Company’s ability to make any payments hereunder, other than as may be permitted by this Fee Agreement;

(C) No event has occurred and no condition exists with respect to the Company that would constitute an “Event of Default” as described in Section 7.1 hereof;

(D) The Company intends to operate the Project for the purposes permitted by this Fee Agreement or the Act or other purposes expressly agreed upon in writing by the parties;

(E) The execution of this Fee Agreement by the County and the Company has been instrumental in inducing the Company to expand its Facility in the County and in the State;

(F) To the best of its knowledge, no actions, suits, proceedings, inquiries or investigations are pending or threatened against or affecting the Company in any court or before any governmental authority or arbitration board or tribunal that would materially and adversely affect the validity or enforceability of this Fee Agreement; and

(G) The Project constitutes or will constitute a “project” within the meaning of the Act.

(H) The Company shall comply with the County Reporting Requirements.

### **3. CONSTRUCTION, ACQUISITION, AND PURCHASE OF PROJECT**

#### **3.1. Construction and Acquisition of Project**

The Company shall construct and acquire the Project and shall do all other things deemed necessary by the Company in connection with the Project. The Company shall identify in writing, to the extent required by the Department of Revenue, any portion of the Project placed in service that is not then already adequately described in this Fee Agreement or supplements thereto as a portion of the Project. The Company shall maintain such records in connection with the construction or acquisition of the Project as are reasonably necessary to (i) permit ready identification thereof and (ii) confirm the date(s) on which the Project or portions of the Project were placed in service.

#### **3.2. Completion Date**

The Completion Date shall be evidenced to the County by a written statement by an Authorized Company Representative certifying the Completion Date and stating that, to the best of his knowledge and information, the acquisition or construction of the Project, or a phase thereof, has been completed and placed in service as of the stated Completion Date and shall state the total cost as of the Completion Date. The certificate of completion may state that it is given without prejudice to any rights against third parties that exist at the date of such certificate or which may subsequently come into being.

#### **3.3. Completion of the Project**

The Company shall cause the Project to be completed and shall pay or cause to be paid all of the Cost of the Project, provided that this shall not be deemed to preclude financing of some or all of the Cost of the Project on such terms as the Company shall determine.

#### **3.4. Amendments to Exhibits B and C**

The Company may supplement *Exhibit B* and *Exhibit C* from time to time provided that the supplements are consistent with the terms of this Fee Agreement and the Act and notice of such supplement is given to the County in accordance with the notice provisions of this Fee Agreement.

#### **3.5. Minimum Investment**

Beginning on the Commencement Date and ending on the Completion Date, the Company will invest at least \$7,000,000 in taxable property constituting part of the Project (“Minimum Investment Threshold”).

### **3.6. Licenses and Permits; Assistance in Obtaining**

To the extent permitted by law, the County will use its reasonable best efforts to expedite all building and construction permit applications and will use its reasonable best efforts to assist the Company in securing all other state, county and local construction, environmental and other permits, approvals and consents which may be necessary or desirable in connection with the Project on a timely basis.

If any application is made to a governmental or other agency by the Company or the County for any permit, license, or approval to do or to perform certain things necessary for the proper performance of this Fee Agreement, the Company and the County shall execute, upon the request of the other party, such applications as may reasonably be requested or required.

## **4. TERM, FEES AND ADDITIONAL PAYMENTS**

### **4.1. Term**

Subject to the provisions herein, this Fee Agreement shall be and remain in full force and effect for a term ("Term") commencing on the Commencement Date, and, unless earlier terminated in accordance with this Fee Agreement, ending at midnight on December 31 of the 20th year after the last year during which any portion of the Project is placed in service or the last FILOT Payment hereunder, whichever is later.

### **4.2. FILOT Payments**

The Company shall pay to the County all amounts due and payable as FILOT Payments pursuant to Section 5.1 hereof. Unless otherwise expressly provided in the Act, returns for the FILOT Payments shall be filed and FILOT Payments shall be payable at the same time, and subject to the same penalty assessments, that *ad valorem* property tax returns and tax payments for the Project would otherwise be due and payable under applicable State law and regulations in the absence of this Fee Agreement.

### **4.3. Additional Payments**

In addition to the Fee Payments and other amounts payable under Section 5.1, the Company shall pay, as "Additional Payments," to or on behalf of the County any Administrative Expenses and any other amounts payable by the Company under this Agreement. Such Additional Payments shall be payable by the Company within 30 calendar days of receipt by the Company from the County of a statement in writing indicating in reasonable detail the amount of such Additional Payments and the reason they have been incurred.

### **4.4. Failure to Pay in a Timely Manner**

If the Company fails to make in a timely manner any of the payments required in this Article 4, the item or installment so in default shall continue as an obligation of the Company until the amount in default shall have been fully paid, together with interest and penalties for which the Company is liable under applicable law thereon, along with Administrative Expenses, from the date the payment was due, at the rate per annum which is equal to the rate required by law for late payment of *ad valorem* taxes or, in the case of the FILOT Payments, an amount equal to any interest required by law for late payment of comparable *ad valorem* property taxes. In the event of any failure on the part of the Company to pay any such amounts, liabilities or obligations, the County shall have all rights, powers and remedies provided for herein, by law, equity or otherwise, including without limitation with respect to non-payment of FILOT Payments hereunder the imposition and enforcement of a lien against the Project for tax purposes, as provided in Section 12-44-90 of the Act and the collection of Administrative Expenses.

## 5. FILOT PAYMENTS AND TAX CREDITS

### 5.1. *FILOT Payments; Calculation and Timing*

(A) The parties acknowledge that during the Term of this Fee Agreement, the Project is exempt from *ad valorem* property taxes. However, in lieu of *ad valorem* property taxes, the Company shall make 20 annual FILOT Payments for each portion of the Project placed in service each year during the Project Period.

(B) The amount of FILOT Payments due and payable shall be that which would be due in *ad valorem* property taxes if the Project were subject to *ad valorem* property taxes, but using (i) an assessment ratio of 8.5%, (ii) a millage rate of 402.9 mills (which millage rate shall remain applicable and fixed throughout the Term of this Fee Agreement), and (iii) a fair market value of the Project to be determined according to the Act (“Fair Market Value”).

(C) Pursuant to Section 12-44-60 of the Act, the Company may elect to include Replacement Property as part of the Project to the maximum extent permitted by the Act.

(D) Any part of the Project subject to the fee payment may be disposed of, and the Fair Market Value of the Project used to calculate FILOT Payments shall be reduced by the Fair Market Value of the disposed property.

(E) If the Act, any portion of the Act, and/or the FILOT Payments are declared invalid or unenforceable, in whole or in part, for any reason, the Company and the County intend that this Fee Agreement be reformed so as to afford the Company with a benefit that is commensurate with the benefit provided under this Fee Agreement. If the Project is not eligible for FILOT Payments, the Company shall be entitled to receive (i) the five-year exemption from *ad valorem* taxes (or fees in lieu of taxes) provided by South Carolina Constitution Article X, Section 3, and any other exemption allowed by law from time to time; (ii) all allowable depreciation, allowances and adjustments to Fair Market Value; and (iii) such other credits, abatements and exemptions from *ad valorem* taxes, as are allowed by law.

(F) If the Company does not meet the Minimum Investment Threshold as of the Completion Date, the Company prospectively loses the benefit of this Fee Agreement and the Project reverts to normal *ad valorem* taxation and the Company shall repay the County the full amount of the difference between the FILOT Payments and the amount of *ad valorem* property taxes that would have otherwise been due and payable by the Company if the Project were subject to *ad valorem* property taxes since the Commencement Date. The Company shall make any such repayment no later than 90 days after the Completion Date.

### 5.2. *Tax Deductions, Credits and Exemptions*

Unless otherwise precluded by the Act, applicable law or judicial decision, the Company shall be entitled to all applicable federal, state and local investment tax credits, exemptions, allowances and deductions for depreciation and diminution in value, and other similar tax relief provisions relating to the Project. At the request of the Company, the County shall do all things as are reasonably necessary or proper to confirm and receive those benefits, provided the Company shall pay the expenses incurred in that undertaking.

### 5.3. *Abating FILOT Payments*

If the Project is damaged or destroyed, the subject of condemnation proceedings, or otherwise adversely impacted by theft, casualty, or other cause, and the damage, destruction, condemnation, or



adverse impact reduces the Project's fair market value, the FILOT Payments shall be abated in the same manner as *ad valorem* property taxes would be abated if the Project were subject to *ad valorem* property taxes to the fullest extent allowed by the Act.

## **6. OTHER COVENANTS**

### **6.1. Use of Project**

The Company shall have the right during the Term of this Fee Agreement to use the Project, as a project, for any lawful purpose authorized by the Act. At the time of entering into this Fee Agreement, however, it is the intent of the Company to use the Project for the primary purpose of manufacturing pet food and related activities.

### **6.2. Limitation of County's Liability**

Anything herein to the contrary notwithstanding, any obligation the County may incur hereunder, including an obligation for the payment of money, shall not be deemed to constitute a debt or general obligation of the County but shall be payable solely and exclusively from the revenues and receipts derived by the County from this Fee Agreement, and the Project gives rise to no pecuniary liability of the County or a charge against its general credit or taxing power.

### **6.3. No Liability of County Personnel**

All covenants, agreements and obligations of the County contained herein shall be deemed to be covenants, agreements and obligations of the County and not of any member of the County Council or any officer, agent, servant or employee of the County in his individual capacity.

### **6.4. Transfer of Project; Financing**

To the extent permitted by Section 12-44-120(A) of the Act, (a) an interest in this Fee Agreement and the Project, or (b) an equity interest or other interest in an entity with an interest in this Fee Agreement or the Project, or both, may be transferred to another entity at any time; provided that the Company shall not be released from its obligations without the County's prior written consent. Whenever consent of the County is required under the Act or this Fee Agreement for any of the foregoing transactions, such consent shall not be unreasonably withheld.

### **6.5. Financing**

Financing, lending, security, sale-leaseback, assignments, leases, subleases, or similar arrangements are permitted in accordance with Sections 12-44-120(B) and (C) of the Act. The Company shall cause the County and the Department of Revenue to be notified of a financing-related transfer of the Fee Agreement or the Project within 60 days of such transfer. Such notice shall be in writing and shall include the identity of each transferee and any other information required by the Department of Revenue with any appropriate returns.

### **6.6. Leasing of Project**

The Company may at any time lease or sublease the Project or portions of the Project on such terms as the Company may determine in its sole discretion, provided that such terms are not inconsistent with this Fee Agreement. No lease or sublease shall reduce any of the obligations of the Company hereunder unless expressly approved in writing by the County.

**6.7. Filing of Annual Report of Investment in Project**

The Company shall provide to the County a copy of the annual return to the Department of Revenue or equivalent showing the investment of the Company in the Project (as of the Effective Date, Form PT-300S). The County shall accord this information the same degree of confidentiality as is required for the Department of Revenue. The Company shall also make all other filings required from time to time by Section 12-44-90 of the Act.

**6.8 Waiver of Statutorily Required Recapitulation**

Pursuant to Section 12-44-55(B) of the Act, the County and the Company and any Sponsors waive any and all compliance with any and all of the provisions, items, or requirements of Section 12-44-55.

**6.9 Indemnification**

(a) Company shall and agrees to indemnify and save the County, its County Council members, officers, employees or agents, present and future, and past County employees or agents who have worked on the Project and any documents or matters related to the Project (each, an "Indemnified Party"), harmless against and from all claims by or on behalf of any person, firm, or corporation arising from the conduct or management of, or from any work or thing done on the Project during the Term, and, Company, further, releases each Indemnified Party from and shall indemnify and save each Indemnified Party harmless against and from all claims arising during the Term from (i) any condition of the Project, (ii) any breach or default on the part of Company in the performance of any of its obligations under this Fee Agreement, (iii) any act of negligence of Company or any of its agents, contractors, servants, employees, or licensees, (iv) any act of negligence of any assignee or sublessee of Company, or of any agents, contractors, servants, employees, or licensees of any assignee or sublessee of Company, (v) any environmental violation, condition, or effect, or (vi) the administration by any Indemnified Party of this Fee Agreement or the performance by any Indemnified Party of the County's obligations hereunder. Company shall indemnify and save each Indemnified Party harmless from and against all reasonable costs and expenses incurred in or in connection with any such claim arising as aforesaid or in connection with any action or proceeding brought thereon, and upon notice from the County or any other Indemnified Party, Company shall defend it in any such action, prosecution, or proceeding.

(b) Notwithstanding the fact that it is the intention of the parties that each Indemnified Party shall not incur pecuniary liability by reason of the terms of this Fee Agreement, or the undertakings required of the County hereunder, by reason of the performance of any act requested of it by the Company, or by reason of the operation of the Project by the Company, including all claims, liabilities, or losses arising in connection with the violation of any statutes or regulations pertaining to the foregoing, nevertheless, if an Indemnified Party should incur any such pecuniary liability, then in such event the Company shall indemnify and hold that Indemnified Party harmless against all claims by or on behalf of any person, firm, or corporation, arising out of the same, and all costs and expenses incurred in connection with any such claim or in connection with any action or proceeding brought thereon, and upon notice, the Company shall defend them in any such action or proceeding.

These indemnification covenants shall be considered included in and incorporated by reference in subsequent documents after the closing which the County is requested to sign, and any other indemnification covenants in any subsequent documents shall not be construed to reduce or limit the above indemnification covenants.

## 7. EVENTS OF DEFAULT AND REMEDIES

### 7.1. *Events of Default by Company*

Any one or more of the following events shall constitute an “Event of Default” by Company:

(A) if default shall occur in the due and punctual payment of any Additional Payments to the County, which default shall not have been cured within 30 days following receipt of written notice thereof from the County;

(B) if FILOT Payments, together with any interest or penalties thereon, shall not have been paid within the maximum time that would be permitted by law if the Project were subject to *ad valorem* property taxes;

(C) if the Company shall fail to perform or comply with any other terms of this Fee Agreement, other than those referred to in the foregoing Subsections (A) or (B), and such default shall (i) continue for 30 calendar days after the County has given the Company written notice of such default, or (ii) in the case of any such default that can be cured, but cannot be cured with due diligence within such 30 day period, if the Company shall fail to proceed promptly and with due diligence to cure the same within such additional period as may be necessary to complete the curing of the same with all due diligence not to exceed 90 days;

(D) if the Company shall file a voluntary petition seeking an order for relief in bankruptcy; or shall be adjudicated insolvent; or shall file any petition or answer or commence a case seeking reorganization, composition, readjustment, liquidation or similar order for relief for itself under any present or future statute, law or regulation; or shall seek or consent to or acquiesce in the appointment of any trustee, receiver or liquidator of the Company or of the Project; or shall make any general assignment for the benefit of creditors; or shall admit in writing its inability to pay its debts generally as they become due;

(E) if a petition shall be filed or a case shall be commenced against the Company seeking an order for relief in bankruptcy or any reorganization, composition, readjustment, liquidation or similar relief under any present or future statute, law or regulation, and shall remain undismissed or unstayed for an aggregate of 90 days (whether or not consecutive); or if any trustee, receiver or liquidator of the Company or of all or any substantial part of its properties or of the Project shall be appointed without the consent or acquiescence of the Company and such appointment shall remain unvacated or unstayed for an aggregate of 90 days (whether or not consecutive); or

(F) if any material representation or warranty made by the Company herein proves untrue in any material and adverse respect as of the date of making the representation or warranty.

### 7.2. *Remedies on Event of Default by Company*

Upon the occurrence of any Event of Default, the County, may, at its option, take any one or more of the following actions: (i) terminate this Fee Agreement by 30 days notice in writing specifying the termination date; (ii) take whatever action at law or in equity as may appear necessary or desirable to collect the sums under Article 4 then due and thereafter to become due. In all events, if the Company fails to make Fee Payments due under Section 5.1, the County shall have the same enforcement, lien, and collection rights and remedies as it would have had for the non-payment of *ad valorem* taxes.

**7.3. Default by County**

Upon the failure of the County to perform any obligation it may have under this Fee Agreement or the Related Documents in a timely manner, or if no time for performance is specified, then within 90 days following written notice thereof from the Company to the County, the Company may pursue any remedy permitted by this Fee Agreement or available by law or in equity, including, but not limited to, specific performance or suit for *mandamus*.

**8. MISCELLANEOUS**

**8.1. Rights and Remedies Cumulative**

Each right, power and remedy of the County or of the Company provided for in this Fee Agreement shall be cumulative and concurrent and shall be in addition to every other right, power or remedy provided for in this Fee Agreement or now or hereafter existing at law or in equity, in any jurisdiction where such rights, powers and remedies are sought to be enforced, and the exercise by the County or by the Company of any one or more of the rights, powers or remedies provided for in this Fee Agreement or now or hereafter existing at law or in equity or by statute or otherwise shall not preclude the simultaneous or later exercise by the County or by the Company of any or all such other rights, powers or remedies.

**8.2. Successors and Assigns**

The terms and provisions of this Fee Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

**8.3. Notices; Demands; Requests**

All notices, demands and requests to be given or made hereunder to or by the County or the Company shall be in writing and shall be deemed to be properly given or made if (a) personally delivered by any entity which provides written evidence of such delivery, or (b) sent by United States first class mail, postage prepaid (in which event notice shall be deemed to occur 2 calendar days after the date postmarked), or (c) sent by United States registered or certified mail, return receipt requested, postage prepaid (in which event notice shall be deemed to occur on the date on which delivery was accepted or rejected by the recipient). Notices, demands and requests shall be addressed as follows or to such other places as may be designated in writing by such party by proper notice to the other party.

(a) As to the County:

Richland County  
Post Office Box 192  
Columbia, South Carolina 29202  
Attention: County Administrator  
Telephone: 803.576.2054  
Facsimile: 803.576.2137

With a Copy to (does not constitute notice):

Parker Poe Adams & Bernstein LLP  
1201 Main Street, Suite 1450  
Columbia, South Carolina 29201  
Attn: Michael E. Kozlarek  
Telephone: 803.253.8924

Facsimile: 803.255.8017

(b) As to the Company:

Mars Petcare US, Inc.

Attention:  
Telephone:  
Facsimile:

With a Copy to:

Bevan, Mosca, Giuditta & Zarillo, P.C.  
222 Mount Airy Road, Suite 200  
Basking Ridge, New Jersey 07920  
Attention: Michael J. Parlavecchio  
Telephone: 908.753.8300  
Facsimile: 908.753.8301

**8.4. *Next Succeeding Business Day***

Unless otherwise expressly provided by applicable law, in any case in which the last date for action by or notice to a party falls on a Saturday, Sunday or date that is an official state or federal holiday in the place in which the address is located, then the action required or notice to be given may be made or given on the next succeeding business day with the same effect as if given as required by this Fee Agreement.

**8.5. *Applicable Law; Entire Understanding***

Except as otherwise provided by the Home Rule Act, the Act, and other applicable law, this Fee Agreement shall be governed exclusively by the provisions hereof and by the applicable laws of the State of South Carolina. This Fee Agreement expresses the entire understanding and all agreements of the parties hereto with each other and neither party hereto has made or shall be bound by any agreement or any representation to the other party which is not expressly set forth in this Fee Agreement or in certificates delivered in connection with the execution and delivery hereof.

**8.6. *Severability***

If any material provision of this Fee Agreement shall be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not affect any of the remaining provisions hereof unless the effect thereof would render enforcement of the remaining provisions unconscionable.

**8.7 *Execution Disclaimer***

Notwithstanding any other provision, the County is executing this Fee Agreement as statutory accommodation to assist the Company in achieving the intended benefits and purposes of the Act. The County has made no independent legal or factual investigation regarding the particulars of this transaction and it executes in reliance on representations by the Company that this document complies with all laws and regulations, particularly those pertinent to industrial development projects in South Carolina.

**8.8. *Headings and Table of Contents; References***

The headings of the Fee Agreement and any Table of Contents or Index annexed hereto are for convenience of reference only and shall not define or limit the provisions hereof or affect the meaning or interpretation hereof. Unless otherwise clearly indicated by the context, all references in this Fee Agreement to particular Articles, Sections or Subsections are references to the designated Articles, Sections or Subsections of this Fee Agreement.

**8.9. *Multiple Counterparts***

This Fee Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

**8.10. *Amendments***

This Fee Agreement may be amended only by a writing signed by all parties hereto.

**8.11. *Waiver***

Any party hereunder may waive compliance by the other party with any term or condition of this Fee Agreement only in a writing signed by the waiving party.

**8.12. *Non-Disclosure of Company Information***

The County, and County Council, acknowledges and understands that the Company utilizes confidential and proprietary “state-of-the-art” manufacturing processes and techniques and that any disclosure of any information relating to such processes and techniques and the economics thereof would result in substantial harm to the Company and could thereby have a significant detrimental impact on Company and its employees. Consequently, to the extent permitted by law, the County agrees to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the nature, description and type of the machinery, equipment, processes and techniques, and financial information relating thereto (“Confidential Information”), which may be obtained from the Company, its agents or representatives, except as may otherwise expressly be required by applicable law. The County, and County Council, shall not disclose and shall cause all employees, agents and representatives of the County not to disclose such Confidential Information to any person or entity other than in accordance with the terms of the Fee Agreement and as required by law.

IN WITNESS WHEREOF, the parties have executed this Fee Agreement effective as of the Commencement Date.

**RICHLAND COUNTY, SOUTH CAROLINA**

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

(SEAL)

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011

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

**MARS PETCARE US, INC.**

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

**EXHIBIT A**  
**COUNTY REPORTING REQUIREMENTS**

I. Annually, throughout the length of the incentives, beginning with the property tax year in which the Fee Agreement takes effect, the Company shall submit, on or before January 31 of each year, to the Richland County Administrator's Office at the following address:

Richland County Administrator  
Attn: Economic Development  
Post Office Box 192  
Columbia, South Carolina 29202

the following information:

- a. Name of company;
- b. Cumulative capital investment (less any removed investment) to date as a result of the Project;
- c. Cumulative ad valorem taxes (if any) and fee in lieu payments made in connection with the facility;
- d. Net jobs created to date as a result of the Project;
- e. List of all employees for reporting year by residential zip code only;
- f. Community Service Involvement, including Zip Codes of assisted organizations, which shall include a description of the company's financial and in-kind donations made to organizations in the County during the preceding year, as well as such other information as the company desires to share regarding its community activities.

II. The Richland County Administrator's Office is entitled to request additional information from the Company, which the Company shall submit in no more than 30 days after notification of the request.

If the Company fails to provide any part of the information outlined in Items No. I and II, above, then the County is entitled to require the Company to return all incentives, or a dollar amount equal to the incentives, to the County. The Company is required to make any return or repayment to the County no more than 60 days after the date on which the Company should have provided the information outlined in Items No. I and II to the County.



**EXHIBIT B**  
**LEGAL DESCRIPTION OF REAL PROPERTY**

None.

**EXHIBIT C**  
**DESCRIPTION OF PERSONAL PROPERTY**

All trade fixtures, furnishings, equipment, machinery, facilities and other personal property owned by Company that are purchased and used in connection with the Project.

# Richland County Council Request of Action

## **Subject**

10-33MA  
Odom Enterprise  
Steven Odom  
RU to LI (2.33 Acres)  
5771 Lower Richland Blvd. **[SECOND READING] [PAGE 68]**

## **Notes**

First Reading: January 25, 2011  
Second Reading:  
Third Reading:  
Public Hearing: January 25, 2011

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-11HR

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 # 21613-01-02 FROM RU (RURAL DISTRICT) TO LI (LIGHT INDUSTRIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 21613-01-02 from RU (Rural Density District) to LI (Light Industrial District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011.

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

Public Hearing:        January 25, 2011  
First Reading:        January 25, 2011  
Second Reading:      February 1, 2011 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (A), General; so as to require notification to the Building Inspections Department and to the Emergency Services Department whenever plans are submitted that affect the "Emergency Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County **[SECOND READING] [PAGES 70-71]**

## **Notes**

First Reading: January 25, 2011  
Second Reading:  
Third Reading:  
Public Hearing: January 25, 2011

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (A), GENERAL; SO AS TO REQUIRE NOTIFICATION TO THE BUILDING INSPECTIONS DEPARTMENT AND TO THE EMERGENCY SERVICES DEPARTMENT WHENEVER PLANS ARE SUBMITTED THAT AFFECT THE “EMERGENCY PLANNING ZONE (EPZ)” OF THE V.C. SUMMER NUCLEAR PLANT, WHICH IS LOCATED IN FAIRFIELD COUNTY.

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 Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (a), General; is hereby amended to read as follows:

(a) *General.* No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the county. In addition to building or structural change, a land development permit shall also be required for expansions of existing uses as well as for a change of use. A land development permit shall not be issued by the planning department except in conformity with the provisions of this chapter, unless the planning department receives a written order from the Richland County Board of Zoning Appeals in the form of an interpretation involving error (Section 26-58) or a special exception (Section 26-56) or variance (Section 26-57). If the permit is denied, reasons for the denial shall be stated. The planning department shall notify the Building and Inspections Department and the Emergency Services Department whenever plans are submitted that affect the “Emergency Planning Zone” (EPZ) of the V.C. Summer Nuclear Plant (which is located in Fairfield County) that involves an entity that will employ or house more than one hundred (100) persons in a facility on a regular basis, as in those instances an evacuation plan must be first submitted to and approved by the Emergency Services Department prior to the issuance of any building permit or land development permit.

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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
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: January 25, 2011  
First Reading: January 25, 2011  
Second Reading: February 1, 2011 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection (I), On-Premises Signs Permitted in the General Commercial District; Paragraph (4), Height; so as to the maximum height for on-premise signs in the GC (General Commercial) District **[SECOND READING] [PAGE 73]**

## **Notes**

First Reading: January 25, 2011  
Second Reading:  
Third Reading:  
Public Hearing: January 25, 2011



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SUBSECTION (I), ON-PREMISES SIGNS PERMITTED IN THE GENERAL COMMERCIAL DISTRICT; PARAGRAPH (4), HEIGHT; SO AS TO ESTABLISH THE MAXIMUM HEIGHT FOR ON-PREMISE SIGNS IN THE GC (GENERAL COMMERCIAL) DISTRICT.

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 Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Section 26-180, Signs; Subsection (i), On-premises signs permitted in the General Commercial District; Paragraph (4), Height; is hereby amended to read as follows:

4. *Height.* No part of any freestanding sign or its supporting structure shall exceed ~~fifty (50)~~ thirty-five (35) feet in height. However, the maximum height for signs on lots located adjacent to the right-of-way for interstate interchanges is fifty (50) feet. No projecting sign may project more than twenty (20) feet above the highest portion of the roof of the structure to which it is attached.

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. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2011.

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

Public Hearing: January 25, 2011  
First Reading: January 25, 2011  
Second Reading: February 1, 2011 (tentative)  
Third Reading:

# Richland County Council Request of Action

**Subject**

Construction Services/Detention Center Chiller Project [PAGES 75-76]

**Notes**

January 25, 2011 - The committee recommended that Council approve the request to authorize the Procurement Office, Office of Support Services, and the Sustainability Coordinator to negotiate and award the contract for the EECBG Detention Center Chiller project to begin reducing power consumption and the County's carbon footprint. The vote in favor was unanimous.

# Richland County Council Request of Action

**Subject:** Construction Service/Detention Center Chiller Project

**A. Purpose**

It is requested that County Council approve the authorization to negotiate and award a contract for the installation of a multi-stage, high efficiency chiller at the Alvin S. Glenn Detention Center and approve the authorization to negotiate and award a contract for the Judicial Center and Administration building lighting improvements as part of the County's EECEBG.

**B. Background / Discussion**

Richland County, through a Request for Proposal (RFP) a competitive process, evaluated all responses and have taken into consideration soundness, flexibility, functional capability, quality of performance, service, time specified for performance of the contract; ability to provide support, overall cost, and Proposer's references, and have determined that Johnson Controls is the most qualified proponent who demonstrates the greatest combination of capability, experience, vision, and commitment for the development of the proposed Project and who could better meet the intent of the RFP and EECEBG grant process. With approval, staff will negotiate the proposal determined to grant the County best possible energy reduction within the established budget.

The Detention Center Chiller Project is one of the 20 activities outlined in the EECEBG grant that the County received in December 2009. The Detention Center Chiller project will add one 800 ton multi-stage high efficiency chiller to the existing cooling tower and pumping system. This chiller will be operated as the primary system and energy usage will be dependent on demand. The existing system consists of original facility 350 and 450 ton chiller that now have to be operated together to produce sufficient cooling for the existing circuit. The County is expected to benefit from a 50% savings in energy consumption for this particular section of the facilities HVAC power consumption. Installation of this chiller will not only reduce energy, but it will improve chiller operations at the Detention Center that have experienced maintenance issues in the last year. The existing chillers will remain to be used as back-up should the primary system fail and during scheduled maintenance.

**C. Financial Impact**

Federal funds have been issued in the EECEBG grant and leveraged funds were budgeted in FY09 to cover the cost of this project. Funding is not to exceed funds appropriated in the EECEBG, and the approved County budget for these projects.

**D. Alternatives**

1. Approve the request to authorize the Procurement office, Department of Support Services and the Sustainability Coordinator to negotiate and award the contract for the EECEBG Detention Center Chiller project to begin reducing power consumption and the Counties carbon footprint.
2. Approve negotiations and return to council for approval of award of a contract.

3. Do not approve the request to authorize the negotiation and execution of a contract for the EECBG Facilities Improvement projects resulting in possible loss of grant funding and continued maintenance issues with current aging equipment.

**E. Recommendation**

It is recommended that Council approve the request (alternative #1) to authorize the negotiation and execution of a contract for the EECBG Facilities Improvement projects.

Recommended by: Anna Lange

Department: Admin

Date: 1/13/2011

**F. Reviews**

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 1/18/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Grants**

Reviewed by: Sara Salley

Date: 1/18/2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Roxanne Ancheta

Date: January 18, 2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

# Richland County Council Request of Action

## **Subject**

Judicial Center and Administration Building Lighting Upgrades [**PAGES 78-79**]

## **Notes**

January 25, 2011 - The committee recommended that Council approve the request to authorize the Procurement Office, Office of Support Services, and the Sustainability Coordinator to negotiate and award the contract for the EECBG Judicial Center and Administration Building Lighting upgrades project to begin reducing power consumption and the County's carbon footprint. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Judicial Center and Administration Building Lighting Upgrades

### **A. Purpose**

It is requested that County Council approve the authorization to negotiate and award a contract to install an energy efficient lighting system in the Administration and Judicial Center buildings and approve the authorization to negotiate and award a contract for the Judicial Center and Administration Building lighting improvements as part of the County's EECBG.

### **B. Background / Discussion**

Richland County, through a Request for Proposal (RFP) a complete process, evaluated all responses and have taken into consideration soundness, flexibility, functional capability, quality of performance, service, time specified for performance of the contract; ability to provide support, overall cost, and Proposer's references, and have determined that Johnson Controls is most qualified proponent who demonstrates the greatest combination of capability, experience, vision, and commitment for the development of the proposed Project and who could better meet the intent of the RFP and EECBG grant process. With approval, staff will negotiate the proposal determined to grant the County the best possible energy reduction within the established budget.

The Judicial Center and Administration Building Lighting Upgrades is part of the 20 activities outlined in the EECBG grant that the County received in December 2009. The Administration Building and the Judicial Center will upgrade the lighting system by replacing T-12 lighting fixtures with T-8's and adding motion sensors and timers. The Administration Building will program control panels to connect to a master communication panel to centrally control lighting in the building. Lighting upgrades will increase efficiency by reducing energy and providing lamps with longer life expectancies to aid the County by saving in operations costs over the lifetime of the infrastructure.

### **C. Financial Impact**

Federal funds have been issued in the EECBG grant and leveraged funds were budgeted in FY09 to cover the cost of this project. Funding is not to exceed funds appropriated in the EECBG, and the approved County budget for these projects.

### **D. Alternatives**

1. Approve the request to authorize the Procurement office, Department of Support Services and the Sustainability Coordinator to negotiate and award the contract for the EECBG Judicial Center and Administration Building Lighting Upgrades project to begin reducing power consumption and the Counties carbon footprint.
2. Approve negotiations and return to council for approval of award of a contract.
3. Do not approve the request to authorize the negotiation and execution of a contract for the EECBG Facilities Improvement projects resulting in possible loss of grant funding and continued maintenance issues with current aging equipment.

**E. Recommendation**

It is recommended that Council approve the request (alternative #1) to authorize the negotiation and execution of a contract for the EECBG Facilities Improvement projects.

Recommended by: Anna Lange

Department: Admin

Date: 1/13/2011

**F. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 1/13/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 1/18/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Grants**

Reviewed by: Sara Salley

Date: 1/18/2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Roxanne Ancheta

Date: January 18, 2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

# Richland County Council Request of Action

**Subject**

Kershaw County IGA Screaming Eagle Landfill **[PAGES 81-85]**

**Notes**

January 25, 2011 - The committee recommended that Council approve the IGA with Kershaw County to give Richland County authority to permit and inspect land disturbance activities for the landfill expansion. The vote in favor was unanimous.



# Richland County Council Request of Action

**Subject:** Kershaw County IGA  
Screaming Eagle Land Fill

**A. Purpose**

Richland County Landfill Inc., located at Screaming Eagle Road (TMS No. R31600-02-09) has applied to the South Carolina DHEC to expand the capacity of the landfill operated at this location. Although no solid waste disposal will occur in Kershaw County, approximately 12 acres of the 138 acres of land to be disturbed in the process of grading this parcel is in Kershaw County. The 12 acre portion of the project in Kershaw County is within an area that the County boundary is disputed, the property owners having paid Richland County property taxes on the parcel and believing that the parcel was within Richland County.

**B. Background / Discussion**

As a part of the engineering plan development Richland County Landfill Inc. discovered that a portion of the parcel proposed for the landfill expansion is in Kershaw County. The area proposed to be impacted in Kershaw County will be slopes of the containment fill and a water quality pond for soil sedimentation control. Kershaw County has requested that Richland County take authority for the entire site.

**C. Financial Impact**

No financial impacts will be created by this agreement. Public Works will perform the land disturbance permitting and construction inspection which will be an insignificant increase to the effort involved with the overall project.

**D. Alternatives**

1. Approve the IGA with Kershaw County to give Richland County authority to permit and inspect land disturbance activities for the landfill expansion.
2. Disapprove the IGA which will result in Richland County Landfill Inc. performing land disturbance permitting with two agencies and possibly delaying the project until the boundary is resolved.

**E. Recommendation**

It is recommended that Council approve the IGA with Kershaw County.

Recommended by:

David Hoops

Department:

Public Works

Date:

Dec. 2, 2010

**F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers

Date: 12/2/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

μ

**Planning**

Reviewed by: Amelia Linder

✓ Recommend Council approval

Comments regarding recommendation:

Date: 12/13/10

Recommend Council denial

**Legal**

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date: 1/14/11

Recommend Council denial

**Administration**

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 1/14/11

Recommend Council denial

STATE OF SOUTH CAROLINA ) INTERGOVERNMENTAL AGREEMENT  
 ) FOR LAND DISTURBANCE PERMITTING  
COUNTY OF RICHLAND ) SERVICES

This agreement, made and entered into in triplicate originals this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the County of Richland, a body politic duly created and existing pursuant to the provisions of the S.C. Code Ann. § 4-9-10 *et seq.* and the County of Kershaw, a body politic duly created and existing pursuant to the provisions of the S.C. Code Ann. § 4-9-10 *et seq.*, and Richland County Landfill Inc., the property owner:

**WITNESSETH:**

**WHEREAS**, Richland County Landfill Inc., located at Screaming Eagle Road (TMS No. R31600-02-09), hereinafter "parcel", has applied to the South Carolina DHEC to expand the capacity of the landfill operated at this location; and

**WHEREAS**, although no solid waste disposal will occur in Kershaw County, approximately 12 acres of the 138 acres of land to be disturbed in the process of grading this parcel is in Kershaw County; and

**WHEREAS**, Kershaw County has requested that Richland County perform the permitting and construction inspection for the entire project, including the approximately 12 acres that are in Kershaw (i.e. the parcel); and

**WHEREAS**, land disturbance on the parcel in Kershaw County will include slope grading and a water quality pond;

**WHEREAS**, it is understood by the parties hereto that the permitting of the use of this parcel as a landfill is under the Authority of South Carolina DHEC.

**WHEREAS**, both parties hereto are authorized to enter into this agreement by virtue of the provisions of Section 4-9-40 of the South Carolina Code of Laws of 1976.

**NOW, THEREFORE**, in consideration of the promises, and the mutual understanding and obligations hereinafter set forth, the parties hereto agree as follows:

**Section I – Richland Responsibilities**

1. Through its Department of Public Works, Richland County will provide land disturbance permitting and construction inspection for Kershaw County on the parcel referenced above.
2. Richland County will collect any fees or fines assessed against the land owner for permit noncompliance.

**Section II – Kershaw Responsibilities**

1. Kershaw County agrees to defer the authority under their permit for the parcel referenced above, to Richland County.

2. Kershaw County agrees that fees or fines collected by Richland County during the permitting or construction of the facility will be the sole property of Richland County.
3. Kershaw County grants to Richland County the status of a designated representative of Kershaw County for the purpose of this Agreement, including the right of entry onto the parcel.
4. Kershaw County will be responsible for all costs of any potential litigation involved with Richland County's services, as provided above, to include legal fees and the cost of staff time to appear in court.

### **Section III—Claims and Mediation of Defaults**

Kershaw County and Richland County covenant hereby to mediate in good faith any disagreements, claims, or defaults under this agreement prior to either party taking an action at law or in equity against the other. Each party will strive to perform its respective duties hereunder with due diligence and reasonable performance under law.

### **Section IV— Severability**

The provisions of this Agreement are to be considered joint and severable, such that the invalidity of any one section will not invalidate the entire agreement.

### **Section V— Successors and Assigns**

Whenever in this Agreement Kershaw County or Richland County is named or referred to, it shall be deemed to include its/their successors and assigns and all covenants and agreements in this Agreement contained by or on behalf of Kershaw County or Richland County shall bind and inure to the benefit of its/their successors and assigns whether so expressed or not.

### **Section VI – Extension of Authority**

The parties agree that all authorizations, empowerments, and all rights, titles, and interest referred to or referenced to in this Agreement are intended to supplement the authority that Richland County has or may have under any provision of law.

### **Section VII – Termination**

This Agreement shall terminate automatically upon completion of the landfill expansion, and both parties shall be released from any further obligations under this agreement.

### **Section VIII – Insurance**

For the duration of this Agreement, each party shall maintain a liability program adequate to meet at least the limits of the South Carolina Tort Claims Act.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed as duly authorized, on the date first above written.

WITNESSES:

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

COUNTY OF RICHLAND

By: \_\_\_\_\_  
Paul Livingston  
County Council Chair

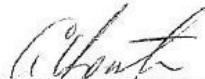
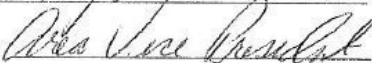
COUNTY OF KERSHAW

By: \_\_\_\_\_  
\_\_\_\_\_  
County Council Chair

We, the owners of Richland County Landfill Inc., and TMS parcel R31600-02-09 do hereby certify that we accept the terms and conditions of the above referenced agreement and do request and accept that Richland County will take responsibility for permitting and inspection of land disturbance activities on that part of our property located in Kershaw County.

WITNESSES:

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

By:   
Title: 

# Richland County Council Request of Action

**Subject**

Recreation for Adults/Seniors [**PAGES 87-88**]

**Notes**

January 25, 2011 - The committee recommended that Council direct the Recreation Commission to appropriate funds for recreational activities targeted specifically for adults/seniors in the FY 12 budget process. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Recreation for Adults / Seniors Motion

**A. Purpose**

Council is requested to consider the motion made at the January 4, 2011 Council Meeting, and direct staff as appropriate.

**B. Background / Discussion**

The following motion was made at the January 4, 2011 Council Meeting by Councilman Jackson:

**The Baby Boomers have become of age and while we see recreation for the youth we have to explore recreation for adults/seniors. [Jackson]:** Council forwarded the item to the D&S Committee.

It is at this time that staff is requesting direction from Council with regards to this motion.

In FY 11 and previous fiscal years, Council directed the Recreation Commission to appropriate funds for the continuation of the free after-school programs JUMPS, Fighting Back, and Tutorial. Council may choose to direct the Recreation Commission to appropriate funds for recreational activities targeted specifically for adults / seniors in this same manner in the FY 12 budget process.

The Recreation Commission's Mission Statement is as follows: Dedicated to enriching lives and connecting communities through diverse recreational opportunities. The "diverse recreational opportunities" should include those for adults / seniors. Therefore, the Recreation Commission would be a fitting entity to undertake the actions requested in the motion.

**C. Financial Impact**

There is no financial impact associated with this request at this time. If Council chooses to direct the Recreation Commission to specifically fund recreational activities targeted at adults / seniors, they may do so during the FY 12 budget process.

**D. Alternatives**

1. Council direct the Recreation Commission to appropriate funds for recreational activities targeted specifically for adults / seniors in the FY 12 budget process.
2. Do not direct the Recreation Commission to appropriate funds for recreational activities targeted specifically for adults / seniors in the FY 12 budget process.

**E. Recommendation**

It is recommended that Council direct the Recreation Commission to appropriate funds for recreational activities targeted specifically for adults / seniors in the FY 12 budget process.

**F. Reviews**

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers

Date: 1/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Staff direction requested

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation: Council discretion

**Administration**

Reviewed by: Roxanne M. Ancheta

Date: January 19, 2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council, if it so desires, direct the Recreation Commission to appropriate funds for recreational activities targeted specifically for adults / seniors in the FY 12 budget process.



# Richland County Council Request of Action

**Subject**

Richland County North Paving Contract RC-008-CN-1011 [PAGES 90-91]

**Notes**

January 25, 2011 - The committee recommended that Council approve the request to award the construction contract to CBG in the amount of \$1,552,186.90. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Richland County North Paving Contract RC-008-CN-1011

### **A. Purpose**

County Council is requested to approve the award of the North Paving contract to CBG, Inc. for the paving of ten (10) County owned and maintained Dirt Roads.

### **B. Background / Discussion**

The Richland County Paving Program was split into two contracts, the North and South Paving contracts. Each contract consists of 10-15 County owned and maintained dirt roads that will be paved. Along with the paving of the dirt roads, improvements to the storm drainage systems will be constructed. The improvements include the use of valley gutters and storm drainage systems. The North Paving contract Engineering Services were awarded to Wilbur Smith and Associates in May of 2004. The Engineering Services were completed and reviewed by the Engineering Staff at Public Works. The Project was advertised and bid on December 14, 2010. The Engineers construction Estimate was \$1,664,065.86

The following Dirt Roads are part of the North Paving Contract:

- Wade Kelly Road
- Ray Kelly Road
- Murdock Road
- Payne Street
- Moonglo Circle
- Wisteria Lane
- Baron Road
- Friar Road
- Stonearrow Street
- Drawbridge Road

CBG, Inc has been determined to be the lowest, responsible, responsive bidder for the project with a bid of \$1,411,079. Listed below are the bid amounts for all bidders:

- CBG, Inc - \$1,411,079.00
- Walter L. Hunter Construction – \$1,480,104.98
- Cherokee, Inc. – \$1,568,381.47
- J. C. Wilkie Construction, LLC - \$1,604,484.00
- REA Contracting - \$1,648,034.10
- Boggs Paving, Inc. - \$1,659,749.25
- C.R. Jackson, Inc. - \$1,664,065.86

Richland County Public Works would like to add a ten (10%) contingency to this bid amount for any changes that arise during construction. This would make the total for the contract \$1,552,186.90

**C. Financial Impact**

The County Transportation Committee (CTC) has allocated \$4 million to the Dirt Road Paving Projects. The contract will be funded with “C” funds allocated by the CTC and programmed by the South Carolina Department of Transportation (SCDOT).

**D. Alternatives**

There two (2) alternatives for this project and they are as follows:

1. Approve the request to award this construction contract to CBG, Inc in the amount of \$1,552,186.90.
2. Do not approve the request to award this construction contract to CBG, Inc. in the amount of \$1,552,186.90

**E. Recommendation**

It is recommended that County Council award this contract to CBG, Inc in the amount of \$1,552,186.90 for the paving of ten (10) County Dirt Roads.

Recommended by: Donald V. Chamblee, PE, Deputy Director Public Works  
Department: Public Works Date: 1/14/2011

**F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: <u>Daniel Driggers</u>	Date: 1/14/11
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Procurement**

Reviewed by: <u>Rodolfo Callwood</u>	Date: 1/18/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: <u>Larry Smith</u>	Date:
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Administration**

Reviewed by: <u>Sparty Hammett</u>	Date: 1/19/11
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

# Richland County Council Request of Action

**Subject**

A Resolution in support of the Central Midlands Council of Governments' pursuit of grant funding from the Department of Defense **[PAGES 93-95]**

**Notes**

January 25, 2011 - The committee recommended that Council approve the Resolution, which will assist the CMCOG in their grant application process. The vote in favor was unanimous.

## Richland County Council Request for Action

Subject: A Resolution in support of the Central Midlands Council of Governments' pursuit of grant funding from the Department of Defense.

### **A. Purpose**

County Council is requested to consider approving a Resolution in support of the Central Midlands Council of Governments' pursuit of grant funding from the Department of Defense.

### **B. Background / Discussion**

In November of 2009, the Central Midlands Council of Governments (CMCOG), with financial support from the United States Department of Defense, completed the Fort Jackson/McEntire Joint Land Use Study (JLUS). The CMCOG is currently interested in pursuing further grant funding from the Department of Defense to implement some of the action strategies recommended by the JLUS plan; more specifically, to conduct a small area study to examine alternative land development scenarios for the area south of US 378 between Lower Richland Boulevard and McEntire Joint National Guard.

As part of the grant application process, the CMCOG has formally requested the support of Richland County Council in pursuing this grant funding opportunity from the Office of Economic Adjustment of the Department of Defense. The success of this proposal depends upon the County's participation and willingness to consider adoption of any action strategies, policies and procedures as an outcome of the planning process. In addition, this project will result in the development of specific land use regulation language that meets the compatibility goals established in the JLUS and that can be adopted by the Richland County Council for inclusion in the County's Land Development Code and Comprehensive Plan.

### **C. Financial Impact**

None.

### **D. Alternatives**

1. Approve the Resolution, which will assist the CMCOG in their grant application process.
2. Do not approve the Resolution.

### **E. Recommendation**

Recommend Council approval.

Recommended by: Anna Almeida, Planning Director

Date: December 17, 2010

### **F. Approvals**

**Grants**

Reviewed by Sara Salley:  
✓ Recommend Council approval  
Comments regarding recommendation:

Date: 1/13/11  
 Recommend Council denial

**Finance**

Reviewed by Daniel Driggers:  
✓ Recommend Council approval  
Comments regarding recommendation:

Date: 1/13/11  
 Recommend Council denial

**Planning and Development Services**

Reviewed by: Amelia Linder  
✓ Recommend Council approval  
Comments regarding recommendation:  
:

Date: 1/14/11  
 Recommend Council denial

**Legal**

Reviewed by: Larry Smith  
✓ Recommend Council approval  
Comments regarding recommendation:

Date:  
 Recommend Council denial

**Administration**

Reviewed by: Sparty Hammett  
✓ Recommend Council approval  
Comments regarding recommendation:

Date: 1/14/11  
 Recommend Council denial

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )  
A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL

**A RESOLUTION IN SUPPORT OF THE CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS' PURSUIT OF GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF DEFENSE**

**WHEREAS**, in November of 2009, the Central Midlands Council of Governments (CMCOG), with financial support from the United States Department of Defense, completed the Fort Jackson/McEntire Joint Land Use Study (JLUS); and

**WHEREAS**, the JLUS project was intended to serve as an ongoing, cooperative land use planning tool to help ensure compatibility between the missions of the military installations and the economic activities of the neighboring jurisdictions, including Richland; and

**WHEREAS**, the CMCOG is currently interested in pursuing further grant funding from the Department of Defense to implement some of the action strategies recommended by the JLUS plan; more specifically, to conduct a small area study to examine alternative land development scenarios for the area south of US 378 between Lower Richland Boulevard and McEntire Joint National Guard; and

**WHEREAS**, this project, which will be based on community and stakeholder involvement, will result in the development of specific land use regulation language that meets the compatibility goals established in the JLUS and that can be adopted by the Richland County Council for inclusion in the County's Land Development Code and Comprehensive Plan; and

**WHEREAS**, as part of the grant application process, the CMCOG has formally requested the support of Richland County Council in pursuing this grant funding opportunity from the Office of Economic Adjustment of the Department of Defense; and

**WHEREAS**, the success of this proposal depends upon the County's participation and willingness to consider adoption of any action strategies, policies and procedures as an outcome of the planning process;

**NOW, THEREFORE, BE IT RESOLVED** that the Richland County Council does hereby declare its support to the Central Midlands Council of Governments in its pursuit of a grant funding opportunity from the United States Department of Defense in order to implement some of the action strategies recommended by the JLUS plan, and is willing to consider adoption of any action strategies, policies and procedures as an outcome of this planning process.

**ADOPTED** this the \_\_\_ day of \_\_\_\_\_, 2011, by the Richland County Council.

\_\_\_\_\_  
Paul Livingston, Chair  
Richland County Council

ATTEST this \_\_\_\_ day of \_\_\_\_\_, 2011

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

# Richland County Council Request of Action

**Subject**

Decker International Corridor Lighting **[PAGES 97-98]**

**Notes**

January 25, 2011 - The committee recommended that Council fund the lighting program for five years from the Neighborhood Improvement Program budget, and then require the Decker Boulevard Business Coalition to fund the remaining five years. The vote in favor was unanimous.



## Richland County Council Request of Action

**Subject:** Decker International Corridor Lighting

### **A. Purpose**

Councilmen Norman Jackson and Jim Manning made a motion on October 19, 2010 to allocate \$12,000 from Hospitality funds for highway lighting to be established on Decker Boulevard. At the November 23, 2010 Administration and Finance Committee meeting, the Committee directed staff to investigate alternative funding options to add street lighting along Decker Boulevard and report the findings within two months.

### **B. Background / Discussion**

SCE&G requires a 10 year contract commitment to operating costs, but is willing to waive the upfront installation costs for this lighting project. Staff investigated several options for funding, several of which were determined to not be feasible. For example, Planning Legal Counsel researched the potential of attaching an assessment to the Decker business licenses to cover the operating costs.

### **C. Financial Impact**

The annual operating cost for the lighting is approximately \$7,000.

### **D. Alternatives**

1. Set up a “special purpose district” to fund the lighting on Decker Boulevard (which would require a referendum).
2. Fund the lighting program for five (5) years from the Neighborhood Improvement Program budget, and then require the Decker Boulevard Business Coalition to fund the remaining five (5) years.
3. Fund the lighting cost for the full ten (10) year contract term from the Neighborhood Improvement Program budget.
4. Do not fund the Decker Boulevard lighting program.

### **E. Recommendation**

Staff recommends Alternative #2. This option would provide 5-year start-up funding for the lighting program. Using this option would create a true public-private partnership, which is a necessity as Richland County moves forward with implementation of the Neighborhood Master Plans.

Recommended by: Anna F. Almeida      Department: Planning      Date: 1/18/11

### **F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers

Date: 1/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council Discretion

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of option #2

**Administration**

Reviewed by: Sparty Hammett

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of Option 2.

# Richland County Council Request of Action

**Subject**

Jim Hamilton-L.B. Owens Airport Master Plan Update Executive Summary [**PAGES 100-106**]

**Notes**

January 25, 2011 - The committee recommended that Council approve this Update Executive Summary. The vote in favor was unanimous.



## Jim Hamilton - L.B. Owens Airport Master Plan Update Executive Summary

The Jim Hamilton - L.B. Owens Airport (CUB) is located in the City of Columbia, South Carolina, approximately 2.5 miles southeast of the State House. The airport's location makes it a convenient facility for both day-to-day corporate aircraft traffic and recreational fliers, which has resulted in significant developments in recent years to meet user demands. In August of 2009, Richland County (airport owner/operator) contracted with The LPA Group Incorporated to develop an Airport Master Plan Update (AMPU) for CUB. The need for this AMPU was essentially twofold. The primary reason being the Federal Aviation Administration (FAA) requires airports receiving Airport Improvement Program (AIP) grants to conduct periodic updates to their future development plan, which is referred to as the Airport Layout Plan (ALP). Secondly, over the past several years many changes have occurred at CUB as well as in the aviation industry, thereby changing the demands placed upon the airport. The 20-year planning horizon for this AMPU was identified as 2009 through 2029.

During the initial stages of the AMPU development, a Master Plan Steering Committee (MPSC) was assembled that was comprised of various individuals including residents, pilots, Richland County Airport Commission (RCAC) members, and business owners, along with City of Columbia and Richland County employees. The purpose of the MPSC was to provide input and feedback regarding the study progress. Since the individuals within the MPSC had a variety of different backgrounds and experience, their role was considered a component of the AMPU's public involvement activities. However, a Draft Final version of the information contained within the AMPU study was also presented to the public during a Master Plan Public Information Open House held on November 30, 2010. This meeting was advertised in the November 21, 2010 issue of The State newspaper. During the Open House, attendees were presented the steps and outcomes of the AMPU study and comment forms were provided in order to solicit public opinion. In addition a website was developed – [www.cubmasterplan.com](http://www.cubmasterplan.com) for the dissemination of the master plan document and presentations.





This Executive Summary includes a brief overview of key AMPU components including the Inventory, Forecasts, Facility Requirements, Development Alternatives, Implementation Plan, and ALP Drawing Set. The main AMPU document should be consulted for more detailed analyses and graphical illustrations.

**Inventory**

The airport’s existing airside facilities include a single asphalt runway (Runway 13-31) which has a length of 5,011 feet and a width of 75 feet, a parallel taxiway and connectors, and a large



9.19 acre asphalt apron area for based and transient aircraft parking. The airfield pavement has historically been well maintained and is therefore generally described as in good or better condition. The airport’s landside components include an 8,200 square foot terminal facility which opened in 2005, along with seven T-hangar buildings containing a total of 111 units for small aircraft storage and three 10,000 square foot hangar facilities that are utilized for larger aircraft storage. In addition, there is a 10,000 square foot hangar located on the westernmost portion of apron that is utilized by the Fixed Base Operator (FBO), for aircraft maintenance activities. Finally, there is a large (13,200 square foot) hangar known as the Curtiss-Wright Hangar, which was one of the airport’s original hangars constructed back in 1930. The Curtiss-Wright Hangar is listed on the National Register of Historic Places (NRHP), and due to its

historic significance, the RCAC wishes to restore the facility such that it is once-again utilized for aviation use.

An overview of the airport’s environmental conditions revealed that an unnamed tributary to Gills Creek runs adjacent to the northeast property boundary adjacent to Taxiway A and near the end of Runway 31. In addition, a wetland area identified on the National Wetlands Inventory (NWI) mapping was identified adjacent to the north property boundary near the end of Runway 31. Finally, three potentially hazardous material sites were identified adjacent to the airport property within an industrial development area located west of Airport Boulevard.

A preliminary review of CUB’s past operational activity revealed that the airport’s critical aircraft is the Cessna Citation XLS. This aircraft falls into the FAA’s Airport Reference Code (ARC) B-II designation which signifies that it has an approach speed between 91 and 120 knots



and a wingspan between 49 and 78 feet (56'-4"). The maximum takeoff weight of the Citation XLS is 20,200 pounds. Using these parameters, all future facilities shown in the AMPU were based on ARC B-II design requirements as stipulated by the FAA.



As far as future development potential is concerned, the airport is currently constrained on all sides by residential to the north, railroad to the south and east, and industrial development to the west. In total there is approximately 8.5 acres of existing land within the airport's boundary that can be improved in order to meet future aviation demand. Although space is limited, the airport has adequate land and infrastructure to support future improvements required to accommodate anticipated demand.

### Forecasts

A review of based aircraft owners and socioeconomic variables showed that CUB's primary service area includes two counties – Richland and Lexington. Since 1990, the population of these two counties collectively grew by more than 150,000, and according to forecasts by Woods & Poole Economics, they are expected to add an additional 180,000 residents between 2009 and 2030.

A review of historical activity data showed that aircraft operations were affected positively by University of South Carolina (USC) Gamecocks home football games and the construction of new airport facilities (e.g., T-hangars). Conversely, events such as hurricanes, runway rehabilitation, and past and current economic recessions have stifled aircraft activity and based aircraft growth.



After reviewing historical data and considering a number of socioeconomic factors, forecasts were selected which predicted 20-year growth in operational activity from 56,000 to 72,189 and increases in based aircraft from 117 to 151. A breakdown of activity by type showed that 1.45 percent of activity is comprised of jet traffic; whereas, 2.91 percent is comprised of turboprop activity and the remaining 95.64 percent is comprised of piston aircraft. The baseline 2009 and forecast 2029 operations and based aircraft forecasts by aircraft type are summarized in the following table. Although the most significant growth is forecast for single-engine piston aircraft, the airport already accommodates enough jet operations to justify several facility improvements during the planning period.



Operations and Based Aircraft by Type Forecasts						
Operations by Aircraft Type						
Aircraft	Total	Piston	Jet	Turboprop		
Baseline 2009	56,000	53,558	811	1,631		
Forecast 2029	72,189	69,041	1,045	2,103		
Based Aircraft by Type						
Aircraft	Total	Single-Engine Piston	Multi-Engine Piston	Turboprop	Jet	Helicopter
Baseline 2009	117	93	15	5	0	4
Forecast 2029	151	120	15	7	2	7

### Facility Requirements

After reviewing and comparing the selected forecast of operational activity to the airport’s capacity, it was determined that CUB’s single runway was adequate to accommodate both existing and forecast capacity demands through 2029 (i.e., no additional runways would be needed for capacity, wind coverage, or separation of traffic by aircraft classes).

An analysis of operational activity in comparison to FAA criteria revealed that the existing runway length is adequate for aircraft departures; however, the available landing length is less than recommended for the existing types of aircraft that frequently use the airport, specifically medium-sized corporate jets like the Hawker 800. For this reason, it was recommended that the existing runway be improved to provide 5,400 feet of landing length in both directions.

In order to accommodate the anticipated increase of 34 based aircraft during the 20-year planning period, it was determined that the airport would need an additional 26 T-hangar bays and five 5,000 square foot corporate hangars. Besides the aforementioned improvements, additional facility requirements included improving the airport’s approach capabilities, installing an approach lighting system to Runway 31, acquisition of property for future airport expansion, and a project to install airfield signage.

### Development Alternatives

Initially, alternatives to improve the instrument approach capabilities to both runway ends were presented and discussed. The resulting approach analyses revealed that the implementation of new approach procedures may require some tree clearing and easement acquisition for off-airport properties. In doing so, the airport would likely be capable of achieving a Localizer Performance with Vertical Guidance (LPV) approach to the end of Runway 31 and/or attain a Global Position System (GPS) approach to Runway 13.

Various options for extending Runway 13-31 were also presented. Ultimately, it was decided that extending the Runway 31 end was not financially feasible due primarily to the costs





associated with relocating or closing multiple railroad lines, improving grade deficiencies, and added tree clearing requirements to provide additional landing length. As a result, a 780 foot extension was shown at the end of Runway 13. The proposed extension includes additional pavement as necessary to provide 5,400 feet of landing length in both directions. In total, the proposed runway extension and land acquisition is expected to cost approximately \$9 million. In addition to the runway extension, airfield improvements shown on the preferred alternative include the addition of approach lighting to Runway 31, taxiway extension to the end of Runway 31, and bypass taxiways at both runway ends to help reduce aircraft delays during peak activity periods.

Ultimately, a preferred landside alternative was selected that provided the most flexible long-term development options. The landside improvements shown on the preferred alternative include the construction of 36 T-hangars bays, five 70 foot by 70 foot box hangars, two 10,000 square foot commercial hangars, along with the rehabilitation of the Curtiss-Wright Hangar. Finally, property acquisition and easement needed to create compatible land use within the Runway Protection Zones (RPZs) and for future aviation-related development was also shown on the preferred alternative.

It is important to note that the preferred alternative actually exceeds the previously identified facility requirements; however, it was decided that the identification of additional development would allow the airport to be better prepared should activity exceed the forecasts and also allocates undeveloped areas within the airport boundary for future use. Furthermore, the preferred alternative should be considered a flexible development plan. The airport is under no obligation to implement the recommendations shown, nor is FAA funding guaranteed for the improvements within. For reference purposes, a copy of the preferred alternative is provided at the end of this Executive Summary.

### **Implementation Plan**

The financial implementation plan illustrates a project phasing schedule and analyzes the financial impacts and feasibility of constructing the various projects shown on the preferred alternative. The resulting analysis demonstrated that project costs throughout the 20-year planning period would cost approximately \$31 million, with short-term (2010-2014) project costs totaling \$11.3 million as shown in the table below. However, of the \$31 million in total project costs, \$23 million would be eligible for AIP grant funding that would be administered by the FAA, South Carolina Aeronautics Commission (SCAC), or by other agencies. Thus, the airport would be responsible for the remaining \$8 million in development – most of which is associated with the construction of future hangar facilities. During the course of the planning period, it is expected that revenues from aircraft taxes will equate to \$6.4 million and the remaining \$1.6 million will be obtained from normal airport operating revenues and/or from bond or loan financing.



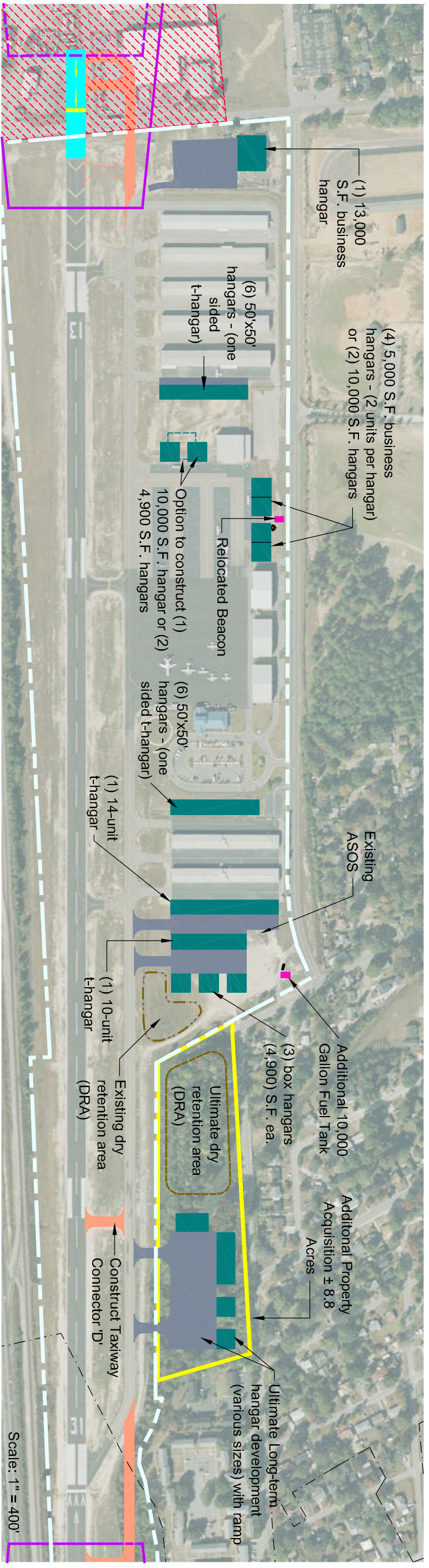


<b>Short-Term Capital Improvement Program (In 2010 Dollars)</b>					
<b>Development Project</b>	<b>Total Cost</b>	<b>FAA</b>	<b>State</b>	<b>Local</b>	<b>Other</b>
<b>2010 Project Costs</b>					
Obstruction Removal – Phase 1	\$144,576	\$137,347	\$3,614	\$3,614	
Security Enhancements – Phase 2	\$41,633	\$39,551	\$1,041	\$1,041	
<b>Total 2010</b>	<b>\$186,209</b>	<b>\$176,899</b>	<b>\$4,655</b>	<b>\$4,655</b>	<b>\$0</b>
<b>2011 Project Costs</b>					
Land Acquisition [P-2] (8.8 Acres)	\$192,000	\$182,400	\$0	\$9,600	
Obstruction Removal – Phase 2	\$400,000	\$380,000	\$10,000	\$10,000	
Rehab Curtiss-Wright Hangar/Apron	\$2,000,000	\$0	\$0	\$200,000	\$1,800,000
<b>Total 2011</b>	<b>\$2,592,000</b>	<b>\$562,400</b>	<b>\$10,000</b>	<b>\$219,600</b>	<b>\$1,800,000</b>
<b>2012 Project Costs</b>					
Taxiway A Extension (Permitting/Design)	\$225,000	\$213,750	\$5,625	\$5,625	
Fuel Truck Containment Basin	\$40,000	\$38,000	\$0	\$2,000	
Children's Aviation Education Display	\$20,000			\$4,000	\$16,000
Airfield Signage Project (Lighted)	\$230,000	\$218,500	\$5,750	\$5,750	
<b>Total 2012</b>	<b>\$515,000</b>	<b>\$470,250</b>	<b>\$11,375</b>	<b>\$17,375</b>	<b>\$16,000</b>
<b>2013 Project Costs</b>					
Taxiway A Extension (Bidding, Construction)	\$3,600,000	\$3,420,000	\$90,000	\$90,000	
Construct 14-Unit T-Hangar with Taxilane	\$1,190,000	\$178,500	\$20,000	\$991,500	
Airside Parking Improvements (at End of T-Hangars)	\$80,000	\$76,000	\$2,000	\$2,000	
Rehab Taxilanes – Phase 1	\$493,000	\$468,350	\$12,325	\$12,325	
Perimeter Fence Improvement	\$420,000	\$399,000	\$10,500	\$10,500	
<b>Total 2013</b>	<b>\$5,783,000</b>	<b>\$4,541,850</b>	<b>\$134,825</b>	<b>\$1,106,325</b>	<b>\$0</b>
<b>2014 Project Costs</b>					
Construct (2) 70'x70' Hangars	\$1,210,000	\$181,500	\$140,000	\$888,500	
Airside Perimeter Road Improvements	\$160,000	\$152,000	\$4,000	\$4,000	
Interior Bypass Road Connector	\$40,000	\$38,000	\$1,000	\$1,000	
Rehab Taxilanes – Phase 2	\$599,000	\$569,050	\$14,975	\$14,975	\$0
Airfield Pavement Crack Sealing, Rejuvenation	\$250,000	\$237,500	\$6,250	\$6,250	
<b>Total 2014</b>	<b>\$2,259,000</b>	<b>\$1,178,050</b>	<b>\$166,225</b>	<b>\$914,725</b>	<b>\$0</b>
<b>Short-Term Total (2010-2014)</b>	<b>\$11,335,209</b>	<b>\$6,929,449</b>	<b>\$327,080</b>	<b>\$2,262,680</b>	<b>\$1,816,000</b>

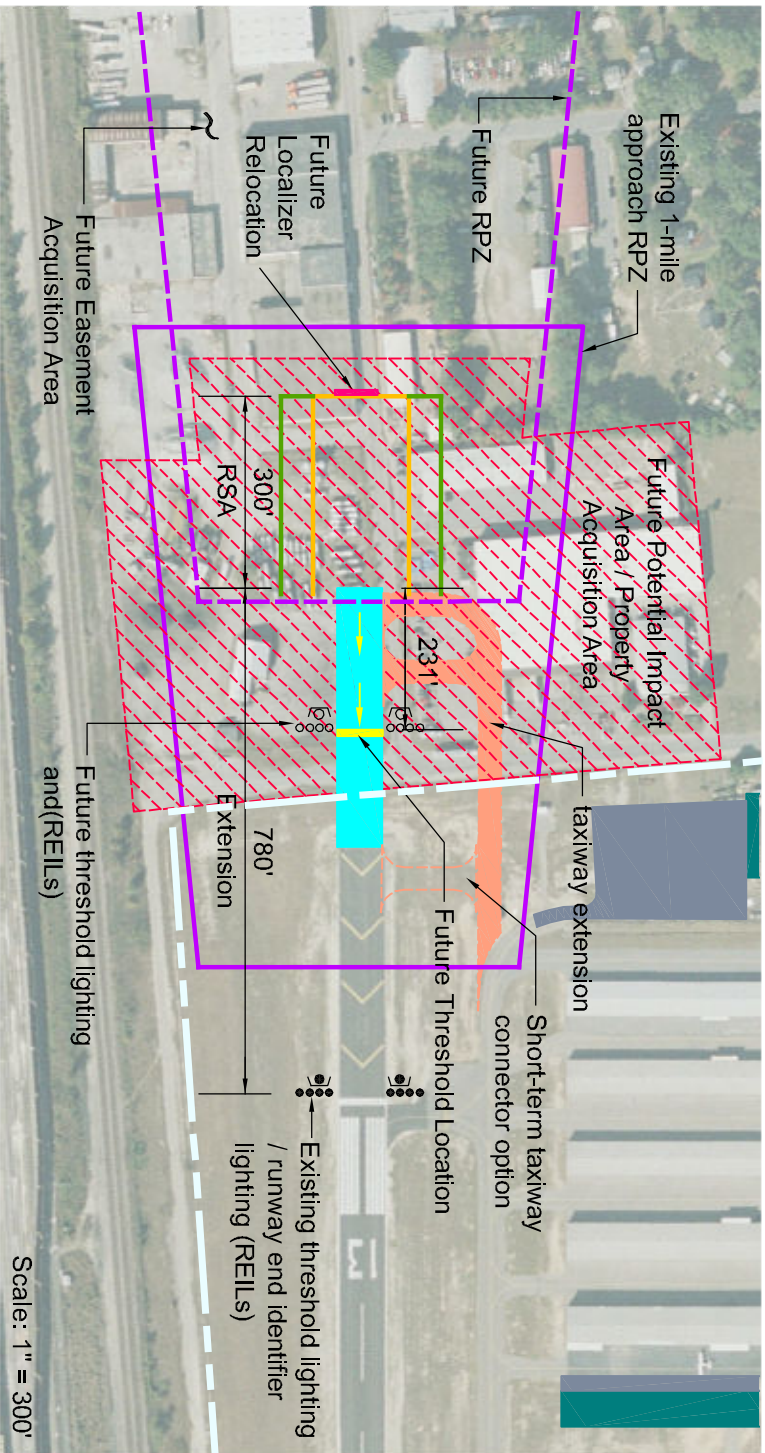
### Airport Layout Plan Drawing Set

The updated development recommendations presented in this AMPU are pictorially summarized in the ALP Drawing Set and include the preferred concepts for runway and taxiway expansion, apron and hangar development, and the establishment of a well-balanced, publically accepted, and environmentally sound plan for future development. The ALP Drawing Set represents a scaled, graphic presentation of CUB's 20-year development program, thereby providing the county with a feasible improvement plan that would increase the capability and safety of aircraft operations, promote compatibility with existing and proposed developments, and further upgrade the airport to effectively serve the anticipated demands of general aviation in Columbia, South Carolina.

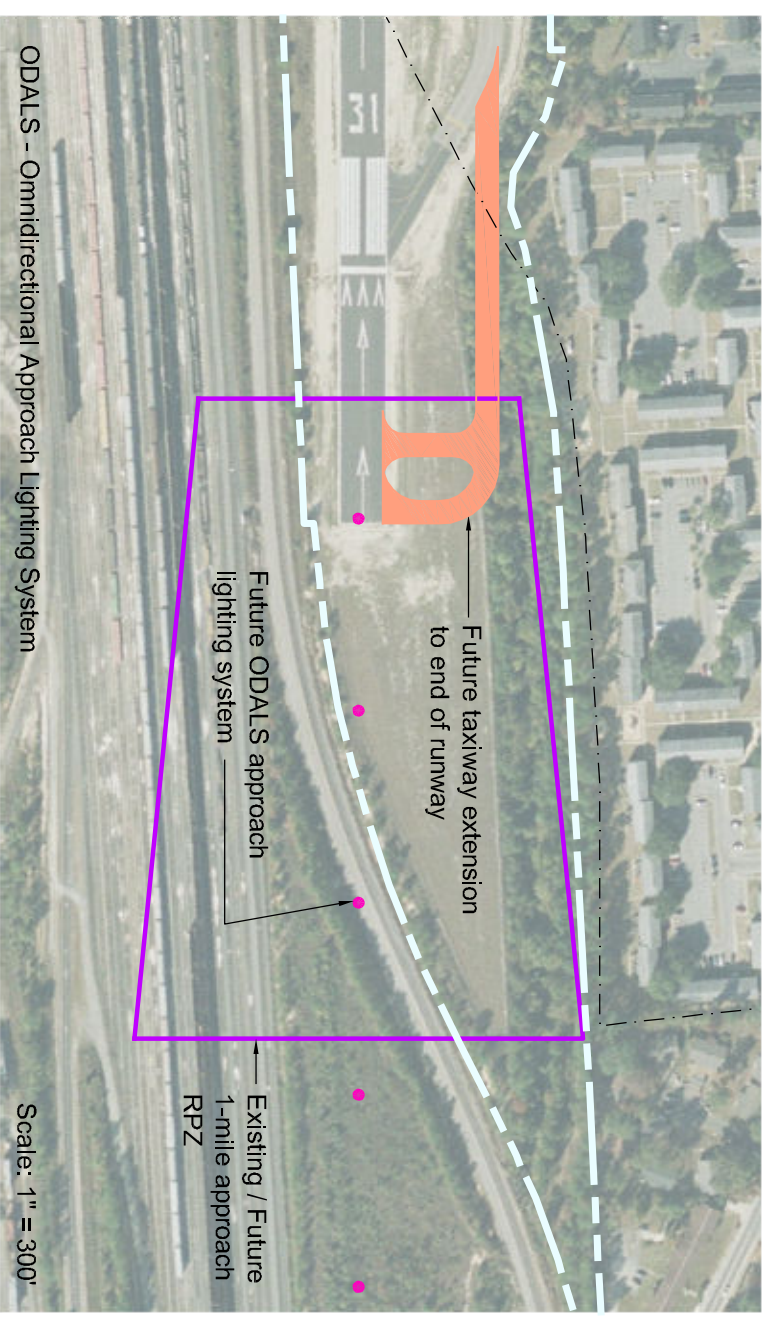




Preferred Landside Development Alternative



Preferred Airside Development Alternative - Runway 13



Preferred Airside Development Alternative - Runway 31



Master Plan Update

Preferred Landside and Airside Development Alternatives

SCALE: AS SHOWN

DATE  
DECEMBER  
2010  
5-10  
DRAWING NO.



# Richland County Council Request of Action

**Subject**

Sale of Property to Vulcan **[PAGE 108]**

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_ -11HR

AN ORDINANCE AUTHORIZING A DEED TO VULCAN CONSTRUCTION MATERIALS, LP, FOR APPROXIMATELY 10 ACRES OF LAND, CONSTITUTING A PORTION OF RICHLAND COUNTY TMS # 06500-01-11.

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 VULCAN CONSTRUCTION MATERIALS, LP, for certain real property known as a portion of Richland County TMS# 06500-01-11 and consisting of approximately 10 acres, as specifically described in the Title To Real Estate, 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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

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

# Richland County Council Request of Action

**Subject**

Richland County membership in the U.S. Green Building Council **[TO DENY] [PAGES 110-111]**

**Notes**

January 25, 2011 - The committee recommended that Council deny this request. The vote was in favor.

# Richland County Council Request of Action

**Subject:** Richland County Membership in the US Green Building Council

## **A. Purpose**

That Richland County Council consider joining and becoming an active member of the U.S. Green Building Council.

## **B. Background / Discussion**

During the December 21<sup>st</sup> Special Called Council Meeting, the honorable Kelvin Washington made the following motion:

**That Richland County join and be an active member of the US Green Building Council.** Council directed that this motion be forwarded to the January 2011 D&S Committee for action.

The Washington, D.C. based US Green Building Council (USGBC) is a 501c3 non profit organization committed to a prosperous and sustainable future for our nation through cost efficient and energy efficient buildings. USGBC comprises 80 local affiliates, more than 18,500 member companies and organizations, and more than 140,000 LEED Professional Credential holders. USGBC is a driving force of an industry that is projected to contribute \$554 billion to the U.S. gross domestic product from 2009-2013. USGBC leads a diverse constituency of builders and environmentalists, corporations and nonprofit organizations, elected officials and concerned citizens, and teachers and students. (Source: US Green Building Council website: [www.usgbc.org](http://www.usgbc.org))

Buildings in the United States are responsible for 39% of CO2 emissions, 40% of energy consumption, 13% of water consumption and 15% of GDP per year, making green building a source of significant economic and environmental opportunity. Greater building efficiency can meet 85% of future U.S. demand for energy, and a national commitment to green buildings has the potential to generate 2.5 million American jobs. (Source: US Green Building Council website: [www.usgbc.org](http://www.usgbc.org))

## **C. Financial Impact**

The annual membership cost for a local government with a population under 500,000 is \$500. Richland County's 2009 estimated population is 372,023. A funding source should be identified if Council wishes to proceed with this motion.

## **D. Alternatives**

1. Richland County join and be an active member of the U.S. Green Building Council for the annual cost of \$500.
2. Richland County not join the U.S. Green Building Council.

**E. Recommendation**

Recommended by: Councilman Kelvin Washington

**F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers

Date: 1/18/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. As stated approval would require the identification of a funding source

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 1/18/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 1/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

# Richland County Council Request of Action

**Subject**

The Town of Irmo Animal Care Intergovernmental Agreement [**PAGES 113-118**]

**Notes**

January 25, 2011 - The committee recommended that Council approve the Intergovernmental Agreement between Richland County and the Town of Irmo regarding Animal Care. The vote in favor was unanimous.





bites and quarantining of biting animals ~~in pursuit~~ pursuant to the Department of Health and Environmental Services of South Carolina guidelines and performing of such duties as necessary to prepare and deliver animals for rabies testing.

2. The Town shall, within a reasonable time after signing of this Agreement, amend the Town ~~of Irmo~~ Code of Ordinances, or enact a new ordinance to adopt the current Richland County Animal Care Ordinance, and all subsequent amendments thereto.

3. In any and all instances where an ordinance of the Town conflicts, restrains or is unreasonably burdensome to the enforcement of the Richland County Animal Care ordinance adopted by the Town, the adopted animal care ordinances shall take precedence since it is hereby declared to be the intent of the parties to give the County exclusive authority regarding the enforcement of such regulations within the territorial limits of the Town ~~of Irmo~~ which lie within the jurisdiction of Richland County.

4. This Agreement shall have a term of ten (10) years from the date of execution or until sooner terminated by either party upon such party giving six months written notice to the other party of its intent to terminate this agreement, and may be extended upon written agreement between the County Council for Richland County and the Town Council for Irmo.

5. This Agreement may be amended, modified or changed only upon the written agreement between the County Council for Richland County and the Town Council for Irmo.

6. The County shall continue to assess, levy, and collect property taxes from the residents of that portion of the Town ~~of Irmo~~ which lies within the boundaries of Richland County for the above services. Such assessment and levy shall not exceed that which is assessed and levied on property in the unincorporated areas of Richland County. The taxes generated by such assessment and levy shall be designated as an offset to the costs of providing these services and shall constitute the compensation to the County for the undertaking of these services.

7. This agreement, including all requirements and details outlined in the above paragraphs, shall apply ONLY to that portion of the Town ~~of Irmo~~ which lies within the geographical boundaries of Richland County.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

[Signature Page to Follow]

WITNESSES:

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

**RICHLAND COUNTY**

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

**TOWN OF IRMO**

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

\_\_\_\_\_  
By:  
Mayor of Irmo

STATE OF SOUTH CAROLINA )  
 )  
RICHLAND COUNTY )

**INTERGOVERNMENTAL AGREEMENT  
(Animal Care)**

THIS AGREEMENT entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, is by and between Richland County (hereinafter the "County") and the Town of Irmo (hereinafter the "Town").

RECITALS

WHEREAS, the Town desires to utilize the services of the County Animal Care Department for all animal care services in those portions of the Town within Richland County; and

WHEREAS, the County is willing to provide the Town said animal care services.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. The Animal Care Department of the County shall provide such services to secure the enforcement and uniformity of animal control regulations within the Town in compliance with the animal control ordinances of the County and in accordance with the laws of the State of South Carolina where applicable.

The County shall provide the same degree, type and level of service as customarily provided to residents of the unincorporated areas of Richland County, which shall include, but not be limited to:

- a) Field services shall include patrolling for stray, injured, nuisance and vicious animals and enforcing the County Animal Care Ordinance to include issuance of violation notices, citations and pet license applications. The County shall be responsible for the investigation and enforcement of animal cruelty, neglect and abandonment of animals. The County shall be responsible for the disposal of deceased animals prepared according to guidelines. The County shall be responsible for public education in the areas of responsible pet ownership.
- b) Licensing of animals of the Town shall be in accordance with the County Ordinance. The County staff shall be responsible for maintaining records, receiving payment and issuing tags.
- c) Animal Housing/Veterinary Services – County shall transport animals to locations contracted or designated by the County. The County shall ensure veterinary services for sick or injured animals as set forth in veterinary contract.
- d) Rabies Control – The County shall act as agent of the Town in relation to animal bites and rabies testing. Activities include but are not limited to investigation of all reported

bites and quarantining of biting animals pursuant to the Department of Health and Environmental Services of South Carolina guidelines and performing of such duties as necessary to prepare and deliver animals for rabies testing.

2. The Town shall, within a reasonable time after signing of this Agreement, amend the Town Code of Ordinances, or enact a new ordinance to adopt the current Richland County Animal Care Ordinance, and all subsequent amendments thereto.

3. In any and all instances where an ordinance of the Town conflicts, restrains or is unreasonably burdensome to the enforcement of the Richland County Animal Care ordinance adopted by the Town, the adopted animal care ordinances shall take precedence since it is hereby declared to be the intent of the parties to give the County exclusive authority regarding the enforcement of such regulations within the territorial limits of the Town which lie within the jurisdiction of Richland County.

4. This Agreement shall have a term of ten (10) years from the date of execution or until sooner terminated by either party upon such party giving six months written notice to the other party of its intent to terminate this agreement, and may be extended upon written agreement between the County Council for Richland County and the Town Council for Irmo.

5. This Agreement may be amended, modified or changed only upon the written agreement between the County Council for Richland County and the Town Council for Irmo.

6. The County shall continue to assess, levy, and collect property taxes from the residents of that portion of the Town which lies within the boundaries of Richland County for the above services. Such assessment and levy shall not exceed that which is assessed and levied on property in the unincorporated areas of Richland County. The taxes generated by such assessment and levy shall be designated as an offset to the costs of providing these services and shall constitute the compensation to the County for the undertaking of these services.

7. This agreement, including all requirements and details outlined in the above paragraphs, shall apply ONLY to that portion of the Town which lies within the geographical boundaries of Richland County.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

[Signature Page to Follow]

WITNESSES:

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

**RICHLAND COUNTY**

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

**TOWN OF IRMO**

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

\_\_\_\_\_  
By:  
Mayor of Irmo

# Richland County Council Request of Action

## **Subject**

To amend the existing Intergovernmental Agreement with the Town of Arcadia Lakes for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance, dated July 14, 2003 [**PAGES 120-122**]

## **Notes**

January 25, 2011 - The committee directed staff to ensure that language which allows either party to terminate the agreement with notice is included in the Intergovernmental Agreements. After this, the committee recommends that Council approve the First Amendment of the Intergovernmental Agreement for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance Memorandum to assist the Town of Arcadia Lakes. The vote in favor was unanimous.

**STATE OF SOUTH CAROLINA    )    FIRST AMENDMENT OF**  
**)    INTERGOVERNMENTAL**  
**)    AGREEMENT FOR ROAD MAINTENANCE,**  
**)    DRAINAGE MAINTENANCE, PLAN REVIEW,**  
**COUNTY OF RICHLAND           )    INSPECTION, AND NPDES STORMWATER**  
**)    PERMIT COMPLIANCE**

This First Amendment of Intergovernmental Agreement for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance is made and entered into in duplicate originals this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the **County of Richland**, a body politic duly created and existing pursuant to the provisions of the S.C. Code Ann. § 4-9-10 *et seq.*, (hereinafter referred to as “the County”), and the **Town of Arcadia Lakes**, a municipal corporation, created and existing pursuant to S.C. Code Ann. § 5-7-10 *et seq.* (hereinafter referred to as “the Municipality”);

**W I T N E S S E T H:**

**WHEREAS**, the County and Municipality entered into an Intergovernmental Agreement for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance, dated July 14, 2003 (hereinafter referred to as “the Agreement”); and

**WHEREAS**, the County and Municipality wish to include additional services to be performed under the Agreement; and

**WHEREAS**, both parties hereto are authorized to enter into this amendment to the Agreement by virtue of the provisions of Section 4-9-40 of the South Carolina Code of Laws of 1976.

**NOW, THEREFORE**, in consideration of the promises, and the mutual understanding and obligations hereinafter set forth, the parties hereto agree as follows:

**Section I – County Responsibilities**

**A.** Through its Department of Public Works, the County will provide Floodplain Management services as described herein for areas located within the corporate limits of the Municipality.

All Floodplain Management services will be performed consistent with the County ordinances. These services will include the following:

- Flood Zone Verifications (FZV): The County will perform FZV services as requested by the Municipality.
- Plan Review: The County will review Plans for projects that include Special Flood Hazard Areas (SFHA) for compliance with the County floodplain management ordinances.
- Floodplain Development Permits (FDP): The County will evaluate FDP applications for compliance with County floodplain management ordinances. FDP applications will be approved or not approved based on their compliance with the aforementioned ordinances.



- Records Keeping: FZV, Plans, and FDP applications and actions will be tracked by the County. The Municipality will provide FZVs, Plans, and FDP applications to the County for review. Once the application process is complete, the County will inform the applicant and the Municipality of the application result. When required the Municipality will provide records of previous actions conducted on properties related to floodplain management services, including, but not limited to, substantial improvements.

## **Section II – Municipal Responsibilities**

- A.** The Municipality will adopt ordinance(s) similar to Richland County Flood Damage Prevention Ordinances and agree to enforce floodplain management decisions rendered by the County and to notify the County if activities are conducted that are not in compliance with the Municipality’s or County’s floodplain ordinances.
- B.** The Municipality will ensure that Municipality code inspectors document floodplain development requirements in accordance with applicable ordinances on all inspections and inform the County when inspections demonstrate non-compliance with those requirements.
- C.** The Municipality will review initial submittals for Plans and FDPs to determine if a floodplain review is necessary. The Municipality will provide FZVs, Plans, and FDP applications to the County for review, as necessary. Once the application process is complete, the County will inform the applicant and the Municipality of the application result. When required the Municipality will provide records of previous actions conducted on properties related to floodplain management services, including, but not limited to, substantial improvements.
- D.** The Municipality agrees to funding requirements in Section III.
- E.** The Municipality will assist the County in projects for flood hazard mitigation, water quality improvement, or other related projects in the Municipality or County.

## **Section III - Funding**

The Municipality agrees to pay the County as follows:

- 1) \$15.00 per Flood Zone Verification issued.
- 2) \$250.00 per Plan reviewed.
- 3) \$250.00 per Floodplain Development Permit issued.

The County will invoice the Municipality on a biannual basis (June through December).

## **Section IV - Termination**

Either party may terminate this “First Amendment of Intergovernmental Agreement for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance” agreement upon giving seven (7) days written notice to the other.

**Section V - Agreement to remain in full force and effect**

Except as herein provided, the Intergovernmental Agreement for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance, dated July 14, 2003, shall remain in full force and effect, and as amended and supplemented hereby, shall constitute the complete text of said instrument as of the date hereof.

**IN WITNESS WHEREOF**, the parties hereto have caused their names to be affixed as duly authorized, on the date first above written.

WITNESSES:

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

COUNTY OF RICHLAND

By: \_\_\_\_\_  
Paul Livingston  
County Council Chair

TOWN OF ARCADIA LAKES

By: \_\_\_\_\_  
Richard W. Thomas, Jr.  
Mayor

# Richland County Council Request of Action

**Subject**

Consultant Services for Employee, Retiree, and Medicare Group Benefits & Insurance RFP [**PAGES 124-126**]

**Notes**

January 25, 2011 - The committee recommended that Council approve the award of the contract to Wells Fargo Insurance Services to assist Richland County with the Employee, Retiree, and Medicare Group Benefits & Insurance RFP and includes a Tiered Proposal plan in the RFP. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Consultant Services for Employee, Retiree, and Medicare Group Benefits & Insurance RFP

### **A. Purpose**

County Council is requested to allow Procurement and Human Resources to negotiate with and award Wells Fargo Insurance Services a contract to assist Richland County with drafting, publishing, marketing, analyzing, and making recommendations on the responses to the an RFP for group insurance, benefits, dependent audit, health care reform compliance, and supplemental insurance products and reputable vendors of these programs.

### **B. Background / Discussion**

The County has had the same health, dental, EAP, life, and supplement vendor for several years. The cost for group health and group dental insurance has increased significantly over the past few years (i.e. Medicare Advantage increased 94% for the last renewal). The County has developed a Strategic Health and Wellness Plan that will need to be integrated with existing County benefits. There are many significant changes the County has implemented and must implement in the next two years. There are other related changes the County needs to be prepared to strategically address to implement in future years as a result of the passing of the Patient Protection and Affordable Care Act (PPACA), which is commonly referred to as health care reform. Consequently, the County must focus resources and attention on compliance with health care reform. The County is in need of an outside agency to assist with a review of our current plan, benchmark with other plans available in the market, develop the RFP, publish and market the RFP, evaluate RFP responses, help us to recommend the best options, negotiate with vendors, and assist with implementation. Health care costs have been rapidly escalating for the past decade at a double digit rate for several years. Richland County must try to help curb the issue of rising health care costs and continue providing value and quality insurance services for employees and retirees, and make sure we are offering value added supplemental products at a competitive cost to employees via payroll deductions.

Following the County's procurement process, a Request for Information was published and the County received many responses. Our review team has evaluated the responses from the different consulting agencies that responded and has unanimously agreed that Wells Fargo Insurance Services has the ability to provide us the service level we need. Wells Fargo Insurance Services (formerly Wachovia Insurance Services and Palmer & Cay Insurance Services) has very successfully assisted Richland County with group benefit RFPs over the past ten years on multiple occasions.

**C. Financial Impact**

We estimate that the money spent on the RFP process will be recouped through the value of better benefit plan design, greater efficiency in integration of benefits, smoother implementation process, cost containment, and/or mitigation in the increase of insurance renewal rates next year. Expectations related to group insurance renewal premiums must be based on the reality of the respective health, dental, life, and disability insurance market and Richland County claim data as well as relevant demographic data for Richland County employees, retirees, and dependents.

**D. Alternatives**

1. Approval of award to Wells Fargo Insurance Services.
2. Approval of award to another vendor.
3. Decide not to pursue negotiations or award with other vendors.

Option 3 would cause Richland County to negotiate renewals with all our current insurance providers. The County needs consulting assistance from outside resources because of the numerous different vendors for different benefit products and services, the complexity and rapidly evolving health care marketplace, the additional enormous scope (2,000 pages plus implementation regulations) of the recently passed health care reform legislation, and the need to integrate all these with the County’s Strategic Health and Wellness Plan.

**E. Recommendation**

It is recommended that Council approve the negotiations to move forward and award to Wells Fargo Insurance Services.

Recommended by: T. Dwight Hanna    Department: Human Resources    Date: January 12<sup>th</sup>, 2011

**F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by Daniel Driggers:	Date: 1/13/11
✓Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Approval would require the identification of a funding source	

**Procurement**

Reviewed by: Rodolfo Callwood	Date: 1/18/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: Larry Smith

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Administration**

Reviewed by: Tony McDonald

Recommend Council approval

Comments regarding recommendation: The Human Resources Director has identified funds, in the amount of \$58,000, within the Human Resources Department's budget to cover the cost of the consultant. Therefore, no additional funds are being requested. In addition, it is anticipated that most, if not all, of the consulting costs will be recouped by reduced insurance rates.

Date: 1/19/11

Recommend Council denial

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in an aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto **[FIRST READING] [PAGES 128-146]**

## **Notes**

January 25, 2011 - The committee forwarded this item to Council without a recommendation. The vote was in favor.

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

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_ -11HR

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, IN AN AGGREGATE AMOUNT SUFFICIENT TO REFUND CERTAIN MATURITIES OF OUTSTANDING BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

(e) The assessed value of all the taxable property in the County as of June 30, 2010, for purposes of computation of the County's constitutional debt limit, is \$1,487,350,825 which excludes exempt manufacturing property of \$17,618,900. Eight percent of such sum is \$118,988,066. 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 \$42,490,000. Thus, the County may incur not exceeding \$76,498,066 of additional general obligation debt within its applicable debt limitation.



(f) Pursuant to constitutional and statutory authorizations and Ordinance No. 041-01HR duly enacted by the County Council on June 19, 2001 (the “2001A Ordinance”), the County issued its \$20,600,000 General Obligation Bonds, Series 2001A, dated August 1, 2001 (the “Series 2001A Bonds”).

(g) The 2001A Bonds are subject to the 8% constitutional debt limit. The difference between the outstanding principal amount of the maturities to be refunded of the 2001A Bonds and the amount needed to refund the certain maturities of the 2001A Bonds will also count against the County's 8% constitutional debt limit.

(h) Pursuant to constitutional and statutory authorizations and Ordinance No. 049-01HR duly enacted by the County Council on July 17, 2001 (the “2001C Ordinance, together with the Series 2001A Ordinance, the “2001 Ordinances”), the County issued its \$13,435,000 General Obligation Refunding Bonds, Series 2001C, dated August 1, 2001 (the “Series 2001C Bonds”).

(i) The 2001C Bonds are subject to the 8% constitutional debt limit. The difference between the outstanding principal amount of the maturities to be refunded of the 2001C Bonds and the amount needed to refund the certain maturities of the 2001C Bonds will also count against the County's 8% constitutional debt limit.

(j) The Series 2001A Bonds are currently outstanding in the amount of \$5,315,000. The Series 2001A Bonds maturing on or after March 1, 2013, are subject to redemption at the option of the County on or after March 1, 2012, in whole or in part at any time, at a redemption price of par together with the interest accrued thereon to the date fixed for redemption.

(k) The Series 2001C Bonds are currently outstanding in the amount of \$5,435,000. The Series 2001C Bonds maturing on or after March 1, 2013, are subject to redemption at the option of the County on or after March 1, 2012, in whole or in part at any time, at a redemption price of par together with the interest accrued thereon to the date fixed for redemption.

(l) Title 11, Chapter 21 of the S.C. Code provides that any public agency may utilize the provisions of Title 11, Chapter 15, Article 5 as amplified by Title 11, Chapter 21 of the Code of Laws of South Carolina 1976, as amended (the “Refunding Act”) to effect the refunding of any of its outstanding bonds. The Refunding Act authorizes and provides the procedure for the issuance of general obligation bonds whose proceeds are to be used to pay, in whole or in part, sums due on general obligation bonds previously issued and further provides that any issuer may issue general obligations bonds to such extent as such issuer shall be indebted by way of principal, interest, and redemption premium upon any outstanding general obligation bonds.

(m) Based on current market conditions and projected savings, the County Council finds that it is in the best interest of the County to effect a refunding of certain maturities of the Series 2001A Bonds and the Series 2001C Bonds (together, the “Bonds to be Refunded”) because a savings can be effected through the refunding of such Series 2001A Bonds and Series 2001C Bonds. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the refunding of the Bonds to be Refunded and that certain authority relating to such refunding is delegated to the County Administrator and/or his lawfully-authorized designee through this Ordinance. Because the Refunding Act requires that refunding bonds be sold at public sale, there can be no assurance that market conditions at the time of such sale will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the County Council, through the authority delegated to the County Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(n) It is now in the best interest of the County for the County Council to provide for the issuance and sale of general obligation refunding 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) refunding the Bonds to be Refunded; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued general obligation refunding bonds of the County to be designated “[Amount Issued] General Obligation Refunding Bonds, [Series Designation], of Richland County, South Carolina” (the “Bonds”) for the purpose stated in Section 1(n) of this Ordinance.

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Bonds which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded mature and are called for redemption in accordance with the provisions of the 2001 Ordinances and interest on such Bonds to be Refunded as and when the same becomes due. If necessary, notice of the aforesaid refunding for which a portion of the proceeds of the Bonds will be used shall be given in a financial paper published in the City of New York, State of New York.

Upon the delivery of the Bonds, the principal proceeds thereof, less issuance expenses, shall be deposited with The Bank of New York Mellon Trust Company, N.A. (the “Escrow Agent”) and held by it under a written refunding trust agreement between the Escrow Agent and the County (the “Refunding Trust Agreement”) in an irrevocable trust account. It shall be the duty of such Escrow Agent to keep such proceeds invested and reinvested to the extent that it shall be practical in obligations of the United States or any agency thereof and to apply the principal and interest of the trust so established in the manner prescribed in such Refunding Trust Agreement.

The County Administrator and/or his lawfully-authorized designee are hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Ordinance, including the execution and delivery of the Refunding Trust Agreement. The Refunding Trust Agreement shall be dated the date of delivery of the Bonds to the initial purchasers thereof.

Upon the award of the Bonds, the County shall designate the Bonds to be Refunded for redemption on a date determined by the County Administrator and/or his lawfully-authorized designee in accordance with the 2001 Ordinances.

The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding principal amount of Bonds maturing each year; shall be numbered from R-1 upward, respectively; shall bear interest from their date payable at such times as hereafter designated by the Administrator of the County (the “Administrator”) at such rate or rates as may be determined by the Administrator at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Administrator.

Within twenty-four (24) hours after the receipt of bids, the County Administrator is hereby authorized to designate the registrar and paying agent (the “Registrar/Paying Agent”) for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

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.

By separate ordinance, the County intends to authorize the issuance and sale of general obligation refunding bonds in an amount sufficient to refund all or a portion of the County's \$6,275,000 Sewer System General Obligation Refunding Bonds, Series 2003E dated September 1, 2003 (the "Series 2003E Bonds").

SECTION 3. Delegation of Authority Relating to the Bonds. The County Council hereby delegates to the Administrator the authority: (a) to determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) to determine the interest payment dates of the Bonds; (c) to determine redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) to receive bids on behalf of the County Council; (f) to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds; (g) for purposes of continuing disclosure, whether the County shall execute a Disclosure Dissemination Agent Agreement or a Continuing Disclosure Certificate and approval of the provisions thereof; and (h) to determine whether a series of bonds authorized herein shall be sold together with the bonds authorized to be issued and sold to refund the Series 2003E Bonds.

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

SECTION 4. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

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

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

SECTION 5. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

SECTION 7. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 8. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 9. Security for Bonds. The full faith, credit, and taxing power of the county is irrevocably pledged to the payment of the Bonds. The Bonds are payable from an ad valorem tax levied annually by the County Auditor and collected by the County Treasurer.

The Council shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, an ad valorem tax sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Notice of Initiative and Referendum. The County Council hereby delegates to the Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27, relating to the Initiative and Referendum provisions contained in Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, shall be given with respect to this Ordinance, such notice being in substantially the form attached hereto as Exhibit B. If such notice is given, the Chair and the Administrator are authorized to cause such notice to be published in a newspaper of general circulation in the County.

SECTION 11. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

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

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

“Government Obligations” shall mean any of the following:

(a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;

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

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

SECTION 12. 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 13. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial

ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

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

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

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

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

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

SECTION 14. Sale of Bonds, Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit C and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State of South Carolina or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale. Appropriate modifications shall be made in the Notice of Sale if the Bonds are offered to purchase as BABs.

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

SECTION 16. 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 17. 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 or a Continuing Disclosure Certificate, the form of which shall be approved by the County Administrator. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement or 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 18. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds necessary to refund the Bonds to be Refunded shall be deposited with the Escrow Agent pursuant to the terms of the Refunding Trust Agreement. The remaining proceeds, if any, shall be deposited with the County Treasurer in a special fund to the credit of the County and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds.

SECTION 19. 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 D, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 20. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Bonds; provided, however, that for purposes of this covenant only, the County shall not be in violation of this covenant solely because it makes the irrevocable election under Section 54AA(d) or (g) (as applicable) of the IRC with respect to the Bonds to be issued as BABs. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the IRC, and to that end the County hereby shall:

- (a) comply with the applicable provisions of Sections 54AA, 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the IRC.

SECTION 21 Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel and Ross, Sinclair & Associates, LLC, as Financial Advisor, in connection with the issuance of the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

[Signature Page to Follow]



Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)

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

\_\_\_\_\_, 2011:

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

FORM OF BOND

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011\_\_\_

No. R-

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

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

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

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

For the payment hereof, both 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 \_\_\_\_\_, 2011.

[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 \_\_\_\_\_, 2011, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, IN AN AGGREGATE AMOUNT SUFFICIENT TO REFUND CERTAIN OUTSTANDING BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO " (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of General Obligation Refunding Bonds (the "Bonds") of the County.

The proceeds of the Bonds will be used to provide funds for: (i) refunding certain maturities of the County's outstanding general obligation bonds; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

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

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

## FORM OF NOTICE OF SALE

§ \_\_\_\_\_ GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011 \_\_\_\_  
OF RICHLAND COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 11:00 a.m., South Carolina time, on \_\_\_\_\_, \_\_\_\_\_, 2011, at which time said proposals will be publicly opened for the purchase of \$ \_\_\_\_\_ General Obligation Refunding Bonds, Series 2011 \_\_\_\_, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ \_\_\_\_\_ General Obligation Refunding Bonds, Series 2011 \_\_\_\_, Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2011; 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]

Registrar/Paying Agent: Within twenty-four (24) hours after the receipt of bids, the County will designate the registrar and paying agent (the “Registrar/Paying Agent”) for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

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

Security: The full faith, credit and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

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 Refunding Bonds, Series 2011\_\_\_, of Richland County, South Carolina” and should be directed to the Chair of the County Council at the address in the first paragraph



hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

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

Delivery: The Bonds will be delivered on or about \_\_\_\_\_, 2011, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054, the County's Bond Counsel, 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) or with the County's Financial Advisor, R. Michael Gallagher, Ross, Sinclair & Associates, LLC, 1219 Assembly Street, Suite 202, Columbia, South Carolina, 20201, telephone (803) 771-8707, e-mail: [mgallagher@rsamuni.com](mailto:mgallagher@rsamuni.com).

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2011, 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 Refunding Bonds of the County in an amount sufficient to refund certain outstanding general obligation bonds, to pay costs of issuance of the Bonds and for 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.

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

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing the issuance and sale of Sewer System General Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; other matters relating thereto **[FIRST READING] [PAGES 148-173]**

## **Notes**

January 25, 2011 - The committee forwarded this item to Council without a recommendation. The vote in favor was unanimous.

**Administration & Finance Committee Request of Action**

**Subject: SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS**

**A. Purpose**

The purpose of this request is to ask the Administration & Finance Committee to make a recommendation to County Council to enact an ordinance authorizing a sufficient amount of sewer system general obligation refunding bonds to refund certain maturities of the County's original principal amount \$6,275,000 Sewer System General Obligation Bonds, Series 2003E (the "Series 2003E Bonds").

**B. Discussion**

The County staff has been advised by the County's financial advisor that the Series 2003E Bonds are a good candidate for refunding based on current market conditions. Once the refunding bonds have been authorized, the County Administrator will have the authority to decide, upon the advice of bond counsel and the financial advisor, the best time to sell the bonds based on market conditions at that time. The refunding bonds will not be sold until the County can achieve a savings of at least 3% which is the industry standard.

**C. Financial Impact**

The County will realize at least a 3% debt service savings for its taxpayers over the life of the bonds.

**D. Alternatives**

1. Approve the request to authorize the issuance of the refunding bonds.
2. Do not approve the request.

**E. Recommendation**

It is recommended the Council approve alternative 1.

Daniel Driggers, Finance Director

January \_\_\_\_, 2011

**Reviews**

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by Daniel Driggers:

✓ Recommend Council approval

Comments regarding recommendation:

Date: 1/14/11

Recommend Council denial

**Procurement**

Reviewed by: Rodolfo Callwood

Recommend Council approval

Comments regarding recommendation:

Date: 1/18/11

Recommend Council denial

**Legal**

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Administration**

Reviewed by: Tony McDonald

✓ Recommend Council approval

Comments regarding recommendation:

Date: 1/18/11

Recommend Council denial

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_ -11HR

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS, WITH AN APPROPRIATE SERIES DESIGNATION, IN AN AMOUNT SUFFICIENT TO REFUND CERTAIN MATURITIES OF OUTSTANDING BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

(b) 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 also certain County landfill facilities (the "System"); the County Council has previously created a sewer district known as East Bluff Sewer Assessment District; and County Council has previously created a sewer assessment district known as the Romain-Meech-Burbank Sewer Assessment District, all 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) 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 ("Title 11, Chapter 27"), 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 (notwithstand-

ing 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) 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.

(f) Pursuant to the provisions of the County Bond Act, Title 11, Chapter 27 and Article X, Section 12 of the South Carolina Constitution, the County has provided for the imposition and collection of assessments against all property located in the East Bluff Sewer Assessment District and the Romain-Meech-Burbank Sewer Assessment District in an amount sufficient to pay, when due, debt service on bonds to be authorized hereunder.

(g) After due investigation, County Council has determined and hereby finds that the imposition and collection of user fees and tap fees on the customers of the System and the assessment and collection of assessments against properties located in the East Bluff Sewer Assessment District and the Romain-Meech-Burbank Sewer Assessment District will be sufficient to provide for the payment of the principal and interest on the bonds to be issued hereunder, and the requirements of Article X, Section 12 of the South Carolina Constitution with respect to the issuance of the bonds provided for herein have been met.

(h) Pursuant to constitutional and statutory authorizations and Ordinance No. 021-03HR duly enacted by the County Council on April 8, 2003, the County has heretofore issued its \$6,275,000 Sewer System General Obligation Refunding Bonds, Series 2003E dated September 1, 2003 (the "Series 2003E Bonds").

(i) The Series 2003E Bonds are currently outstanding in the amount of \$3,270,000. The Series 2003E Bonds maturing on or after March 1, 2012, are subject to redemption at the option of the County on or after March 1, 2011, in whole or in part at any time, at a redemption price of par together with the interest accrued thereon to the date fixed for redemption.

(j) Title 11, Chapter 21 of the S.C. Code provides that any public agency may utilize the provisions of Title 11, Chapter 15, Article 5 as amplified by Title 11, Chapter 21 of the Code of Laws of South Carolina 1976, as amended (the "Refunding Act") to effect the refunding of any of its outstanding bonds. The Refunding Act authorizes and provides the procedure for the issuance of general obligation bonds whose proceeds are to be used to pay, in whole or in part, sums due on general obligation bonds previously issued and further provides that any issuer may issue general obligations bonds to such extent as such issuer shall be indebted by way of principal, interest, and redemption premium upon any outstanding general obligation bonds.

(k) Based on current market conditions and projected savings, the County Council finds that it is in the best interest of the County to effect a refunding of certain maturities of the Series 2003E Bonds (the "Bonds to be Refunded") because a savings can be effected through the refunding of such Series 2003E Bonds. The County Council recognizes, however, that current

market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the refunding of the Bonds to be Refunded and that certain authority relating to such refunding is delegated to the County Administrator and/or his lawfully-authorized designee through this Ordinance. Because the Refunding Act requires that refunding bonds be sold at public sale, there can be no assurance that market conditions at the time of such sale will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the County Council, through the authority delegated to the County Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(l) It is now in the best interest of the County for the County Council to provide for the issuance and sale of general obligation refunding 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) refunding the Bonds to be Refunded; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued general obligation refunding bonds of the County to be designated “[Amount Issued] General Obligation Refunding Bonds, [Series Designation], of Richland County, South Carolina” (the “Bonds”) for the purpose stated in Section 1(l) of this Ordinance.

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Bonds which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded mature and are called for redemption in accordance with the provisions of the 2003 Ordinance and interest on such Bonds to be Refunded as and when the same becomes due. If necessary, notice of the aforesaid refunding for which a portion of the proceeds of the Bonds will be used shall be given in a financial paper published in the City of New York, State of New York.

Upon the delivery of the Bonds, the principal proceeds thereof, less issuance expenses, shall be deposited with Wells Fargo Bank, N.A. (the “Escrow Agent”) and held by it under a written refunding trust agreement between the Escrow Agent and the County (the “Refunding Trust Agreement”) in an irrevocable trust account. It shall be the duty of such Escrow Agent to keep such proceeds invested and reinvested to the extent that it shall be practical in obligations of the United States or any agency thereof and to apply the principal and interest of the trust so established in the manner prescribed in such Refunding Trust Agreement.

The County Administrator and/or his lawfully-authorized designee are hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Ordinance, including the execution and delivery of the Refunding Trust Agreement. The Refunding Trust Agreement shall be dated the date of delivery of the Bonds to the initial purchasers thereof.



Upon the award of the Bonds, the County shall designate the Bonds to be Refunded for redemption on a date determined by the County Administrator and/or his lawfully-authorized designee in accordance with the 2003 Ordinance.

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

Within twenty-four (24) hours after the receipt of bids, the County Administrator is hereby authorized to designate the registrar and paying agent (the "Registrar/Paying Agent") for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

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.

By separate ordinance, the County intends to authorize the issuance and sale of general obligation refunding bonds in an amount sufficient to refund all or a portion of the County's \$20,600,000 General Obligation Bonds, Series 2001A dated August 1, 2001, and the County's \$13,435,000 General Obligation Refunding Bonds, Series 2001C dated August 1, 2001 (together, the "Series 2001 Bonds").

SECTION 3. Delegation of Authority Relating to the Bonds. The County Council hereby delegates to the Administrator the authority: (a) to determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) to determine the interest payment dates of the Bonds; (c) to determine redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) to receive bids on behalf of the County Council; (f) to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds; (g) for purposes of continuing disclosure, whether the County shall execute a Disclosure Dissemination Agent Agreement or a Continuing Disclosure Certificate and approval of the provisions thereof; and (h) to determine whether the bonds authorized herein shall be sold together with the bonds authorized by separate ordinance to be issued and sold to refund the Series 2001A and Series 2001C Bonds.

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

SECTION 4. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such

purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

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

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

SECTION 5. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

SECTION 7. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 8. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 9. Security for Bonds. For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a 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 Richland County, and collected by the Treasurer of Richland 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 respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does

hereby covenant to establish and maintain rates and charges as are sufficient to provide funds to pay the principal of and interest on the Bonds when due, and sufficient revenues must be available for the payment of principal of and interest on the Bonds, and must be delivered to the Richland County Treasurer for payment of principal of and interest on the Bonds and for no other purpose, prior to the occasion when the Richland County Auditor fixes the annual tax levy, and the annual ad valorem taxes to be levied for the payment of the principal of and interest on the Bonds on all taxable property in the County shall be reduced in each year in accordance with Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended, by the amount of revenue derived from the operation of the System which is actually in the hands of the Richland County Treasurer for the payment of the principal of and interest on the Bonds at the time the tax for the year is required to be levied; provided, further, that the Bonds are primarily the obligation of the System and for the payment of principal of and interest thereof, as the same mature, there must be revenues derived from operation of the System, and resort to the County tax levy required by the preceding provisions of this Section must be made only in the event that revenues derived from the operation of the System prove insufficient to meet the payment of principal of an interest on the Bonds; this provision shall not preclude the issuance of additional bonds (whether general obligation bonds) secured by a pledge of the revenues on a parity with the pledge herein made to secure the Bonds secured by a pledge superior to the pledge herein made to secure the Bonds.

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

SECTION 11. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

- (a) Such Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or
- (b) Payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably set aside

exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

SECTION 12. 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 13. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

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

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

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the

County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

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

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

SECTION 14. Sale of Bonds, Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit C and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State of South Carolina or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale. Appropriate modifications shall be made in the Notice of Sale if the Bonds are offered to purchase as BABs.

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

SECTION 16. 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 17. 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 or a Continuing Disclosure Certificate, the form of which shall be approved by the County Administrator. In the event of a

failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement or 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 18. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds necessary to refund the Bonds to be Refunded shall be deposited with the Escrow Agent pursuant to the terms of the Refunding Trust Agreement. The remaining proceeds, if any, shall be deposited with the County Treasurer in a special fund to the credit of the County and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds.

SECTION 19. 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 D, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 20. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Bonds; provided, however, that for purposes of this covenant only, the County shall not be in violation of this covenant solely because it makes the irrevocable election under Section 54AA(d) or (g) (as applicable) of the IRC with respect to the Bonds to be issued as BABs. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be “arbitrage bonds,” as defined in Section 148 of the IRC, and to that end the County hereby shall:

- (a) comply with the applicable provisions of Sections 54AA, 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the IRC.

SECTION 21 Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel and Ross, Sinclaire & Associates, LLC, as Financial Advisor, in connection with the issuance of the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

[Signature Page to Follow]



Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)

ATTEST THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2011:

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

FORM OF BOND

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011 \_\_\_\_

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
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REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that Richland County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the registered holder specified above, or registered assigns, the principal amount specified above on the maturity date specified above, upon presentation and surrender of this Bond at the principal office of \_\_\_\_\_, in the City of \_\_\_\_\_, State of \_\_\_\_\_ (the "Paying Agent"), and to pay interest on such principal amount from the date hereof at the rate per annum specified above until this Bond matures. Interest on this Bond is payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the County maintained by the registrar, presently \_\_\_\_\_, 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 of the principal and interest on this Bond as they respectively mature, and for the creation of a 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

Richland County, and collected by the Treasurer of Richland 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 respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does hereby covenant to establish and maintain rates and charges as are sufficient to provide funds to pay the principal of and interest on the Bonds when due, and sufficient revenues must be available for the payment of principal of and interest on the Bonds, and must be delivered to the Richland County Treasurer for payment of principal of and interest on the Bonds and for no other purpose, prior to the occasion when the Richland County Auditor fixes the annual tax levy, and the annual ad valorem taxes to be levied for the payment of the principal of and interest on the Bonds on all taxable property in the County shall be reduced in each year in accordance with Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended, by the amount of revenue derived from the operation of the System which is actually in the hands of the Richland County Treasurer for the payment of the principal of and interest on the Bonds at the time the tax for the year is required to be levied; provided, further, that the Bonds are primarily the obligation of the System and for the payment of principal of and interest thereof, as the same mature, there must be revenues derived from operation of the System, and resort to the County tax levy required by the preceding provisions of this Section must be made only in the event that revenues derived from the operation of the System prove insufficient to meet the payment of principal of an interest on the Bonds; this provision shall not preclude the issuance of additional bonds (whether general obligation bonds) secured by a pledge of the revenues on a parity with the pledge herein made to secure the Bonds secured by a pledge superior to the pledge herein made to secure the Bonds.

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.

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 \_\_\_\_\_, 2011.

[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 \_\_\_\_\_, 2011, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS, WITH AN APPROPRIATE SERIES DESIGNATION, IN AN AMOUNT SUFFICIENT TO REFUND CERTAIN MATURITIES OF OUTSTANDING BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of Sewer System General Obligation Refunding Bonds (the "Bonds") of the County.

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

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

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

## FORM OF NOTICE OF SALE

\$ \_\_\_\_\_ SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS,  
 SERIES 2011 \_\_\_\_\_  
 OF RICHLAND COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 11:00 a.m., South Carolina time, on \_\_\_\_\_, \_\_\_\_\_, 2011, at which time said proposals will be publicly opened for the purchase of \$ \_\_\_\_\_ Sewer System General Obligation Refunding Bonds, Series 2011 \_\_\_\_\_, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ \_\_\_\_\_ Sewer System General Obligation Refunding Bonds, Series 2011 \_\_\_\_\_, Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

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

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

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

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities



depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC.

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2011; 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]

Registrar/Paying Agent: Within twenty-four (24) hours after the receipt of bids, the County will designate the registrar and paying agent (the “Registrar/Paying Agent”) for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

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

Security: For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a 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 Richland County, and collected by the Treasurer of Richland 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 respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does hereby covenant to establish and maintain rates and charges as are sufficient to provide funds to pay the principal of and interest on the Bonds when due, and sufficient revenues must be available for the payment of principal of and interest on the Bonds, and must be delivered to the Richland County Treasurer for payment of principal of and interest on the Bonds and for no other purpose, prior to the occasion when the Richland County Auditor fixes the annual tax levy, and the annual ad valorem taxes to be levied for the payment of the principal of and interest on the Bonds on all taxable property in the County shall be reduced in each year in accordance with Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended, by the amount of revenue derived from the operation of the System which is actually in the hands of the Richland County Treasurer for the payment of the principal of and interest on the Bonds at the time the tax for the year is required to be levied; provided, further, that the Bonds are primarily the obligation of the System and for the payment of principal of and interest thereof, as the same mature, there must be revenues derived from operation of the System, and resort to the County tax levy required by the preceding provisions of this Section must be made only in the event that revenues derived from the operation of the System prove insufficient to meet the payment of principal of an interest on the Bonds; this provision shall not preclude the issuance of additional bonds (whether general obligation bonds) secured by a pledge of the revenues on a parity with the pledge herein made to secure the Bonds secured by a pledge superior to the pledge herein made to secure the Bonds.

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.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ \_\_\_\_\_ Sewer System General Obligation Refunding Bonds, Series 2011 \_\_\_\_, of Richland County, South Carolina" and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

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

Delivery: The Bonds will be delivered on or about \_\_\_\_\_, 2011, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054, the County's Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1221 Main Street, Suite 1800, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net) or with the County's Financial Advisor, R. Michael Gallagher, Ross, Sinclair & Associates, LLC, 1219 Assembly Street, Suite 202, Columbia, South Carolina, 20201, telephone (803) 771-8707, e-mail: [mgallagher@rsamuni.com](mailto:mgallagher@rsamuni.com).

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2011, 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 Sewer System General Obligation Refunding Bonds of the County in an amount sufficient to refund certain outstanding general obligation bonds, to pay costs of issuance of the Bonds and for 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.

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

# Richland County Council Request of Action

## **Subject**

Pass Through Grants: **[PAGE 175]**

- a. Project P - SC Energy Office Clean Green Investment Incentives
- b. Project P - SC Department of Commerce Closing Grant Fund
- c. Project Cyrus - SC Department of Commerce Closing Grant Fund



**To:** Economic Development Committee  
**From:** Sara Salley, Grants Manager  
**Date:** January 18, 2011  
**RE:** Pass-Through Economic Development Grant Requests

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The following grants were awarded to Richland County as part of Economic Development incentives. These grants were recommended for approval by the Economic Development Committee at its January 18, 2011 meeting, and are being sent to County Council for approval.

Richland County, as the local form of government, must apply on the companies' behalf in order to receive funds. These are pass-through grants. The County will draft an MOU for each company to sign that is modeled after the award agreements and outlines the reimbursement process for this pass-through grants. There are no match requirements for these grants and no financial burden for the County.

Grants:

- **Project P (SC Energy Office Clean Green Investment Incentives)** Up to \$500,000 is available for energy efficiency lighting projects at the facility in Richland County. This stimulus grant was awarded as a pass-through to the County.
- **Project P (SC Department of Commerce Closing Grant Fund)** \$2,000,000 is available for building upfits to the facility in Richland County. This grant was awarded as a pass-through to the County.
- **Project Cyrus (SC Department of Closing Grant Fund)** Up to \$250,000 is available for a building purchase in Richland County that will assist with the company's expansion. The company is in the process of working with the County to complete the grant paperwork and final application.

County staff will work with the companies and the funding agencies to administer the grants and ensure compliance with all appropriate rules and regulations.

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**The EDC's recommendation for approval of these grants was requested, and approved, at the January 18, 2011 EDC meeting.**

**Therefore, it is at this time that Council's approval of the three pass-through grants is requested.**

# Richland County Council Request of Action

**Subject**

Community Relations Council-1 [Rebecca A. Williams, September 9, 2011 (Resigned)]



# Richland County Council Request of Action

**Subject**

Amendment to the Ordinance regarding Richland County Boards, Commissions and Committees [**PAGES 178-201**]

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SO AS TO REORGANIZE THE SECTIONS AND TO PROVIDE FOR CONTINUING SERVICE OF MEMBERS UNTIL A SUCCESSOR IS APPOINTED.

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; is hereby amended as follows:

**Sec. 2-326. In general.**

All provisions of this article shall apply to the boards, commissions, and committees enumerated in this article, as well as to all other boards, committees and commissions appointed and/or created by Richland County Council. Except as otherwise provided by law or by the council, such boards and commissions shall elect a chairman and a vice-chairman and shall prescribe their own rules of procedure. Such boards and commissions may establish such bylaws, rules and regulations, not inconsistent with ordinances of the council or applicable state law, as they deem appropriate and necessary for the conduct of their affairs. Copies thereof shall be filed with the clerk.

**Sec. 2-327. Terms of service.**

(a) The members of such boards, commissions and committees shall not serve more than two (2) consecutive terms; provided, however, that upon service of two (2) consecutive terms a member may be eligible for reappointment after one year of non-service. Provided, however, that an individual serving in a executive position on a county board, commission, or committee shall be allowed to complete the term for that position when the individual's term on the board, commission expires prior to the expiration of the executive appointment. Further provided, regional boards, commissions and committees are exempt from the two (2) consecutive term limits requirement whenever the other jurisdiction(s) appointing said members do not limit the number of terms held by their appointee(s).

(b) Notwithstanding any other provision of this Article, any member serving on a board, commission or committee may continue to serve until such time as an advertisement has appeared in the local newspaper and a successor has been duly appointed.

**Sec. 2-328. Removal from service.**

In the event that any appointee to a board, committee, or commission misses five out of twelve meetings of the board, committee, or commission to which he has been appointed, he shall automatically lose his membership, and his seat shall be declared vacant. The chairman of the board, committee or commission shall notify the chairman of county council, in writing, upon any of its members accumulating five absences out of twelve meetings. The county council

may, in its discretion, waive enforcement of this provision in the case of illness, death of a family member, court appearance, or other similar circumstances, beyond the control of the appointee. In addition, the members of such boards and commissions may be removed for cause by majority vote of the council. The provisions of this section shall be applicable to the boards, committees, and commission enumerated in this article, as well as to any other board, committee or commission appointed by the Richland County Council.

**Sec. 2-329. Concurrent service on multiple boards, etc., prohibited.**

Notwithstanding any other provision of this chapter, no one shall be permitted to serve on more than one board, committee, or commission at any one time; provided, however, that in the event a person was serving, on February 2, 1977, on more than one board, committee, or commission, he shall be allowed to continue to serve until the expiration of his term on one or more boards, committees, or commissions brings him into compliance with this section. After that time, he shall not be allowed to serve on more than one board, committee, or commission at the same time.

**Sec. 2-330. Quarterly attendance records.**

The chairperson of each board, commission or committee shall provide the county council with an attendance record. Such attendance record shall be provided quarterly, with the first quarter beginning in January of each year.

**Sec. 2-331. Determination of credit for attendance at meeting(s).**

In order to receive credit for attendance at a meeting, a member must be present during at least 50 percent of said meeting.

**Sec. 2-332. Boards, commission and committees created.**

The following boards, commissions and committees are hereby established and recognized:

(a) *The Board of Trustees of the Columbia Township Auditorium.*

- (1) The board shall consist of seven (7) members residing in the county, appointed by the council for a term of five (5) years.
- (2) The board shall perform all duties provided by law.

(b) *The Richland County Planning Commission.*

- (1) The commission shall consist of not less than five (5) or more than nine (9) members, appointed by the council for a term of four (4) years. Any person who is appointed to the commission after September 1, 2006 must reside in Richland County. In appointing members to the commission, council shall

give due consideration as to whether applicants live in an incorporated or unincorporated area of the County.

(2) The commission shall perform all duties provided by law.

(c) *The Richland-Lexington Riverbanks Parks Commission.*

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

(2) The commission shall perform all duties provided by law.

(d) *The Board of Trustees of the Richland Memorial Hospital.*

(1) The board shall consist of 14 members and the chief and vice chief of staff shall serve ex officio. Each member of the board shall be appointed by the county council for a term of four years, or until his or her successor is appointed. Provided, however, the terms of all current board members shall expire on December 31st of the last year of their current term. Thereafter, each term of office shall begin on January 1st of the first year, and expire on December 31st of the fourth year.

(2) The board shall perform all duties provided by law.

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

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

(g) *Richland County Youth Commission.*

(1) *Creation.* There is hereby created the Richland County Youth Commission, which shall be appointed by majority vote of the county council and shall function in an advisory capacity. The commission shall be comprised of concerned citizens from diverse backgrounds who are committed to improving the quality of life for young people in Richland County. This advisory commission shall be an advocate for the youth of this county.

- (2) *Membership.* The youth commission shall consist of thirteen (13) members, all of whom shall be residents of the county; at least one (1) member to be appointed from the clergy; at least one (1) member to be a representative of the South Carolina Department of Youth Services, upon recommendation of the commissioner; at least one (1) member from the Richland County Sheriff's Department, upon recommendation by the Richland County Sheriff; at least one (1) member who is a resident of Richland County School District One; at least one (1) member who is a resident of Richland County School District Two; two (2) members attending high school (grades 9-12) in Richland County; and the remaining six (6) members at large.
- (3) *Terms.* The term of office of each commissioner shall be for a period of four (4) years, or until his successor is appointed and qualified; however, the initial appointment shall be made in staggered terms. The six candidates receiving the most votes shall be appointed for four (4) years, and the five (5) remaining candidates shall be appointed for two (2) years.
- (4) *Structure.* The commission shall develop and adopt its own bylaws, subject to final approval by the county council. The commission shall elect annually a chairman, vice-chairman, secretary, and treasurer.
- (5) *Meetings.* The commission shall meet at such times and places as provided in its bylaws but shall hold at least one (1) meeting each month. All meetings shall be conducted pursuant to, and in compliance with, the South Carolina Freedom Act.
- (6) *Duties and responsibilities.*
  - a. Identify youth-related problems or potential problems. In this regard, the commission shall:
    - 1. Become well informed on the problems facing youth in the community;
    - 2. Coordinate with other local groups/agencies who serve youth, such as private, nonprofit agencies or government groups;
    - 3. Hold public forums, conduct community surveys, contact local law enforcement personnel, and meeting with community leaders; and
    - 4. Actively seek youth involvement and input.
  - b. Implement a program to increase the awareness of the general population and elect officials of the needs and problems facing youth and their families. In this regard, the commission shall:

1. Support the efforts of other organizations in publicizing youth Issues and problems; and
2. Become advocates for improvement of services and programs for youth.
3. Research successful model youth programs and make recommendations to county council for consideration and implementation in the county.
4. Seek and administer federal, state and private funding for commission operations and for projects proposed by the commission pursuant to the powers enumerated herein.

(h) *Richland County Conservation Commission.*

- (1) *Creation.* There is hereby created a commission to be known as the Richland County Conservation Commission, which shall have the structure, organization, composition, purposes, powers, duties, and functions established hereinbelow.
- (2) *Structure, organization, and composition of commission.*
  - a. The Richland County Conservation Commission shall consist of 11 members. Each member of Richland County Council shall appoint one person to represent their respective Council district, and the term of the member of the Commission shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his/her term.
  - b. Officers of the Commission shall consist of a Chairman, Vice Chairman, Secretary-Treasurer, and such other officers as may be elected by a majority vote of the Commission. The officers of the Commission shall be elected by the Commission each year for terms of office that shall commence on January 1 of the following year. Officers shall serve terms of one (1) year and shall continue in office until their successors are elected and qualify.
  - c. The members of the Commission, including officers, shall serve without pay but may be reimbursed for travel and other incidental expenses incurred in connection with the Commission's responsibilities; however, such reimbursement shall be subject to compliance with ordinances, policies and procedures established by

the Richland County Council governing the reimbursement of expenses for county boards, agencies and commissions.

- (3) *Parliamentary procedure; minutes.* The Commission shall adopt by-laws and rules of procedure, which are not inconsistent with Roberts Rules of Order, the laws of the State of South Carolina, and the Richland County Code of Ordinances. The Commission shall maintain records and minutes of its proceedings and meetings.
- (4) *Meetings; attendance.* The Commission shall meet at least quarterly. The chairman or a majority of the members of the Commission may call a special meeting of the Commission at any time. A member of the Commission who shall be absent for 50% or more of the meetings of the Commission during any 24-month period shall be deemed to have forfeited their membership and shall be removed without further action by the Commission or the County Council.
- (5) *Ex-officio members.* The Commission may, by majority vote of the members, elect ex- officio members of the commission for terms of one (1) year. Ex-officio members of the commission may participate in discussions of policy or other matters of importance to the Commission but shall not be permitted to vote on any other matter coming before the commission. Ex-officio members of the Commission shall not be counted in determining the existence of a quorum at any meeting of the commission.
- (6) *Purposes and objectives.* The purposes and objectives of the Richland County Conservation Commission shall be as follows:
  - a. To promote the conservation of natural resources;
  - b. To promote the development and preservation of historical resources;
  - c. To promote passive, outdoor, nature- based recreation;
  - d. To promote tourism, emphasizing the natural, cultural, and historical resources of Richland County;
  - e. To educate the public as to the benefits of conservation;
  - f. To undertake such studies, plans, activities, and projects as may, from time to time, be assigned to the Commission by the County Council.
- (7) *Plan for protection; list of significant resources.*
  - a. The Commission shall prepare and submit annually to the County Council a plan for the protection of significant resources in the

county. Such plan shall include a list of significant natural, cultural, or historical resources in the county, which are recommended to the County Council for acquisition, lease, or development. A financing strategy shall accompany each recommendation, with emphasis being placed upon minimizing the utilization of public monies and maximizing the utilization of other sources, such as grants, public donations, etc.

- b. The plan may provide various recommendations and approaches for the protection of natural, cultural, or historical properties or resources, including:
  - 1. Purchase of resources for public ownership or other protective ownership;
  - 2. Purchase of resources for resale;
  - 3. Acquisition of conservation easements to protect resources;
  - 4. The development of, access to, or restoration of properties or resources;
  - 5. Acceptance by donation or bargain sale of properties or resources;
  - 6. The negotiation of leases or conservation easements;
  - 7. The maintenance, preservation, protection, identification or development of natural, cultural or historical properties or resources;
  - 8. Other plans, methods, or approaches for the identification, acquisition, purchase, lease, preservation, protection or development of natural, cultural or historical properties or resources.
- c. Provided, however, that the power of eminent domain shall not be exercised by the Council nor the commission for the acquisition of any property recommended for protection by the commission. Any purchase, lease, acceptance, acquisition, protection, development, or maintenance of land, as referenced in subsection b.(1-8) above, shall only be received from a willing property owner who voluntarily consents to such participation.
- d. The Richland County Council may adopt the list of significant resources submitted by the commission, in whole or in part, and may



add to or delete additional properties and significant resources to the list of significant resources submitted by the commission. The list shall be reviewed and, if necessary, amended not less than annually by the commission. No assets or revenues allocated or appropriated to the Richland County Conservation Commission Fund shall be used to acquire, purchase, lease, protect, preserve, identify, or develop property not included on the list of significant resources approved by the County Council. Provided, however, property owners may notify the commission, in writing, that they do not want the commission to consider their property for preservation and/or protection. The commission shall maintain a file of such written notifications, and those properties shall not be considered for inclusion on the list of significant resources that is submitted to the County Council.

- e. The plan for the protection or preservation of significant resources in the county may include plans and recommendations for the protection of the following resources:
  - 1. Open space and significant scenic views;
  - 2. Prime agricultural land;
  - 3. Recreation land for hunting, fishing, water access, and trails;
  - 4. Wildlife habitat;
  - 5. Sensitive ecological land;
  - 6. Historic buildings, sites, or landscapes;
  - 7. Other properties or resources determined by the County Council to be significant for natural, cultural, or historical preservation.
  
- f. In the process of developing the plan, the commission shall have the authority to coordinate activities of volunteers, organizations, business and corporate entities and government agencies for the identification, conservation, preservation and development of natural, cultural and historical resources in the county; encourage such planning activities and development as may be necessary or advisable to promote, identify, acquire, lease, conserve, maintain and develop natural, cultural and historical resources in the county; and, in conjunction with cultural and other agencies, entities or individuals, identify, acquire, lease, maintain, preserve and develop natural, cultural and historical resources in the county.

(8) *Conservation easements.*

- a. Any landowner desiring to obtain an endorsement by the Richland County Council for the granting of a conservation easement to a qualified organization, exclusively for conservation purposes, shall submit an application to the Commission, along with the appropriate user fee as described in subparagraph d. below.
  
- b. Upon review of the application, the Commission shall prepare a report for Council concerning the features and characteristics of the subject property and the conservation easement. The report to Council shall:
  1. Identify the conservation values of the parcel that justify the interest by Richland County. Conservation values are characteristics of property, which because of their ecological, historic, scenic, or open space value, are essential to the continued integrity of Richland County; and
  2. Indicate that the conservation easement protects in perpetuity all aspects of the parcel with conservation value; and
  3. Indicate that any developments proposed by the owner on non-conservation aspects of the parcel would not disturb the conservation values of the parcel; and
  4. Indicate that the Donee organization to hold the easement has sufficient credibility and resources to adequately monitor and enforce the easement and has been approved by the Commission.
  
- c. Upon receipt of this report, County Council shall make a finding that such easement furthers a “significant public benefit”. No conservation easement shall be accepted or endorsed unless the easement fulfills a “significant public benefit”, defined as:
  1. Recreation or education of the public (this requires that the public have free access to the land); or
  2. Protection of an important watercourse or natural habitat of fish, wildlife, or plants; or
  3. Preservation of historically important land or structures; or
  4. Preservation of open space for the scenic enjoyment of the public or pursuant to a clearly delineated governmental conservation policy; provided that such preservation will yield a significant public benefit, such as:

- (i) Furthering a county or municipal green space plan, of which the donor's conservation easement will be an integral part; or
  - (ii) The easement will protect open space, the view of which can be and is enjoyed by the public from vantage points on adjacent or nearby property (e.g. from a road or adjoining public land), and that the protection of this viewshed will yield a significant public benefit.
- d. In order to offset the costs incurred by the Commission and Council in evaluating the application for endorsement and in making the actual endorsement, each applicant shall pay a required user fee to the County. Such user fee shall be an amount equal to 2% of the appraised value of the property being donated for conservation purposes, as reflected in the records of the Richland County Tax Assessor, or five hundred (\$500.00) dollars, whichever is greater.

(9) *Richland County Conservation Commission Fund.*

- a. The Richland County Conservation Commission Fund is hereby established as a separate and segregated fund for the purpose of funding projects and activities of the Richland County Conservation Commission approved by the Richland County Council. Such fund shall consist of all funds appropriated by the Richland County Council, all gifts of land, cash or other assets made to the county for the purposes and objectives stated herein, and all other grants or other public or private revenues or gifts, with interest thereon, for such purposes.
- b. The Richland County Council may make annual appropriations to the fund, and all funds appropriated shall be used solely and exclusively for the purposes stated herein. Unexpended or unused assets and funds shall be maintained in the Richland County Conservation Commission Fund and used solely for the identification, acquisition, lease, protection, maintenance and development of natural, cultural and historical property and resources identified on the list of significant resources developed by the Richland County Conservation Commission. Fund balances not expended during any fiscal year shall be carried forward for the identification, acquisition, lease, protection, preservation or development of resources listed on the commission's list of significant resources.
- c. All property or interests in property to be used by or for the Richland County Conservation Commission Fund shall be transferred to the county by the persons or entities owning title thereto, and all real

property used, acquired or leased for commission purposes shall be owned, purchased, leased, held, conveyed, or disposed of in the name of the county by the Richland County Council. All such property or interests in property shall be listed on a fixed asset ledger, which shall be maintained. Such ledger shall show the value of property or interests in property acquired, leased, held, owned, preserved, protected, maintained, or developed, in whole or in part, from funds allocated from the Richland County Conservation Commission Fund.

(i) *Richland County Appearance Commission.*

- (1) *Creation.* There is hereby created a Richland County Appearance Commission, which shall be a permanent county commission, appointed in whole by the county council.
- (2) *Membership.* The Richland County Appearance Commission shall consist of at least 11 members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at-large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.
- (3) *Purpose.* The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. Responsibilities include:
  - a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.
  - b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.
  - c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five- year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.
  - d. To develop a maintenance plan for the above LIMB Plan and five-year plan.

- e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.

(4) *Terms of members; election of officers; and meetings.*

- a. An at-large Commission member shall serve a term of four years or until his or her successor is appointed. The term of a member of the Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his or her term.
- b. The commission shall elect a chairman, vice-chairman, secretary and treasurer.
- c. The commission shall meet at such times and places as determined by the chairman, but shall hold at least one meeting each quarter. The county administrator shall assign staff to assist the commission in making its recommendations to county council. All meetings of the commission shall be conducted in compliance with the South Carolina Freedom of Information Act.

- (5) *By-laws.* The commission shall adopt by-laws by which meetings and activities of the commission will be conducted. Such by-laws shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.

(j) *Richland County Hospitality Tax Advisory Committee.*

- (1) *Creation.* There is hereby created a Richland County Hospitality Tax Advisory Committee.
- (2) *Membership.* The Richland County Hospitality Tax Advisory Committee shall consist of five (5) members who shall be appointed by majority vote of the Council. All members must be interested citizens residing in the County, and at least two members must be representative of the restaurant industry.
- (3) *Responsibilities.* The Richland County Hospitality Tax Advisory Committee shall review applications of those entities who are seeking funding from the County Promotions portion of hospitality tax funds. The Committee will then make recommendations to County Council for the allocation and distribution of such funds.
- (4) *Terms of Members; Election of Chairperson; Meetings.*

- a. The Committee members shall serve a term of two years or until his or her successor is appointed.
- b. The Committee shall elect a chairperson.
- c. The Committee shall meet at such times and places as determined by the Chairperson, but shall hold at least one meeting each calendar year. The County Administrator shall assign staff to assist the Committee in making its recommendations to County Council. All meetings of the Committee shall be conducted in compliance with the South Carolina Freedom of Information Act.

(k) *Richland County Transportation Study Commission.*

- (1) *Creation.* There is hereby created a Richland County Transportation Study Commission.
- (2) *Membership.* The Richland County Transportation Study Commission shall consist of thirty-nine (39) members who shall be appointed as follows: 11 members, 1 from each member of County Council; 7 members, 1 from each member of Columbia City Council; 4 members, of which 1 shall be appointed by Lexington County Council, 1 shall be appointed by West Columbia City Council, 1 shall be appointed by Cayce City Council, and 1 shall be appointed by the Springdale Town Council; and 17 members, as recommended by the Richland County Rules and Appointments and approved by a majority vote of Richland County Council. No elected officials shall be appointed to this Commission.
- (3) *Terms of Members; Sub-Committees; Election of Chairperson; Meetings.*
  - a. A Commission member shall serve a term of two (2) years or until his or her successor is appointed.
  - b. The Commission shall consist of four (4) sub-committees, and an at large membership, as follows:
    - 1. An Executive sub-committee, which shall be composed of seven (7) members; and
    - 2. A Greenways and Bike Paths sub- committee, which shall be composed of seven (7) members; and
    - 3. A Roads sub-committee, which shall be composed of ten (10) members; and

4. A Transit sub-committee, which shall be composed of fourteen (14) members.
  5. In addition, sixteen (16) members shall be appointed as at-large members; provided that fifteen (15) of the at-large members shall also be appointed to one of the sub-committees referenced above.
- c. The Commissions chairperson, co- chairperson, and those members to serve on the Executive sub-committee of the Commission, shall be appointed by a majority vote of Richland County Council.
  - d. Each sub-committee shall elect a chairperson by a majority vote of its respective membership.
  - e. The Commission shall meet at such times and places as determined by the Chairperson, but shall hold at least one meeting each calendar month. All meetings of the Commission shall be conducted in compliance with the South Carolina Freedom of Information Act.
- (4) *Responsibilities.* The Richland County Transportation Study Commission shall study the long-range transportation needs of Richland County, including the current bus system and other modes of public transit. The Commission shall also assess the highway and road improvements that are needed to alleviate congestion that will allow people and goods to move through the County efficiently. This study shall include incentives for development throughout the County that is conducive to public transit, and shall include projects to alleviate congestion, including, but not limited to, Lower Richland Connector and Clemson Road. In addition, the Commission shall develop a plan to make Richland County more pedestrian and bicycle friendly. The Transportation Study Commission shall submit an interim report to Richland County Council in May 2007 and in November 2007. A final report shall be submitted to Richland County Council in May 2008. Copies of these reports shall be submitted to all local governments within the service area. Any consulting services that may be needed to assist the Commission with their responsibilities shall be managed by the Richland County Procurement Department (for example, RFPs). The Executive Committee of the Commission shall review the applications and make a recommendation to Richland County Council before a contract is awarded.
- (1) *Richland County Business Service Center Appeals Board.*
- (1) *Creation.* There is hereby created a Richland County Business Service Center Appeals Board.
  - (2) *Membership.* The Business Service Center Appeals Board shall consist of five members who shall be appointed by majority vote of the Council. The

five-member board shall be comprised of three Certified Public Accountants, one member of the S.C. Bar Association, and one other business person. All members must be interested citizens residing in Richland County. Not more than one member of the Appeals Board may be an employee of the County.

(3) *Responsibilities.* The Richland County Business Service Center Appeals Board shall serve as the appeals function expounded in the Richland County Code of Ordinances, Chapter 16, Article I. The Board will hear appeals resulting from any person aggrieved by a final assessment, charge backs from an audit, or a denial of a business license by the License Official. In that capacity and as a finder of fact, the Appeals Board shall have the following responsibilities:

- a. Adopting procedures relating to the execution of the Appeal's Board function;
- b. Receiving written appeals from businesses;
- c. Holding meetings to receive testimony by the business, the Business Service Center official, and any other official approved by the Appeals Board;
- d. Reviewing and analyzing the information presented in the testimonies provided;
- e. Making a factual conclusion as to the issue in question based upon the review and analysis; and
- f. Writing a formal determination regarding the decision made as to the issue in question.

(4) *Terms of Members; Election of Chairperson; Meetings.*

- a. The term of office of the chairperson and each member of the Appeals Board shall be four (4) years. However, in making the initial appointments, two members shall be appointed for an initial term of four years, two members for an initial term of three years, and one member shall be appointed for an initial term of two years. Thereafter, their successors shall be appointed for terms of four years, or for the balance of any unexpired term. Members may be reappointed for a consecutive, second term, for four years. After this second term, a member may be reappointed for a third term, but only after two years has elapsed from the last day of the last term served. The County Council may terminate for just cause any Board members' terms of office.



- b. The Committee shall elect a chairperson.
- c. The Committee shall meet whenever an appeal is made, at such times and places as determined by the Chairperson.

(m) *Appointment of members of county athletic commission.*

- (1) The county council, pursuant to the provisions of Act No. 48 of 1991, hereby assumes the appointive powers over the county athletic commission. There shall be five (5) members of the commission who shall be appointed as follows:
  - a. One member who sides in County Council District 1, 2, or 7;
  - b. One member who resides in County Council District 8 or 9;
  - c. One member who resides in County Council District 3 or 4;
  - d. One member who resides in County Council District 5 or 6;
  - e. One member who resides in County Council District 10 or 11.
- (2) The members of the commission shall be appointed for four year terms and until their successors are appointed qualify.

(n) *Duties of local emergency planning committee.* The duties of the Richland County Local Emergency Planning Committee are hereby expanded to include the following:

- (1) Ensure the full implementation of the Superfund Amendments and Re-authorization Act of 1986 (SARA), Title III be accomplished as quickly as possible.
- (2) Make recommendations for hazardous materials code uniformity within Richland County and all municipalities within Richland County.
- (3) Review environmental impact statements submitted by business handling environmentally sensitive materials.
- (4) Develop facility inspection frequency recommendations based on inventory and release history.
- (5) Make recommendations to insure the cooperation of all public safety and inspection agencies before, during, and after hazardous materials inspections.

- (6) Make recommendations on planning and zoning ordinances for industries the produce, store, or transport hazardous materials. Develop recommendations for safe distances between residential areas and hazardous industries.
  - (7) Explore the possibility of adjacent jurisdictions adopting interlocal agreements, with mutual review of projects with regional impact.
  - (8) Develop recommendations for financial responsibility requirements for industries that manufacture, store, or transport hazardous materials.
  - (9) Develop a system of regulating local transportation of hazardous materials within the provisions of state and federal law.
  - (10) Develop a system to assist the facility planning process and require such a document be on file with the local emergency planning committee.
  - (11) Develop an outline for the permitting process of environmentally sensitive business.
  - (12) Conduct a study of crimes against the environment.
  - (13) Develop a cost recovery program to assist state and local government to recover cost expended in hazardous materials incidents.
  - (14) Explore shortfalls and gaps in hazardous waste regulations.
- (o) *Disabilities and special needs board.*
- (1) *Board.* There is hereby created the Richland/Lexington County Disabilities and Special Needs Board with powers, duties, responsibilities, and functions set forth herein.
  - (2) *Purpose.* It is the purpose of the Richland/Lexington County Disabilities and Special Needs Board to develop, provide, coordinate, improve and operate community based programs serving persons with disabilities and special needs or other related disabilities with a view toward developing their respective mental, physical and social capacities to their fullest potential.
  - (3) *Membership.* The board shall be composed of fifteen (15) members, at least five (5) of whom shall be resident electors. The board shall be appointed by the governor of the State of South Carolina upon recommendation of the majority of the county legislative delegation. Persons with a demonstrated interest and background in disabilities and special needs and/or human services shall be recommended for appointment.

- (4) *Terms.* The terms of the members shall be for four (4) years until their successors are appointed and qualify, except that of the first appointed: One (1) shall be appointed for one (1) year; two (2) for two (2) years; two (2) for three (3) years; and two (2) for four (4) years. Vacancies shall be filled for any unexpired terms in the same manner as original appointments. Any member may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office or for missing three (3) consecutive meetings after being given a written statement of reasons and an opportunity to be heard.
- (5) *Meetings and requirements.* The board shall open all regular meetings to the general public. No fewer than four (4) meetings per year shall be held. Special meetings may be called, with reasonable notice given to other members.
- (6) *Bylaws.* The board will establish its own bylaws. On an annual basis, it will elect a chairperson, a vice- chairperson, a secretary and a treasurer.
- (7) *Insurance.* The board will maintain at all times, workers compensation insurance on its employees and a policy of liability insurance in the amount of one million dollars (\$1,000,000.00) covering all employees and board members. The premiums for this coverage shall be the responsibility of the board. Richland County shall be listed as an insured under the policy of liability insurance. The board shall furnish a copy of the current insurance policies to county council and will keep current copies of the policies on file at all times.
- (8) *Duties.* The board shall:
  - a. Be the administrative, planning, coordinating, evaluative, and review body of services to persons in the county who are mentally retarded or have other related disabilities; the board shall be funded in part or in whole by appropriations for the South Carolina Department of Disabilities and Special Needs.
  - b. Submit an annual plan and projected budget to the South Carolina Department of Disabilities and Special Needs for approval and consideration of funding.
  - c. Review and evaluate, on at least an annual basis, county mental retardation and related disability services provided pursuant to this ordinance and report its finding and recommendations to the South Carolina Department of Disabilities and Special Needs and county council.

- d. Promote and accept local financial support for Richland County programs from funding sources such as businesses, individuals, industrial and private foundation, voluntary agencies, governmental and other lawful sources and promote public support from municipal and county sources.
- e. Employ personnel and expend its budget for the direct delivery of services or contract with those services vendors necessary to carry out county mental retardation or related disability service programs, which shall meet those specifications prescribed by the South Carolina Department of Disabilities and Special Needs .
- f. Plan, arrange, and implement working agreements and contract with other human service agencies, both public and private, and with educational and judicial agencies.
- g. Provide the South Carolina Department of Disabilities and Special Needs and the county council with such records, reports, and access to its sponsored services as the South Carolina Department of Disabilities and Special Needs and the county council may require and submit its sponsored services and facilities to licensing requirements of the South Carolina Department of Disabilities and Special Needs of the licensing requirements of other state or local agencies having such legal authority.
- h. Buy, sell, mortgage, pledge, encumber, lease, rent, and contract with respect to real and personal property, from funds payable out of any revenues of the county disabilities and special needs board, and shall not obligate the full faith, credit, and taxing power of the county.
- i. Provide a public forum to which individuals or groups may present any concerns or appeal a dispute or disagreement with a provided agency or service.

(p) *Duties of the Midlands Commission on homelessness.*

- (1) The Midlands Commission shall be appointed from the civic and business community and shall be composed of seven (7) persons, each of whose leadership has demonstrated an interest in the needs of the homeless population of central South Carolina. Three (3) of the members of the Commission shall be appointed by the Mayor and City Council of the City of Columbia and four (4) of the members of the Commission shall be appointed by the County Council of the County of Richland, State of South Carolina. One of the four members of the Commission appointed by the County of Richland shall be the designee of the Consortium For The Homeless serving central South Carolina. The members shall serve for terms

of three (3) years and until their successors are appointed and qualified, except that the first appointments shall be as follows: three (3) for three (3) years; two (2) for two (2) years; and two (2) for one (1) year. No Commission member shall be eligible for appointment following service as a Commissioner for one (1) year following the expiration of any full term of service as a Commissioner.

(2) Immediately upon the appointment of the Commission, it shall organize by electing one of its number as Chair, a second as Vice Chair, and a third as Secretary. The officers of the Commission shall hold office for terms of one (1) year and until their successors shall be chosen and qualified. It shall be the duty of the Commission to see that a record of the appointees to the Commission shall be filed in the office of the Clerk of County Council for Richland County, and the office of the Clerk of the City Council of Columbia, so as to indicate the persons holding office as members of the Commission and the duration of their respective terms. No member of the Commission shall receive any compensation for his or her services as a member of the Commission. Membership on the Commission shall not be construed to be an office of honor or profit.

(3) *Duties.*

- a. To act as an advocate for the needs of the homeless population in central South Carolina;
- b. To identify resources necessary to address the needs of the homeless population of central South Carolina;
- c. To encourage coordination in the planning for and delivery of services to the homeless population in central South Carolina.
- d. To the greatest extent possible, work in conjunction with the Consortium for the homeless and other entities serving the needs of the homeless.
- e. To conduct its affairs in a fiscal year beginning July 1 and ending June 30. As shortly after close of its fiscal year as may be practicable, an audit of its affairs shall be made. Copies of such audit, incorporated into an annual report of the Commission, shall be filed with the Clerk for the County Council of Richland County, State of South Carolina, and the Clerk for the City Council of Columbia, State of South Carolina.

(4) Reasonable administrative assistance to the Commission shall be provided for by the City of Columbia in conjunction and cooperation with the County of Richland.

- (5) Any action required of the Commission may be taken at any meeting of the Commission, regular or special, and at any such meeting a majority of the members of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

(q) *Internal Audit Committee.*

- (1) *Creation.* There is hereby established an Internal Audit Committee which shall have the structure, organization, composition, purposes, powers, duties, and functions established below.
- (2) *Membership; terms.* The Internal Audit Committee shall be comprised of three members of Council (the Council Chair, the A&F Committee Chair, and the D&S Committee Chair), two citizens appointed by a majority vote of the Council at large, and an employee appointed by the County Administrator. The citizens' and the employee's terms shall be one year in length, with up to three term renewals permitted. The Council members' terms shall be for as long as they serve in the capacity of Council Chair or Committee Chair.
- (3) *Duties and responsibilities.*
  - a. The Internal Audit Committee shall develop with the Internal Auditor, for recommendation to the full Council for approval by majority vote, an audit schedule (which shall include areas to be reviewed, their priority and the timelines for completion), audit progress, audit follow-up, and special needs; and shall work to assure maximum coordination between the work of the Internal Auditor and the needs of the chief executive officer, the legislative body, and any other contractually hired auditors, as necessary or appropriate.
  - b. The Internal Audit Committee shall review, for recommendation to Council for approval by majority vote, all areas of County operations for which County funds are levied, collected, expended, or otherwise used. This includes departments or offices reporting to the County Administrator, departments or offices headed by elected or appointed officials, millage agencies, legislatively appointed Commissions receiving County funding, nonprofit organizations receiving grant monies from County funds, and any other organization receiving any type of funding for any purpose from the County.
  - c. The Internal Audit Committee shall oversee the responsibilities of the Internal Auditor, as stated in the negotiated contract with the Internal Auditor.

- d. The Internal Audit Committee shall present to the full Council a written report regarding each audit conducted by the Internal Auditor following the Internal Auditor's report to the Internal Audit Committee for each audit. Additionally, in conjunction with the budget process, the Internal Audit Committee shall annually present to the full Council a written summary report regarding the audits, progress, findings, and any other appropriate information relating to the internal audits conducted during the past fiscal year following the Internal Auditor's summary report to the Internal Audit Committee.
- e. The Internal Audit Committee shall annually review the Internal Auditor and anyone else working in such a capacity for adherence to government auditing standards in conducting its work to ensure quality service and independence as defined by those standards. (These are the federal Government Accounting Office's "Yellow Book" standards). A subsequent report of the Committee's findings shall be presented to Council for their information.

(r) *Bond Review Committee.*

- (1) *Creation.* There is hereby established a Richland County Bond Review Committee which shall have the structure, organization, composition, purposes, powers, duties, and functions established below.
- (2) *Membership; terms.* The Bond Review Committee shall be comprised of five members, as follows: two shall be county employees designated by the County Administrator, two shall be Council members designated by the County Council Chair, and one shall be a bond counsel representative. A member shall serve a term of two (2) years or until his or her successor is appointed. In addition, the County Auditor and the County Treasurer shall serve on the Committee ex officio, with all the same rights, duties, and responsibilities as a Committee member.
- (3) *Duties and responsibilities.*
  - a. The Bond Review Committee shall review and make recommendations to the County Council regarding the issuance of Debt Obligations and the management of outstanding debt in accordance with the County Debt Policy.
  - b. The Bond Review Committee shall consider all issues related to outstanding and proposed Debt Obligations; including, but not limited to, all matters affecting or relating to the creditworthiness, security and repayment of the proposed Debt Obligations, such as procurement of services for debt sales and administration, structure, repayment terms and covenants of the proposed Debt Obligation.

- c. The Bond Review Committee shall periodically review county debt policies and make recommendations where appropriate.
- d. The Bond Review Committee shall review all capital projects proposed to be financed with debt for compliance with the Debt Policy, and will make recommendations to the County Administrator as to the appropriate structure of such debt. In formulating its recommendations, the Committee shall consider:
  - 1. Legality and availability of revenue for the repayment of such debt;
  - 2. Impact of such debt on the county's debt capacity;
  - 3. Ongoing operational impact analysis to consider additional requirement after project completion on the county's operating budget;
  - 4. Impact analysis of debt service requirements to the total county debt obligation over life of debt;
  - 5. Review post-project analysis to evaluate actual benefit received in comparison to estimates;
  - 6. Review compliance on all outstanding bond covenants and requirements of the bond resolutions; and
  - 7. Other relevant factors.
- e. The Bond Review Committee shall present findings and recommendations to Council during project discussions.

**Sec. 2-333 – 339. Reserved.**

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

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 \_\_\_\_\_, 2011.



RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
\_\_\_\_\_, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011

\_\_\_\_\_  
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:  
Second Reading:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

Motion to amend Council's Rules to read: Whenever a meeting is held on the second Tuesday of the month, appropriate written/backup materials for all items of business that are to be included in the Administrative and Finance or Development and Services Committee agendas must be delivered electronically to the Administrator's Office no later than the adjournment of the meeting approximately two weeks prior to the committee meeting scheduled meeting date. **[JACKSON][PAGE 203]**

#### **4.4 Agendas**

Appropriate written backup material for all items of business that are to be included in the Administration and Finance or Development and Services Committee agendas must be delivered electronically to the County Administrator's Office no later than 5:00 p.m. on the date two weeks prior to the committee's scheduled meeting date.

In exceptional circumstances, time-sensitive items received after the deadline may be added to a committee's agenda at the discretion of the committee's Chairperson, provided the addition is made before agendas are printed and distributed. In the event that the Chair of the committee cannot be reached before agendas are printed, then such items may be added with the consent of a majority of the committee's members. If a majority of the committee's members cannot be reached, the Chair of County Council shall have the discretion to add such items. Once the committee agendas have been printed and distributed publicly, changes to the agenda may only be made by the unanimous consent of the committee during the committee meeting.

Agendas with backup information shall be provided to all members of Council on or before the Friday prior to the committee meeting.

# Richland County Council Request of Action

**Subject**

Legislative Delegation Report Regarding Voter's Registration [**PAGE 205**]

# Richland County Legislative Delegation

CHAIRMAN, LEGISLATIVE DELEGATION  
J. Todd Rutherford

VICE CHAIRMAN, LEGISLATIVE DELEGATION  
John E. Courson

CHAIRMAN, HOUSE DELEGATION  
Christopher R. Hart

VICE CHAIRMAN, HOUSE DELEGATION  
Joseph H. Neal

EXECUTIVE DIRECTOR  
JAMES C. BROWN



MEMBERS OF THE SENATE  
Dist. 19- John L. Scott  
Dist. 20- John E. Courson  
Dist. 21- Darrell Jackson  
Dist. 22- Joel Lourie

MEMBERS OF THE  
HOUSE OF REPRESENTATIVES  
Dist. 70- Joseph Neal  
Dist. 71- Nathan Ballentine  
Dist. 72- James E. Smith, Jr.  
Dist. 73- Christopher R. Hart  
Dist. 74- Todd Rutherford  
Dist. 75- James H. Harrison  
Dist. 76- Leon Howard  
Dist. 77- Joseph A. McEachern  
Dist. 78- Joan Brady  
Dist. 79- Anton J. Gunn  
Dist. 80- Jimmy Bales

January 5, 2011

Mr. Larry Smith, Esquire  
Richland County Attorney  
2020 Hampton Street  
PO Box 192  
Columbia, SC 29202

Re: Voters Registration Board

Dear Mr. Smith:

This letter is to provide a follow-up to the discussion of the SC Attorney General's Opinion concerning the function of the Richland County Voters Registration Board.

As you are aware, the Richland County Council Rules and Appointments Committee met with the Richland County Delegation on November 10, 2010. In this meeting it was proposed, by County Staff, that an ordinance change to description of the Voters Registration Office's function be made to reflect the opinion of the Attorney General. The Delegation noted that the matter would be discussed in its December 9, 2010 meeting and a response provided back to the County.

It is the Delegation's deciding that Representative Rutherford will draft a bill to be presented in the House and a comparative bill will be drafted for the Senate that will arrange the law to comport with the opinion of the Attorney General's Office.

If you should need any additional information, please contact the Delegation Office.

With kind regards, I am

Senator Darrell Jackson  
Chairman

DJ/kl

CC: Milton Pope, County Administrator

Item# 33

# Richland County Council Request of Action

**Subject**


Due to South Carolina's poor national reputation regarding females elected and appointed positions, I move Council createe an ad-hoc committee to study and report any gender disparities in regard to appointment and other leadership positions within the Council's purview of powers **[MANNING]**

# Richland County Council Request of Action

**Subject**

Ordinance to Establish the Richland County Complete Streets Commission [**PAGES 208-211**]

## MEMORANDUM

**TO:** Rules & Appointments Committee; Other Interested Parties  
**FROM:** Anna Almeida, AICP – Planning Director   
**DATE:** January 26, 2011  
**RE:** Ordinance to Establish the Richland County Complete Streets Commission

- Goal 4 of the Richland County Complete Streets Program Goals & Objectives, adopted by the County Council on July 6, 2010, required the Council County to establish a technical committee and citizen committee to participate in the implementation of the Complete Streets Program.
- On December 7, 2010, the Planning & Development Service Department submitted a proposal to establish a Complete Streets Citizen Advisory Commission and a Complete Streets Technical Advisory Commission as described above.
- After some discussion, the R & A Committee directed the Department to prepare an ordinance for a single advisory group with a maximum of 9 members that included representatives from a variety of interest groups.
- The Complete Streets Steering Committee (CSSC), a group of volunteers that has served as an informal advisory group for the Complete Streets Program to date, drafted the attached ordinance. It is generally based on several other county committees' and commissions' structures and functions. The principal difference is that this ordinance proposes a "tiered" appointment of members by specific representative groups.
- The rationale for this proposal is to ensure that all appropriate interest groups are constantly represented over time and that no more than one-third of the Richland County Complete Streets Commission is eligible for appointment at one time. The "tiered" approach also promotes more membership continuity over time.
- The ordinance provides that the initial appointments will be **three** members for a one year term; **three** members for a two year term; and **three** members for a three year term. Thereafter, all appointments will be for three year terms.
- There is no particular significance to the CSSC's specific proposed initial appointments.
- The ordinance requires the Commission to adopt Rules of Procedure within 90 days after the first meeting.



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SECTION 2-326, BOARDS AND COMMISSIONS CREATED AND RECOGNIZED; SO AS TO CREATE A RICHLAND COUNTY COMPLETE STREETS COMMISSION, AND SETTING FORTH THE CONDITIONS UNDER WHICH SAID COMMISSION SHALL FUNCTION AND THE RESPONSIBILITIES OF SAME.

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions created and recognized; is hereby amended to create a new subsection, to read as follows:

(m) *Richland County Complete Streets Commission.*

- (1) *Creation.* There is hereby created a Richland County Complete Streets Commission, hereinafter known as the Commission, or RCCSC.
- (2) *Membership.* The Commission shall consist of nine (9) members, with one representative of each of the following general interest groups at all times: one (1) representative from the South Carolina Department of Health and Environmental Control (DHEC); one (1) representative from the American Association of Retired People (AARP) regional office; one (1) representative from neighborhood advocacy interests; one (1) representative from District One of the South Carolina Department of Transportation (SCDOT; one (1) representative from the Central Carolina Realtors Association; one (1) representative from the Homebuilders Association of Greater Columbia; one (1) representative from cycling advocacy interests; one (1) representative from the Richland County municipalities; and one (1) representative from Americans with Disabilities Act (ADA) advocacy interests.

The Commission may select ex-officio members as may be useful in assisting in the Commission's duties. All members shall serve without compensation, and shall be appointed by the Richland County Council.

- (3) *Terms of Members; Election of Chairperson; Meetings.*
  - a. Initially, three (3) members shall be appointed for a one year term; three (3) members for a two year term; and three (3) members for a 3 year term. Thereafter, all appointments shall be for a three year term. The initial appointments shall be as follows:

1. Three year terms for the ADA advocacy representative; Central Carolina Realtors Association representative; and the DHEC representative; and
  2. Two year terms for the AARP representative; the municipal representative; and the cycling advocacy representative; and
  3. One year term for the residential neighborhood advocacy representative; the District One SCDOT representative; and the Homebuilders Association of Greater Columbia representative.
  4. After the initial appointments, each new appointment shall be for a three year term.
  5. Appointments to a vacancy shall be for remainder of the representative's current term.
- b. The Commission shall annually elect a chairperson and a vice-chairperson by a majority vote of its respective membership.
  - c. The Planning and Development Services Department shall provide administrative support to the Commission.
  - d. The Commission shall meet monthly during the second week of the month and shall not begin before 5:00 PM. The Chairman may call a special meeting at any time with a minimum seven (7) days notice to the members.
  - e. All meetings of the Commission shall be conducted in compliance with the South Carolina Freedom of Information Act.
- (4) *Duties.* The Commission shall review and comment regarding proposals to implement the Richland County Complete Streets Program Goals and Objectives, adopted July 6, 2010, and as may be periodically amended thereafter. Said proposals, may include, but are not limited to, regulations and/or procedures to:
- a. Improve cycling and pedestrian facilities and safety; and
  - b. Complete a comprehensive sidewalk improvement program for County Council consideration by June 2012; and
  - c. Increase the number of CMRTA Park-n-Ride facilities; and



- d. Preparation of a countywide ADA Transition Plan for County Council consideration by June 2014; and
  - e. Develop measures to reduce pedestrian and cycling accidents; and
  - f. Other duties as may be assigned by the County Council.
- (5) *Procedures.* The Richland County Complete Streets Commission shall adopt Rules of Procedure by which meetings and activities of the Commission will be conducted no later than ninety (90) days after its first scheduled meeting. Such Rules shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.

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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2011

\_\_\_\_\_  
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:  
Second Reading:  
Third Reading:

# Richland County Council Request of Action

**Subject**

In the absence of an established Richland County Council policy/rule regarding agency Directors making endorsements of candidates for positions on their respective Boards and/or Commissions appointed by Richland County Council, I move that the Rules & Appointments Committee evaluate this situation and make a recommendation to the full Council to establish a policy on this matter. **[PEARCE]**

# Richland County Council Request of Action

## **Subject**

2011 Council Retreat Items:

- a. 2011 Annual Goals [**PAGES 214-217**]
- b. Strategic Plan 2011 Annual Action Plan [**PAGES 218-221**]
- c. 2011 Legislative Items [**PAGES 222-225**]
- d. 2011 Items for Further Analysis [**PAGES 226-238**]

# 2011 Richland County Council Annual Goals

The following goals were mentioned by various Council Members at Retreat. Council may amend these goals as they see fit.

Council's approval of these Annual Goals (or an amended list) is requested.

## County □ City Departmental Consolidation

**Goal:** Consolidate certain departments / divisions with the City of Columbia [Hutchinson]

**Council Directives:** Determine potential consolidation areas with the City of Columbia (such as Planning, Stormwater, and GIS). Consolidation / Privatization Committee appointed by Chairman will provide recommendations to Council as discussions with City progress.

## Neighborhood Improvement

**Goal:** Create a Master Plan for Lower Richland (Highway 378 – River – Sumter Line) [Washington]

**Council Directives:** Create a Master Plan for Lower Richland. Funding to be identified in the FY 12 budget process. Consider where small businesses should be allowed.

## FY 12 Budget

**Goal:** Flat budgets for: Contractual, Statutory, Millage Agencies

**Council Directives:** All Contractual, Statutory, and Millage Agencies should forward flat budgets for FY 12.

## **FY 12 Budget**

**Goal:** ~~No Tax Increase Budget or~~ Responsible Budget for the General Fund.

**Council Directives:** ~~Council is requested to direct the County Administrator to create either a No Tax Increase Budget or a Responsible Budget. The Administrator is to present Council with a Responsible FY 12 budget. Staff is also requested to tie budget items to the Strategic Plan, as applicable. [Manning, Pearce, Jeter] The repeal of the Mass Transit Fee Ordinance is to be presented and incorporated during the FY 12 Budget Process. [Referred to the 2011 Council Retreat Work Session by the D&S Committee at its January 25 Meeting.]~~

## **Fire Service**

**Goal:** Determine Future of Fire Service in Richland County

**Council Directives:** Pursue additional investigations of current Fire Service arrangement. Direct the County Administrator to explore a County-City Consolidation plan to include a "Hybrid (Volunteer and Paid) Fire Department" overseen by a commission. [Washington] [Council direction requested regarding extent of investigations to occur.] Council direction is scheduled for the February 1, 2011 Council Meeting.

## **Sustainability Director**

**Goal:** Determine the viability of a Sustainability Director.

**Council Directives:** Develop a Job Description for the Sustainability Director, and determine how the position could structurally fit into the County organization. Present information to Council for discussion and direction on funding.

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## **FY 12 Budget**

**Goal:** Responsible Budget for the General Fund.

**Council Directives:** The Administrator is to present Council with a Responsible FY 12 budget. Staff is also requested to tie budget items to the Strategic Plan, as applicable. [Manning, Pearce, Jeter] The repeal of the Mass Transit Fee Ordinance is to be presented and incorporated during the FY 12 Budget Process. [Referred to the 2011 Council Retreat Work Session by the D&S Committee at its January 25 Meeting.]

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# Richland County Strategic Plan 2011 Annual Action Plan

The following Annual Action items were mentioned by various Council Members at Retreat. Council may amend these items as they see fit. These Annual Action Plan items are *in addition* to the ongoing Strategic Plan tasks currently underway by staff.

Council's approval of these Annual Action Plan items (or an amended list) is requested.

## Strategic Priority 1: Manage Growth

### Tasks:

1. Add water and sewer plan information to the Strategic Plan  
[Pearce, Washington]
2. Determine where growth should / should not occur  
[Malinowski]
3. Add "corridor improvement incentives" as a task under  
Strategy # 2: Protect and revitalize established communities by  
promoting and investing in neighborhood redevelopment.  
[Livingston]

## Strategic Priority 4: Promote Economic Opportunities

### Tasks:

1. Consider Bbusiness incentives to hire non-violent offenders  
[Rose] [Open for discussion based on staff's research and recommendations.]
2. Inventory Green Industries in Richland County [Washington]
3. Business incentives for Green Industries [Washington]
4. Green Industrial Park [Washington]
5. Small business forum: What are their concerns / obstacles?  
Incentives they'd like to see, etc. [Hutchinson]
6. Identify incentives for businesses to locate in Community Centers (possibly Gadsden at Bluff & Congaree Road; Town of Eastover; Wateree Community; Hopkins at Lower Richland; and Back Swamp Road; etc.) [Washington]
7. Develop a "Green Industrial Park" possibly at Bluff Road (SC-48) and US-601. [Washington]

## Strategic Priority 5: Engage the Community

### Tasks:

1. Improve appearance of County by improving interchanges.  
Use Special Services? Contract out? Partner with DOT?  
[Hutchinson]
2. Web Site Redesign [Washington]

# Richland County Strategic Plan 2011 Annual Action Plan

The following Annual Action items were mentioned by various Council Members at Retreat. Council may amend these items as they see fit. These Annual Action Plan items are *in addition* to the ongoing Strategic Plan tasks currently underway by staff.

Council's approval of these Annual Action Plan items (or an amended list) is requested.

## Strategic Priority 1: Manage Growth

### Tasks:

1. Add water and sewer plan information to the Strategic Plan  
[Pearce, Washington]
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[Malinowski]
3. Add "corridor improvement incentives" as a task under  
Strategy # 2: Protect and revitalize established communities by  
promoting and investing in neighborhood redevelopment.  
[Livingston]

## Strategic Priority 4: Promote Economic Opportunities

### Tasks:

1. Consider business incentives to hire non-violent offenders  
[Rose] [Open for discussion based on staff's research and recommendations.]
2. Inventory Green Industries in Richland County [Washington]
3. Business incentives for Green Industries [Washington]
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7. Develop a "Green Industrial Park" possibly at Bluff Road (SC-48) and US-601. [Washington]

## Strategic Priority 5: Engage the Community

### Tasks:

1. Improve appearance of County by improving interchanges.  
Use Special Services? Contract out? Partner with DOT?  
[Hutchinson]
2. Web Site Redesign [Washington]

## 2011 Legislative Items

The following legislative items were mentioned by various Council Members at Retreat. Council may amend these items as they see fit.

Council's approval of these 2011 Legislative Items (or an amended list) is requested.

1. Clarify intent of Evidence Protection Act. [Pearce]
2. TRAC recommendations re: tourist dollars; Include Congaree National Park [Washington]
3. Review Representative James Harrison's legislation regarding County Council's options for the structure of the Recreation Commission and other Special Purpose Districts. [Livingston]  
Consider drafting Resolution regarding Council's position on this legislation. [Jackson; Also referred to the 2011 Council Retreat Work Session by the D&S Committee at its January 25 Meeting.]
4. Impact fees for transportation improvements. [Hutchinson]
5. Verification of CTC Funding [Hutchinson]
6. Develop a process for Council to contact Legislators. (Strategies to best communicate with Legislators.) [Jeter]
7. Track optional County Tax on gasoline pre-filed bill by Representative Bales. [Hutchinson]

8. Explore the transfer of SCDOT roads to the County. [Jackson; Also referred to the 2011 Council Retreat Work Session by the D&S Committee at its January 25 Meeting.]

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The following items for further analysis were mentioned by various Council Members at Retreat. Where action has already occurred, a notation is listed as "Staff response." Council may remove items from this list, or provide further clarification / direction to staff regarding these items. As these items are acted upon throughout the year, staff will provide updates to Council.

Council's approval of this list (or an amended list) is requested.

1. Can Richland County contract with a private water company to provide water to unincorporated Richland County? [Jackson]
2. Chairman Livingston appoint a committee to work with the Administrator and public safety elected officials on their FY 12 budgets. Rose and Malinowski expressed interest in being members of this committee. Washington requested this committee review trends for budget amendments for elected officials.
- ~~3. Tie the budget to the Strategic Plan. [Manning-Pearce] Placed with "FY 12 Budget" Annual Goal.~~
4. Automate Pavement Management Evaluation System versus visual site survey. [Washington] [Staff response: DPW is in the process of addressing.]

5. Responses to the following questions have been requested of the County Attorney [Hutchinson]:
  - For what can the City's water revenues be used?
  - Is the transfer of water revenues to other accounts legally permissible?
  - Is there a limit on the rates that the City can charge in unincorporated Richland County?
6. Gills Creek Watershed Update [Pearce]
7. Email Economic Development Director Job Description to Council [Staff response: Done.]
8. Email list of proposed Departments to be audited (Internal Audits) [Staff response: Done.]
9. Review satellite access to Channel 2 to those individuals without cable access. [Staff response: PIO researching.]
10. Have someone explain Annexation to Council. [Pearce] [Staff response: Administrator will contact an individual to review this item with Council at an upcoming Zoning Public Hearing.]
11. Purchase energy efficient vehicles. [Rose] [Staff response: The County currently has approximately 50 alternative fuel vehicles. The County is scheduled to purchase an additional 6 hybrid vehicles for its fleet in FY 12, per the EECBG funds. Green Fleet logos have also been added to our fleet to put the County's "green" efforts in the public eye.]
12. Partner with the City of Columbia to use used oil to run vehicles. [Hutchinson, Malinowski]

13. Incentives for bio-fuels farmers. [Hutchinson]
14. Incentives for people to purchase investment properties.  
[Rose]
15. Planning Cooperation with the City. [Rose] [Staff response:  
Will be discussed in Consolidation / Privatization Committee.]
16. Should Richland County get into the sewer / water business?  
[Washington]
17. Address water quality issues in Richland County. [Washington]
18. Identify the quarter and date on future Strategic Plan Quarterly  
reports. [Manning] [Staff response: Done.]
19. Establish programs for at-risk youth; Form a Committee with  
City of Columbia, School Boards. [Rose] [Pearce recommended  
this Committee, if created, meet with the Sheriff, CASA, churches,  
DSS, RCRC, etc. before proceeding; Kennedy wants to be on this  
Committee.]
20. Signs enforcement [Kennedy]
- ~~21. Sustainability Director [Manning] Placed as a 2011 Annual  
Goal.~~
22. The Administrator is to notify the Decker Boulevard Business  
Coalition if Council chooses to locate facilities in the corridor.  
[Kennedy, Dickerson]
23. Email the Phase I Regional Sports Complex Study (Kahn  
Company) to Council. [Staff response: Done.]

24. Unsafe Housing Item [Not addressed at Retreat due to timing issues.] [Staff response: February Committee item]
25. Alternative Work Schedule [Not addressed at Retreat due to timing issues.] [Staff response: An email to Council will be forwarded in the next few weeks.]
26. Send the Hamilton-Owens Airport Economic Impact Study performed by Wilbur Smith Associates to Council. Provide the link to the Airport Master Plan Update: <http://www.cubmasterplan.com/> [Staff response: Done.]
- ~~27. —Develop a process for Council to contact Legislators [Jeter]~~  
Placed on the 2011 Legislative Items list.
28. Send Legislative Delegation Reception information to Council and Governmental Affairs Team. [Staff response: Done.]
29. Request Phase III Bond Projects from the RCRC. [Livingston]
30. Consider Disparity Study for the County. [Washington] [Staff response: County Administrator will meet with agency regarding possible study.]
31. Email Retreat PowerPoint presentations to Council. [Staff response: Done.]
32. Housing Trust Fund Update [Jackson] [Staff response: Sparty Hammett to follow up with Valeria Jackson.]
33. Email Organization Chart to Council. [Pearce] [Staff response: Done.]

34. What options exist to amend the structure of the Assessor's Office? Legal Department is to research and report findings to Council. [Manning]
35. Develop a Right of Way Policy. [Hutchinson, Jackson]
36. Explore expansion of DSS facility on Two Notch Road and/or look at purchasing additional property at DSS site for the relocation of the Health Department. [Jackson]
37. Provide Council with updated information on the costs of potential land purchases for the space allocation items. [Malinowski] [Staff Response: JMP emailed Council letter re: Dutch Square Mall purchase January 14, 2011.]
38. Bring options for Road Performance Bonds to Council [Hutchinson]
39. Mitigation Bank
  - a. Bring back written documentation for negotiations to occur.
  - b. Consider Northeast Regional Sports Complex property for mitigation credits. [Hutchinson]
40. Historic Columbia Foundation
  - A list of improvement projects, in priority order, needed for the County's two historic homes (Hampton-Preston and Woodrow Wilson) [Jeter]
  - An alternative financing plan that only addresses the projects that must be completed in order to maintain the structural integrity, security and safety of the homes [Pearce]
  - The amount of tourist dollars generated by the County's two homes. [Malinowski]

- The number of people who annually visit the County's two homes. [Malinowski]
  - Address different cultures. [Washington]
  - Request financial assistance from the Presbyterian Church. [Washington]
41. Funding Options for Transit [Malinowski]
- a. Deed Recording Fee [Staff response: Prohibited by State Law]
  - b. Employee Sponsored Commuter Program [Staff response: The business community has not expressed interest in this initiative, and has further stated that public transit is a public issue.]
  - c. Admissions Tax [Staff response: Prohibited by State Law]
  - d. Staff, at Council's direction, will see alternative means of funding transportation through the Legislature.
42. FY 12 Budget Motions List Items:
- a. Internal Audits
    - i. Efficiency Study re: Number of County Employees [Hutchinson]
  - b. Good to Great [Council]
  - c. Midlands Housing Authority Operations Funding [Pearce]
  - d. County Website [Manning, Jeter]
  - e. Historic Columbia Funding for two County-owned Historic Homes

43. Staff explore the feasibility of paperless opportunities in various Richland County Departments. [Rose]



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  - e. Historic Columbia Funding for two County-owned Historic Homes
40. Staff explore the feasibility of paperless opportunities in various Richland County Departments. [Rose]

# Richland County Council Request of Action

**Subject**

Fire Service Audit Options:

- a. Complete the audit
- b. Obtain enough information to redraft the Fire Service Agreement

# Richland County Council Request of Action

**Subject**

2012 Budget Calendar [**PAGES 241-242**]



***DRAFT***



## **Budget Calendar for Fiscal Year 2011 – 2012**

December 15, 2010	Budget Kickoff Meeting
January 6-7, 2011	County Council Planning Retreat
January 28	All Internal Department Budget Worksheets are due to Budget Office.
February 14	Review New Position requests with Human Resources.
February 15	Presentation of budget calendar to County Council for adoption.
February 25	Accommodations and Hospitality Tax grant applications due to Grants Manager.
February 7 – March 4	Council Members and Administrator to meet with school district representatives and other millage agencies.
February 14 – March 18	Administrator's Budget Meetings with Elected and Appointed Officials and Department Directors to review individual departmental requests.
March 4	Discretionary Grant request due to Grants Manager.
March 8	Presentation of Total General Fund Budget request to Administrator for review.
April 1	Hospitality Tax & Accommodation Tax Recommendations are due to Budget Manager.
April 8	Discretionary Grants, Neighborhood Grants, Conservation Grants recommendations due to Budget Manager.
April 15	Submit advertisement for Budget 2 <sup>nd</sup> reading and Public Hearing.
May 3	Council work session 3 – 6pm Presentation of General Fund Budget by County Administrator; Review Special Revenue & Enterprise Funds
May 3	First Reading of county budget and millage ordinances (title only) by Council.

**\* All Dates are subject to change**

**Item# 39**

# ***DRAFT***



- May 5 Council Work session 4-6pm
- May 6 Millage Agency Budget Requests are due to Richland County Budget Office.
- May 10 Council Work session 4-6pm
- May 12 Council work session 4-6pm
- May 17 Council to receive millage agency requests
- May 19 Public Hearing - 6pm
- May 26 Special Called Meeting - 2nd reading of Budget and Millage Ordinance – 6pm
- June 2 Special Called Meeting – 3rd reading and adoption of Budget Ordinance – 6pm
- July 1 Begin new fiscal year with implementation of adopted budget

# Richland County Council Request of Action

## **Subject**

- a. Based on a fabulous idea by Councilman Norman Jackson, I move that County Council institute a State of the County Address like the State of the Union, State, and City **[MANNING]**
- b. Motion that County staff be directed to research the viability and costs associated with streaming council meetings live via the county website, furthermore, I also move that staff research and evaluate the resources needed to video tape council meetings for re-broadcast on the County's cable channel **[ROSE]**
- c. Based on the economy and decreased revenues, which would appear to reduce workload on staff, I move that a moratorium be placed on any hiring for positions that become vacant due to retirements or resignations **[MALINOWSKI]**
- d. Have the Administrator encumber as much of the general budget reserve fund as possible in the event the State creates an ordinance stating counties with reserve funds must use these funds for running the County **[MALINOWSKI]**
- e. Resolution Honoring Odell Harris **[WASHINGTON]**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda