



RICHLAND COUNTY COUNCIL

ADMINISTRATION AND FINANCE COMMITTEE

Greg Pearce	Torrey Rush	Joyce Dickerson (Chair)	Damon Jeter	Paul Livingston
District 6	District 7	District 2	District 3	District 4

**OCTOBER 22, 2013
6:00 PM**

2020 Hampton Street

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: September 24, 2013 [PAGES 4-6]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Richland County Sheriff's Department Funding Request for Security Camera Array [PAGES 7-10]
3. Elections & Voter Registration Office & Warehouse Consolidation [PAGES 11-14]

4. Approval of Elections and Voter Registration Budget Amendment [**PAGES 15-26**]
5. Request to Purchase Real Property – Decker Boulevard Acquisition Project (FEMA Grant) [**PAGES 27-52**]
6. Midlands Healthcare Collaborative (MHC): Use of Third Floor in Richland County Health Department for Free Comprehensive Healthcare Center and In-Kind Assistance [**PAGES 53-60**]
7. Ending the Hospitality Tax Program [**PAGES 61-71**]
8. Hospitality Tax Ordinance Agency Procurement [**PAGES 72-74**]
9. Hospitality Tax Ordinance Agency Spending in Unincorporated Richland County [**PAGES 75-86**]
10. Public Hearing and Resolution in Support of Bonds for Affordable Housing Project [**PAGES 87-95**]
11. Richland County LED Lighting Pilot Project [**PAGES 96-98**]
12. Request for Public Hearing and Adoption of Support Resolution regarding Not Exceeding \$100,000,000 South Carolina Jobs-Economic Development Authority Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), Series 2013 (the “Bonds”) [**PAGES 99-106**]

ADJOURNMENT



Special Accommodations and Interpreter Services

Citizens may be present during any of the County’s meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including

auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

Richland County Council Request of Action

Subject

Regular Session: September 24, 2013 [PAGES 4-6]

Reviews

MINUTES OF



RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE TUESDAY, SEPTEMBER 24, 2013 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: Joyce Dickerson
Member: Damon Jeter
Member: Paul Livingston
Member: Greg Pearce
Member: Torrey Rush

ALSO PRESENT: Kelvin Washington, Bill Malinowski, Norman Jackson, Seth Rose, Jim Manning, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Warren Harley, Daniel Driggers, Brad Farrar, Tracy Hegler, Geo Price, Rodolfo Callwood, Andy Metts, Ray Peterson, Sara Salley, Amelia Linder, Kecia Lara, Randy Cherry, Pam Davis, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 6:01 p.m.

APPROVAL OF MINUTES

July 23, 2013 (Regular Session) – Mr. Rush moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Rush moved, seconded by Mr. Livingston, to adopt the agenda as distributed. The vote in favor was unanimous.

ITEMS FOR ACTION

Contract Award: Engineering Design Services for the Lower Richland Sanitary Sewer Project – Mr. Pearce moved, seconded by Mr. Rush, to forward to Council without a recommendation. A discussion took place.

Item# 1

The vote in favor was unanimous.

Public Defender Attorney Compensation and Retention Plan – Mr. Jeter moved, seconded by Mr. Rush, to forward to Council with a recommendation to approve the request to establish a schedule to raise salaries for attorneys in the Public Defender's Office in order to retain qualified personnel. A discussion took place.

The vote in favor was unanimous.

UPDATE: Collecting Hospitality Taxes at Sponsored Events – Committee received update; no action was taken.

Eastern Federal Lands Access Program Grant –Mr. Livingston moved, seconded by Mr. Rush, to forward to Council with a recommendation to approve the Eastern Federal Lands Access Program grant for the Leesburg Road Widening Project, if awarded. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 6:19 p.m.

Submitted by,

Joyce Dickerson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Richland County Sheriff's Department Funding Request for Security Camera Array **[PAGES 7-10]**

Reviews

Richland County Council Request of Action

Subject: Richland County Sheriff's Department Funding Request for Security Camera Array

A. Purpose

Councilwoman Dickerson and the Richland County Sheriff's Department are jointly requesting the addition of a security camera array to be deployed in the county as a crime prevention mechanism. This request is being made jointly by RCSD and Councilwoman Dickerson.

B. Background / Discussion

The Richland County Sheriff's Department uses a variety of methods to address crime within the county. Cameras increase the perception of safety among law abiding citizens while their surveillance capabilities can enhance efficiencies by alerting law enforcement of crimes and potentially dangerous situations as they occur and provide crucial information that help law enforcement the safest way to respond. Video footage documenting criminal activity and identifying perpetrators and witnesses also aid in investigations and prosecutions, increasing law enforcement and prosecution efficiency, benefiting crime victims whose cases are able to be closed through the use of video evidence as well as deterring a greater number of offenders from committing future crimes.

The department currently has a limited number of cameras available. As such, the department is requesting funding for a 22 camera system array to be deployed in identified "Hotspots" within the county to add additional capability in the prevention of crime and the development of investigative information.

C. Legislative / Chronological History

At the September 10, 2013 Council meeting, Ms. Dickerson made the following motion:

"Consider purchasing security cameras as a crime prevention mechanism and for the safety of the citizens in Richland County to be placed in strategic locations along distressed corridors and communities where crime is increasingly an issue per the recommendation of Sheriff Leon Lott and the Community Action Team (CAT)."

This item was forwarded to the October 22, 2013 A&F Committee meeting.

D. Financial Impact

Funding: Funding is requested from General Fund. The department has used forfeiture and seizure funds to establish the current limited capability.

First Year Cost: \$68,090 – The cost reflects the purchase, installation, maintenance, data download and data storage.

Subsequent Year (s) recurring: \$24,090 – The recurring costs reflects a \$3 per day per camera monitoring/maintenance/data download and storage/camera relocation.

22 Camera System Array @ \$2,000 each.	\$44,000.00
Daily Monitoring - \$3 per camera array per day (\$1,095) recurring	\$24,090.00
Total	\$68,090.00

E. Alternatives

1. Approve the request to fund the proposed addition of security camera capability to be deployed in identified “Hotspots” as a crime prevention mechanism.
2. Do not approve the request to fund the proposed addition of security camera capability to be deployed in identified “Hotspots” as a crime prevention mechanism. RCSD will need to address the added investigative capability by utilizing human resources to collect information.

F. Recommendation

It is recommended that Council approve the request for funding of the security camera array.

Recommended by: Sheriff Leon Lott Department: RCSD Date: September 16, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 10/11/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

This is a funding decision for Council based on County Council’s priorities. Approval would require a budget amendment with three readings and a public hearing and identification of a funding source.

Procurement

Reviewed by: Rodolfo Callwood Date: 10/11/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 10/11/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion.
Things to consider: 1) Make sure the cameras monitor public areas 2) Establish guidelines to curtail potential misuse of the system and recordings 3) Understand that

any recordings may be releasable under FOIA 4) Be mindful of the Constitutional protections of citizens (i.e. again be careful of misuse).

Administration

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Administration is supportive of the request for security cameras; however, because we are essentially halfway through the fiscal year, it would be better if this request is funded in the 2014-15 Budget year.

Richland County Council Request of Action

Subject

Elections & Voter Registration Office & Warehouse Consolidation **[PAGES 11-14]**

Reviews

Richland County Council Request of Action

Subject: Elections & Voter Registration Office & Warehouse Consolidation

A. Purpose

County Council is requested to approve the consolidation of the Richland County Elections & Voter Registration Office and Warehouse.

B. Background / Discussion

The Richland County Elections & Voter Registration Office combined in July 2011. As of October 2013, the Elections & Voter Registration Office currently owns the following election related equipment:

- 947 iVotronic Machines
- 149 ADA Voting Machines
- Booths
- Flashcards
- Personalized Electronic Ballots (PEB's)



- Printers
- Batteries
- Laptops
- Related Election Equipment

Elections & Voter Registration Warehouse

The election machines and related equipment are currently stored in an offsite facility. On a daily basis, staff members must drive from the County Administration Building to the offsite warehouse facility to clear and test machines, conduct preventive maintenance on the machines and related equipment while organizing and preparing the machines for upcoming elections.

The warehouse is not climate controlled which negatively impacts the computerized equipment. Additionally, the warehouse contains many water leaks, insulation is falling from the ceiling, and electrical issues are the norm. Water leaks have spilled over onto voting machines and other electrical equipment which in turn has caused machine malfunctions. As recently as September 2013, the warehouse experienced electrical issues which resulted in a voting machine being destroyed and having to be replaced by the manufacturer. Additionally, the warehouse is currently at capacity.

With the addition of the 25 new precincts, additional 195 iVotronic Voting Machines and related equipment must be purchased in order to meet South Carolina Code of Laws 7-13-740 and South Carolina Code of Laws 7-7-465 in order to provide enough machines for the 25 new precincts which will take effect in January 2014.



Elections & Voter Registration Warehouse Ceiling



Elections & Voter Registration Warehouse Water Leak



C. Legislative / C

At the September 10, 2012 Council Meeting, Councilman Jackson made the following motion, which was forwarded to the October 22, 2013 D&S Committee meeting:

“Start a search for the relocation of the storage of Election Voting Machines and equipment and possible the Election Commission's office.”

D. Financial Impact

The financial impact associated with this request has not yet been determined.

E. Alternatives

1. Approve the request to approve the consolidation of the Richland County Elections & Voter Registration Office and Warehouse.
2. Do not approve the request to approve the consolidation of the Richland County Elections & Voter Registration Office and Warehouse.

F. Recommendation

It is recommended that County Council approve the request to consolidate the Elections & Voter Registration Office and the Warehouse.

Recommended by: Howard Jackson Department: Elections & Voter Reg. Date: 10/4/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation is not based on the concept of the request but rather the fact that the strategy has not been developed as part of the County’s capital planning and that no funding has been identified or designated for the project by Council. The current operation and storage facility are housed in county-owned facilities therefore approval would be an increase to the on-going County operations cost.

It is also reasonable to believe that if a consolidated facility is approved there will also be additional related personnel and operating cost. It is recommended that the County

determine the total one-time and recurring operating cost of decision and identify a long-term funding plan source prior to approval.

Legal

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, any change in the location/organizational structure of the Voter Registration and Elections Office itself may be premature given the current status of the law concerning the Board.

Administration

Reviewed by: Tony McDonald

Date: 10/17/13

Recommend Council approval

Recommend Council denial
(at this time)

Comments regarding recommendation: Recommend that this request be incorporated into the budget process for fiscal year 2015 and considered as a potential item in the capital bond issue for that year. This will give staff time to more adequately explore the need for additional space, the associated costs, and the availability of space to meet the need. Delaying this request will also allow time for resolution of the issue concerning the constitutionality of the law merging the Elections and Voter Registration Offices.

Richland County Council Request of Action

Subject

Approval of Elections and Voter Registration Budget Amendment [**PAGES 15-26**]

Reviews

Richland County Council Request of Action

Subject: Approval of Elections and Voter Registration Budget Amendment

A. Purpose

County Council is requested to approve a budget amendment in the amount of \$658,122.56 for the Elections & Voter Registration Office for the purpose of purchasing voting machines, related equipment and the approval of a Voter Outreach Coordinator position.

B. Background / Discussion

Richland County Legislative Delegation recently created and approved 25 new precincts to be implemented on January 1, 2014.

In compliance with South Carolina Code of Laws 7-13-740 and South Carolina Code of Laws 7-7-465, the directives of Council and in order to avoid a potential shortage and lack of machines which was experienced in the 2012 General Election, the Elections and Voter Registration Department has developed and would like approval of the following action plan:

1. Increase the current inventory of voting machines and related equipment with the following additions (see Appendix 1, Table 1 for cost breakdown):
 - a. 170 Refurbished iVotronic Machines
 - b. 25 ADA (Americans with Disabilities Act) Machines
 - c. 170 Booths
 - d. 25 Communication Packs with Printers
 - e. 1-Year Hardware & Software Warranty (includes 6 month complimentary extended warranty).
2. Renew the FY2014 Maintenance & Licensing Agreement for the maintenance and licensing agreement (see Appendix 1, Table 2 for cost breakdown).
3. Pay outstanding invoices for repairing voting machines and related equipment in preparation for upcoming elections. This ensures all County-owned voting machines and election equipment is in proper working condition and available for use in upcoming and future elections (see Appendix 1, Table 3 for cost breakdown).
4. Create and fund a Voter Outreach Coordinator position which will be responsible for educating Richland County citizens on the new Photo ID laws and will serve as a point of contact for voters, while increasing confidence and trust in the election process (see Appendix 1, Table 4 for cost breakdown).
5. Purchase laptops and related equipment to be used at polling locations to provide Electronic Voter Registration Lists (EVRs) that enable poll managers to electronically search for voters and record voter participation (see Appendix 1, Table 5 for cost breakdown).

C. Legislative / Chronological History

At the November 13, 2012 Council meeting, Councilman Jackson made the following motions, which were added to the December 2012 D&S Committee agenda:

Item# 4

1. “Work with the Voter's Registration/Election Commission to identify inadequate precincts in each district and recommend replacement sites. Preferably a park, gym or school to accommodate a large crowd inside.

“Reason: Based on the new census each district has increased immensely and some facilities cannot accommodate the crowd. Citizens should not have to be waiting on the road facing traffic and endangering their lives.”

2. “Richland County Council develops a report from the Legislative Delegation's hearing including a course of action to support resolving the unfortunate Election Day problems.”

D. Financial Impact

Itemization of Cumulative Costs Associated with Requests

Item No.	Item Description	Cost
1	Addition of Voting Machines and Related Equipment	\$392,872.00
2	Renewal of FY2014 Maintenance & Licensing Agreement	\$ 69,624.90
3	Payment of Outstanding Invoices for Repairing Voting Machines and Related Equipment	\$ 7,554.11
4	Addition of Voter Outreach Coordinator Position	\$ 42,500.00
5	Purchase of Laptops and related equipment for polling locations	\$145,571.55
Total		\$658,122.56

E. Alternatives

1. Approve the request to amend the budget in the amount of \$658,122.56 for the Elections & Voter Registration Office for the purpose of purchasing voting machines, related equipment and the approval of a Voter Outreach Coordinator position.
2. Do not approve the request to amend the budget in the amount of \$658,122.56 for the Elections & Voter Registration Office for the purpose of purchasing voting machines, related equipment and the approval of a Voter Outreach Coordinator position.

F. Recommendation

It is recommended that Council approve the budget amendment in the amount of \$658,122.56 for the purposes outlined above.

Recommended by: Howard Jackson Department: Elections & Voter Reg. Date: 10/4/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/15/13

Recommend Council approval

Recommend Council denial

Item# 4

Comments regarding recommendation:

Request is a funding decision at Council's discretion based on County priorities and includes \$658k of additional funds but no funding source identified. Approval would require the identification of a funding source and a budget amendment. Based on the information provided, a portion of the request is for one-time capital dollars and part for annual recurring cost. The County's financial policy encourages the use of fund balance for one-time non-recurring items therefore it would be an appropriate use as partial funding.

annual recurring cost \$120k
one-time non-recurring cost \$538k

Procurement

Reviewed by: Rodolfo Callwood

Date: 10/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval if funded; requests is a funding decision at Council's discretion

Human Resources

Reviewed by: T. Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Request is a funding decision at County Council's discretion.

Legal

Reviewed by: Elizabeth McLean

Date: 10/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. I am providing, below, the two statutes cited.

SECTION 7-13-740. Number and construction of booths; only one voter in booth at a time; speaking to voter prohibited.

There must be provided at each polling precinct at least one booth. At least one booth must be provided for each two hundred and fifty registered electors or a major fraction thereof of the precinct. The booths must be made of wood, sheet metal, or other suitable substance; must not be less than thirty-two inches wide, thirty-two inches deep, and six feet six inches high; must have a curtain hanging from the top in front to within three feet of the floor; and must have a suitable shelf on which the voter can prepare his ballot. In primary, general, and special elections, the booths must be provided by the commissioners of election or other electoral board. Only one voter shall be allowed to enter a booth at a time, and no one except as provided herein is allowed to speak to a voter while in the booth preparing his ballot.

AN ACT TO AMEND SECTION 7-7-465, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN RICHLAND COUNTY, SO AS TO REVISE AND ADD CERTAIN PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES AND PRECINCT LINES

Item# 4

OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, TO CORRECT REFERENCES, AND TO PROVIDE FOR ALTERNATE PRECINCT POLLING PLACES UNDER SPECIFIED CONDITIONS.

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

Richland County voting precincts revised

SECTION 1. Section 7-7-465 of the 1976 Code, as last amended by Act 24 of 2007, is further amended to read:

"Section 7-7-465. (A) In Richland County there are the following voting precincts:

Ward 1	Ballentine 1	Friarsgate 2
Ward 2	Ballentine 2	Old Friarsgate
Ward 3	Barrier Free	Gadsden
Ward 4	Beatty Road	Garners
Ward 5	Bluff	Greenview
Ward 6	Blythewood 1	Gregg Park
Ward 7	Blythewood 2	Hampton
Ward 8	Blythewood 3	Harbison 1
Ward 9	Bookman	Harbison 2
Ward 10	Brandon 1	Hopkins 1
Ward 11	Brandon 2	Hopkins 2
Ward 12	Briarwood	Horrell Hill
Ward 13	Bridge Creek	Hunting Creek
Ward 14	Caughman Road	Keels 1
Ward 15	College Place	Keels 2
Ward 16	Cooper	Keenan
Ward 17	Dennyside	Kelly Mill
Ward 18	Dentsville	Killian
Ward 19	Dutch Fork 1	Kingswood
Ward 20	Dutch Fork 2	Lake Carolina
Ward 21	Dutch Fork 3	Lincolnshire
Ward 22	Dutch Fork 4	Longcreek
Ward 23	Eastover	Longleaf
Ward 24	Edgewood	Lykesland
Ward 25	Estates	Mallet Hill
Ward 26	Fairlawn	Meadowfield
Ward 29	Fairwold	Meadowlake
Ward 30	East Forest	McEntire
Ward 31	Acres	Midway
Ward 32	North Forest	Mill Creek
Ward 33	Acres	Monticello
Ward 34	South Forest	North Springs 1
Arcadia	Acres	North Springs 2
Ardincaple	Friarsgate 1	North Springs 3

Item# 4

Oak Pointe 1	Pontiac 2	Spring Valley
Oak Pointe 2	Rice Creek 1	Spring Valley
Oak Pointe 3	Rice Creek 2	West
Oakwood	Ridge View 1	Springville 1
Olympia	Ridge View 2	Springville 2
Parkridge 1	Ridgewood	Trenholm Road
Parkridge 2	Riverside	Trinity
Parkway 1	Riversprings 1	Valhalla
Parkway 2	Riversprings 2	Valley State
Parkway 3	Riversprings 3	Park
Pennington 1	Riverwalk	Walden
Pennington 2	Round Top	Webber
Pine Grove	St. Andrews	Westminster
Pine Lakes 1	Sandlapper	Whitewell
Pine Lakes 2	Satchelford	Wildewood
Pinewood	Skyland	Woodfield
Polo Road	South Beltline	Woodlands
Pontiac 1	Spring Hill	

(B) The precinct lines defining the precincts provided in subsection (A) are as shown on the official map prepared by and on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document P-79-13 and as shown on copies of the official map provided to the Board of Elections and Voter Registration of Richland County by the Office of Research and Statistics.

(C) The polling places for the precincts provided in this section must be established by the Board of Elections and Voter Registration of Richland County subject to the approval of the majority of the Richland County Legislative Delegation.

(D) If the Board of Elections and Voter Registration of Richland County determines that a precinct contains no suitable location for a polling place, the board, upon approval by a majority of the county's legislative delegation, may locate the polling place inside the county and within five miles of the precinct's boundaries."

Time effective

SECTION 2. This act takes effect on January 1, 2014.

Ratified the 11th day of June, 2013.

Approved the 13th day of June, 2013.

Administration

Reviewed by: Tony McDonald

Date: 10/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: In order to meet the requirements of recent legislation establishing additional voting precincts in Richland County, it is

recommended that this request for funds be approved. It is further recommended that the funding source, if approved, be the General Fund fund balance.

Table 1: Addition of Voting Machines and Related Equipment (Note: Customer Loyalty Discount saves \$39,000)

Tabulation Hardware		
Quantity	Item Description	Price
170	iVotronic Voter Terminals @ \$1,695/ea. <i>**Includes Terminal, Supervisor PEB, & Flashcard**</i>	\$288,150.00
25	iVotronic ADA Voter Terminals @ \$1,895/ea. <i>**Includes Terminal, Supervisor PEB, & Flashcard**</i>	\$47,375.00
170	Booths @ \$300.00/ea.	\$51,000
25	Communication Packs @ \$425.00/ea. <i>**Includes modem w/thermal printer**</i>	\$10,625.00
Election Services		
	1 Year Hardware & Software Warranty	Included
	Shipping & Handling	\$2,950.00
	<i>Customer Loyalty Discount</i>	<i>(39,000.00)</i>
	Tax	\$31,772.00
Total		\$392,872.00

* * *

Table 2: Renewal of FY2014 Maintenance & Licensing Agreement (Note: Warranty extended until June 30, 2015 for the additional 195 iVotronic Machines at no additional cost)

<p>Maintenance & License Contract for FY2014 Coverage Dates: July 1, 2013 – June 30, 2014 Total Costs: \$97,113.90</p> <p>Department's FY2014 Budget Program Maintenance & License Amount Approved: \$27,489</p> <p>Difference of: \$ 69,624.90</p>
<p><u>Hardware Maintenance, Software Maintenance & Support</u></p> <ul style="list-style-type: none"> • 947 iVotronic Machines • 195 iVotronic Machines that will be purchased due to the creation of 25 new precincts, effective January 1, 2014 • On-Site Repairs of iVotronic Machines & Equipment

Item# 4

- Model 650 Scanner
- Unity Ballot Image Manager
- Unity Ballot on Demand
- Unity Data Acquisition Manager
- Unity Election Data Manager
- Unity Election Reporting Manager
- Unity Hardware Program Manager
- Unity iVotronic Image Manager

The Elections and Voter Registration Office pays a yearly maintenance and licensing fee with Election Systems & Software which provides hardware maintenance, software maintenance and technical support.

* * *

Table 3: Payment of Outstanding Invoices for Voting Machines Repairs & Related Equipment

Quantity	Item Description	Price
180	Booth Wheels w/Rivets	\$891.00
22	Booth Leg Cups	\$53.90
8	Curly Cords w/Pigtail Cover attached	\$131.60
3	Surge Protectors	\$44.85
3	Pig Tail Covers	\$16.50
52	Booth Plate Sets	\$413.40
1	Blue Latch	\$2.80
5	Booth Legs	\$25.00
3	Motherboard Batteries	\$209.85
34	Power Supplies	\$663.00
13	Leg Cover Doors	\$130.00
1	Replaced Printer Sensor	\$50.00
1	Replaced Knob	\$5.50
1	Replaced Knob	\$5.50
1	Replaced Printer Cable	\$7.50
1	Replaced Knob	\$5.50

1	Replaced Paper Tray	\$7.00
1	Replaced Printer Cable	\$7.50
1	Replaced Knob	\$5.50
1	Replaced Printer Cable	\$7.50
1	Replaced Printer Cable	\$7.50
1	Replaced Knob	\$5.50
1	Replaced Printer Cable	\$7.50
135	Replace PEB Batteries	\$2,018.25
152	Replace PEB Batteries	\$2,272.40
	Taxes	\$559.56
Total		\$7,554.11

- The iVotronic Machines and election related equipment were purchased in 2004. Routine maintenance and repairs are needed to ensure all equipment is in proper working order and available for use in all elections in Richland County.
- Given the upcoming election schedule and the condition of the voting machines, it was imperative to begin the maintenance and repair of the voting machines and related election equipment immediately to assist with restoring public confidence and trust in the election process.

* * *

Table 4: Addition of Voter Outreach Coordinator Position

Proposed Voter Outreach Coordinator Position:
\$42,500 per year

- The need for a Voter Outreach Coordinator position evolved with the passage of the photo ID law that took effect January 2013. As a result of the new law, voter outreach requests have drastically increased in number. In order to try and accommodate the increased number of outreach requests, Elections and Voter Registration Office staff members are working evenings and weekends in order to accommodate the outreach events requests.
- The Voter Outreach Coordinator position will be responsible for educating the citizens of Richland County regarding the new Photo ID Laws and serving as a point of contact for the citizens of Richland County to obtain information regarding voter education and voter registration.
- The Voter Outreach Coordinator will also be responsible for informing citizens of the voter registration process as well as new changes to laws by speaking at functions and demonstrating iVotronic voting machines to educate the citizens of Richland County on the use of voting machines and the voting process.

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Table 5: Purchase of Laptops and Related Equipment for Polling Locations

Quantity	Item Description	Cost
263	Laptops @ \$479.00/ea.	\$125,977.00
177	Bags @ \$31.15/ea.	\$5,513.55
358	Mouse @ \$3.80/ea.	\$1,360.40
312	Memory Cards @ \$6.21/ea.	\$1,937.52
	Taxes	\$10,783.08
Total		\$145,571.55

- Electronic Voter Registration List (EVRL) is an electronic version of the paper voter registration list. An EVRL master list is sent electronically from the State Election Commission (SEC), and the list is loaded onto a laptop and sent to the precinct on Election Day.
- The poll managers use the laptop (EVRL) to search for voters and record voting participation. At the end of the day, the poll clerk returns the laptop/s to the county election office. The election staff then extracts the participation information from the precinct and it is transmitted to the SEC to provide the voter credit for voting in the election.
- Using EVRL's instead of paper voter registration lists enables poll managers to process voters quicker on Election Day and makes it is easier to find and mark the proper voter. Additionally, poll managers are able to search for voters and direct them to their proper precinct as well as create reports that detail the number of individuals who voted at a particular polling location on Election Day.
- The formula for issuing laptops is 1 laptop for every 1500 registered voters in a precinct and 1 laptop at a resolution table to assist voters with issues various issues encountered on Election Day (i.e. voters moving to other address, voters attempting to vote at the wrong precinct, no photo ID, etc.). This formula would provide each polling location with a minimum of 2 laptops.

Paper Voter Registration List



Electronic Voter Registration List



Item# 4

Item# 4

Attachment number 1
Page 11 of 11

Richland County Council Request of Action

Subject

Request to Purchase Real Property – Decker Boulevard Acquisition Project (FEMA Grant) [**PAGES 27-52**]

Reviews

Richland County Council Request of Action

Subject: Request to Purchase Real Property – Decker Boulevard Acquisition Project (FEMA Grant)

A. Purpose

County Council is requested to approve the purchase of real property situated at 2628 Decker Drive, Columbia, SC in the amount of \$550,000 plus approximately \$11,317 in back taxes for a total of \$561,317.

B. Background / Discussion

Richland County applied for a flood mitigation grant through FEMA to implement the following project:

Decker Boulevard Acquisition Project – The property at 2628 Decker Boulevard (Old Zorbas Restaurant) is located within the Special Flood hazard area and contains a structure within the Floodway. Richland County proposes to purchase the property and structure (approximately 3 acres). The County will demolish the structure, remove and dispose of the debris and stabilize the area. This project will remove a structure from the Floodway reducing known flood risks, allow the property owner to realize monetary gains from the property, restore floodplain area, reduce flooding, and improve the overall quality of the area by removing a structure that has a low potential for improvement over time.

County Council approved matching funds for the FEMA Grant application in the FY 2013 budget and those funds have been requested for rollover into the FY2014 budget. An Option to Purchase (attached) was approved by Council and entered into with the owner on December 30, 2012 contingent on the FEMA grant award. FEMA grant was awarded (attached) on September 20, 2013 and we are prepared to proceed with the purchase of the property at the appraised value of \$550,000. The owner/seller is behind approximately \$11,317 on his tax payments and requests, letter attached, that we add that to the purchase price of the property based on his claim that he was unable to rent the property because of the delays in getting the FEMA grant award related to the Federal sequester earlier this year.

C. Financial Impact

Matching funds are required for this grant, were approved in FY 2013 budget, and are in the FY2014 requested rollover funds.

<u>Grant</u>	<u>Grant Funds</u>	<u>Cash Match</u>	<u>In-kind Match</u>	<u>Total</u>
Decker	\$633,448	\$211,150*	\$105,575	\$844,598

(* Approximately \$4,500 of this has already been paid out for appraisals and a Phase 1 Environmental Study)

D. Alternatives

1. Approve the request to enter to purchase real property in the amount of \$550,000 situated at 2628 Decker Drive, Columbia, SC plus approximately \$11,317 in back taxes for a total of \$561,317.

2. Do not approve, do not implement the grant, purchase the property, and utilize \$633,448 of Federal funds.

E. Recommendation

1. It is recommended that Council approve the request to purchase real property in the amount of \$550,000 situated at 2628 Decker Drive, Columbia, SC plus approximately \$11,317 in back taxes for a total of \$561,317.

Recommended by: David Hoops Department: Public Works Date: 4 Oct 13

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 10/10/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

It is unclear if it is appropriate to use Federal grant funds or county match dollars to pay for past due property taxes for the additional \$11,317 therefore recommendation is approval of an alternative 3 – to purchase the property at the \$550,000 as agreed upon in the attached option from 2012.

Procurement

Reviewed by: Rodolfo Callwood Date: 10/14/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Grants

Reviewed by: Sara Salley Date: 10/14/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Public Works has contacted the grantor to seek guidance on the issue of back taxes. Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87) does not provide clear guidance on this issue.

Legal

Reviewed by: Elizabeth McLean Date: 10/15/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)

Comments regarding recommendation: First, I would recommend that Council seek guidance (as Ms. Salley has noted) on the issue of back taxes from the Grant providers at the State and Federal level.

Second, the owners have already agreed in the Option to Purchase Property to pay all taxes up to closing, at which time the current taxes will be prorated (see Sections 8 and

10). Dependent on the response to my first comment, it is up to Council to decide the issue of back taxes.

Third, the owners have written a letter explaining the tax delinquency. In that letter, they allege that “the attorney for the county” informed them that the back taxes could be somehow deducted from the sale of the property. NO ONE from the County Attorney’s Office has personally spoken to the owners; nor has anyone given the owners ANY advice regarding this property acquisition. The County Attorney’s Office represents the government of Richland County and does not advise citizens in their dealings with the County.

Administration

Reviewed by: Sparty Hammett

Date: 10-17-13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to purchase the property at the appraised value of \$550,000. Staff contacted a representative of the property owner and he agreed to the back taxes being paid out of the purchase price. The total purchase price will then be \$550,000 - \$11,316.52 (total back taxes) = \$538,683.48 paid to the property owner.

Attachments

OPTION TO PURCHASE PROPERTY

THIS AGREEMENT is made as of the 30th day of November ^{KCD C.S.} December, 2012, by and between Robert Chen having an address of 2385 Chinquapin Drive, Sumter, SC 29150 (hereinafter "**Grantor**"), and Richland County through its Conservation Commission, a department of Richland County, a South Carolina political subdivision, doing business in South Carolina, whose address is 2020 Hampton Street, Columbia, SC 29204 ("Purchaser").

WHEREAS, Seller is the owner of certain real property situated at 2628 Decker Drive, Columbia in Richland County, State of South Carolina, consisting of approximately two (2) acres being Richland County Tax Map # 16907-03-05 and which is more particularly described in Exhibit "A" attached hereto and made a part hereof (the Property"); and

WHEREAS, Purchaser has requested the exclusive right and option to purchase the property.

NOW, THEREFORE, for and in consideration of the Option Money (as defined below) and other good and valuable consideration hereinafter specified, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows

1. GRANT OF OPTION For and in consideration of the sum of Ten Dollars (\$10.00) (hereinafter referred to as the "Option Money"), the receipt of which Seller hereby acknowledges, Seller does hereby grant, and warrants to Purchaser that it has the right and authority to grant, to Purchaser the exclusive and irrevocable right and option (the "Option") to purchase, for the price and upon the terms and conditions hereinafter set forth, the property more particularly described in EXHIBIT "A" attached hereto and by this reference incorporated herein, comprising two (2) acres, more or less, lying in Richland County, South Carolina (hereinafter referred to as the "Property"). The Option coupled with an interest shall be irrevocable during the initial term of the Option and any extensions of the initial term.

2. TERM OF OPTION. The Option shall remain open and in effect for an initial period commencing with the effective date of this Agreement and ending at 12:00 midnight on December 30, 2013 (the "Term").

3. EXERCISE OF OPTION: The Option may be exercised at any time prior to the expiration of the Term by written notice from Purchaser to Seller either mailed or delivered to Seller as provided below. If the Option is not so exercised prior to the expiration of the Term, this Agreement shall automatically terminate, and, except as expressly provided to the contrary herein, Seller and Purchaser shall have no further rights, obligations or duties hereunder.

4. DISPOSITION OF OPTION MONEY The Option Money is non-refundable

but shall be credited against the amounts due from Purchaser at Closing.

5. PURCHASE TERMS. The purchase price for the Property if the option to purchase is exercised shall be Five Hundred and Fifty Thousand Dollars (\$550,000) (the "Purchase Price") which shall be paid at closing. The Purchase Price shall be payable by crediting the Option Money paid against the Purchase Price, and the balance by cashier's check or wire transfer at Closing; subject to those credits, proration and adjustments provided elsewhere in this Agreement.

6. RIGHT OF ENTRY Purchaser and its authorized representative(s) shall have the right, at any time after the execution by both parties of this Agreement and at Purchaser's sole cost and expense, to enter onto the Property for any lawful purpose, including, but not limited to, making such surveys and site analyses, including soil tests, as Purchaser may deem necessary and appropriate. If Purchaser does not exercise this option, then Purchaser shall restore the land to the condition it was in prior to the execution of this option.

7. TITLE INSURANCE; SURVEY; TIME OF CLOSING

Within thirty (30) days after the Date first written above of this Agreement, Purchaser may order a commitment for title insurance (the "Commitment") issued or underwritten by a title insurance company chosen by Purchaser. Said Commitment shall contain the standard exceptions and exclusions as contained in title insurance commitments and policies issued in the State of South Carolina. Within thirty (30) days after receipt of the Commitment, Purchaser shall give notice in writing to Seller of any defects in or objections to the title as so evidenced, and Seller shall within thirty (30) days of receipt of said notice use good faith efforts to clear the title of the defects and objections so specified. Should said defects not be cured within the thirty (30) day period granted to Seller for the curing of the same, so that Seller is unable to provide title insurance on the Property free and clear of all liens and encumbrances except as aforesaid, Purchaser, at its election, shall have the right to waive the defect(s) or to require Seller to return the Option Money paid. Seller agrees that any mortgage encumbering the fee interest underlying the Property will be retired at Closing.

Purchaser may, at any time after the date of this Agreement and before the Closing, cause a survey acceptable in form to Purchaser and any acquiring governmental entity to be made of the Property by a land surveyor registered in the state where the Property is located. The expense of the survey shall be borne by Purchaser. Purchaser shall furnish Seller with a copy of said survey. The plat of survey shall show the boundaries of, and state the acreage of the Property, rounded to the nearest one-hundredth (1/100th) of an acre. Within thirty (30) days after receipt of the survey, Purchaser shall give notice in writing to Seller of any defects in or objections to the survey as so evidenced, and Seller shall within thirty (30) days of receipt of said notice use good

faith efforts to clear the survey of the defects and objections so specified. Should said defects not be cured within the thirty (30) day period granted to Seller for the curing of the same, so that Seller is unable to provide title insurance on the Property free and clear of all encumbrances except as aforesaid, Purchaser, at its election, shall have the right to waive the defect(s) or to require Seller to return the Option Money paid.

Purchaser agrees to close within the thirty (30) days following its exercise of the Option granted herein, provided there are no defects in or objections to title, or in the event there are defects in or objections to title within thirty (30) days after receipt of a letter from the Title Company certifying the title has been cleared and that all of Purchaser's requirements have been complied with by Seller. The Owner's Policy of title insurance shall be issued as of the date of closing, shall evidence good and merchantable easement interest in the Property (free and clear of or superior to all liens and encumbrances except then current ad valorem taxes), and shall be in an amount equal to the Purchase Price of the Property. The Closing shall take place at the office of the closing agent designated by Purchaser at 12:00 noon, or such other time as the parties may agree. The parties agree that Purchaser may arrange a simultaneous closing with a public agency and Seller will cooperate in coordinating such a simultaneous closing. The parties may arrange to close by mail. At Purchaser's request, all closing documents and the title insurance commitment referred to above shall be prepared naming a governmental entity as grantee, buyer, or insured.

8. WARRANTIES AND REPRESENTATIONS OF SELLER

Seller warrants and represents that at the time of closing:

- (A) Seller shall have good and merchantable fee simple title to the Property;
- (B) The Property shall be free and clear of all liens and encumbrances, easements, rights of way, restrictions, ad valorem taxes assessments, building restrictions and covenants, leases, tenancies, reservations, and any and all other conditions which are unacceptable to Purchaser, which provide a forfeiture of the title to the Property, provided, however, if there is a mortgage on the Property, it shall be retired at closing;
- (C) Seller shall have provided Purchaser with copies of all written leases, tenancies, rental agreements, mineral reservations affecting the Property in any manner whatsoever, and shall have advised Purchaser fully as to all which are not written including the location of any underground storage tanks or other sources of contamination or pollution;
- (D) There will be no structures on adjacent properties that encroach on the

Property.

- (E) There will be no structures on the Property that encroach on adjacent properties.
- (F) Seller shall not have dealt with any real estate agent or broker.
- (G) To the best of Seller's knowledge and belief after inquiry, there is no condition at, on, under or related to the Property, or the underlying fee, presently or potentially posing a significant hazard to human health or the environment, whether or not in compliance with law, and there has been no production, use, treatment, storage, transportation or disposal of any hazardous materials on the Property or the underlying fee, nor any release or threatened release of any hazardous materials, pollutant or contaminant into, upon or over the Property or into or upon ground or surface water at the Property.
- (H) The Property has direct access to publicly dedicated rights-of-way, without the necessity of any private easements over or across the property of third parties.

9. RISK OF LOSS

Pending close of this transaction, the risk of loss or damage to the Property by fire or other casualty or its taking or damage by condemnation shall be on Seller. If any loss or damage occurs during such period, then Purchaser shall have the option of (i) canceling and rescinding this Agreement and receiving a refund of all Option Money or (ii) accepting the Property with abatement of the Purchase Price for cost of replacement or repair.

10. COSTS OF SALE

The following costs shall be paid by Seller at Closing:

- (A) Expenses of placing title in proper condition;
- (B) Transfer or documentary taxes on the deed, if any;
- (C) There will be a proration of real property taxes, but all taxes due at the time the document is first written shall be paid by Seller at closing;
- (D) A valid survey dated within 60 days of closing if required by purchaser;

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The following costs shall be paid by Purchaser:

- (A) Recording fees;
- (B) Cost of closing;
- (C) Owner's Title Insurance (Commitment costs and premium);
- (D) Preparation of Deed

11. REMEDIES FOR BREACH

(A) Purchaser's Remedies -- If Seller fails or refuses to comply fully with the terms of this Agreement, because of unmerchantability of title to Property or for any other cause, Purchaser may, at its option, (i) rescind this Agreement and recover any and all Option Money paid hereunder, together with all expenses paid or incurred by Purchaser, or (ii) proceed with this Agreement and take the Property, subject to an equitable abatement in the Purchase Price or (iii) pursue any other legal or equitable remedy including the right to specific performance of this Agreement and damages.

12. NOTICES

Any notice hereunder shall be given in writing to the party for whom it is intended, in person or by certified mail, at the following address, or such future address as may be designated in writing:

To the Seller at:
Robert Chen
2385 Chinquapin Drive
Sumter, SC 29150

To Purchaser at:
Quentin Epps
Richland County Public Works
P.O. Box 142
Columbia, SC 29202

or to any successor or assignee of either party, at the address stated in the notice of succession or assignment.

13. ASSIGNMENT AND SUCCESSION

This Agreement shall be binding upon and inure to the benefit of the heirs, successors, administrators, personal representatives, and assigns of the respective parties. All rights hereunder may be assigned without restriction, provided that notice of each assignment shall be given in writing to the other party.

14. TIME OF ESSENCE: ACCEPTANCE

Time is expressly declared to be of the essence of this Agreement. Seller shall have fifteen (15) days from the date of receipt of this Agreement to accept and agree to the terms and conditions herein, provided that Purchaser may, in writing, extend the time for acceptance.

15. RECORDATION

Seller and Purchaser may record a Notice of this Option with the Recorder of Deeds in the County where the Property is located.

16. MODIFICATION: ENTIRE AGREEMENT EXPRESSED

No modification of this Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties. This Agreement constitutes the entire agreement between the parties. Neither party shall be bound by any terms, conditions, statements, or representations, oral or written, not herein contained. It is mutually understood and specifically agreed that this Agreement is binding upon the respective heirs, successors, administrators, personal representatives and assigns of the parties hereto.

17. INDEMNIFICATION. Seller shall indemnify, defend and hold harmless Purchaser, its officers, directors, employees, agents, and successors in interest to all or any part of the Property, and any lender holding a security interest in the Property, from and against any and all liabilities, claims, judgments, awards, settlements, damages and costs (including attorney's and consultant's fees and costs), including, without limitation, those incurred for remedial investigation, removal, interim and final remedial action, cleanup, abatement or other remedial work, natural resource damages, personal injury or property damages, fines and penalties (collectively "Liabilities") arising from or related to: (i) the existence of hazardous materials on or beneath the Property or in the ground or surface waters associated with the Property or (ii) a breach of the representations and warranties set forth above. The provisions of this Section shall survive the Closing.

18. GOVERNING LAW

This Agreement and all other instruments referred to herein shall be governed by the laws of the State of South Carolina.

19. COUNTERPARTS AND FAX SIGNATURES

To facilitate execution, this Agreement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all parties hereto appear in each counterpart hereof, and it shall be sufficient that the signature on behalf of each party hereto appear on one or more such counterparts. All counterparts shall collectively constitute a single agreement. Legible fax copies and photocopies of documents signed by either party are deemed to be equivalent to originals.

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

[SIGNATURES ON FOLLOWING PAGES]

WITNESS:

Nancy L. Stone-Cochran

"SELLER"

Robert C. J. Chen

11/30/12
Date

County of Richland)
State of South Carolina)

Personally appeared before me Robert C. J. Chen on this 30 day of November, 2012, and acknowledged that all material statements of fact in the foregoing Option are true to the best of her knowledge and belief, and that the execution of said Option is her free act and deed.

Chae J. Jirk

Notary Public (SEAL)

My commission expires:

8-27-2017

WITNESS:

Ashwaja A. Myer

"PURCHASER"
Richland County

BY: Tony McDonald
Its: Administrator

11/29/12
Date:

(RICHLAND COUNTY)

I, the undersigned authority, a Notary Public in and for the State of South Carolina do hereby certify that Tony McDonald, whose name is signed to the foregoing Option, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said Option, as Project Manager, and with full authority, he/she executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal of office on this the 29 day of November, 2012.

Charles G. Will
Notary Public

My Commission Expires: 8.27.2017

Richland County Attorney's Office
Elizabeth A. Miller
Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

EXHIBIT "A"

PROPERTY DESCRIPTION

All certain real property situated at 2628 Decker Drive, Columbia in Richland County, State of South Carolina, consisting of approximately two (2) acres being Richland County Tax Map #'s 16907-03-05



SOUTH CAROLINA
DEPARTMENT OF NATURAL RESOURCES

FLOOD MITIGATION ASSISTANCE PROGRAM SUBRECIPIENT AGREEMENT

This Agreement is between the State of South Carolina, Department of Natural Resources, (Grantee) and, Richland County (Subgrantee).

In support of the Agreement, the parties' state:

1. SCOPE OF SERVICES

The approved scope of work consists of acquiring 2628 Decker Blvd, Columbia, SC 29206, demolishing the structure, removal of debris, and stabilizing the area. The acquisition process implemented through this grant must comply with FMA property acquisition and relocation for open space contained in 44 CFR Part 80.

2. MODIFICATION

The Grantee, the Subgrantee, or FEMA may request modifications to this Agreement, including work to be completed on the FMA application and the performance period. However, the party requesting the modifications must do so in writing and within 60 days of the end of the performance period. The requested modification may become effective only after approval by the Grantee and FEMA and written notice is received by the Subgrantee.

3. PERIOD OF PERFORMANCE

This project is funded by the U.S. Department of Homeland Security/FEMA Grant Number CFDA # 97.029, project titled "Decker Boulevard Acquisition Project". FMA Project Number: EMA-2013-FM-E001

The period of performance for this project will be from 07/31/2013 to 06/30/2016. Time extensions are, per item 2, a modification and request must be submitted in writing. Failure to complete the project will result in the denial of funding.

4. FUNDING

The Grantee will reimburse the Subgrantee for all allowable expenditures not to exceed \$633,447.50 as stated in the approved project budget. The Subgrantee agrees that no additional funding will be made available in excess of the approved amount and that any cost over runs will be absorbed by the Subgrantee.

For projects that exceed \$100,000, cumulative modifications to the project budget in excess of 10% of the project budget must be approved by the Grantee. Failure to request and receive approval for cumulative changes in excess of 10% of the project budget will be disallowed.

5. COST SHARE

FMA funds for eligible costs shown in the FMA application and described in this Agreement shall be shared on a 75% Federal, 25% non-Federal cost share basis, in accordance with the cost sharing provisions established in 44 CFR Part 201. Richland County match cost will be \$211,149.50. Only one-half of the non-federal shares may be provided through in-kind contributions.

6. PAYMENTS

FMA funding will be disbursed to the Subgrantee based on a reimbursements need. The Subgrantee shall submit payment requests on a quarterly basis. Payment requests shall include invoices documenting cost incurred, including any match requirements. The Subgrantee shall use payment request forms provided by the Grantee. Payment requests shall be submitted to: South Carolina Department of Natural Resources, Land, Water and Conservation Division, Attn: Maria Cox Lamm, 2762 Wildlife Lane, West Columbia, SC 29172. Any financial questions should be directed to Chris Falcone at (803) 734-3696. A final financial report, using the SF269a form or equivalent, plus a final invoice must be submitted to the Grantee no later than June 30, 2016, subject to audit by the Grantee, the State of South Carolina and/or the Federal Government. Final payment shall not be released until all services have been completed in accordance with this agreement and the final project report is submitted.

7. APPLICABLE STATUTES, RULES and AGREEMENTS

The parties agree to be bound by all terms of this agreement and all applicable state and federal statutes and regulations, including but not limited to:

- a. 44 CFR parts 7, 9, 10, 13, 14, 16 60, 80 and 201 and other applicable FEMA regulations and policies;
- b. Office of Management and Budget (OMB) Circulars A-21, A-87, A-94, A-102, A-110, and A-133;
- c. Title VII of the Civil Rights Act of 1964 (P.L. 88-352), as amended which prohibits discrimination based on race, color or national origin;
- d. Title IX of the Education Amendments of 1972, as amended (20 U.S.C.1681-1683 and 1685-1686) which prohibits discrimination based on sex;
- e. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C.794) that prohibits discrimination based on handicaps;
- f. The Age Discrimination Act of 1975, as amended (42 U.S.C.6101-6107) that prohibits discrimination based on age;
- g. The Drug Abuse Office and Treatment Act of 1972 (P. L. 91-616) as amended, relating to nondiscrimination on the basis of drug abuse;

- h. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- i. 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- j. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing, and any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made;
- k. Copeland Act of 1973 (40 U.S.C. 276c and 18 U.S.C. 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) regarding labor standards for federally assisted construction sub-agreements;
- l. Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.);
- m. Lead-Based Paint Poisoning Act (42 U.S.C. 4801—et seq.) that prohibits the use of lead based paint in construction of rehabilitation or residential structures;
- n. Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) that provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. (These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.); and
- o. Energy Policy and Conservation Act (P.L. 94-163) as amended, and the provisions of the state Energy Conservation Plan adopted pursuant thereto.

8. COMPLIANCE WITH ENVIRONMENTAL, PLANNING AND PERMITTING LAWS

The Subgrantee shall be responsible for implementation and completion of the approved projects described in the FMA application in a manner satisfactory to the Grantee, and in accordance with applicable federal, state, and local statutes, regulations, plans, and policies.

Subgrantee shall comply with all federal and state environmental regulations, including, but are not limited to, the following:

- a. Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;

- b. Notification of violating facilities pursuant to EO 11738;
- c. Protection of wetlands pursuant to EO 11990;
- d. Evaluation of flood hazards in floodplains in accordance with EO 11988;
- e. Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);
- f. Conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.);
- g. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P. L. 93-523);
- h. Protection of endangered species under the Endangered Species Act of 1973, as amended, (P. L. 93-205); and
- i. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

Subgrantee further agrees to provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms to the approved plans and specifications.

9. RECORDS MAINTENANCE

The Subgrantee agrees to maintain all records pertaining to the project and the funds received under this Agreement until all issues relating to inspections and audits are complete and all actions or resolutions are resolved. Records shall be maintained for three (3) years after the date FEMA completes closeout of the Subgrantee's final project. Access to those records must be provided at reasonable times to the Comptroller General of the United States, the Grantee, its employees and agents, and to FEMA, its employees and agents.

10. RECOVERY OF FUNDS

If the final inspection, audit, or other review by FEMA, the State, or another authorized entity determines that payments exceed eligible costs the Subgrantee shall within forty-five (45) days of receiving the determination notice reimburse the Grantee the excess amount.

11. AUDIT

The Subgrantee shall provide for an annual audit. This audit will be conducted in accordance with applicable Office of Management and Budgets Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," as well as any policy, procedure or guidance issued by the Grantee.

| The fiscal year for the Subgrantee ends June 30, 2014

- a. Audit resolution instructions shall be prescribed by the Grantee.
- b. Within thirty (30) days of the receipt of the non-federal audit, the Subgrantee shall provide the Grantee the following:
 1. One copy of the Audit Report;
 2. An amended Federal Status Report in agreement with the audit, accompanied by a trial balance;
 3. Any unobligated fund balance due as a result of audit adjustments;
 4. A response to management letter findings and recommendations;
 5. A response to all questioned cost, relating to this Grant and;
 6. Any other adjustments, explanations or information that may be pertinent to the Grant.
- c. The Grantee may require the Subgrantee to undertake such further or additional audits as determined necessary or appropriate including, but not limited to, past and current organization-wide audits. Such audits may be necessary to determine the adequacy, accuracy, and reliability of Subgrantee internal controls, fiscal data, and management systems established to safeguard Subgrantee assets and to ensure compliance with this Agreement.
- d. If this Agreement is closed out without an audit, the Grantee reserves the right to recover any disallowed costs identified in an audit after such closeout.

12. NONCOMPLIANCE

If the Subgrantee violates any conditions of the following, additional financial assistance for the project will be withheld until the violation has been corrected or the Grantee may take all action legally available:

- a. The National Flood Insurance Act of 1968, as amended, or
- b. Applicable state law or state or federal regulations.

13. NONDISCRIMINATION/CONTRACTORS

The Subgrantee shall agree to make positive efforts to use small and minority businesses and individuals. The Subgrantee shall comply with federal regulations concerning the General Services Administrative Consolidated List of Debarred, Suspended and Ineligible Contractors, as provided in 44 CFR Part 17.

14. CONTRACTS WITH OTHERS

If a Subgrantee contracts with any other entity (herein after "contractor") to perform work under this Agreement:

- a. The Subgrantee shall include in that contract that the contractor is bound by the terms and conditions of this Agreement with the Grantee.
- b. The Subgrantee shall include in the contract that the contractor shall hold the Subgrantee and the Grantee harmless against all claims of whatever nature arising out of the performance of the work.
- c. The Subgrantee shall provide the contractor with a copy of this Agreement.

To the extent that the Subgrantee has outstanding, uncompleted, contracts for work requiring reimbursement under this Agreement, the Subgrantee agrees to modify its contracts in accordance with this section.

15. DEFAULT; REMEDIES; TERMINATION

- a. If any of the following events occur ("Events of Default"), all obligations on the part of the Grantee to make any further payment of funds hereunder shall, if the Grantee so elects, terminate, and the Grantee may at its option exercise any of its remedies set forth herein, but the Grantee may make any payments or parts of payments after the happening of any Events of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment:
 - 1. If any warranty or representation made by the Subgrantee in this Agreement or any previous Agreement with the Grantee shall at any time be false or misleading in any respect, or if the Subgrantee shall fail to keep, observe or perform any of the terms or covenants contained in this Agreement or any previous agreement with the Grantee and has not cured such in timely fashion, or is unable or unwilling to meet its obligations thereunder;
 - 2. If any material adverse change shall occur in the financial condition of the Subgrantee at any time during the term of this Agreement from the financial condition revealed in any reports filed or to be filed with the Grantee, and the Subgrantee fails to cure said material adverse change within thirty (30) days from the time the date written notice is sent by the Grantee;
 - 3. If any reports required by this Agreement have not been submitted to the Grantee or have been submitted with incorrect, incomplete or insufficient information; or

4. If the necessary funds are not available to fund this agreement as a result of action by Congress, the Legislature, the Office of the Comptroller or the Office of Management and Budget.
- b. Upon the happening of an Event of Default, then the Grantee may, at its option, upon written notice to the Subgrantee and upon the Subgrantees failure to timely cure, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of the following remedies shall not preclude the Grantee from pursuing any other remedies contained herein or otherwise provided at law or in equity:
1. Terminate this Agreement, provided the Subgrantee is given at least fifteen (15) days prior written notice of such termination. The notice shall be effective when placed in the United States mail, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address set forth herein;
 2. Commence an appropriate legal or equitable action to enforce performance of this Agreement;
 3. Withhold or suspend payment of all or any part of a request for payment;
 4. Exercise any corrective or remedial actions, to include but not be limited to, requesting additional information from the Subgrantee to determine the reasons for or the extent of non-compliance or lack of performance, issuing a written warning to advise that more serious measures may be taken if the situation is not corrected, advising the Subgrantee to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Subgrantee to reimburse the Grantee for the amount of costs incurred for any items determined to be ineligible; and
 5. Exercise any other rights or remedies, which may be otherwise available under law.
- c. The Grantee may terminate this Agreement for cause upon such written notice as is reasonable under the circumstances. Cause shall include, but not be limited to, misrepresentation in the grant application, misuse of funds; fraud; lack of compliance with applicable rules, laws and regulations; failure to perform in a timely manner; and refusal by the Subgrantee to permit public access to any document, paper, letter, or other material related to this grant or project.
- d. Suspension or termination constitutes final Grantee action. Notification of suspension or termination shall include notice of administrative hearing rights and time frames.

- e. The Subgrantee shall return funds to the Grantee if found in non-compliance with laws, rules, regulations governing the use of the funds or this Agreement.
- f. Notwithstanding the above, the Subgrantee shall not be relieved of liability to the Grantee by virtue of any breach of Agreement by the Subgrantee. The Grantee may, to the extent authorized by law, withhold any payments to the Subgrantee for purpose of set-off until such time as the exact amount of damages due the Grantee from the Subgrantee is determined. In the event the Federal Emergency Management Agency (FEMA) de-obligates funds previously authorized under this Agreement, or under any other FEMA funded agreement administered by the Division, then Subgrantee shall immediately repay said funds to the Grantee. If Subgrantee fails to repay said funds, then Subgrantee authorizes the Grantee to recoup said funds from funding otherwise available under this Agreement or under any other grant Agreement with Subgrantee administered by the Grantee.

16. REPORTS AND INSPECTIONS

The Subgrantee shall provide the Grantee the required documentation as quarterly progress reports for each project. The first report is due ten (10) days after the end of the first quarter of project approval notification by the Grantee and quarterly thereafter until the project is complete and approved through final inspection. The due dates for quarterly reports are January 10, April 10, July 10, and October 10. All reports shall be provided using the quarterly report form supplied by the Grantee.

The Grantee may require additional reports as needed. The Subgrantee, as soon as possible, shall provide any additional reports requested by the Grantee. Interim inspections may be scheduled by the Subgrantee prior to the final inspection and may be requested by the Grantee based on information supplied in the quarterly reports.

17. STANDARD CONDITIONS

The Subgrantee further agrees to be bound by the following standard conditions:

- a. The State of South Carolina's performance and obligation to pay under this Agreement is contingent upon the provision of funding to the Grantee.
- b. If otherwise allowed under this Agreement, any extension shall be in writing and shall be subject to the same terms and conditions set forth in the initial Agreement. There shall be only two extensions of the Agreement unless the failure to meet the criteria for completion is due to events beyond the control of the Subgrantee.
- c. Bills for fees or other compensation for services or expenses must be submitted in detail sufficient for a proper pre and post audit thereof.
- d. The Grantee may unilaterally cancel this Agreement for refusal by the Subgrantee or its contractors to allow public access to all documents, papers, and letters made or received by the Subgrantee or its subcontractor in conjunction with this Agreement. It is expressly understood that substantial evidence of the

Subgrantees or their contractor's refusal to comply with this provision shall constitute a breach of contract, and constitute grounds for termination.

- e. The Subgrantee agrees that no funds from this Agreement will be expended for the purpose of lobbying the Legislature, state agency employees, Members of Congress, officers or employees of Congress, or an employee of a Member of Congress in connection with the awarding of this Agreement or any amendments or modifications of this Agreement.
- f. The Subgrantee certifies with respect to this Agreement that it possesses the legal authority to receive the funds.
- g. The Subgrantee shall comply with any Statement of Assurance attached hereto, which shall be incorporated herein. The Subgrantee acknowledges that the responsibility for complying with the approved subgrant award rests with the recipient Subgrantee and acknowledges that failure to do so constitutes grounds for the rescission or suspension of this subgrant and may influence future subgrant awards.
- h. Equipment purchase by the Subgrantee will remain with the Subgrantee and the title shall vest with the Subgrantee. The Subgrantee is required to maintain the official property listing for the equipment purchased, as required by A-102 or A-110. The equipment purchased with Federal funds in some instance may be transferred upon completion of the research work for which the equipment was used. If the Subgrantee can use the equipment on further research for which the equipment was originally purchased, then the Subgrantee should submit in writing a request to continue use of the equipment for such purposes. Otherwise, if the Subgrantee prefers to own the equipment, and the market value is \$5,000 or more the Subgrantee will be required to submit the Grantee the market value of the equipment which will then be reimbursed to the Federal funding agency.

18. TERM

This Agreement shall be effective upon execution and terminate upon completion of, and final payment for, all approved projects, subject to any modification in accordance with paragraph 2, above.

Item# 5

Attachment number 1
Page 23 of 25

19. NOTICE AND CONTACT

All notices under this Agreement shall be in writing and delivered by hand delivery or mail to the representative and address below:

FOR THE GRANTEE:

Alvin Taylor
Director
SC Department of Natural Resources
1000 Assembly Street
P.O. Box 167
Columbia, SC 29202

FOR THE SUBGRANTEE:

Quinton Epps


Stormwater Division Manager

Richland County

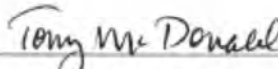
400 Powell Rd

Columbia, SC, 29203

IN WITNESS HEREOF, the Grantee and Subgrantee have executed this Agreement:



Title: Director
Date: 9-20-13



Title: County Administrator
Date: 9/12/13

Witness: Rose Marie Scheibler

Witness: Anna Jan Adkins

October 1, 2013

RE: 2628 Decker Blvd

To Whom It May Concern:

We have been negotiating with the county on receiving FEMA grant money to purchase the property located at 2628 Decker Blvd. These talks have been going on for the past couple of years with the money finally being approved a couple of weeks ago. It is my understanding the county is in possession of the funds now and will confirm the deal at the next meeting in November.

Although this is a great deal for all parties, one concern does remain and that is in regards to the property taxes due. We are behind on payments because of the difficulty in leasing our building for rental income. Because of the uncertainty of when our deal with the county would be finalized, we have not been able to secure any tenants. We did try a couple of times and were told by the prospective tenant that the county mentioned they were buying the property and we couldn't lease it. That coupled with the attorney for the county informing us we could just deduct the taxes from the sale of the property contributed in us getting behind on our payments. As a result of these 2 factors, we humbly ask that the county waive the current and past due taxes on our non-revenue generating property. If sequestration hadn't come up, this would have been resolved last year and most of the taxes would have never been an issue.

Thank you for your consideration in this matter and I do hope that you will consider our request to be valid and worthy. We are a small family that spent 8 years running a business on Decker even after other businesses left for NE Columbia. We have already lost \$1 million from our initial investment in this property and cannot afford any more.

Sincerely,

Robert and Albert Chen

Richland County Council Request of Action

Subject

Midlands Healthcare Collaborative (MHC): Use of Third Floor in Richland County Health Department for Free Comprehensive Healthcare Center and In-Kind Assistance **[PAGES 53-60]**

Reviews

Richland County Council Request of Action

Subject: Midlands Healthcare Collaborative (MHC): Use of Third Floor in Richland County Health Department for Free Comprehensive Healthcare Center and In-Kind Assistance

A. Purpose

Richland County Council is requested to approve the use of the third floor in the Richland County Health Department, and in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.

B. Background / Discussion

For a number of years, the United Way of the Midlands, Palmetto Health, Providence Hospitals, and Lexington Medical Center have financially supported free medical, vision and dental care programs for uninsured and underinsured children and adults. Nevertheless, the need for free comprehensive healthcare continues to grow in the Midlands. Over 90,000 people (15 percent) in the three-county footprint (Richland, Lexington and Fairfield Counties) are uninsured, and thousands more are underinsured. In addition, the SC Legislature elected not to accept federal expansion of Medicaid, leaving those at or below 138% of the federal poverty level with little or no option for healthcare within the Affordable Care Act (ACA) of 2010. Due to limited affordable healthcare resources, the emergency rooms of the local hospitals have become primary medical homes for all ailments and injuries – urgent and non-urgent.

In response, the aforementioned organizations, along with other community and social service agencies, have joined to host three annual healthcare events – SC Mission 2011, 2012, and 2013. Over 4,600 people from across the state traveled to Columbia to receive free medical, vision, and dental services. Although life-saving for some and life-changing for many, the collaborative has acknowledged the need for on-going healthcare services hence the creation of the Midlands Healthcare Collaborative (see list of partners below).

The goal of the Midlands Healthcare Collaborative is to build and sustain a free comprehensive healthcare center for uninsured and underinsured adults of the Midlands. Although several programs have been supported for years, the MHC recognized the inefficiency of the fragmented approach. To begin the process, the group established the Midlands Eye Care Clinic, the Midlands' first free comprehensive eye care clinic. All patients are provided a free comprehensive eye exam, and eyeglasses as needed. Since its first operational day in February 2012, the clinic has seen over 500 patients and 80% have received eyeglasses.

Given the success of the Midlands Eye Care Clinic, an ad hoc committee of the Collaborative began to explore the possibility of a free-standing, comprehensive, efficient, and accessible healthcare center. The committee of funders visited local and regional clinics, and solicited feedback from experts during the Fall of 2012.

In February 2013, the Collaborative re-convened to create a business plan for a regional, comprehensive healthcare center that will provide the following services free of charge and with expanded and flexible hours. The region is defined as Richland, Fairfield, and Lexington counties.

- **Medical:** Medical home/ Primary care/ Patient education/ Preventive testing / Referrals for x-rays, and laboratory and diagnostic testing (with support from three hospital systems) / Referrals to specialty care (24 specialties)
- **Dental:** Preventative, restorative, and emergency services (to include extractions) / Dental x-rays
- **Vision:** Comprehensive eye exams / Eyeglasses
- **Pharmacy:** Medications / Diabetic supplies

The business plan also provides five recommendations:

1. The Free Medical Clinic will serve as the lead organization.
2. The Free Medical Clinic will co-locate and eventually merge with Community Partners of the Midlands, LLC, which currently operates the dental and vision clinics currently located at the Richland County Health Department.
3. Aligned with the philosophy of the Free Medical Clinic, paid healthcare providers and administrative staff will be used to provide daily, steady service provision augmented by volunteers to provide additional capability.
4. Community Partners of the Midlands, LLC will maintain adult dental services at the Lexington County Health Department.
5. Open the new healthcare center in Spring 2014, contingent on up-fitting needs, integration of infrastructure/backroom operations and funding.

Building on the thirty years of experience and free, quality healthcare service provided by The Free Medical Clinic, this healthcare center will be able to integrate a broad array of services under one entity to meet the challenges identified throughout the SC Mission 2011, 2012, and 2013 events. This plan would allow for optimal use of resources to achieve better healthcare outcomes, attain greater involvement from all facets of the healthcare community, and improve the current fragmented healthcare system provided for uninsured and underinsured adults.

However, this business plan requires a centralized location that has sufficient space to co-locate these services. With the changes in the DHEC Midlands Region, the third floor of the Richland County Health Department building is currently vacant, except for the recent move of the Midlands Eye Care Clinic from its previous location on the second floor. The amount of space provided on the third floor makes it an ideal location for this new collaborative effort, and presents an opportunity for future expansion. Moreover, it presents an opportunity for partnership with the DHEC Midlands Region, providing a centralized location where low-income, uninsured residents can come to meet the majority of their essential healthcare and social service needs.

The Collaborative's role will be to provide project oversight and guidance, and to bring insight, feedback, strategic thinking, timely action, and financial support to sustain this effort. If successful, this would be South Carolina's first regional and comprehensive free healthcare center supported by a unique collaborative of social service organizations and local, competing hospital systems – a genuine, altruistic and systematic approach to community health. In fact, this could provide a groundbreaking community healthcare model to be replicated throughout the United States.

Partners of the Midlands Healthcare Collaborative

- **Lexington Medical Center**
- **Palmetto Health**
- **Providence Hospitals**
- **Sisters of Charity Foundation of South Carolina**
- **AccessHealth SC**
- **SC Optometric Physicians Association**
- **The Free Medical Clinic**
- **United Way of the Midlands**
- **Cool Spring Center**

Richland County Council is being requested to approve the use of the third floor in the Richland County Health Department, and also to provide in-kind assistance for the aforementioned purposes. Examples of in-kind services being requested include janitorial / custodial (taking out the trash, cleaning the restrooms, vacuuming offices, etc.), facility maintenance (changing light bulbs, painting offices, etc.), and utilities (water, sewer, electricity, etc.). Richland County currently provides these services to the entire Health Department facility. While staff cannot estimate costs as a result of the proposed new uses of the facility, they are estimated to be the same or similar as to when the entire 3rd floor was operational before it became [partially] vacant. Therefore, this request is cost neutral.

C. Legislative / Chronological History

September 10, 2013: Brief presentation to Richland County Council and asked to complete and submit the Richland County Council Request for Action form.

This is a community-initiated request. Therefore, there is no additional legislative history.

D. Financial Impact

Lexington Medical Center, Palmetto Health, Providence Hospitals and the United Way of the Midlands have consistently allocated about **\$2.1 million per fiscal year** to over a dozen primary, dental and vision healthcare programs in the Midlands region. However, this fragmented healthcare and funding system has proven to be inefficient.

At this time, Richland County Council is being requested to approve the use of the third floor in the Richland County Health Department, and also to provide in-kind assistance for the

aforementioned purposes. No additional costs beyond what was originally being provided to the facility before the 3rd floor vacancy are foreseen. Therefore, this request is cost neutral.

Please note that this effort will not generate revenue, but will provide significant cost avoidance. The Free Medical Clinic's approach to staffing (paid and volunteer staff), use of subsidized healthcare programs (patient assistance programs for medications), and local hospital partnerships (referrals for laboratory, x-ray, and diagnostic testing) takes a \$1 investment and generates \$9 of healthcare services. In addition, this small investment presents an opportunity to re-direct non-emergent patients from emergency rooms to a more appropriate, cost-efficient, multifaceted medical home. Thereby, improving patients' management of chronic diseases, cost-savings and improved health statuses – an invaluable profit to the patients, the hospital systems, and the community at large.

E. Alternatives

1. Approve the request to allow the use of the third floor in the Richland County Health Department, and in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.

For the Collaborative, approval will allow full efficiency of combined Collaborative resources for the provision of free comprehensive healthcare services for thousands of residents in the Midlands, a reduction of fragmented healthcare services, a centralized location for healthcare service delivery (supplemented by satellite sites and referral networks), and a reduction of non-urgent emergency room and inpatient hospitalization costs. For uninsured and underinsured residents, approval will increase opportunities for improved health outcomes, access to a medical home with an integrated approach to meet multiple healthcare needs, and have a reduction of barriers to effective, life-saving healthcare. Lastly, for participating healthcare providers, approval will improve cross disciplinary services, increase hours of availability, increase organizational efficiencies, and enhance partnerships and networks to expand and improve access to healthcare.

2. Approve the request to allow the use of the third floor in the Richland County Health Department, but do not approve in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.
3. Do not approve the request to allow the use of the third floor in the Richland County Health Department, nor in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.

If the Midlands Healthcare Collaborative's request is not approved, it will result in maintaining the status quo: a continued fragmented system of healthcare for our most

vulnerable residents, continued poor health outcomes, limited and restrictive subsidize healthcare providers, and an increased utilization of emergency rooms at local hospitals to meet healthcare needs.

F. Recommendation

Recommended by: Midlands Healthcare Collaborative

Date: October 8, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Request is an item for Council's discretion based on the County's long range planning for facility use

Support Services

Reviewed by: John Hixon

Date: October 18, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. If Council approves the concept, Support Services staff will meet with the MHC project coordinator(s) to determine the facility needs, and at that time, can determine the impact, if any.

Legal

Reviewed by: Elizabeth McLean

Date: 10/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The general decision as to how to use space in County-owned buildings is a policy decision left to Council's discretion; however, I am assuming that Council would want to have a formal agreement in place which would clearly outline the requirements, limitations, and apportionment of potential liabilities. As no such agreement is attached and the request does not include all required specifics, Legal cannot offer a complete analysis at this time. Please note that any use of County property, and specifically the use of such property as a medical facility over which the County will have little or no control, will come with varied potential liabilities.

Administration

Reviewed by: Roxanne Ancheta

Date: October 18, 2013

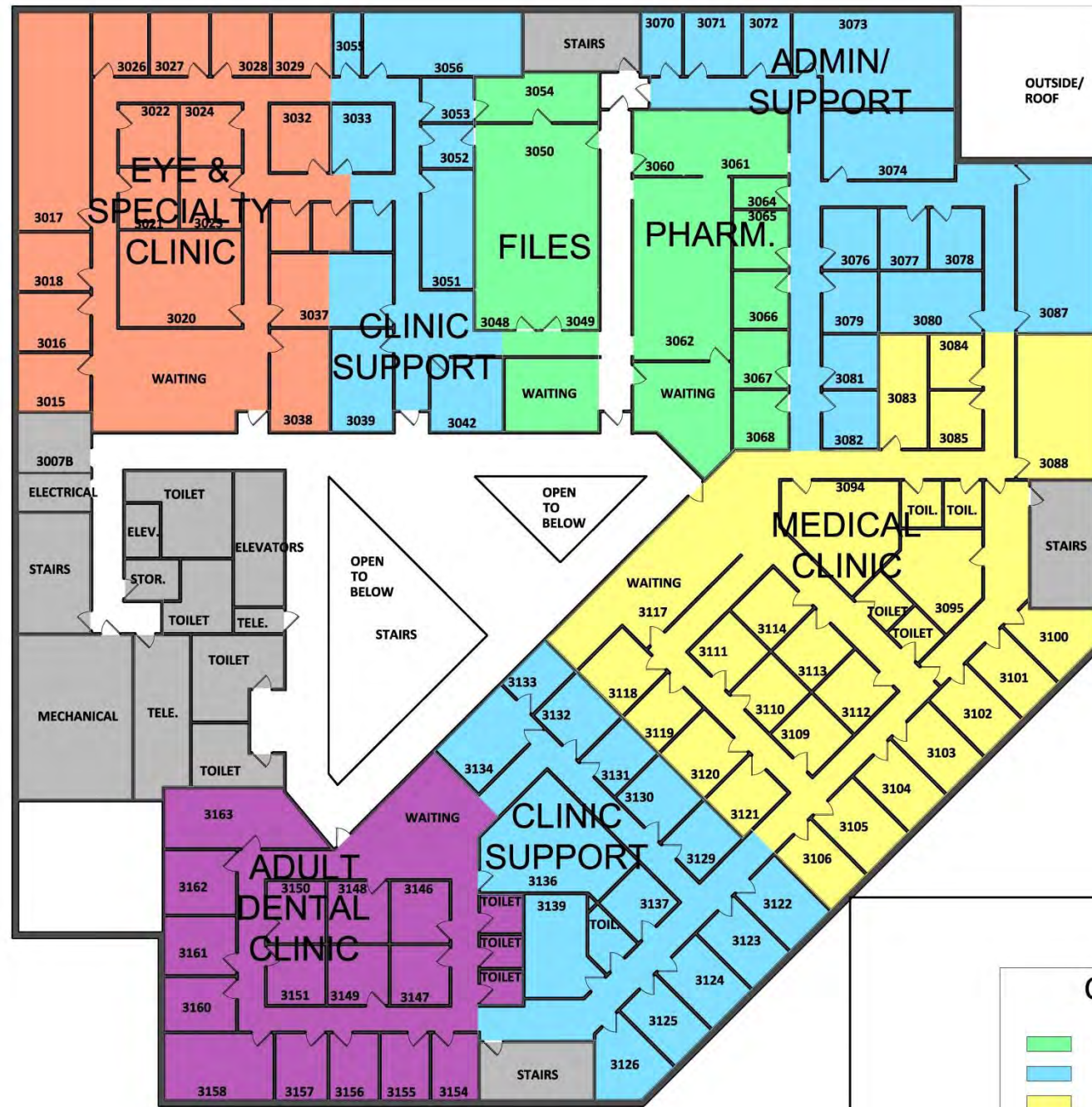
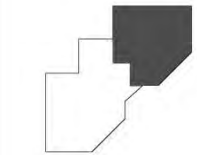
Recommend Council approval

Recommend Council denial

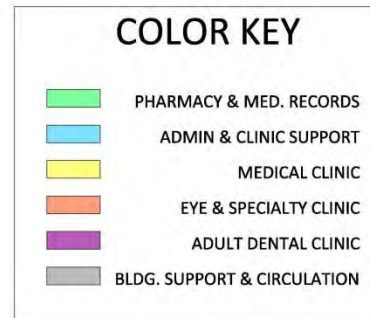
Comments regarding recommendation: While this is a policy decision of Council, it is recommended that, if approved in concept, appropriate staff meet with the MHC project coordinator(s) to determine specific facility / in-kind needs, including

potential associated costs, as well as resolve potential legal issues addressed by Ms. McLean. After these discussions, staff can present recommendations to Council.

number	item	date



PARTIAL THIRD FLOOR PLAN
1/8" = 1'-0"



Item# 6

Attachment number 1
Page 7 of 7

Richland County Council Request of Action

Subject

Ending the Hospitality Tax Program [**PAGES 61-71**]

Reviews

Richland County Council Request of Action

Subject: Ending the Hospitality Tax Program

A. Purpose

County Council is requested to stop the hospitality sales tax program and the collection of that sales tax.

B. Background / Discussion

On September 17, 2013, Council member Rush brought forth the following motion:

“To stop the hospitality sales tax program and the collection of that sales tax.”

The Hospitality Tax was established in 2003 and collections began in FY2004. The Ordinance is attached for reference. The 2% tax is imposed on the gross proceeds of sales of prepared meals and beverages and is used for the dedicated purpose of improving services and facilities for tourists. Each year, aside from County projects, between 40 and 50 nonprofit organizations benefit from these funds.

The chart below summarizes the collections and expenditures from FY2009 through FY2012. The FY2013 numbers are still being finalized by the Finance Department.

	FY09 Actual	FY10 Actual	FY11 Actual	FY12 Actual
Hospitality Tax	5,145,850	2,679,607	2,859,990	5,615,194
Interest	73,112	8,652	10,299	6,077
<i>Total Revenue</i>	5,218,962	2,688,259	2,870,289	5,621,271
<i>Total Expenditures</i>	5,158,291	4,875,643	4,119,914	11,578,447
<i>Change in Fund Balance</i>	60,671	(2,187,384)	(1,249,625)	(5,957,176)

C. Legislative / Chronological History

- May 6, 2003 – County Council approved the Hospitality Tax.
- July 1, 2003 – The County began collections of Hospitality Tax.
- July 1, 2009 – June 30, 2011 – Tax was temporarily reduced to 1% as a result of Council charging the Mass Transit Fee to keep the CMRTA operational.
- July 1, 2011 – 2% tax rate was re-established.

D. Financial Impact

Ending collections of Hospitality Tax will result in the loss of Hospitality Tax revenue which was \$5,621,271 in FY12.

E. Alternatives

1. Approve the motion to stop the hospitality sales tax program and the collection of that sales tax.
2. Do not approve the motion to stop the hospitality sales tax program and the collection of that sales tax.

F. Recommendation

To stop the hospitality sales tax program and the collection of that sales tax.

Recommended by: Torrey Rush Department: County Council Date: 9/17/13

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 10/11/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

As stated in the recommendation, this is a policy decision for Council. Some items to consider:

- We have not been asked to develop a funding strategy for the exit of h-tax however if approved by Council this could be developed.
- Funding decisions would need to be made on Agencies currently receiving funding from the h-tax fund. It may be beneficial to request legal to provide guidance on if the County has any liability related to continuation of funding. The three “ordinance” agencies were funded at a lower level through the general fund prior to the h-tax implementation.
- The County does have approximately \$14m outstanding on a bond that is paid through the h-tax funds. This includes three major projects; Township Renovation, purchase of old Farmer’s Market land (still county-owned), purchase of old Recreational Sports Complex land (still county-owned). Annual payments approximately \$1.5m. Part of the bond agreement requires the County to ensure funding is appropriated to cover this commitment. If approved the County would need to work with the bond attorney to ensure that commitment is met through any transition. Other county funds may be an option but the structure would need to be worked out.

Grants

Reviewed by: Sara Salley Date: 10/11/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:
 This is a policy decision for Council.

Legal

Reviewed by: Elizabeth McLean Date: 10/11/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Legal’s response will be provided under separate cover.

Administration

Reviewed by: Roxanne Ancheta

Date: October 14, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision left to Council's discretion. However, the Finance Director brings up many valid points for consideration. The legal memo, provided under separate cover, also provides further information for Council's consideration.

CHAPTER 23: TAXATION

ARTICLE VI. LOCAL HOSPITALITY TAX (Ord. 025-03HR; 5-5-03)

Sec. 23-65. Definitions. (Ord. 025-03HR; 5-5-03)

Whenever used in this article, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined: (Ord. 040-10HR; 7-6-10)

Local Hospitality Tax means a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, within the incorporated municipalities and the unincorporated areas of the county. (Ord. 025-03HR; 5-5-03) (Ord. 040-10HR; 7-6-10)

Person means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals. (Ord. 040-10HR; 7-6-10)

Prepared Meals and Beverages means the products sold ready for consumption either on or off premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including lunch counters and restaurant stands; restaurants, lunch counters, and drinking places operated as a subordinate facility by other establishments; and bars and restaurants owned by and operated for members of civic, social, and fraternal associations. (Ord. 025-03HR; 5-5-03)

Richland County means the county and all of the unincorporated areas within the geographical boundaries of the county and all of the incorporated municipalities of the county. (Ord. 025-03HR; 5-5-03) (Ord. 040-10HR; 7-6-10)

Sec. 23-66. Local Hospitality Tax.

A local hospitality tax is hereby imposed on the sales of prepared meals and beverages sold in establishments within the incorporated municipalities and the unincorporated areas of the county. The local hospitality tax shall be in an amount equal to two percent (2%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the county and within the boundaries of the incorporated municipalities which have consented, by resolution adopted by their governing body, to the imposition of the local hospitality tax in the amount of two percent (2%). The local hospitality tax shall be in an amount equal to one percent (1%) of the gross proceeds of sales of prepared food and beverages sold in establishments located within the boundaries of the incorporated municipalities within the county which do not give their consent to the imposition of the local hospitality tax. Provided, however, the county shall not impose a local hospitality tax on those municipalities that have adopted a two percent (2%) local hospitality tax prior to July 1, 2003. Effective July 1, 2009 through June 30, 2011, the county shall temporarily reduce the local hospitality tax to one percent (1%) of the gross proceeds of sales of

prepared meals and beverages sold in establishments located within the unincorporated areas of the county. This temporary suspension shall not affect the hospitality tax rates within the boundaries of any incorporated municipality. (Ord. 025-03HR; 5-5-03) (Ord. 016-09HR; 3-17-09)

Sec. 23-67. Payment of Local Hospitality Tax.

(a) Payment of the Local Hospitality Tax established herein shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies, and shall be collected by the provider of the services. The County shall promulgate a form of return that shall be utilized by the provider of services to calculate the amount of Local Hospitality Tax collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services. (Ord. 025-03HR; 5-5-03)

(b) The tax provided for in this Article must be remitted to the County on a monthly basis when the estimated amount of average tax is more than fifty dollars (\$50.00) a month, on a quarterly basis when the estimated amount of average tax is twenty-five dollars (\$25.00) to fifty dollars (\$50.00) a month, and on an annual basis when the estimated amount of average tax is less than twenty-five dollars (\$25.00) a month. (Ord. 025-03HR; 5-5-03)

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form and/or other approved revenue documentation, and the hospitality taxes when due, to the County on the 20th of the month, or on the next business day if the 20th is not a business day. (Ord. 025-03HR; 5-5-03) (Ord. 010-08HR; 3-4-08)

Sec. 23-68. Local Hospitality Tax Special Revenue Fund.

An interest-bearing, segregated and restricted account to be known as the “Richland County Local Hospitality Tax Revenue Fund” is hereby established. All revenues received from the Local Hospitality Tax shall be deposited into this Fund. The principal and any accrued interest in this Fund shall be expended only as permitted by this ordinance. (Ord. 025-03HR; 5-5-03)

Sec. 23-69. Distribution of Funds.

(a) (1) The County shall distribute the Local Hospitality Tax collected and placed in the “Richland County Local Hospitality Tax Revenue Fund” to each of the following agencies and purposes ("Agency") in the following amounts during fiscal year 2003-2004: (Ord. 025-03HR; 5-5-03)

Columbia Museum of Art	\$650,000
Historic Columbia	250,000
EdVenture Museum	100,000
County Promotions	200,000

(2) The amounts distributed to the Columbia Museum of Art, Historic Columbia, and EdVenture Museum shall be paid quarterly beginning October 1, 2003. The amount distributed to organizations receiving County Promotions shall be paid to the organization as a one-time expenditure beginning in fiscal year 2008-2009. (Ord. 025-03HR; 5-5-03) (Ord. 001-08HR; 1-8-08) (Ord. 069-08HR; 12-2-08)

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(3) As a condition of receiving its allocation, the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must annually submit to the County an affirmative marketing plan outlining how the agency will use its hospitality tax allocation for tourism promotion in the upcoming fiscal year. The plan shall include a detailed project budget which outlines the agency's proposed use of hospitality tax funds. The marketing plan shall also outline how the agency will promote access to programs and services for all citizens of Richland County, including documentation of "free" or discounted services that will be offered to Richland County residents. In addition, each Agency shall demonstrate a good faith effort to expand programs and events into the unincorporated areas of Richland County. The annual marketing plan shall be due to the County Administrator no later than March 1 of each year. If an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (f) below. (Ord. 025-03HR; 5-5-03) (Ord. 069-08HR; 12-2-08) (Ord. 059-10HR; 9-21-10)

(4) For the amounts distributed under the County Promotions program, funds will be distributed with a goal of seventy-five percent (75%) dedicated to organizations and projects that generate tourism in the unincorporated areas of Richland County and in municipal areas where Hospitality Tax revenues are collected by the county. These shall include: (Ord. 069-08HR; 12-2-08) (Ord. 077-09HR; 12-15-09)

- a. Organizations that are physically located in the areas where the county collects Hospitality tax Revenues, provided the organization also sponsors projects or events within those areas;
- b. Organizations that are not physically located in the areas where the county collects Hospitality Tax Revenues; however, the organization sponsors projects or events within those areas; and
- c. Regional marketing organizations whose primary mission is to bring tourists to the region, including the areas where the county collects Hospitality Tax revenues.

(5) In the event Local Hospitality Tax revenues are not adequate to fund the Agencies listed above in the prescribed amounts, each Agency will receive a proportionate share of the actual revenues received, with each Agency's share to be determined by the percentage of the total revenue it would have received had the revenues allowed for full funding as provided in subsection (a)(1) above. (Ord. 025-03HR; 5-5-03) (Ord. 069-08HR; 12-2-08)

(b) In each of fiscal years 2004-2005 and 2005-2006, the Local Hospitality Tax shall be distributed to each Agency named above in the same amounts and on the same terms and conditions, together with a three percent (3%) increase in each of fiscal year 2004-2005 and 2005-2006. (Ord. 025-03HR; 5-5-03)

(c) In fiscal year 2006-2007, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be established in the County's FY 2006-2007 Budget Ordinance. (Ord. 025-03HR; 5-5-03) (Ord. 081-06HR; 9-12-06)

(d) In fiscal years 2007-2008 and 2008-09, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the revenue growth rate as determined by trend analysis of the past three years, but in any event not more than 3%. (Ord. 069-08HR; 12-2-08)

(e) Beginning in fiscal year 2009-2010 and continuing thereafter, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the projected revenue growth rate from the previous year, but in any event not more than 3%. If projected revenues shall decrease from the previous year, the amount distributed to each Agency named above shall be decreased proportionately. In each of fiscal years 2009-2010 and 2010-2011, during which time the local hospitality tax shall be temporarily reduced in the unincorporated areas of the county, the projected growth rates referenced in this subsection shall be based on the projected revenues as if the temporary reduction was not in effect. (Ord. 081-06HR; 9-12-06) (Ord. 069-08HR; 12-2-08) (Ord. 016-09HR; 3-17-09)

(f) All Local Hospitality Tax revenue not distributed pursuant to subsections (a) through (e) above shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as directed by County Council for projects related to tourism development, including, but not limited to, the planning, development, construction, promotion, marketing, operations, and financing (including debt service) of the State Farmer's Market (in lower Richland County), Township Auditorium, a new recreation complex (in northern Richland County), recreation capital improvements, Riverbanks Zoo, and other expenditures as provided in Article 7, Chapter 1, Title 6, Code of Laws of South Carolina 1976 as amended. (Ord. 025-03HR; 5-5-03) (Ord. 081-06HR; 9-12-06) (Ord. 069-08HR; 12-2-08)

Sec. 23-70. Re-distribution of the County's General Fund.

A portion of the general fund revenue that was historically appropriated for the agencies and purposes identified in Section 23-69, subsections (a) and (d), shall in fiscal year 2004 be appropriated in an amount equivalent to one-quarter mill to each of the following entities, subject to approval of the general fund budget: 1) the Richland County Conservation Commission, and 2) the Neighborhood Redevelopment Commission. Thereafter, beginning in fiscal year 2005, an amount equivalent to one-half mill shall be appropriated to each of these two agencies, subject to approval of the general fund budget. Each such entity shall be established and accounted for as a Special Revenue Fund. There shall be no additions to the Statutory and Contractual Agencies funded through the County's General Fund Budget, except as required by state or federal law. (Ord. 025-03HR; 5-5-03)

Sec. 23-71. Oversight and Accountability.

The following organizations: the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must submit a mid-year report by January 31 and a final report by July 31 of each year to the Richland County Administrator, which includes a detailed accounting of all hospitality tax fund expenditures and the impact on tourism for the preceding fiscal year, including

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copies of invoices and proof of payment. The county shall not release hospitality tax funds to any agency unless that agency has submitted an acceptable final report for the previous fiscal year. If an Agency fails to comply with these requirements by the July 31 deadline, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and may be distributed as provided in Section 23-69 (f). (Ord. 001-08HR; 1-8-08) (Ord. 069-08HR; 12-2-08) (Ord. 016-09HR; 3-17-09) (Ord. 059-10; 9-21-10)

Any organization receiving County Promotions funding must comply with all requirements of this article, as well as any application guidelines and annual reporting requirements as established by council, to include a detailed reporting of all grant expenditures. (Ord. 025-03HR; 5-5-03) (Ord. 001-08HR; 1-8-08) (Ord. 069-08HR; 12-2-08) (Ord. 059-10HR; 9-21-10)

Sec. 23-72. Inspections, Audits and Administration. (Ord. 025-03HR; 5-5-03)

(a) For the purpose of enforcing the provisions of this article, the County Administrator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article and to make inspections, examine, and audit books and records. (Ord. 040-10HR; 7-6-10)

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of tax determined to be due. (Ord. 040-10HR; 7-6-10)

(c) The county administrator or other authorized agent of the county may make systematic inspections of all service providers that are governed by this article. Records of inspections shall not be deemed public records. (Ord. 040-10HR; 7-6-10)

Sec. 23-73. Assessments of hospitality tax. (Ord. 010-08HR; 3-4-08)

(a) When a person fails to pay or accurately pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein. (Ord. 040-10HR; 7-6-10)

(b) Assessments of hospitality taxes and/or penalties, which are based upon records provided by businesses, shall be conveyed in writing to businesses. If a business fails to provide records as required by this Article or by the Business Service Center, the tax assessment shall be served by certified mail. Within five (5) business days after a tax assessment is mailed or otherwise conveyed in writing, any person who desires to have the assessment adjusted must make application to the Business Service Center for reassessment. The license official shall establish a procedure for hearing an application for a reassessment, and for issuing a notice of final assessment. (Ord. 040-10HR; 7-6-10)

(c) A final assessment may be appealed to the County Council, provided that an application for reassessment was submitted within the allotted time period of five business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final. (Ord. 040-10HR; 7-6-10)

(d) Requests for waivers of penalties, as described in Sec. 23-74 (b), shall be submitted to the Business Service Center Director simultaneously with corroborating documentation relating to the validity of the appeal within five (5) business days of receipt of a tax assessment. The Director shall determine if the provided documentation confirms the circumstances permitting a waiver of penalties as described in the aforementioned section. A decision shall be provided in writing within five (5) business days of the receipt of the request. Businesses wishing to appeal the decision of the Business Service Center Director may appeal to the Richland County Council within five (5) business days of receipt of the Director's decision. (Ord. 040-10HR; 7-6-10)

Sec. 23-74. Violations and Penalties. (Ord. 025-03HR; 5-5-03) (Ord. 010-08HR; 3-4-08)

(a) It shall be a violation of this Article to:

- (1) fail to collect the Local Hospitality Tax as provided in this Article,
- (2) fail to remit to the County the Local Hospitality Tax collected, pursuant to this Article,
- (3) knowingly provide false information on the form of return submitted to the County, or
- (4) fail to provide books and records to the County Administrator or other authorized agent of the County for the purpose of an audit upon twenty-four (24) hours' notice.

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived, except if the following circumstances of reasonable cause are proven by the person. No more than six months of penalties shall be waived. (Ord. 025-03HR; 5-5-03) (Ord. 010-08HR; 3-4-08) (Ord. 040-10HR; 7-6-10)

- (1) An unexpected and unavoidable absence of the person from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the hospitality tax. (Ord. 040-10HR; 7-6-10)
- (2) A delay caused by death or serious, incapacitating illness of the person, the person's immediate family, or the person's accountant or other third party professional charged with determining the hospitality tax owed. In the case of a corporation or other business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the hospitality tax. (Ord. 040-10HR; 7-6-10)

- (3) The hospitality tax was documented as paid on time, but inadvertently paid to another taxing entity. (Ord. 040-10HR; 7-6-10)
- (4) The delinquency was caused by the unavailability of necessary records directly relating to calculation of hospitality taxes, over which the person had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of hospitality tax penalties. (Ord. 040-10HR; 7-6-10)
- (5) The delinquency was the result of clear error on the part of the Business Service Center or Treasurer's Office staff in processing or posting receipt of the person's payment(s). (Ord. 040-10HR; 7-6-10)
- (6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either of these offices, no change in the law occurred, and the person produces written documentation. (Ord. 040-10HR; 7-6-10)

(c) Any person violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provision of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided herein. (Ord. 010-08HR; 3-4-08)

Richland County Council Request of Action

Subject

Hospitality Tax Ordinance Agency Procurement [**PAGES 72-74**]

Reviews

Richland County Council Request of Action

Subject: Hospitality Tax Ordinance Agency Procurement

A. Purpose

County Council is requested to look at Hospitality Tax Ordinance Agencies adopting County procurement guidelines for spent dollars.

B. Background / Discussion

On September 17, 2013, Council member Rush brought forth the following motion:

“To look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars.”

Currently, all agencies receiving Hospitality Tax dollars, including Ordinance Agencies, follow their own organization’s procurement procedures.

Organizations funded by the County which receive funds from other grant programs and funding streams such as Accommodations Tax grants, Discretionary funds and Contractual and Statutory allocations do not have this requirement.

C. Legislative / Chronological History

Motion by Councilman Rush at the September 17, 2013 Council Meeting.

D. Financial Impact

No financial impact.

E. Alternatives

1. Approve the motion to look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars.
2. Do not approve the motion to look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars.

F. Recommendation

To look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars.

Recommended by: Torrey Rush

Department: County Council

Date: 9/17/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

As always this is a policy decision for Council on what level of requirements are needed to be eligible for Council appropriations. It is difficult to make any recommendation

based on the level of information provided but I can provide a couple of general thoughts:

- While the theory of requiring consistent procurement policies is a sound fiscal management concept, the practice of applying those rules to agencies of varying sizes and with different staffing levels may be a challenge. It may be wise to evaluate the impact to agencies and make sure that the County's level of compliance requirements placed on agencies do not have an unintended consequence of increasing the administration cost and therefore reducing the percentage of funding going toward direct funding the specific program. One way to ensure this is to include language that limits the amount of the funding allowable for administrative cost.
- As stated in the ROA above, other similar County programs currently do not have this level of requirement. While the A-tax and Discretionary programs are different in that they don't traditionally have "ordinance" (recurring) agencies, the Contractual and Statutory program would seem to be similar. Therefore, the County would need to consider if this requirement would apply to those programs as well.

Grants

Reviewed by: Sara Salley

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

This is a policy decision for Council.

Legal

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. I agree with Mr. Driggers' comments. Also, I believe that the general principal of Mr. Rush's motion could be accomplished by simply adding some required procurement principles/guidelines to each programs' policies, which organizations are then required to follow. Such would alleviate the potential negative consequences to these organizations which may occur with an outright requirement of the entire procurement ordinance.

Administration

Reviewed by: Roxanne Ancheta

Date: October 14, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision left to Council's discretion. Administration is in agreement with the aforementioned comments from Finance and Legal. The Hospitality Tax Review Committee will be meeting on Monday, October 28 to review the equity and allowances related to the Ordinance Agencies, and to establish a mechanism for annual or every other year review of Ordinance Agency funding. Further discussion relating to Mr. Rush's motion could occur at this meeting if Council chooses. A report and any recommendations from the Hospitality Tax Review Committee meeting will be forwarded to County Council.

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Richland County Council Request of Action

Subject

Hospitality Tax Ordinance Agency Spending in Unincorporated Richland County [**PAGES 75-86**]

Reviews

Richland County Council Request of Action

Subject: Hospitality Tax Ordinance Agency Spending in Unincorporated Richland County

A. Purpose

County Council is requested to put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.

B. Background / Discussion

On September 17, 2013, Council member Rush brought forth the following motion:

“To put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.”

Currently the three Ordinance Agencies (Columbia Museum of Art, Historic Columbia Foundation and EdVenture) spend funds according to the South Carolina Code of Laws SECTION 6-1-730:

(A) The revenue generated by the hospitality tax must be used exclusively for the following purposes:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities;
- (3) beach access and re-nourishment;
- (4) highways, roads, streets, and bridges providing access to tourist destinations;
- (5) advertisements and promotions related to tourism development; or
- (6) water and sewer infrastructure to serve tourism-related demand.

(B)(1) In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the hospitality tax authorized in this article may be used for the operation and maintenance of those items provided in (A)(1) through (6) including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

(2) In a county in which less than nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, an amount not to exceed fifty percent of the revenue in the preceding fiscal year of the local accommodations tax authorized pursuant to this article may be used for the additional purposes provided in item (1) of this subsection.

Each March, Ordinance Agencies are asked to include language in their annual requests, per the Hospitality Tax Ordinance Sec. 23-69, Distribution of funds, that shows how they are reaching out to the unincorporated areas.

(3) As a condition of receiving its allocation, the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must annually present to the County an affirmative marketing plan for the inclusion of all citizens of Richland County and must also annually offer some “free” or discounted services to Richland County citizens. Each Agency shall also, to the fullest extent possible, make a good faith effort to expand programs and events into the unincorporated areas of Richland County. This plan shall be due to the county administrator no later than March 1 of each year. If an Agency fails to comply with these requirements, its

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portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (f) below.

In May of 2013, Ordinance Agencies were asked to provide information on how they serve(d) the unincorporated areas in FY13. These reports are attached.

The Hospitality Tax Review Committee will be meeting on Monday, October 28 to review the equity and allowances related to the Ordinance Agencies, and to establish a mechanism for annual or every other year review of Ordinance Agency funding. A report and any recommendations from this Committee will be forwarded to County Council.

C. Legislative / Chronological History

Motion by Councilman Rush at the September 17, 2013 Council Meeting.

D. Financial Impact

In the FY14 budget process, Ordinance Agencies were allocated \$1,080,572 in Hospitality Tax funds. To date, these organizations have received a total of \$364,329 in payments. If approved and Ordinance Agency funds are put on hold, \$716,243 will remain unspent.

E. Alternatives

1. Approve the motion to put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.
2. Do not approve the motion to put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.

F. Recommendation

To put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.

Recommended by: Torrey Rush

Department: County Council

Date: 9/17/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

As always, this is a policy decision for Council. I support transparency inclusive of the County understanding how appropriations are utilized by Agencies however Council may want to consider an alternative three: to not withhold additional current year payments but to have the committee make the necessary assessments prior to January and make any additional Agency requirements for the fiscal year 2015 budget process. This alternative may accomplish the same result and allow all parties the opportunity to plan for the change without having a negative operational effect and is based on an understanding from the ROA that:

- Current budget levels are appropriated and approved by Council and available in the hospitality fund.

- Current approved process requires Agencies to report annually on activity related to unincorporated area and all are compliant in current year
- The request for the additional requirements was made after the Agency's completion of the current year budget process.
- Historically, the ordinance Agencies have utilized at least a portion of the appropriation to support the core day-to-day activity therefore a mid-year freeze on funding may have a negative effect on the Agency to provide uninterrupted services.

Grants

Reviewed by: Sara Salley Date: 10/11/13
 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

This is a policy decision of Council. Agreeing with the Finance Director, the reporting requirements for Ordinance agencies could be changed to where these organizations provide the County with reports detailing information on how they interact and reach out to the unincorporated areas every year along with their affirmative marketing plan that is due each March. This information can be forwarded to Council so that they have it on hand during budget. Withholding funds that have already been allocated to the Ordinance Agencies for FY14 could cause an interruption of operating, programming and tourism services.

Legal

Reviewed by: Elizabeth McLean Date: 10/11/13
 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, I wholeheartedly agree with Mr. Driggers' comments. Additionally, as these agencies receive annual HTax dollars because they are actually specifically listed in the HTax ordinance (section 23-69) above, that ordinance would need to be amended by ordinance, as well as any appropriations ordinances. I would also strongly consider the potential consequences to the County and to the agencies based on denial of funds to these organizations which have in good faith placed their reliance on these funds based on valid County ordinances, policies and procedures.

Administration

Reviewed by: Roxanne Ancheta Date: October 14, 2013
 Recommend Council approval Recommend Council denial

Comments regarding recommendation: This is a policy decision left to Council's discretion. Administration is in agreement with the aforementioned comments from Finance, Grants, and Legal. The Hospitality Tax Review Committee will be meeting on Monday, October 28 to review the equity and allowances related to the Ordinance Agencies, and to establish a mechanism for annual or every other year review of Ordinance Agency funding. Further discussion relating to Mr. Rush's motion could occur at this meeting if Council chooses. A report and any recommendations from the Hospitality Tax Review Committee meeting will be forwarded to County Council.



Richland County Free Programs and Services

Report: FY 2012 (July 1, 2011 -June 30, 2012)

Free or Discounted Services to Richland County residents:

To provide greater accessibility to the Museum, the Museum offers free and reduced admission to programs in our community particularly to reach at-risk children and families to provide educational opportunities for all and to help curb the path to poverty in our state. The programs look for strong community partners like St. Lawrence Place and at-risk schools to identify groups that would benefit from our programs. Recognizing that not everyone can afford to come to the Museum, we have made it a priority to find corporate sponsors such as BlueCross BlueShield of SC to fund accessible initiatives to the Museum through offerings like Free Sundays.

- **Free Sundays at the CMA:**

The CMA's collection is free to the public 52 weeks a year

Costs: \$104,661

(Calculated as 1/6 of annual costs – museum is open six days a week)

- Exhibitions/Collections - \$41,335
- Visitor Services -\$3,295
- Public Tour Program - \$1,867
- Public Programs - \$7,159
- Facilities/Maintenance/Security - \$51,005

Value: \$10 for adults, \$8 for senior or military, \$5 students (age 6 -college), FREE for ages 5 and under.

- **Passport to Art and docent led tours on Free Sundays at the CMA:**

Offered the second Sunday of each month from noon until 3:00 pm, Passport to Art is a free studio program for artists of all ages and features hands-on projects based on themes found in the exhibitions and museum collection. In conjunction, we offer a free guided tour for families at 1:00 pm, which connects to the studio project. In FY 2012 we offered 12 programs for 540 children and adults.

Costs: \$7,800

Costs are calculated based on materials, marketing and staff time.

The Museum offers a multitude of free educational programs for children and adults throughout the year with a special emphasis on unincorporated Richland County. The Museum is focusing on providing greater access to rural Richland County by deepening our outreach programs to provide free or reduced-price programs to schools and organizations. This fiscal year we extended our Richland Library partnership program *Hands on with CMA*, a free offsite program offered at Richland Library Southeast, Eastover and Cooper branches, and *All Around Town: All Around the State*, a free arts and literacy program offered to all third graders in Richland District One.

- **Richland Library Partnership**

- ***Hands on with CMA*** - Developed as a way to reach families throughout Richland County, *Hands on with CMA* engages participants with stories read by Richland Library's staff, followed by a hands-on art experience led by CMA's staff and volunteers. In FY 2012 the programs were offered at Eastover, Southeast and the Main library branches.

- *HANDS on CMA* at Richland Library (Eastover) - 785 children, families and daycare center students served. Cost \$7,477.
- **All Around Town, All Around the State** – this special art and literacy program is based on the work of Columbia African-American photographer Richard Samuel Roberts. Roberts’ beautiful portraits of the black middle class in the early part of the 20th century are a part of Columbia history and in the CMA collection. This school program is done in partnership with Richland Library and local author and storyteller Dinah Johnson. Students view portraits, participate in art projects and storytelling, and visit the children’s room at the Main Library. This program was offered for nearly 2,000 3rd graders in Richland One School District in 2012. Unincorporated Richland schools included:
 - Hopkins Elementary: Our Time, Our Place (All Around Town) - 99 students @ FREE through partnership with Richland One. CMA direct and in-direct costs: \$957
 - Horrell Hill Elementary: Our Time, Our Place (All Around Town) - 62 students @ FREE through partnership with Richland One. CMA direct and in-direct costs: \$846

- **LEAF (Linking Ecology and the Art of the Floodplains)** - Each fall the Columbia Museum of Art partners with the National Park Service to present an innovative two-week science and art outreach program at **Congaree National Park in unincorporated Richland County**. The LEAF program promotes science literacy and resource conservation through nature walks, The Mud Lab and a studio art lesson featuring landscapes. **The LEAF program expanded this year (FY13) to educate 1,385 students in 28 classes from 21 schools in Richland County.**



Costs: FY 2012- \$8,426 (FY 2013 \$12,533)

Program is FREE for schools and costs are calculated based on cost of materials, travel, and staff time.

- FY12 –LEAF served 539 third grade students at a cost of **\$8,426**.
- FY13 – LEAF more than doubled by serving 1,385 third grade students at a cost of **\$12,533**.
- **Educator Programs** – These programs are designed to connect educators with the museum’s collection and exhibitions that support South Carolina education standards
 - **Evening for Educators** - Held quarterly, this FREE program offers all South Carolina educators a preview of special exhibitions, upcoming programs and studio projects complete with downloadable lesson plans. Costs include materials and staff time. **Costs for FY 2012 - \$2,250**
 - **Mosaic Teacher Workshop** – Offered to provide teachers access to arts across the curriculum, this annual arts workshop held



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at the CMA offers teacher sessions in drama, visual arts, dance, media literacy and music. Costs include materials, lunch, marketing and staff time.

Costs for FY 2012 - \$7,300

Revenue: \$750 @ \$10 per teacher

- **Teacher In-service Workshop** – Available year round, this workshop provides teachers a creative environment to develop new skills in integrating the arts in their classrooms through CMA staff-led gallery talks, tours and hands-on workshops. Costs include materials and staff time.

Costs for FY 2012 - \$890

Revenue: \$125 @\$5 per teacher

- **Community Programs and Outreach** - The Museum's Community Programs and Outreach team works with area institutions and schools such as St. Lawrence Place, Heyward Gibbes Middle School and Bethel AME to expose at-risk students to the visual arts using lesson plans that incorporate South Carolina state standards and curriculum.

In FY 2012, we broadened our reach and offered a *CMA on the Go* version of this program to reach further into Richland County to lend our educational resources to schools that may not have the funds to come to the CMA. *CMA on the Go* hosted in unincorporated Richland schools: FREE

- Horrell Hill Elementary – 26 students
- Gadsden Elementary schools – 175 students.

Costs include materials, travel and staff time.

Cost \$4,903

Value of waived fees: 201 students @ \$3 = **\$603**

Schools coming to the CMA for Tours and Programs from unincorporated Richland County:

Cost for FY 2012 - \$2,595

Students served: 398

Revenue: \$712

Programs are either \$3 per student or FREE. Costs are calculated based on cost of materials, marketing, and staff preparation and implementation (\$660 per school program at CMA).

- SC Youth Challenge Academy -63 students charged \$3 per student. CMA direct and in-direct costs: \$754.50
- Irmo Elementary: Hudson River - 114 students charged \$3 per student. CMA direct and in-direct costs: \$1,002
- Home school groups: various tours - 60 students charged \$3 per student. CMA direct and in-direct costs: \$840
- Hopkins Elementary: Our Time, Our Place (All Around Town) - 99 students @ FREE through partnership with Richland One. CMA direct and in-direct costs: \$957
- Horrell Hill Elementary: Our Time, Our Place (All Around Town) - 62 students @ FREE through partnership with Richland One. CMA direct and in-direct costs: \$846

Submitted to Sara Salley, May 14, 2013

1. For programs held out in the unincorporated areas, how much did your organization spend?

- To date this fiscal year, 2,400 students participated in the travelling trunk program in schools in unincorporated Richland County. This is a program staff takes into the classroom at no cost to the school or student. Costs for staffing, travel and materials total and average of \$10/student or \$24,000.
- HCF offers four “behind the scenes” tours annually. One of those tours this year took visitors to Lower Richland where they toured: Alwehav Plantation, Church of the Holy Cross, a revolutionary war era post office in Horatio and Thomas Sumter’s burial site. For staffing, marketing and travel costs totaled \$3,000.
- HCF produces and African American sites self-guided tour brochure, which includes several historic sites in unincorporated Richland County. Costs for this program including staffing, design and publication totaled \$12,000. This tour was offered as a guided bus tour once during the fiscal year. Costs for staffing, travel and marketing totaled \$1,200.
- Total expenditures \$40,200.

2. For programs held in your facilities (example: discount days) for citizens in the unincorporated areas, what was the cost if there was a charge or value if the program was free/discounted?

- HCF offers \$1 Sundays to all Richland County residents the 3rd Sunday of each month. Costs for tours are typically \$3-\$6.
- Annual events including the Jubilee: Festival of Heritage, Scarecrows in the Garden and the National Public Gardens Day are also offered free of charge to the community at large. The value of these activities range from \$3 to \$6/person.
- In 2012-13 HCF has worked in partnership with USC, the Columbia Metropolitan Convention and Visitors’ Bureau and the City of Columbia to offer a series of programs commemorating 50 years since the Civil Rights Movement. To date we have hosted public programs (4) and a tour of Civil Rights sites. Over 5,000 people have participated in these free programs programs with just over 30% from unincorporated Richland County. Typical charges for these programs range from \$5 to \$10/person.

3. School tours

- a. Do you offer free school tours to schools in the unincorporated area? If not, what is the charge? (Per child or per group). **Historic Columbia does not offer free tours at the house museums for students in the unincorporated area. Depending on the program student fees are \$1 to \$3 per student. HCF does offer free tours to student choir members who participate in the Holiday Choir showcase. In December 2012 students from the unincorporated area totaled 78.**
- b. How many students and/or school groups from the unincorporated area of Richland County visited your museum on school tours? **As of April 30, 2012 a total of 1,271 students from schools in unincorporated Richland County have visited Historic Columbia.**
- c. How much income was generated from these visits if there is a charge or what is the value if there is no charge? **Fees for these groups totaled \$2,808.**

MEMO

To: Sara Salley, Grants Manager, Richland County
From: Catherine Horne, President/CEO, EdVenture Children's Museum
Date: May 15, 2013
RE: Responses to Council Request

1. For programs held out in the unincorporated areas, how much did your organization spend?

For the period of **July 2013 – April 2013**, EdVenture delivered 27 outreach programs to elementary schools in the unincorporated areas. We reached 679 students at a cost of \$3,395.

EdVenture also offers a Youth Development/Leadership Program called Future Leaders that is offered at the following schools: Longleaf Middle (RCSD2), Southeast Middle (RCSD1) and the Center for Accelerated Prep (RCSD2). This program is free to students, and a total of 187 students are currently being served. The annual cost to provide this program is \$30,000.

EdVenture offers daily, afterschool programming called Club EdVenture, for ten elementary schools in RCSD1 (AC Moore, Bradley, Caughman Road, HB Rhame, Hyatt Park, Lewis Greenview, Logan, Pine Grove, Rosewood and Sandal Elementary). Some of these schools are located in unincorporated areas of Richland County. Club EdVenture serves approximately 300 students daily, with a sliding fee scale, based on financial need. EdVenture's annual cost to provide this program is \$214,350. EdVenture incurs an additional cost of approximately \$30,000 annually in tuition write-offs and scholarships.

Through a partnership with Richland County Library, EdVenture has an exhibit located in the new Eastover Branch, which is free for all patrons. EdVenture's cost to develop and provide this exhibit was \$10,420.

2. For programs held in your facilities (example: discount days) for citizens in the unincorporated areas, what was the cost if there was a charge or value if the program was free/discounted?

EdVenture offers a variety of accessibility options and special community events for families living in Richland County (both unincorporated and incorporated)*:

- Family Nights - \$1/per person admission on the second Tuesday evening of every month.
Annual Cost = \$105,000 (10,000 people)
- Bank of America Museums on Us Weekend – free admission for Bank of America cardholders on the first full weekend of every month.
Annual Cost = \$34,500 (3,000 people)
EdVenture only receives \$11,000 from Bank of America to offer this program; and must cover any additional incurred expenses.
- Yes, Every Child - \$1/per person admission for any person (and household family members) receiving Supplemental Nutrition Assistance Program (SNAP) benefits.
Annual Cost = \$27,830 (2420 people). Please note this is the year one, and EdVenture is working with the United Way of the Midlands to hire an Americorps Vista to promote this program to churches, schools, and other community organizations in Richland County. This position is anticipated to begin in July 2013 and will be a one year placement.

Item# 9

- Countdown to Kindergarten – community wide event celebrating school readiness and the transition to kindergarten; admission is free.
Annual Cost = \$28,750 (2,500 people)
- EdCeptional Kids – a community wide initiative that provides three after-hours open houses free of charge for families with children with disabilities.
Annual Cost = \$17,250 (1,500 people)

*Costs are based on regular museum admission per person of \$11.50. Our software system does not allow for us to pull reports on zip codes for discounted events; thus these numbers reflect the total number of people served and cost annually.

3. School tours

- a. Do you offer free school tours to schools in the unincorporated area? If not, what is the charge? (Per child or per group)**

EdVenture offers field trips to schools at a reduced charge of \$6.50 per student; teachers are free. Regular museum admission is \$11.50 per person.

- b. How many students and/or school groups from the unincorporated area of Richland County visited your museum on school tours?**

From the period of July 2012 – April 2013, 2,473 students from the unincorporated areas of Richland County visited EdVenture for a field trip.

- c. How much income was generated from these visits if there is a charge or what is the value if there is no charge?**

EdVenture charged \$16,074.50, which is a DISCOUNT of \$12,365.

Richland County Council Request of Action

Subject

Public Hearing and Resolution in Support of Bonds for Affordable Housing Project **[PAGES 87-95]**

Reviews

Richland County Council Request of Action

Subject: Public Hearing and Resolution in Support of Bonds for Affordable Housing Project

A. Purpose

County Council is requested to hold a Public Hearing on November 5, 2013 and adopt a Resolution in support of the acquisition of an affordable housing facility (“Project”) located in Richland County, which Project will be financed by a loan from the proceeds of bonds issued by the Wisconsin Public Finance Authority to Companion Associates Inc. (or a related entity) (“Borrower”).

B. Background / Discussion

The request to Council arises from the requirements of the Internal Revenue Code and the Wisconsin Public Finance Authority prior to the issuance by the Authority of tax-exempt bonds to finance this type of capital project. Because the Project is located in the County, the Project must receive public approval of the County (which public approval is evidenced by holding the Public Hearing and adopting a Resolution in support of the Project).

The Bonds shall in no way be an obligation or liability of the County. The Public Hearing Notice is also being paid for by outside legal counsel.

The Resolution (Attachment 1) and Public Hearing Notice (Attachment 2) are included for your convenience.

C. Legislative / Chronological History

This request is generated by outside legal counsel (Parker Poe) on behalf of the borrower.

D. Financial Impact

There is no financial impact associated with this request, as the Bonds shall in no way be an obligation or liability of the County. The Public Hearing Notice is also being paid for by outside legal counsel.

E. Alternatives

If Council chooses to not adopt the Resolution in support, the Project cannot move forward and Council will be foregoing an opportunity to provide safe, decent and affordable housing to the citizens of Richland County.

F. Recommendation

It is recommended that Council hold a Public Hearing on November 5, 2013 and adopt the Resolution in support of the Project.

Recommended by: Ray Jones, Esq., Parker Poe

Date: October 9, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/10/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval based on outside legal counsel recommendation. Additionally, Council should consider if request qualifies for assessment of county administrative fee for bond issues.

Legal

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Roxanne Ancheta

Date: October 14, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council hold the Public Hearing on Tuesday, November 5, 2013, and adopt the Resolution in support of the bond issuance. There is no financial liability on the part of the County. Administrative fees should be assessed and collected, per our financial policies.

A RESOLUTION

IN SUPPORT OF THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS AFFORDABLE MULTIFAMILY HOUSING REVENUE BONDS, IN ONE OR MORE SERIES, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$22,000,000, FOR THE PURPOSE OF DEFRAYING THE COSTS OF AN AFFORDABLE HOUSING FACILITY LOCATED IN RICHLAND COUNTY; AND OTHER RELATED MATTERS

WHEREAS, the Public Finance Authority (“Authority”), a State of Wisconsin bond issuing commission, acting by and through its Board of Directors, is authorized and empowered under and pursuant to the provisions of Sections 66.0301, 66.0302 and 66.0304 of the Wisconsin State Statutes, as amended (“Act”), to issue bonds and enter into agreements with public or private entities for the purpose of financing capital improvements located within or without the State of Wisconsin and owned, sponsored or controlled by a participant, as defined in the Act;

WHEREAS, Companion Foundation and its affiliates, a non-profit corporation, authorized to do business in the State of South Carolina (“Borrower”) has applied to the Authority to issue not to exceed \$22,000,000 of the Authority’s Affordable Multifamily Housing Revenue Bonds (“Bonds”) in one or more series, so the Borrower may (i) acquire, construct, rehabilitate and equip an affordable housing, 240 unit apartment building located at 1155 Clemson Frontage Road, Columbia, South Carolina 29229 and known as the Palms at Premier Park, to be used to furnish affordable housing for qualifying families (“Facility”); and (ii) pay certain fees and expenses to be incurred in connection with the issuance of the Bonds;

WHEREAS, the Facility will be initially owned and operated by Borrower;

WHEREAS, the Borrower anticipates that the Facility will benefit the State of South Carolina and Richland County, South Carolina (“County”), generally and, in particular, by providing affordable, decent, safe, and sanitary housing for people from the County and surrounding areas;

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and Treasury Regulations Section 5f-103-2(f), as amended (collectively, “Federal Tax Requirements”), prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of the governmental unit having jurisdiction over the area in which the Facility is located, after a public hearing held following reasonable public notice;

WHEREAS, Richland County Council (“Council”) is the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facility is located;

WHEREAS, on this date, prior to any deliberations regarding this Resolution, Council held a public hearing, as described in the notice of public hearing attached as Exhibit A, at which all interested persons have been given a reasonable opportunity to express their views. The public hearing was duly noticed by publication in *The State*, a newspaper having general circulation in the County, not less than 15 days prior to the date hereof; and

WHEREAS, Council now desires to approve the Authority's issuance of the Bonds and the financing of the Facility in accordance with the Federal Tax Requirements.

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

Section 1. It is hereby found, determined and declared that (a) the Facility is anticipated to benefit the general public welfare of the County by providing affordable, decent, safe and sanitary housing, and (b) the Facility will give rise to no pecuniary liability of the County, or a charge against its general credit or taxing power.

Section 2. As required by the Act, Council approves the Facility and supports the Authority in its determination to issue the Bonds to defray the costs of the Facility.

Section 3. Solely for purposes of satisfying the Federal Tax Requirements, the Facility and the Bonds are hereby granted "public approval." The Bonds shall in no way be an obligation or liability of the County.

Section 4. The County Council Chair is hereby authorized and directed to execute such documents as may be necessary to evidence the County's "host approval," as defined in the Federal Tax Requirements.

Section 5. The appointment of the County Council Chair to conduct the public hearing for purposes of satisfying the Federal Tax Requirements is hereby confirmed and ratified.

Section 6. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force and effect from and after its adoption.

[Signature Page Follows]

Adopted this 5th day of November 2013.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Chair of County Council
Richland County, South Carolina

ATTEST:

Clerk to Council
Richland County, South Carolina

EXHIBIT A

Notice of Public Hearing

**NOTICE OF A PUBLIC HEARING REGARDING TAX-EXEMPT BONDS
TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY**

NOTICE IS HEREBY GIVEN to all interested persons that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (“Issuer”), has been requested to issued one or more series of its Affordable Multifamily Housing Revenue Bonds (“Bonds”) and to lend the proceeds thereof to Companion Foundation to finance the acquisition and construction of an affordable housing, 240 unit, apartment building, known as Palms at Premier Park and located in Richland County, South Carolina (“Facility”).

The maximum principal amount of the Bonds proposed to be issued by the Issuer is \$22,000,000.

The Facility will initially be owned and operated by Companion Foundation and managed by Companion Associates, Inc.

The Facility will be located at 1155 Clemson Frontage Road, Columbia, SC 29229

NOTICE IS HEREBY GIVEN that the County Council of Richland County will hold a public hearing at its regularly scheduled meeting on **November 5, 2013, in the Council Chambers of the Richland County Administration Building, located at 2020 Hampton Street, Columbia, South Carolina 29202, commencing at 6:00 PM**, or as soon as practicable thereafter, concerning the proposed issuance of the Bonds and the nature and location of the Facility. At the time and place fixed for the public hearing, all persons who appear will be given an opportunity to express their views, both orally and in writing, for or against the proposed issuance of the Bonds, the location and nature of the Facility to be financed, and the approval of the issuance of the Bonds. County Council also intends at the November 5, 2013 meeting to consider and take action on a resolution to approve the issuance of the Bonds by the Issuer.

Any person interested in the issuance of the Bonds may appear in person at the public hearing or submit written comments. Any person wishing to submit written comments regarding the proposed issuance of the Bonds should do so by submitting said written comments to the County Administrator no later than 5:00 PM on October 29, 2013, at 2020 Hampton Street, Room 4058, Columbia, South Carolina 29202.

This notice is given pursuant to the provisions of Section 147 of the Internal Revenue Code of 1986, as amended. Additional information concerning the Facility may be obtained from Ray E. Jones, Esq., 1201 Main Street, Suite 1450, Columbia, South Carolina 29201; Phone (803)255-8000; Email Address: rayjones@parkerpoe.com. County Council does not discriminate upon the basis of any individual’s disability status. This non-discrimination policy involves every aspect of the County Council’s functions, including one’s access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting or needing this information in an alternative format because of a disability as provided for in the Americans with Disabilities Act should contact the County Administrator by phone at (803) 576-2050, or by fax at (803) 576-2137.

RICHLAND COUNTY COUNCIL

Item# 10

RICHLAND COUNTY, SOUTH CAROLINA

Item# 10

Attachment number 1
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Richland County Council Request of Action

Subject

Richland County LED Lighting Pilot Project [**PAGES 96-98**]

Reviews

Richland County Council Request of Action

Subject: Richland County LED Lighting Pilot Project

A. Purpose

County Council is requested to approve a grant, if awarded, to fund an LED Lighting Pilot Project for the Public Works building.

B. Background / Discussion

The County's Public Works facility supports 166 county employees and has the 6th largest energy footprint in the county building energy portfolio. Currently, this facility uses 4 lamp 32W T8 fluorescent bulbs for the interior of the building. Other than exit signs in several facilities, the county has not replaced any bulbs with LED technology. This pilot program can be used to educate staff and the public about newer technologies such as LED fixtures.

Richland County has applied for a \$5,000 SC Energy Office grant that, if awarded, would upgrade 50 florescent fixtures to LED fixtures in Public Works. Support Services will contribute \$227 to support the equipment cost as well as staff time for installation. As LED technology has improved greatly over the last several years, the Public Works building acts as a perfect test facility for interior LED retrofits. The LED fixtures will replace the 4 lamp 128W florescent fixtures with a 2 lamp 44W troffer, resulting in a 66% energy reduction. The LED fixtures will also have a cooling multiplier in the warmer months that will allow additional HVAC energy reductions that will shorten the payback period. The operation and maintenance cost should also be reduced for the LED fixtures allowing County electricians the ability to spend precious time on keeping systems running efficiently.

The grant would pay for the LED fixtures and installation will be completed by electricians on staff before May 30th 2014. Moving forward this could be used as a model for smaller facilities as staff time allows. This facility is currently tracked in Portfolio Manager by the Sustainability Manager. The County will continue maintaining accurate energy records during this project to identify actual savings, energy trends and system performance.

C. Legislative / Chronological History

None. This is a staff initiated project.

D. Financial Impact

The financial impact of this request is an additional \$227, which will come from Support Services' supplies budget to purchase an even 50 fixtures for easy reporting.

E. Alternatives

1. Approve the grant, if awarded, to fund an LED Lighting Pilot Project for the Public Works building, if awarded, to fund an LED Lighting Pilot Project for the Public Works building.
2. Do not approve the grant, if awarded, to fund an LED Lighting Pilot Project for the Public Works building.

F. Recommendation

It is recommended that Council approve the grant, if awarded, to fund an LED Lighting Pilot Project for the Public Works building.

Recommended by: Anna Lange

Department: Sustainability

Date: 10/9/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/10/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Project is consistent with the County sustainability program and the required funding is immaterial therefore approval recommended. It may be beneficial for the decision process if potential savings amounts were able to be quantified for the report. Therefore as the County continues to invest in sustainability programs I would recommend that the County consider a re-investment program where only "hard"-savings are captured and utilized to fund future program initiatives. It would require the County to determine a methodology to identify and track estimated savings compared to a post-project review to quantify hard savings.

Grants

Reviewed by: Sara Salley

Date:10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

Legal cannot comment on any specific grant details/requirements as the documents have not been attached.

Administration

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Project will contribute to Richland County's ongoing efforts to invest in sustainability. The project costs to the county are negligible therefore approval is recommended.

Richland County Council Request of Action

Subject

Request for Public Hearing and Adoption of Support Resolution regarding Not Exceeding \$100,000,000 South Carolina Jobs-Economic Development Authority Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), Series 2013 (the "Bonds") [**PAGES 99-106**]

Reviews

Richland County Council Request of Action

Subject: Request for Public Hearing and Adoption of Support Resolution regarding Not Exceeding \$100,000,000 South Carolina Jobs-Economic Development Authority Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), Series 2013 (the “Bonds”)

A. Purpose

County Council is requested to order a public hearing and adopt a support resolution in connection with the issuance of the Bonds by the South Carolina Jobs-Economic Development Authority (“JEDA”). The Bonds will be used to acquire, redevelop, renovate and equip a building in downtown Columbia commonly referred to as the Palmetto Compress Warehouse (the “Project”).

In connection with the foregoing, County Council is requested to:

1. Order a public hearing on the question of the issuance of the Bonds; the form of Notice of Public Hearing is attached hereto as Exhibit A.
2. Adopt a resolution expressing support for the Project; the form of such Resolution is attached hereto as Exhibit B.

B. Background / Discussion

The City of Columbia purchased the Palmetto Compress Warehouse and subsequently solicited proposals for its redevelopment. Palmetto Compress Preservation Developers, LLC (the “Borrower”) submitted a proposal and is currently in negotiations with the City of Columbia to purchase the Palmetto Compress Warehouse. The Borrower is seeking to finance the Project through the issuance of the Bonds by JEDA. Pursuant to Title 41, Chapter 43 of the South Carolina Code (the “JEDA Act,” which governs the issuance of bonds by JEDA), the Bonds may only be issued by JEDA upon receipt of evidence of a public hearing by a political subdivision in which the project will be located and receipt of a resolution by the governing body of that political subdivision with certain specified findings. The findings required by Title 41, Chapter 43 of the South Carolina Code are provided at 4-29-60 and are set forth below, along with annotations specifying the basis for each.

1. That the project will subserve the purposes of this chapter;
 - a. *The JEDA Act requires that a project subserve the purpose of Chapter 29 of Title 4 of the South Carolina Code. The purpose of Chapter 29 of Title 4 of the South Carolina Code is to enhance the economic development of the county in which a proposed project is to be located. The Borrower represents that the redevelopment of this historically significant building will result in an investment of not exceeding \$100,000,000 in the County and the employment of approximately 75 people within 24 months.*
2. That the project is anticipated to benefit the general public welfare of the locality by providing services, employment, recreation or other public benefits not otherwise provided locally;

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- a. *The Borrower represents that the Project will result in new jobs not otherwise being provided locally.*
3. That the project will give rise to no pecuniary liability of the county or incorporated municipality or a charge against its general credit or taxing power;
 - a. *Section 41-43-110 of the South Carolina Code provides that the “[t]he bonds do not constitute nor give rise to a pecuniary liability of the State or the authority or a charge against the general credit of the authority or the State or taxing powers of the State and this fact must be plainly stated on the face of each bond.” The County will not be a party to any agreement or instrument of any kind, so it will therefore have no liability, and neither its credit nor its taxing power will be pledged. The County’s limited role in this transaction as prescribed in the JEDA Act is to express its support by adopting a support resolution and holding the public hearing (together with and on behalf of JEDA).*
4. The amount of bonds required to finance the project;
 - a. *The Borrower represents that the amount of the Bonds will be in an amount not exceeding \$100,000,000.*
5. The amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance the project;
 - a. *The closing documents to be delivered by JEDA and the Borrower at closing will set forth this information, as allowed by the JEDA Act.*
6. The amount necessary to be paid each year into any reserve funds which the governing board may deem it advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project; and
 - a. *The closing documents to be delivered by JEDA and the Borrower at closing will set forth this information, as allowed by the JEDA Act.*
7. Unless the terms of a financing agreement with respect to a project provide that the industry shall maintain the project and carry all proper insurance with respect thereto, the estimated cost of maintaining the project in good repair and keeping it properly insured.
 - a. *The closing documents to be delivered by JEDA and the Borrower at closing will set forth this information, as allowed by the JEDA Act.*

Ordering the public hearing and adopting the support resolution will allow for the Borrower to continue to pursue conduit bond financing for the Project, which represents a significant economic development project in the County.

C. Legislative / Chronological History

The JEDA Board adopted an inducement resolution on September 24, 2013, inducing the Project and approving a petition to the State Budget and Control Board requesting consideration and approval of this transaction at its October 31, 2013 meeting. Upon approval by the State Budget and Control Board, the JEDA Board is expected to adopt a bond resolution at its November 2013 meeting. The actions requested of County Council herein are independent of the State-level approval process.

D. Financial Impact

As set forth in the JEDA Act, there is no financial liability on the part of the County. The Project does, however, represent a significant investment in the County and would enhance the County's tax base.

E. Alternatives

1. Order a public hearing on the question of the issuance of the Bonds. Adopt a resolution in support of the Project.
2. Do not order a public hearing and do not adopt a support a resolution.

F. Recommendation

Order a public hearing on the question of the issuance of the Bonds. Adopt a resolution in support of the Project.

Recommended by: Gary T. Pope, Jr., Esq., Pope Zeigler Law Firm Date: October 10, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/10/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval and Council consideration on assessment of administrative fee.

Legal

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Roxanne Ancheta

Date: October 14, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council hold the Public Hearing on Tuesday, November 5, 2013, and adopt the Resolution in support of the JEDA bond issuance. As set forth in the JEDA Act, there is no financial liability on the part of the County. Administrative fees should be assessed and collected, per our financial policies.

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the South Carolina Jobs-Economic Development Authority (the "Issuer") and the County Council of Richland County, South Carolina, on Tuesday, November 5, 2013, at 6:00 p.m., in the County Council Chambers, located in the Richland County Government & Justice Center at 2020 Hampton Street, Columbia, South Carolina 29204, in connection with the issuance by the Issuer of its Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), which Bonds may be issued in one or more series (the "Bonds"). The Bonds will be issued in an aggregate principal amount not to exceed \$100,000,000, and the proceeds of the Bonds will be used to defray the cost of: (i) acquiring, redeveloping, renovating and equipping of that certain building located at 612 and 617 Devine Street in Columbia, South Carolina and commonly known as the Palmetto Compress Warehouse (the "Project"); (ii) funding necessary reserve funds, including, but not limited to, a debt service reserve fund; (iii) paying all or a portion of the interest on the Bonds during redevelopment and renovation of the Project; and (iv) paying certain costs of issuance and transaction costs associated with the Bonds. The Project will be owned by Palmetto Compress Preservation Developers, LLC, a South Carolina limited liability company (the "Company"). The Company will unconditionally covenant to make, or cause to be made, payments sufficient to pay the principal of and interest on the Bonds. The Bonds will be payable solely and exclusively out of payments to be made by the Company with respect to the Project.

The Bonds do not represent a general obligation of the State of South Carolina (the "State"), the Issuer, Richland County, or any other such political subdivision or agency of the State within the meaning of any State constitutional provision or statutory limitation or constitute or give rise to any pecuniary liability of the State or any political subdivision or agency thereof or a charge against its general credit or taxing powers.

The public is invited to attend the hearing at the address set forth above and/or submit written comments on the issuance of the Bonds and the financing of the Project to the South Carolina Jobs-Economic Development Authority at 1201 Main Street, Suite 1600, Columbia, South Carolina 29201, and to Richland County at 2020 Hampton Street, Columbia, South Carolina 29204.

SOUTH CAROLINA JOBS-ECONOMIC
DEVELOPMENT AUTHORITY

RICHLAND COUNTY, SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

**A RESOLUTION OF THE
RICHLAND COUNTY COUNCIL**

A RESOLUTION IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS REVENUE EMPOWERMENT ZONE BONDS AND TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS (PALMETTO COMPRESS PRESERVATION DEVELOPERS, LLC PROJECT), PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$100,000,000

WHEREAS, the South Carolina Jobs-Economic Development Authority (the “Authority”) is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43 of the Code of Laws of South Carolina, 1976, as amended (the “Act”), to issue revenue bonds, payable by the Authority solely from a revenue producing source or a special source which does not include revenues from any tax or license, and secured by a pledge of said revenues, to provide funds for any program authorized by the Act; and

WHEREAS, the Authority is further authorized by the Act to utilize any such program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina (the “State”); and

WHEREAS, the Authority and Palmetto Compress Preservation Developers, LLC, a South Carolina limited liability company (the “Borrower”), entered into an Inducement Agreement dated September 24, 2013 (the “Inducement Agreement”), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes, subject to such approval of the State Budget and Control Board of South Carolina and the County Council of Richland County, South Carolina (the “County Council”) as may be required by law, to issue not exceeding \$100,000,000 aggregate principal amount of its Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project) (the “Bonds”), in one or more series, under and pursuant to Section 41-43-110 of the Act to:

- (i) defray the cost of:
 - (a) acquiring, redeveloping, renovating and equipping the Palmetto Compress Warehouse and associated real property located at 612 and 617 Devine Street in Columbia, South Carolina (the “Project”);
 - (b) funding necessary reserve funds, including, but not limited to, a debt service reserve fund;

(c) paying all or a portion of the interest on the Bonds during redevelopment and renovation of the Project; and

(d) paying certain costs of issuance and transaction costs associated with the Bonds; and

(ii) induce the Borrower to acquire, redevelop, renovate and equip the Project within the State; and

WHEREAS, the Authority has found that the Borrower is a responsible party that will be engaged in the business of operating, leasing and managing the Project, which will provide or cause employment and for residents of the City of Columbia and Richland County, South Carolina (the “County”) and surrounding areas; and

WHEREAS, the Borrower has demonstrated to the Authority that the assistance of the Authority by the issuance of the Bonds will result in the creation or maintenance of employment for those engaged with the Project, by providing employment for approximately 50 people within 12 months and a total of 75 people within 24 months when the Project is placed in full operation, with a resulting alleviation of unemployment and a substantial increase in payrolls and other public benefits incident to the conduct of such businesses not otherwise provided locally, and the number of jobs resulting from the assistance authorized herein bears a reasonable relationship to the principal amount of the Bonds, and that the amount of program funds committed bears a reasonable relationship to the amount of private funds committed; and

WHEREAS, the Borrower has demonstrated to the Authority that the size and scope of the business being assisted is such that a definite benefit to the economy of the State, and the County in particular, may reasonably be expected to result from the Project being financed; and

WHEREAS, the Authority has specified that the terms of the agreement(s) being entered into in connection with the Project shall be reasonable and proper, and adequately protect the public interest; and

WHEREAS, the County Council and the Authority have on this date jointly held a public hearing, duly noticed by publication in *The State*, a newspaper having general circulation in the County, on October 20, 2013, which date is not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

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

SECTION 1. It is hereby found, determined, and declared that the Project will subserve the purposes of the Act. The Project is anticipated to benefit the general public welfare of the County by continuing to provide services, employment, recreation, or other public benefits not otherwise provided locally.

SECTION 2. Neither the Project nor the issuance of the Bonds will give rise to any pecuniary liability of the County or a charge against its general credit or taxing power.

SECTION 3. The amount of the Bonds required for the purposes described herein will not exceed \$100,000,000.

SECTION 4. Based on information provided by the Borrower, the documents to be delivered by the Borrower and the Authority with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bonds and the maintenance of the Project (and, if any such reserve funds are to be established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Project and carry all proper insurance with respect thereto.

SECTION 5. The County Council supports the Authority in its determination to issue the Bonds.

SECTION 6. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

SECTION 7. Adopted and approved by County Council this 5th day of November, 2013. This resolution is effective as of the date hereof.

RICHLAND COUNTY COUNCIL

Kelvin E. Washington, Sr.
Chairman, County Council of
Richland County, South Carolina

[SEAL]

Attest:

Michelle Onley
Clerk to County Council of
Richland County, South Carolina