



RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA

**MARCH 19, 2013
6:00 PM**

CALL TO ORDER HONORABLE KELVIN E. WASHINGTON, SR., CHAIR

INVOCATION THE HONORABLE NORMAN JACKSON

PLEDGE OF ALLEGIANCE THE HONORABLE NORMAN JACKSON

Presentation Of Resolutions

1. a. American Red Cross Proclamation [LIVINGSTON]
- b. Proclamation Honoring Ms. Vikki Pasco as the SC Assoc. of Conservation Districts Teacher of the Year [DIXON]

Approval Of Minutes

2. Regular Session: March 5, 2013 [PAGES 7-16]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

3. a. Singley vs. Norfolk Southern
- b. Penny Sales Tax Litigation Update
- c. **Election Challenge/Personnel**

Citizen's Input

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

Report Of The County Administrator

5. a. Planning Department's Recognition - Recipient of the National Association of County

Planners Award of Merit in the Grass Roots Initiative Category

- b. Local Government Fund Status
- c. Health Insurance Update

Report Of The Clerk Of Council

- 6. a. Township Board Luncheon, March 26, 12:00-1:00 p.m., Township Auditorium

Report Of The Chairman

Presentations

- 7. a. Columbia City Ballet, William Starrett
- b. Turning Leaf Project, Amy Barch and Willette Brown
- c. Widows of Opportunity, Kim Richardson

Open/Close Public Hearings

- 8. a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2, Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (e), Determination of Alternate Materials and Alternate Methods of Construction; and Subsection (f), Reports; so as to properly reference the Building Codes Board of Appeals rather than the "Building Codes Board of Adjustment"

Approval Of Consent Items

- 9. An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads [**THIRD READING**] [**PAGES 23-26**]
- 10. A General Bond Ordinance authorizing and providing for the issuance of Hospitality Tax Revenue Bonds of Richland County, South Carolina; prescribing the form of bonds; providing for the payment of the bonds from the sources provided herein; creating certain funds and providing for payments into such funds; and other matters relating thereto [**THIRD READING**] [**PAGES 27-70**]
- 11. A First Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Refunding Revenue Bonds, Series 2013, or such other appropriate series designation, in the principal amount of not exceeding \$22,750,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [**THIRD READING**] [**PAGES 71-87**]

12. An Ordinance Authorizing the issuance and sale of not to exceed \$6,000,000 General Obligation Bonds, Taxable Series 2013A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [**THIRD READING**] [**PAGES 88-125**]
13. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2, Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (e), Determination of Alternate Materials and Alternate Methods of Construction; and Subsection (f), Reports; so as to properly reference the Building Codes Board of Appeals rather than the "Building Codes Board of Adjustment" [**SECOND READING**] [**PAGES 126-130**]

Report Of Economic Development Committee

14. a. Kaiserslautern, Germany Delegation Visit, April 6-9

Report Of Rules And Appointments Committee

1. Notification Of Appointments

15. Accommodations Tax Committee-2; no applications were received for this committee
16. Airport Commission-1; applications were received from the following [**PAGES 133-139**]

Stephen Burnette
 Bruce K. Cole*
 John Mark Dean*

* Eligible for reappointment

17. Board of Assessment Appeals-1; an application was received from [**PAGES 140-172**]

John F. Kososki

18. Board of Zoning Appeals-2; applications were received from the following [**PAGES 143-152**]

Susanne H. Cecere*
 Josephine F. Laney
 T. Ralph Meetze*
 Frank Richardson

* Eligible for reappointment

19. Business Service Center Appeals Board-2; applications were received from the following [**PAGES 153-159**]

John F. Hamilton, CMA, CPA
 Teri Hutson Salane, Attorney*

- * Eligible for reappointment
- 20. Central Midlands Council of Governments-1; an application was received from [PAGES 160-162]
Robert Alan Lapin
- 21. Employee Grievance Committee-2; no applications were received
- 22. Hospitality Tax Committee-3; applications were received from the following [PAGES 164-170]
Amber Mathis Martin
Michael Wright
Robert G. Tunell*
- * Eligible for reappointment
- 23. Internal Audit Committee-1; an application was received from [PAGES 171-173]
Dr. Sandra C. Manning*
- * Eligible for reappointment
- 24. Planning Commission-2; applications were received from the following [PAGES 174-182]
Heather Cairns*
Kimberly P. Fulton
Stephen Gilchrist*
Michael Wright
- * Eligible for reappointment

2. Discussion From Rules And Appointments Committee

- 25. Community Relations-3

Other Items

- 26. Report of the Decker Center Ad Hoc Committee [PAGES 184-185]
- 27. Council Work Session: 2013 Council Retreat - Transportation Penny Items [PAGES 186-189]
- 28. Report of the Dirt Road Committee [PAGES 190-196]
- 29. Election Commission Funding Request: Richland School District One Special Election [PAGES 197-199]

Citizen's Input

30. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

31. a. A resolution honoring Lower Richland Girls Basketball AAA State Champions and Coach Debbie Stroman as seven time State Champion Coach [JACKSON and WASHINGTON]
- b. A resolution honoring Keenan Girls Basketball AA State Champions [RUSH]

Adjournment



Richland County Council Request of Action

Subject

- a. American Red Cross Proclamation [**LIVINGSTON**]
- b. Proclamation Honoring Ms. Vikki Pasco as the SC Assoc. of Conservation Districts Teacher of the Year [**DIXON**]

Richland County Council Request of Action

Subject

Regular Session: March 5, 2013 **[PAGES 7-16]**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MARCH 5, 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.

MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose
Member	Torrey Rush
Absent	Joyce Dickerson
	Julie-Ann Dixon

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Justine Jones, Stephany Snowden, Amelia Linder, John Hixon, Daniel Driggers, Sara Salley, David Hoops, Rodolfo Callwood, Andy Metts, Quinton Epps, Ismail Ozbek, Dale Welch, Buddy Atkins, Monique Walters, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Bill Malinowski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

POINT OF PERSONAL PRIVILEGE – Mr. Pearce stated that Ms. Dickerson and Ms. Dixon were in Washington, DC attending the NACo Conference.

APPROVAL OF MINUTES

Regular Session: February 19, 2013 – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called: February 26, 2013 – Mr. Malinowski moved, seconded by Mr. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: February 26, 2013 – Mr. Jackson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Mr. Farrar stated that the following were potential Executive Session Items:

- a. Land Development Code Update
- b. Singley vs. Norfolk Southern
- c. Hospitality Bonds
- d. ASGDC Personnel Matter

=====
Council went into Executive Session at approximately 6:03 p.m. and came out at approximately 6:26 p.m.
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- a. **Hospitality Bonds** – Mr. Malinowski moved, seconded by Mr. Livingston, to direct staff to proceed as directed in Executive Session. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

ASGDC Personnel Matter – This item was taken up in Executive Session.

Introduction of County Engineer – Mr. McDonald introduced Mr. Ismail Ozbek, County Engineer, to Council.

REPORT OF THE CLERK OF COUNCIL

County Council Photograph Re-Shoot, March 19th, 5:40 p.m., Council Chambers – Ms. Onley stated that a re-shoot of the Council Photograph will be held March 19th at 5:40 p.m. in Council Chambers.

CASA Quarterback Celebration, March 14th, 5:30 p.m., Dogwood Pond, 3800 Elberta Street – Ms. Onley stated that CASA Quarterbacks were awarded the 2013 National Promising Practices Award and they will be holding a fish fry to celebrate on March 14th, 5:30 p.m. at Dogwood Pond.

REPORT OF THE CHAIRMAN

Councilwoman Dickerson's Swearing-In Ceremony – Mr. Washington stated that Ms. Dickerson's swearing-in will be held March 7th and asked those attending to please RSVP.

2013 Legislators Exchange Program Funding Request – Mr. Washington referred this item to the A&F Committee. Mr. Jeter requested the minutes from the previous year regarding this item.

Town of Eastover's 35th Annual Barbeque Festival Funding Request – Mr. Washington referred this item to the A&F Committee.

Columbia's First HipHop Family Day: Love, Peace & HipHop Funding Request – Mr. Washington referred this item to the A&F Committee.

Barbara Scott's Death – Mr. Pearce stated that Barbara Scott, former Clerk of Court and Richland One School Board Member, passed away this afternoon.

Consistency in Leadership Breakfast, March 13, 2013 – Mr. Washington stated that the Consistency in Leadership Breakfast honoring City Manager Teresa Wilson and Mr. McDonald will be held Wednesday, March 13th, 7:30-9:00 a.m. at Seawell's.

OPEN/CLOSE PUBLIC HEARINGS

- An Ordinance Authorizing Quit Claim Deed to Dorothy Jean Allison Vinson for a certain parcel of land located in Richland County, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 acres more or less, and being a portion of Richland County TMS # 06600-02-14 – No one signed up to speak.
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation Code; Section 6-192, Adopted; so as to adopt and codify the 2009 Edition of the International Energy Conservation Code – No one signed up to speak.
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to abolish the Appearance Commission and to amend the Conservation Commission's responsibilities to include appearance – Ms. Kim Murphy spoke against this item.
- An Ordinance Authorizing the issuance and sale of not to exceed \$6,000,000 General Obligation Bonds and General Obligation Refunding Bonds, Taxable Series 2013A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- An Ordinance Authorizing Quit Claim Deed to Dorothy Jean Allison Vinson for a certain parcel of land located in Richland County, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 Acres more or less, and being a portion of Richland County TMS # 06600-02-14 [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation Code; Section 6-192, Adopted; so as to adopt and codify the 2009 Edition of the International Energy Conservation Code [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads [SECOND READING]
- Purchase of Parcels for Devil's Ditch Enhancement

- **Review Change of Use Requirements for Small Businesses on Existing Property [TO TABLE]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2, Building Codes and Inspections Director; Section 6-31, Power and Duties; Subsection (E), Determination of Alternate Materials and Alternate Methods of Construction; and Subsection (F), Reports; so as to properly reference the Building Codes Board of Appeals rather than the “Building Codes Board of Adjustment” [FIRST READING]**
- **Modification of Kershaw County WWTP Settlement**
- **Acceptance of Loan Assistance Funds for Construction of Albene Park Water Distribution System**
- **Hospitality Tax Ordinance Distribution**

Mr. Pearce moved, seconded by Mr. Jackson, to approve the consent item. The vote in favor was unanimous.

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to abolish the Appearance Commission and to amend the Conservation Commission’s responsibilities to include appearance – Mr. Malinowski moved, seconded by Mr. Jeter, to approve this item with the following language added: “the funding shall be allocated to the Conservation Commission to be used for appearance projects in Richland County.” A discussion took place.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to defer this item until the First Reading of the budget. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Purchase of Building and Lot for the Columbia Magistrate District Office Relocation – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

Policy on Use of Outside Legal Counsel – Mr. Malinowski moved, seconded by Mr. Jeter, to approve Administration recommendation: “Approval with the inclusion of the provision that the policy can be overridden by the Council when in the best interest of the County, as suggested by the Legal Department.” The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Council create an ad hoc committee to study the procurement evaluation process – Mr. Livingston stated that the committee recommended tabling this item. The vote in favor was unanimous.

OTHER ITEMS

Report of Caughman Pond/Pinewood Lake Ad Hoc Committee – Mr. Jackson stated that a “Meet & Greet” has been scheduled for March 23rd, 10:00 a.m.-1:00 p.m. The vote in favor was unanimous.

Report of the Decker Center Ad Hoc Committee – Mr. Manning stated that the committee recommended negotiation and award of a contract to Brownstone Construction Group to assist the County with managing the remodeling of Decker Center. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Jackson, to reconsider this item. The motion failed.

Report of the Joint Transportation Committee

- a. **Criteria for Prioritization of Transportation Penny Projects**
- b. **Small, Local Business Enterprise Program**
- c. **Council Motion**
- d. **Transportation Penny Advisory Committee (TPAC) Update**
- e. **TPAC Terms**

Mr. Jackson moved, seconded by Mr. Malinowski, to hold a work session on the items under the Report of the Joint Transportation Committee.

Mr. Manning requested that the TPAC Terms not be included in the work session, so that he may be taken up.

Mr. Manning moved, seconded by Mr. Livingston, to appoint Mr. Elise Bidwell and Mr. Derrick E. Huggins for 5 years; to appoint Mr. Melvin Hayes Mizell, Mr. James T. McLawhorn and Ms. Dorothy A. Sumter for 4 years; and to appoint Ms. Natalie C. Britt and Ms. Jennifer D. Bishop for 3 years. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 7:25 p.m. and came out at approximately 7:44 p.m.
=====

- a. **Land Development Code Update** – Mr. Pearce moved, seconded by Mr. Jackson, to proceed as directed in Executive Session.
- b. **Singley vs. Norfolk Southern** – No action was taken.
- c. **ASGDC Personnel Matter** – No action was taken.

MOTION PERIOD

The East Richland County Public Service District is planning to replace 5.5 miles of 24-inch force main which has been in service for approximately 50 years. The 24-inch force main is at the end of its useful life, and the District proposes to replace it with 5.5 miles of 42-inch force main which will be adequate to serve the District for its anticipated service life of 30 years. Replacing the 24-inch force main would serve to protect the environment while serving the District's rate payers. The District is also planning to install an additional 2.5 miles of force main. The anticipated total cost of this project is \$24.5 million; however, the District's general obligation capacity permits it to finance up to \$10 million through the issuance of general obligation bond. I MOVE to authorize the East Richland County Public Service District to be permitted to issue up to \$10 million in general obligation bond funding for the purpose of replacing 8.0 miles of force main. Further details of this proposal will be made available to staff for review and discussion prior to Committee review. [PEARCE] – This item was referred to the A&F Committee.

Under our present lease with Palmetto Health, a portion of the lease payment to Richland County has been earmarked to support indigent care programs in the county. The current distribution of these funds is as follows: \$100,000 to Richland Primary Care; \$100,000 to Eau Claire Health Cooperative; and \$50,000 to the Free Medical Clinic. Changes in Federal reimbursement to local primary care agencies has resulted in the closing of Richland Primary Care and the shifting to their patient load to the Eau Claire Health Cooperative. Due to the fact that Richland Primary Care is specifically mentioned in the lease agreement, transferring the funds to follow the patients cannot be accomplished without the lease agreement being modified on an action by Council. This Motion requests that Council initiate a change in the lease agreement to transfer these funds upon advice and counsel from the Legal Department. [PEARCE] – This item was referred to the A&F Committee.

Under the terms of a 2004 Memorandum of Understanding (MOU) between Richland County and Palmetto Health, Palmetto Health is required to make an annual report to County Council as to the activities of the health care system. The MOU specifies that

several levels of Board and Palmetto Health management personnel will personally appear before Council in public session to present this report. Due to Council rules limiting presentations to five (5) minutes, the ability to present any type of comprehensive report has been significantly compromised and, in my opinion, serves no useful purpose other than to fulfill the requirement of the MOU. Recognizing the need to keep County Council fully informed as to Palmetto Health activities, the fall luncheon meeting held in November or December for the past several years has been created to provide a forum for presentation of more detailed information and interactive dialog between Palmetto Health management and Council members. This Motion requests that Council consider eliminating the requirement for Palmetto Health to make a presentation during a Council meeting. Additional information regarding information sharing opportunities between Palmetto Health and County Council will be provided to the Committee – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 7:46 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

Torrey Rush

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

- a. Singley vs. Norfolk Southern
- b. Penny Sales Tax Litigation Update
- c. Election Challenge/Personnel

Richland County Council Request of Action

Subject

For Items on the Agenda Not Requiring a Public Hearing

Richland County Council Request of Action

Subject

- a. Planning Department's Recognition - Recipient of the National Association of County Planners Award of Merit in the Grass Roots Initiative Category
- b. Local Government Fund Status
- c. Health Insurance Update

Richland County Council Request of Action

Subject

a. Township Board Luncheon, March 26, 12:00-1:00 p.m., Township Auditorium

Richland County Council Request of Action

Subject

- a. Columbia City Ballet, William Starrett
- b. Turning Leaf Project, Amy Barch and Willette Brown
- c. Widows of Opportunity, Kim Richardson

Richland County Council Request of Action

Subject

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads

- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2, Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (e), Determination of Alternate Materials and Alternate Methods of Construction; and Subsection (f), Reports; so as to properly reference the Building Codes Board of Appeals rather than the "Building Codes Board of Adjustment"

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads [**THIRD READING**] [**PAGES 23-26**]

Notes

First Reading: February 19, 2013

Second Reading: March 5, 2013

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; SECTION 21-21, TRANSPORTATION IMPROVEMENT PROGRAM; SO AS TO INCLUDE FUNDS FOR RESURFACING OF EXISTING PAVED ROADS.

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

SECTION 1. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; is hereby amended to read as follows:

Sec. 21-21. Transportation improvement program.

(a) All public funds available to the county for transportation system improvements shall be expended in accordance with a comprehensive transportation improvement plan. This would apply to:

- (1a) Connector roads;
- (2b) Intersection improvements;
- (3e) Widening;
- (4d) Turn lanes; and
- (5e) Alignment improvements.

(b) Road resurfacing funds, for the resurfacing of existing paved roads, will be distributed by county council district based on that district's portion of total county paved road mileage. Pro rata fund distribution will be calculated as follows:

$$\frac{\text{District paved road paving funds}}{\text{Total paved road mileage}} = \frac{\text{Total paved road resurfacing funds}}{\text{Total paved road mileage}} \times \text{district paved road mileage}$$

Mileage refers to paved road mileage in the county road maintenance system (i.e. public paved roads that are routinely maintained by county public works forces). Roads will be selected for paving based on distribution/availability of funds and priority within that council district, as determined by the condition analysis as maintained by Public Works.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY
OF _____, 2013

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 19, 2013 (tentative)
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

A General Bond Ordinance authorizing and providing for the issuance of Hospitality Tax Revenue Bonds of Richland County, South Carolina; prescribing the form of bonds; providing for the payment of the bonds from the sources provided herein; creating certain funds and providing for payments into such funds; and other matters relating thereto **[THIRD READING] [PAGES 27-70]**

Notes

January 22, 2013 - The Committee recommended that Council give First Reading approval to enact a general bond ordinance authorizing the issuance of revenue bonds secured by Hospitality Tax revenues and a First Supplemental Ordinance authorizing the refunding of the 2007 Loan Agreement.

First Reading: February 5, 2013

Second Reading: February 19, 2013

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: Issuing Revenue Bonds Secured by Hospitality Tax Revenues; Refunding/Refinancing Outstanding Debt Secured by Hospitality Tax Revenues

A. Purpose

County Council is being requested to enact a general bond ordinance authorizing the issuance of revenue bonds secured by Hospitality Tax revenues and a first supplemental ordinance authorizing the refunding of the 2007 Loan Agreement.

B. Discussion

On April 17, 2007 County Council authorized the County to enter into a \$23,765,000 Loan Agreement dated April 30, 2007 by and between the County and Bank of America Public Corp (the "Loan Agreement"). The proceeds of the Loan Agreement were used to fund improvements to the Township Auditorium and to provide long-term financing for properties acquired by the County for use as (1) the Farmers' Market and (2) as the Regional Sports Complex.

The County has been informed by its bond counsel that state law has changed and the County can now issue revenue bonds secured by Hospitality Tax revenues by enacting a general bond ordinance and a supplemental ordinance for a specific transaction. The County has also been advised by its financial advisor that a debt service savings could be realized by refunding the Loan Agreement. Therefore, it would be in the County's best interests to authorize the issuance of revenue bonds by adopting a general bond ordinance and authorizing the refunding of the Loan Agreement by enacting a first supplemental ordinance. The County would issue revenue bonds in an amount necessary to provide sufficient funds for the refunding.

The advantage of issuing the taxable debt is that it will provide the County with increased flexibility regarding the implementation of several phases of development of the Regional Sports Complex. Specifically, the use of taxable debt would give the County flexibility to provide property for non-tax-exempt purposes as needed for future projects.

C. Financial Impact

The direct financial impact of an approval of this request would result in a debt service savings over the life of the revenue bonds.

The issuance of the taxable debt will not increase millage or require additional Hospitality Tax dollars. The required payments on the debt can be made within the current allocated debt service amount.

D. Alternatives

1. Approve the request to enact the ordinances.
2. Do not approve the request to enact the ordinances.

E. Recommendation

It is recommended that Council approve the request to enact the ordinances, the first alternative.

Recommended by: Daniel Driggers

Department: Finance

Date: 1/17/13

Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 1/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 1/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion.

Administration

Reviewed by: Tony McDonald

Date: 1/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval due to the fact that the refunding of the 2007 bond will save the County debt service over the remaining life of the bond and will provide for more flexibility in terms of how the bond proceeds can be used.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

A GENERAL BOND ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HOSPITALITY TAX REVENUE BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS FROM THE SOURCES PROVIDED HEREIN; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND OTHER MATTERS RELATING THERETO.

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

ARTICLE I

DEFINITIONS

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

“2007 Loan Agreement” shall mean the Loan Agreement dated as of April 30, 2007, between Richland County, South Carolina and Banc of America Public Capital Corp.

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

“Accreted Value” means the amounts set forth in and the amounts computed pursuant to a formula set forth in a Supplemental Ordinance authorizing the issuance of Bonds in the form of Capital Appreciation Bonds, the Accreted Value of which is being determined.

“Additional Bonds” shall mean any obligations issued after the Series 2013 Bonds and Outstanding under this Ordinance, which shall be payable from Hospitality Taxes and secured on a parity with or subordinate to Bonds issued under this Ordinance.

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

“Bond Anticipation Note” or “Bond Anticipation Notes” shall mean debt issued to fund Costs of Acquisition and Construction on a temporary basis, the payment of which shall be pledged initially from the issuance of Bonds and secondarily from revenues of the County.

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

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

“Bondholders” or the term “Holders” or any similar term shall mean the registered owner or owners of any Outstanding Bond or Bonds. For any and all purposes under the provisions of this Ordinance, a Credit Facility Issuer shall be treated as the Holder of any Bond for which such Credit Facility Issuer shall have provided a Credit Facility.

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

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

“Business Day” shall mean, except as otherwise provided with respect to a Series of Bonds in a Supplemental Ordinance, any day other than a Saturday, a Sunday or a day which shall be in the State or the state in which the corporate trust office of the Trustee is located a legal holiday or a day on which banking institutions are authorized by law or executive order to close or a day on which the payment system of the Federal Reserve is not operational.

“Capital Appreciation Bonds” shall mean Bonds that bear interest payable at maturity, upon redemption prior to maturity or prior to maturity at the date set forth and in the amounts determined by reference to the Accreted Value of such Capital Appreciation Bonds in accordance with the provisions of the Supplemental Ordinance authorizing the issuance of such Capital Appreciation Bonds.

“Code” shall mean the Internal Revenue Code of 1986 and any applicable Treasury Regulations.

“Constitution” shall mean the Constitution of the State of South Carolina, 1895, as amended.

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

“Costs of Acquisition and Construction” shall mean, to the extent permitted by the Hospitality Tax Act, Project costs, including the Costs of Issuance and capitalized interest on Bonds. Costs of Acquisition and Construction shall include the reimbursement of funds previously advanced by the County with respect to the Projects, funding of a Debt Service Reserve Fund, and the payment of amounts due on bond anticipation notes, the proceeds of which were used for Costs of Acquisition and Construction.

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

“Council” shall mean the Richland County Council.

“County” shall mean Richland County, South Carolina.

“County Administrator” shall mean the chief administrative officer of the County government authorized to execute the policies, directives and legislative actions of the Council; to direct and coordinate operational agencies and administrative activities of the County government; to prepare annual operating and capital improvement budgets for submission to the Council; to require such reports,

estimates and statistics on an annual or periodic basis as he deems necessary from all County departments and agencies; to supervise the expenditure of appropriated funds; to prepare annual, monthly and other reports for Council on finances and administrative activities of the County; to be responsible for the administration of County personnel policies including salary and classification plans approved by Council; to be responsible for employment and discharge of personnel and to perform such other duties as may be required by the Council.

“County Representative” shall mean the person or custodian/persons at the time designated to act on behalf of the County for the purpose of performing any act under this Ordinance or any Supplemental Ordinance by a written certificate furnished to the Trustee or Custodian containing the specimen signature of such person or persons and signed on behalf of the County by the Council Chair or the County Administrator.

“Credit Facility” shall mean any Municipal Bond Insurance Policy, irrevocable letter of credit, surety bond, or other insurance or financial product which guarantees timely payment of all or any portion of the principal of, premium, if any, and interest on all or any portion of Bonds issued under this Ordinance.

“Credit Facility Issuer” shall mean each insurance company, bank, or other organization which has provided a Credit Facility in connection with the issuance of any Series of Bonds or any particular Bonds within a Series.

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

“Date of Issue” shall mean that date established in any Supplemental Ordinance from which interest shall accrue on the Bonds of the applicable Series.

“Debt Service” shall mean, with respect to each Series of Bonds and with respect to any particular Fiscal Year, the aggregate of the amounts to be paid or set aside (or estimated to be required to be paid or set aside) in the applicable Debt Service Fund in such Fiscal Year for the payment of the principal of, redemption premium, if any, and interest (to the extent not payable from the proceeds of Bonds or investment earnings thereon) on such Series of Bonds; provided that the interest on Variable Rate Indebtedness then Outstanding shall be calculated at the actual average rate of interest on the Variable Rate Indebtedness during the twelve (12) months immediately preceding the date of calculation (or such lesser period during which the Variable Rate Indebtedness has been Outstanding); provided further, that for purposes of any prospective calculation, interest on Variable Rate Indebtedness shall be calculated at the lesser of (a) the 25-Bond Revenue Index published by *The Bond Buyer* (or if no longer published, any reasonably equivalent nationally recognized index published for the periods in question selected by the County) no more than one month prior to the date of calculation or (b) the maximum interest rate allowable on such Variable Rate Indebtedness.

“Debt Service Fund” shall mean each of the respective funds of that name established pursuant to Section 6.6 of this Ordinance and so designated pursuant to a Supplemental Ordinance to provide for the payment of the principal of and interest on the respective Series of Bonds issued pursuant to this Ordinance and such Supplemental Ordinance as the same respectively become due and payable.

“Debt Service Reserve Fund” shall mean the respective funds, if any, of that name established pursuant to Section 6.7 of this Ordinance and so designated pursuant to a Supplemental Ordinance.

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

“First Supplemental Ordinance” shall mean the Supplemental Ordinance enacted by the Council on the date hereof, authorizing the issuance of the Series 2013 Bonds.

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

“Government Obligations” shall mean, except as otherwise provided in a Supplemental Ordinance, and to the extent such obligations constitute Permitted Investments, (1) Obligations of the United States and its agencies, the principal and interest of which is fully guaranteed by the United States; (2) Obligations issued by the Federal Financing Bank, Federal Farm Credit Bank, the Bank of Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Housing Administration, and the Farmers Home Administration, if, at the time of investment, the obligor has a long-term, unenhanced, unsecured debt rating in one of the top two ratings categories, without regard to a refinement or gradation of rating category by numerical modifier or otherwise, issued by at least two nationally recognized credit rating organizations; (3)(i) General obligations of the State or any of its political units; or (ii) revenue obligations of the State or its political units, if at the time of investment, the obligor has a long-term, unenhanced, unsecured debt rating in one of the top two ratings categories, without regard to a refinement or gradation of rating category by numerical modifier or otherwise, issued by at least two nationally recognized credit rating organizations; (4) Savings and Loan Associations to the extent that the same are insured by an agency of the federal government; (5) Certificates of deposit where the certificates are collaterally secured by securities of the type described in (1) and (2) above held by a third party as escrow agent or custodian, of a market value not less than the amount of the certificates of deposit so secured, including interest; provided, however, such collateral shall not be required to the extent the same are insured by an agency of the federal government; and (6) Repurchase agreements when collateralized by securities as set forth in this Section.

“Fixed Rate Bonds” shall mean, for any period of time, any Bonds which during such period bear interest at a fixed rate.

“Hospitality Tax Act” means Title 6, Chapter 1, Article 7, of the S.C. Code.

“Hospitality Tax Special Revenue Fund” shall mean the Richland County Hospitality Tax Special Revenue Fund created and established by the Hospitality Tax Ordinance.

“Hospitality Tax Ordinance” means Ordinance No. 025-03HR duly enacted by Council on March 6, 2003, establishing a local Hospitality Tax in the County, as such may be amended from time to time.

“Hospitality Taxes” means the Hospitality Taxes imposed by the County pursuant to the Hospitality Tax Act and the Hospitality Tax Ordinance.

“Interest Account” shall mean the account by that name created within each respective Debt Service Fund.

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

“Junior Bonds” shall mean either (a) bonds or bond anticipation notes secured by a pledge of Hospitality Taxes junior and subordinate in all respects to the pledge securing the Bonds or (b) any other form of indebtedness secured by a pledge of Hospitality Taxes after provision has been made for all payments

required to be made with respect to the Bonds, which bonds or indebtedness may be authorized by an ordinance of Council which is not supplemental to this Ordinance.

“Maximum Annual Debt Service” shall mean the highest aggregate principal and interest requirements (to the extent not paid from the proceeds of Bonds or investment earnings thereon) on the Bonds then Outstanding during any then current or future Fiscal Year. In the case of determining the Maximum Debt Service for purposes of Section 3.3 of this Ordinance, interest on Variable Rate Indebtedness shall be calculated at the lesser of (a) the 25-Bond Revenue Index published by *The Bond Buyer* (or if no longer published, any reasonably equivalent nationally recognized index published for the periods in question selected by the County) no more than one month prior to the date of calculation or (b) the maximum interest rate allowable on such Variable Rate Indebtedness.

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

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

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

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

“Principal Account” shall mean the account by that name created within each respective Debt Service Fund.

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

“Project” shall mean any project authorized or permitted to be acquired, constructed or financed with Hospitality Taxes, as described in the Hospitality Tax Ordinance and the Hospitality Tax Act, including but not limited to the following:

- (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 renourishment;
- (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.

“Rating Agency or Agencies” shall mean Fitch, Inc., Moody’s Investors Service or Standard & Poor’s, a Division of The McGraw-Hill Company, Inc., to the extent such firms shall maintain a rating of the Bonds or any other such agency as shall maintain a rating of the Bonds.

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

“Refunding Bond Act” shall mean Title 6, Chapter 17, and Title 11, Chapters 15 and 21, Code of Laws of South Carolina, 1976, and all other statutory authorizations, now or hereinafter enacted, authorizing and enabling the County to provide for the issuance of refunding Bonds.

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

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

“S.C. Code” shall mean the Code of Laws of South Carolina 1976, as amended.

“Securities Depository” shall mean The Depository Trust Company, New York, New York, or any other recognized securities depository selected by the County, which securities depository maintains a book-entry system in respect of any Series of Bonds, and shall include any substitute for or successor to the securities depository initially acting as Securities Depository.

“Serial Bonds” shall mean Bonds which are not Term Bonds.

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

“Series 2013 Bonds” shall mean the not exceeding \$22,750,000 Richland County, South Carolina, Hospitality Tax Refunding Revenue Bonds, authorized to be issued pursuant to this Ordinance and the First Supplemental Ordinance.

“State” shall mean the State of South Carolina.

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

“Term Bonds” shall mean any Bond designated by the Supplemental Ordinance providing for its issuance as being subject to retirement or redemption from moneys credited to the applicable Bond Redemption Account as sinking fund installments.

“Trustee” shall mean Regions Bank, and any successor Trustee appointed in accordance with Section 8.2 hereof.

“Valuation Date,” with respect to any Capital Appreciation Bonds, shall have the meaning ascribed to such term in the Supplemental Ordinance authorizing the issuance of such Capital Appreciation Bonds.

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

ARTICLE II

FINDINGS AND DETERMINATIONS

Section 2.1 Findings and DeterminationsThe Council hereby finds and determines:

(a) Pursuant to Section 4-9-10 of the S.C. Code, the County operates under the Council-Administrator form of government and the Council constitutes the governing body of the County.

(b) Section 4-9-30 of the S.C. Code provides, in part, that counties may enact ordinances, not inconsistent with the Constitution and general law of the State, respecting any subject which appears necessary and proper for the security, general welfare, and convenience of the county and for the preservation of the general health, peace, order and good government in the county, and further, under the case of Williams v. Town of Hilton Head, 429 S.E.2d 802 (1993) a county may enact regulations (ordinances) without the requirement for further specific statutory authorization so long as such regulations are not inconsistent with the Constitution and general law of the State.

(c) Pursuant to the authorization granted by the General Assembly to municipalities in the Hospitality Tax Act, the Council imposed the Hospitality Taxes. While the General Assembly utilized the words “local hospitality tax” in the Hospitality Tax Act as a means by which to designate the charge authorized to be imposed on the sales of prepared meals and beverages, it was the intent of the Council to impose such charges as fees pursuant to the provisions of the Hospitality Tax Ordinance.

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

(e) A dynamic tourism industry fosters and enhances the economic growth and well being of a community and its residents. Tourism has been and continues to be a growing industry for the County. The County is initiating efforts to promote tourism to the County and to the County’s facilities and attractions. Moreover, as the County’s tourism industry grows and expands, the County must make provision to increase municipal services and facilities in order to accommodate the needs of tourists and to attract additional tourism. Tourists enjoy and utilize the special benefits which the County provides. The Council has been advised and recognizes that Hospitality Taxes must be used exclusively for Projects or otherwise for purposes permitted by the Hospitality Tax Ordinance and the Hospitality Tax Act.

(f) Article X, Section 14 of the Constitution provides that municipalities may incur indebtedness payable solely from a revenue-producing project which source does not involve revenues from any tax or license.

(g) Section 6-1-760(B) of the S.C. Code provides that a county is authorized to issue bonds, pursuant to Section 14(10), Article X of the Constitution, utilizing the procedures of the Bond Act, for the purposes enumerated in Section 6-1-530 (which are identical to those set forth in Section 6-1-730) of the S.C. Code, to pledge as security for such bonds and to retire such bonds with the proceeds of local hospitality fees imposed under the Hospitality Tax Act, and the pledge of such other nontax revenues as may be available for those purposes for capital projects used to attract and support tourists.

(h) The County has heretofore pledged the Hospitality Taxes to the payment of the Loan Payments under and as defined in the 2007 Loan Agreement.

(i) Pursuant to the authority of the Bond Act and the Hospitality Tax Act, the County intends to finance certain Projects and/or refinance the 2007 Loan Agreement with a portion of the proceeds from the Bonds.

(j) Pursuant to Ordinance No. 067-12HR enacted on November 13, 2012, Council adopted Written Procedures related to Tax-Exempt Debt.

ARTICLE III

AUTHORIZATION AND ISSUANCE OF BONDS

Section 3.1 Authorization of Bonds There is hereby authorized to be issued Bonds of the County as may be provided in the Supplemental Ordinance authorizing such Bonds, which Bonds may be issued pursuant to this Ordinance and in accordance with the terms, conditions and limitations set forth herein; in Series; and in such amounts and from time to time as the County may deem to be necessary or advisable for any corporate purpose of the County and Project for which Bonds may be issued under this Ordinance, a Supplemental Ordinance, the Bond Act and the Hospitality Tax Act. Such Bonds may be authorized to be issued in the form of Serial Bonds or Term Bonds, with or without mandatory sinking fund payments, or Capital Appreciation Bonds, or a combination of any of them, and may bear interest in whatever manner and payable at whatever frequency as shall be prescribed by the applicable Supplemental Ordinance.

Section 3.2 General Provisions For Issuance of Bonds(a) The Bonds shall be issued in Series by means of Supplemental Ordinances enacted by the Council in accordance with the provisions of this Article and Article IX hereof. Each Supplemental Ordinance shall designate the Bonds provided thereby with an appropriate Series designation and with such further particular designations, if any, as the County deems appropriate. Each Supplemental Ordinance shall, unless or except as is otherwise set forth herein, also specify:

(1) The Date of Issue of such Series of Bonds, or the manner of determining such date and the officials authorized to make such determination;

(2) The maximum authorized principal amount of such Series of Bonds and the manner of determining the precise principal amount and the officials authorized to make such determination;

(3) The date of the final payment of principal of such Series of Bonds, or the manner of determining such date and the officials authorized to make such determination;

(4) The purposes for which such Series of Bonds is being issued, which shall be to provide funds for the purposes authorized by the Bond Act and this Ordinance;

(5) The title and designation of the Bonds of such Series;

- (6) The manner in which Bonds of such Series are to be sold and provisions for the sale thereof;
- (7) The form or forms for the Bonds of such Series;
- (8) Whether the Bonds of such Series shall be issued in book-entry form pursuant to Section 4.9 hereof;
- (9) The manner of numbering and lettering, and the denomination or denominations of the Bonds of such Series, including whether the Bonds of such Series may be issued using denominations other than U.S. dollars;
- (10) The date or dates of maturity and the amounts thereof of such Series of Bonds, or the manner of determining such date or dates and the officials authorized to make such determination;
- (11) The interest rate or rates, or the manner of determining such rate or rates and the officials authorized to make such determinations, of the Bonds of such Series, including whether and on what terms there shall be entered by the County an agreement for any form of interest rate swap or similar transaction with respect to such Series;
- (12) The time for the payment of interest on the Bonds of such Series and the Record Dates, or the manner of determining such dates and the officials authorized to make such determinations;
- (13) The redemption price or redemption prices and the redemption date or redemption dates and other terms of redemption (if any) applicable to any of the Bonds of such Series for such payments, or the manner of determining such dates and prices and the officials authorized to make such determinations;
- (14) The portion of such Series of Bonds that are Serial Bonds, Term Bonds and Capital Appreciation Bonds, if any, including the amount and date of each mandatory redemption or sinking fund installment, if any, required by such Supplemental Ordinance to be paid for the retirement of any such Bonds, or the manner of making such designations and the officials authorized to make such designations;
- (15) Any other applicable redemption requirement for the Bonds of such Series and the method of satisfying the same;
- (16) Whether the Bonds of such Series will be subject to a Reserve Requirement and, if so, the manner of satisfaction of the Reserve Requirement;
- (17) The disposition of the proceeds of the sale of the Bonds of such Series and the manner of their application;
- (18) That a Debt Service Fund shall be established for the Series of Bonds, that a Construction Fund be established if the proceeds of the Bonds of any Series are intended to be used for a Project, and that a capitalized interest account be established within any such Debt Service Fund if interest for any period is to be paid from proceeds of such Series of Bonds; and
- (19) Any other provisions deemed advisable by the County not in conflict with or in substitution for the provisions of this Ordinance.
 - (b) Bonds of a Series may be executed and delivered to the Registrar by the County and authenticated and delivered by the Registrar to the County or, upon its order, upon compliance with Section 3.3 or 3.4 hereof.
 - (c) The County may, from time to time, issue Bond Anticipation Notes upon compliance with the terms, limitations and conditions herein pertaining to the issuance of Bonds.

(d) The County shall obtain an opinion of Bond Counsel to the effect that (i) this General Bond Ordinance and the Supplemental Ordinance have been duly and lawfully adopted and are in full force and effect; (ii) the Bonds have been duly and lawfully authorized and executed by the County and are valid and binding upon, and enforceable against, the County (except to the extent that the enforceability thereof may be limited by the operation of bankruptcy, insolvency and similar laws affecting rights and remedies of creditors); (iii) with respect to such Bonds, this Ordinance creates the valid pledge which it purports to create of the Hospitality Taxes and of moneys and securities on deposit in any of the funds established hereunder subject to the application thereof to the purposes and on the conditions permitted by this Ordinance; and (iv) upon the execution and delivery thereof, such Bonds will have been duly and validly authorized and issued in accordance with this Ordinance.

(e) Bonds issued upon compliance with this Section and Section 3.3 or Section 3.4 hereof shall be issued on a parity with the pledge of and lien upon the Hospitality Taxes inter sese, but not with respect to the particular Debt Service Fund or Debt Service Reserve Fund (if any) created for the benefit of the Holders of the Bonds of a Series, in all respects inter sese, notwithstanding, that they may be in different form, and bear different dates, interest rates, number, date of issuance or date of execution or are payable at different times. In all such instances, the pledge of Hospitality Taxes made hereunder, and the covenants and remedies hereby granted, shall be applicable and available to the Holders of such Bonds.

Section 3.3 Conditions for the Issuance of Additional Bonds under this Ordinance Other than Refunding Bonds or Junior Bonds.

Any time and from time to time, one or more Series of Additional Bonds (exclusive of Refunding Bonds) may be issued for such purposes as may be permitted by the Bond Act and Hospitality Tax Act upon compliance with the provisions of Section 3.2 hereof and this Section in such principal amounts as may be determined by Council for the purpose of paying all or part of the Costs of Acquisition and Construction of one or more Projects authorized to be financed under the Bond Act and the Hospitality Tax Act with Bonds and upon compliance with the following conditions:

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

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

(c) For the issuance of Additional Bonds to finance the Costs of Acquisition and Construction, or a portion thereof, of any Project (other than the Series 2013 Bonds issued pursuant to this Ordinance and the First Supplemental Ordinance), there shall be delivered a report, which need not be based upon the latest available audit of the County, from the County Administrator, to the effect that the amount of the Hospitality Taxes collected by the County during the Fiscal Year prior to the Fiscal Year in which the Bonds are proposed to be issued is not less than 120% of Maximum Annual Debt Service on Bonds then Outstanding and the Additional Bonds then proposed to be issued.

(d) Such Additional Bonds shall be issued to secure funds to defray the Costs of Acquisition and Construction of a Project, or to refund Junior Bonds, or any other notes, bonds, or other obligations issued to finance or to aid in financing the acquisition, construction, improvement, enlargement or repair of Projects.

(e) The Supplemental Ordinance may provide for a deposit into the Debt Service Reserve Fund established with respect to such Series of Bonds, if any, of cash or securities or a Credit Facility, as provided in Section 6.7 hereof (inclusive of any proceeds of such Series of Bonds to be deposited in the applicable Debt Service Reserve Fund) having an aggregate value not less than the Reserve Fund Requirement, if any, with respect to such Series of Bonds.

Section 3.4 Refunding Bonds Without complying with the provisions of Section 3.3 hereof except as otherwise provided herein, for the issuance of Refunding Bonds (other than the Series 2013 Bonds issued under this Ordinance and the First Supplemental Ordinance), the County by means of a Supplemental Ordinance enacted in compliance with the procedures of the Bond Act, the Hospitality Tax Act, and any other statutory provisions authorizing the issuance of refunding bonds, including advance refunding bonds, may issue hereunder Refunding Bonds as follows:

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

(b) Bonds may be issued at any time for the purpose of refunding (including by purchase) other Bonds, including amounts to pay principal, redemption premium and interest to the date of redemption (or purchase) of the refunded Bonds and the Costs of Issuance; provided that (i) the aggregate Debt Service on all Bonds to be Outstanding after the issuance of the proposed Series of Refunding Bonds shall not be greater than would have been the aggregate Debt Service of all Bonds not then refunded and the Bonds to be refunded.

Section 3.5 Junior BondsThe County may at any time issue Junior Bonds in such amount as it may from time to time determine, payable from Hospitality Taxes, provided that such Junior Bonds are issued to secure funds to defray the costs of acquisition and construction of Projects or some part thereof, or to refund Bonds, Junior Bonds, or any notes, bonds, or other obligations issued to finance or to aid in financing the costs of acquisition and construction of Projects, and provided further that the pledge of and lien on Hospitality Taxes securing Junior Bonds shall at all times be subordinate and inferior to the pledge of and lien on Hospitality Taxes securing the Bonds.

ARTICLE IV

THE BONDS

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

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

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

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

Any Bondholder requesting any transfer shall pay any tax or other governmental charge required to be paid with respect thereto. As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the Holder and absolute owner thereof for all purposes, and payment of or on account of the principal, redemption premium, if any, and interest on any Bond shall be made only to or upon the order of the Bondholder thereof, or his duly authorized attorney, and neither the County nor the Registrar shall be affected by any notice to the contrary, but such registration may be changed as herein provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Section 4.4 Form of Bonds; Denominations; Medium of Payment Unless or except as is otherwise provided in the Supplemental Ordinance authorizing their issuance, the Bonds of each Series: (a) shall be in fully registered form without coupons, provided such Bonds may be issued in book-entry form; (b) shall be issued in denominations of \$5,000, or any integral multiple thereof, provided that, upon partial

redemption of a Bond requiring surrender thereof and the issuance of a new Bond, such new Bond may be in the denomination of the unredeemed balance; and (c) shall be payable with respect to principal, interest, and premium, if any, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

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

Section 4.6 Exchange of BondsUnless or except as is otherwise provided in the Supplemental Ordinance authorizing their issuance Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the Bondholder or his duly authorized attorney with such signature guaranteed by a participant in STAMP or similar program, may, at the option of the Bondholder thereof, and upon payment by such Bondholder of any charges which the Registrar may make as provided in Section 4.7, be exchanged for a principal amount of Bonds of the same Series and maturity of any other authorized denomination equal to the unpaid principal amount of surrendered Bonds.

Section 4.7 Regulations with Respect to Exchanges and TransferIn all cases in which the privilege of exchanging or transferring Bonds is exercised, the County shall execute and the Trustee shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance or such Supplemental Ordinance authorizing the issuance thereof. All Bonds surrendered in any such exchanges or transfers shall forthwith be canceled by the Trustee. There shall be no charge to the Bondholder for such exchange or transfer of Bonds except that the Trustee may make a charge sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or transfer. Neither the County nor the Registrar shall be required (a) to exchange or transfer Bonds (i) from the Record Date to the succeeding Interest Payment Date or (ii) for a period of fifteen (15) days following any selection of Bonds to be redeemed or thereafter until after the first publication or mailing of any notice of redemption, or (b) to transfer any Bonds called for redemption.

Section 4.8 Mutilated, Lost, Stolen or Destroyed Bonds In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the Holder, the County shall execute and the Trustee shall authenticate and deliver at the principal office of the Trustee, or send by registered mail to the Holder thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event, the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar (a) evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and (b) of the ownership thereof, and (c) such security and indemnity as may be required by the laws of the State or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance or any Supplemental Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder. Neither the County nor the Registrar nor any Paying Agent shall be required to treat both the original Bond and any duplicate Bond as being Outstanding for the purpose of determining the principal amount of Bonds which may be issued hereunder or for the purpose of determining any percentage of Bonds Outstanding hereunder, but both the original and duplicate Bond shall be treated as one and the same. In the event any such mutilated, lost, stolen or destroyed Bond shall have matured, instead of issuing a duplicate Bond the County may pay the same.

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

Section 4.9 Bonds in Book-Entry Form Notwithstanding any other provision of this Ordinance with respect to the form of Bonds to the contrary, the County is hereby authorized to provide by Supplemental Ordinance for the issuance of one or more Series of Bonds solely in fully registered form registrable to a Securities Depository, a nominee or the beneficial owner of the Bonds. The County is further authorized to provide by Supplemental Ordinance that such Series of Bonds shall be evidenced by one or more certificates or by a system of book entries in form satisfactory to the County Administrator and to provide for payment, redemption, notices and like provisions in a manner consistent with such system of registration.

Section 4.10 Bonds Issued as Taxable Obligations Notwithstanding anything in this Ordinance to the contrary, the County may from time to time, pursuant to one or more Supplemental Ordinances, provide for the issuance of Bonds the interest on which may be includable in gross income of the Holders of such Bonds for federal income taxation purposes. In such event such Bonds may be issued as coupon bonds, payable to bearer, as provided in the Supplemental Ordinance. Such Supplemental Ordinance shall provide such rules and regulations with respect to the ownership, transfer and substitution of such Bonds as are not inconsistent with the other provisions of this Ordinance.

ARTICLE V

REDEMPTION OF BONDS

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

Section 5.2 Selection of Bonds for RedemptionIn the event of the redemption at any time of only part of the Bonds of a Series, the Bonds to be redeemed shall be redeemed in such order as is set forth in the Supplemental Ordinance providing for the issuance of such Bonds. Unless otherwise provided by Supplemental Ordinance, if less than all of the Bonds of like maturity of any Series shall be called for prior redemption, the particular Bonds or portions of Bonds to be redeemed shall be selected by lot by the Trustee or Registrar; provided, however, that the portion of any Bond of a denomination (or, in the case of Capital Appreciation Bonds, Accreted Value at maturity), of more than \$5,000 to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof, and that, in selecting portions of such Bonds for redemption, the Trustee or Registrar shall treat each such Bond as representing that number of Bonds of \$5,000 denomination which is obtained by dividing the principal amount of such Bond by \$5,000 or Accreted Value at maturity which is obtained by dividing the principal amount or Accreted Value at maturity of such Bond by \$5,000.

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

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

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

Section 5.5 Effect of RedemptionIf a Bond is subject by its terms to redemption prior to its stated maturity and has been duly called for redemption and notice of the redemption thereof has been duly given as hereinbefore provided and if moneys for the payment of such Bond at the then applicable redemption price or together with the then applicable redemption premium, if any, and the interest to accrue to the redemption date on such Bond are held for the purpose of such payment by the Trustee for the series of Bonds of which such Bond is one, then such Bond so called for redemption shall, on the redemption date designated in such notice, become due and payable. Interest on the Bond so called for redemption shall cease to accrue.

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

Section 5.7 Purchase of BondsThe Trustee shall, if and to the extent practicable, attempt to purchase Bonds at the written direction of the County at such time, in such manner and at such price, not to exceed the then applicable redemption price for such Bonds (or if no redemption is then permitted, the price at which such Bonds may first be redeemed) as may be specified by the County. Any accrued interest due to the Holder of any Bond so purchased may be paid from funds held by the Trustee for the payment of interest due on the Bonds on the next ensuing Interest Payment Date. Unless directed otherwise by the County, the Trustee shall cancel any such Bonds so purchased. The Trustee may purchase Bonds with any money then held by the Trustee which is available for the redemption or purchase of Bonds and in excess of that set aside for the payment of Bonds for which a notice of redemption has been given. Prior to effecting any purchase hereunder, the Trustee may request an opinion of Bond Counsel to the effect that such redemption or purchase complies with any limitations or restrictions on such redemption or purchase contained in this Ordinance or Supplemental Ordinance and will not otherwise result in a breach by the County of any of its covenants contained herein or therein.

ARTICLE VI

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

Section 6.1 Listing of Funds and Accounts In addition to the Hospitality Tax Special Revenue Fund (created and established pursuant to the Hospitality Tax Ordinance), the following are the funds created and established by this Ordinance:

- (i) Debt Service Fund for each Series of Bonds to be held by the Trustee, including an Interest Account, Principal Account and Bond Redemption Account.
- (ii) Debt Service Reserve Fund for each Series of Bonds, if any, to be held by the Trustee.

(iii) Construction Fund, if applicable, for each Series of Bonds to be held by the County or a bank or financial institution (a “Custodian”) designated by the County.

(iv) One or more accounts may, by written direction of the County or by the terms of a Supplemental Ordinance, be established within any of the above funds.

It is intended by this Ordinance that the funds and accounts referred to in this Article (other than the Construction Fund) shall remain in existence for so long a time as any sum remains due and payable by way of principal of and interest on the Bonds, and that deposits and withdrawals therefrom be made in the manner herein prescribed and in the order of priority hereinafter set forth in Section 6.2 hereof.

Section 6.2 Disposition of Hospitality Taxes Notwithstanding any provision of the Hospitality Tax Ordinances, the Hospitality Taxes shall be applied in the amounts, if any, and for the purposes as provided or permitted by this Ordinance, and in the following order of priority:

First, there shall be transferred to the Trustee to be deposited into the respective Debt Service Funds, the amounts required by this Ordinance or any Supplemental Ordinance;

Second, there shall be transferred into the respective Debt Service Reserve Funds, the amounts (including any payments required under the terms of any credit facility) required by this Ordinance or any Supplemental Ordinance;

Third, provision shall be made for payment of interest on amounts advanced by the provider of any credit facility as contemplated in Section 6.7 hereof;

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

Fifth, the remaining Hospitality Taxes shall be disposed of as provided in Section 6.9 hereof.

Section 6.3 Security for and Payment of the Bonds Each Series of Bonds, together with the interest thereon, shall be payable solely from and secured equally and ratably by a pledge of the Hospitality Taxes which shall be and hereby are irrevocably pledged to the payment of the principal of, redemption premium, if any, and interest on any Series of Bonds authorized by the Supplemental Ordinances; provided, however, that (1) funds held by the Trustee in the respective Debt Service Funds and Debt Service Reserve Funds are hereby pledged for the benefit of the respective Bondholders as security for the Bonds of the Series to which such funds relate; and (2) this provision shall not preclude the issuance of Junior Bonds if such Junior Bonds be issued in conformity with the provisions of Section 3.5 hereof, but the pledge herein made shall preclude the issuance of Bonds payable from or secured by a pledge of or lien on Hospitality Taxes superior to that herein made to secure the Bonds.

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

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

Section 6.4 Accounting MethodsThe designation of the Hospitality Tax Fund referenced in and by this Ordinance shall not be construed to require the establishment of any completely independent, self-balancing funds as such term is commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of the Hospitality Taxes for certain purposes and to establish certain priorities for application of such Hospitality Taxes as herein provided.

The cash required to be accounted for in the Hospitality Tax Fund referenced herein may be deposited in a single bank account, into which Hospitality Taxes shall be deposited, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the cash in and deposited therein for the various purposes of such funds as provided herein.

Section 6.5 Hospitality Tax Special Revenue FundPursuant to the Hospitality Tax Ordinance, there has been established and is hereby referenced a Hospitality Tax Special Revenue Fund to be maintained by a bank or other financial institution designated, from time to time, by the County and into which shall be deposited all Hospitality Taxes. Moneys in the Hospitality Tax Special Revenue Fund shall be used only in the manner specified in this Article VI and the Hospitality Tax Ordinance and in the order of priority set forth in Section 6.2 hereof. Moneys held in the Hospitality Tax Special Revenue Fund may be invested, from time to time, in Permitted Investments; provided, however, that such Hospitality Taxes in the Hospitality Tax Special Revenue Fund shall be transferred to the Trustee and the Trustee, when and as required and in the amounts, if any, required to be made by this Article VI, each Supplemental Ordinance and the Hospitality Tax Ordinance.

Section 6.6 Debt Service FundsThere shall be established and maintained special funds of the County to be designated the Debt Service Fund for each Series of Bonds then Outstanding which shall be kept on deposit with the Trustee, and withdrawals therefrom shall be made for the purposes provided in this Ordinance. Each Debt Service Fund shall bear a separate series designation as may be necessary to distinguish such Debt Service Fund.

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

The County shall transfer or cause to be transferred to the Trustee from the Hospitality Tax Fund for deposit into the respective Debt Service Funds and ratably with respect to separate Series of Bonds for credit to the Interest Account, the Principal Account or the Bond Redemption Account, as the case may be, sufficient moneys so as to comply with the following provisions for the payment of the Bonds then Outstanding.

(a) *Interest Account.* There shall be established and maintained for the purpose of paying the interest on each Series of Bonds as the same becomes due and payable an Interest Account in the respective Debt Service Funds. Not later than five (5) Business Days prior to each Interest Payment Date, the Trustee shall transfer or allocate for credit to the Interest Account an amount received from the County derived from Hospitality Taxes equal to the installment of interest then falling due on the respective Series of Bonds then Outstanding. To the extent moneys derived from other sources have been transferred or allocated for credit to the Interest Account on or before five (5) Business Days prior to each Interest Payment Date, the amount of Hospitality Taxes to be transferred or allocated for credit to such

Interest Account shall be reduced or eliminated by the amount of such moneys transferred or allocated for credit to the Interest Account.

(b) *Principal Account.* There shall be established and maintained for the purpose of paying the principal of each Series of Bonds as they mature a Principal Account in the respective Debt Service Funds. Not later than five (5) Business Days prior to each Principal Payment Date, the Trustee shall transfer or allocate to the credit of the Principal Account an amount received from the County derived from Hospitality Taxes equal to the installment of principal on the respective Series of Bonds then falling due. To the extent moneys derived from other sources have been transferred or allocated for credit to the Principal Account on or before five (5) Business Days prior to each Principal Payment Date, the amount of Hospitality Taxes to be transferred or allocated for credit to such Principal Account shall be reduced or eliminated by the amount of such moneys transferred or allocated for credit to the Principal Account.

(c) *Bond Redemption Account.* There shall be established and maintained, in order to meet the specified sinking fund installment requirements of Term Bonds and to otherwise retire Term Bonds prior to maturity, a Bond Redemption Account in the respective Debt Service Fund. Not later than five (5) Business Days prior to the date a sinking fund installment of Term Bonds of each Series falls due, the Trustee shall allocate to the credit of the Bond Redemption Account amounts received from the County derived from Hospitality Taxes equal to the sinking fund installment of principal then falling due on the respective Series of Term Bonds then Outstanding. To the extent moneys derived from other sources have been transferred or allocated for credit to the Bond Redemption Account on or before five (5) Business Days prior to the date a sinking fund installment of Term Bonds of a Series falls due, the amount of Hospitality Taxes to be transferred or allocated for credit to such Bond Redemption Account shall be reduced or eliminated by the amount of such moneys transferred or allocated for credit to the Bond Redemption Account. The Trustee shall apply the moneys credited to the Bond Redemption Account as sinking fund installments to the retirement of the Term Bonds of each respective Series by redemption in accordance with the Supplemental Ordinance providing for the issuance of such Series of Bonds, without further authorization or direction, on each date upon which a sinking fund installment is due with respect to the Term Bonds of such Series. The Trustee shall keep and retain accurate records of application of each deposit of funds under this paragraph (c). The Trustee shall give notice of all such redemptions in the name and on the behalf of the County in accordance with the provisions of Article V hereof. In making any of the deposits to the Bond Redemption Account required by this paragraph (c), consideration shall be given to and allowance made for any other credits otherwise made to such Bond Redemption Account.

(d) If, on the dates when the payments required by paragraphs (a), (b) and (c) of this Section are to be made, the payments actually made pursuant to said paragraphs (a), (b) and (c), are less than the sum required to effect the payment of the succeeding installment of principal or interest, or both, as the case may be, moneys in the applicable Debt Service Reserve Fund, if any, equal to such deficiency shall be added to the payment to be made pursuant to said paragraphs (a), (b) and (c). In the event of such transfer, the Trustee shall promptly give telephonic notice of such transfer to the County and, within ten days after making the transfer, provide written notice to the County of the amount and date of such transfer.

Moneys in the respective Debt Service Funds shall be used and applied solely to the payment of the interest on and the retirement of the principal of and redemption premium, if any, on the respective Series of Bonds and shall be used and applied in accordance with the provisions of this Section 6.6 and this Ordinance and the Supplemental Ordinance providing for the issuance of such Series of Bonds. The moneys paid into the respective Debt Service Fund shall be held by the Trustee in trust solely for the purpose of paying the interest on and the retirement of the principal of and redemption premium, if any, on the respective Series of Bonds. Withdrawals from such Funds shall be made by the Trustee in order to transfer such moneys to the Paying Agent for the respective Series of Bonds. Such withdrawals shall be made so that the necessary

moneys shall be available to the Paying Agent not later than one (1) Business Day prior to the day on which principal or interest or both, and redemption premium, if any, as the case may be, are payable on the Bonds.

Section 6.7 Debt Service Reserve Fund(a) A Supplemental Ordinance may provide for the establishment of a Debt Service Reserve Fund for any Series of Bonds. Each Debt Service Reserve Fund shall bear a separate Series designation as may be necessary to distinguish such Debt Service Reserve Fund and shall, subject to certain provisions of this Ordinance, be maintained in an amount equal to the applicable Reserve Fund Requirement, as determined pursuant to a Supplemental Ordinance, and in the manner determined pursuant to such Supplemental Ordinance, so long as the applicable Series of Bonds shall be Outstanding. Each such Fund is intended to insure the timely payment of the principal of and interest on the applicable Series of Bonds and to provide for the redemption of such Series of Bonds prior to their stated maturities. The respective Debt Service Reserve Funds shall be kept on deposit with the Trustee, and withdrawals therefrom shall be made for the purposes provided in this Ordinance.

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

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

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

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

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

(c) Unless otherwise provided in a Supplemental Ordinance, whenever the market value (determined as of the valuation dates and in accordance with the method specified in Section 6.10 hereof) of the cash and securities in the applicable Debt Service Reserve Fund shall exceed the Reserve Fund Requirement, such excess may at the written direction of the County (i) be used to repurchase and retire the applicable Series of Bonds at prices not exceeding the call price first to become available or then prevailing; (ii) be deposited as the County deems advisable; or (iii) be transferred to the Hospitality Tax Fund or, at the option of the County, to the Construction Fund during the period of construction or acquisition of a Project. Purchases of Bonds shall be effected by the County through the Trustee, and whenever Bonds shall have been purchased pursuant to this authorization, it shall be the duty of the Registrar to cancel and destroy such Bonds and to deliver certificates evidencing such act to the County.

(d) Unless otherwise provided in a Supplemental Ordinance, if the Trustee sends written notice to the County stating that a deficiency exists in the applicable Debt Service Reserve Fund (whether due to a transfer therefrom pursuant to Section 6.6(d) or a valuation thereof determined as of the valuation dates and in accordance with the method specified in Section 6.10 hereof), then (1) there shall be deposited from available Hospitality Taxes into the applicable Debt Service Reserve Fund over the next succeeding six (6) months, successive equal monthly installments of the amount necessary to re-establish in the applicable Debt Service Reserve Fund its respective Reserve Requirement (upon receipt of each of which installments, the Trustee shall promptly send an updated written notice to the County as to the remaining deficiency therein) and (2) the County agrees to pay, prior to the next Interest Payment Date, an amount equal to such shortfall; provided, however, that the County's obligation to make such payment

shall be subject to Council, by ordinance duly enacted, appropriating moneys from sources or funds lawfully available for such purpose moneys sufficient to pay the shortfall. The County understands and agrees that the payment obligation described in this paragraph shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness of the County, nor shall anything contained herein constitute a pledge of the general tax revenues, funds, moneys or credit of the County. Any such budgetary appropriation, notwithstanding any provision of this Ordinance to the contrary, shall not constitute a default or Event of Default under this Ordinance.

(e) In lieu of the deposit of moneys into the Debt Service Reserve Fund established with respect to any Series of Bonds to meet the Reserve Fund Requirement with respect to that Series, the County may cause to be credited a Credit Facility payable to, or in favor of, the Trustee for the benefit of the Holders of the Bonds meeting the standard set forth in the Supplemental Ordinance authorizing that Series of Bonds, as the case may be. The amount of moneys required to be deposited to the Debt Service Reserve Fund shall be reduced by the amount of the Credit Facility shall be payable (upon the giving of notice as required thereunder) on any Interest Payment Date on which moneys will be required to be withdrawn from the Debt Service Reserve Fund and applied to the payment of the principal of or interest on any Bonds of that Series but only to the extent that withdrawals cannot be made by amounts then credited to the Debt Service Reserve Fund.

If the County obtains a Credit Facility in substitution for moneys deposited to the applicable Debt Service Reserve Fund as may be permitted under the applicable Supplemental Ordinance, excess moneys in the respective Debt Service Reserve Funds shall be transferred, at the written direction of the County, to the applicable Construction Fund, or if one does not exist, be deposited as the County deems advisable.

Section 6.8 Establishment of Construction Fund There shall be established with the Custodian a Construction Fund with respect to each Series of Bonds (other than for Bonds issued pursuant to Section 3.4 hereof, if applicable) in the Supplemental Ordinance providing for their issuance, the moneys in which shall be used to defray the costs of any Project and to pay any Costs of Acquisition and Construction with respect to the facilities so financed. On the occasion of the delivery of any Series of Bonds, the proceeds therefrom shall be paid into the Construction Fund established for such Series as set forth in a Supplemental Ordinance authorizing their issue. Withdrawals from the Construction Fund shall not be made except as provided in the Supplemental Ordinance establishing such Construction Fund.

There may be established in a Construction Fund from time to time a costs of issuance account to provide for the payment of Costs of Issuance on the related Series of Bonds. Any such account shall be created by a Supplemental Ordinance relating to the issuance of the Bonds of such Series. After payment of all of the Costs of Issuance, the costs of issuance account shall be terminated and any amounts remaining in the costs of issuance account shall be transferred to the Construction Fund. There may be established in a Construction Fund from time to time a capitalized interest account to provide for the payment of interest on the related Series of Bonds as may be permitted hereunder. Any such account shall be created by a Supplemental Ordinance relating to the issuance of the Bonds of such Series. Any earnings from the investment of funds in the costs of issuance account not required to pay Costs of Issuance on the Bonds of such Series shall be deposited in the Construction Fund created by the Supplemental Ordinance relating to such Bonds or, if such Construction Fund has been terminated, such earnings shall be transferred to the appropriate Debt Service Fund. Any earnings from the investment of funds in the capitalized interest account not required to pay interest on the Bonds of any Series during the period for which interest on the Bonds of such Series is capitalized shall be deposited in the Construction Fund created by the Supplemental Ordinance relating to such Bonds or, if such Construction Fund has been terminated, such earnings shall be transferred to the appropriate Debt Service Fund.

Section 6.9 Distribution of Remaining Hospitality Taxes Each year after applying Hospitality Taxes as required in Section 6.2 hereof, any remaining Hospitality Taxes may be disposed of by the County as it may determine from time to time to be for any lawful purpose under the Hospitality Tax Act and the Hospitality Tax Ordinance.

Section 6.10 Investment of Funds Moneys held for the credit of the respective Debt Service Funds, Debt Service Reserve Funds and any other funds and accounts established by this Ordinance shall be invested, to the fullest extent practicable and reasonable, in Permitted Investments. Any investment of money held to the credit of the above-mentioned funds and accounts shall mature, be available or be redeemable at the option of the owner or Holder thereof at such times and in such amounts as shall be required to provide moneys to make the payments required to be made from such funds. Written investment instructions shall be given to the Trustee and the Custodian by a County Representative.

The Trustee shall evaluate on a semi-annual basis (initially, ten days prior to the first Interest Payment Date applicable to a Series of Bonds) Permitted Investments in the Debt Service Reserve Fund, if any, established by this Ordinance and promptly send written notice of such valuation to the County within ten days of such valuation. Until changed pursuant to written instructions from the County, such valuation shall be made not less than two times each calendar year. The Trustee shall provide written notice to the County of any deficiency in the amount, if any, on deposit in the Debt Service Reserve Funds. Where the amount that exists in the Debt Service Reserve Funds is less than the applicable Reserve Fund Requirement on the date of valuation by the Trustee, any moneys received by the Trustee and designated by the County Representative as a payment made pursuant to Section 6.7(d) hereof shall be deposited in the applicable Debt Service Reserve Fund. Deficiencies in the amount on deposit in the Debt Service Reserve Funds resulting from a decline in market value shall be restored no later than the next succeeding valuation date.

The value of Permitted Investments shall be determined by the Trustee or the Custodian or other depository at the market value or the amortized cost thereof, whichever is lower, exclusive of accrued interest, provided, however, Permitted Investments in any Debt Service Reserve Fund shall be valued at the original cost thereof.

The Trustee may conclusively rely upon the County's written instructions as to both the suitability and legality of the directed investments. In the absence of written investment instructions from the County, the Trustee shall not be responsible or liable for keeping the moneys held by it hereunder fully invested in Permitted Investments. The Trustee may make any and all such investments through its own investment department or that of its affiliates or subsidiaries, and may charge its ordinary and customary fees for such trades. Broker confirmations of investments are not required to be issued by the Trustee to the County for each month in which a monthly statement is rendered. No statement need be rendered for any fund or account if no activity occurred in such fund or account during such month. The Trustee shall not be accountable or liable for any depreciation in the value of any investments in any Funds or for any losses incurred upon the disposition thereof.

Notwithstanding anything contained herein to the contrary, the Trustee shall have no obligation to enter into any investment contract, forward delivery investment agreement, repurchase agreement contract or any similar agreements with respect to the investment of any monies held under the Ordinance unless (i) such agreement is in form and content reasonably acceptable to the Trustee in the course of ordinary business practice, (ii) any liability of the Trustee under such agreement is limited to loss occasioned by the gross negligence or willful misconduct of the Trustee, (iii) the Trustee is not liable under any circumstances for any termination or similar amount under such agreement; and (iv) the County pays to the Trustee such fees and expenses as established by the Trustee from time to time.

Except as otherwise provided herein, all interest earnings on amounts in the Hospitality Tax Fund when realized shall be considered Hospitality Taxes.

ARTICLE VII

COVENANTS

Section 7.1 Pledge of Hospitality Taxes for Payment of BondsThe County will not issue any obligations, the payment of which shall have any pledge of the Hospitality Taxes prior or superior to the pledge thereof for the payment of the Bonds. In order to insure that the County shall at all times required hereby have sufficient moneys available to deposit amounts, when and as required, into the respective Debt Service Funds and Debt Service Reserve Funds established for a Series of Bonds, to provide for payment of interest on amounts advanced pursuant to Section 6.7 and to provide for payment of Junior Bonds (all as described in Section 6.2 hereof), the County covenants and agrees that it shall not at any time while any Bonds are outstanding reduce the amounts assessed for Hospitality Taxes to a level not sufficient to permit the County to discharge its obligations hereunder or otherwise require or permit Hospitality Taxes (whether through a subsequent amendment of the Hospitality Tax Ordinance or otherwise) to be used or set aside except pursuant to or as permitted by Section 6.2 hereof.

Section 7.2 Budget. The County shall, on or before July 1 of each year, adopt a budget relating to the appropriations of Hospitality Taxes, which budget shall include an appropriation of amounts sufficient to make all payments required under this Ordinance and any Supplemental Ordinance.

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

Section 7.4 Records, Accounts and AuditsThe County covenants and agrees to keep proper books of records and accounts (separate from all other records and accounts), in which complete and correct entries shall be made of all transactions relating to the Hospitality Taxes. Such records shall be kept in accordance with the standards from time to time prescribed by the Governmental Accounting Standards Board or its successor. The County will cause to be furnished to any Holder of any of the Bonds, who makes written request therefor, copies of financial statements certified by an Accountant. The Trustee shall not be responsible for obtaining audits of the County. Additionally, the Trustee shall have no duty to review or analyze any financial statements delivered to it hereunder and shall hold such financial statements solely as a repository for the benefit of the Bondholders; the Trustee shall not be deemed to have notice of any information contained therein or Event of Default which may be disclosed therein in any manner.

Section 7.5 Additional Requirements Applicable to Swap AgreementsIn the event that a Series of Bonds is issued hereunder in whole or in part as Variable or Fixed Rate Bonds and the County enters into an agreement for any form of interest rate swap or similar transaction with respect to such Variable or Fixed Rate Bonds (a "Swap Agreement") pursuant to Section 3.2 of this Ordinance, for purposes of calculating the Reserve Requirement, if any, and establishing compliance with the financial covenants contained in this Ordinance applicable to such Series of Bonds, the following shall apply:

(a) The counterparty to the Swap Agreement (the "Swap Provider") must be rated at least A-/A3 or better by a Rating Agency or Rating Agencies (such requirement, the "Initial Rating Requirement").

(b) Assuming satisfaction of the Initial Rating Requirement, and thereafter as long as the long-term indebtedness or claims-paying ability of the Swap Provider does not fall below Baa2 or BBB, as rated by a Rating Agency or Rating Agencies (the "Minimum Rating Requirement"), all interest rate

assumptions for purposes of establishing or demonstrating compliance with a financial covenant may be based on the synthetic fixed or variable interest rate under the Swap Agreement.

(c) If the rating of the Swap Provider falls below the Minimum Rating Requirement, the County will have ten (10) business days after notice of such noncompliance to replace such Swap Provider with a Swap Provider that does satisfy the Initial Rating Requirement. The failure of the County to replace the Swap Provider after ten (10) days will have the following effects: the applicable Reserve Requirement shall be recalculated based on an interest rate determined in accordance with the definition of “Debt Service” and “Maximum Annual Debt Service” in this Ordinance, and any deficiency in the applicable Debt Service Reserve Fund resulting from such recalculation will be restored as described in Article VI of this Ordinance.

ARTICLE VIII

TRUSTEE; CUSTODIANS

Section 8.1 Trustee The Council hereby designates Regions Bank as Trustee under this Ordinance. On or prior to the delivery of the initial Series of Bonds, the Trustee shall signify its acceptance of the powers, duties and obligations conferred and imposed upon it by the Ordinance by executing and delivering to the County a written instrument of acceptance.

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

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

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

The Trustee may conclusively rely upon the authenticity of, and the truth of the statements and the correctness of the opinions expressed in, and shall be fully protected in acting upon any notice, the Ordinance, request, consent order, certificate, report, opinion, note, or other paper or document furnished to it pursuant to any provision of this Ordinance, believed by it to be genuine and to have been signed and presented by the proper party.

The Trustee shall not be required to take notice or be deemed to have notice or actual knowledge of any Event of Default specified in Article X hereof other than a payment default under Sections 10.1.A or

10.1.B unless the Trustee shall receive from the County or the registered owner of any Bond written notice stating that an Event of Default hereunder has occurred and specifying the same, and, in the absence of such notice, the Trustee may conclusively assume that there is no such Event of Default.

The Trustee shall be entitled to payment of and reimbursement by the County for reasonable fees for its services rendered hereunder and all advances and counsel fees, costs and expenses, reasonably and necessarily made or incurred by the Trustee in connection with such services. Additionally, the County shall pay the Trustee for any extraordinary services or extraordinary expenses performed or incurred by the Trustee in connection with its duties under this Ordinance or any Supplemental Ordinance if notified in writing prior to the performance of those services or the incurring of those expenses so as to allow the County to appropriate sufficient funds for their payment.

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

The Trustee shall not be accountable for the use or application by the County of any of the Bonds or the proceeds thereof or for the use or application of any money paid over by the Trustee in accordance with the provisions of this Ordinance or any Supplemental Ordinance. The permissive right of the Trustee to do things enumerated in this Ordinance or any Supplemental Ordinance shall not be construed as a duty and the Trustee shall not be answerable for other than its negligence or willful default. The Trustee shall have no responsibility with respect to any information, statement or recital in any official statement, offering memorandum or any other disclosure material prepared or distributed with respect to any Bonds and shall have no responsibility for compliance with any state or federal securities laws in connection with any Bonds.

None of the provisions of this Ordinance or any Supplemental Ordinance shall require the Trustee to expend or risk its own funds or otherwise to incur any liability, financial or otherwise, in the performance of any of its duties hereunder, or in the exercise of any of its rights or powers if it shall have reasonable grounds for believing that repayment of such funds or indemnity satisfactory to it against such risk or liability is not assured to it.

The Trustee shall not be responsible or liable for any failure or delay in the performance of its obligation under this Ordinance or any Supplemental Ordinance arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including, without limitation, acts of God; earthquakes; fire; flood; hurricanes or other storms; wars; terrorism; similar military disturbances; sabotage; epidemic; riots; interruptions; loss or malfunctions of utilities, computer (hardware or software) or communications services; accidents; labor disputes; acts of civil or military authority or governmental action; it being understood that the Trustee shall use commercially reasonable efforts which are consistent with accepted practices in the banking industry to resume performance as soon as reasonably practicable under the circumstances.

The Trustee is not required to make any inquiry or investigation into the facts or matters stated in any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, approval, bond, debenture or other paper or document but the Trustee, in its discretion, may make such further inquiry or investigation into such facts or matters as it may see fit and, if the Trustee determines to make such further inquiry or investigation, it is entitled to examine the books, records and premises of the Issuer and the Borrower, in person or by agent or attorney.

In the event the Trustee receives inconsistent or conflicting requests and indemnity from two or more groups of Holders of Bonds, each representing less than a majority in aggregate principal amount of

the Bonds Outstanding, pursuant to the provisions of this Ordinance, the Trustee, in its sole discretion, may determine what action, if any, shall be taken.

The Trustee shall not be (i) required to hold any policies of insurance, (ii) responsible for the filing of any documents, security agreements or financing statements regarding the creation or perfection of any interest in the Hospitality Taxes or other security for the Bonds; and (iii) responsible for any information contained in any financing statements.

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

The Trustee makes no representations as to the value, condition or sufficiency of any assets pledged or assigned as security for the Bonds, the right, title or interest of the County therein, the security provided thereby or by the Ordinance or the tax-exempt status of the Bonds.

The Trustee may rely and is protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, approval, bond, debenture or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties.

Any request, direction, order or demand of the County under the Ordinance shall be sufficiently evidenced by a certificate of the County Representative (unless other evidence thereof is specifically prescribed).

Whenever in the administration of the Ordinance the Trustee deems it desirable that a matter be proved or established prior to taking, suffering or omitting any action hereunder, the Trustee (unless other evidence thereof is specifically prescribed) may, in the absence of bad faith on its part, rely upon a certificate of the County Representative.

The Trustee may in all cases pay such reasonable compensation as it deems proper to all agents, attorneys and receivers reasonably employed or retained by it, and the Trustee shall not be responsible for any misconduct or negligence of any agent, attorney or receiver appointed with due care by it.

The Trustee, in its commercial banking or in any other capacity, may in good faith buy, sell, own, hold and deal in any of the Bonds and may join in any action which any Bondholder may be entitled to take with like effect as if it were not Trustee. The Trustee, in its commercial banking or in any other capacity, may also engage in or be interested in any financial or other transaction with the County and may act as depository, trustee or agent for any committee of Bondholders secured hereby or other obligations of the Issuer as freely as if it were not Trustee. The provisions of this Section shall extend to affiliates of the Trustee.

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

Section 8.2 Resignation of TrusteeThe Trustee may resign at any time by giving 30 days' written notice to the County and by giving notice to the registered owners of the Bonds by publication of such resignation. No resignation will become effective until a successor Trustee has been appointed and accepts such appointment as provided below. Upon receiving notice of resignation, the County shall promptly appoint such successor Trustee by an instrument in writing. In the event a successor Trustee has not been appointed within 60 days of the date notice of resignation is given, the Trustee, at the County's expense, may apply to any court of competent jurisdiction for the appointment of a successor Trustee to act until such time as a successor is appointed as provided in this Section.

Unless otherwise ordered by a court or regulatory body having competent jurisdiction, or unless required by law, any successor Trustee shall, if there is such an institution willing, qualified and able to accept the trust upon reasonable or customary terms, be a bank, bank holding company or trust company or wholly-owned subsidiary of a bank holding company or trust company in good standing, qualified to act hereunder, and having a capital and earned surplus of not less than \$75,000,000.

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

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

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

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

Section 8.3 Removal of Trustee Upon 30 days' written notice, the County, at its sole discretion, provided that an Event of Default shall not have occurred and be continuing, may remove the Trustee. The removal of the Trustee under this Section 8.3 shall not be effective until a successor Trustee has been appointed and has accepted the duties of Trustee. The Holders of a majority in aggregate principal amount of the Bonds at the time outstanding may, upon 30 days' written notice to the Trustee and the County, remove the Trustee and appoint a successor Trustee by instrument or instruments in writing signed by such Holders of the Bonds

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

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

any Custodian be liable in connection with the performance of its duties hereunder, except for its own negligence or default.

Section 8.6 Trustee and Custodians Protected in Relying upon Ordinances, etc. The Trustee and all Custodians shall at all times be protected in acting upon any notice, Ordinance, request, consent, order, certificate, statement, opinion, bond, or other paper or document believed to be genuine and to have been signed by the proper party or parties

ARTICLE IX

AMENDMENTS OR SUPPLEMENTS TO THIS ORDINANCE

Section 9.1 Amendments or Supplements to Ordinance The County shall not amend this Ordinance except in accordance with the provisions of this Article. (a) The County may, from time to time and without the consent of any Holder of the Bonds enact an ordinance amendatory hereof or supplemental hereto for the purpose of (a) providing for the issuance of Bonds pursuant to the provisions of Article III hereof, or (b) (i) making any amendments or modifications hereto which may be required to permit this Ordinance to be qualified under the Trust Indenture Act of 1939, as amended; (ii) making any modification or amendment to this Ordinance not inconsistent herewith required for the correction of language or to cure any ambiguity or defective provisions, omission, mistake or manifest error herein contained; (iii) making any amendments or supplements hereto to grant to or confer upon the Holders additional rights, remedies, power and authority, or to grant to or confer upon any Holders, committee or trustee for the Holders any additional rights, power or authority; or (iv) to add to the security of the Holders of the Bonds.

(b) From time to time the Holders of 51% in aggregate principal amount of the Bonds then Outstanding, by an instrument or instruments in writing signed by such Holders and filed with the County and the Trustee, shall have power to assent to and authorize any modification or amendment to the provisions of this Ordinance that may be proposed by the County or of the rights and obligations of the County and of the Holders of Bonds issued hereunder. Any action herein authorized to be taken with the assent and authority given as aforesaid of the Holders of at least 51% in aggregate principal amount of the Bonds at the time Outstanding shall be effective and binding upon all of the Holders of Bonds Outstanding and upon the County as fully as though such action were specifically and expressly authorized by the terms of this Ordinance; provided always, that without the consent of the Holder of each Bond affected thereby, no such modification shall be made which will (a) extend the time of payment of principal of or the interest on any Bond, or reduce the principal amount thereof or the rate of interest thereon or the premium payable upon the redemption thereof, or (b) give to any Bond or Bonds any preference over any other Bond or Bonds, or (c) authorize the creation of any pledge prior to or, except as provided herein for the issuance of Series of Bonds, on a parity with the pledge afforded by this Ordinance, or (d) reduce the percentage in principal amount of the Bonds required to assent to or authorize any such modification to this Ordinance. For the purpose of computations required by this paragraph, Bonds directly or indirectly owned or controlled by the County shall be disregarded. A Credit Facility Issuer shall be treated as the Holder of any Bond for which such Credit Facility Issuer shall have provided a Credit Facility and any consent given by a Credit Facility Issuer shall be treated as the consent of the Holder of any Bond for which such Credit Facility Issuer shall have provided a Credit Facility, provided that said Credit Facility Issuer is not in default with any of its obligations.

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

The Trustee is hereby authorized to accept the delivery of a certified copy of any amendatory or supplemental ordinance referred to and permitted or authorized by this Section 9.1 and to make all further

agreements and stipulations which may be therein contained, and the Trustee, in accepting such ordinance and taking such action, shall receive and be fully protected in relying on an opinion of counsel (which may be an opinion of counsel to the County) that such amendatory or supplemental ordinance is authorized or permitted by the provisions of this Ordinance. No such amendatory or supplemental ordinance shall change or modify any of the rights or obligations of the Trustee without its written assent thereto.

ARTICLE X

EVENTS OF DEFAULT

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

(a) If payment of the principal of any Bond, whether at maturity or by proceedings for redemption, or upon mandatory sinking fund redemption, or by declaration as provided in Section 11.1 hereof, or otherwise, is not made by the County after the same has become due and payable; or

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

(c) If the County shall fail in the due and punctual performance of any of the covenants, conditions, agreements and provisions contained in the Bonds or in this Ordinance or in any Supplemental Ordinance on the part of the County to be performed, and such failure continues for 90 days after written notice specifying such failure and requiring the same to be remedied has been given to the County by the Trustee, or the Holders of not less than 20% in principal amount of the Bonds then Outstanding or any trustee or committee therefor; or

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

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

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

ARTICLE XI

REMEDIES UPON EVENT OF DEFAULT

Section 11.1 General Upon the occurrence and continuance of an Event of Default, the Trustee may pursue any available remedy to enforce the payment of any amounts due with respect to the Bonds or the observance and performance of any other covenant, agreement or obligation under this Ordinance or a Supplemental Ordinance or any other instrument providing security, directly or indirectly, for the Bonds. If, upon the occurrence and continuance of an Event of Default, the Trustee is requested so to do by the Holders of at least 25% of the aggregate of the principal amount of the Outstanding Bonds, the Trustee (subject to the provisions of Section 8.1 hereof), shall exercise one or more rights and powers conferred by this Section as the Trustee, upon advice of counsel, deems most expedient in the interests of the Holders of such Bonds.

Section 11.2 Suits at Law or in Equity and Mandamus In case any one or more of the Events of Default shall happen and be continuing, then and in every such case, but subject to the provisions, limitations and conditions of Section 11.1 hereof so far as the remedies provided in said provisions are concerned, the Holder of any Bond at the time Outstanding, or Trustee therefor, may, for the equal benefit and protection of all Holders of the Bonds similarly situated,

(a) by mandamus or other suit, action or proceedings at law or in the equity, enforce such Bondholder's right against the County and require and compel the County to perform and carry out its duties and obligations under the Bond Act and this Ordinance, and to perform and carry out its covenants and agreements with the Bondholders;

(b) by action or suit in equity require the County to account as if such County were the trustee of an express trust;

(c) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the Bondholders; or

(d) bring suit upon the Bonds.

Section 11.3 Remedies Not Exclusive; Effect of Waiver of Default; Effect of Abandonment of Proceedings or Adverse Determination The Holders from time to time of the Bonds shall be entitled to all the remedies and benefits of this Ordinance as are and as shall be provided by law, and, subject to the provisions of Sections 11.1 and 11.2 hereof, nothing herein shall be construed to limit the rights or remedies of any such Holders under any applicable statute that may now exist or be enacted thereafter. No remedy conferred by the Bond Act and this Article upon any Holder of any Bond is intended to be exclusive of any other remedy. Each and every such remedy shall be cumulative and shall be in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred by the Bond Act and this Article or by any other law now or hereafter existing. Every substantive right and remedy conferred upon the Holders of the Bonds may be enforced and exercised from time to time and as often as may be deemed expedient.

No waiver of any default or breach of duty or contract by any Holder of any Bond shall extend to or affect any subsequent default or breach of duty or contract, or shall impair any rights or remedies thereon. No delay or omission of any Holder of a Bond to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein.

In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and then discontinued or abandoned, or shall be determined adversely to Holders of the Bonds then and in every such case, the County and such Holders shall be restored to their former positions and rights and remedies as if no suit, action or proceeding had been brought or taken.

When the Trustee incurs costs or expenses (including legal fees, costs and expenses) or renders services after the occurrence of an Event of Default, such costs and expenses and the compensation for such services are intended to constitute expenses of administration under any federal or state bankruptcy, insolvency, arrangement, moratorium, reorganization or other debtor relief law.

Section 11.4 Restrictions on Bondholder's Action(a) No Holder of any Bond shall have any right to institute any suit, action or proceeding at law or in equity for the enforcement of any provision of this Ordinance or the execution of any trust under this Ordinance or for any remedy under this Ordinance unless such Holder shall have previously given to the Trustee written notice of the happening of an Event of Default and the Holders of at least twenty-five percent (25%) in principal amount of the Bonds then Outstanding shall have filed a written request with the Trustee and shall have offered the Trustee reasonable opportunity, either to exercise the powers granted in this Ordinance or by the laws of the State or to institute such action, suit or proceeding in its own name, and unless such Holders shall have offered to the Trustee adequate security and indemnity against the costs, fees (including reasonable attorneys' fees), expenses and liabilities to be incurred therein or thereby, and the Trustee shall have refused to comply with such request for a period of 60 days after receipt by it of such notice, request an offer of indemnity. No one or more Holders of Bonds shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the pledge created by this Ordinance, or to enforce any right under this Ordinance, except in the manner herein provided. All proceedings at law or in equity to enforce any provision of this Ordinance shall be instituted, had and maintained in the manner provided in this Ordinance and for the equal benefit of all Holders of the Outstanding Bonds.

(b). Nothing contained in this Ordinance or in the Bonds shall affect or impair the obligation of the County, which is absolute and unconditional, to pay at the respective dates of maturity and places therein expressed the principal of (and redemption premium, if any) and interest on the Bonds to the respective Holders thereof, or affect or impair the right of action, which is also absolute and unconditional, of any Holder to enforce such payment of his Bond.

Section 11.5 Application of Hospitality Taxes and Other Moneys After Default During the continuance of an Event of Default, all moneys received by the Trustee pursuant to any right given or action taken under the provisions of this Article shall, after payment of the costs and expenses of the proceedings resulting in the collection of moneys and of the fees, expenses and advances of, incurred or made by the Trustee with respect thereto, be deposited in the respective Debt Service Funds, and all amounts held by the Trustee hereunder shall be applied as follows (provided if more than one Debt Service Fund has been established, such amounts shall be paid ratably):

(a) Unless the principal of all Outstanding Bonds shall have become or have been declared due and payable:

First: To the payment to the persons entitled thereto of all installments of interest then due on the Bonds in the order of maturity of such installments, and, if the amount available shall not be sufficient to pay in full any installment or installments maturing on the same date, then to the payment thereof ratably, according to the amounts due thereon to the person entitled thereto, without any discrimination or preference; and

Second: To the payment to the persons entitled thereto of the unpaid principal amounts or redemption premium, if any, of any Bonds which shall have become due (other than Bonds previously called for redemption in accordance with the provisions hereof), whether at maturity or

by call for redemption, in the order of their due dates, and if the amounts available shall not be sufficient to pay in full all the Bonds due on any date, then to the payment thereof ratably, according to the principal amounts or redemption premium, if any, due on such date, to the persons entitled thereto, without any discrimination or preference.

(b) If the principal amounts of all Outstanding Bonds shall have become or have been declared due and payable, to the payment of the principal amounts and interest then due and unpaid upon the Bonds without preference or priority of principal over interest or of interest over principal, of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal amounts and interest, to the persons entitled thereto without any discrimination or preference.

(c) If the principal amounts of all Outstanding Bonds shall have been declared due and payable, and if such declaration shall thereafter have been rescinded and annulled under the provisions of this Article XI, then, subject to the provisions of this Section in the event that the principal amounts of all Outstanding Bonds shall later become due or be declared due and payable, the moneys shall be applied in accordance with the provisions of paragraph (a) of this Section.

(d) Whenever moneys are to be applied by the Trustee pursuant to the provisions of this Section, such moneys shall be applied by it at such times, and from time to time, as the Trustee shall determine, having due regard for the amount of such moneys available for application and the likelihood of additional moneys becoming available for such application in the future. Whenever the Trustee shall apply such moneys, it shall fix the date (which shall be a Bond payment date unless it shall deem another date more suitable) upon which such application is to be made and upon such date interest on the principal amounts to be paid on such dates shall cease to accrue. The Trustee shall give such notice as it may deem appropriate of the deposit with it of any such moneys and of the fixing of any such date, and shall not be required to make payment to the Holder of any Bond until such Bond shall be presented to the Trustee for appropriate endorsement of any partial payment or for cancellation if fully paid.

Whenever all Bonds and interest thereon have been paid under the provisions of this Section and all expenses and charges of the Trustee have been paid, any balance remaining shall be paid to the person entitled to receive the same; if no other person shall be entitled thereto, then the balance shall be paid to the County or as a court of competent jurisdiction may direct.

ARTICLE XII

DEFEASANCE

Section 12.1 Defeasance The obligations of the County under this Ordinance and the liens, pledges, charges, trusts, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any Bond; and, unless or except as otherwise provided in the Supplemental Ordinance providing for the issuance of any Series of Bonds, such Bond or Series of Bonds shall no longer be deemed to be Outstanding hereunder when:

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

(b) Payment of the principal of, redemption premium, if any, and interest on such Bond or Series of Bonds, either (a) shall have been made or caused to be made in accordance with the terms thereof, or (b) shall have been provided for by irrevocably depositing with the Trustee in trust and irrevocably setting aside exclusively for such payment, (i) moneys sufficient to make such payment, or (ii) Government Obligations maturing as to principal and interest in such amounts and at such times as will ensure the

availability of sufficient moneys to make such payment, and all necessary and proper fees, compensation and expenses of the Trustee, Paying Agent and the Registrar together with either (i) a verification report, satisfactory to the Trustee, to the effect that such securities and/or cash, together with earnings thereon, will be sufficient to pay interest and principal (and applicable premium, if any) on the Bonds to redemption or maturity or (ii) an opinion of Counsel, satisfactory to the Trustee, to the effect that all conditions precedent to the defeasance of the Bonds have been satisfied; provided however, that no such verification report or opinion shall be required in the event of a gross defeasance (where the cash deposited alone is sufficient to pay the debt service on the Bonds) or a current refunding (where the Bonds are to be redeemed within ninety (90) days of the funding of the escrow). At such time as a Bond or Series of Bonds shall no longer be deemed to be Outstanding hereunder, as aforesaid, such Bond or Series of Bonds shall cease to draw interest from the maturity date or redemption date thereof, and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

Any moneys so deposited with the Trustee as provided in this Article may at the written direction of the County also be invested and reinvested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from all Government Obligations in the hands of such Trustee which is not required for the payment of the Bonds or Series of Bonds and interest thereon with respect to which such moneys shall have been so deposited, shall be treated as Hospitality Taxes.

Notwithstanding any provision hereof which may be contrary to the provisions of this Article, all moneys or Government Obligations set aside and held in trust pursuant to the provisions of this Article for the payment of Bonds or Series of Bonds shall be applied to and used solely for the payment of the particular Bonds or Series of Bonds with respect to which such moneys and Government Obligations have been so set aside in trust.

Any provision hereof to the contrary notwithstanding, if moneys or Government Obligations have been deposited or set aside with the Trustee pursuant to this Article for the payment of the Bonds and such Bonds shall not have in fact been actually paid in full, no amendment to the provisions of this Article shall be made without the consent of the Bondholder of each Bond or Series of Bonds affected thereby.

If moneys or Government Obligations have been deposited with the Trustee pursuant to Section 12.1(b) for payment of less than all Bonds of a Series and maturity, the Bonds of such Series and maturity to be so paid from such deposit shall be selected by the Trustee by lot by such method as shall provide for the selection of portions (in authorized denominations) of the principal of Bonds of such Series and maturity of a denomination larger than the smallest authorized denomination. Such selection shall be made within seven days after the moneys or Government Obligations have been deposited with the Trustee. This selection process shall be in lieu of the selection process otherwise provided with respect to redemption of Bonds in Article V. After such selection is made, Bonds that are to be paid from such deposit (including Bonds issued in exchange for such Bonds pursuant to the transfer or exchange provisions of this Ordinance) shall be identified by a separate CUSIP number or other designation satisfactory to the Trustee. The County shall provide such CUSIP number or other designation to the Trustee. The Trustee shall notify Bondholders whose Bonds (or portions thereof) have been selected for payment from the moneys or Government Obligations on deposit and shall direct such Bondholders to surrender their Bonds to the Trustee in exchange for Bonds with the appropriate designation. The selection of Bonds for payment from such deposit pursuant to this Section 12.1 shall be conclusive and binding on the County.

ARTICLE XIII

MISCELLANEOUS

Section 13.1 Benefits of Ordinance Limited to the County, the Trustee and Holders of the BondsWith the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the County, the Trustee and the Holders of the Bonds, any legal or equitable right, remedy or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement or provision herein contained. This Ordinance and all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the County, the Trustee and the Holders from time to time of the Bonds as herein and therein provided.

Section 13.2 Ordinance Binding Upon Successors or Assigns of the CountyAll the terms, provisions, conditions, covenants, warranties and agreements contained in this Ordinance shall be binding upon the successors and assigns of the County and shall inure to the benefit of the Trustee, its successors or substitutes in trust and assigns, and the Holders of the Bonds.

Section 13.3 No Personal LiabilityNo recourse shall be had for the enforcement of any obligation, covenant, promise or agreement of the County contained in this Ordinance or the Bonds, against any member of the County, any officer or employee, as such, in his or her individual capacity, past, present or future, of the County, either directly or through the County, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty or otherwise. It is expressly agreed and understood that this Ordinance and the Bonds are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer or employee as such past, present or future, of the County, either directly or by reason of any of the obligations, covenants, promises, or agreements entered into between the County and the Trustee or the Bondholder or to be implied therefrom as being supplemental hereto or thereto. All personal liability of that character against every such member, officer and employee is, by the adoption of this Ordinance and the execution of the Bonds, and as a condition of, and as a part of the consideration for, the adoption of this Ordinance and the execution of the Bonds, expressly waived and released. The immunity of members, officers and employees of the County under the provisions contained in this Section 13.3 shall survive the termination of this Ordinance.

Section 13.4 Effect of Saturdays, Sundays and Legal HolidaysWhenever this Ordinance requires any action to be taken on a Saturday, Sunday, legal holiday or bank holiday in the State, such action shall be taken on the first Business Day occurring thereafter. Whenever in this Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, legal holiday or bank holiday, in the State, such time shall continue to run until midnight on the succeeding Business Day.

Section 13.5 Partial InvalidityIf any one or more of the covenants or agreements or portions thereof provided in this Ordinance on the part of the County or the Trustee or any Paying Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements and portions thereof provided in this Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds, but the Holders of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

If any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because of conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question

inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 13.6 Law and Place of Enforcement of OrdinanceThis Ordinance shall be construed and interpreted in accordance with the laws of the State without regard to conflict of law principles and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 13.7 Effect of Article and Section Headings and Table of ContentsThe headings or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Ordinance.

Section 13.8 Repeal of Inconsistent OrdinancesAll ordinances and resolutions of the County, and any part of any ordinance or resolution, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 13.9 NoticesAll notices, certificates, or other communications hereunder or under this Ordinance shall be sufficiently given and shall be deemed given when mailed by registered mail, postage prepaid, or given when dispatched by telegram addressed as follows:

If to the County:

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

If to the Trustee:

Regions Bank
1010 Gervais Street, 2nd Floor
Columbia, South Carolina 29201
Attn: Christina Rhodebeck

The County and the Trustee, may, by notice given to the other parties, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

Section 13.10 SeverabilityIf any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.

Section 13.11 MiscellaneousThe Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the Council, County Administrator, Clerk to the Council and County Attorney. The Council hereby retains McNair Law Firm, P.A. and The Law Office of Ernest W. Cromartie III, LLC, as co-bond counsel, Parker Poe Adams and Bernstein LLP and Jabber & Isaac, P.A., co-disclosure counsel, if required, and Southwest Securities Inc., as financial advisor in connection with the issuance of the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

[Signature Page to Follow]

Enacted this ____ day of _____, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Kelvin Washington, Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF

_____, 2013:

Interim Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading: February 5, 2013 (Title Only)
Date of Second Reading: February 19, 2013
Date of Third Reading: March 19, 2013 (Tentative)

Richland County Council Request of Action

Subject

A First Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Refunding Revenue Bonds, Series 2013, or such other appropriate series designation, in the principal amount of not exceeding \$22,750,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto **[THIRD READING] [PAGES 71-87]**

Notes

January 22, 2013 - The Committee recommended that Council give First Reading approval to enact a general bond ordinance authorizing the issuance of revenue bonds secured by Hospitality Tax revenues and a First Supplemental Ordinance authorizing the refunding of the 2007 Loan Agreement.

First Reading: February 5, 2013

Second Reading: February 19, 2013

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

A FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF RICHLAND COUNTY, SOUTH CAROLINA, HOSPITALITY TAX REFUNDING REVENUE BONDS, SERIES 2013A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$22,750,000; DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS WITH RESPECT TO THE BONDS; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; AND OTHER MATTERS RELATING THERETO.

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

Section 1. Definitions. The terms in this Section 1 and all words and terms defined in the General Bond Ordinance (except as herein otherwise expressly provided or unless the context otherwise requires), shall for all purposes of this First Supplemental Ordinance have the respective meanings given to them in the General Bond Ordinance and in Section 1 hereof.

“2007 Loan Agreement” shall mean the Loan Agreement dated as of April 30, 2007, between Richland County, South Carolina and Banc of America Public Capital Corp.

“Beneficial Owner” shall mean any purchaser who acquires beneficial ownership interest in any Initial Bond held by the Securities Depository. In determining any Beneficial Owner the County, the Trustee, the Registrar and the Paying Agent may rely exclusively upon written representations made and information given to the County, the Trustee, the Registrar and the Paying Agent, as the case may be, by the Securities Depository or its Participants with respect to any Initial Bond held by the Securities Depository or its Participants in which a beneficial ownership interest is claimed.

“Bond Purchase Agreement” if any, shall mean a Bond Purchase Agreement relating to the sale of the Series 2013A Bonds, to be dated the date of execution and delivery thereof between the Underwriter and the County, as amended or supplemented thereto.

“Book-Entry Form” or “Book-Entry System” shall mean with respect to the Series 2013A Bonds, a form or system, as applicable, under which (a) the ownership of beneficial interests in the Series 2013A Bonds may be transferred only through a book-entry and (b) physical bond certificates in fully registered form are registered only in the name of a Securities Depository or its nominee as Holder, with the physical bond certificates “immobilized” in the custody of the Securities Depository. The book-entry maintained by the Securities Depository is the record that identifies the owners of participatory interests in the Series 2013A Bonds, when subject to the Book-Entry System.

“Business Day” shall mean, with respect to the Series 2013A Bonds issued pursuant to this First Supplemental Ordinance, any day other than a Saturday, a Sunday or a day which shall be in the State or the state in which the respective office of the Trustee, the Paying Agent and the Registrar is located a legal holiday or a day on which banking institutions are authorized by law or executive order to close.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“Disclosure Dissemination Agent Agreement” shall have the meaning given that term in Section 15 hereof.

“Escrow Agent” shall mean that entity named as such in the Escrow Agreement.

“Escrow Agreement” shall mean the Refunding Escrow Agreement dated the date of its execution between the County and the Escrow Agent.

“Escrow Fund” shall mean the fund of that name created pursuant to the Escrow Agreement.

“First Supplemental Ordinance” shall mean shall mean this Ordinance enacted by the Council authorizing the Series 2013A Bonds.

“General Bond Ordinance” shall mean the Ordinance duly enacted by the Council on the date hereof, authorizing the issuance from time to time of Bonds.

“Initial Bonds” shall mean the Series 2013A Bonds initially issued in Book-Entry Form as provided in Section 5 hereof.

“Interest Payment Date” shall mean April 1 and October 1 of each year, commencing October 1, 2013, or such other date as the County Administrator may determine pursuant to Section 4 hereof.

“Paying Agent” shall mean Regions Bank, as Paying Agent for the Series 2013A Bonds.

“Principal Payment Date” shall mean April 1 of each year, commencing April 1, 2014, or such other date as the County Administrator may determine pursuant to Section 4 hereof.

“Refunding” shall mean the refunding of the outstanding principal amount of the 2007 Loan Agreement.

“Registrar” shall mean Regions Bank, as Registrar for the Series 2013A Bonds.

“Securities Depository” shall mean The Depository Trust Company, New York, New York, or any other recognized securities depository selected by the County, which securities depository maintains a book-entry system in respect of any Series of Bonds, and shall include any substitute for or successor to the securities depository initially acting as Securities Depository.

“Series 2013A Bonds” shall mean the Richland County Hospitality Tax Refunding Revenue Bonds, Series 2013A, in the aggregate principal amount of not exceeding \$22,750,000 authorized to be issued hereunder.

“Series 2013A Debt Service Fund” shall mean the fund of the same name established pursuant to Section 7 hereof to provide for the payment of the principal of and interest on the Series 2013A Bonds.

“Trustee” shall mean Regions Bank, as Trustee for the Series 2013A Bonds.

“Underwriters” shall mean Piper Jaffray & Co. and Loop Capital, as more specifically described in Section 4(c) hereof.

Section 2. Certain Findings and Determinations.

The Council hereby finds and determines:

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

(b) Pursuant to constitutional and statutory authorizations and Ordinance No. 040-07HR enacted by the Council on April 17, 2007, the County has heretofore entered into the 2007 Loan Agreement.

(c) The outstanding principal amount of the 2007 Loan Agreement pursuant to the terms thereof is \$21,490,000 which amounts relate to funds expended for the Township Auditorium and to purchase property for a regional recreational complex. The 2007A portion of the Loan Agreement may be prepaid on or after April 16, 2015, in whole, at any time, or in part on a regularly scheduled payment date, upon payment of a 1.10% prepayment penalty. The 2007B portion of the Loan Agreement may be prepaid in whole or in part at any time at the option of the County without penalty upon 30 days' notice at par together with the interest accrued thereon to the date fixed for redemption.

(d) The Refunding Bond Act authorizes the County to effect the refunding of any of its outstanding debt. The Refunding Act authorizes and provides the procedure for the issuance of bonds whose proceeds are to be used to pay, in whole or in part, sums due on debt previously issued and further provides that any issuer may issue bonds to such extent as such issuer shall be indebted by way of principal, interest, and redemption premium upon any outstanding debt.

(e) Council has been advised that based on current market conditions and projected savings, the Council finds that it is in the best interest of the County to effect a refunding of the 2007 Loan Agreement (the "Refunding") because a savings can be effected through the Refunding. The Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this First Supplemental Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the Refunding and that certain authority relating to such refunding is delegated to the County Administrator through this First Supplemental Ordinance. If the rates of interest on the refunding bonds authorized by this First Supplemental Ordinance do not result in satisfactory debt service savings, the Council, through the authority delegated to the County Administrator, will be empowered to cancel or postpone the purchase of the refunding bonds.

(f) This First Supplemental Ordinance supplements the General Bond Ordinance, constitutes and is a "Supplemental Ordinance" within the meaning of such quoted term as defined and used in the General Bond Ordinance, and is enacted under and pursuant to the General Bond Ordinance.

(g) The Series 2013A Bonds constitute and are "Bonds" within the meaning of the quoted word as defined and used in the General Bond Ordinance.

(h) The Hospitality Taxes pledged under the General Bond Ordinance are or will not be encumbered by any lien and charge thereon or pledge thereof, other than the pledge thereof created by the General Bond Ordinance and this First Supplemental Ordinance for the payment and security of the Series 2013A Bonds.

(i) There does not exist an Event of Default (as defined in the General Bond Ordinance), nor does there exist any condition which, after the passage of time or the giving of notice, or both, would constitute such Event of Default.

(j) It is necessary and in the best interest of the County for the Council to authorize the issuance of the Series 2013A Bonds in the principal amount of not exceeding \$22,750,000 in accordance with the Refunding Bond Act, the Hospitality Tax Act, the General Bond Ordinance and this First Supplemental Ordinance for the purposes of refunding the 2007 Loan Agreement and paying the costs of issuing the Series 2013A Bonds.

(k) Pursuant to Ordinance No. 067-12HR enacted on November 13, 2012, Council adopted Written Procedures related to Tax-Exempt Debt.

Section 3. Authorization of Series 2013A Bonds; Authorizing for Refunding.

(a) There is hereby authorized to be issued the Series 2013A Bonds designated "Richland County, Hospitality Tax Refunding Revenue Bonds, Series 2013A," in the aggregate principal amount of not exceeding \$22,750,000. The proceeds of the Series 2013A Bonds shall be used for the purposes set forth in Section 2(j) hereof.

(b) The Refunding shall be effected with a portion of the proceeds of the Series 2013A Bonds together with amounts on deposit in the debt service reserve funds for the 2007 Loan Agreement and approximately \$3,500,000 currently on deposit in the Hospitality Tax Special Revenue Fund. These amounts shall be used for the payment of the principal of the 2007 Loan Agreement and accrued interest to the date of redemption.

(c) Upon the delivery of the Series 2013A Bonds, some or all of the proceeds thereof, less issuance expenses, shall be deposited with the Escrow Agent to be named and held by it under the Escrow Agreement between the Escrow Agent and the County in an irrevocable trust account. It shall be the duty of such Escrow Agent to keep such proceeds invested and reinvested to the extent that it shall be practical in obligations of the United States or any agency thereof and to apply the principal and interest of the trust so established in the manner prescribed in such Escrow Agreement and to cause the redemption of the 2007 Loan Agreement.

(d) The County Administrator and/or his lawfully-authorized designee are hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this First Supplemental Ordinance, including the execution and delivery of the Escrow Agreement. The Escrow Agreement shall be dated the date of delivery of the Series 2013A Bonds to the initial purchasers thereof.

Section 4. Delegation of Authority; Sale and Issuance of Series 2013A Bonds.

(a) The County Administrator is hereby authorized and empowered to undertake any one or more of the following actions: (a) determine the original issue date of the Series 2013A Bonds; (b) determine the aggregate principal amount of the Series 2013A Bonds, if less than authorized by this First Supplemental Ordinance; (c) determine the principal amount of each maturity of the Series 2013A Bonds; (d) determine the Interest Payment Dates and the Principal Payment Dates for the Series 2013A Bonds; (e) determine the optional redemption dates and terms of redemption of the Series 2013A Bonds; (f) determine the interest rates for the Series 2013A Bonds; (g) determine if certain of the Series 2013A Bonds are to be subject to mandatory and optional redemption; (h) determine the redemption prices of the Series 2013A Bonds subject

to optional redemption; (i) determine any original issue discount or original issue premium at which the Series 2013A Bonds will be sold, or whether any Underwriter's discount or other fee will be paid to the purchasers of the Series 2013A Bonds; and (j) agree to any other terms, provisions and matters necessary or advisable to effect the issuance of the Series 2013A Bonds.

(b) The Series 2013A Bonds may be sold publicly, privately to the Underwriter, or directly to one or more purchasers in a private offering or private placement transaction. In connection with a public offering, the County Administrator is hereby authorized and directed to approve the form of a Bond Purchase Agreement as the County Administrator shall negotiate and approve, and to execute the Bond Purchase Agreement, and deliver the same to the Underwriters, the County Administrator's execution and delivery of the Bond Purchase Agreement constituting conclusive evidence of approval of the matters therein contained. Notwithstanding the foregoing, the County Administrator is hereby authorized to take all actions, including the preparation and dissemination of requests for proposals and the preparation, publication and/or distribution of information, offering documents or private placement memoranda (which may be in the respective forms of the Bond Purchase Agreement and/or hereinafter defined Preliminary Official Statement, as applicable, together with such amendments and modifications as may be approved by the County Administrator), all relating to the County, the Series 2013A Bonds and the Hospitality Taxes, to solicit interest and receive offers from financial institutions to purchase the Series 2013A Bonds in a private offering, and to accept such offer which is in the best interest of the County and execute such documents as may be necessary in connection therewith.

(c) Notwithstanding any other provision of the Richland County Code of Ordinances, the County Administrator is hereby authorized and directed to engage Piper Jaffray & Co. as Senior Manager (Bookrunner) and Loop Capital, as Co-Manager, as Underwriters for the Bonds. The Underwriters shall select its Underwriter's counsel which shall also serve as Disclosure Counsel.

(d) The County Administrator is hereby authorized and directed to prepare a Preliminary Official Statement, relating to a public offering of the Series 2013A Bonds (the "Preliminary Official Statement"), and to take such actions necessary to "deem final" the Preliminary Official Statement for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

(e) The County hereby authorizes the Final Official Statement of the County to be dated on or about the date of the execution and delivery of the Bond Purchase Agreement, relating to the Series 2013A Bonds substantially in the form of the Preliminary Official Statement, with such modifications as the County Administrator approves; the County Administrator of the County is hereby authorized and directed to execute copies of the Final Official Statement and deliver the same to the Underwriter, which execution and delivery shall be conclusive evidence of the approval of any such modifications; and the County hereby authorizes the use of the Preliminary Official Statement and Final Official Statement and the information contained therein in connection with the public offering and sale of the Series 2013A Bonds by the Underwriter.

(f) The Council hereby authorizes and directs all of the officers and employees of the County to carry out or cause to be carried out all obligations of the County hereunder and to perform such other actions as they shall consider necessary or advisable in connection with the issuance, sale and delivery of the Series 2013A Bonds.

(g) The Council hereby authorizes the County Administrator or his designee to negotiate the terms of, and execute, in the name and on behalf of the County, and deliver investment agreements, forward delivery agreements, repurchase agreements and other agreements in connection with the Series 2013A Bonds, to prepare and solicit bids for providers of such agreements and to execute, in the name and on behalf

of the County, written confirmations of any such agreements and other documents as may be necessary in connection therewith. Further, the County Administrator or his designee is hereby authorized to take any and all actions and execute any and all documents, upon the advice of its Bond Counsel, necessary to cause the termination of any forward delivery, repurchase or other investment agreement related to the 2007 Loan Agreement.

(h) The Series 2013A Bonds shall originally be dated the date of delivery of the Series 2013A Bonds, or such other date as the County Administrator shall determine pursuant to this Section, and shall be issued as fully registered Bonds in the denominations of \$5,000 and integral multiples of \$5,000. The Series 2013A Bonds shall be numbered and lettered in such a fashion as to maintain a proper record thereof.

(i) Unless otherwise determined by the County Administrator pursuant to this Section, the Series 2013A Bonds shall mature on the Principal Payment Dates and in the principal amounts, and bear interest payable on the Interest Payment Dates at the rates per annum (calculated on the basis of a 360-day year comprised of twelve 30-day months), as reflected thereon.

(j) Principal of and redemption premium, if any, on the Series 2013A Bonds shall be payable at the designated corporate trust office of the Paying Agent. Interest on the Series 2013A Bonds shall be payable on each Interest Payment Date, in each case to the Holders as of the immediately preceding Record Date, such interest to be paid by the Paying Agent by check or draft mailed to each Holder at the address as it appears on the Books of Registry maintained at the designated corporate trust office of the Paying Agent, and in the case of a Holder of \$1,000,000 or more in principal amount of Series 2013A Bonds, by wire transfer to an account within the continental United States upon the timely receipt of a written request of such Holder. Payment of the principal of and interest on such Series 2013A Bonds may be payable to the Holder thereof without presentation and surrender of such Series 2013A Bonds.

Section 5. Book-Entry System; Recording and Transfer of Ownership of the Series 2013A Bonds.

The Initial Bonds will be eligible securities for the purposes of the Book-Entry System of transfer maintained by the Securities Depository, and transfers of beneficial ownership of the Initial Bonds shall be made only through the Securities Depository and its participants in accordance with rules specified by the Securities Depository. Such beneficial ownership must be of \$5,000 principal amount of Initial Bonds of the same Series and maturity or any integral multiple of \$5,000.

The Initial Bonds will be issued in fully-registered form, as a single bond representing the entire principal amount of the Series 2013A Bonds or one Series 2013A Bond for each of the maturities of the Series 2013A Bonds, in the name of Cede & Co., as the nominee of the Securities Depository. When any principal of, premium, if any, or interest on the Initial Bonds becomes due, the County shall transmit or cause the Paying Agent to transmit to the Securities Depository an amount equal to such installment of principal, premium, if any, and interest. Such payments will be made to Cede & Co. or other nominee of the Securities Depository as long as it is owner of record on the applicable Record Date. Cede & Co. or other nominee of the Securities Depository shall be considered to be the owner of the Initial Bonds so registered for all purposes of this First Supplemental Ordinance, including, without limitation, payments as aforesaid and receipt of notices. The Securities Depository shall remit such payments to the Beneficial Owners of the Series 2013A Bonds or their nominees in accordance with its rules and regulations.

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

The Securities Depository is expected to maintain records of the positions of Participants in the Initial Bonds, and the Participants and persons acting through Participants are expected to maintain records of the Beneficial Owners in the Initial Bonds. The County, the Trustee, the Registrar and the Paying Agent make no assurances that the Securities Depository and its Participants will act in accordance with such rules or expectations on a timely basis, and the County, the Trustee, the Registrar and the Paying Agent shall have no responsibility for any such maintenance of records or transfer of payments by the Securities Depository to its Participants, or by the Participants or persons acting through Participants to the Beneficial Owners.

The County, the Trustee, the Paying Agent and the Registrar may treat the Securities Depository (or its nominee) as the sole and exclusive owner of the Series 2013A Bonds registered in its name for the purpose of payment of the principal of, interest or premium, if any, on the Series 2013A Bonds, giving any notice permitted or required to be given to Bondholders under the General Bond Ordinance or this First Supplemental Ordinance, registering the transfer of the Series 2013A Bonds, obtaining any consent or other action to be taken by Bondholders and for all other purposes whatsoever, and shall not be affected by any notice to the contrary. The County, the Trustee, the Paying Agent and the Registrar shall not have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Series 2013A Bonds under or through the Securities Depository or any Participant, or any other person which is not shown on the Books of Registry of the County maintained by the Registrar as being a Bondholder, with respect to: the accuracy of any records maintained by the Securities Depository or any Participant or the maintenance of any records; the payment by the Securities Depository or any Participant of any amount in respect of the principal of, interest or premium, if any, on the Series 2013A Bonds; the sending of any transaction statements; the delivery or timeliness of delivery by the Securities Depository or any Participant of any notice which is permitted or required to be given to Bondholders thereunder; the selection of Bondholders to receive payments upon any partial redemption of the Series 2013A Bonds; or any consent given or other actions taken by the Securities Depository as a Bondholder.

If (a) the Securities Depository determines not to continue to act as securities depository for the Series 2013A Bonds, and gives reasonable notice to the Registrar or the County, or (b) the County has advised the Securities Depository of the County's determination that the Securities Depository is incapable of discharging its duties, then the County shall attempt to retain another qualified securities depository to replace the Securities Depository. Upon receipt by the County or the Registrar of the Initial Bonds together with an assignment duly executed by the Securities Depository, the County shall execute and deliver to the successor depository, the Series 2013A Bonds of the same principal amount, interest rate and maturity. If the County is unable to retain a qualified successor to the Securities Depository, or the County has determined that it is in its best interest not to continue the Book-Entry System of transfer or that interests of the Beneficial Owners of the Series 2013A Bonds might be adversely affected if the Book-Entry System of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify Beneficial Owners of the Series 2013A Bonds by mailing an appropriate notice to the Securities Depository, upon receipt by the County of the Initial Bonds together with an assignment duly executed by the Securities Depository, the County shall execute, authenticate and deliver to the Securities Depository Participants the Series 2013A Bonds in fully-registered form, in authorized denomination; provided, however, that the discontinuation of the Book-Entry System of registration and transfer with respect to the Series 2013A Bonds or the replacement of the Securities Depository or any successor depository shall be subject to the applicable rules and procedures of the Securities Depository or such successor depository on file or otherwise approved by the Securities and Exchange Commission.

Notwithstanding the foregoing, at the request of the purchaser, the Series 2013A Bonds will be issued as one single fully-registered bond and not issued through the book-entry system.

Section 6. Optional Redemption of Series 2013A Bonds. Such of the Series 2013A Bonds as may be determined by the County Administrator pursuant to Section 4 hereof shall be subject to redemption prior to maturity, at the option of the County, in whole or in part at any time in such order of their maturities as the County shall determine and by lot within a maturity, at the respective redemption prices with respect to each Series 2013A Bond, expressed as a percentage of principal amount of the Series 2013A Bonds to be redeemed, as shall be determined by the County Administrator pursuant to Section 4 hereof, together, in each such case, with the interest accrued on such principal amount to the date fixed for redemption. The Trustee shall give notice of redemption of the Series 2013A Bonds by first-class mail, postage prepaid, to the Holders thereof as shown on the Books of Registry of the County not less than five (5) Business Days prior to the date fixed for the redemption thereof.

Section 7. Mandatory Redemption of Series 2013A Bonds. Such of the Series 2013A Bonds as the County Administrator shall determine pursuant to Section 4 hereof shall be subject to mandatory redemption at a redemption price equal to the principal amount of the Series 2013A Bonds to be redeemed, together with interest accrued from the date of redemption, in the years and in the amounts determined by the County Administrator, pursuant to Section 4 hereof.

At its option, to be exercised on or before the sixtieth (60th) day prior to any mandatory redemption date, the County may (i) deliver to the Trustee for cancellation Series 2013A Bonds which are subject to mandatory redemption in any aggregate principal amount desired or (ii) receive a credit in respect of its mandatory redemption obligation for any such Series 2013A Bonds which, prior to such date, have been purchased or redeemed (otherwise than through the operation of the mandatory redemption requirement) by the County and cancelled by the Trustee and not theretofore applied as a credit against any mandatory redemption obligation. Each Series 2013A Bond so delivered or previously purchased or redeemed shall be credited by the Trustee, at one hundred percent (100%) of the principal amount thereof, to the obligation of the County on those respective mandatory redemption obligations in chronological order or such other manner as directed in writing by the County to the Trustee, and the principal amount of the Series 2013A Bonds to be redeemed by operation of the mandatory redemption requirement shall be accordingly reduced.

The Trustee, without further authorization or direction from the County, shall give notice of all mandatory redemptions within the time periods and in the manner specified in Article V of the General Bond Ordinance.

Section 8. Payment of the Series 2013A Bonds. The Series 2013A Bonds, together with the interest thereon, shall be payable, in such coin or currency of the United States of America which at the time of such payment is legal tender for public and private debts, solely from the Hospitality Taxes of the County in accordance with the provisions of the General Bond Ordinance and this First Supplemental Ordinance. The Series 2013A Bonds shall be secured by a pledge of Hospitality Taxes on a parity with the pledge of Hospitality Taxes securing the payment of Additional Bonds issued in compliance with the provisions of the General Bond Ordinance.

The Series 2013A Bonds do not constitute an indebtedness of the County within any State constitutional provision (other than Article X, Section 14, Paragraph 10 of the South Carolina Constitution authorizing obligations payable solely from special sources not involving revenues from any tax or license) or statutory limitation. The Series 2013A Bonds shall not be a debt of the County, nor a charge, lien or encumbrance, legal or equitable, upon any property of the County or upon any income, receipts or revenues thereof, other than the aforesaid Hospitality Taxes of the County. No recourse shall be had for the payment of the Series 2013A Bonds or the interest thereon against the general fund of the County, nor shall the credit or taxing power of the County be deemed to be pledged thereto. The full

faith, credit and taxing powers of the County are not pledged to the payment of the principal of or interest on the Series 2013A Bonds.

Section 9. Form of the Series 2013A Bonds. The Series 2013A Bonds shall be in substantially the form set forth in Exhibit A hereto, with such necessary or appropriate variations, omissions and insertions as are incidental to the series, numbers, denominations, maturities, dates, interest rate or rates, redemption provisions, the purpose of issuance and other details thereof or as are otherwise permitted or required by law or by the General Bond Ordinance, including this First Supplemental Ordinance. The Series 2013A Bonds shall be executed in the name and on behalf of the County by the manual or facsimile signatures of the Chair of Council and Interim Clerk to Council.

Section 10. Establishment of Series 2013A Debt Service Fund. In accordance with Section 6.6 of the General Bond Ordinance, the Series 2013A Debt Service Fund is hereby directed to be established by the Trustee on the date of the original delivery of the Series 2013A Bonds for the benefit of the Holders of the Series 2013A Bonds.

Section 11. Designation of Trustee, Registrar and Paying Agent. Pursuant to the General Bond Ordinance, the Trustee is Regions Bank. The Council hereby designates Regions Bank as Registrar and Paying Agent for the Series 2013A Bonds. The Registrar and Paying Agent shall signify their acceptances of their respective duties upon delivery of the Series 2013A Bonds.

Section 12. Disposition of Proceeds of Series 2013A Bonds and Certain Other Moneys. The proceeds derived from the sale of the Series 2013A Bonds, net of any original issue discount or premium (or both), any Underwriter's discount or fees payable to the purchaser thereof, shall be deposited with (or at the order of) the County, the Trustee, the Escrow Agent or the Custodian, as applicable, and used for the following purposes:

(a) With respect to the proceeds of the Series 2013A Bonds issued to refund the 2007 Loan Agreement, proceeds thereof shall be deposited with the Escrow Agent pursuant to the Escrow Agreement; and

(b) With respect to the proceeds of the Series 2013A Bonds issued to pay Costs of Issuance for such Series 2013A Bonds, proceeds thereof shall be deposited with and held by the County or as may be directed by the County.

The respective amounts specified in this Section 12 shall be determined by the County upon delivery of the Series 2013A Bonds.

Section 13. Federal Tax Covenant. The County hereby covenants and agrees with the Holders of the Series 2013A Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Series 2013A Bonds to become includable in the gross income of the Bondholders thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Series 2013A Bonds and that no use of the proceeds of the Series 2013A Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Series 2013A Bonds would have caused the Series 2013A Bonds to be "arbitrage bonds," as defined in the Code; and to that end the County hereby shall:

(a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Series 2013A Bonds are Outstanding;

(b) establish such funds, make such calculations and pay such amounts, if necessary, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebate of certain amounts to the United States; and

(c) make such reports of such information at the times and places required by the Code.

Section 14. Continuing Disclosure. The County Administrator is hereby authorized and directed to approve the form of, and execute and deliver, a continuing disclosure undertaking, related to the Series 2013A Bonds as required by applicable law, and the County hereby covenants and agrees that it will comply with and carry out all of the provisions of such continuing disclosure undertaking. Notwithstanding any other provision of this First Supplemental Ordinance, failure of the County to comply with the continuing disclosure undertaking shall not be considered an Event of Default, and no liability for damages shall attach therefor. The sole remedy for such failure to comply shall be that any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to comply with their obligations under this paragraph.

Section 15. Headings. The headings and titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this First Supplemental Ordinance.

Section 16. Notices. All notices, certificates or other communications hereunder or under the General Bond Ordinance shall be sufficiently given and shall be deemed given when mailed by registered mail, postage prepaid, or given when dispatched by telegram addressed as follows:

If to the County:

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

If to the Paying Agent, the Registrar, the Trustee or the Escrow Agent:

If to the Paying Agent, the Registrar, the Trustee or the Escrow Agent:
Regions Bank
1010 Gervais Street, 2nd Floor
Columbia, South Carolina 29201
Attn: Christina Rhodebeck

The County, the Paying Agent, the Registrar, the Trustee and the Escrow Agent may, by notice given to the other parties, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

Section 17. Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the County, and any part of any ordinance or resolution, inconsistent with this First Supplemental Ordinance are hereby repealed to the extent of such inconsistency.

Section 18. Severability. If any sections, phrase, sentence or portion of this First Supplemental Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.

Section 19. Miscellaneous. The Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Series 2013A Bonds: Chair of the Council, County Administrator, Interim Clerk to the Council, Finance Director and County Attorney. The Council hereby retains McNair Law Firm, P.A. and The Law Office of Ernest W. Cromartie III, LLC, as co-bond counsel and Southwest Securities Inc., as financial advisor in connection with the issuance of the Series 2013A Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Series 2013A Bonds are, to the extent of such conflict, hereby repealed and this First Supplemental Ordinance shall take effect and be in full force from and after its adoption.

[Signature Page follows]

Enacted this ____ day of _____, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Kelvin Washington, Chair
Richland Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2013

Interim Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading: February 5, 2012 (Title Only)
Date of Second Reading: February 19, 2013
Date of Third Reading: March 19, 2013 (Tentative)

FORM OF BOND

[DTC Legend]

RICHLAND COUNTY, SOUTH CAROLINA
HOSPITALITY TAX REFUNDING REVENUE BOND, SERIES 2013A

No. R-___

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Issue Date</u>	<u>CUSIP</u>
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Registered Holder:

Principal Amount:

RICHLAND COUNTY, SOUTH CAROLINA (the "County") a public body corporate and politic and a political subdivision of the State of South Carolina (the "State"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Owner named above or registered assigns, the Principal Amount set forth above on the Maturity Date stated above, unless this Bond be subject to redemption and shall have been redeemed prior thereto as hereinafter provided, upon presentation and surrender hereof at the corporate trust office of _____ in _____, as trustee (the "Trustee"), and to pay interest on such Principal Amount at the annual Interest Rate stated above (calculated on the basis of a 360-day year of twelve (12) 30-day months), until the obligation of the County with respect to the payment of such Principal Amount shall be discharged. Interest on this Bond shall be payable in semiannual installments on _____ 1 and _____ 1 of each year beginning _____, 2013 (each, an "Interest Payment Date"), until maturity or earlier redemption. All payments shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month (each, a "Record Date") preceding each Interest Payment Date or Principal Payment Date (as defined in the hereinafter defined Ordinances). The payments shall be payable by check or draft mailed at the times provided herein to the person in whose name this Bond is registered at the address shown on the registration books of the County held by _____, as registrar (the "Registrar"), or, in the case of a Registered Holder of \$1,000,000 or more in principal amount of this Bond, by wire transfer to on account within the continental United States upon the timely receipt of a written request of such Registered Holder. The payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

THIS BOND HAS BEEN ISSUED UNDER THE PROVISIONS OF TITLE 6, CHAPTER 17 AND CHAPTER 15, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED (COLLECTIVELY, THE "ACT"); THE BONDS DO NOT CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION (EXCEPT ARTICLE X, SECTION 14(10) OF THE STATE CONSTITUTION AUTHORIZING INDEBTEDNESS PAYABLE SOLELY FROM A SOURCE OF REVENUE DERIVED OTHER THAN A TAX OR LICENSE) OR STATUTORY LIMITATION. THE COUNTY IS NOT OBLIGATED TO PAY ANY OF THE BONDS OR THE INTEREST THEREON EXCEPT FROM HOSPITALITY FEES (AS DEFINED IN THE ORDINANCES). THE BONDS ARE NOT GENERAL OBLIGATIONS OF THE COUNTY, THE STATE, OR ANY POLITICAL SUBDIVISION THEREOF AND NEITHER THE

FULL FAITH AND CREDIT NOR THE GENERAL CREDIT NOR TAXING POWERS OF THE COUNTY, THE STATE OR ANY POLITICAL SUBDIVISION THEREOF.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Trustee.

This Bond is one of an issue of bonds of the County in the aggregate principal amount of _____ Million Dollars (\$ _____) (the "Bonds") of like tenor, except as to number, rate of interest, date of maturity and redemption provides, issued pursuant to and in accordance with the Constitution and statutes of the State, including particularly the Act, Ordinance No. _____ duly enacted by the Council of the County (the "Council") on _____, 2013 (the "General Bond Ordinance"), and Ordinance No. _____ duly enacted by the Council on _____, 2013 (the "First Supplemental Ordinance") (the General Bond Ordinance and the First Supplemental Ordinance are herein collectively referred to as the "Ordinances") for the purpose of providing moneys, to refund the 2007 Loan Agreement, and paying costs of issuance of the Bonds.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinances. Certified copies of the Ordinances are on file in the office of the Trustee and in the office of the Clerk of Court for Richland County, South Carolina.

The Ordinances contain provisions defining terms, set forth the revenues pledged for the payment of the principal of and interest on this Bond and the Bonds of other series herewith which may hereafter be issued on a parity herewith under the Ordinances; set forth the nature, extent and manner of enforcement of the security of this Bond and of such pledge, and the rights and remedies of the Holder hereof with respect thereto; set forth the terms and conditions upon which and the extent to which the Ordinances may be altered, modified and amended; set forth the terms and conditions upon which this Bond is issued upon which other bonds may be hereinafter issued payable as to principal, premium, if any, and interest on a parity with this Bond and equally and ratably secured herewith; sets forth the rights, duties and obligations of the County thereunder; and set forth the terms and conditions upon which the pledge made in the Ordinances for the security of this Bond and upon which the covenants, agreements and other obligations of the County made therein may be discharged at or prior to the maturity or redemption of this Bond with provisions for the payment thereof in the manner set forth therein. Reference is hereby made to the Ordinances to all of the provisions of which any holder of this Bond by the acceptance hereof thereby assents. The provisions of the Act and the Ordinances shall be a contract with the holder of this Bond.

This Bond and the series of Bonds of which it is one and the interest thereon are special obligations of the County and are secured by and payable solely from, and secured equally and ratably by a pledge of and lien upon, the Hospitality Taxes imposed and collected by the County.

The General Bond Ordinance authorizes the issuance of additional bonds on a parity with the Bonds of this issue which, when issued in accordance with the provisions of the General Bond Ordinance, will rank equally and be on a parity herewith.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments imposed within the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer and certain franchise taxes.

This Bond is transferable, as provided in the Ordinances, only upon the registration books of the County kept for that purpose and maintained by the Registrar, by the Holder hereof in person or by his

duly authorized attorney, upon (a) surrender of this Bond and an assignment with a written instrument of transfer satisfactory to the Registrar, duly executed by the Holder hereof or his duly authorized attorney and (b) payment of the charges, if any, prescribed in the Ordinances. Thereupon a Bond of the same aggregate principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor as provided in the Ordinances. The County, the Trustee and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

For every exchange or transfer of this Bond, the County or the Trustee or Registrar, as the case may be, may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

[Redemption Provisions]

If less than all the Bonds of any maturity are called for redemption, the Bonds of such maturity to be redeemed shall be selected at random by the Trustee. In the event any of the Bonds or portions thereof are called for redemption, the Trustee shall give notice, in the name of the County, of redemption of Bonds by first-class mail, postage prepaid, to the Holder thereof as shown on the Books of Registry of the County not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for the redemption thereof. If this Bond be redeemable and shall have been duly called for redemption and notice of the redemption hereof mailed as aforesaid, and if on or before the date fixed for such redemption, payment thereof shall be duly made or provided for, interest hereon shall cease or accrue from and after the redemption date hereof.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, that the amount of this Bond, together with all other indebtedness of the County, does not exceed any limit prescribed by such Constitution or statutes.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Trustee.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA has caused this Bond to be signed by the manual or facsimile signature of its Chair to Council, its corporate seal to be reproduced hereon and the same to be attested by the manual or facsimile signature of its Interim Clerk to Council.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Chairman, Council

(SEAL)
ATTEST:

By: _____
Interim Clerk to Council

FORM OF CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue described in the within mentioned Ordinance.

_____, as Trustee

By: _____
Its: _____

Date: _____

FORM OF ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(please print or type name and address of Transferee and Social Security or other identifying number of Transferee)

the within Bond and all rights and title thereunder, and hereby irrevocably constitutes and appoints attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

STAMP Language

Signature Guaranteed: _____

NOTICE: Signature(s) must be guaranteed
By an institution which is a participant in the
Securities Transfer Agent Medallion Program
(STAMP) or similar program.

NOTICE: The signature to this assignment
must correspond with name as it appears
upon the face of the within bond in every
particular, without alteration or enlargement
or any change whatever.

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, the original of which was manually executed, dated and issued as of the date of the delivery of and payment for the bonds, and a copy of which is on file with the County.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Interim Clerk to Council

Richland County Council Request of Action

Subject

An Ordinance Authorizing the issuance and sale of not to exceed \$6,000,000 General Obligation Bonds, Taxable Series 2013A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto **[THIRD READING] [PAGES 88-125]**

Notes

January 22, 2013 - The Committee recommended that Council approve First Reading of an ordinance to authorize the issuance of taxable general obligation debt in an amount necessary to refund the outstanding general obligation bonds issued on October 6, 2004 for Owens Field.

First Reading: February 5, 2013

Second Reading: February 19, 2013

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: Issuing Taxable General Obligation Bonds

A. Purpose

County Council is being requested to enact an ordinance to authorize the issuance of taxable general obligation debt in an amount necessary to refund the outstanding general obligation bonds issued on October 6, 2004 for Owens Field.

B. Discussion

On October 6, 2004 the County issued \$3,000,000 in General Obligation Bonds to fund capital projects for the Owens Field Airport, including construction of a new terminal building, 18 T-Hangars and 6 Corporate/Box Hangars. County staff has been advised by its Financial Advisor that a debt service savings can be realized by refunding the outstanding bonds.

County staff has been advised by its Bond Counsel and its Financial Advisor that the County has an opportunity to take advantage of the lower market rates and reduce its long-term borrowing cost by refinancing the outstanding amount.

C. Financial Impact

The direct financial impact of an approval of the refunding/refinancing request would result in a debt service savings over the life of the bonds.

The issuance of the taxable debt will not require an increase in millage. The required payments on that debt can be made within the current debt service millage rate.

D. Alternatives

1. Approve the request to enact the ordinance as described herein.
2. Do not approve the request.

E. Recommendation

It is recommended that Council approve the request to approve the refinancing ordinance, the first alternative.

Recommended by: Daniel Driggers Department: Finance Date: 1/17/13

Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 1/17/13
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 1/17/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Council discretion.

Administration

Reviewed by: Tony McDonald

Date: 1/17/13

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval due to the fact that the refunding of the 2004 bond will save the County debt service over the remaining life of the bond.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,000,000 GENERAL OBLIGATION BONDS AND GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2013A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

(e) The assessed value of all the taxable property in the County as of June 30, 2012, for purposes of computation of the County's constitutional debt limit, is \$1,496,854,295. Eight percent of such sum is \$119,748,343. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$67,235,000. Thus, the County may incur not exceeding \$52,513,343 of additional general obligation debt within its applicable debt limitation.

(h) [reimbursement]

(i) Pursuant to constitutional and statutory authorizations and Ordinance No. 044-04HR duly enacted by the County Council on July 21, 2004, the County has heretofore issued its \$3,000,000 Taxable General Obligation Bonds, Series 2004 dated October 1, 2004 (the "Series 2004 Bonds").

(j) The Series 2004 Bonds are currently outstanding in the amount of \$2,225,000. The Series 2004 Bonds maturing on or after March 1, 2015, are subject to redemption at the option of the County on or after March 1, 2014, in whole or in part at any time, at a redemption price of par together with the interest accrued thereon to the date fixed for redemption.

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

(l) Based on current market conditions and projected savings, the County Council finds that it is in the best interest of the County to effect a refunding of certain maturities of the Series 2004 Bonds (the "Bonds to be Refunded") because a savings can be effected through the refunding of such Series 2004 Bonds. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the refunding of the Bonds to be Refunded and that certain authority relating to such refunding is delegated to the County Administrator and/or his lawfully-authorized designee (the "County Administrator") through this Ordinance. Because the Refunding Act requires that refunding bonds be sold at public sale, there can be no assurance that market conditions at the time of such sale will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the County Council, through the authority delegated to the County Administrator will be empowered to reject bids for the purchase of the refunding bonds.

(m) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$6,000,000 general obligation bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) reimbursing the County for funds expended on the Regional Recreational Complex; (ii) refunding the 2004 Bonds; (iii) paying costs of issuance of the bonds; and (iv) such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$6,000,000 aggregate principal amount of general obligation bonds of the County to be designated "\$6,000,000 (or such other amount as may be issued) General Obligation Bonds and General Obligation Refunding Bonds, Taxable Series 2013A, of Richland County, South Carolina" (the "Bonds") for the purposes stated in Section 1(m) of this Ordinance.

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Bonds which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and

when such Bonds to be Refunded mature and are called for redemption in accordance with the provisions of the 2004 Ordinance and interest on such Bonds to be Refunded as and when the same becomes due. If necessary, notice of the aforesaid refunding for which a portion of the proceeds of the Bonds will be used shall be given in a financial paper published in the City of New York, State of New York.

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

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

Upon the award of the Bonds, the County shall designate the Bonds to be Refunded for redemption on a date determined by the County Administrator in accordance with the 2004 Ordinance. The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding principal amount of Bonds maturing each year; shall be numbered from R-1 upward, respectively; shall bear interest from their date payable at such times as hereafter designated by the County Administrator of the County (the "Administrator") at such rate or rates as may be determined by the County Council at the time of sale thereof; and shall mature serially in successive annual installments as determined by the County Administrator.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

SECTION 3. Delegation of Authority Relating to the Bonds. The County Council hereby delegates to the County Administrator the authority: (a) to determine the par amount of the bonds; (b) to determine maturity dates of the Bonds and the respective principal amounts maturing on such dates; (c) to determine the interest payment dates of the Bonds; (d) to determine redemption provisions, if any, for the Bonds; (e) the date and time of sale of the Bonds; (f) to receive bids on behalf of the County Council; and (g) to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds.

After the sale of the Bonds, the County Administrator shall submit a written report to the County Council setting forth the results of the sale of the Bonds.

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

Each Bond shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person

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

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

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

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

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

SECTION 7. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed,

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

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

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

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

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

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

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

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

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series ("SLGS");
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions; and
- (d) a defeasance obligation as defined in Section 6-5-10 of the S.C. Code as such as may be amended from time to time.

(c) Such Bond or Bonds shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

SECTION 12. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code, from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 13. Eligible Securities. The Bonds initially issued (the "Initial Bonds") will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York ("DTC"), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

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

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

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

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the

Bonds by mailing an appropriate notice to DTC, upon receipt by the County of the Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

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

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

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

SECTION 16. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of an annual independent audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, event specific information of an event which adversely affects more than five (5%) percent of the tax revenues of the County or the County's tax base.

SECTION 17. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the “Rule”) the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit D to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Ordinance.

SECTION 18. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds necessary to refund the Bonds to be Refunded shall be deposited with the Escrow Agent pursuant to the terms of the Refunding Escrow Agreement. The remaining proceeds, except for any bid premium, shall be deposited with the Treasurer of the County in a special fund to the credit of the County and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds. The bid premium shall be deposited into the debt service fund for the Bonds to be applied toward the first debt service payment on the Bonds.

SECTION 19. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in

substantially the form attached hereto as Exhibit E, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 20. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. and The Law Office of Ernest W. Cromartie III, LLC, as co-bond counsel, _____ and _____ as co-disclosure counsel and Southwest Securities Inc., as financial advisor in connection with the issuance of the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

[Signature Page to Follow]

Enacted this ____ day of _____, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Kelvin Washington, Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2013:

Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading: February 5, 2013 (Title Only)
Date of Second Reading: February 19, 2013
Date of Public Hearing:
Date of Third Reading:

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
GENERAL OBLIGATION BONDS, TAXABLE SERIES 2013A

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
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REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

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

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

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

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution

and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ duly enacted by the County Council on _____, 2013.

[Redemption Provisions]

This Bond is transferable as provided in the Ordinance, only upon the books of the County kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate redemption provisions, if any, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina, this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the facsimile signature of the Chair of the County Council, attested by the facsimile signature of the Clerk to the County Council and the seal of the County impressed, imprinted or reproduced hereon.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)
ATTEST:

Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This bond is one of the Bonds described in the within mentioned Ordinance of Richland County, South Carolina.

_____ as Registrar

By: _____ Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

JT TEN - As joint tenants with right of survivorship and not as tenants in common

under Uniform Gifts to Minors

(State)

Additional abbreviations may also be used though not in list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

_____ (Name and address of Transferee)

the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

Signature Guaranteed:

(Authorizing Officer)

Signature(s) must be guaranteed
by an institution which is a
participant in the Securities
Transfer Agents Medallion
Program (“STAMP”) or similar
program.

NOTICE: The signature to this
agreement must correspond with
the name of the registered holder as
it appears upon the face of the
within Bond in every particular,
without alteration or enlargement or any
change whatever.

Copies of the final approving opinions to be rendered shall be printed on the back of each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the County with a facsimile signature of the Clerk to the County Council. The certificate shall be in substantially the following form:

[FORM OF CERTIFICATE]

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete final approving opinions (except for date and letterhead) of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of bonds of which the within bond is one, the original of which opinions were manually executed, dated and issued as of the date of delivery of and payment for the bonds and a copy of which is on file with the County Council of Richland County, South Carolina.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Clerk, County Council

FORM OF NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on _____, 2013, enacted Ordinance No. _____ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,000,000 GENERAL OBLIGATION BONDS, TAXABLE SERIES 2013A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OF THE COUNTY TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of not to exceed \$6,000,000 General Obligation Bonds, Taxable Series 2013A (the "Bonds") of the County.

The proceeds of the Bonds will be used to provide funds for: (i) reimbursing the County for funds expended on the Regional Recreational Complex; (ii) refunding the 2004 Bonds to be Refunded; (iii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

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

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

FORM OF NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, TAXABLE SERIES 2013A
OF RICHLAND COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 11:00 a.m., South Carolina time, on _____, _____, 2013, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2013A, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Taxable Series 2013A, Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2013; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
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The Bonds will bear interest from the date thereof payable semiannually on _____ and _____ of each year, commencing _____, until they mature.

[Redemption Provisions]

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

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. **A BID FOR LESS THAN ALL THE BONDS OR FOR LESS THAN PAR WILL NOT BE CONSIDERED.**

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

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

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2013A, of Richland County, South Carolina" and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

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

CUSIP Numbers: It is anticipated that CUSIP identification numbers will be set forth on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of its proposal. The CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the successful bidder.

Delivery: The Bonds will be delivered on or about _____, 2013, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds is available via the internet at <https://officialstatements.swst.com> and will be furnished to any person interested in bidding for the Bonds upon request to McNair Law Firm, P. A., Post Office Box 11390, Columbia, South Carolina 29211, attention: Francenia B. Heizer, Esquire, telephone (803) 799-9800, e-mail: fheizer@mcnair.net. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking information should communicate with the County's Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1301 Gervais Street, 17th Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: fheizer@mcnair.net or with the Financial Advisor, Brian G. Nurick, SVP/Managing Director of Public Finance, Southwest Securities Inc., 1219 Assembly Street, Suite 202, Columbia, South Carolina 29201; telephone (803) 733-1604, e-mail: brian.nurick@swst.com.

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as _____, 2013, is executed and delivered by Richland County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

The services provided under this Disclosure Agreement solely relate to the execution of instructions received from the Issuer through use of the DAC system and do not constitute “advice” within the meaning of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Act”). DAC will not provide any advice or recommendation to the Issuer or anyone on the Issuer’s behalf regarding the “issuance of municipal securities” or any “municipal financial product” as defined in the Act and nothing in this Disclosure Agreement shall be interpreted to the contrary.

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

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

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

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

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

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

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

“Disclosure Representative” means the Finance Director, or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Failure to File Event” means the Issuer’s failure to file an Annual Report on or before the Annual Filing Date.

“Force Majeure Event” means: (i) acts of God, war, or terrorist action; (ii) failure or shut-down of the Electronic Municipal Market Access system maintained by the MSRB; or (iii) to the extent beyond the Disclosure Dissemination Agent’s reasonable control, interruptions in telecommunications or utilities services, failure, malfunction or error of any telecommunications, computer or other electrical, mechanical or technological application, service or system, computer virus, interruptions in Internet service or telephone service (including due to a virus, electrical delivery problem or similar occurrence) that affect Internet users generally, or in the local area in which the Disclosure Dissemination Agent or the MSRB is located, or acts of any government, regulatory or any other competent authority the effect of which is to prohibit the Disclosure Dissemination Agent from performance of its obligations under this Disclosure Agreement.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

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

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

“Notice Event” means any of the events enumerated in paragraph (b)(5)(i)(C) of the Rule and listed in Section 4(a) of this Disclosure Agreement.

“Obligated Person” means any person, including the Issuer, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all, or part of the obligations on the Bonds (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities), as shown on Exhibit A.

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

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

“Voluntary Event Disclosure” means information of the category specified in any of subsections (e)(vi)(1) through (e)(vi)(11) of Section 2 of this Disclosure Agreement that is accompanied by a

Certification of the Disclosure Representative containing the information prescribed by Section 7(a) of this Disclosure Agreement.

“Voluntary Financial Disclosure” means information of the category specified in any of subsections (e)(vii)(1) through (e)(vii)(9) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(b) of this Disclosure Agreement.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than the next February 1 after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2013. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Failure to File Event has occurred and to immediately send a notice to the MSRB in substantially the form attached as Exhibit B, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Failure to File Event shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the MSRB in substantially the form attached as Exhibit B without reference to the anticipated filing date for the Annual Report, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certification, together with a copy for the Trustee, for filing with the MSRB.

(e) The Disclosure Dissemination Agent shall:

- (i) verify the filing specifications of the MSRB each year prior to the Annual Filing Date;
- (ii) upon receipt, promptly file each Annual Report received under Sections 2(a) and 2(b) with the MSRB;

- (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the MSRB;
- (iv) upon receipt, promptly file the text of each Notice Event received under Sections 4(a) and 4(b)(ii) with the MSRB, identifying the Notice Event as instructed by the Issuer pursuant to Section 4(a) or 4(b)(ii) (being any of the categories set forth below) when filing pursuant to Section 4(c) of this Disclosure Agreement:
 - “Principal and interest payment delinquencies;”
 - “Non-Payment related defaults, if material;”
 - “Unscheduled draws on debt service reserves reflecting financial difficulties;”
 - “Unscheduled draws on credit enhancements reflecting financial difficulties;”
 - “Substitution of credit or liquidity providers, or their failure to perform;”
 - “Adverse tax opinions, IRS notices or events affecting the tax status of the security;”
 - “Modifications to rights of securities holders, if material;”
 - “Bond calls, if material;”
 - “Defeasances;”
 - “Release, substitution, or sale of property securing repayment of the securities, if material;”
 - “Rating changes;”
 - “Tender offers;”
 - “Bankruptcy, insolvency, receivership or similar event of the obligated person;”
 - “Merger, consolidation, or acquisition of the obligated person, if material;” and
 - “Appointment of a successor or additional trustee, or the change of name of a trustee, if material;”
- (v) upon receipt (or irrevocable direction pursuant to Section 2(c) of this Disclosure Agreement, as applicable), promptly file a completed copy of Exhibit B to this Disclosure Agreement with the MSRB, identifying the filing as “Failure to provide annual financial information as required” when filing pursuant to Section 2(b)(ii) or Section 2(c) of this Disclosure Agreement;
- (vi) upon receipt, promptly file the text of each Voluntary Event Disclosure received under Section 7(a) with the MSRB, identifying the Voluntary Event Disclosure as instructed by the Issuer pursuant to Section 7(a) (being any of the categories set forth below) when filing pursuant to Section 7(a) of this Disclosure Agreement:

1. “amendment to continuing disclosure undertaking;”
2. “change in obligated person;”
3. “notice to investors pursuant to bond documents;”
4. “certain communications from the Internal Revenue Service;”
5. “secondary market purchases;”
6. “bid for auction rate or other securities;”
7. “capital or other financing plan;”
8. “litigation/enforcement action;”
9. “change of tender agent, remarketing agent, or other on-going party;”
10. “derivative or other similar transaction;” and
11. “other event-based disclosures;”

(vii) upon receipt, promptly file the text of each Voluntary Financial Disclosure received under Section 7(b) with the MSRB, identifying the Voluntary Financial Disclosure as instructed by the Issuer pursuant to Section 7(b) (being any of the categories set forth below) when filing pursuant to Section 7(b) of this Disclosure Agreement:

1. “quarterly/monthly financial information;”
2. “change in fiscal year/timing of annual disclosure;”
3. “change in accounting standard;”
4. “interim/additional financial information/operating data;”
5. “budget;”
6. “investment/debt/financial policy;”
7. “information provided to rating agency, credit/liquidity provider or other third party;”
8. “consultant reports;” and
9. “other financial/operating data.”

(viii) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the MSRB, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

(g) Any Information received by the Disclosure Dissemination Agent before 6:00 p.m. Eastern time on any business day that it is required to file with the MSRB pursuant to the terms of this Disclosure Agreement and that is accompanied by a Certification and all other information required by the terms of this Disclosure Agreement will be filed by the Disclosure Dissemination Agent with the MSRB no later than 11:59 p.m. Eastern time on the same business day; provided, however, the Disclosure Dissemination Agent shall have no liability for any delay in filing with the MSRB if such delay is caused by a Force Majeure Event provided that the Disclosure Dissemination Agent uses reasonable efforts to make any such filing as soon as possible.

SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement as follows:

- (i) The financial statements of the Issuer for the preceding fiscal year prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board (or if not in conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information). If the Issuer's audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.
- (ii) Financial and operating data for the fiscal year then ended, to the extent such information is not included in the Issuer's audited financial statements filed pursuant to clause (1) above, which shall be generally consistent with the tabular information (or other information, as otherwise noted below) contained in the Official Statement under the following headings: "THE BONDS—Security;" "DEBT STRUCTURE—Outstanding Indebtedness;" and "CERTAIN FISCAL MATTERS—Assessed Value of Taxable Property in the County," "—Estimated True Value of All Taxable Property in the County," "—Tax Rates," "—Tax Collections for Last Five Years," and "—Ten Largest Taxpayers."

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer, which have been submitted to the MSRB. If the document included by reference is a final official statement, it must be available from the MSRB. The Issuer shall clearly identify each such other document so included by reference.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an "obligated person" (as defined by the Rule), which have been previously filed with the Securities and Exchange Commission or available on the MSRB Internet Website. If the document incorporated by reference is a final official

statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

Any annual financial information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

SECTION 4. Reporting of Notice Events.

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

- i. Principal and interest payment delinquencies;
- ii. Non-payment related defaults, if material;
- iii. Unscheduled draws on debt service reserves reflecting financial difficulties;
- iv. Unscheduled draws on credit enhancements reflecting financial difficulties;
- v. Substitution of credit or liquidity providers, or their failure to perform;
- vi. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- vii. Modifications to rights of Bond holders, if material;
- viii. Bond calls, if material, and tender offers;
- ix. Defeasances;
- x. Release, substitution, or sale of property securing repayment of the Bonds, if material;
- xi. Rating changes;
- xii. Bankruptcy, insolvency, receivership or similar event of the Obligated Person;

Note to subsection (a)(12) of this Section 4: For the purposes of the event described in subsection (a)(12) of this Section 4, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having

supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

- xiii. The consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- xiv. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Issuer shall, in a timely manner not in excess of ten business days after its occurrence, notify the Disclosure Dissemination Agent in writing of the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c) and shall be accompanied by a Certification. Such notice or Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within two business days of receipt of such notice (but in any event not later than the tenth business day after the occurrence of the Notice Event, if the Issuer determines that a Notice Event has occurred), instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c) of this Section 4, together with a Certification. Such Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with MSRB in accordance with Section 2 (e)(iv) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, Notice Event notices, Failure to File Event notices, Voluntary Event Disclosures and Voluntary Financial Disclosures, the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5

promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the duties and responsibilities of the Disclosure Dissemination Agent under this Disclosure Agreement do not extend to providing legal advice regarding such laws. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Filing.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Event Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Event Disclosure (which shall be any of the categories set forth in Section 2(e)(vi) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(a) to file a Voluntary Event Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Event Disclosure with the MSRB in accordance with Section 2(e)(vi) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

(b) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Financial Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Financial Disclosure (which shall be any of the categories set forth in Section 2(e)(vii) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(b) to file a Voluntary Financial Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Financial Disclosure with the MSRB in accordance with Section 2(e)(vii) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

The parties hereto acknowledge that the Issuer is not obligated pursuant to the terms of this Disclosure Agreement to file any Voluntary Event Disclosure pursuant to Section 7(a) hereof or any Voluntary Financial Disclosure pursuant to Section 7(b) hereof.

Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer

is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of counsel expert in federal securities laws to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon Certifications of the Issuer at all times.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and shall not incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The reasonable fees and expenses of such counsel shall be payable by the Issuer.

(c) All documents, reports, notices, statements, information and other materials provided to the MSRB under this Agreement shall be provided in an electronic format and accompanied by identifying information as prescribed by the MSRB.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the Bonds, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of Florida (other than with respect to conflicts of laws).

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

[Signature Page to Follow]

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C., as
Disclosure Dissemination Agent

By: _____
Name: _____
Title: _____

RICHLAND COUNTY, SOUTH CAROLINA, as Issuer

By: _____
Name: W. Anthony McDonald
Title Interim County Administrator

EXHIBIT A

NAME AND CUSIP NUMBERS OF BONDS

Name of Issuer _____
Obligated Person(s) _____
Name of Bond Issue: _____
Date of Issuance: _____
Date of Official Statement _____

CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
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CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____

EXHIBIT B

NOTICE TO MSRB OF FAILURE TO FILE ANNUAL REPORT

Issuer: _____

Obligated Person: _____

Name(s) of Bond Issue(s): _____

Date(s) of Issuance: _____

Date(s) of Disclosure Agreement: _____

CUSIP Number: _____

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

Digital Assurance Certification, L.L.C., as Disclosure
Dissemination Agent, on behalf of the Issuer

cc:

**EXHIBIT C-1
EVENT NOTICE COVER SHEET**

This cover sheet and accompanying "event notice" will be sent to the MSRB, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this event notice relates:

Number of pages attached: _____

____ Description of Notice Events (Check One):

1. ____ "Principal and interest payment delinquencies;"
2. ____ "Non-Payment related defaults, if material;"
3. ____ "Unscheduled draws on debt service reserves reflecting financial difficulties;"
4. ____ "Unscheduled draws on credit enhancements reflecting financial difficulties;"
5. ____ "Substitution of credit or liquidity providers, or their failure to perform;"
6. ____ "Adverse tax opinions, IRS notices or events affecting the tax status of the security;"
7. ____ "Modifications to rights of securities holders, if material;"
8. ____ "Bond calls, if material;"
9. ____ "Defeasances;"
10. ____ "Release, substitution, or sale of property securing repayment of the securities, if material;"
11. ____ "Rating changes;"
12. ____ "Tender offers;"
13. ____ "Bankruptcy, insolvency, receivership or similar event of the obligated person;"
14. ____ "Merger, consolidation, or acquisition of the obligated person, if material;" and
15. ____ "Appointment of a successor or additional trustee, or the change of name of a trustee, if material."

____ Failure to provide annual financial information as required.

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

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

EXHIBIT C-2
VOLUNTARY EVENT DISCLOSURE COVER SHEET

This cover sheet and accompanying "voluntary event disclosure" will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated as of _____ between the Issuer and DAC.

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:

Number of pages attached: _____

_____ Description of Voluntary Event Disclosure (Check One):

1. _____ "amendment to continuing disclosure undertaking;"
2. _____ "change in obligated person;"
3. _____ "notice to investors pursuant to bond documents;"
4. _____ "certain communications from the Internal Revenue Service;"
5. _____ "secondary market purchases;"
6. _____ "bid for auction rate or other securities;"
7. _____ "capital or other financing plan;"
8. _____ "litigation/enforcement action;"
9. _____ "change of tender agent, remarketing agent, or other on-going party;"
10. _____ "derivative or other similar transaction;" and
11. _____ "other event-based disclosures."

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

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

**EXHIBIT C-3
VOLUNTARY FINANCIAL DISCLOSURE COVER SHEET**

This cover sheet and accompanying "voluntary financial disclosure" will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated as of _____ between the Issuer and DAC.

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:

Number of pages attached: _____

_____ Description of Voluntary Financial Disclosure (Check One):

1. _____ "quarterly/monthly financial information;"
2. _____ "change in fiscal year/timing of annual disclosure;"
3. _____ "change in accounting standard;"
4. _____ "interim/additional financial information/operating data;"
5. _____ "budget;"
6. _____ "investment/debt/financial policy;"
7. _____ "information provided to rating agency, credit/liquidity provider or other third party;"
8. _____ "consultant reports;" and
9. _____ "other financial/operating data."

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

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on March 5, 2013, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of Taxable General Obligation Bonds and General Obligation Refunding Bonds of Richland County, South Carolina in the aggregate principal amount of not to exceed \$6,000,000 (the "Bonds"), the proceeds of which will be used to provide funds for: (i) reimbursing the County for funds expended on the Regional Recreational Complex; (ii) refunding the County's original principal amount \$3,000,000 Taxable General Obligation Bonds, Series 2004B; (iii) paying costs of issuance of the Bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

The full faith, credit and taxing power of the County will be irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary to provide for the prompt payment thereof. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit as to rate or amount, on all taxable property in the School District sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary to provide for the prompt payment thereof.

At the public hearing all taxpayers and residents of the County and any other interested persons who appear will be given an opportunity to express their views for or against the Ordinance and the issuance of the Bonds.

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

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2, Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (e), Determination of Alternate Materials and Alternate Methods of Construction; and Subsection (f), Reports; so as to properly reference the Building Codes Board of Appeals rather than the "Building Codes Board of Adjustment" [**SECOND READING**] [**PAGES 126-130**]

Notes

February 26, 2013 - The Committee recommended that Council approve the request to approve an ordinance to correct references to Building Codes' Board of Adjustment in Chapter 6 of the County Code of Ordinances.

First Reading: March 5, 2013

Second Reading:

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: Correcting Reference to Building Codes Board of Adjustment

A. Purpose

County Council is requested to approve an ordinance to correct references to Building Codes Board of Adjustment in Chapter 6 of the County Code of Ordinances.

B. Background / Discussion

On February 7, 2012, County Council adopted an ordinance (No. 004-12HR) to “properly reference the Building Codes Board of Appeals rather than the Building Codes Board of Adjustment wherever applicable.” Although the ordinance made several corrections throughout Chapter 6 (Buildings and Building Regulations), it omitted the correction to Section 6-31(e) and (f), which still references the Building Codes Board of Adjustment.

The Legal Department recently sent the County ordinances, including Ordinance No. 004-12HR, to American Legal Publishing in order to be codified. When their editors reviewed our ordinances, they noticed that Section 6-31(e) and (f) still had the former reference to “Building Codes Board of Adjustment.” We then advised American Legal Publishing that we would attempt to enact a corrective ordinance as soon as possible. This corrective ordinance is attached hereto.

C. Legislative / Chronological History

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

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to amend the ordinance by correcting the improper reference to “Building Codes Board of Adjustment.”
2. Do not approve the request to amend the ordinance by correcting the improper reference to “Building Codes Board of Adjustment”

F. Recommendation

Staff recommends that Council approve the ordinance correcting the improper reference to “Building Codes Board of Adjustment”

Recommended by: Amelia R. Linder, Esq.

Department: Planning

Date: 2/8/13

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

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

Date: 2/11/13
 Recommend Council denial

Building Codes and Inspections

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

Date: 2/11/13
 Recommend Council denial

Legal

Reviewed by: Elizabeth McLean
 Recommend Council approval
Comments regarding recommendation:

Date: 2/12/13
 Recommend Council denial

Administration

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

Date: 2/12/13
 Recommend Council denial

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 2, BUILDING CODES AND INSPECTIONS DIRECTOR; SECTION 6-31, POWERS AND DUTIES; SUBSECTION (E), DETERMINATION OF ALTERNATE MATERIALS AND ALTERNATE METHODS OF CONSTRUCTION; AND SUBSECTION (F), REPORTS; SO AS TO PROPERLY REFERENCE THE BUILDING CODES BOARD OF APPEALS RATHER THAN THE “BUILDING CODES BOARD OF ADJUSTMENT”.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (e), Determination of Alternate Materials and Alternate Methods of Construction; is hereby amended to read as follows:

(e) *Determination of alternate materials and alternate methods of construction.* The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate is approved and its use authorized by the building official. The building official shall approve any such alternate, provided he/she finds that the proposed design is satisfactory and complies with the intent and purpose of this chapter, and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire-resistance, durability, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. If, in the opinion of the building official, the evidence and proof are not sufficient to justify approval, the applicant may refer the entire matter to the building codes board of ~~adjustment~~appeals.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (f), Reports; is hereby amended to read as follows:

(f) *Reports.* The building official shall submit an annual report and other reports as requested by his/her immediate supervisor covering the work of his/her activities. He/she shall incorporate in his/her annual report a summary of the decisions of the building codes board of ~~adjustment~~appeals during the same period.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY

OF _____, 2013

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

- a. Kaiserslautern, Germany Delegation Visit, April 6-9

Richland County Council Request of Action

Subject

Accommodations Tax Committee-2; no applications were received for this committee

Richland County Council Request of Action

Subject

Airport Commission-1; applications were received from the following [**PAGES 133-139**]

Stephen Burnette

Bruce K. Cole*

John Mark Dean*

* Eligible for reappointment



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Stephen Burnette
Home Address: 128 Rosewood Hills Dr Columbia SC 29205
Telephone: (home) 803.840.2183 (work) Retired
Office Address: _____
Email Address: sburnette43@gmail.com
Educational Background: B.S. - USC (178) M.Div - SWBTS (82) D.Min - Fuller (02)
Professional Background: 28 Years Senior Pastor
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Airport Commission - Owens Airport
Reason for interest: Served in Barnwell, SC. Is a gateway for community development
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:
Strategic Thinker (D. Min. in Strategic Planning); Community focused; Able to find Win/Win Solutions; strong relationship skills.
Presently serve on any County Committee, Board or Commission? No.
Any other information you wish to give? _____
Recommended by Council Member(s): _____
Hours willing to commit each month: whatever is needed.

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

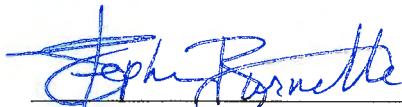
Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: _____


Applicant's Signature

6 Feb, 2013
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only			
Date Received: _____	Received by: _____		
Date Sent to Council: _____			
Status of Application:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> On file



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: BRUCE K. COLE
Home Address: 309 NORTH TREUTHORN ROAD, FOREST ACRES, SC
Telephone: (home) 803-790-7112 (work) 803-748-1236
Office Address: 1907 MAIN ST., SUITE 1980, COLUMBIA, SC 29201
Email Address: BCOLE@PALMETTOREALTYADVISORS.COM
Educational Background: P.H.D. - REAL ESTATE (PLANNING, DEVELOPMENT + ^{BUILT} ENV)
Professional Background: CPA
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: COUNTY AIRPORT COMMISSION
Reason for interest: CONTINUATION OF SERVICE

Your characteristics/qualifications, which would be an asset to Committee, Board or
Commission:

PROFESSIONAL AND ACADEMIC FOCUS ON FINANCE OF
PUBLIC INFRASTRUCTURE

Presently serve on any County Committee, Board or Commission? AIRPORT COMMISSION

Any other information you wish to give? _____

Recommended by Council Member(s): JIM MANNING

Hours willing to commit each month: 10

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

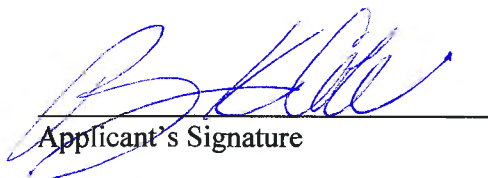
Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: _____


Applicant's Signature

2-4-13
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: John Mark Dean

Home Address: 127 S. Edisto Ave.

Telephone: (home) 803-799-7404 (work)

Office Address: NA

Email Address: john.dean@earthlink.net

Educational Background: BA-Cornell college of Iowa (1958) MSP and chem (1960), PhD Purdue (1962)

Professional Background: Researcher Battelle Northwest 1963-70, Faculty @ USC 1970-2002

Male [X] Female [] Age: 18-25 [] 26-50 [] Over 50 [X] Retired -

Name of Committee in which interested: Richland County Airport Commission

Reason for interest: Currently serving as neighborhood representative and willing to continue

Your characteristics/qualifications, which would be an asset to Committee, Board or

Commission:

Technical background, experience in Public Policy issues and administration

Presently serve on any County Committee, Board or Commission? Richland County Airport Commission

Any other information you wish to give? Supported by Hollywood-Rosehill Neighborhood Assoc.

Recommended by Council Member(s): Seth Rose, Grey Pearce

Hours willing to commit each month: As much as necessary

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____

No _____

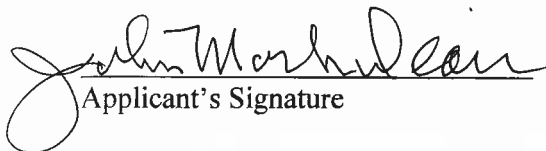
STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____

No _____

If so, describe: _____


Applicant's Signature

11/29/12
Date

Return to:

Clerk of Council, Post Office Box 192, Columbia, SC 29202.

For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

Richland County Council Request of Action

Subject

Board of Assessment Appeals-1; an application was received from [PAGES 140-172]

John F. Kososki



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: John F. Kososki

Home Address: 5225 Lakeshore Drive, Columbia, SC 29206

Telephone: (home) (803) 787-1706 (work) (Retired)

Office Address: _____

Email Address: drjohnfk@gmail.com

Educational Background: BSEd - U. of Wis.; MSEE - MIT; D.B.A. - Harvard U.

Professional Background: College Teacher; Administrator; Independent Consultant

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Board of Assessment Appeals

Reason for interest: Previously taught real estate finance and had been a real estate investor in Atlanta & Myrtle Beach. Frequent user of Assessors' Websites.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

As a self-employed economic consultant and IT professional for 35 years, I developed a keen logical approach to analysis & problem solving.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? Having lived in Richland County for 40 years, I am committed to its betterment.

Recommended by Council Member(s): Greg Pearce, Jim Manning

Hours willing to commit each month: 30-40 hours (or whatever it takes)

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: _____

John F. Kersodi
Applicant's Signature

Feb. 5, 2013
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved	<input type="checkbox"/> Denied <input type="checkbox"/> On file

Richland County Council Request of Action

Subject

Board of Zoning Appeals-2; applications were received from the following [**PAGES 143-152**]

Susanne H. Cecere*

Josephine F. Laney

T. Ralph Meetze*

Frank Richardson

* Eligible for reappointment



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Susanne H. Cecere
Home Address: 8412 Wilson Blvd Columbia, SC 29203
Telephone: (home) 803 786-6012 (cell/work) 803 920-4043
Office Address: N/A
Email Address: ceceresusanne@yahoo.com
Educational Background: A.C Flora H.S., USC - Business / Acct.
Professional Background: USC ; Gov. Riley's Office, SCE SC
Male [] Female [x] Age: 18-25 [] 26-50 [] Over 50 [x]
Name of Committee in which interested: BOZA
Reason for interest: Community development ; environment, comprehensiv plan for Richland County
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: prior service on BOZA, community service (Fairlaw) SIC for Keenan HS; highly motivated + hard working
Presently serve on any County Committee, Board or Commission? BOZA
Any other information you wish to give? Order of the Palmetto, chair - Trustee
Recommended by Council Member(s): Torrey Rush Fair lawn UMC ; Elec. Committee
Hours willing to commit each month: as required Leon Lott

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No

If so, describe: _____

Jessie H. Coore

1/28/2013

Applicant's Signature

Date

Return to:

Clerk of Council, Post Office Box 192, Columbia, SC 29202.

For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Josephine F. Laney
Home Address: 10 Cedarwood Lane, 29205
Telephone: (home) 256-0312 (work) —
Office Address: I manage property from my home (not in Richland Co)
Email Address: jlaney27@gmail.com
Educational Background: USC - BS Finance/Marketing, GA State U. MS Real Estate
Professional Background: Real Estate Appraisal & Realtor
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Zoning Appeals
Reason for interest: Enjoy learning about how our county tax system works and interested in helping to improve it's workings.
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: Have background in real estate, finance & am willing to devote the time to assist with the appeals process. It needs to be apparent to all and fairly applied.
Presently serve on any County Committee, Board or Commission? NO
Any other information you wish to give? I have a flexible schedule.
Recommended by Council Member(s): no
Hours willing to commit each month: up to 30.

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe:

Josephine Honey 2/7/13

Applicant's Signature Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 572-3681.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

2

Staff Use Only	
Date Received:	Received by:
Date Sent to Council:	



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: I. Ralph Meetze

Home Address: 613 Hatrick Road, Columbia, S. C. 29209

Telephone: (home) (803) 776-6501 (work) (803) 776-6501

Office Address: Same As Above (Cell) (803) 269-9000

Email Address: trmeetze@netzero.net

Educational Background: 12 Years Grammar and High School-Lexington Class of '53 **

Professional Background: 40+ Years in all areas of real estate finance, appraisals, mortgage services, consulting, etc.

Male [M] Female [] Age: 18-25 [] 26-50 [] Over 50 [X]

** Real Estate License course - Midlands Tech Board of Zoning Appeals

Reason for interest: Opportunity to give back to the community of which I've been a part since 1975 (Previously resided in Richland some five plus years before moving back to Lexington County)

Your characteristics/qualifications, which would be an asset to Committee, Board or

Commission:

Experience, Maturity and Common Sense

Presently serve on any County Committee, Board or Commission? Yes

Any other information you wish to give? -0-

Recommended by Council Member(s): -0-

Hours willing to commit each month: Those necessary to discharge requested assignments.

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

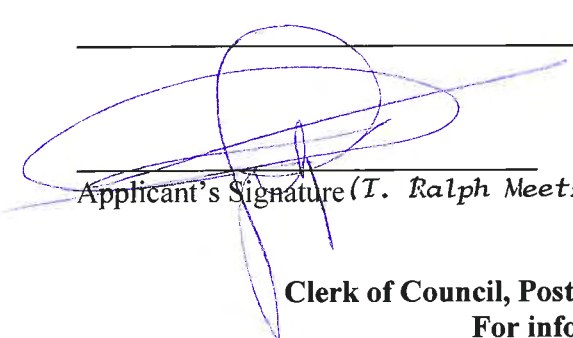
Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No X _____

If so, describe: _____

 _____ January 21, 2013
Applicant's Signature (T. Ralph Meetze) Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: FRANK RICHARDSON
Home Address: 119 Kings CREEK RD., IRMO, SC 29063
Telephone: (home) 803-708-1177 (work) 803-497-0193
Office Address:

Email Address: RICS22@YAHOO.COM
Educational Background: ASSOCIATES CIVIL & TELECOMMUNICATION ENG.
Professional Background: GENERAL CONTRACTOR, PRIVATE INVESTIGATOR AND INSURANCE SERVICE INSTRUCTOR.
Male [] Female [] Age: 18-25 [] 26-50 [] Over 50 [X]

Name of Committee in which interested: BOARD OF ZONING APPEALS
Reason for interest: MY QUALIFICATION WILL FIT WELL WITH THE REQUIREMENTS OF THE BOARD OF ZONING APPEALS

Your characteristics/qualifications, which would be an asset to Committee, Board or

Commission:

SERVED FOURTEEN (14) YEARS ON LAURENS CITY COUNCIL, TWO (2) YEARS RIGHT OF WAY AGENT, SC DOT AND FIFTEEN (15) OSP ENGINEER GTE
Presently serve on any County Committee, Board or Commission? NO

Any other information you wish to give?

Recommended by Council Member(s): JULIE-ANN DIXON

Hours willing to commit each month: AS MANY AS REQUIRED TO GET THE JOB DONE

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No X

If so, describe: _____

Frank Richardson
Applicant's Signature

1/16/2013
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved	<input type="checkbox"/> Denied <input type="checkbox"/> On file

Richland County Council Request of Action

Subject

Business Service Center Appeals Board-2; applications were received from the following [**PAGES 153-159**]

John F. Hamilton, CMA, CPA
Teri Hutson Salane, Attorney*

* Eligible for reappointment



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: John F. Hamilton, CMA, CPA
Home Address: 30 Beaver Dam Court, Columbia, SC 29223
Telephone: (Home) 803.608.8066 (work) _____
Office Address: POB 24019, Columbia, SC 29223
Email Address: johnfh@aol.com
Educational Background: USC B/S accounting plus 60 hrs: CPE annually
Professional Background (Must be one): CPA Position filled Attorney Position filled Business person
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Business Service Center Appeals Board
Reason for interest: Request from Pam Davis, Director
Many years dealing with businesses, individuals and CPA firms.
Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
(A resume is also requested.) Brief resume attached.
Presently serve on any County Board/Commission/Committee? No
Any other information you wish to give? No
Recommended by Council Member(s), if any: _____
Hours willing to commit each month: as required

CONFLICT OF INTEREST POLICY

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STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board? Yes No

If so, describe: Partner in a CPA firm.
No other affiliations.

[Signature] Applicant's Signature CPA Date 2-8-13

For more information about the Business Service Center Appeals Board, please e-mail bsc@rcgov.us or call 576-2287.

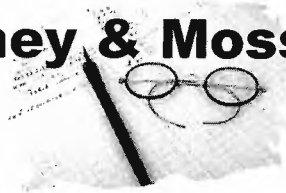
Applications are current for one year.

Please return applications to:
Richland County
Clerk of Council's Office
Post Office Box 192
Columbia, SC 29202

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

Hamilton McKinney & Moss

Certified Public Accountants



BRIEF BIO

John F. Hamilton, CMA, CPA

- A. Certified Public Accountant (CPA), Member of SCACPA, FICPA and AICPA
- B. Certified Management Accountant (CMA), Member IMA
- C. Legal Support and Expert Witness Testimony for CPA malpractice suits
- D. Auditor malpractice issues consulting with insurance carriers
- E. Over 550 on-site AICPA system peer reviews conducted on CPA firms nationwide plus a substantial number of off-site engagement reviews
- F. Quality Control consulting as needed and inspections for six CPA firms
- G. Part time on-going contract A & A consultant for several other CPA firms
- H. Part time technical reviewer for the state CPA peer review program (review the peer reviewers)
- I. AICPA Technical Reviewer Task Force
- J. Performed Corrective Actions reviews for AICPA Ethics and several state Boards of Accountancy.
- K. AICPA Technical Reviewer Task Force.
- L. Summary of past and present activity in professional organizations:
 - Auditing Standards Committee-SCACPA, Chairperson
 - National Affiliated CPA Firms, Southeast Region Chairperson
 - Education Committee-SCACPA, Member
 - Meetings Committee-SCACPA, Chairperson
 - Technical Standards Committee-SCACPA, Chairperson
 - Nursing Home Committee-SCACPA, Chairperson
 - National Associated CPA Firms, National Chairperson
 - Interaudit, (an European Chartered Accounting Association), USA Delegate
 - Emergency Professional Assistance Committee-SCACPA, Member
 - Practice Review Committee-SCACPA, Member
 - PCPS Peer Review Committee, Member
 - Quality Review Committee-SCACPA, Chairperson
 - MAS Committee-SCACPA, Vice Chairperson
 - Peer Review Task Force to Rewrite Peer Review Standards-AICPA
 - Meetings Committee-SCACPA, Member
 - Technical Standards Committee-SCACPA, Chairperson
 - Positive Enforcement Reviewer-SC Board of Accountancy, Member
- M. Other past Committee/Board Service:
 - SC Supreme Court- Accounting Committee, Member
 - Governor's Nursing Home Board, Chairperson
 - SC Department of Education Audit Committee, Member
 - YMCA Adult Class Committee, Member
 - YSB Corporate Advisory Board, Member
 - USC Bicentennial Campaign Committee, Member
- N. Authorships:
 - Co-authored "Guide to Preparing Interim Financial Statements"
 - Co-authored a CD ROM "Quality Control Document for CPA Firms"
 - Authored many articles for CPA publications.
- O. Beta tester for Practitioners Publishing Company's updates used by National Associations of State Board of Accountancy to accredit publication.
- P. Qualified CPE Instructor for various courses sponsored by the AICPA and many of the State CPA Societies, principally on the topics of GAAP, GAAS and New Standards for Peer Review. 2006 SCACPA CPE Discussion Leader of the Year Award.



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Atty

Applicant must reside in Richland County.

Name: Teri Hudson Salane
Home Address: 104 Cricket Hill Rd
Telephone: (home) 803 788 5705 (work) cell 331 6297
Office Address:
Email Address: terisalane@gmail.com
Educational Background: BA, MPA, JD (USC)
Professional Background (Must be one): CPA [X] Attorney [X] Business person [X]
Male [] Female [X] Age: 18-25 [] 26-50 [] Over 50 [X]
Name of Committee in which interested: Business Service Center Appeals Board
Reason for interest: public service

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

(A resume is also requested.) 25 years of govt service with State of SC; practiced law; prosecutor

Presently serve on any County Board/Commission/Committee? BSC App Bd

Any other information you wish to give?

Recommended by Council Member(s), if any:

Hours willing to commit each month:

CONFLICT OF INTEREST POLICY

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Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board? Yes No ?

If so, describe: I own property in Richland County - (timber land) and land office building located at 1613 Main St. (partnership) which is rented to a law firm.

Jeri Hutson Gilane 11/6/12
Applicant's Signature Date

For more information about the Business Service Center Appeals Board, please e-mail bsc@rcgov.us or call 576-2287.

Applications are current for one year.

Please return applications to:
Richland County
Clerk of Council's Office
Post Office Box 192
Columbia, SC 29202

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

Richland County Council Request of Action

Subject

Central Midlands Council of Governments-1; an application was received from **[PAGES 160-162]**

Robert Alan Lapin



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Robert Alan Lapin
Home Address: 217 Camden Chase Dist 9, 2ER
Telephone: (home) 803-513-1518 (work) 803-513-1518
Office Address: 1901 Main Street Ste 200
Email Address: rlapin@naivant.com
Educational Background: BAS from Michigan State Univ. 1987
Professional Background: Commercial Real Estate Agent for NAI ALOD
Male [X] Female [] Age: 18-25 [] 26-50 [X] Over 50 []
Name of Committee in which interested: Central Midlands Council of Governments
Reason for interest: To help facilitate growth in the Midlands through a smart & responsible manner.
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: Intimate knowledge of current Infrastructure and Development Trends & Community Needs facilitated through 12 years in Commercial Real Estate.
Presently serve on any County Committee, Board or Commission? No
Any other information you wish to give? Available upon Request
Recommended by Council Member(s): Val Hutcherson & Jim Manning
Hours willing to commit each month: As many as required

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No X _____

If so, describe: _____

Robert Z
Applicant's Signature

11/13/2012
Date

**Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

2

Richland County Council Request of Action

Subject

Employee Grievance Committee-2; no applications were received

Richland County Council Request of Action

Subject

Hospitality Tax Committee-3; applications were received from the following [**PAGES 164-170**]

Amber Mathis Martin

Michael Wright

Robert G. Tunell*

* Eligible for reappointment



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Amber Mathis Martin
Home Address: 3129 Oakview Rd Columbia, SC 29204
Telephone: (home) 706.951.0459 (work) 803.805.8000
Office Address: 1551 Barbara Drive Columbia, SC 29223
Email Address: Amber.mathis@hilton.com
Educational Background: Bachelor's Degree - University of South Carolina
Professional Background: Director of Sales - Hampton Inn Columbia Northeast
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Hospitality Tax
Reason for interest: I understand the importance of the funds that are
allotted to organizations that bring business into the community.
Your characteristics/qualifications, which would be an asset to Committee, Board or
Commission:
I have worked in the hospitality industry for five years and am very
passionate about all aspects of the industry. I have a great attitude!
Presently serve on any County Committee, Board or Commission? No
Any other information you wish to give? I started an association in the Northeast called NE DOSA.
Recommended by Council Member(s): Jini Manning + Damon Vetter
Hours willing to commit each month: as many as needed

CONFLICT OF INTEREST POLICY

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All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ _____ No _____

If so, describe: The Association that I started called Northeast Directors of Sales Association may be having an event that may need funds in the future. The event would be called "Experiencia Northeast".

Amber M. Mantor
Applicant's Signature

11.8.12
Date

**Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: ROBERT G. TUNELL
Home Address: 12 UPPER POND ROAD, COLUMBIA, SC
Telephone: (home) 803-788-7940 (work) -
Office Address: -
Email Address: ELB01956@CAROLINA-RR.COM
Educational Background: BS - OKLAHOMA STATE UNIVERSITY
Professional Background: MARKETING & SALES - GENERAL ELECTRIC
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: HOSPITALITY TAX
Reason for interest: CONTINUE MEMBERSHIP ON COMMITTEE
FOR THIS VERY IMPORTANT ACTIVITY
Your characteristics/qualifications, which would be an asset to Committee, Board or
Commission: EXPERIENCE OVER THE PAST TERM
Presently serve on any County Committee, Board or Commission? YES - H. TAX
Any other information you wish to give? -
Recommended by Council Member(s): _____
Hours willing to commit each month: AS REQUIRED

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: _____

Robert G. Tunala
Applicant's Signature

FEB 16, 2013
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Michael Wright

Home Address: 4417 Erskine St. Columbia 29206

Telephone: (home) (864) 978-2799 (work) _____

Office Address: PO Box 754 Columbia, SC 29202

Email Address: mwright@scfb.com

Educational Background: Lander University

Professional Background: SC Farm Bureau national legislative coordinator

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Hospitality Tax Advisory Committee

Reason for interest: Make Richland County a better place
to live, work and raise a family.

Your characteristics/qualifications, which would be an asset to Committee, Board or
Commission:

Since graduating Lander University, I have worked in
government.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: 12

CONFLICT OF INTEREST POLICY

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Richland County Council Request of Action

Subject

Internal Audit Committee-1; an application was received from [**PAGES 171-173**]

Dr. Sandra C. Manning*

* Eligible for reappointment



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Sandra C. Manning

Home Address: 4531 Briarfield Road Forest Acres SC 29206-1615

Telephone: (home) 803-787-0030 (work) 803-699-2999 ext 264

Office Address: Ridgeview High School 4801 Hardscrabble Road Columbia SC 29229

Email Address: DrSandraManning@aol.com

Educational Background: Ph.D. from the University of South Carolina

Professional Background: School Psychologist

Male **Female X** Age: 18-25 26-50 **Over 50 X**

Name of Committee in which interested: Audit Committee

Reason for interest: I believe this is a very important committee and I found my first term to be most intriguing.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

I served on the Richland ONE School Board for 12 years as well as on this committee for a full term.

Presently serve on any County Committee, Board or Commission? Audit Committee

Any other information you wish to give? No

Recommended by Council Member(s): Kelvin Washington

Hours willing to commit each month: Same as this past year.

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No X _____

If so, describe: _____

Sandra C. Manning
Applicant's Signature

February 26, 2013
Date

**Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

Richland County Council Request of Action

Subject

Planning Commission-2; applications were received from the following **[PAGES 174-182]**

Heather Cairns*
Kimberly P. Fulton
Stephen Gilchrist*
Michael Wright

* Eligible for reappointment



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: HEATHER CAIRNS

Home Address: 840 OLD WOODLANDS RD COLA, SC 29209

Telephone: (home) 803.446.2873 (work) 803.786.1758

Office Address: 109 MAIN ST BLYTHWOOD SC 29016

Email Address: hmc.law@gmail.com

Educational Background: BS (phys ed minor math), Master Land Arch., JD

Professional Background: Former landscape Architect in Ohio + SC, Atty

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Planning Commission, BOZA

Reason for interest: Professional Bkgrd and passion about interface of land control + private rights + community development.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:
Understanding of law, private rights, community design + public interest

Presently serve on any County Committee, Board or Commission? Yes - Planning Commission former BOZA

Any other information you wish to give? _____

Recommended by Council Member(s): need to confirm

Hours willing to commit each month: 10-20

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Kimberly P. Fulton

Home Address: 8 Forest Walk Court Irmo SC 29063

Telephone: (home) 803 509 2898 (work) 803 254 0230 ext. 16

Office Address: 2711 Middleburg Drive, Suite 115 Columbia SC 29204

Email Address: kimberlypfulton@yahoo.com

Educational Background: Bachelor Degree in Mass Communication, Current Master's Student

Professional Background: Program Associate with Sisters of Charity

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Planning Commission

Reason for interest: I'm a planner at heart, which is evident through my work and formation of my own business. I would love to bring my talents and ideas.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

Outgoing personality, planning experience, enthusiasm, organizational skills, eagerness, outspoken, open minded

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? Excited to do more in my city

Recommended by Council Member(s): No

Hours willing to commit each month: As many as needed

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No X _____

If so, describe: N/A


Applicant's Signature

2/6/13
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Name: Stephen Gilchrist
Home Address: 113 Springpoint Dr. Columbia, SC 29229
Telephone: (home) (803) 728-0375 (work) (803) 361-9479
Office Address: 113 Springpoint Dr. Columbia, SC 29229
Educational Background: Attended SC. State University - Performing Arts
Professional Background: Please See attachment

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Planning Commission

Reason for interest: To continue to serve the citizen in the
County regarding Planning issues for an additional term

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
Please See attachment

Presently serve on any County Board/Commission/Committee? Planning

Any other information you wish to give? I have enjoyed serving on the Commission

Recommended by Council Member(s): _____

Hours willing to commit each month: Any

CONFLICT OF INTEREST POLICY

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STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes _____ No ✓

If so, describe: _____

[Signature]
Applicant's Signature

2/3/13
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Michael Wright
Home Address: 4417 Erskine St Columbia 29206
Telephone: (home) (864) 979-2799 (work) _____
Office Address: Po Box 754 Columbia, SC 29202
Email Address: mwright@scfb.org
Educational Background: Lander University BS in Public Administration
Professional Background: SC Farm Bureau national legislative coordinator
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Planning Commission
Reason for interest: Make Richland County a better place to live, do business and raise a family.
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:
Worked in and around government since 2004 when I graduated Lander University.
Presently serve on any County Committee, Board or Commission? No
Any other information you wish to give? _____
Recommended by Council Member(s): _____
Hours willing to commit each month: 12

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.


Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: _____


Applicant's Signature

2/5/13
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only		
Date Received: _____	Received by: _____	
Date Sent to Council: _____		
Status of Application:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied <input type="checkbox"/> On file

Richland County Council Request of Action

Subject

Community Relations-3

Richland County Council Request of Action

Subject

Report of the Decker Center Ad Hoc Committee **[PAGES 184-185]**

Decker Costs - Known and Estimates						
Company / Task	Tasks To Be Negotiated	Tasks to be Bid	Professional Estimated Costs	Known Costs	Unknown	Totals
Boudreaux - Demolition Phase and Schematic Design				\$ 515,640		
Boudreaux Brownstone	Up-fit Design					
Unknown	Project Management					
Unknown	Special Conditions Testing					
Unknown		Facility Selective Demolition	\$ 1,079,713			
Unknown		10% Contingency - Facility Selective Demolition	\$ 107,971			
Unknown		Facility Up-fit Construction	\$ 16,540,355			
Unknown		10% Contingency - Facility Up-fit Construction	\$ 1,654,035			
			\$ 19,382,074	\$ 515,640	\$ -	\$ 19,897,714
Alternates - Tasks That May/May Not Be Included In Project Scope						
	Revised Parking	Stormwater improvements - pervious areas		\$	\$ 300,000	
	Water Quality Package	Mechanical water quality improvement		\$	\$ 116,000	
	Water Cooled Chiller	Centralized cooling system		\$	\$ 280,000	
	Furnishings			\$	\$ 1,500,000	
	Interior Signage	ADA standards		\$	\$ 125,000	
	Audio/Video	Judicial operations		\$	\$ 500,000	
	Security	Facility protection		\$	\$ 400,000	
	Parking Lot Power			\$	\$ 30,000	
	Department Relocation			\$	\$	\$ 2,951,000
				\$	\$	\$ 22,848,714

Richland County Council Request of Action

Subject

Council Work Session: 2013 Council Retreat - Transportation Penny Items **[PAGES 186-189]**

Transportation Penny Items

These items were deferred from approval of the 2013 Council Retreat directives at the February 5, 2013 Council Meeting. A Council Work Session to discuss these items was held on Thursday, March 14, 2013 at 3:30pm. In attendance were: Chairman Washington; Councilman Livingston; Councilman Jackson; Councilman Rush; Councilwoman Dixon.

a. Small, Local Business Enterprise Program

Questions

1. Is Franklin Lee's proposal acceptable in concept? Local preference is acceptable in concept.
2. Would Council agree to hold a Work Session on this item (SLBE Proposal)? Yes. [Note: Work Session to be held Tuesday, March 26, 2013 at 4:00pm. Franklin Lee will be in attendance. The SLBE proposal, as well as the Joint Transportation Committee recommendations deferred at the March 5, 2013 Council Meeting will be discussed at this Work Session.]
3. Does Council generally approve the concept of separating specific projects to protect for federal eligibility, thereby removing them from consideration for local preference? Council recommends obtaining federal dollars to the greatest extent possible to maximize the penny revenues. Federally funded projects may NOT use local preference. Towards that end, Transportation Penny projects will be separated into two different tracks: (1) Local Preference projects (solely using Transportation Penny / local revenues) and (2) Federally funded (\$1 or more of federal funds) projects. Franklin Lee, Legal, and Procurement are developing these two different tracks, which will be presented to Council for review and approval.
4. For projects that may use federal funds, does Council wish to use SCDOT's DBE program, which has been approved by the USDOT,

or does it want to create its own DBE program, which must be approved by the USDOT? Franklin Lee, Legal, and Procurement are to create a DBE program for the County, using the SCDOT and City of Columbia's DBE programs as a baseline. Richland County's program will place a large focus on compliance and enforcement to ensure that goals, guidelines, and requirements are met. Once the DBE program is created, it will be brought to Council for review and approval.

5. In concept, does Council approve the use of the SLBE program for roadway projects where using federal funds could cost time and money (projects under \$5M), county-controlled and maintained projects such as Dirt Road Paving (\$45M) and Local Road Resurfacing Projects (\$40M), as well as certain Bike / Pedestrian / Greenway projects? Council recommends obtaining federal dollars to the greatest extent possible to maximize the penny revenues. Federally funded projects may NOT use local preference. Towards that end, Transportation Penny projects will be separated into two different tracks: (1) Local Preference projects (solely using Transportation Penny / local revenues) and (2) Federally funded (\$1 or more of federal funds) projects. Franklin Lee, Legal, and Procurement are developing these two different tracks, which will be presented to Council for review and approval.

b. SCDOT IGA

Question

1. Is Council interested in SCDOT managing a certain number (TBD, and approved by Council) of projects? Council may be interested in SCDOT managing a certain (TBD and approved by Council) number of projects, to be considered on a case-by-case basis. An IGA with SCDOT will be drafted for Council's review and action.

c. Transportation Director

Questions

1. Does Council approve the concept of this individual and his/her duties / responsibilities? [Retreat consensus: Yes.] At the Work Session, it was recommended that the advertisement for the

Transportation Penny Director be removed. This item was forwarded to the March 26, 2013, 4:00pm Transportation Penny Work Session for further review and action by full Council.

2. Does Council approve this person reporting to an Assistant County Administrator? [Retreat consensus: Yes.] At the Work Session, it was recommended that the Transportation Penny Director report to the County Administrator instead of an Assistant County Administrator. This item was forwarded to the March 26, 2013, 4:00pm Transportation Penny Work Session for further review and action by full Council.

d. RFP re: Program Management (PM)

Questions

1. Does Council approve waiting until we bring on the Transportation Director to advertise the RFP? Yes.
2. Does Council generally approve the PM team concept as outlined with regards to their proposed responsibilities? Yes. The proposed Scope will be forwarded to Council once available. (Proposed Team Concept: Transportation Planning; Engineering Design; Landscape Architecture; Cost Estimating & Verification; Scheduling; Project Controls; Financial Management Support; Right-of-Way Acquisition; Construction Engineering & Inspection (CEI); Public Outreach, etc.) It was recommended that trips be arranged to various SC counties which have experienced positive and negative PM experiences in order to gain insight on the way the PM concept should be structured.

Richland County Council Request of Action

Subject

Report of the Dirt Road Committee [PAGES 190-196]

RICHLAND COUNTY COUNCIL



DIRT ROAD COMMITTEE

Kelvin Washington

Torrey Rush

Norman Jackson

Julie Ann Dixon

Bill Malinowski

March 14, 2013

4:30 PM

- I. Call to Order**
- II. Selection of Chair**
- III. Alternative Dirt Road Paving - Retreat Item and Motion (pages 2-3)**
- IV. C Funds (page 4)**
- V. Road ROW Acceptance Policy re: Prescriptive Easements and Unpaved Roads (pages 5-6)**
- VI. Adjournment**

RICHLAND COUNTY COUNCIL



DIRT ROAD COMMITTEE

III. Alternative Dirt Road Paving

Discussion points

- Alternative dirt road paving is the use of in-place base materials when possible, reduction of design standards to be appropriate for traffic conditions and the use of alternative surface materials. The goal is to improve roads with light traffic volumes for a cost that is less than the cost of conventional roads.
- A study was funded by the CTC that resulted in a Final Report dated October 23, 2009.
- Staff performed additional investigation and determined that the American Association of State Highway Officials published a Guideline for Geometric Design of Very Low-Volume Local Roads (2001). Staff recommended this nationally recognized guide be incorporated in the proposed Richland County program.
- The Low traffic volume dirt road paving program was adopted by Ordinance No. 011-09HR on February 17, 2009.
- CTC and Richland County Funds were committed to the program in the 2012 budget year. A total of \$3,900,000 is budgeted to address approximately 9 miles of roads. The roads being addressed in this first program all have publicly owner right of way.
- A consulting engineer was procured and a design guideline and preliminary review of the roads qualified for this program are in process. Completion of the preliminary engineering was scheduled for December 2012, but appears to be running several months late. We estimate that bidding for construction services should occur in June or July of 2013.
- **Level of improvement.**
 - Section II (i) (1) e) state that roads shall be paved to a width of 22 feet but no less than 18 feet if in the judgment of the Director of Public Works a safe roadway with adequate drainage may be constructed.
 - Paragraph d) of this section states roads may conform to AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (2001).

RICHLAND COUNTY COUNCIL



DIRT ROAD COMMITTEE

- The improvement of roads if a prescriptive easement exists (not in a public right of way) can only be performed to the limit of the area of present maintenance. Roads and Drainage estimates that 30% of the roads maintained that are not in public right of ways are less than 18 feet wide.
- **Requirement for public right of way.**
 - Paragraph a) of this section states road must be in a publicly dedicated right of way of a minimum width of 50 feet. A right of way width on no less than 30 feet may be considered if in the judgment of the Director of Public Works a safe roadway with adequate drainage may be constructed.
 - Public Works presently maintains 236 miles of unpaved roads. Only 24.8 miles, or approximately 11 % are in publicly dedicated rights of way.
 - “C” funds are for transportation projects on public property and must be accessible to the public. (“The C Program, SCDOT, November 2007, page 8)

Questions to be answered

1. Would Council want to amend Ordinance No. 011-09HR to allow for paving of dirt roads to a lower standard than presently required (AASTHO standards)?

The following related motion was made at the January 15, 2013 Council meeting:

I hereby move to instruct the County Administrator to direct County Staff to immediately implement a program to include existing unpaved roads currently held and maintained under prescriptive easement or similar trust by the county in efforts that lead to expedited eligibility, design and construction using Low Volume Traffic paving methods [WASHINGTON]. Council forwarded this item to the February D&S Committee. Since this item was closely related to a retreat item that was forwarded to the Dirt Road Committee (DRC), Administration contacted Chairman Washington and he agreed that It should also be forwarded to the DRC.

RICHLAND COUNTY COUNCIL



DIRT ROAD COMMITTEE

IV. C Funds

Discussion points

Funding level for previous 10 years:

- Dirt Road Paving - \$1,000,000 per year, 2004 to 2007 (North and South Programs)
- Resurfacing - \$1,400,000 per year, 2003 to 2007
- In contrast to the previous programs, the CTC has not established a dedicated amount of funding for dirt road paving and resurfacing.

Present Funding Commitments:

- Low Traffic Volume dirt road paving \$3,000,000. spread over 2012-2014 (Note, Richland County committed \$900,000. to this program)
- Paved Road Resurfacing and Road Condition inventory \$ 1,400,000.
- Shady Wood Lane paving (from Dist. 1 North Paving) \$368,932.
- South Paving Program (held over from 2008) \$ 1,176,297

Questions to be answered

1. Request Council direction on funding priorities for CTC requests. Does Council want staff to prioritize funding requests to the CTC for:
 - a. Low Volume Dirt Road Paving
 - b. Conventional Dirt Road Paving
 - c. Resurfacing, including pavement preservation

RICHLAND COUNTY COUNCIL



DIRT ROAD COMMITTEE

V. Road ROW Acceptance Policy re: Prescriptive Easements and Unpaved Roads

Discussion points

- An ROA was presented to the D&S Committee in June 2012 requesting to establish a Right of Way policy. The ROA described two following issues: (1) Acceptance of existing paved roads not in a publicly owned right of way and (2) Acceptance of unpaved roads not in a publicly owned right of way. Council addressed the paved road issue at the February 5, 2013 meeting.

Acceptance of unpaved roads not in a publicly owned right of way

- These roads are typically not in a right of way and were not created by subdivision of land. The roads were created by use by property owners of isolated parcels to access their property. Under State Law a prescriptive easement may be established if this use has existed for 20 years and meets other standards. The County would have to go to Circuit Court to declare each of these roads as a prescriptive easement.
- Staff recommends that a publicly owned right of way be donated before publicly funded improvements are constructed.
- Staff made the following recommendation in the ROA to address dirt roads not in a publicly owned right of way:
 1. Initiate public information effort to make residents aware of paving program.
 2. Residents petition for improvement of the road on which their property is accessed. All property owners from which right of way will be required must participate on the petition.
 3. Public Works will perform a preliminary study and create a right of way plan and deed documents.
 4. Upon receipt and recording of all necessary right of way deeds, the project will be placed on the pending project list to be addressed when funds are available.
 5. All right of way must be donated by the property owners, no right of way will be purchased without specific direction of council.

RICHLAND COUNTY COUNCIL



DIRT ROAD COMMITTEE

- Staff has contacted many of the County governments in the state, requesting information on their policy for relating to the improvement of dirt roads. At this time we have received the following responses:

<u>Agency</u>	<u>Right of Way Required</u>	<u>Donation Required</u>	<u>Condemnation Used</u>
Charleston Co.	Yes	Yes	No
Beaufort Co.	Yes	No	Yes (1)
Lexington Co.	Yes	Yes	Yes (1)
Anderson	Yes	Yes	Yes (2)
Horry County	Yes	Yes	Yes (3)
Georgetown Co.	Yes	Yes	No (4)

(1) In the process of changing policy to donation required.

(2) Condemnation used only when non benefiting property involved.

(3) Use condemnation but compensation is low due to increased property values caused by road improvement.

(4) Provided copy of regulations.

Questions to be answered

1. Would Council want staff to create a policy to require donation of a publicly owned right of way prior to improvement of the road with public funds?

Richland County Council Request of Action

Subject

Election Commission Funding Request: Richland School District One Special Election **[PAGES 197-199]**

March 15, 2013

Via United States Mail and E-mail

Richland County Election Commission
Attention: Mr. Jasper Salmond
2020 Hampton Street
Columbia, South Carolina 29201

Re: Special Election for the seat held by Mrs. Barbara A. Scott

Dear Mr. Salmond:

Richland County School District One Board of School Commissioners is requesting the assistance of Richland County Elections & Voter Registration to set the special election for June 4, 2013. We are further requesting that Richland County pay for the special election for the seat held by Mrs. Barbara A. Scott who died on March 5, 2013. Per previous conversations with your office, we were advised that the cost of the election could range from \$65,000.00 to \$100,000.00.

Please contact Dr. Percy A. Mack at (803)231-7500 or Attorney Susan Williams at (803)231-7404 if you have additional questions.

Sincerely,

Jamie Devine
Board Chairman

C: Board of School Commissioners
Dr. Percy A. Mack
Attorney Susan Williams

Elections & Voter Registration

COMMISSIONERS
ALLEN DOWDY, ACTING CHAIR
ADELL T. ADAMS
ELAINE D. DUBOSE
HERBERT W. SIMS



DR. JASPER SALMOND
ACTING EXECUTIVE DIRECTOR

Richland County, South Carolina

March 15, 2013

Via United States Mail and Email

Richland County District One School Board
Attention: Chairman Devine
1616 Richland Street
Columbia, SC 29201

Dear Chairman Devine:

Thank you for your letter on behalf of the Richland County School District One Board of School Commissioners requesting the assistance of Richland County Elections & Voter Registration to set the special election for June 4, 2013. The Commissioners are further requesting that Richland County pay for the special election for the seat held by Mrs. Barbara A. Scott who died on March 5, 2013.

By copy, your request is herewith forwarded to Richland County Council Chairman, Kelvin Washington and Richland County Administrator, Tony McDonald, for information and possible action.

Please note especially that the reference to the cost of the election as noted in your letter is essentially unofficial. The costs are currently being prepared and can be provided by Tuesday afternoon, March 19, 2013.

Please contact us if we can provide additional information. Mr. Garry Baum, Deputy Director of Elections, has been directed to continue follow-up meetings with Attorney Susan Williams.

Sincerely,

Dr. Jasper Salmond, Acting Executive Director

Cc: Dr. Percy Mack
Attorney Susan Williams
The Honorable Kelvin Washington
Mr. Tony McDonald
Ms. Stephany Snowden
Attorney Larry Smith
Mr. Garry Baum
Ms. Lillian McBride

2020 Hampton Street / P.O. Box 192 / Columbia, SC 29202
Telephone 803.576.2240 / Fax 803.576.2249

Richland County Council Request of Action

Subject

- a. A resolution honoring Lower Richland Girls Basketball AAA State Champions and Coach Debbie Stroman as seven time State Champion Coach [JACKSON and WASHINGTON]
- b. A resolution honoring Keenan Girls Basketball AA State Champions [RUSH]

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda