



RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA

**SEPTEMBER 10, 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. A Resolution honoring Josiah Washington on representing Richland County with his participation on Jeopardy and for speaking on behalf of the Richland Library at the Budget Public Hearing [JACKSON]
- b. A Proclamation honoring Micah Washington for speaking on behalf of the Richland Library at the Budget Public Hearing [JACKSON]

Approval Of Minutes

2. Zoning Public Hearing: July 23, 2013 [PAGES 9-12]
3. Special Called Meeting: July 23, 2013 [PAGES 13-19]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

4. a. Election Fee Agreement (Richland County Public Library) [PAGES 21-23]
- b. Monticello Road Streetscaping - Condemnation Update
- c. City of Columbia Intergovernmental Agreement (Elections) [PAGES 24-26]
- d. Eastover Wastewater Treatment Plant (contractual)
- e. Columbia Venture - Litigation Update

- f. SC Public Interest Foundation - Litigation Update
- g. Carolina Walk/Serrus - Litigation Update

Citizen's Input

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

Report Of The County Administrator

- 6. a. Introduction of New Employees
- b. Mitigation Bank Update
- c. Potential Purchase of Property
- d. Proposed Transportation Penny RFP Work Session: Tuesday, September 17, 2013; 3:30-5:00 PM

Report Of The Clerk Of Council

- 7. a. SCAC Institute of Governments and County Council Coalition, October 17 and 18, Embassy Suites, Columbia
- b. REMINDER: Midlands Housing Trust Fund Breakfast, Wednesday, September 11, 8:00 AM, EdVenture Children's Museum - The Canal Room
- c. Scheduling Council Member Individual Photos

Report Of The Chairman

Presentations

- 8. a. Community Healthcare Services: Mac Bennett, President & CEO, United Way of the Midlands

Open/Close Public Hearings

- 9. a. An Ordinance establishing a temporary moratorium on the approval of any Special Exception Requests to establish a Special Congregate Facility within the unincorporated areas of Richland County
- b. Authorizing an Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County; and other related matters
- c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to adopt and codify the 2011 Edition of the International Electrical Code and the 2012 Editions of the International Residential Code, International Building Code,

International Fire Code, International Fuel/Gas Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code

d. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; so as to codify property maintenance regulations

Approval Of Consent Items

10. Authorizing an Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County; and other related matters [**THIRD READING**] [**PAGES 32-35**]
11. An Ordinance Establishing a Temporary Moratorium on the approval of any special exception requests to establish a special congregate facility within the unincorporated areas of Richland County [**THIRD READING**] [**PAGES 36-38**]
12. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article II, Rules of Construction; Definitions; Section 26-22, Definitions; and Amending Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; so as to replace those standards with "Development with Open Space Design Standards" and Amending Article X, Subdivision Regulations; Section 26-222, General Requirements; Subsection (G), Natural Resource Inventory; Paragraph (1); so as to delete the requirement of a desktop analysis [**THIRD READING**] [**PAGES 39-60**]
13. 13-17MA
Steven Mungo/Gerald Steele
RU to RS-LD (58.7 Acres)
1842 Kennerly Rd.
04200-04-07 & 08 [**SECOND READING**] [**PAGES 61-62**]
14. 13-19MA
Will Holmes
RS-MD to OI (15.26 Acres)
2312 Clemson Rd.
20200-01-30 [**SECOND READING**] [**PAGES 63-64**]
15. 13-25MA
Mukesh Thakkar
RU to RC (1.76 Acres)
10447 & 10453 Wilson Blvd.
15000-02-09 [**SECOND READING**] [**PAGES 65-66**]
16. An Ordinance Authorizing the Issuance and Sale of not to exceed \$17,200,000 General Obligation Bonds, Series 2013B, 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 [**SECOND READING**] [**PAGES 97-93**]

17. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to Adopt and Codify the 2011 Edition of the International Electrical Code and the 2012 Editions of the International Residential Code, International Building Code, International Fire Code, International Fuel/Gas Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code [**FIRST READING**] [**PAGES 94-100**]
18. Community Use of County Facilities [**PAGES 101-110**]
19. Acquisition of Unclaimed Land within Undeveloped Right of Ways for Devils Ditch Maintenance Access and Enhancement [**PAGES 111-115**]
20. Consent Agenda Deferral Policy [**PAGES 116-118**]
21. Codify Property Maintenance Regulations [**FIRST READING**] [**PAGES 119-125**]

Third Reading Items

22. a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; by adding a new division entitled 7, Small Local Business Enterprise Procurement Requirements; and Amending Chapter 2, Administration; Article XI, Inquiries and Investigations; so as to renumber the paragraphs therein [**PAGES 126-186**]
- b. Proposed Amended Scope of Work for Administration of Richland County's SLBE Program [**PAGES 187-189**]

First Reading Items

23. a. An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$517,000 of Hospitality Tax Unassigned Fund Balance for feasibility studies (\$420,000), Olive Branch Network (\$50,000), and Capital City Classic (\$47,000) [**PAGES 190-192**]
- b. FY14 Township Funding [**PAGES 193-194**]

Report Of Development And Services Committee

24. Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6 [**PAGES 195-200**]
25. a. Authorizing and Providing for the creation of the Lower Richland Sewer System and for the issuance of Lower Richland Sewer System Improvement Revenue Bonds of Richland County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the new revenues derived from the operation of the Sewer System and pledging the revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing [**FIRST READING**] [**PAGES 201-247**]
- b. Authorizing and Providing for the Issuance of a Sewer System Improvement Revenue Bond Anticipation Note, Series 2013 (Lower Richland Sewer System Project Phase I), or such other appropriate series designation of Richland County, South Carolina, in an amount not to exceed \$9,359,000; Authorizing the County Administrator to determine certain matters relating to the Note; Providing for form and details of the Note; Providing for the payment of the Note;

Providing for the disposition of the proceeds thereof; and other matters relating thereto **[FIRST READING]** **[PAGES 248-257]**

Report Of Economic Development Committee

- 26. a. Approval of Intertape Polymer Group Set Aside Grant **[PAGE 259]**
- b. Approval of Project Form Closing Fund Grant **[PAGE 260]**

Report Of Rules And Appointments Committee

1. Notification Of Vacancies

- 27. Building Codes Board of Appeals-1; there is one vacancy on the board:

Ralph Walden (Resigned)

2. Notification Of Appointments

- 28. Accommodations Tax Committee-2; there are two appointments to be made to this committee; positions to be filled are for Lodging and Hospitality; one application was received from:

J. Benjamin Blackwell* (withdrawn)

- 29. Airport Commission-1; there is one vacancy on the commission for an un-expired term; an application was received from: **[PAGES 263-268]**

Anne G. Kelly

- 30. Community Relations Council-2; there are two positions on this council; applications were received from the following: **[PAGES 269-277]**

Dr. Allen Coles*
Kerry Feduk
Kimberly Andrena Kennedy Gooden (withdrew)
Toya Dion Jefferson Murph

- 31. East Richland Public Service Commission-1; there is one position on the commission; applications were received from the following: **[PAGES 278-285]**

Phyllis Beighley*
Norman M. Paige
Mark A. Riffle

- 32. Employee Grievance Committee-4; no applications have been received

- 33. Hospitality Tax Committee-2; there are two vacancies on this committee; applications were received from the following: **[PAGES 287-293]**

John Adams
Shanelle Baker

Robert A. Swanson

34. Midlands Workforce Development Board-8, for the following positions: **[PAGES 294-307]**

Private Sector (Business representative)-5
DSS representative-1
Youth Program representative-1
Job Corps representative-1

Private Sector applicants are: Derek Burrell, Larry Cooke, Wanda Herron, Harry Plexico, and Michael Ray

DSS representative applicant are: Terry D. Blair and JohnR. Timmons, Jr.

Youth Council applicants are: Aretha Barnes (Job Corps representative) and Joseph Rice, Jr. (Youth Program representative)

Other Items

35. A Resolution to appoint and commission Daneil Seth McBride as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County **[PAGES 308-309]**
36. Report of the Dirt Road Committee: **[PAGES 310-311]**
- a. Dirt Road Update
 - b. Construction Contract

Citizen's Input

37. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

- 38.
- a. Amended agenda pages will be given a page/letter designation and only those pages will be Xeroxed for distribution. Example: If page 105 has a change for some reason the amended page will be assigned page 105a. This will eliminate the necessity of Xeroxing hundreds of additional pages of new agendas as well as eliminate the need for council members to change all of their notations on pages already reviewed. **[MALINOWSKI]**
 - b. Start a search for the relocation of the storage of Election Voting Machines and equipment and possible the Election Commission's office **[JACKSON]**
 - c. Religious places located in GC or Industrial areas shall not be subjected to the regular buffers as in properly zoned districts **[JACKSON]**
 - d. **To implement Richland County Community Gardens as a part of the Richland County Healthy Lifestyle Initiative and to be housed with NIP to promote partnerships with neighborhoods and communities. Support from other County Departments is important for sustainability [DIXON]**

- e. Request that the SCAC post the Rules, Regulations, and Bylaws on the SCAC website and that each County and/or County Chair should have the opportunity to make a recommendation to the board regarding their representative when vacancies become available and that the representative should be term limited [DICKERSON]
- f. Consider purchasing security cameras as a crime prevention mechanism and the for the safety of the citizens in Richland County to be placed in strategic locations along distressed corridors and communities where crime is increasingly an issue per the recommendation of Sheriff Leon Lott and the Community Action Team (CAT) [DICKERSON]
- g. I move that we give First Reading by Title Only to an ordinance granting a sewer easement to Lexington/Richland 5 School District over a portion of TMS # 03300-01-06 [WASHINGTON]

Adjournment



Special Accommodations and Interpreter Services

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

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

Richland County Council Request of Action

Subject

- a. A Resolution honoring Josiah Washington on representing Richland County with his participation on Jeopardy and for speaking on behalf of the Richland Library at the Budget Public Hearing **[JACKSON]**
- b. A Proclamation honoring Micah Washington for speaking on behalf of the Richland Library at the Budget Public Hearing **[JACKSON]**

Richland County Council Request of Action

Subject

Zoning Public Hearing: July 23, 2013 [**PAGES 9-12**]

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, JULY 23, 2013 7:00 p.m.

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

MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	Greg Pearce
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Jim Manning
Member	Seth Rose
Member	Torrey Rush

Absent Julie-Ann Dixon

OTHERS PRESENT: Amelia Linder, Tracy Hegler, Sparty Hammett, Suzie Haynes, Geo Price, Tommy DeLage, Quinton Epps, Warren Harley, Sara Salley, Roxanne Ancheta, Ismail Ozbek, Tony McDonald, Buddy Atkins, Rodolfo Callwood, Nelson Lindsay, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:00 p.m.

ADDITIONS/DELETIONS TO AGENDA

There were no deletions or additions.

MAP AMENDMENT

13-17MA, Steven Mungo/Gerald Steele, RU to RS-LD (58.7 Acres), 1842 Kennerly Rd., 04200-04-07 & 08

Mr. Washington opened the floor to the public hearing.

Mr. Bill Dixon and Gerald Steele spoke in favor of this item.

Ms. Christine Root and Ms. Frances Apante spoke against this item.

The floor to the public hearing was closed.

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

13-18MA, Larry Brazell, RU to LI (147.83 Acres), Bluff Rd., 18900-02-06

Mr. Washington opened the floor to the public hearing.

Mr. Bruce Holleman, Mr. James Davis, Mr. Chuck Potts, Ms. Debbie Potts, Mr. Robert Glover, and Ulysses Byrd spoke against this item.

The floor to the public hearing was closed.

Mr. Washington moved, seconded by Mr. Jackson, to deny the re-zoning request.

Ms. Dickerson made a substitute motion, seconded by Mr. Malinowski, to defer this item until the September Zoning Public Hearing.

<u>For</u>	<u>Against</u>
Malinowski	Manning
Jackson	Jeter
Rose	
Pearce	
Washington	
Livingston	
Dickerson	
Rush	

The vote was in favor of deferral.

13-19MA, Will Holmes, RS-MD to OI (15.26 Acres), 2312 Clemson Rd., 20200-01-30

Mr. Washington opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

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

13-25MA, Mukesh Thakkar, RU to RC (1.76 Acres), 10447 & 10453 Wilson Blvd., 15000-02-09

Mr. Washington opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Mr. Pearce, to give First Reading approval to this item. A discussion took place.

The vote in favor was unanimous.

TEXT AMENDMENTS

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Development with Open Space Design Standards

Mr. Washington opened the floor to the public hearing.

Mr. Earl McLeod and Ms. Carol Kososki spoke in favor of this item.

The floor to the public hearing was closed.

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

ADJOURNMENT

The meeting adjourned at approximately 7:40 p.m.

Submitted respectfully by,

Kelvin E. Washington, Sr.
Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Special Called Meeting: July 23, 2013 [**PAGES 13-19**]



**MINUTES OF
RICHLAND COUNTY COUNCIL
SPECIAL CALLED
JULY 23, 2013
IMMEDIATELY FOLLOWING ZONING PUBLIC HEARING**

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	Greg Pearce
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose
Member	Torrey Rush
Absent	Julie-Ann Dixon

OTHERS PRESENT – Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Brad Farrar, Amelia Linder, Tracy Hegler, Sara Salley, Nelson Lindsay, Chris Eversmann, Rodolfo Callwood, Quinton Epps, Buddy Atkins, Ismail Ozbek, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:55 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

PRESENTATION OF RESOLUTIONS

- a. **2013 National Aviation Week Proclamation** – The proclamation was presented by Mr. Pearce and Mr. Rush to Chris Eversmann on behalf of the Airport Commission.

APPROVAL OF MINUTES

Regular Session: July 16, 2013 – Ms. Dickerson moved, seconded by Mr. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Manning requested that the following item be moved to immediately following the Report of the Attorney for Executive Session: “Report of the Hospitality Tax Review Committee: Allowing the Town of Eastover and the Town of Irmo to apply for Hospitality funds as the County collects Hospitality Tax in these areas”.

Mr. Livingston moved, seconded by Mr. Jackson, to approve the agenda as amended. The vote in favor was unanimous.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. **City of Columbia Election Fee Agreement** – This item was an action item.

Report of the Hospitality Tax Review Committee: Allowing the Town of Eastover and the Town of Irmo to apply for Hospitality funds as the County collects Hospitality Tax in these areas – Mr. Manning stated that the committee recommended allowing the Towns of Eastover and Irmo to apply for Hospitality Tax funds as a direct receipt without a 501(c)3 organization as a sponsor. A discussion took place.

The vote in favor was unanimous.

CITIZENS INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

No report was given.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIR

Mr. Pearce stated that the pending ordinance doctrine will be in effect for the following ordinance from the July 23rd Zoning Public Hearing: “An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Development with Open Space Design Standards”.

THIRD READING

Small Local Business Enterprise (“SLBE”) – Ms. Dickerson moved, seconded by Mr. Rush, to defer this item until the September 10th Council meeting. The vote in favor was unanimous.

SECOND READING

An Ordinance Establishing a Moratorium on the approval of any special exception requests to establish a special congregate facility within the unincorporated areas of Richland County – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Rose, to apply the pending ordinance doctrine once the public hearing on this item has been advertised. The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6 – Mr. Jackson stated that the committee recommended approval of this item and to have staff bring back drainage/no-drainage alternatives at the September 10th Council meeting. The vote in favor was unanimous.

Termination of the Restrictive Covenants for the Private Driveway Subdivison—Murray Lancaster Estates – Mr. Jackson stated that the committee recommended approval of this item. The vote in favor was unanimous.

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

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Grant Application Approval for Crane Creek Management Plan Implementation for Public Works Department – Ms. Dickerson stated that the committee recommended approval of this item. The vote in favor was unanimous.

Owens Field Trail Improvement Project for Conservation Department – Ms. Dickerson stated that the committee recommended approval of this item. The vote in favor was unanimous.

Request for Bond Ordinance Approval in Accordance with Capital Project

Recommendation of Richland County Administrator – Ms. Dickerson stated that the committee recommended approval of this item. The vote in favor was unanimous.

Richland County Sheriff's Department Freedom Award Resolution – Ms. Dickerson stated that the committee recommended approval of this item. The vote in favor was unanimous.

Request to Add School Resource Officer Positions – Ms. Dickerson stated that the committee recommended approval of this item. The vote in favor was unanimous.

OTHER ITEMS

City of Columbia Election Fee Agreement – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

Mr. Malinowski made a friendly amendment, seconded by Mr. Jackson, to include language that Richland County should not be responsible for legal suits that may come about because of an election being run at the request of another entity.

The vote in favor was unanimous.

Report of the Hospitality Tax Review Committee:

- a. **Olive Branch Network of SC Funding Request** – Mr. Rush moved, seconded by Mr. Jackson, to approve \$100,000 in Hospitality Tax for the Olive Branch Network of SC. A discussion took place.

Mr. Jeter made a substitute motion, seconded by Mr. Rush, to approve \$50,000 from Hospitality Tax's non-recurring fund for the Olive Branch Network of SC. The vote was in favor.

- b. **Review of Current Hospitality Tax Guidelines:**

1. **Allowing Expenditures such as venue fees or rentals, transportation or accommodations, salaries, food or beverages, and staging or fencing** – Mr. Jackson moved to approve this item.

Mr. Pearce made a substitute motion, seconded by Mr. Jackson, to eliminate salaries from allowed expenditures. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dickerson, to reconsider the Report of the Hospitality Tax Review Committee. The motion failed.

Report of the Caughman Pond/Pinewood Lake Ad Hoc Committee:

Mr. Jackson stated that the committee recommended the consultants and staff begin work on the \$1.4 million of projects approved by Council. The vote was in favor.

Mr. Pearce moved, seconded by Ms. Dickerson, to reconsider the Report of the Caughman Pond/Pinewood Lake Ad Hoc Committee. The motion failed.

Report of the Dirt Road Committee:

- a. **Update on Engineering Contract**
- b. **Update on Paving Projects**

Mr. Jackson stated that the committee recommended to authorize staff to finalize negotiations with Civil Engineering Consulting Services to provide public outreach for the Dirt Road Paving program funded through the Penny Sales tax and to provide design services for 45 identified Low-Volume roads funded through the CTC and Road Maintenance fund balance (previously approved by Council as the Low Volume Pilot Project). A discussion took place.

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Jackson, to reconsider the Report of the Dirt Road Committee. The motion failed.

CITIZENS' INPUT

No one signed up to speak.

MOTION PERIOD

- a. **A Resolution honoring Josiah Washington on representing Richland County with his participation on Jeopardy and for speaking on behalf of the Richland Library at the Budget Public Hearing [JACKSON]** – Mr. Manning moved, seconded by Mr. Malinowski, to adopt a resolution honoring Josiah Washington. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:46 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. Election Fee Agreement (Richland County Public Library) **[PAGES 21-23]**
- b. Monticello Road Streetscaping - Condemnation Update
- c. City of Columbia Intergovernmental Agreement (Elections) **[PAGES 24-26]**
- d. Eastover Wastewater Treatment Plant (contractual)
- e. Columbia Venture - Litigation Update
- f. SC Public Interest Foundation - Litigation Update
- g. Carolina Walk/Serrus - Litigation Update

STATE OF SOUTH CAROLINA)
)
)
)
)
COUNTY OF RICHLAND)

FEE AGREEMENT BETWEEN
RICHLAND COUNTY, SOUTH CAROLINA
AND THE RICHLAND COUNTY
PUBLIC LIBRARY
(Election Costs)

This Fee Agreement ("Agreement") is entered into this 28 day of August, 2013 by and between Richland County, South Carolina (the "County") and the Richland County Public Library (the "Library" and together with the County, each a "Party" or acting together, the "Parties").

WHEREAS, the Board of Elections and Voter Registration of Richland County (the "Board"), conducts elections, from time to time, for various entities as may be requested by those entities;

WHEREAS, the County provides the annual budget for the Board;

WHEREAS, elections cost money and County policy dictates that the entities requesting elections shall bear the costs of holding such elections;

WHEREAS, the Library, as a millage agency of the County with dedicated revenues made available to it by the County, has requested a special election to be held on November 5, 2013 (the "Special Election"); and

WHEREAS, the Library and the County have determined to enter into this Agreement regarding responsibility for payment of the costs of the Special Election.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, each of which are acknowledged by the Parties, the Parties hereto agree as follows:

1. For the Special Election, the Library pay to the County all election expenses associated with the conducting of the Special Election, including, but not limited to, clerk and manager pay,

paper ballot expenses, mailing costs, office supplies, rent for polling places, and County employee overtime, if necessary.

2. The County has, prior to the Special Election, provided an itemized estimate of expenses for the Special Election. After the Special Election, the County will invoice the Library for all actual expenses incurred in conducting the Special Election and such amount may be off-set or prorated by the amounts made available to the County from any municipalities holding an election in the County on the same date as the Special Election. Personnel expenses for County employees under this section shall be compiled at the hourly rate of the amount budgeted in the County's annual budget, or at an overtime rate as applicable.

3. The Library shall reimburse the County within 30 days of receipt of the invoice from the County.

4. The term of this Agreement shall be for a period of one (1) year commencing on the date of execution, and for such extension of time and upon such terms as may be mutually agreed upon in writing by the Parties.

5. The County or the Library may terminate this agreement with thirty (30) days written notice to the other Party.

6. In the event either Party shall fail to comply with its obligations set forth in the Agreement, and such default shall continue for a period of thirty (30) days after written notice of default has been provided by the other Party, then the complaining party shall be entitled to pursue any and all remedies provided under South Carolina law and/or terminate this Agreement.

7. The failure of either Party to insist upon the strict performance of any provision of this Agreement shall not be deemed to be a waiver of the right to insist upon strict performance of

such provisions or of any other provision of this Agreement at any time. Waiver of any breach of this Agreement by either party shall not constitute waiver of subsequent breach.


8. If any provision of this Agreement or any obligation or agreement contained herein is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect any other provision, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, obligation, or agreement shall be deemed to be effective, operative, made, entered into, or taken in the manner and to the full extent permitted by law.

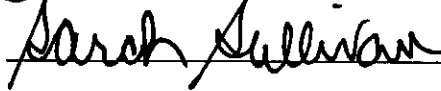
IN WITNESS WHEREOF, the parties hereto have executed this Agreement, in duplicate original, the day and year first above written.

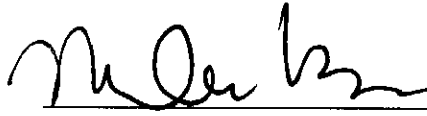
WITNESSES:

W. Anthony McDonald, Administrator
on behalf of Richland County,
South Carolina

WITNESSES:







Melanie Huggins, Executive Director
on behalf of the Richland County
Public Library

STATE OF SOUTH CAROLINA) FEE AGREEMENT
) BETWEEN RICHLAND COUNTY AND THE
) CITY OF COLUMBIA
COUNTY OF RICHLAND) (Election Costs)

This Intergovernmental Agreement (“Agreement”) is entered into this ____ day of _____, 2013 by and between Richland County, South Carolina (the “County”) and the City of Columbia, South Carolina (the “City”).

WHEREAS, the Board of Elections and Voter Registration of Richland County from time to time conducts elections for the City as requested by the City; and

WHEREAS, the County pursuant to S.C.Code Ann. Section 7-27-405 is responsible for providing the annual budget for the Board of Elections and Voter Registration of Richland County; and

WHEREAS, the County and City wish to enter into a Fee Agreement for the conduct of such elections and the costs the County incurs as a result of the Board of Elections and Voter Registration of Richland County conducting elections for the City;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. For any election the Board of Elections and Voter Registration of Richland County shall conduct for the City, the City shall pay to the County all legitimate election expenses including, but not limited to, clerk and manager pay, paper ballot expenses, mailing costs, office supplies, rent for polling places, legal fees and costs as provided under the circumstances further described herein, and County employee overtime, if necessary. The parties shall bear their own attorney’s fees and costs associated with carrying out the terms of this agreement; provided, however, that the City agrees to pay the County attorneys’ fees and associated costs for any City primary,

general election or special election related lawsuit or appeal in which the County or the Richland County Board of Elections and Voter Registration is a named defendant, if the lawsuit or appeal results from an act or omission of the City or relates to the City's election process.

2. The County will, before each election and within a reasonable time to allow the City appropriate time for the budgetary process, provide an itemized estimate of expenses for such election. After the election, the County will invoice the City for all actual expenses incurred. Personnel expenses for County employees under this section shall be compiled at the hourly rate of the amount budgeted in the Annual County Budget, or at an overtime rate as applicable.

3. The City shall reimburse the County within 30 days of receipt of the invoice from the County.

4. The term of this Agreement shall be for a period of five (5) years commencing on the date of execution, and for such extension of time and upon such terms as may be mutually agreed upon.

5. The County or the City may terminate this agreement with thirty (30) days written notice to the other party.

6. In the event either party shall fail to comply with its obligations set forth in the Agreement, and such default shall continue for a period of thirty (30) days after written notice of default has been provided by the other party, then the complaining party shall be entitled to pursue any and all remedies provided under South Carolina law and/or terminate this Agreement.

7. The failure of either party to insist upon the strict performance of any provision of this Agreement shall not be deemed to be a waiver of the right to insist upon strict performance of such provisions or of any other provision of this Agreement at any time. Waiver of any breach of this Agreement by either party shall not constitute waiver of subsequent breach.

8. If any provision of this Agreement or any obligation or agreement contained herein is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect any other provision, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, obligation, or agreement shall be deemed to be effective, operative, made, entered into, or taken in the manner and to the full extent permitted by law.

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

WITNESSES:

W. Anthony McDonald, Administrator
on behalf of RICHLAND COUNTY

WITNESSES:

Teresa B. Wilson, City Manager
on behalf of CITY OF COLUMBIA

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. Introduction of New Employees
- b. Mitigation Bank Update
- c. Potential Purchase of Property
- d. Proposed Transportation Penny RFP Work Session: Tuesday, September 17, 2013; 3:30-5:00 PM

Richland County Council Request of Action

Subject

- a. SCAC Institute of Governments and County Council Coalition, October 17 and 18, Embassy Suites, Columbia
- b. REMINDER: Midlands Housing Trust Fund Breakfast, Wednesday, September 11, 8:00 AM, EdVenture Children's Museum - The Canal Room
- c. Scheduling Council Member Individual Photos

Richland County Council Request of Action

Subject

- a. Community Healthcare Services: Mac Bennett, President & CEO, United Way of the Midlands

Richland County Council Request of Action

Subject

- a. An Ordinance establishing a temporary moratorium on the approval of any Special Exception Requests to establish a Special Congregate Facility within the unincorporated areas of Richland County
- b. Authorizing an Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County; and other related matters
- c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to adopt and codify the 2011 Edition of the International Electrical Code and the 2012 Editions of the International Residential Code, International Building Code, International Fire Code, International Fuel/Gas Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code
- d. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; so as to codify property maintenance regulations

Richland County Council Request of Action

Subject

Authorizing an Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County; and other related matters **[THIRD READING] [PAGES 32-35]**

Notes

First Reading: July 2, 2013

Second Reading: July 16, 2013

Third Reading:

Public Hearing:

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

AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND FAIRFIELD COUNTY, SOUTH CAROLINA, TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN REAL PROPERTY LOCATED IN RICHLAND COUNTY; AND OTHER RELATED MATTERS.

WHEREAS, Richland County, South Carolina (“Richland”), and Fairfield County, South Carolina (“Fairfield”) (collectively, “Counties”), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (“Act”), have jointly developed the I-77 Corridor Regional Industrial Park (“Park”);

WHEREAS, the Counties entered into an agreement entitled “Master Agreement Governing the I-77 Corridor Regional Industrial Park” (“Master Agreement”), the provisions of which govern the operation of the Park;

WHEREAS, Dayton Rogers of South Carolina, LLC and LBE Two, LLC (collectively, “Company”), are investing in Richland through the establishment of a manufacturing facility and the acquisition of real and personal property in Richland (“Project”);

WHEREAS, Richland, as a part of the inducement to the Company to locate the Project in Richland, has offered to located the Project in the Park;

WHEREAS, Richland desires to expand the boundaries of the Park and amend the Master Agreement to include the Project as more particularly described on the attached Exhibit A; and

NOW, THEREFORE, BE IT ORDAINED BY THE RICHLAND COUNTY COUNCIL:

Section 1. Expansion of Park Boundaries. There is hereby authorized an expansion of the Park boundaries to include the Project. The Richland Council Chair, or the Vice Chair in the event the Chair is absent, the Richland County Administrator and the Clerk to the Richland County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the Master Agreement, the expansion shall be complete upon the adoption of this Ordinance by the Richland County Council and a companion ordinance by the Fairfield County Council.

Section 2. Savings Clause. If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 3. General Repealer. Any prior ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 4. Effectiveness. This Ordinance shall be effective after third and final reading.

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)

Attest this ____ day of _____, 2013

Michelle Onley, Clerk to Council
Richland County, South Carolina

First Reading: July 2, 2013
Second Reading:
Public Hearing:
Third Reading:

EXHIBIT A
DESCRIPTION OF PROPERTY

1020 2nd Avenue, Columbia, Richland County, South Carolina.

TMS # 13512-03-01

Richland County Council Request of Action

Subject

An Ordinance Establishing a Temporary Moratorium on the approval of any special exception requests to establish a special congregate facility within the unincorporated areas of Richland County **[THIRD READING] [PAGES 36-38]**

Notes

First Reading: July 16, 2013
Second Reading: July 23, 2013
Third Reading:
Public Hearing:

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

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF ANY SPECIAL EXCEPTION REQUESTS TO ESTABLISH A SPECIAL CONGREGATE FACILITY WITHIN THE UNINCORPORATED AREAS OF RICHLAND COUNTY.

WHEREAS, Richland County Council has asked staff to evaluate the special exception conditions for special congregate facilities under Section 26-152 (d) (26) of the Richland County Code of Ordinances; and

WHEREAS, it is important to ensure that the special exception conditions minimize potential land use conflicts, as well as ensuring that there are adequate services for the cliental within the vicinity of the facility; and

WHEREAS, the evaluation should at a minimum address maximum occupancy; the distance from residential districts, schools, and parks; and provisions for a management and security plan; and

WHEREAS, the evaluation should also include location considerations, including proximity to professional services (such as doctor's offices and legal services), grocery stores, job development centers, and providers of services often used by the cliental (i.e. medical clinics, food banks, and public transportation);

WHEREAS, due to the above, it would benefit the public health, safety and welfare of the County by studying and possibly augmenting the conditions for approving a special exception for special congregate facilities; and

WHEREAS, it is appropriate that during such period of review by Richland County Council of such conditions, the *status quo* be maintained so that the perceived problems will not increase or grow more difficult to evaluate and resolve; and

WHEREAS, a moratorium will permit time for further study into the conditions for approving a special exception for special congregate facilities and creation of any necessary amendments to the County's Land Development Code;

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF RICHLAND COUNTY THAT:

SECTION I. Richland County Council hereby declares a moratorium on the approval or denial of any special exception requests to establish a special congregate facility within the unincorporated areas of Richland County.

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 superseded during the time this Ordinance is effective.

SECTION IV. Effective Date. This Ordinance shall be effective immediately upon adoption by Richland County Council.

SECTION V. Expiration. This Ordinance shall expire ninety (90) days following the date of adoption of this Ordinance, or until rescinded by Richland County Council, whichever is earlier.

RICHLAND COUNTY COUNCIL

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

Attest this the _____ day of
_____, 2013

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: July 16, 2013
Second Reading: July 23, 2013 (tentative)
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article II, Rules of Construction; Definitions; Section 26-22, Definitions; and Amending Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; so as to replace those standards with "Development with Open Space Design Standards" and Amending Article X, Subdivision Regulations; Section 26-222, General Requirements; Subsection (G), Natural Resource Inventory; Paragraph (1); so as to delete the requirement of a desktop analysis **[THIRD READING] [PAGES 39-60]**

Notes

First Reading: May 28, 2013
Second Reading: July 23, 2013
Third Reading:
Public Hearing: May 28, 2013
Second Public Hearing: July 23, 2013

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE II, RULES OF CONSTRUCTION; DEFINITIONS; SECTION 26-22, DEFINITIONS; AND AMENDING ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-186, GREEN CODE STANDANDS; SO AS TO REPLACE THOSE STANDARDS WITH “DEVELOPMENT WITH OPEN SPACE DESIGN STANDARDS” AND AMENDING ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-222, GENERAL REQUIREMENTS; SUBSECTION (G), NATURAL RESOURCE INVENTORY; PARAGRAPH (1); SO AS TO DELETE THE REQUIREMENT OF A DESKTOP ANALYSIS.

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 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to include in the appropriate alphabetical order, the following definitions:

Development with open space design. A development pattern that arranges the layout of buildings in a compact area of the site which reserves a portion of a site for open space preservation and is protected in perpetuity.

Erodible soils. Soils that can erode at excessive rates, such as Hydrologic Groups B and C.

Groupings of grand trees. Three or more grand trees with overlapping critical root zones. The area of protection includes each individual grand tree’s entire critical root zone.

Neighborhood Green. An open space available for unstructured recreation, its landscaping consists of grassy areas, trees and ~~approximately one-acre or less~~ surrounded by structures/dwellings within the boundaries of the development.

~~*Open Space.* An area that is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, walkways, active and passive recreation areas, playgrounds, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel. Land areas that are not occupied by buildings, structures, impermeable areas, streets, alleys or required buffer transition and street protective yards.~~

Open Space Credit. The weighted amount of open space, determined by applying a multiplier to the actual area.

Preserve. Land set aside for protection and propagation.

Total Site Area. The entire area within the boundary of the parcel inclusive of all interior future open space areas and road/utility rights of way.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; is hereby amended to read as follows:

Sec. 26-186. Development with Open Space Design Standards.

- (a) *Purpose.* The purpose of this section is to provide optional standards that will preserve land for conservation by permitting variation in lot sizes. Subdivision of land into varying lot sizes provides home buyers a choice of lot sizes according to their needs, while at the same time preserving open space, tree cover, scenic vistas, natural drainage ways, and natural topography. Such measures prevent soil erosion and flooding by allowing development to occur according to the nature of the terrain, provide larger open areas with greater utility for recreation and a “sense of community”, and encourage the development of more attractive and economical site design.

Incorporating open space into development has numerous environmental, conservation and community benefits, including the following:

- (1) Preserves green space.
- (2) Provides open space for recreation.
- (3) Reduces the impervious cover in a development. Impervious cover contributes to degradation of water resources by increasing the volume of surface runoff, degrading water quality by preventing infiltration into the soil surface.
- (4) Reduces stormwater pollutant loads to streams, receiving streams and other resources. Protects and enhances stream and other resources.
- (5) Reduces soil erosion and sediment delivery by reducing the amount of clearing and grading on the site while increasing overall infiltration.
- (6) Reduces the cost of stormwater management by minimizing the area contributing to runoff and reducing runoff volumes and stormwater contaminants.

- (7) Provides air quality benefits and reduces “heat island” impacts.
- (8) Reduces the capital and long-run maintenance costs of development.
- (9) Provides a wider range of feasible sites to locate stormwater best management practices (BMPs).
- (10) Reduces the cost and improves the efficiency of public services needed by the development.
- (11) Protects urban wildlife habitat, with a focus for corridors which provide important habitat linkages.
- (12) Creates a sense of community and pedestrian connectivity.

This optional section implements procedures to allow for development, while preserving the natural attributes of the land and providing open space. This section also encourages designing developments with open space design to maximize larger, contiguous unconstrained open space areas [see subsection (g) (2), below], especially areas adjacent to constrained open space areas [see subsection (g) (1), below], and minimize smaller, isolated areas to better achieve the benefits described in this subsection.

Conservation analysis shall take place to plan open space developments. Applicants must prepare a Natural Resource Inventory in accordance with Sec. 26-222(g).

- (b) *Applicability.* The owner, or his/her authorized agent, of property within an RU, RR, RS-E, RS-LD, RS-MD, RS-HD zoning district may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district, subject to meeting the requirements of this section.
- (c) *Application.* A property owner, or his/her authorized agent, desiring to use the development standards of this section must first submit an application to the Planning Department and must meet the following requirements:
 - (1) The minimum parcel size shall be two acres;
 - (2) The application shall be accompanied by a Natural Resource Inventory, as identified in Section 26-222(g), and a Concept Plan as required in this section;
 - (3) The property must utilize a public sanitary sewer and public water or IOU (Investor Owned Utility) regulated water or sewer system.

(d) *Concept Plan.* At time of the development application, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of this chapter. A Concept Plan shall consist of either a site plan or sketch plan, including the following information:

(1) Delineation and specifications of all open space areas and any “Neighborhood Green,” community garden, play areas or trail systems to be constructed. Information of open space areas should include size and type and be shown on the plan and listed in a tabular format (see example).

Constrained Open Space – 8.9 acres		Unconstrained Open Space – 15.7 acres	
Subtype	Acreage	Subtype	Acreage
Floodplain	3.6	Native Forest	10.5
Stream Buffer	2.4	Rock Outcroppings	2.2
Slopes greater than 25%	2.9	Neighborhood Greens	3

(2) A typical detail on the plan indicating building setback lines, street trees, sidewalks and street pavement and right-off-way width.

(e) *Review.* The use of these development standards in accordance with subsection (c) and (d) above shall follow the permitting procedures outlined in Sections 26-53 and 26-54.

(f) *Open Space Requirements.* Open space set aside is required in all open space developments and shall consist of any of the following categories of land:

(1) “Constrained Open Space” is land that shall be covered by the provisions for permanent protection, per subsection (h), below, and includes the following:

- a. Floodways and 100-year floodplains, in lieu of exceptions defined in Section 26-106,
- b. Jurisdictional lines and associated buffer zones per Section 26-187,

- c. Highly erodible soils on steep slopes of 25% or greater, including water quality buffers per Section 26-187(g), except minimal changes may be allowed for necessary access or impacts (wetlands, jurisdictional or non-jurisdictional) of less than a quarter (1/4) acre,
- d. Federal and state listed rare, endangered or threatened species/habitats,
- e. Archeological features eligible for or listed in the national Register of Historic Places,
- f. Human cemeteries or burial grounds, and
- g. Open water, except where alterations enhance open space value, or as exempted in Section 26-187(b).

(2) “Unconstrained Open Space” is land other than constrained open space that includes important environmental, conservation, wildlife or historic areas and is acceptable to the County for conservation designation, and shall be covered by the provisions for permanent protection, per subsection (h), below. These include the following:

- a. Important historic sites, not currently determined eligible for or listed in the national Register of Historic Places,
- b. Existing healthy, mature forests of at least one (1) contiguous acre,
- c. Contiguous areas surrounding groupings of grand trees,
- d. Scenic view sheds of natural or historic features,
- e. Unique rock outcroppings,
- f. Prime agricultural soils or productive agricultural lands consisting of at least one (1) contiguous acre,
- g. Existing trails or wooded corridors that connect the tract to neighboring areas,
- h. Extension of the required water quality buffer,
- i. Headwater streams, and
- j. Restored pond; restorative or enhancing activities.

Also considered unconstrained open space are community gardens of a minimum quarter (1/4) acre, “Neighborhood Greens” and Low Impact Development (LID) storm water management facilities and practices, and these may be constructed and maintained in the open space area. However, “Neighborhood Greens” shall not exceed twenty percent (20%) of the total required open space area.

(3) “Restored Open Space” includes brownfield reclamation, as contracted by the Brownfield component of the SCDHEC Voluntary Cleanup Program; approved watershed or stream restoration consistent with Section 26-187; and the removal of impervious cover and restoration of pervious areas during redevelopment. Restored areas must be approved by Richland County staff as part of the Development Review process. Restored farm ponds shall be credited at one hundred percent (100%).

(4) “Recreational Open Space” includes pervious recreational areas.

(g) *Open space design standards.*

(1) To use these standards, one of the following alternatives must be utilized, as appropriate for the applicable zoning district:

a. To utilize the density-based zoning and flexibility in lot size, in all allowable zoning districts per subsection (b), above, all constrained open space on a site must be set aside, plus a minimum of ten percent (10%) unconstrained open space, for a total actual acreage set aside of fifteen percent (15%). Open space set asides between fifteen percent (15%) and twenty-five percent (25%) are based on a 1:1 ratio open space area to actual area. Open space credits, as determined by the “Unconstrained Open Space Credit Calculations” table in Section 26-186 (h) (1) b. 2., cannot be utilized to meet the open space requirements under this alternative.

If the constrained open space meets the twenty-five percent (25%) minimum, then no additional unconstrained open space is required.

b. To utilize a density bonus over the base density, allowable only in RU, RR, RS-E and RS-LD, a minimum of twenty-five percent (25%) open space credits are required, which includes a minimum of ten percent (10%) unconstrained open space credits, calculated using the “Unconstrained Open Space Credit Calculations” table below. Constrained open space areas are based on a 1:1 ratio of open space area to actual acreage.

1. A five percent (5%) density bonus is awarded for twenty-five percent (25%) open space credits, under this alternative. Then, one

percent (1%) density bonus for every additional one percent (1%) of open space credits, up to a maximum density bonus of twenty percent (20%) for RU, RR and RS-E and fifteen percent (15%) for RS-LD zoning districts.

2. Open Space will be credited based upon the following:
 - i. Constrained open space shall be credited at one hundred percent (100%) of the land area.
 - ii. Restored open space shall be credited at two hundred percent (200%) of the land area; except where exceptions apply per subsection (f)(3), above.
 - iii. Recreational open space shall be credited at fifty percent (50%) of the land area.
 - iv. Unconstrained open space shall be credited based on the following table titled “Unconstrained Open Space Credit Calculations”.

“Unconstrained Open Space Credit Calculations”

Unconstrained Open Space Category	Credit Calculation with Multiplier
Natural Resource Factors	
Water Quality Buffer Extension (1)	Total Additional Buffer Area* 1.75
Water Quality Buffer Extension (303d listed water) (1)	Total Additional Buffer Area* 2.0
Upstream Headwater Protection (2)	Total Headwater Area* 2.0
Steep Slopes – Erosive Soils	
(Average $\geq 15\% \leq 20\%$)	
B Hydrologic Group	Total Steep Slope Area* 1.25
C Hydrologic Group	Total Steep Slope Area* 1.5
(Average $\geq 21\% \leq 25\%$)	
B Hydrologic Group	Total Steep Slope Area* 1.75
C Hydrologic Group	Total Steep Slope Area* 2.0
Native, Mixed Forests (0.5 acre minimum) (3)	
Clear Cut within last 2 years (Unmanaged)	Total Forest Area* 0.5
Clear Cut within last 2 years (Managed)	Total Forest Area* 0.75
Clear Cut within 2 to 10 years (Unmanaged)	Total Forest Area* 0.75
Clear Cut within 2 to 10 years (Managed)	Total Forest Area* 1.0
Clear Cut within 10 to 20 years (Unmanaged)	Total Forest Area* 1.25
Clear Cut within 10 to 20 years (Managed)	Total Forest Area* 1.5
Forest older than 20 years (Unmanaged)	Total Forest Area* 1.75
Forest older than 20 years (Managed)	Total Forest Area* 2.0

Pine, Monoculture Forests (0.5 acre minimum)	
Clear Cut within last 2 to 10 years (Unmanaged)	Total Forest Area* 0.5
Clear Cut within last 2 to 10 years (Managed)	Total Forest Area* 0.75
Clear Cut within last 10 to 20 years (Unmanaged)	Total Forest Area* 1.0
Clear Cut within last 10 to 20 years (Managed)	Total Forest Area* 1.25
Forest older than 20 years (Unmanaged)	Total Forest Area* 1.75
Forest older than 20 years (Managed)	Total Forest Area* 2.0
Protective Area of Groupings of Grand Trees (4)	Area* Percentage of All Grand Trees Protected* 1.75
Prime Agricultural Soils (0.5 acre minimum)	Total Prime Agricultural Soil Area* 1.5
Important Historic Sites/Structures not considered constrained	Total Historic Site Area* 1.5
Scenic Viewsheds (5)	Total Parcel Viewshed Area Protected* 1.0
Rock Outcrops	Total Rock Outcrop Area* 1.0
Pasture or Meadow (Unmanaged)	Total Area* 0.75
Pasture or Meadow (Managed)	Total Area* 1.25
Engineered Factors	
LID Practice (6)	
Green/Permeable Pavement (only in open space)	LID Practice Area* 1.5
Infiltration Bio-retention	LID Practice Area* 2.0
Neighborhood Greens	Neighborhood Green Area* 1.0
Trails	Trail Area* 1.25
Wet Stormwater Detention Ponds serving as an amenity (Managed)	Total Area* 0.5
Notes:	
(1) Not to exceed a total width of 300 feet, including the Constrained Water Quality Buffer. Must be within the stream watershed area.	
(2) Drainage area upstream of the jurisdictional line	
(3) Clear cut date based on best available data and estimated age of trees. To determine whether a forest, meadow, or pasture is managed, the applicant must provide proof to the Planning Department consistent with the Richland County Open Space Management Manual.	
(4) Cluster area = critical root zone; percent of all grand trees on the site.	
(5) Viewshed area = area on the parcel where the view is visible.	

- (2) Unconstrained open space areas may only be credited once per the calculations in this section. When an unconstrained open space area qualifies in two categories, it shall be credited as follows:
- a. Where both categories have a factor of 1.0 or greater, the greater credit shall be applied.
 - b. If one of the two categories has a factor of less than 1.0, the lesser credit shall be applied.

- (3) The following activities or land uses may not be counted as a part of designated open space:
 - a. Existing rights-of-way and utility easements
 - b. Setbacks and lawns
 - c. Dry stormwater detention ponds

(h) *Open Space Management.*

- (1) *Open Space Areas.* To maintain, enhance and sustain the environmental, conservation, wildlife, recreational, historic, public and community values and benefits of open space areas, property owners or his/her authorized agents using the provisions of this Section must develop an Open Space Management Plan. The Plan shall include guidance on how to best manage open space areas in their current condition, increase conservation values through enhancement of existing conditions or establish processes to modify open spaces to other intended open space functions and resultant conservation values and benefits. The plan shall incorporate approved and current best management practices (BMPs) for all constrained and unconstrained open space areas as set forth in the Richland County Open Space Management Manual.

The Open Space Management Plan must be approved by the Planning Department prior to approval of the Final Plat.

- a. *Open Space Area Management and Maintenance.* Management of the open space area includes specific limitations on alteration of the natural conditions. The following practices and activities are restricted within open space areas, except with prior approval by the Planning Department:
 - 1. Clearing or grubbing of existing vegetation,
 - 2. Clear cutting of vegetation,
 - 3. Soil disturbance by grading, stripping, or other practices,
 - 4. Filling or dumping,
 - 5. Use, storage, or application of pesticides, herbicides, and fertilizers,
 - 6. Conversion of vegetation from native to exotic species, and

7. Motor vehicles are not permitted in open space areas unless during the installation of certain permitted utilities.
- b. The following structures, practices, and activities are permitted in open space areas, subject to prior approval from the County, and when specific design or maintenance features are adhered to:
 1. All activities within water quality buffers located within open space areas shall be consistent with Section 26-187.
 2. Pedestrian crossings, public or neighborhood bicycle or pedestrian access, passive recreational amenities, such as pervious-surface paths and minimum green infrastructure parking spaces, stream bank stabilization efforts and LID stormwater control practices.
 3. Utilities are allowed; however, utility easements shall not qualify as open space areas.

(2) *Open Space Area Plat Requirements.* All preliminary, bonded and final plats prepared for recording and all right-of way-plats (submitted under this Section) shall clearly:

- a. Delineate and label all open space areas,
- b. Provide a note to state: “There shall be no clearing, grading, disturbance or construction or construction runoff impacts to the open space areas except as allowed by the Public Works Department”,
- c. Provide a note to state: “All open space areas shown on the plat are subject to perpetual conservation easements which are contained in land records or covenants pertaining to the development”,
- d. Provide a note indicating ownership of the open space areas by the property owners association, and
- e. Show the location of all permanent open space boundary marker signs.
- f. All water quality buffer access easements shall be consistent with Section 26-187.

- (3) *Open Space Area Protection Requirements during Construction.* The following steps shall be taken during the site plan development and site construction process to protect existing open space areas:
- a. Open space areas must be clearly identified on all plan submittals and construction drawings and marked with the statement “Open Space Area. Do Not Disturb or Encroach”.
 - b. Open space areas cannot be encroached upon or disturbed at any time, unless in accordance with Section 26-187 (c), Section 26-187 (k) or without approval from the County.
 - c. Open space areas must be clearly marked with a warning barrier prior to any construction activities. The marking(s) shall be maintained until completion of all construction activities. All contractors and others working on the construction site must be made aware of the existence of the open space areas and the restrictions on disturbing these areas.
 - d. All open space areas must be left in the existing condition upon completion of construction activities. Should any activities during construction, including encroachment, cause damage or degradation to any of the open space areas, these areas must be restored based upon pre-existing conditions or to conditions acceptable through a Richland County-approved restoration plan.
 - e. If any trees are allowed to be removed, the tree location shall be shown and a note shall be provided stating that the tree must be hand cleared.
 - f. Where stormwater is concentrated into open space areas, best management practices must be placed to protect it, as approved by the County.
 - g. The open space areas shall be shown and labeled on the engineering plans, preliminary, bonded and final plat.
- (4) *Open Space Area Protection Requirements after Construction.* Open space areas must be protected in perpetuity by either of the following options and be in compliance with the Open Space Management Plan:
- a. Option 1. *Previous Granting to Qualified Organization or Entity.* Any proposed open space area found in this section and having previously been granted in a conservation easement running in perpetuity to a third party “qualified organization” recognized by Federal Treasury Regulation Section 1.170A-14(c)(1), or

successor provision, may qualify as open space area under this section with certain exceptions. The owner must submit a copy of the recorded easement, baseline assessment and annual monitoring inspections for the previous three years to the Planning Department for review. Based on a review of the information, the Department will determine if the proposed open space areas and permitted uses protected in the easement qualify under this section.

Potential exceptions include, but are not limited to, active timberlands or areas of the easement on which the conservation values have been damaged by poor cutting and harvesting practices (conflicting with current BMP's), encroachment by development, illegal dumping, above or below-ground utility easements, runoff and erosion, fires, storms, insect infestation or other damaging activity which has or continues to diminish the conservation value of the open space area. Failure of the monitoring organization to adequately enforce the provisions of the conservation easement shall be grounds for refusing to accept such easement into the program.

The Property Owner or Property Owners' Association (POA) shall be responsible for the continuous and perpetual protection, management, maintenance and annual monitoring of all open space areas.

- b. *Option 2. Easement Granted to Richland County.* Any proposed open space area found in this section may be granted in a conservation easement running in perpetuity to the Richland County Conservation Commission at the time of application for an Open Space development. The purpose of the granting to the Richland County Conservation Commission is to ensure the protection and proper management of the open space areas and has no impact or bearing on the acceptance of any open space areas or approval under this section by Richland County.

The property owner or POA (once deeded) agrees to pay a one-time stewardship fee, to be established by the Richland Conservation Commission, to cover the cost of annual monitoring, compliance and enforcement of the conservation easement.

The property owner or POA assumes the responsibility for the continuous and perpetual protection, management, and maintenance of all open space areas consistent with the guidance contained in the Richland County Open Space Management Manual.

- c. Option 3. *Conveyance to the Property Owners' Association.* If not utilizing Option 1 or 2 of this subsection, the property owner shall convey ownership in a deed all open space areas in fee-simple to the POA which shall be recorded and delivered prior to, or concurrent with, the recording of the Bonded Plat for the first phase of the subdivision. To meet the purposes of this section, the deed and covenants of the POA shall contain the following language:

“The conservation values and benefits of the areas conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed, or modified without prior approval from the Planning Department. The open space areas identified in this covenant are intended for public benefit, but for association members use, and it shall run in perpetuity.”

The POA may establish criteria for public use of open space areas protected under this section. The POA assumes the responsibility for the continuous and perpetual protection, management, maintenance and annual monitoring of all open space areas consistent with the guidance contained in the Richland County Open Space Management Manual.

- d. Option 4. *Retention by the Property Owner.* If not utilizing the Options above in this subsection, the property owner shall retain ownership of all open space areas, which shall be recorded and delivered prior to, or concurrent with, the recording of the Bonded Plat for the first phase of the subdivision. To meet the purposes of this section, the deed shall contain the following language:

“The conservation values and benefits of the areas covered base by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed, or modified without prior approval from the Planning Department. The open space areas identified in this covenant are intended for public benefit, but for residents use, and it shall run in perpetuity.”

The property owner may establish criteria for public use of open space areas protected under this section. The property owner assumes the responsibility for the continuous and perpetual protection, management, maintenance and annual monitoring of all open space areas consistent with the guidance contained in the Richland County Open Space Management Manual.

- e. Regardless of which option above is utilized, conservation easements and/or open space areas are the property of the property owner or POA. If a POA is established to manage open space areas, the following criteria are recommended:
 - 1. Membership in the POA is mandatory and automatic for all property owners for the subdivision and their successors;
 - 2. The POA shall have lien authority to ensure the collection of dues from all members; and
 - 3. The POA is responsible for informing each property owner at the time of closing of the location of the open space areas and the requirement not to disturb or encroach upon these areas.
- f. Richland County retains an independent right of entry and enforcement under such conservation easements independent of the property owner or POA and such right of enforcement shall be included in all conservation easements granted under this section and contained in the covenants for the subdivision.

(5) *Open Space Baseline Surveys and Annual Monitoring.* To quantify the pre-construction condition and conservation values of the open space areas, the developer shall:

- a. Conduct a baseline survey by the applicant prior to any earth-moving, tree clearing, infrastructure installation or home construction. The baseline survey shall photo-document the condition of the open space areas prior to the above activities. Photos must be of adequate quality, number and distribution to adequately document all open space areas. Each photograph should be geocoded to indicate both the location and bearing of the photograph and each digital photographic file must be submitted electronically in a high-resolution digital format.
- b. Annual monitoring shall be conducted by the developer, POA or qualified entity and document the existing condition of the protected open space area. The annual monitoring shall photo-document the condition of the open space areas. Photos must be taken at the same location and bearing as the original baseline survey. Each photograph should be geocoded to indicate both the location and bearing of the photograph and each digital photographic file must be submitted electronically in a high-resolution digital format.

As an alternative, the POA can retain the services of a qualified entity (which could include Richland County) to perform the annual monitoring survey.

The annual monitoring should document any violations or changes that have taken place since the last monitoring report, such as:

1. Homeowner or POA encroachment,
 2. Removal of sand, gravel, loam, rock, etc,
 3. Trash accumulation, dumping, organic debris,
 4. Alteration of the open space,
 5. Storm damage, erosion, etc,
 6. Construction of roads, parking lots, utility lines, trails,
 7. Removal or planting of trees or other vegetation,
 8. Invasion of non-native species, and/or
 9. Current use of adjacent properties and whether there are any problems with encroachment and/or trespassing.
- c. All baseline surveys and annual monitoring documents shall be submitted to the Planning Department.
- (6) *Signage.* For subdivisions, final permanent open space area boundary marker signs are to designate open space areas prior to bonding of the subdivision and/or finalizing the subdivision with the intent to transfer property. Permanent boundary markers are required to ensure that property owners are aware of the buffer. The Planning Department has the authority to require the POA to replace boundary markers that have been removed or destroyed.

The following requirements shall apply to buffer boundary markers:

- a. Open space area boundary markers shall be located in such a manner as to accurately delineate the boundary. For commercial developments, markers shall be posted every one hundred (100) feet along the buffer boundary. For subdivisions where multiple lots are located along the boundary, a boundary marker must be located at the intersection of every other lot line and the boundary. The developer or POA may petition the Planning

Department for a lesser marker density as long as the markers are adequate to clearly mark the boundary.

- b. Open space area boundary markers shall include the statement “Open Space Area – Do Not Disturb or Encroach”.
- c. The markers should be mounted to a treated wood or metal signpost or on a non-grand tree, if not encroaching on the open space, between four (4) and six (6) feet above the ground surface. The post must extend below the ground surface at least twenty four (24) inches.
- d. The boundary markers must be at least eight by twelve inches (8”x12”) and have a white or yellow background with dark lettering.
- e. When water quality buffers are contained within an open space area, the Public Works Department may forgo boundary markers for the water quality buffer. This decision is at the discretion of the Public Works Director.
- f. In dark lettering, include a number for Ombudsman to call for encroachment or issues.

(7) *Open Space Area Restoration and Enhancement Plans.* Prior to reestablishing or planting the open space area, a restoration or enhancement plan must be submitted to and approved by the Planning Department. Buffer restoration and/or enhancement plans must include the following:

- a. A drawing or plan that shows the location of the open space area in relation to the existing or planned development; the disturbance limits for the planned buffer restoration; direction of flow of runoff from the area; erosion prevention and sediment control measures to be installed to protect the open space area; access to a water source for the purposes of irrigating vegetation; and other pertinent information. For large scale restoration and enhancement projects the plan(s) must be stamped by a registered landscape architect or engineer.
- b. A visual plan and a narrative describing the vegetation plan to restore or enhance the open space area: the area must be planted with native trees, grasses and shrubs. Suitable native plants can be chosen from plant species recommended and approved by the Planning Department.

c. The schedule for when plantings will occur and a two (2) year survival guarantee provided by the responsible party.

(8) *Penalty for noncompliance.* In the event that the party responsible for maintenance of the open space fails to maintain all or any portion of such area as enumerated, upon ninety (90) days' notice served to the owner, Richland County may assume responsibility for the maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of said corrective action and maintenance by Richland County may be charged to the owner or property owners' association.

(i) *Development Requirements.* Subdivisions shall meet the following requirements:

(1) Minimum Subdivision Size: Two (2) contiguous acres.

(2) The following densities will apply to the application of these standards, based on the applicable property zoning:

a. RU = 1.32

b. RR = 1.32

c. RS-E = 2.20

d. RS-LD = 3.63

e. RS-MD = 5.12

f. RS-HD = 8.7

(3) The total number of units allowed shall be determined by using the density of the zoning district and the following formula:

$$T = D * A * B$$

Where:

T = total units (dwelling units)

D = density (dwelling units/gross acre)

A = total site area (acres)

B = density bonus per Section 26-186(g) (percent)

(4) Lot Size: No minimum.

(5) Lot Width: No minimum.

- (6) Minimum Yard Areas (Setbacks):
- a. Front:

For front loaded – 20 feet to garage, where the front porch can extend into setback no more than 10 feet.

For Side or Rear loaded – 10 feet, inclusive of front porch.

For secondary front – half (0.5) the front or 10 feet on the road intersecting the local residential road.
 - b. Rear: 20 feet for front loaded lots (or 5 feet from rear garage on alley).
 - c. Side: 5 feet.
 - d. For a zero “lot line” parallel development:

No side setbacks; front and rear setbacks are as stated in paragraphs (6) a. and (6) b., above.
- (7) Buffer Transition Yards: A twenty five foot (25’) minimum, vegetated buffer transition yard is required along any lot line that abuts an existing residential use.
- a. *Location:* As set forth in Sections 26-176(f)(2)(a) and (b). Residential yards (front, side or rear) shall not apply towards buffer transition yards.
 - b. *Buffer yard credits:* All existing healthy, mature trees retained in buffer areas, can be credited toward meeting the buffer yard requirements, upon determination that adequate screening is provided. This may require a field visit and determination by the Planning Department.
 - c. *Buffer yard reductions:* Reductions of the minimum transition buffer yard widths are not permitted.
 - d. *Buffer material specifications:* As set forth in Section 26-176(f)(7).
- (8) Maximum Height: Three (3) stories above ground level. (For the purpose of this subparagraph, “ground level” shall mean: the average finished ground elevation at the base of a structure to the highest point of the roof of the structure; provided that spires, belfries, cupolas, chimneys,

antennas, water tanks, ventilators, elevator housing, mechanical equipment, or other such structures that are placed above roof level and are not intended for human occupancy, shall not be subject to height limitations).

- (9) Street trees shall be provided along all roads at intervals of thirty-five (35) feet and shall be 2½ inch caliper/10 feet in height at time of planting.
- (10) Proposed utilities shall be located underground.
- (11) Roads shall follow the provisions of Section 26-181.
- (12) Street Lighting - if street lighting is proposed, a pedestrian scale shall be utilized (maximum 12 feet in height).
- (13) Stormwater Controls: Low Impact Development (LID) techniques are the preferred stormwater Best Management Practice (BMPs) within open space developments. In order to use LID as open space credit, the applicant must assess the feasibility of LID practices as the exclusive stormwater BMPs or the use of LID techniques as part of an integrated stormwater management system incorporating traditional stormwater BMPs unless shown to not meet Richland County's stormwater standards, or pertinent State or Federal statutes or regulations. The applicant must submit data and design standards detailing the engineering and technical specifications on the use of LID techniques. Such data and design include:
 - a. An assessment of the existing pre and post development runoff and the feasibility of the existing onsite soils, or engineered soils, to handle LID techniques.
 - b. Stormwater controls shall meet Richland County's standards.
 - c. All stormwater systems, including LID, should be owned and maintained by the POA.

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-222, General Requirements; Subsection (g), Natural Resource Inventory; is hereby amended to read as follows:

(g) *Natural Resource Inventory.* All subdivisions require sketch plan submittals must include a natural resource inventory, ~~which must be~~ conducted by a qualified professional. ~~The Natural Resource Inventory shall consist of the following:~~

~~(1) A separate engineering design sheet listing the location of the natural resources. This would be determined as follows:~~

~~a. The County shall conduct a desktop analysis using existing county GIS data: locate wetlands (use National Wetlands Inventory maps), floodplains, steep slopes, water bodies, etc. This will provide a preliminary analysis of what is on the site and include a jurisdictional determination and tree protection plan. The Developer shall hire consultants to conduct a full field site inventory based on what was identified during the desktop analysis; or~~

~~b. The County and the Developer shall conduct a natural resources field visit.~~

~~c. The County may field review the inventory, as needed.~~

(21) The following list of features, if relevant, shall be included in the Natural Resources Inventory:

- a. 100 year floodplain;
- b. Riparian buffers;
- c. Cemeteries and burial grounds;
- d. Open space corridors of twenty-five (25) foot width or greater and all easements;
- e. Protected trees, as identified in Section 26-176(k)(1);
- f. Steep slopes of greater than twenty-five percent (25%);
- g. Wetlands, including isolated wetlands.
- h. Archeological sites, historical sites and features eligible for or listed in the National Register of Historic Places;
- i. Rare, threatened, or endangered species/habitats, as identified by federal and state listings;
- j. Scenic view sheds;
- k. Unique natural features;

- l. Forestlands; and
- m. Prime agricultural lands.

(32) ~~Once the submittal package is complete, including a Natural Resource Inventory, it shall be scheduled for review by the development review team.~~ The development review team shall have the authority to require protections based on the requirements of this Chapter and the results of the Natural Resource Inventory.

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2013.

RICHLAND COUNTY COUNCIL

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

ATTEST THIS THE _____ DAY
OF _____, 2013

Michelle Onley
Clerk of Council

Public Hearing: May 28, 2013
 First Reading: May 28, 2013
 Second Public Hearing: July 23, 2013
 Second Reading: July 23, 2013
 Third Reading: September 10, 2013 (tentative)

Richland County Council Request of Action

Subject

13-17MA
Steven Mungo/Gerald Steele
RU to RS-LD (58.7 Acres)
1842 Kennerly Rd.
04200-04-07 & 08 [**SECOND READING**] [**PAGES 61-62**]

Notes

First Reading: July 23, 2013
Second Reading:
Third Reading:
Public Hearing: July 23, 2013

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 04200-04-07 & TMS # 04200-04-08 FROM RU (RURAL DISTRICTS) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICTS); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 04200-04-07 and TMS # 04200-04-08 from RU (Rural District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning.

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

Section III. Conflicting Ordinances 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 _____ day of
_____, 2011.

Michelle Onley
Clerk of Council

Public Hearing: July 23, 2013
First Reading: July 23, 2013
Second Reading: September 10, 2013 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

13-19MA
Will Holmes
RS-MD to OI (15.26 Acres)
2312 Clemson Rd.
20200-01-30 [**SECOND READING**] [**PAGES 63-64**]

Notes

First Reading: July 23, 2013
Second Reading:
Third Reading:
Public Hearing: July 23, 2013

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20200-01-30 FROM RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 20200-01-30 from RS-MD (Residential, Single-Family – Medium Density District) zoning to OI (Office and Institutional District) zoning.

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

Section III. Conflicting Ordinances 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 _____ day of
_____, 2013.

Michelle Onley
Clerk of Council

Public Hearing: July 23, 2013
First Reading: July 23, 2013
Second Reading: September 10, 2013 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

13-25MA
Mukesh Thakkar
RU to RC (1.76 Acres)
10447 & 10453 Wilson Blvd.
15000-02-09 [**SECOND READING**] [**PAGES 65-66**]

Notes

First Reading: July 23, 2013
Second Reading:
Third Reading:
Public Hearing: July 23, 2013

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 15000-02-09 FROM RU (RURAL DISTRICT) TO RC (RURAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 15000-02-09 from RU (Rural District) zoning to RC (Rural Commercial District) zoning.

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

Section III. Conflicting Ordinances 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 _____ day of
_____, 2013.

Michelle Onley
Clerk of Council

Public Hearing: July 23, 2013
First Reading: July 23, 2013
Second Reading: September 10, 2013 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Authorizing the Issuance and Sale of not to exceed \$17,200,000 General Obligation Bonds, Series 2013B, 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 **[SECOND READING] [PAGES 97-93]**

Notes

July 23, 2013 - The Committee unanimously approved the recommendation that Council approve a bond ordinance for up to \$17.2m in accordance with the capital project recommendation of the County Administrator. This item was forwarded to the July 23, 2013 Special-Called Meeting

First Reading: July 23, 2013

Second Reading:

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: 2013 Bond Issuance

A. Purpose

County Council is requested to approve a bond ordinance for up to \$17.2m in accordance with the capital project recommendation of the County Administrator. A detailed allocation is provided at the end of the ROA.

B. Background / Discussion

As a part of the Countywide Capital Improvement Plan, the County has issued an annual bond for the projects for the past six years. During the Council Retreat in January 2013, the County Administrator provided Council with information regarding the capital needs assessment for County Operations. The Administrator has reviewed and updated his recommendation to include a planned bond issuance for approximately \$17m.

During the Retreat discussion, it was mentioned that the current bond market has shown very favorable rates, but can be volatile. Recent bond sales have closed with an effective interest rate remaining around 3 percent.

The County Administrator has worked with the Department Directors to ensure that the items included support the immediate capital needs of the County. Funds will be used to replace public safety vehicles, upgrade the Sheriff Department's in-car video equipment and computers, purchase land for Economic Development, purchase a facility for the Dentsville Magistrate, purchase a new facility for the Coroner, and building improvements (ie, replace flooring (tile/carpet), roofing, etc.). Finance has worked with the County Financial Advisor to ensure that the issuance can be managed within the current tax rate for debt service. The result of this is that the bond can be issued and meet the capital needs without increasing the tax rate for debt service. This will be the sixth consecutive year with no increase in the tax rate for County debt service.

C. Financial Impact

The actual financial impact cannot be determined until the bonds are issued. However, consistent with the County's long-term plan, the proposal is advantageous to the County because:

- Request is consistent with the County Administrator's priorities.
- Approval would address critical facility needs and the replacement of aging equipment and vehicles related to public safety.
- Approval would not increase the debt service millage associated with the County operations.

D. Alternatives

1. Approve the requested bond ordinance and associated purchases.
2. Approve the requested bond ordinance but amend the purchase list.

3. Delay the approval of the bond ordinance and project list until a later time.
4. Do not approve the bond ordinance at this time, and do not move forward with the project list.

E. Recommendation

It is recommended that Council approve Alternative 1, approve the requested bond ordinance and associated purchases, with a bond ordinance.

Recommended by: Daniel Driggers Department: Finance Date: 7/5/13

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 7/16/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Recommendation is consistent with the County's capital improvement plan.

Legal

Reviewed by: Elizabeth McLean Date: 7/16/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Tony McDonald Date: 7/16/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: This request is consistent with the County's long term capital improvement program, which was reviewed with the Council at the January Retreat. Approval of the request, as indicated, will maintain the millage rate for debt service at a flat rate; therefore, no tax increase will be required for implementation. Approval is recommended.

2013 Richland County General Obligation Bond Review - Project list

	Total Project	Funds on hand	FY13 recommended bond
Current year recurring issues			
Sheriff Vehicle replacement	\$ 1,968,000	\$ -	\$ 1,968,000
Sheriff Equipment replacement (\$254k mdt/ \$468k computers)	722,000	300,000	422,000
Fleet maintenance - painting vehicles	30,000	-	30,000
EMS Vehicle replacement	1,600,000	500,000	1,100,000
Total recurring	4,320,000	800,000	3,520,000
Recommended new issues			
H-tax refunding payment	3,500,000	-	3,500,000
Coroner vehicles (2)	70,000	-	70,000
Economic Development Industrial Park site	10,000,000	4,050,000	5,950,000
Dentsville Magistrate Facility	700,000	-	700,000
Coroner Facility	2,500,000	-	2,500,000
Building Maintenance Flooring replacement plan (Judicial and Ac	700,000	-	700,000
Total recommended new issue	17,470,000	4,050,000	13,420,000
Total recurring issue	4,320,000	800,000	3,520,000
Total recommended new issue	17,470,000	4,050,000	13,420,000
Issue cost			250,000
Total issue	\$ 21,790,000	\$ 4,850,000	\$ 17,190,000

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

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$17,200,000 GENERAL OBLIGATION BONDS, SERIES 2013B, 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, 2013, for purposes of computation of the County's constitutional debt limit, is \$_____. Eight percent of such sum is \$_____. 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 \$55,155,000. Thus, the County may incur not exceeding \$_____ of additional general obligation debt within its applicable debt limitation.

(f) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$17,200,000 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) defraying the costs of capital projects including but not limited to land acquisition for industrial park; purchase and construction of a coroner facility; and the fiscal year 2013-14 public safety vehicle purchase (the "Projects"); (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$17,200,000 aggregate principal amount of general obligation bonds of the County to be designated "Not exceeding \$17,200,000 (or such other amount as may be issued) General Obligation Bonds, Series 2013B, of Richland County, South Carolina" (the "Bonds") for the purpose stated in Section 1(f) of this Ordinance.

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

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

SECTION 3. Delegation of Authority Relating to the Bonds. The County Council hereby delegates to the Administrator or his lawfully-authorized designee 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 Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of the Bonds.

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

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

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

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

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

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

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

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

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

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

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

SECTION 17. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the “Rule”) the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement 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 shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended from time to time and made use of by the County Council as follows:

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

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

SECTION 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. Reimbursement of Certain Expenditures. The County Council hereby declares that this Ordinance shall constitute its declaration of official intent pursuant to Treasury Regulation § 1.150-2 to reimburse the School District from the proceeds of the Bonds for expenditures with respect to the Project (the “Expenditures”). The County anticipates incurring Expenditures with respect to the

capital improvements prior to the issuance by the County of the Bonds for such purposes. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one (1) year. The source of funds for the Expenditures with respect to the Project will be the County's general reserve funds or other legally-available funds.

SECTION 21. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;

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

(c) make such reports of such information at the time and places required by the IRC.

SECTION 22. 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, Parker Poe Adams and Bernstein LLP and Jabber & Isaac, P.A., 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:
Date of Second Reading:
Date of Public Hearing:
Date of Third Reading:

FORM OF BOND

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

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 \$17,200,000 GENERAL OBLIGATION BONDS, SERIES 2013B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE ADMINISTRATOR OF THE COUNTY TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of not to exceed \$17,200,000 General Obligation Bonds, Series 2013B (the "Bonds") of the County.

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

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

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

FORM OF NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES 2013B
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 2013B, of the County (the "Bonds").

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

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

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

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

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

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

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

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

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

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

Security: The full faith, credit and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. There shall be levied annually by the 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 2013B, of Richland County, South Carolina" and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is

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

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

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

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

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

Delivery: The Bonds will be delivered on or about _____, 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 will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054 or Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1221 Main Street, 17th Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: fheizer@mcnair.net.

RICHLAND COUNTY, SOUTH CAROLINA
s/ _____
Chair, County Council

FORM OF CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by Richland County, South Carolina (the “County”) in connection with the issuance of \$ _____ General Obligation Bonds, Series 2013B, Richland County, South Carolina (the “Bonds”). The Bonds are being issued pursuant to an ordinance adopted by the County Council of the County (the “Ordinance”). The County covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the County for the benefit of the beneficial owners and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below).

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

“Annual Report” shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“Dissemination Agent” shall mean the County or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

“Listed Events” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

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

“Bonds” shall mean the \$ _____ General Obligation Bonds, Series 2013B, Richland County, South Carolina, dated _____, 2013.

“Participating Underwriter” shall mean _____ and any other original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“Repository” shall mean each National Repository and each State Depository, if any.

“Rule” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“State Depository” shall mean any public or private repository or entity designated by the State of South Carolina as a state depository for the purpose of the Rule. As of the date of this Certificate, there is no State Depository.

SECTION 3. Provision of Annual Reports.

(a) The County shall, or shall cause the Dissemination Agent to provide, not later than February 1 of each year, commencing in 2013, to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) business days prior to such date the County shall provide the Annual Report to the Dissemination Agent, if other than the County; provided, that if the audited financial statements required pursuant to Section 4 hereof to be included in the Annual Report are not available for inclusion in the Annual Report as of such date,

unaudited financial statements of the County may be included in such Annual Report in lieu thereof, and the County shall replace such unaudited financial statements with audited financial statements within fifteen (15) days after such audited financial statements become available for distribution. 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 4 of this Disclosure Certificate; provided that the audited financial statements of the County may be submitted separately from the balance of the Annual Report.

(b) If the County is unable to provide to the Repositories an Annual Report by the date required in subsection (a), the County shall send a notice to the Municipal Securities Rulemaking Board and State Depository, if any, in substantially the form attached hereto as Exhibit A.

(c) The Dissemination Agent shall:

(1) determine each year prior to the date for providing the Annual Report the name and address of each National Repository and each State Depository, if any; and

(2) if the Dissemination Agent is other than the County, file a report with the County and (if the Dissemination Agent is not the Registrar) the Registrar certifying whether the Annual Report has been provided pursuant to this Disclosure Certificate, and, if provided, stating the date it was provided, and listing all the Repositories to which it was provided.

SECTION 4. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the County, including the information provided in the Official Statement under the headings: “THE BONDS—Security;” “DEBT STRUCTURE—Outstanding Indebtedness;” “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.”

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

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the County is an “obligated person” (as defined by the Rule), which have been previously filed with each of the National Repositories or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The County will clearly identify each such document so incorporated by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the County shall give, or cause to be given, notice of the occurrence of any of the following events (the “Listed Events”):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;

- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, 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 security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Tender offers;
- (10) Defeasances;
- (11) Release, substitution, or sale of property securing repayment of the securities;
- (12) Rating changes;
- (13) Bankruptcy, insolvency, receivership or similar event of the County;
- (14) The consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County 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;
- (15) Appointment of a successor or additional trustee or the change of name of a trustee.

(b) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(2), (7), (8), (11), (14), or (15) above, the County shall as soon as possible determine if such event would be material under applicable federal securities laws. If the County determines that knowledge of the occurrence of such event would be material under applicable federal securities laws, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Trustee, the Municipal Securities Rulemaking Board and the State Depository.

(c) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(1), (3), (4), (5), (6), (9), (10), (12), or (13) above, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Trustee, the Municipal Securities Rulemaking Board and the State Depository.

(d) Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8), (9), and (10) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to owners of affected Bonds. For the purposes of the event identified in (a)(13) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County 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 County, 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 County.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of the Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the County.

SECTION 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the County may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to the County, to the effect that such amendment or waiver 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.

SECTION 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Certificate, the County shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the County, or the Dissemination Agent to comply with any provision of this Disclosure Certificate, any beneficial owner may take such actions as may be necessary and appropriate, including seeking injunctive relief or specific performance by court order, to cause the County, or the Dissemination Agent, as the case may be, to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the County, or the Dissemination Agent to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the County agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which they may incur arising out of or in the exercise or performance of their powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the County under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the County, the Dissemination Agent, the Participating Underwriters, and Holders from time to time of the Bonds and shall create no rights in any other person or entity.

SECTION 13. Counterparts. This Disclosure Certificate 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.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
County Administrator

Dated: _____, 2013

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: Richland County, South Carolina
Name of Issue: \$_____ General Obligation Bonds, Series 2013B
Richland County, South Carolina
Date of Issuance: _____, 2013

NOTICE IS HEREBY GIVEN that Richland County, South Carolina (the "County") has not provided an Annual Report with respect to the above-named Bonds as required by Sections 3 and 4 of the Continuing Disclosure Certificate executed and delivered by the County as Dissemination Agent. The County has notified us in writing that the Annual Report will be filed by _____.

Dated: _____

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on Tuesday, September 17, 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 General Obligation Bonds of Richland County, South Carolina in the aggregate principal amount of not to exceed \$36,000,000 (the "Bonds"), the proceeds of which will be used to provide funds for: (i) defraying the costs of capital projects including but not limited to _____; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF RICHLAND COUNTY,
SOUTH CAROLINA

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to Adopt and Codify the 2011 Edition of the International Electrical Code and the 2012 Editions of the International Residential Code, International Building Code, International Fire Code, International Fuel/Gas Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code **[FIRST READING]**
[PAGES 94-100]

Notes

July 23, 2013 - The Committee unanimously approved the recommendation that Council adopt and then codify the 2011 edition of the National Electrical Code, and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Codes

First Reading:

Second Reading:

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: To Adopt and Codify the 2011 Edition of the National Electrical Code and the 2012 Editions of the International Residential, Building, Plumbing, Mechanical, Fire and Property Maintenance Codes respectively.

A. Purpose

County Council is requested to adopt and then codify the 2011 edition of the National Electrical Code, and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Codes.

B. Background / Discussion

On June 7, 2011, County Council enacted Ordinance No. 028-11HR, which adopted the 2008 edition of the National Electrical Code. On September 1, 2009, County Council adopted the 2006 International Residential Code, including Ch. 1 (Administration). On July 15, 2008, County Council enacted Ordinance No. 038-08HR, which adopted the 2006 editions of the International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code.

C. Legislative / Chronological History

Pursuant to its authority in Section 6-9-40 and in Section 6-9-50 of the SC Code of Laws, the South Carolina Building Codes Council recently adopted the 2011 edition of the National Electrical Code and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code, all such codes to go into effect throughout the state on July 1, 2013.

This is a staff-initiated request, as adopting and codifying the 2011 edition of the National Electrical Code, and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code will allow the public to have more readily available access to the correct building codes in effect at any particular time.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to amend Chapter 6 of the Richland Council Code of Ordinances to adopt the 2011 edition of the National Electrical Code and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code by approving the attached ordinance. If this alternative is chosen, the County Code of Ordinances will be consistent with State law, and it will be easier for Building and Fire Inspectors to enforce, as they can then cite the proper section of the County's Code.

2. Do not approve the request to amend Chapter 6 of the Richland Council Code of Ordinances by approving the attached ordinance, which adopts the 2011 edition of the National Electrical Code and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code. If this alternative is chosen, the County and its citizens will still have to comply with the current editions of the aforesaid Codes, but it will conflict with the information provided on the County's website regarding which building codes are currently in effect. In essence, the website would be providing incorrect information to the public.

F. Recommendation

It is recommended that Council approve the request to adopt and codify the 2011 edition of the National Electrical Code and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code by approving the attached ordinance, so that this information can be placed into the Richland County Code of Ordinances and on the internet, therefore being more available to interested citizens.

Recommended by: Donny Phipps Department: Building Codes Date: 6/10/13

G. Reviews

Finance

Reviewed by Daniel Driggers:

Recommend Council approval

Comments regarding recommendation:

Date: 7/10/13

Recommend Council denial

No financial impact noted

Reviewed by: Elizabeth McLean

Recommend Council approval

Comments regarding recommendation:

Date: 7/19/13

Recommend Council denial

Administration

Reviewed by: Sparty Hammett

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SO AS TO ADOPT AND CODIFY THE 2011 EDITION OF THE INTERNATIONAL ELECTRICAL CODE AND THE 2012 EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE.

WHEREAS, pursuant to its authority in Section 6-9-40 and in Section 6-9-50 of the SC Code of Laws, the South Carolina Building Codes Council recently adopted the 2011 edition of the National Electrical Code and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code; and

WHEREAS, all such building codes will go into effect throughout the state of South Carolina on July 1, 2013; and

WHEREAS, adoption and codification of the latest building codes is in the public interest as it provides accurate information to interested citizens.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-82, Adopted; is hereby amended to read as follows:

Sec. 6-82. Adopted.

(a) There is hereby adopted by the County Council the ~~2006~~ 2012 International Residential Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or demolition of every one- and two- family dwelling structure and accessory structures shall conform to the requirements of this Code.

(b) There is hereby adopted by the county council the ~~2006~~ 2012 International Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or demolition of every building or structure (other than a one or two family dwelling structure) shall conform to the requirements of this Code.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-97, Adopted; is hereby amended to read as follows:

Sec. 6-97. Adopted.

The workmanship, construction, maintenance, or repair of all electrical work shall conform to the requirements set forth in the ~~2008~~ 2011 edition of the National Electrical Code, published by the National Fire Prevention Association.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; Section 6-114, Adopted; Applicability, Etc.; Subsection (a); is hereby amended to read as follows:

(a) There is hereby adopted by the county council the ~~2006~~ 2012 edition of the International Fire Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc.

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-125, Purpose; is hereby amended to read as follows:

Sec. 6-125. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all piping extending from the point of delivery of gas for use as a fuel and designated to convey or carry the same gas appliances, and regulating the installation and maintenance of appliances designated to use such gas as a fuel, in all buildings and structures that are not regulated by the ~~2006~~ 2012 edition of the International Residential Code.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-139, Purpose; is hereby amended to read as follows:

Sec. 6-139. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all mechanical systems and other related appurtenances that are not regulated by the ~~2006~~ 2012 edition of the International Residential Code.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-140, Adopted; is hereby amended to read as follows:

Sec. 6-140. Adopted.

There is hereby adopted by the county council the ~~2006~~ 2012 International Mechanical Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The installation of mechanical systems, including alterations, repair, replacements, equipment, appliances, fixtures, and/or appurtenances shall conform to these Code requirements.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-153, Purpose; is hereby amended to read as follows:

Sec. 6-153. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all plumbing and other related appurtenances that are not regulated by the ~~2006~~ 2012 edition of the International Residential Code.

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-154, Adopted; is hereby amended to read as follows:

Sec. 6-154. Adopted.

There is hereby adopted by the county council the ~~2006~~ 2012 International Plumbing Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The installation, workmanship, construction maintenance or repair of all plumbing work shall conform to the requirements of this Code.

SECTION IX. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; Section 6-182, Adoption; is hereby amended to read as follows:

Sec. 6-182 ~~Adoption~~ Adopted.

The ~~2006~~ 2012 edition of the International Property Maintenance Code and all amendments thereto, as published by the International Code Council, Inc., is hereby adopted verbatim and incorporated by reference.

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

SECTION XII. 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 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

Community Use of County Facilities [**PAGES 101-110**]

Notes

July 23, 2013 - The Committee unanimously approved the proposed policy for use of County facilities with a friendly amendment to provide full refunds to neighborhood associations officially recognized by Richland County when there are no damages incurred. In addition, upon request of neighborhood associations, start times on Saturdays and Sundays can be adjusted with the approval of the County Administrator or his designee.

Richland County Council Request of Action

Subject: Community Use of County Facilities

A. Purpose

County Council is requested to approve a policy for the use of County facilities.

B. Background / Discussion

In the past, communities and community organizations have requested use of County facilities for various functions, including the use of parking lots. The County Administration has considered these on a case-by-case basis. For legal protection and clearer guidance to the community, we are asking Council to approve a general policy that would be applicable to groups desiring the use of County property for their temporary activities.

C. Legislative / Chronological History

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

D. Financial Impact

There would be no expenditure of County funds to approve this general policy. However, if Council wishes to charge a fee for the use of County facilities, that would generate revenue for the County.

E. Alternatives

1. Approve the request to develop a policy for the use of County facilities. If this alternative is chosen, all groups desiring to use County facilities would know what to expect. In addition, if an MOU or other contract is required of such groups, the County could insert some protective measures, such as a hold-harmless clause.

2. Do not approve the request to develop a policy for the use of County facilities, but rather, allow the County Administrator to make a determination on a case-by-case basis. If this alternative is chosen, the County is less protected legally from potential claims and will require an unknown amount of Administrator time to review each case.

3. Do not approve the request to develop a policy for the use of County facilities and do not allow communities to use County facilities. If this alternative is chosen, community members will not be able to use County facilities which are sometimes underutilized after hours.

F. Recommendation

It is recommended that Council approve the request to develop a policy for the use of County facilities.

G. Reviews

Finance

Reviewed by Daniel Driggers:
 Recommend Council approval

Date: 2/13/13
 Recommend Council denial

Comments regarding recommendation: Recommend approval of alternative one and encourage the County to pursue developing a policy that clearly defines the County's position. If the policy includes options for use of facilities, I would encourage the County to consider including an assessment fee at some level that has at least two components; (1) a service fee for the facility and (2) an amount that at a minimum will recover any costs to the County during use. While the service fee (1 above) may not generate much money for the County, requiring a fee often encourages responsible use. For item (2) above, use of facility may require items such as; management oversight, security, insurance liability, additional staff time for cleaning, cleaning supplies, utility costs, etc. and should be recovered based on usage.

Risk Management

Reviewed by: David Chambers

Date: 2/28/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This request is left to Council discretion. There are already for-profits and non-profits with places available for public use. The development of a policy for the use of County facilities, if approved, should include the following recommended provisions:

- (1) A Hold-Harmless Agreement;
- (2) a contract with the following stipulations: no fireworks, no alcohol, no smoking, no drugs, no violence or weapons of any kind, limits on hours of use, requirements for clean-up, including proper disposal and prohibited littering;
- (3) establish limitations on which facilities can be used and the hours for such use;
- (4) establish limitations on the organizations able to use County facilities (i.e., churches, neighborhood associations, school groups, Homeowners Associations).

A draft policy and contract is attached as an appendix for Council's review.

Legal

Reviewed by: Elizabeth McLean

Date: 3/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Whether to allow use of County facilities by the public is a policy decision left to Council's discretion; however, I recommend proceeding with caution. I agree with Mr. Chamber's comments on the whole, except number 4, which brings up Constitutional questions. The policy allows discretion by the Administrator for uses that are inappropriate, again bringing up Constitutional issues (freedom of speech, freedom of religion, etc.).

As to the hold harmless, such a document would only be as good as those who sign it, meaning that the hundreds of visitors to an event on County property would still pose a liability risk.

In conclusion, along with general liability and security concerns which would need to be addressed, the potential Constitutional issues are numerous.

Administration

Reviewed by: Sparty Hammett

Date: 3/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to develop a policy for the use of County facilities.

“RICHLAND COUNTY PUBLIC BUILDING USE POLICY”

Richland County is cognizant of the numerous requests for the use of County public facilities. As a public government entity, Richland County is dedicated to the principals of fairness and non-discrimination for the public use of its facilities.

While it is the policy of Richland County to permit, allow and make available to the public certain of its public facilities, there is a need for coordination of such requests. Any group of citizens, organizations or other gatherings may request the use of specific county facilities, to wit:

- The Decker Center “Community Room”
- The Decker Center “parking lot” (available from 5:00 p.m. to 11:00 p.m. Monday thru Friday, and from 6:00 a.m. to 11:00 p.m. on Saturday and/or Sunday)
- Pinewood Lake Park facilities

In order to make a request for the use of one of the above facilities, the following procedure shall be followed:

1. Contact the Richland County Administration Office and make a written request for the specific time, date and place to be used.
2. Complete a “Use of Public Facility” form and a “Vendor Information” form, if applicable. These can be obtained under “Forms” at richlandonline.com or by calling the County Administrator’s Office, 576-2050 between 9:00 AM and 5:00 PM, Monday through Friday, excluding holidays. Applications should be sent to County Administrator, Attn: Executive Administrative Assistant, PO Box 192, Columbia, SC 29202.
3. Return the completed form with payment of \$300.00 for the facility usage fee, of which \$250 is refundable if there is no damage and if no extraordinary clean-up is required of county personnel. Provided, however, the entire usage fee will be refunded to local neighborhood councils or to neighborhood organizations that are registered with the South Carolina Secretary of State’s Office, if there is no damage and if no extraordinary clean-up is required of county personnel. Additional charges may be assessed depending on the use required and the amount of utilities consumed. Notification of the availability of the facility requested will be confirmed by the Administrator’s office, in writing or by phone.

4. It shall be the responsibility of the event organizer to coordinate the event with appropriate County staff in a manner allowing sufficient time so as to not impede normal County operations. No less than three (3) business days for community room use and no less than three (3) full weeks for outside vendors and/or events.

All requests for use of public facilities will be handled on a “first come” basis, and will be subject to the availability of the facility requested. Normal business functions and use of County Facilities shall not be interrupted.

If the expected use of the facility shall require administrative personnel to be present after normal business hours, or if, in the opinion of the administration, security will be required, additional charges will be assessed. Charges will be based upon the actual out-of-pocket expenses incurred by the County for the use of personnel and for the cost of utilities.

FACILITY RULES FOR ORGANIZERS AND ATTENDEES (EXCLUDING COUNTY EMPLOYEES)

1. Absolutely no weapons are allowed on County premises or in any public facility unless required by an authorized Law Enforcement Officer.
2. Absolutely no alcoholic beverages or illegal drugs are allowed on or in any public facility that is located on County property.
3. Absolutely no use of tobacco products is allowed on or in any public facility that is located on County property, except in designated areas.
4. Absolutely no activity involving unsafe use or providing a security concern will be permitted. Examples of such prohibited uses are fireworks, athletic events, and carnival-type rides.
5. All posted facility rules must be adhered to at all times, and the event organizers/officials are responsible for enforcement of all property rules.
6. Do not rearrange furniture or furnishings in the facility. If chairs or tables are temporarily relocated, these items must be replaced to their original location before you leave.
7. You and your organization will be jointly responsible for clean-up, including proper disposal of unused or unwanted items (no littering). You may lose a portion of your deposit if the County has to clean up after you.
8. You, your organization, and all other users will be jointly responsible for the cost of damages to the facility that is a direct or indirect result of the use of the facility by you and/or your organization.
9. You and/or your organization will be responsible for all costs related to County Support Services personnel required to support your event or for any costs incurred due to utilizing a County service supplier in the event County personnel are not available during normal work hours or for any County personnel called in outside normal operating hours to make repairs on the facility or the facility's operating infrastructure, such as HVAC, electrical, and plumbing. The County's personnel's primary function must be the support of normal County operations. These costs will be calculated and invoiced from thirty (30) to sixty (60) days of the event.
10. You and/or your organization will be responsible for the payment of the facility usage fee prior to use of the facility. If your event will include vendors, you must provide proof of all business information, including licensing, health and certificate dates and corresponding grades issued. All food vendors must have a current health certification from DHEC. All vendors must be on-site and set up

in a manner that meets all required regulatory agency requirements. All events shall be subject to inspection and enforcement action, such as closure of the event or fines as determined appropriate by County or State personnel, including regulatory agencies.

11. You and/or your organization will be responsible for arranging for security and the payment of security costs and related administrative costs, and for the amount of utilities consumed.
12. You and/or your organization will be responsible for signing an Indemnification and Hold Harmless agreement. All officers of your organization must sign this agreement as to officers and personally. The County must be added as an additional insured to the organization's general liability insurance or to a liability policy for the event. The user must also provide certification of insurance for worker's compensation and vehicle liability. The executed Indemnification and Hold Harmless agreement and certifications satisfactory to the County must be delivered to the County at least three (3) business days prior to the event date for community room use and three (3) full weeks prior to any outside event request. The requirement for general liability, vehicle liability insurance and workers' compensation insurance may be waived for non-commercial entities, e.g. neighborhood associations. In addition, a list of other users of the facility and the activities they will perform must be delivered to the County at least three (3) business days prior to the event date.
13. In the event of a problem encountered with the facility or an emergency, the following numbers are to be called:

911 - for all emergencies

(803) 576-2050 - Richland County Administration (8:30 a.m. to 5:00 p.m., Mon. thru Fri.)

(803) 575-2450 – Support Services Department, Division of Facilities (7:30 a.m. to 4:00 p.m., Mon. thru Fri.)

(803) 355-9322 – Pager, Facilities and Grounds (available 24/7)

(803) 518-6478 – General Manager of Facilities and Grounds (available 24/7)

(803) 518-5377 – Assistant General Manager of Facilities and Grounds (available 24/7)

PUBLIC REQUEST FOR USE OF PUBLIC FACILITY

Name of Organization

Address of Organization

City / County

State / Zip

Individual or Group Contact Person

Individual or Group Telephone Number

Other Contact Person

Telephone Number (Must be available 24/7)

Clearly state the purpose for this request: _____

How many persons do you anticipate will attend this function? _____

Facility requested: _____

Date and time of function:

Month / Day / Year

From: _____ A.M.- To: _____ P.M.
Timeframes

The undersigned agrees to abide by the facility rules and regulations, of which I have been given a copy. Persons providing false or misleading formation will cause this agreement to be voided, and such person and group will be prohibited from the use of such County facilities. The undersigned further agrees to pay all costs, damages and usage fees as may be determined; and that each user will meet all applicable licensing, health and safety requirements, and any user not doing so will not participate.

The undersigned further agrees to indemnify and to hold harmless Richland County, its employees, officers, agents, contractors, subcontractors, and successors and assigns from and against any and all liability, damages, losses, costs, expenses, demands, claims, suits, actions and causes of action as a result of _____'s (*name of organization*) use of the facility.

Date

Signature of Organization's Representative

Printed Name of Organization's Representative

Facility usage fee received on _____ in the amount of \$300.00 or \$ _____

Received by: _____

Date approved: _____ Date Rejected: _____

Event Vendor Information

Please provide the legal business name(s), license information, and safety and/or health certification and the effective dates and grades, for all event vendors.

Business Name	Operating License Number and Effective Dates	Health Department Certificate Dates and Grade		Other Certificates/Licenses Required for Operation and Effective Dates (Trailer Unit State Issued Tag Number and Expiration Date)

Richland County Council Request of Action

Subject

Acquisition of Unclaimed Land within Undeveloped Right of Ways for Devils Ditch Maintenance Access and Enhancement [**PAGES 111-115**]

Notes

July 23, 2013 - The Committee unanimously approved the recommendation that Council approve the acquisition of unclaimed lands within existing undeveloped Right of Ways for the Devils Ditch Capital Improvement Project.

Richland County Council Request of Action

Subject: Acquisition of Unclaimed Land within Undeveloped Right of Ways for Devils Ditch Maintenance Access and Enhancement

A. Purpose

County Council is requested to approve the acquisition of unclaimed lands within existing undeveloped Right of Ways (ROWs) (see Appendix 1) for the Devils Ditch Capital Improvement Project (CIP). These parcels are adjacent to Devils Ditch and other parcels owned by Richland County. The unclaimed lands or undeveloped ROWs are needed to provide access to and enhance the Devil's Ditch drainage corridor, reduce flooding and improve overall water quality in the Gills Creek Watershed.

B. Background / Discussion

Devils Ditch was constructed in the mid to late 1980s and is the drainage area for large portions of the Shandon, Rosewood and South Kilbourne Rd areas. It flows through the Owens Field Airport property and eventually into Gills Creek near South Beltline Blvd. and Shop Rd. This urban drainage results in flooding and erosion along Devils Ditch. The CIP is a joint maintenance and enhancement effort with the City of Columbia and the Gills Creek Watershed Association.

In 2010 the Dennis Corporation was awarded the CIP to provide engineering services for maintenance and enhancement activities related to flooding and erosion. Since completion of the survey and design process, numerous meetings were held with the public as well as City of Columbia staff. During these meetings, it became apparent that much of the land bordering the northern section of the ditch was either unusable, unclaimed (in an undeveloped ROW), or already owned by Richland County (see Appendix 1) and should be utilized if possible for access and enhancement of the Devil's Ditch CIP.

We recommend the acquisition of the unclaimed lands (existing ROWs shown in Appendix 1).

C. Legislative/Chronological History

Notice to Proceed was awarded for engineering services for the Devils Ditch CIP on September 23, 2010 and the project is still in the design phase.

D. Financial Impact

The estimated \$3,000 needed for an extensive title search and legal notifications is available in the Stormwater Budget.

E. Alternatives

1. Approve the request for the acquisition of unclaimed lands (existing undeveloped ROWs) for an estimated cost of \$3,000. The use of these ROWs will enhance the Devils Ditch CIP.

2. Do not approve the request for the acquisition of unclaimed lands (existing undeveloped ROWs). If the existing ROWs are not acquired, the CIP cannot utilize this land in the access and design enhancements.

F. Recommendation

County Council is requested to approve the acquisition of the unclaimed lands (existing undeveloped ROWs shown in Appendix 1) adjacent to the parcels along the Devils Ditch maintenance project.

Recommended by: David Hoops Department: Public Works Date: 7/5/13

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 7/16/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

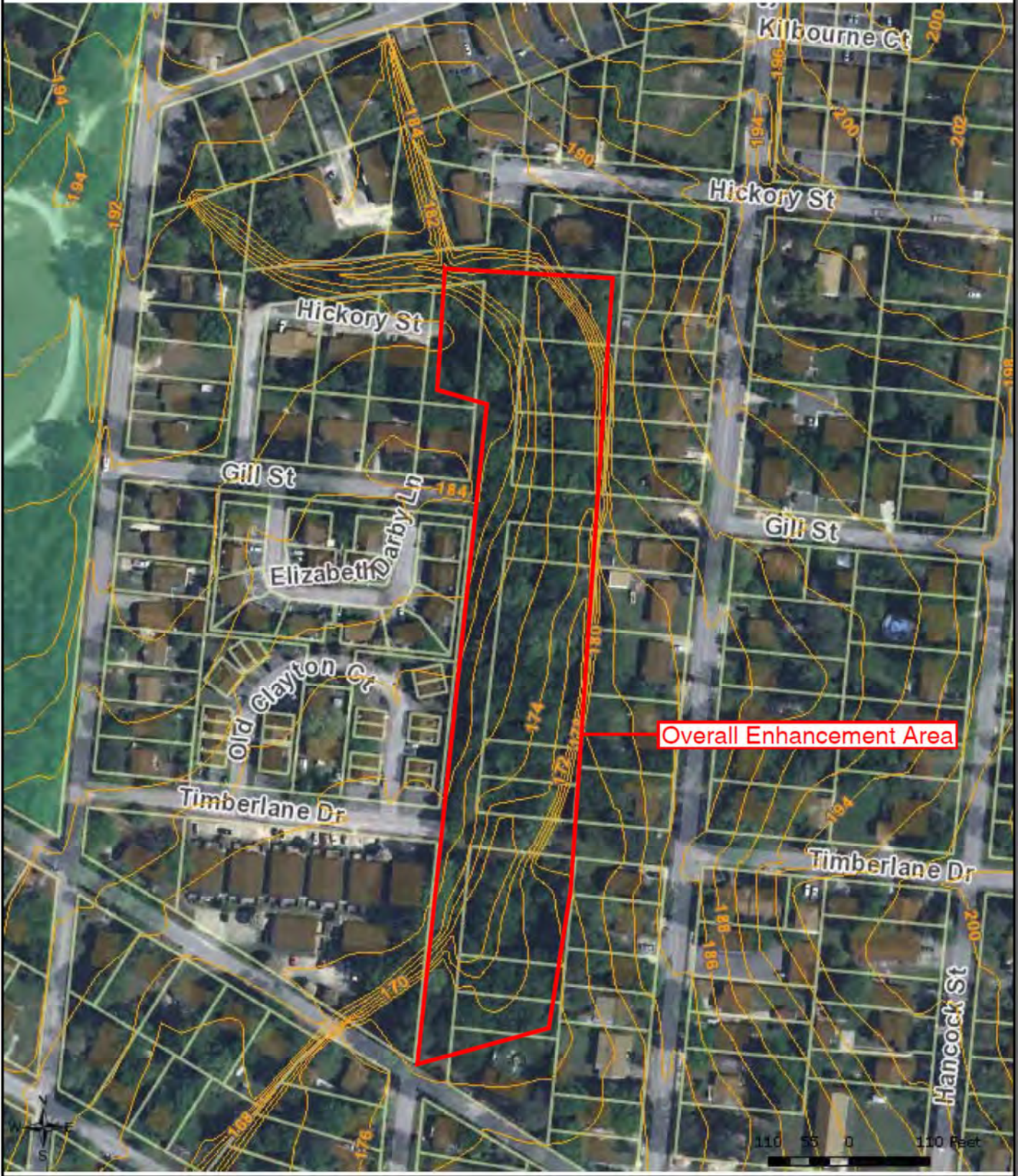
Legal

Reviewed by: Elizabeth McLean Date: 7/17/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Policy decision left to Council’s discretion. It is my understanding that these “unclaimed lands” are actually right-of-ways that were platted in the name of Richland County, but never deeded to the County (and never used as a ROW or for any other purpose); thus, to ensure good title, I suggested that the County should acquire the ROW (after a title search), if possible. Depending on the outcome of the title search, it could be possible that the County would need to file a “friendly” condemnation action.

Administration

Reviewed by: Sparty Hammett Date: 7/18/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommend Council approval of the request for the acquisition of unclaimed lands (existing undeveloped ROWs) for an estimated cost of \$3,000.

Richland County Map



Overall Enhancement Area

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DISCLAIMER : This is a product of the Richland County GIS Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local governments agencies. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.



Devils Ditch - Undeveloped Right of Way



Legend

-  Parcels
-  Roads



0 25 50 100 150 200 250 Feet



This is a product of the Richland County Public Works Department 2013.

Richland County Council Request of Action

Subject

Consent Agenda Deferral Policy [**PAGES 116-118**]

Notes

July 23, 2013 - The Committee unanimously approved the recommendation that Council revise the practice of putting items on the consent agenda.

Richland County Council Request of Action

Subject: Policy Change for Placement of Deferred Items on the Agenda

A. Purpose

County Council is requested to approve a request to revise the practice of putting items on the consent agenda. Items that are deferred are often placed on the consent agenda, but require a change. With the item changed, it is no longer consensual.

B. Background / Discussion

At the July 2, 2013 Council meeting, Councilman Malinowski made the following motion:

“Any item on the consent agenda that is deferred should not be placed on the consent agenda when it is again placed on the agenda. The reason for a deferral is usually because additional information is being sought, and the new or added information does not make the matter the same as was previously on the consent agenda [MALINOWSKI].”

C. Legislative / Chronological History

There is no legislative or chronological history other than the stated motion. The practice has been in existence for an indefinite period.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to revise the practice of putting items on the consent agenda.
2. Do not approve the request to revise the practice of putting items on the consent agenda.
This alternative will result in items remaining on the consent agenda despite having been have been deferred previously.

F. Recommendation

Approve the request to revise the practice of putting items on the consent agenda.

Recommended by: Hon. Bill Malinowski Department: County Council Date: 7/11/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 7/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 7/19/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.
Council Rule 1.7 (11) (see below) may need to be tweaked to accommodate the change.

- 11) Consent items: Items shall consist of those matters that do not require further discussion by Council that have been forwarded to Council by the unanimous vote of the Committee. Any member of Council can remove an item from the Consent Agenda prior to adoption of the agenda. The Chair has the discretion to place items on the Consent Agenda, if in the judgement of the Chair; those items are unlikely to be debated.

Administration

Reviewed by: Tony McDonald

Date: 7/19/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval as proposed.

Richland County Council Request of Action

Subject

Codify Property Maintenance Regulations [**FIRST READING**] [**PAGES 119-125**]

Notes

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

Richland County Council Request of Action

Subject: Codify Property Maintenance Regulations

A. Purpose

County Council is requested to approve an ordinance amendment in Chapter 6 of the Richland County Code of Ordinances with regards to property maintenance regulations.

B. Background / Discussion

Currently property maintenance regulations, including Unsafe Structures, are found in the International Property Maintenance Code. With the codification of some of these regulations in the Richland County Code of Ordinances, the Unsafe Structures Division can take aggressive steps to identify and facilitate the abatement of physical conditions and characteristics of non-compliant, substandard and unsanitary structures, when conditions and characteristics are such as to be detrimental to or jeopardize the health, safety and welfare of the public or potential occupants. Also, citizens will be able to access these same regulations on the County’s website, which may make it easier for people to understand and to know what to do to secure their homes.

The Unsafe Structures Program was established to improve the quality of life for all Richland County residents with swift due process and enforcement through an aggressive program dealing with property maintenance, structural, environmental, and public nuisance codes. Richland County Building Codes and Inspections Department currently enforces the 2012 International Property Maintenance Code (Section 6-182 of the Richland County Code of Ordinances). The Unsafe Structures Program uses demolition as a form of rehabilitation of properties located in the unincorporated areas of Richland County.

C. Legislative / Chronological History

On May 21, 2013, a motion was made by the Honorable Torrey Rush, which was forwarded to the D&S Committee agenda:

“I move to direct staff to draft appropriate language so as to codify unsafe housing regulations within Chapter 6 of the County Code of Ordinances, which are consistent with the International Property Maintenance Code, as amended.”

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to codify unsafe structures regulations.
2. Do not approve the request to codify unsafe structures regulations.

F. Recommendation

It is recommended that Council approve the request to codify unsafe structures regulations.

Recommended by: Honorable Torrey Rush

Department: Council

Date: 5/21/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 7/10/13

Recommend Council approval

Recommend Council denial

✓ Recommend Council discretion

Comments regarding recommendation:

This is a policy decision for Council with no known financial impact stated in the ROA.

Building Codes and Inspections

Reviewed by: Donny Phipps

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 7/16/13

Recommend Council approval

Recommend Council denial

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

Richland County has adopted the current version of the Property Maintenance Code, which allows for complete and aggressive enforcement of unsafe housing issues. This proposed ordinance would duplicate a very small portion of the Property Maintenance Code (and place such language in the County Code) in an effort to make it more accessible to the citizens of Richland County. While I agree that that goal is worthwhile and useful, I am concerned that we may create more confusion among citizens by leading them to believe that this small portion of Code is the relevant portion of the law, when in fact, the entire Property Maintenance Code still applies to all unsafe housing situations whether or not such language is codified in its entirety.

Administration

Reviewed by: Sparty Hammett

Date: 7/18/13

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

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 X, PROPERTY MAINTENANCE; SO AS TO CODIFY PROPERTY MAINTENANCE REGULATIONS.

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 X, Property Maintenance; is hereby amended to read as follows:

Sec. 6-182. Adoption Adopted.

The ~~2006~~ 2012 edition of the International Property Maintenance Code and all amendments thereto, as published by the International Code Council, Inc., is hereby adopted verbatim and incorporated by reference.

Sec. 6-183. Unfit Buildings.

(a) Authority/Definitions. This Section is authorized by S.C. Code, §§ 31-15-310 *et seq.*, as amended. The words “county,” “owner,” “parties in interest” and “dwelling” shall have the same meanings as set forth in S.C. Code, § 31-15-310 of such code. As used herein, the phrase “close the dwelling” shall mean the securing of all windows and doors of a dwelling in such a manner as to prevent the unauthorized entry into the dwelling or the damage of any glassed or other openings.

(b) Findings of council. The county council finds that there exist in the county structures which are unfit for human habitation or use due to (1) dilapidation, (2) defects increasing the hazards of fire, accidents or other calamities, (3) lack of ventilation, light or sanitary facilities, or (4) other conditions rendering such dwellings unsafe or unsanitary, dangerous, or detrimental to the health, or safety or otherwise inimical to the welfare of the residents of the county.

(c) Enforcement of section; additional powers of housing official. The Housing Official is hereby authorized and directed to exercise the powers prescribed in this section. S/he may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section, including the following powers in addition to others granted by this section or the enabling legislation:

- (1) To investigate conditions of unoccupied dwellings or unused structures located in the county in order to determine whether such dwellings/structures therein are unfit for human habitation or other use;
- (2) To examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the property owner(s); and

(4) To delegate any of her/his functions and powers under this section to such officers and agents as s/he may designate.

(d) Standards for determining fitness of structure for human habitation or use. The Housing Official may determine that a structure is unfit for human habitation or other use if s/he finds that conditions exist in such structure which are dangerous or injurious to the health or safety of potential occupants of such structure, the occupants of neighboring dwellings/structures or other residents in the county. Such conditions may include the following (without limiting the generality of the foregoing): Defects increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; and breeding areas for insects or vermin.

(e) Closing a dwelling/structure. See Section 6-84 of the Richland County Code of Ordinances.

(f) Compliance procedure; action to be taken by housing official; failure to comply with order to repair.

(1) Whenever it appears to the Housing Official that any dwelling/structure is unfit for human habitation or other use, the Housing Official shall, if her/his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling/structure a "Notice of Violation" stating the charges in that respect and what steps need to be taken to remediate the condition of structure, and their right to appeal the Housing Official's determination of unfitness to the Building Codes Board of Appeals within twenty (20) days of receipt of the written complaint. In addition, the Housing Official may cause to be posted on the main entrance of any dwelling/structure so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(2) If an appeal is filed, a hearing before the Building Codes Board of Appeals shall be scheduled to determine whether or not the Housing Official misinterpreted the provisions of the International Property Maintenance Code in finding that the said dwelling/structure was unfit.

(3) If the owner does not appeal and fails to comply with the "Notice of Violation", the Housing Official shall cause to be served upon the owner of and all parties in interest in such dwelling/structure an "Order" stating that the Housing Official will cause such dwelling/structure to be removed or demolished.

(4) The amount of the cost of removal or demolition by the Housing Official shall be a lien against the real property upon which such cost was incurred.

(6) Notice of Violations or Orders issued by the Housing Official pursuant to this Section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown or cannot be ascertained by the Housing Official in the exercise of reasonable diligence, the Housing Official shall make an affidavit to that effect and serve Notice of Violation or Order upon such persons by publishing it once a week for two (2) consecutive weeks in a newspaper printed and published in the county.

(g) Rights of persons affected by orders. In accordance with S.C. Code, § 31-15-370, any person affected by an order issued by the Housing Official may, within sixty (60) days after the posting and service of the order, petition the circuit court for an injunction restraining the Housing Official from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the Housing Official pending the final disposition of the cause. Hearings shall be had by the court on such petitions within twenty (20) days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the Housing Official as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the Housing Official shall be entitled to recover any damages for action taken pursuant to any order of the Housing Official or because of compliance by such person with any order of the Housing Official.

(h) Provisions are cumulative. Nothing contained in this section or the enabling legislation shall be construed to abrogate or impair the powers of the courts or of any department of any municipality in the county to enforce any provision of its charter or its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this Section and the enabling legislation shall be in addition and supplemental to the powers conferred by any other law.

Secs. 6-184--6-190. Reserved.

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

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

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

RICHLAND COUNTY COUNCIL

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

ATTEST THIS THE _____ DAY

OF _____, 2013

Michelle 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. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; by adding a new division entitled 7, Small Local Business Enterprise Procurement Requirements; and Amending Chapter 2, Administration; Article XI, Inquiries and Investigations; so as to renumber the paragraphs therein **[PAGES 126-186]**

b. Proposed Amended Scope of Work for Administration of Richland County's SLBE Program **[PAGES 187-189]**

Notes

First Reading: May 21, 2013

Second Reading: July 2, 2013

Third Reading:

Public Hearing: June 18, 2013

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE X, PURCHASING; BY ADDING A NEW DIVISION ENTITLED 7, SMALL LOCAL BUSINESS ENTERPRISE PROCUREMENT REQUIREMENTS; AND AMENDING CHAPTER 2, ADMINISTRATION; ARTICLE XI, INQUIRIES AND INVESTIGATIONS; SO AS TO RENUMBER THE PARAGRAPHS THEREIN.

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 2, Administration; Article XI, Inquiries and Investigation; Section 2-639, Short title; is hereby renumbered to read as Section 2-647, and all remaining paragraphs in Article XI are renumbered in appropriate chronological order.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; is hereby amended by the creation of a new Division, to read as follows:

DIVISION 7. SMALL LOCAL BUSINESS ENTERPRISE PROCUREMENT
REQUIREMENTS

Sec. 2-639. General Provisions.

(a) *Purpose*

The purpose of this division is to provide a race- and gender-neutral procurement tool for the County to use in its efforts to ensure that all segments of its local business community have a reasonable and significant opportunity to participate in County contracts for construction, architectural & engineering services, professional services, non-professional services, and commodities. The Small Local Business Enterprise (“SLBE”) Program also furthers the County’s public interest to foster effective broad-based competition from all segments of the vendor community, including, but not limited to, minority business enterprises, small business enterprises, and local business enterprises. This policy is, in part, intended to further the County’s compelling interest in ensuring that it is neither an active nor passive participant in private sector marketplace discrimination, and in promoting equal opportunity for all segments of the contracting community to participate in County contracts. Moreover, the SLBE Program provides additional avenues for the development of new capacity and new sources of

competition for County contracts from the growing pool of small and locally based businesses.

(b) *Scope and Limitations*

This SLBE Program may be applied by the County on a contract-by-contract basis to the maximum practicable extent permissible under federal and state law.

(c) *Definitions*

Affirmative Procurement Initiatives – refers to any procurement tool to enhance contracting opportunities for SLBE firms including: bonding / insurance waivers, bid incentives, price preferences, sheltered market, mandatory subcontracting, competitive business development demonstration projects, and SLBE evaluation preference points in the scoring of proposal evaluations.

Award – the final selection of a bidder or offeror for a specified prime contract or subcontract dollar amount. Awards are made by the County to prime contractors or vendors or by prime contractors or vendors to subcontractors or sub-vendors, usually pursuant to an open invitation to bid (“ITB”) or request for proposal (“RFP”) process. (Contract awards are to be distinguished from contract payments in that they only reflect the anticipated dollar amounts instead of actual dollar amounts that are to be paid to a bidder or offeror under an awarded contract.)

Bid Incentives – additional inducements or enhancements in the bidding process that are designed to increase the chances for the selection of SLBE firms in competition with other firms. These bid incentives may be applied to all solicitations, contracts, and letter agreements for the purchase of Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities including change orders and amendments.

Centralized Bidder Registration System (“CBR”) -- a web-based software application used by the County of Richland to track and monitor SLBE availability and utilization (i.e., “Spend” or “Payments”) on County contracts.

County – refers to the County of Richland, South Carolina.

Commercially Useful Function – an SLBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the SLBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quantity and quality, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an SLBE is performing a commercially useful function, an

evaluation must be performed of the amount of work subcontracted, normal industry practices, whether the amount the SLBE firm is to be paid under the contract is commensurate with the work it is actually performing and the SLBE credit claimed for its performance of the work, and other relevant factors. Specifically, an SLBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of meaningful and useful SLBE participation, when in similar transactions in which SLBE firms do not participate, there is no such role performed.

Emerging SLBE – an emerging firm that meets all of the qualifications of a Small Local Business Enterprise, and that is less than five years old, but has no more than five full-time employees and annual gross sales as averaged over the life of the firm that are less than \$1 million.

Goal – a non-mandatory annual aspirational percentage goal for SLBE contract participation is established each year for Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities contracts. Mandatory percentage goals for SLBE subcontract participation may be established on a contract-by-contract basis by either the Director of Procurement or a Goal Setting Committee.

Goal Setting Committee – a committee established by the Director of Procurement for the County (including a representative of the Procurement Department and a representative of the end-user agency) and chaired by the Director of Procurement that establishes SLBE Program goals and selects appropriate SLBE Affirmative Procurement Initiatives to be applied to each contract for the County based upon industry categories, vendor availability, and project-specific characteristics. The Director of Procurement may establish as many as five separate Goal Setting Committees (i.e., one for each industry category).

Good Faith Efforts – documentation of the Bidder's intent to comply with SLBE Program goals and procedures, including, but not limited to the following: (1) documentation within a bid submission or proposal reflecting the Bidder's commitment to comply with SLBE Program goals as established by the Director of Procurement or a Goal Setting Committee for a particular contract; or (2) documentation of efforts made towards achieving the SLBE Program goals (e.g., timely advertisements in appropriate trade publications and publications of wide general circulation; timely posting of SLBE subcontract opportunities on the County web site; solicitations of bids from all qualified SLBE firms listed in the County's SLBE Directory of certified SLBE firms; correspondence from qualified SLBE firms documenting their unavailability to perform SLBE contracts; documentation of efforts to subdivide work into smaller quantities for subcontracting purposes to SLBE firms; documentation of efforts to assist SLBE firms with obtaining financing, bonding, or insurance required by the bidder; and documentation of consultations with trade associations and consultants that

represent the interests of small and local businesses in order to identify qualified and available SLBE subcontractors.)

Graduation – An SLBE firm permanently graduates from the County’s SLBE program when it meets the criteria for graduation set forth in this policy.

Independently Owned, Managed, and Operated – ownership of an SLBE firm must be direct, independent, and by individuals only. Business firms that are owned by other businesses or by the principals or owners of other businesses that cannot themselves qualify under the SLBE eligibility requirements shall not be eligible to participate in the SLBE program. Moreover, the day-to-day management of the SLBE firm must be direct and independent of the influence of any other businesses that cannot themselves qualify under the SLBE eligibility requirements.

Industry Categories – procurement groupings for County contracts for purposes of the administration of Affirmative Procurement Initiatives shall be inclusive of Architectural & Engineering, Construction, Professional Services, and Non-professional Services, and Commodities procurements. Industry Categories may also be referred to as “business categories.”

Joint Venture - an association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement.

Local Business Enterprise (“LBE”) - a firm having a Principal Place of Business or a Significant Employment Presence in Richland County, South Carolina. This definition is subsumed within the definition of Small Local Business Enterprise.

Non-professional Services – non-construction, non-architectural, and non-engineering services that are other than Professional Services, and such “other” services that do not require any license or highly specialized training and credentials to perform.

Points – the quantitative assignment of value for specific evaluation criteria in the selection process.

Prime Contractor – The vendor or contractor to whom a purchase order or contract is awarded by the County for purposes of providing goods or services to the County.

Principal Place of Business – a location wherein a firm maintains a company headquarters or a physical office and through which it obtains no less than fifty percent of its overall customers or sales dollars, or through which no less than

twenty-five percent of its employees are located and domiciled in the County of Richland and/or Richland County.

Professional Services – any non-construction and non-architectural & engineering services that require highly specialized training and / or licensed credentials to perform, such as legal, accounting, scientific, technical, insurance, investment management, medical, or real estate services.

Responsive - a firm's bid or proposal conforms in all material respects to the invitation to bid or request for proposal and shall include compliance with SLBE Program requirements.

Sheltered Market – An Affirmative Procurement Initiative designed to set aside a County contract bid for bidding exclusively among SLBE firms.

Significant Employee Presence – no less than twenty-five percent of a firm's total number of full and part-time employees are domiciled in Richland County.

Small Local Business Enterprise (“SLBE”) – an independently owned firm that is not dominant in its industry, and that satisfies all requirements of being both a “*Small Business Enterprise*” and a “*Local Business Enterprise*.”

SLBE Plan Execution Certification (SLBE Form – C) - The form certifying the general contractor's intent to use a SLBE subcontractor, verifying that an agreement has been executed between the prime and the SLBE.

SLBE Directory - A listing of the small local businesses that have been certified by the Procurement Department for participation in the SLBE Program.

SLBE Certification/Re-certification Application (SLBE Form – R) – This form shall be completed by Small Local Business Enterprises (SLBEs) when applying for and/or recertifying SLBE status for participation in the County's Small Local Business Enterprise Program. This form shall be completed every two years by certified Small Local Business Enterprises by the anniversary date of their original certification.

SLBE Schedule for Subcontractor Participation (SLBE Form – S) – This form must be completed by all non-SLBE firms that subcontract to SLBE firms. A form must be submitted for each SLBE subcontractor. This form(s) must be reviewed and approved by the Director of Procurement before contract award.

SLBE Unavailability Certification (SLBE Form – U) - This form demonstrates a bidder's unsuccessful good faith effort to meet the small, local participation requirements of the contract. This form will only be considered after proper completion of the outreach and compliance efforts and methods used to notify and inform SLBE firms of contracting opportunities have been fully exhausted.

Small Business Enterprise (“SBE”) a small business enterprise is any for-profit enterprise as defined by South Carolina Code of Laws, Title 33, Chapter 31 that is not a broker, that is independently owned and operated, that is not a subsidiary of another business, and that is not dominant in its field of operation; and that also meets the following size standard limitations: (1) the SBE must have no more than ~~ten~~ **fifty** full-time employees; and (2) the SBE must have annual gross revenues within its largest primary NAICS commodity code as averaged over its most recent past three fiscal years of not more than \$10 million for construction firms, specialty trade contractors, and manufacturing firms; not more than \$5 million for architectural firms; not more than \$3 million for professional services firms (e.g., scientific, real estate, insurance, accounting, legal, etc.); not more than \$2.5 million for **engineering firms**; and not more than \$2 million for wholesale operations, retail firms, and all other services firms (e.g., truck transportation, administrative support services, repair and maintenance services). If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business not to exceed the three years. Once the gross annual receipts of a business exceed the gross sales average limits, it should no longer be eligible to benefit as an SLBE firm and should be graduated from the program. The size standards in number of employees and annual gross revenue dollars should be reviewed annually and adjusted periodically to meet economic changes. Joint ventures must be certified on a bid-by-bid basis. The joint venture shall not be subject to the average gross receipts and employee limits imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SBE. *This definition is subsumed within the definition of Small Local Business Enterprises.*

~~***[** Note: See State of Maryland’s alternative definition of Small Business Enterprise (“SBE”) below in bold italic text:***~~

~~***(1) — Any for-profit enterprise as defined in Maryland Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 8; that is that is not a broker, that is independently owned and operated; that is not a subsidiary of another business; and that is not dominant in its field of operation; and***~~

~~***(2) — That satisfies the following size requirements:***~~

~~***a. — Wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;***~~

~~***b. — Manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;***~~

~~e. — Service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2 million in its most recently completed 3 fiscal years; and~~

~~d. — Construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.~~

~~If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business.~~

~~This definition is subsumed within the definition of Small Local Business Enterprises.]~~

a.

Small Local Business Enterprise (“SLBE”) – A Local Business Enterprise that is also a Small Business Enterprise.]

Spend Dollars – dollars actually paid to prime and / or subcontractors and vendors for County contracted goods and/or services.

Subcontractor – any vendor or contractor that is providing goods or services to a Prime Contractor in furtherance of the Prime Contractor’s performance under a contract or purchase order with the County.

Suspension – the temporary stoppage of a SLBE firm’s participation in the County’s contracting process under the SLBE Program for a finite period of time due to the cumulative contract payments the SLBE received during a fiscal year.

Sec. 2-640. Program Objectives and General Responsibilities.

(a) To meet the objectives of this Program, the County is committed to:

1. Increasing the participation of Small Local Business Enterprises (“SLBEs”) in County contracting, and, to the extent possible, ameliorating through race- and gender-neutral means, any disparities in the participation of minority business enterprises or women business enterprises on County contracts.
 2. Regular evaluation regarding the progress of the Program using accumulated availability and utilization data to determine specific program provisions that require modification, expansion, and/or curtailment;
 3. Establishing one or more Goal Setting Committee(s) (“GSCs”) to provide guidance on the implementation of the rules under this Policy;
 4. Continuous review and advice of the GSC in administering the policy and goals herein. The County’s Director of Procurement shall determine the size of each GSC that is to be chaired by the Procurement Director. The Procurement Director shall also appoint the remaining members of the GSC from the County’s procurement personnel and other County departments affected by this Program; and
 5. Providing accountability and accuracy in setting goals and in reporting program results through the implementation of a mandatory centralized bidder registration process capable of identifying with specificity the universe of firms that are available and interested in bidding on and /or performing on County contracts, and of providing the means of tracking actual County bids, contract awards, and prime contract and subcontract payments to registered bidders on the basis of firm ownership status, commodity or sub-industry codes, firm location, and firm size. Accordingly, Prime Contractors and Subcontractors will be required to register and input data into the CBR or other related forms and systems as a condition of engaging in business with the County.
- (b) At a minimum, the Procurement Director shall:
1. Report to the County Administrator and the County Council on at least an annual basis as to the County’s progress towards satisfying SLBE program objectives;
 2. Formulate Program waivers, improvements and adjustments to the GSC goal-setting methodology and other Program functions;
 3. Have substantive input in a contract specification review process to be undertaken in advance of the issuance of County’s RFPs and bid solicitations to ensure that contract bid specifications are not unnecessarily restrictive and unduly burdensome to small, local, minority-owned, and other businesses;

4. Receive and analyze external and internal information including statistical data and anecdotal testimonies it deems appropriate to effectively accomplish its duties; and

5. Monitor and support the implementation of the rules under this Program, and where appropriate, make recommendations to the County Administrator for approval of changes to established size standards for SLBE firms, and provide notice of all approved changes to the County Council.

(c) At a minimum, each Goal Setting Committee shall:

1. Meet as often as it deems necessary to accomplish its duties but not less than twice annually;

2. Develop the SLBE goal setting methodology to be implemented by the Director of Procurement on a contract-by-contract basis; and

3. Monitor and support the implementation of the rules under this Program policy.

Sec. 2-641. Eligibility for the SLBE Program.

(a) For the purpose of this program, a firm will be certified as a Small and Local Business Enterprise (SLBE) with the Procurement Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the SLBE eligibility criteria as set forth below:

1. It is an independently owned and operated for-profit business concern as defined by South Carolina Code of Laws, Title 33, Chapter 31 that is not a broker, that is not a subsidiary of another business, that is not dominant in its field of operation; whose owners are actively involved in day-to-day management and control of the business, and that also is performing a commercially useful function;

2. It meets size standard eligibility requirements for Small Business Enterprises as defined below;

~~***/**Note: See State of Maryland's alternative definition of Small Business Enterprise ("SBE") size standards below in bold italic text:***~~

~~***2. That satisfies the following size requirements:***~~

~~a. Wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;~~

~~b. Manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;~~

~~c. Service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2 million in its most recently completed 3 fiscal years; and~~

~~d. Construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.~~

~~If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business.~~

~~This definition is subsumed within the definition of Small Local Business Enterprises.]~~

a. Construction firms, specialty trade firms, and manufacturing firms have not employed more than 50 full-time persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$10 million in its most recently completed 3 fiscal years;

b. Architectural business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$5 million in its most recently completed 3 fiscal years;

c. Professional services business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$3 million in its most recently completed 3 fiscal years;

d. Engineering business firms , have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2.5 million in its most recently completed 3 fiscal years;

e. Wholesale operations, retail firms, and all other services business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2 million in its most recently completed 3 fiscal years; and

\$3 million

A few may be a higher size standard, but none above \$3 million or 50 employees.

If a business has not existed for 3 years, the employment and gross revenue limits described above shall be applied based upon the annual averages over the course of the existence of the business not to exceed the three years.

Once the gross annual revenues of a business exceed the three-year average gross annual revenue limits, it should no longer be eligible to benefit as an SLBE firm and should be permanently graduated from the program. The size standards in number of employees and annual gross revenue dollars should be reviewed annually and adjusted periodically to meet changes in market conditions. Joint ventures must be certified on a bid-by-bid basis. The joint venture itself shall not be subject to the size standard limitations imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SLBE in order for the joint venture to receive the benefits of the SLBE program.

This definition is subsumed within the definition of Small Local Business Enterprises.

3. The firm is a Local Business Enterprise as defined by this Policy with a principal place of business or significant employment presence in Richland County, SC as defined herein;

4. The firm has been established for at least one year or the managing principals of the business each have at least three years of relevant experience prior to forming or joining the business; and

5. In the year preceding the date of the initial certification application, the applicant has not received more than \$1,000,000 in County contract payments as a result of contract awards from the County achieved through an open competitive bidding process.

(b) Upon receipt of SLBE certification or re-certification applications, the Director of Procurement or designated Procurement Department staff shall review all enclosed forms affidavits and documentation to make a prima facie determination as to whether the applicant satisfies the SLBE eligibility requirements as set forth in this policy. Applicants determined ineligible to participate as a SLBE shall receive a letter from the Director of Procurement stating the basis for the denial of eligibility. Applicants determined ineligible shall not be eligible to submit a new application for one year after the date of the notice of denial of eligibility.

(c) Applicants determined eligible to participate in the SLBE program shall submit a completed re-certification form (SLBE-R) every two years to the Procurement Department for review and continued certification. However, upon application for re-certification, an SLBE firm must be an independently owned and operated business concern, and maintain a Principal Place of Business or Significant Employment Presence in the County of Richland in accordance with this Section 2-641 of Division 7, "Eligibility for the SLBE Program," of this Policy. To qualify for recertification, an SLBE's maximum employment numbers and annual gross revenues average for the three fiscal years immediately preceding the application for recertification shall not exceed the size standard eligibility requirements.

(d) In the course of considering the certification or re-certification status of any SLBE firm, the Director of Procurement or his or her designees shall periodically conduct audits and inspect the office, job site, records, and documents of the firm, and shall interview the firm's employees, subcontractors, and vendors as reasonably necessary to ensure that all eligibility standards are satisfied and that the integrity of the SLBE Program is maintained.

(e) For purposes of this Program, a firm will be certified as an *Emerging SLBE* by the Procurement Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the Emerging SLBE eligibility criteria as set forth below:

1. The firm complies with all SLBE criteria as specified above in Sec. 2-641 (a) through (d);
2. The firm has been in existence for less than five years;
3. The firm has no more than five full-time employees; and
4. The firm's annual gross revenues as averaged over the life of the firm are less than \$1 million.

Sec. 2-642. Graduation and Suspension Criteria.

(a) A bidder may not count towards its SLBE or Emerging SLBE participation the amount subcontracted to an SLBE or Emerging SLBE firm that has graduated or been suspended from the program as follows:

1. An SLBE firm shall be permanently graduated from the SLBE Program after it has received a cumulative total of \$5 million of County-funded prime contract or subcontract payments in at least five separate contracts since its initial certification as an SLBE firm;
2. An SLBE firm shall be permanently graduated from the SLBE program after its three fiscal year average gross sales exceeds the size standard eligibility requirements;
3. An SLBE firm shall be temporarily suspended by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$1.5 million in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the SLBE firm shall be eligible to participate in Affirmative Procurement Initiatives in the following fiscal year so long as the firm has not yet satisfied the graduation criteria;
4. An SLBE firm may have its SLBE eligibility permanently revoked by the Director of Procurement if it fails to perform a Commercially Useful Function under a contract, or if it allows its SLBE status to be fraudulently used for the benefit of a non-SLBE firm or the owners of a non-SLBE firm so as to provide the non-SLBE firm or firm owners benefits from Affirmative Procurement Initiatives for which the non-SLBE firm and its owners would not otherwise be entitled;
5. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status after it has received a cumulative total of \$2.5 million of County-

funded prime contracts or subcontract payments in at least five separate contracts since its initial certification as an Emerging SLBE firm;

6. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status once its three-year average annual gross sales exceeds \$2 million; and

7. An Emerging SLBE firm shall be temporarily suspended from Emerging SLBE status by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$750,000 in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the Emerging SLBE firm shall be eligible to continue participating in Affirmative Procurement Initiatives as an SLBE firm for the remainder of the fiscal year, and may also participate in Affirmative Procurement Initiatives as an Emerging SLBE firm in the following fiscal year so long as the firm has not yet satisfied the graduation criteria for such status.

(b) The Director of Procurement shall provide written notice to the SLBE firm or Emerging SLBE firm upon graduation or suspension from the SLBE program, and such notice shall clearly state the reasons for such graduation or suspension.

Sec. 2-643. Appeals.

A business concern that is denied eligibility as an SLBE or as an Emerging SLBE, or who has its eligibility revoked, or who has been denied a waiver request can appeal the decision to the County Administrator. A written notice of appeal must be received by the County Administrator within 15 days of the date of the decision. Upon receipt of a timely notice of appeal and request for hearing, the Director of Procurement, or designee (other than the Director of Procurement), shall also participate in a hearing conducted by the County Administrator or the County Administrator's designee soon as practicable. The decision of the County Administrator, or designee, shall be the final decision of the County.

Sec. 2-644. Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation.

(a) The County in conjunction with the appropriate Contract Officer and the Director of Procurement may utilize the following Affirmative Procurement Initiatives in promoting the award of County contracts to SLBEs or Emerging SLBEs.

1. *Bonding and Insurance Waiver:* The County, at its discretion, may waive or reduce the bonding, or insurance requirements depending on the type of contract and whether the County determines that the bonding and or insurance requirements would deny the SLBE or Emerging SLBE an opportunity to perform

the contract which the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

2. *Price Preferences:* The County may award a contract to a SLBE or Emerging SLBE which submits a bid within 10% (inclusive) of a low bid by a non-SLBE. However, this price preference would not apply if the award to the SLBE would result in a total contract cost that is, on an annual basis, more than \$25,000 higher than the low bid; nor would it apply on a contract in which the total contract cost would exceed the County’s budgeted price for the contract.

3. *Evaluation Preferences:* The County may reserve up to 20% of the total points available for evaluation purposes for respondents to an RFP to firms that are certified as SLBE or Emerging SLBE firms, or to joint ventures that have SLBE and/or Emerging SLBE partners

a. For Architectural & Engineering, Professional Services, Other Services, and design / build or CM at risk contracts that are awarded based on evaluation criteria, there shall be SLBE or Emerging SLBE participation criterion for all contracts let at predetermined percentage of the total points awarded. The determination will be made using the suggested model outlined in the “Point Evaluation Table” below:

POINT EVALUATION TABLE

10 Points for SLBE Participation	20 Points for SLBE Participation
> 51% = 10 points	> 51% = 20 points
> 45% = 7 points	> 45% = 17 points
> 40% = 6 points	> 40% = 16 points
> 35% = 5 points	> 35% = 14 points
> 30% = 4 points	> 30% = 12 points
> 25% = 3 points	> 25% = 10 points
> 20% = 2 points	> 20% = 8 points
> 15% = 1 points	> 15% = 6 points
	> 10% = 4 points

Contractors may be evaluated on their SLBE or Emerging SLBE participation by utilizing the following schedule, which is most often used by Architectural & Engineering:

Points Awarded	% of Participation Criteria
5.0 51-100	Proposals by registered SLBE owned and/or controlled firms
4.0 36 – 50	Majority prime with registered SLBE participation

3.0	30 – 35	Majority prime with registered SLBE participation
2.0	24 – 29	Majority prime with registered SLBE participation
0	0 – 23	Less than the goal for registered SLBE participation

4. *Mandatory Subcontracting:*

a. The Goal Selection Committee may, on a contract-by-contract basis, at its discretion, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible SLBEs or to eligible Emerging SLBEs, provided however, that if the prime contractor is a certified SLBE or Emerging SLBE, then the prime contractor shall be able to count the dollar value of the work performed by its own forces towards satisfaction of the Mandatory Subcontracting goal for that contract.

b. An SLBE or Emerging SLBE prime contractor may not subcontract more than 49% of the contract value to a non-SLBE.

c. A prospective bidder on a County contract shall submit at the time of bid SLBE – Form S providing the name of the SLBE or Emerging SLBE subcontractor or subcontractors and describing both the percentage of subcontracting by the SLBE or Emerging SLBE, and the work to be performed by the SLBE or Emerging SLBE. A bidder may request a full or partial waiver of this mandatory subcontracting requirement from the Director of Procurement for good cause by submitting the SLBE Unavailability Certification form to the Director of Procurement at the time of bid. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the bidder and careful review by the Director of Procurement. The Director of Procurement shall base his or her determination on a waiver request on the following criteria:

(1) Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SLBEs or Emerging SLBEs;

(2) Whether subcontracting would be inappropriate and/or not provide a “Commercially Useful Function” under the circumstances of the contract; and

(3) Whether there are no certified SLBE or Emerging SLBE firms that are qualified and available to provide the goods or services required.

d. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to commit in its bid or proposal to satisfying the mandatory SLBE subcontracting goal shall render its bid or proposal non-responsive.

e. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to attain a mandatory subcontracting goal for SLBE participation in the performance of its awarded contract shall be grounds for termination of existing contracts with the County, debarment from performing future County contracts, and / or any other remedies available under the terms of its contract with the County or under the law.

f. A Prime Contractor is required to notify and obtain written approval from the Director of Procurement in advance of any reduction in subcontract scope, termination, or substitution for a designated SLBE or Emerging SLBE Subcontractor. Failure to do so shall constitute a material breach of its contract with the County.

5. *Sheltered Market:*

a. The Director of Procurement and the appropriate County Contracting Officer may select certain contracts which have a contract value of \$250,000 or less for award to a SLBE or a joint venture with a SLBE through the Sheltered Market program. Similarly, the Director of Procurement and the appropriate County Contracting Officer may select certain contracts that have a value of \$50,000 or less for award to an Emerging SLBE firm through the Sheltered Market program.

b. In determining whether a particular contract is eligible for the Sheltered Market Program, the County's Contracting Officer and Director of Procurement shall consider: whether there are at least three SLBEs or Emerging SLBEs that are available and capable to participate in the Sheltered Market Program for that contract; the degree of underutilization of the SLBE and Emerging SLBE prime contractors in the specific industry categories; and the extent to which the County's SLBE and Emerging SLBE prime contractor utilization goals are being achieved.

c. If a responsive and responsible bid or response is not received for a contract that has been designated for the Sheltered Market Program or the apparent low bid is determined in the Procurement Director's discretion to be too high in price, the contract shall be removed from the Sheltered Market Program for purposes of rebidding.

6. *Competitive Business Development Demonstration Project:*

a. With the concurrence of the Director of Procurement, the appropriate County Contracting Officer may reserve certain contracts for placement into a Competitive Business Development Demonstration Project ("CBD Demonstration Project") wherein those contracts require the purchase of goods or services from

an industry that routinely has too few sources of bidders to provide meaningful or sufficient competition for such County contracts. The purpose for the placement of a contract into the CBD Demonstration Project shall be to encourage the development of new capacity within an industry to competitively bid on the future supply of specialized goods or services to the County.

b. Contracts reserved for CBD Demonstration Projects shall be subject to a Request for Proposals process whereby the selected firm will be required to be a joint venture between an established firm or experts in that relevant industry and an SLBE firm. The scope of work for the selected joint venture shall include teaching a hands-on curriculum to SLBE firms that have expressed an interest in diversifying into the relevant industry, in addition to performing the customary functions of the contract. This curriculum shall include both administrative skills (e.g. cost estimating, bidding, staffing, project management) and technical skills (e.g., hands-on demonstration of how to perform necessary tasks in the field) required to qualify for future County contracts and to successfully compete in the industry.

c. The Director of Procurement shall be required to select SLBE candidate firms for participation on such CBD Demonstration Projects on the basis of an assessment of their current capabilities and their likely success in diversifying into the new relevant industry once given technical assistance, training, and an opportunity to develop a performance track record in the industry.

Sec. 2-645. SLBE Program Performance Review.

(a) The Director of Procurement or designee shall monitor the implementation of this Policy and the progress of this Program. On at least an annual basis, the Director of Procurement or designee shall report to the County Administrator and County Council on the progress of achieving the goals established for awards to certified SLBE and Emerging SLBE firms, reporting both dollars awarded and expended. In addition, the Director of Procurement or designee shall report on the progress in achieving the stated Program Objectives, including, but not limited to, enhancing competition, establishing and building new business capacity, and removing barriers to and eliminating disparities in the utilization of available minority business enterprises and women business enterprises on County contracts.

(b) The County shall periodically review the SLBE Program to determine whether the various contracting procedures used to enhance SLBE contract participation need to be adjusted or used more or less aggressively in future years to achieve the stated Program Objectives. The County Council shall conduct a public hearing at least once every two years in order to solicit public comments on the Program.

Sec. 2-646. Conflicts.

To the extent language in this Division conflicts with other language in Article X, the language in this Division controls only with respect to contracts wherein the Small Local Business Enterprise Program is being applied by the Director of Procurement. In all other respects, prior language in this Article shall remain in full force and effect.

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 _____ day of _____, 2013.

Michelle 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:
Third Reading:

DRAFT

SMALL LOCAL BUSINESS ENTERPRISE (“SLBE”) PROGRAM
[An Ordinance to Amend Article X of the Richland County, SC Code by adding a
new Division 7 as follows]

(7-2-13 Draft)

DIVISION 7. SMALL LOCAL BUSINESS ENTERPRISE PROCUREMENT REQUIREMENTS

Sec. 2-639. General Provisions.

(a) *Purpose*

The purpose of this division is to provide a race- and gender-neutral procurement tool for the County to use in its efforts to ensure that all segments of its local business community have a reasonable and significant opportunity to participate in County contracts for construction, architectural & engineering services, professional services, non-professional services, and commodities. The Small Local Business Enterprise (“SLBE”) Program also furthers the County’s public interest to foster effective broad-based competition from all segments of the vendor community, including, but not limited to, minority business enterprises, small business enterprises, and local business enterprises. This policy is, in part, intended to further the County’s compelling interest in ensuring that it is neither an active nor passive participant in private sector marketplace discrimination, and in promoting equal opportunity for all segments of the contracting community to participate in County contracts. Moreover, the SLBE Program provides additional avenues for the development of new capacity and new sources of competition for County contracts from the growing pool of small and locally based businesses.

(b) *Scope and Limitations*

This SLBE Program may be applied by the County on a contract-by-contract basis to the maximum practicable extent permissible under federal and state law.

(c) *Definitions*

Affirmative Procurement Initiatives – refers to any procurement tool to enhance contracting opportunities for SLBE firms including: bonding / insurance waivers, bid incentives, price preferences, sheltered market, mandatory subcontracting, competitive business development demonstration projects, and SLBE evaluation preference points in the scoring of proposal evaluations.

Award – the final selection of a bidder or offeror for a specified prime contract or subcontract dollar amount. Awards are made by the County to prime contractors or vendors or by prime contractors or vendors to subcontractors or sub-vendors, usually pursuant to an open invitation to bid (“ITB”) or request for proposal (“RFP”) process.

(Contract awards are to be distinguished from contract payments in that they only reflect the anticipated dollar amounts instead of actual dollar amounts that are to be paid to a bidder or offeror under an awarded contract.)

Bid Incentives – additional inducements or enhancements in the bidding process that are designed to increase the chances for the selection of SLBE firms in competition with other firms. These bid incentives may be applied to all solicitations, contracts, and letter agreements for the purchase of Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities including change orders and amendments.

Centralized Bidder Registration System (“CBR”) -- a web-based software application used by the County of Richland to track and monitor SLBE availability and utilization (i.e., “Spend” or “Payments”) on County contracts.

County – refers to the County of Richland, South Carolina.

Commercially Useful Function – an SLBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the SLBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quantity and quality, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an SLBE is performing a commercially useful function, an evaluation must be performed of the amount of work subcontracted, normal industry practices, whether the amount the SLBE firm is to be paid under the contract is commensurate with the work it is actually performing and the SLBE credit claimed for its performance of the work, and other relevant factors. Specifically, an SLBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of meaningful and useful SLBE participation, when in similar transactions in which SLBE firms do not participate, there is no such role performed.

Emerging SLBE – an emerging firm that meets all of the qualifications of a Small Local Business Enterprise, and that is less than five years old, but has no more than five full-time employees and annual gross sales as averaged over the life of the firm that are less than \$1 million.

Goal – a non-mandatory annual aspirational percentage goal for SLBE contract participation is established each year for Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities contracts. Mandatory percentage goals for SLBE subcontract participation may be established on a contract-by-contract basis by either the Director of Procurement or a Goal Setting Committee.

Goal Setting Committee – a committee established by the Director of Procurement for the County (including a representative of the Purchasing Department and a representative of the end-user agency) and chaired by the Director of Procurement that establishes SLBE Program goals and selects appropriate SLBE Affirmative Procurement Initiatives to be applied to each contract for the County based upon industry categories, vendor availability, and project-specific characteristics. The Director of Procurement may establish as many as five separate Goal Setting Committees (i.e., one for each industry category).

Good Faith Efforts – documentation of the Bidder’s intent to comply with SLBE Program goals and procedures, including, but not limited to the following: (1) documentation within a bid submission or proposal reflecting the Bidder’s commitment to comply with SLBE Program goals as established by the Director of Procurement or a Goal Setting Committee for a particular contract; or (2) documentation of efforts made towards achieving the SLBE Program goals (e.g., timely advertisements in appropriate trade publications and publications of wide general circulation; timely posting of SLBE subcontract opportunities on the County web site; solicitations of bids from all qualified SLBE firms listed in the County’s SLBE Directory of certified SLBE firms; correspondence from qualified SLBE firms documenting their unavailability to perform SLBE contracts; documentation of efforts to subdivide work into smaller quantities for subcontracting purposes to SLBE firms; documentation of efforts to assist SLBE firms with obtaining financing, bonding, or insurance required by the bidder; and documentation of consultations with trade associations and consultants that represent the interests of small and local businesses in order to identify qualified and available SLBE subcontractors.)

Graduation – An SLBE firm permanently graduates from the County’s SLBE program when it meets the criteria for graduation set forth in this policy.

Independently Owned, Managed, and Operated – ownership of an SLBE firm must be direct, independent, and by individuals only. Business firms that are owned by other businesses or by the principals or owners of other businesses that cannot themselves qualify under the SLBE eligibility requirements shall not be eligible to participate in the SLBE program. Moreover, the day-to-day management of the SLBE firm must be direct and independent of the influence of any other businesses that cannot themselves qualify under the SLBE eligibility requirements.

Industry Categories – procurement groupings for County contracts for purposes of the administration of Affirmative Procurement Initiatives shall be inclusive of Architectural & Engineering, Construction, Professional Services, and Non-professional Services, and Commodities procurements. Industry Categories may also be referred to as “business categories.”

Joint Venture - an association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement.

Local Business Enterprise (“LBE”) - a firm having a Principal Place of Business or a Significant Employment Presence in Richland County, South Carolina. This definition is subsumed within the definition of Small Local Business Enterprise.

Non-professional Services – non-construction, non-architectural, and non-engineering services that are other than Professional Services, and such “other” services that do not require any license or highly specialized training and credentials to perform.

Points – the quantitative assignment of value for specific evaluation criteria in the selection process.

Prime Contractor – The vendor or contractor to whom a purchase order or contract is awarded by the County for purposes of providing goods or services to the County.

Principal Place of Business – a location wherein a firm maintains a company headquarters or a physical office and through which it obtains no less than fifty percent of its overall customers or sales dollars, or through which no less than twenty-five percent of its employees are located and domiciled in the County of Richland and/or Richland County.

Professional Services – any non-construction and non-architectural & engineering services that require highly specialized training and / or licensed credentials to perform, such as legal, accounting, scientific, technical, insurance, investment management, medical, or real estate services.

Responsive - a firm’s bid or proposal conforms in all material respects to the invitation to bid or request for proposal and shall include compliance with SLBE Program requirements.

Sheltered Market – An Affirmative Procurement Initiative designed to set aside a County contract bid for bidding exclusively among SLBE firms.

Significant Employee Presence – no less than twenty-five percent of a firm’s total number of full and part-time employees are domiciled in Richland County.

Small Local Business Enterprise (“SLBE”) – an independently owned firm that is not dominant in its industry, and that satisfies all requirements of being both a “Small Business Enterprise” and a “Local Business Enterprise.”

SLBE Plan Execution Certification (SLBE Form – C) - The form certifying the general contractor’s intent to use a SLBE subcontractor, verifying that an agreement has been executed between the prime and the SLBE.

SLBE Directory - A listing of the small local businesses that have been certified by the Purchasing Department for participation in the SLBE Program.

SLBE Certification/Re-certification Application (SLBE Form – R) – This form shall be completed by Small Local Business Enterprises (SLBEs) when applying for and/or recertifying SLBE status for participation in the County’s Small Local Business Enterprise Program. This form shall be completed every two years by certified Small Local Business Enterprises by the anniversary date of their original certification.

SLBE Schedule for Subcontractor Participation (SLBE Form – S) – This form must be completed by all non-SLBE firms that subcontract to SLBE firms. A form must be submitted for each SLBE subcontractor. This form(s) must be reviewed and approved by the Director of Purchasing before contract award.

SLBE Unavailability Certification (SLBE Form – U) - This form demonstrates a bidder's unsuccessful good faith effort to meet the small, local participation requirements of the contract. This form will only be considered after proper completion of the outreach and compliance efforts and methods used to notify and inform SLBE firms of contracting opportunities have been fully exhausted.

Small Business Enterprise (“SBE”) a small business enterprise is any for-profit enterprise as defined by South Carolina Code of Laws, Title 33, Chapter 31 that is not a broker, that is independently owned and operated, that is not a subsidiary of another business, and that is not dominant in its field of operation; and that also meets the following size standard limitations: (1) the SBE must have no more than ~~ten~~ **fifty** full-time employees; and (2) the SBE must have annual gross revenues within its largest primary NAICS commodity code as averaged over its most recent past three fiscal years of not more than \$10 million for construction firms, specialty trade contractors, and manufacturing firms; not more than \$5 million for architectural firms; not more than \$3 million for professional services firms (e.g., scientific, real estate, insurance, accounting, legal, etc.); not more than \$2.5 million for **engineering firms**; and not more than \$2 million for wholesale operations, retail firms, and all other services firms (e.g., truck transportation, administrative support services, repair and maintenance services). If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business not to exceed the three years. Once the gross annual receipts of a business exceed the gross sales average limits, it should no longer be eligible to benefit as an SLBE firm and should be graduated from the program. The size standards in number of employees and annual gross revenue dollars should be reviewed annually and adjusted periodically to meet economic changes. Joint ventures must be certified on a bid-by-bid basis. The joint venture shall not be subject to the average gross receipts and employee limits imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SBE.

~~[** Note: See State of Maryland’s alternative definition of Small Business Enterprise (“SBE”) below in bold italic text:~~

~~(1) — Any for-profit enterprise as defined in Maryland Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 8; that is that is not a broker, that is independently owned and operated; that is not a subsidiary of another business; and that is not dominant in its field of operation; and~~

~~(2) — That satisfies the following size requirements:~~

~~a. — Wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;~~

~~b. — Manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;~~

~~c. — Service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2 million in its most recently completed 3 fiscal years; and~~

~~d. — Construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.~~

~~If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business.~~

~~This definition is subsumed within the definition of Small Local Business Enterprises.]~~

a.

~~This definition is subsumed within the definition of Small Local Business Enterprises.~~

~~Small Local Business Enterprise (“SLBE”) – A Local Business Enterprise that is also a Small Business Enterprise.]~~

~~Spend Dollars – dollars actually paid to prime and / or subcontractors and vendors for County contracted goods and/or services.~~

Subcontractor – any vendor or contractor that is providing goods or services to a Prime Contractor in furtherance of the Prime Contractor’s performance under a contract or purchase order with the County.

Suspension – the temporary stoppage of a SLBE firm’s participation in the County’s contracting process under the SLBE Program for a finite period of time due to the cumulative contract payments the SLBE received during a fiscal year.

Sec. 2-640. Program Objectives and General Responsibilities.

(a) To meet the objectives of this Program, the County is committed to:

1. Increasing the participation of Small Local Business Enterprises (“SLBEs”) in County contracting, and, to the extent possible, ameliorating through race- and gender-neutral means, any disparities in the participation of minority business enterprises or women business enterprises on County contracts.
2. Regular evaluation regarding the progress of the Program using accumulated availability and utilization data to determine specific program provisions that require modification, expansion, and/or curtailment;
3. Establishing one or more Goal Setting Committee(s) (“GSCs”) to provide guidance on the implementation of the rules under this Policy;
4. Continuous review and advice of the GSC in administering the policy and goals herein. The County’s Director of Procurement shall determine the size of each GSC that is to be chaired by the Purchasing Director. The Purchasing Director shall also appoint the remaining members of the GSC from the County’s procurement personnel and other County departments affected by this Program; and
5. Providing accountability and accuracy in setting goals and in reporting program results through the implementation of a mandatory centralized bidder registration process capable of identifying with specificity the universe of firms that are available and interested in bidding on and /or performing on County contracts, and of providing the means of tracking actual County bids, contract awards, and prime contract and subcontract payments to registered bidders on the basis of firm ownership status, commodity or sub-industry codes, firm location, and firm size. Accordingly, Prime Contractors and Subcontractors will be required to register and input data into the CBR or other related forms and systems as a condition of engaging in business with the County.

(b) At a minimum, the Procurement Director shall:

1. Report to the County Administrator and the County Council on at least an annual basis as to the County’s progress towards satisfying SLBE program objectives;

2. Formulate Program waivers, improvements and adjustments to the GSC goal-setting methodology and other Program functions;
3. Have substantive input in a contract specification review process to be undertaken in advance of the issuance of County's RFPs and bid solicitations to ensure that contract bid specifications are not unnecessarily restrictive and unduly burdensome to small, local, minority-owned, and other businesses;
4. Receive and analyze external and internal information including statistical data and anecdotal testimonies it deems appropriate to effectively accomplish its duties; and
5. Monitor and support the implementation of the rules under this Program, and where appropriate, make recommendations to the County Administrator for approval of changes to established size standards for SLBE firms, and provide notice of all approved changes to the County Council.

(c) At a minimum, each Goal Setting Committee shall:

1. Meet as often as it deems necessary to accomplish its duties but not less than twice annually;
2. Develop the SLBE goal setting methodology to be implemented by the Director of Procurement on a contract-by-contract basis; and
3. Monitor and support the implementation of the rules under this Program policy.

Sec. 2-641. Eligibility for the SLBE Program.

(a) For the purpose of this program, a firm will be certified as a Small and Local Business Enterprise (SLBE) with the Purchasing Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the SLBE eligibility criteria as set forth below:

1. It is an independently owned and operated for-profit business concern as defined by South Carolina Code of Laws, Title 33, Chapter 31 that is not a broker, that is not a subsidiary of another business, that is not dominant in its field of operation; whose owners are actively involved in day-to-day management and control of the business, and that also is performing a commercially useful function;
2. It meets size standard eligibility requirements for Small Business Enterprises as defined below;

~~*****Note: See State of Maryland's alternative definition of Small Business Enterprise ("SBE") size standards below in bold italic text:***~~

~~2. That satisfies the following size requirements:~~

~~a. Wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;~~

~~b. Manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;~~

~~c. Service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2 million in its most recently completed 3 fiscal years; and~~

~~d. Construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.~~

~~If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business.~~

~~This definition is subsumed within the definition of Small Local Business Enterprises.]~~

a. Construction firms, specialty trade firms, and manufacturing firms have not employed more than 50 full-time persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$10 million in its most recently completed 3 fiscal years;

b. Architectural business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$5 million in its most recently completed 3 fiscal years;

c. Professional services business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest

primary NAICS code have not exceeded an average of \$3 million in its most recently completed 3 fiscal years;

- d. Engineering business firms , have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2.5 million in its most recently completed 3 fiscal years;
- e. Wholesale operations, retail firms, and all other services business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2 million in its most recently completed 3 fiscal years; and

\$3 million

A few may be a higher size standard, but none above \$3 million or 50 employees.

If a business has not existed for 3 years, the employment and gross revenue limits described above shall be applied based upon the annual averages over the course of the existence of the business not to exceed the three years.

Once the gross annual revenues of a business exceed the three-year average gross annual revenue limits, it should no longer be eligible to benefit as an SLBE firm and should be permanently graduated from the program. The size standards in number of employees and annual gross revenue dollars should be reviewed annually and adjusted periodically to meet changes in market conditions. Joint ventures must be certified on a bid-by-bid basis. The joint venture itself shall not be subject to the size standard limitations imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SLBE in order for the joint venture to receive the benefits of the SLBE program.

This definition is subsumed within the definition of Small Local Business Enterprises.

3. The firm is a Local Business Enterprise as defined by this Policy with a principal place of business or significant employment presence in Richland County, SC as defined herein;
4. The firm has been established for at least one year or the managing principals of the business each have at least three years of relevant experience prior to forming or joining the business; and
5. In the year preceding the date of the initial certification application, the applicant has not received more than \$1,000,000 in County contract payments as a result of contract awards from the County achieved through an open competitive bidding process.

(b) Upon receipt of SLBE certification or re-certification applications, the Director of Procurement or designated Procurement Department staff shall review all enclosed forms affidavits and documentation to make a prima facie determination as to whether the applicant satisfies the SLBE eligibility requirements as set forth in this policy. Applicants determined ineligible to participate as a SLBE shall receive a letter from the Director of Procurement stating the basis for the denial of eligibility. Applicants determined ineligible shall not be eligible to submit a new application for one year after the date of the notice of denial of eligibility.

(c) Applicants determined eligible to participate in the SLBE program shall submit a completed re-certification form (SLBE-R) every two years to the Procurement Department for review and continued certification. However, upon application for re-certification, an SLBE firm must be an independently owned and operated business concern, and maintain a Principal Place of Business or Significant Employment Presence in the County of Richland in accordance with this Section 2-641 of Division 7, "Eligibility for the SLBE Program," of this Policy. To qualify for recertification, an SLBE's maximum employment numbers and annual gross revenues average for the three fiscal years immediately preceding the application for recertification shall not exceed the size standard eligibility requirements.

(d) In the course of considering the certification or re-certification status of any SLBE firm, the Director of Procurement or his or her designees shall periodically conduct audits and inspect the office, job site, records, and documents of the firm, and shall interview the firm's employees, subcontractors, and vendors as reasonably necessary to ensure that all eligibility standards are satisfied and that the integrity of the SLBE Program is maintained.

(e) For purposes of this Program, a firm will be certified as an *Emerging SLBE* by the Purchasing Department upon its submission of a completed certification

form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the Emerging SLBE eligibility criteria as set forth below:

1. The firm complies with all SLBE criteria as specified above in Sec. 2-641 (a) through (d);
2. The firm has been in existence for less than five years;
3. The firm has no more than five full-time employees; and
4. The firm's annual gross revenues as averaged over the life of the firm are less than \$1 million.

Sec. 2-642. Graduation and Suspension Criteria.

(a) A bidder may not count towards its SLBE or Emerging SLBE participation the amount subcontracted to an SLBE or Emerging SLBE firm that has graduated or been suspended from the program as follows:

1. An SLBE firm shall be permanently graduated from the SLBE Program after it has received a cumulative total of \$5 million of County-funded prime contract or subcontract payments in at least five separate contracts since its initial certification as an SLBE firm;
2. An SLBE firm shall be permanently graduated from the SLBE program after its three fiscal year average gross sales exceeds the size standard eligibility requirements;
3. An SLBE firm shall be temporarily suspended by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$1.5 million in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the SLBE firm shall be eligible to participate in Affirmative Procurement Initiatives in the following fiscal year so long as the firm has not yet satisfied the graduation criteria;
4. An SLBE firm may have its SLBE eligibility permanently revoked by the Director of Procurement if it fails to perform a Commercially Useful Function under a contract, or if it allows its SLBE status to be fraudulently used for the benefit of a non-SLBE firm or the owners of a non-SLBE firm so as to provide the non-SLBE firm or firm owners benefits from Affirmative Procurement Initiatives for which the non-SLBE firm and its owners would not otherwise be entitled;
5. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status after it has received a cumulative total of \$2.5 million of County-funded prime contracts or subcontract payments in at least five separate contracts since its initial certification as an Emerging SLBE firm;

6. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status once its three-year average annual gross sales exceeds \$2 million; and
7. An Emerging SLBE firm shall be temporarily suspended from Emerging SLBE status by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$750,000 in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the Emerging SLBE firm shall be eligible to continue participating in Affirmative Procurement Initiatives as an SLBE firm for the remainder of the fiscal year, and may also participate in Affirmative Procurement Initiatives as an Emerging SLBE firm in the following fiscal year so long as the firm has not yet satisfied the graduation criteria for such status.

(b) The Director of Procurement shall provide written notice to the SLBE firm or Emerging SLBE firm upon graduation or suspension from the SLBE program, and such notice shall clearly state the reasons for such graduation or suspension.

Sec. 2-643. Appeals.

A business concern that is denied eligibility as an SLBE or as an Emerging SLBE, or who has its eligibility revoked, or who has been denied a waiver request can appeal the decision to the County Administrator. A written notice of appeal must be received by the County Administrator within 15 days of the date of the decision. Upon receipt of a timely notice of appeal and request for hearing, the Director of Procurement, or designee (other than the Director of Procurement), shall also participate in a hearing conducted by the County Administrator or the County Administrator's designee soon as practicable. The decision of the County Administrator, or designee, shall be the final decision of the County.

Sec. 2-644. Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation.

(a) The County in conjunction with the appropriate Contract Officer and the Director of Procurement may utilize the following Affirmative Procurement Initiatives in promoting the award of County contracts to SLBEs or Emerging SLBEs.

1. **Bonding and Insurance Waiver:** The County, at its discretion, may waive or reduce the bonding, or insurance requirements depending on the type of contract and whether the County determines that the bonding and or insurance requirements would deny the SLBE or Emerging SLBE an opportunity to perform the contract which the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

2. **Price Preferences:** The County may award a contract to a SLBE or Emerging SLBE which submits a bid within 10% (inclusive) of a low bid by a non-SLBE. However, this price preference would not apply if the award to the SLBE would result in a total contract cost that is, on an annual basis, more than \$25,000 higher than the low

bid; nor would it apply on a contract in which the total contract cost would exceed the County's budgeted price for the contract.

3. ***Evaluation Preferences:*** The County may reserve up to 20% of the total points available for evaluation purposes for respondents to an RFP to firms that are certified as SLBE or Emerging SLBE firms, or to joint ventures that have SLBE and/or Emerging SLBE partners (see EXHIBITS 1 and 2 regarding professional services contracts and architectural & engineering contracts, respectively).

4. ***Mandatory Subcontracting:***

a. The Goal Selection Committee may, on a contract-by-contract basis, at its discretion, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible SLBEs or to eligible Emerging SLBEs, provided however, that if the prime contractor is a certified SLBE or Emerging SLBE, then the prime contractor shall be able to count the dollar value of the work performed by its own forces towards satisfaction of the Mandatory Subcontracting goal for that contract.

b. An SLBE or Emerging SLBE prime contractor may not subcontract more than 49% of the contract value to a non-SLBE.

c. A prospective bidder on a County contract shall submit at the time of bid SLBE – Form S providing the name of the SLBE or Emerging SLBE subcontractor or subcontractors and describing both the percentage of subcontracting by the SLBE or Emerging SLBE, and the work to be performed by the SLBE or Emerging SLBE. A bidder may request a full or partial waiver of this mandatory subcontracting requirement from the Director of Procurement for good cause by submitting the SLBE Unavailability Certification form to the Director of Procurement at the time of bid. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the bidder and careful review by the Director of Procurement. The Director of Procurement shall base his or her determination on a waiver request on the following criteria:

- (1) Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SLBEs or Emerging SLBEs;
- (2) Whether subcontracting would be inappropriate and/or not provide a “Commercially Useful Function” under the circumstances of the contract; and
- (3) Whether there are no certified SLBE or Emerging SLBE firms that are qualified and available to provide the goods or services required.

d. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to commit in its bid or proposal to satisfying the mandatory SLBE subcontracting goal shall render its bid or proposal non-responsive.

e. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to attain a mandatory subcontracting goal for SLBE participation in the performance of its awarded contract shall be grounds for termination of existing contracts with the County, debarment from performing future County contracts, and / or any other remedies available under the terms of its contract with the County or under the law.

f. A Prime Contractor is required to notify and obtain written approval from the Director of Procurement in advance of any reduction in subcontract scope, termination, or substitution for a designated SLBE or Emerging SLBE Subcontractor. Failure to do so shall constitute a material breach of its contract with the County.

5. ***Sheltered Market:***

a. The Director of Procurement and the appropriate County Contracting Officer may select certain contracts which have a contract value of \$250,000 or less for award to a SLBE or a joint venture with a SLBE through the Sheltered Market program. Similarly, the Director of Procurement and the appropriate County Contracting Officer may select certain contracts that have a value of \$50,000 or less for award to an Emerging SLBE firm through the Sheltered Market program.

b. In determining whether a particular contract is eligible for the Sheltered Market Program, the County's Contracting Officer and Director of Procurement shall consider: whether there are at least three SLBEs or Emerging SLBEs that are available and capable to participate in the Sheltered Market Program for that contract; the degree of underutilization of the SLBE and Emerging SLBE prime contractors in the specific industry categories; and the extent to which the County's SLBE and Emerging SLBE prime contractor utilization goals are being achieved.

c. If a responsive and responsible bid or response is not received for a contract that has been designated for the Sheltered Market Program or the apparent low bid is determined in the Procurement Director's discretion to be too high in price, the contract shall be removed from the Sheltered Market Program for purposes of rebidding.

6. ***Competitive Business Development Demonstration Project:***

a. With the concurrence of the Director of Procurement, the appropriate County Contracting Officer may reserve certain contracts for placement into a Competitive Business Development Demonstration Project ("CBD Demonstration Project") wherein those contracts require the purchase of goods or services from an industry that routinely has too few sources of bidders to provide meaningful or sufficient competition for such County contracts. The purpose for the placement of a contract into the CBD Demonstration Project shall be to encourage the development of new capacity within an industry to competitively bid on the future supply of specialized goods or services to the County.

b. Contracts reserved for CBD Demonstration Projects shall be subject to a Request for Proposals process whereby the selected firm will be required to be a joint venture between an established firm or experts in that relevant industry and an SLBE firm. The scope of work for the selected joint venture shall include teaching a hands-on curriculum to SLBE firms that have expressed an interest in diversifying into the relevant industry, in addition to performing the customary functions of the contract. This curriculum shall include both administrative skills (e.g. cost estimating, bidding, staffing, project management) and technical skills (e.g., hands-on demonstration of how to perform necessary tasks in the field) required to qualify for future County contracts and to successfully compete in the industry.

c. The Director of Procurement shall be required to select SLBE candidate firms for participation on such CBD Demonstration Projects on the basis of an assessment of their current capabilities and their likely success in diversifying into the new relevant industry once given technical assistance, training, and an opportunity to develop a performance track record in the industry.

Sec. 2-645. SLBE Program Performance Review.

(a) The Director of Procurement or designee shall monitor the implementation of this Policy and the progress of this Program. On at least an annual basis, the Director of Procurement or designee shall report to the County Administrator and County Council on the progress of achieving the goals established for awards to certified SLBE and Emerging SLBE firms, reporting both dollars awarded and expended. In addition, the Director of Procurement or designee shall report on the progress in achieving the stated Program Objectives, including, but not limited to, enhancing competition, establishing and building new business capacity, and removing barriers to and eliminating disparities in the utilization of available minority business enterprises and women business enterprises on County contracts.

(b) The County shall periodically review the SLBE Program to determine whether the various contracting procedures used to enhance SLBE contract participation need to be adjusted or used more or less aggressively in future years to achieve the stated Program Objectives. The County Council shall conduct a public hearing at least once every two years in order to solicit public comments on the Program.

Sec. 2-646. Conflicts.

To the extent language in this Division conflicts with other language in Article X, the language in this Division controls only with respect to contracts wherein the Small Local Business Enterprise Program is being applied by the Director of Procurement. In all other respects, prior language in this Article shall remain in full force and effect.

SMALL, LOCAL BUSINESS ENTERPRISE PROGRAM EXHIBITS

For Architectural & Engineering, Professional Services, Other Services, and design / build or CM at risk contracts that are awarded based on evaluation criteria, there shall be SLBE or Emerging SLBE participation criterion for all contracts let at predetermined percentage of the total points awarded. The determination will be made using the suggested model outlined in the “Point Evaluation Table” (EXHIBIT 1) below:

EXHIBIT 1

Point Evaluation Table

10 POINTS FOR SLBE PARTICIPATION

- > 51% = 10 points
- > 45% = 7 points
- > 40% = 6 points
- > 35% = 5 points
- > 30% = 4 points
- > 25% = 3 points
- > 20% = 2 points
- > 15% = 1 points

20 POINTS FOR SLBE PARTICIPATION

- > 51% = 20 points
- > 45% = 17 points
- > 40% = 16 points
- > 35% = 14 points
- > 30% = 12 points
- > 25% = 10 points
- > 20% = 8 points
- > 15% = 6 points
- > 10% = 4 points

Contractors may be evaluated on their SLBE or Emerging SLBE participation by utilizing the following sample schedule (EXHIBIT 2) which is most often used by Architectural & Engineering:

EXHIBIT 2

Points Awarded

5.0 51-100

4.0 36 – 50

% of Participation Criteria

Proposals by registered SLBE owned and/or controlled firms

Majority prime with registered SLBE participation

3.0	30 – 35	Majority prime with registered SLBE participation
2.0	24 – 29	Majority prime with registered SLBE participation
0	0 – 23	Less than the goal for registered SLBE participation

DRAFT

SMALL LOCAL BUSINESS ENTERPRISE (“SLBE”) PROGRAM
[An Ordinance to Amend Article X of the Richland County, SC Code by adding a
new Division 7 as follows]

(7-2-13 Draft)

DIVISION 7. SMALL LOCAL BUSINESS ENTERPRISE PROCUREMENT REQUIREMENTS

Sec. 2-639. General Provisions.

(a) *Purpose*

The purpose of this division is to provide a race- and gender-neutral procurement tool for the County to use in its efforts to ensure that all segments of its local business community have a reasonable and significant opportunity to participate in County contracts for construction, architectural & engineering services, professional services, non-professional services, and commodities. The Small Local Business Enterprise (“SLBE”) Program also furthers the County’s public interest to foster effective broad-based competition from all segments of the vendor community, including, but not limited to, minority business enterprises, small business enterprises, and local business enterprises. This policy is, in part, intended to further the County’s compelling interest in ensuring that it is neither an active nor passive participant in private sector marketplace discrimination, and in promoting equal opportunity for all segments of the contracting community to participate in County contracts. Moreover, the SLBE Program provides additional avenues for the development of new capacity and new sources of competition for County contracts from the growing pool of small and locally based businesses.

(b) *Scope and Limitations*

This SLBE Program may be applied by the County on a contract-by-contract basis to the maximum practicable extent permissible under federal and state law.

(c) *Definitions*

Affirmative Procurement Initiatives – refers to any procurement tool to enhance contracting opportunities for SLBE firms including: bonding / insurance waivers, bid incentives, price preferences, sheltered market, mandatory subcontracting, competitive business development demonstration projects, and SLBE evaluation preference points in the scoring of proposal evaluations.

Award – the final selection of a bidder or offeror for a specified prime contract or subcontract dollar amount. Awards are made by the County to prime contractors or vendors or by prime contractors or vendors to subcontractors or sub-vendors, usually pursuant to an open invitation to bid (“ITB”) or request for proposal (“RFP”) process.

(Contract awards are to be distinguished from contract payments in that they only reflect the anticipated dollar amounts instead of actual dollar amounts that are to be paid to a bidder or offeror under an awarded contract.)

Bid Incentives – additional inducements or enhancements in the bidding process that are designed to increase the chances for the selection of SLBE firms in competition with other firms. These bid incentives may be applied to all solicitations, contracts, and letter agreements for the purchase of Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities including change orders and amendments.

Centralized Bidder Registration System (“CBR”) -- a web-based software application used by the County of Richland to track and monitor SLBE availability and utilization (i.e., “Spend” or “Payments”) on County contracts.

County – refers to the County of Richland, South Carolina.

Commercially Useful Function – an SLBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the SLBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quantity and quality, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an SLBE is performing a commercially useful function, an evaluation must be performed of the amount of work subcontracted, normal industry practices, whether the amount the SLBE firm is to be paid under the contract is commensurate with the work it is actually performing and the SLBE credit claimed for its performance of the work, and other relevant factors. Specifically, an SLBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of meaningful and useful SLBE participation, when in similar transactions in which SLBE firms do not participate, there is no such role performed.

Emerging SLBE – an emerging firm that meets all of the qualifications of a Small Local Business Enterprise, and that is less than five years old, but has no more than five full-time employees and annual gross sales as averaged over the life of the firm that are less than \$1 million.

Goal – a non-mandatory annual aspirational percentage goal for SLBE contract participation is established each year for Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities contracts. Mandatory percentage goals for SLBE subcontract participation may be established on a contract-by-contract basis by either the Director of Procurement or a Goal Setting Committee.

Goal Setting Committee – a committee established by the Director of Procurement for the County (including a representative of the Purchasing Department and a representative of the end-user agency) and chaired by the Director of Procurement that establishes SLBE Program goals and selects appropriate SLBE Affirmative Procurement Initiatives to be applied to each contract for the County based upon industry categories, vendor availability, and project-specific characteristics. The Director of Procurement may establish as many as five separate Goal Setting Committees (i.e., one for each industry category).

Good Faith Efforts – documentation of the Bidder’s intent to comply with SLBE Program goals and procedures, including, but not limited to the following: (1) documentation within a bid submission or proposal reflecting the Bidder’s commitment to comply with SLBE Program goals as established by the Director of Procurement or a Goal Setting Committee for a particular contract; or (2) documentation of efforts made towards achieving the SLBE Program goals (e.g., timely advertisements in appropriate trade publications and publications of wide general circulation; timely posting of SLBE subcontract opportunities on the County web site; solicitations of bids from all qualified SLBE firms listed in the County’s SLBE Directory of certified SLBE firms; correspondence from qualified SLBE firms documenting their unavailability to perform SLBE contracts; documentation of efforts to subdivide work into smaller quantities for subcontracting purposes to SLBE firms; documentation of efforts to assist SLBE firms with obtaining financing, bonding, or insurance required by the bidder; and documentation of consultations with trade associations and consultants that represent the interests of small and local businesses in order to identify qualified and available SLBE subcontractors.)

Graduation – An SLBE firm permanently graduates from the County’s SLBE program when it meets the criteria for graduation set forth in this policy.

Independently Owned, Managed, and Operated – ownership of an SLBE firm must be direct, independent, and by individuals only. Business firms that are owned by other businesses or by the principals or owners of other businesses that cannot themselves qualify under the SLBE eligibility requirements shall not be eligible to participate in the SLBE program. Moreover, the day-to-day management of the SLBE firm must be direct and independent of the influence of any other businesses that cannot themselves qualify under the SLBE eligibility requirements.

Industry Categories – procurement groupings for County contracts for purposes of the administration of Affirmative Procurement Initiatives shall be inclusive of Architectural & Engineering, Construction, Professional Services, and Non-professional Services, and Commodities procurements. Industry Categories may also be referred to as “business categories.”

Joint Venture - an association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement.

Local Business Enterprise (“LBE”) - a firm having a Principal Place of Business or a Significant Employment Presence in Richland County, South Carolina. This definition is subsumed within the definition of Small Local Business Enterprise.

Non-professional Services – non-construction, non-architectural, and non-engineering services that are other than Professional Services, and such “other” services that do not require any license or highly specialized training and credentials to perform.

Points – the quantitative assignment of value for specific evaluation criteria in the selection process.

Prime Contractor – The vendor or contractor to whom a purchase order or contract is awarded by the County for purposes of providing goods or services to the County.

Principal Place of Business – a location wherein a firm maintains a company headquarters or a physical office and through which it obtains no less than fifty percent of its overall customers or sales dollars, or through which no less than twenty-five percent of its employees are located and domiciled in the County of Richland and/or Richland County.

Professional Services – any non-construction and non-architectural & engineering services that require highly specialized training and / or licensed credentials to perform, such as legal, accounting, scientific, technical, insurance, investment management, medical, or real estate services.

Responsive - a firm’s bid or proposal conforms in all material respects to the invitation to bid or request for proposal and shall include compliance with SLBE Program requirements.

Sheltered Market – An Affirmative Procurement Initiative designed to set aside a County contract bid for bidding exclusively among SLBE firms.

Significant Employee Presence – no less than twenty-five percent of a firm’s total number of full and part-time employees are domiciled in Richland County.

Small Local Business Enterprise (“SLBE”) – an independently owned firm that is not dominant in its industry, and that satisfies all requirements of being both a “Small Business Enterprise” and a “Local Business Enterprise.”

SLBE Plan Execution Certification (SLBE Form – C) - The form certifying the general contractor’s intent to use a SLBE subcontractor, verifying that an agreement has been executed between the prime and the SLBE.

SLBE Directory - A listing of the small local businesses that have been certified by the Purchasing Department for participation in the SLBE Program.

SLBE Certification/Re-certification Application (SLBE Form – R) – This form shall be completed by Small Local Business Enterprises (SLBEs) when applying for and/or recertifying SLBE status for participation in the County’s Small Local Business Enterprise Program. This form shall be completed every two years by certified Small Local Business Enterprises by the anniversary date of their original certification.

SLBE Schedule for Subcontractor Participation (SLBE Form – S) – This form must be completed by all non-SLBE firms that subcontract to SLBE firms. A form must be submitted for each SLBE subcontractor. This form(s) must be reviewed and approved by the Director of Purchasing before contract award.

SLBE Unavailability Certification (SLBE Form – U) - This form demonstrates a bidder's unsuccessful good faith effort to meet the small, local participation requirements of the contract. This form will only be considered after proper completion of the outreach and compliance efforts and methods used to notify and inform SLBE firms of contracting opportunities have been fully exhausted.

Small Business Enterprise (“SBE”) a small business enterprise is any for-profit enterprise as defined by South Carolina Code of Laws, Title 33, Chapter 31 that is not a broker, that is independently owned and operated, that is not a subsidiary of another business, and that is not dominant in its field of operation; and that also meets the following size standard limitations: (1) the SBE must have no more than fifty full-time employees; and (2) the SBE must have annual gross revenues within its largest primary NAICS commodity code as averaged over its most recent past three fiscal years of not more than \$10 million for construction firms, specialty trade contractors, and manufacturing firms; not more than \$5 million for architectural firms; not more than \$3 million for professional services firms (e.g., scientific, real estate, insurance, accounting, legal, etc.); not more than \$2.5 million for engineering firms; and not more than \$2 million for wholesale operations, retail firms, and all other services firms (e.g., truck transportation, administrative support services, repair and maintenance services). If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business not to exceed the three years. Once the gross annual receipts of a business exceed the gross sales average limits, it should no longer be eligible to benefit as an SLBE firm and should be graduated from the program. The size standards in number of employees and annual gross revenue dollars should be reviewed annually and adjusted periodically to meet economic changes. Joint ventures must be certified on a bid-by-bid basis. The joint venture shall not be subject to the average gross receipts and employee limits imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SBE. ***This definition is subsumed within the definition of Small Local Business Enterprises.***

Small Local Business Enterprise (“SLBE”) – A Local Business Enterprise that is also a Small Business Enterprise.

Spend Dollars – dollars actually paid to prime and / or subcontractors and vendors for County contracted goods and/or services.

Subcontractor – any vendor or contractor that is providing goods or services to a Prime Contractor in furtherance of the Prime Contractor’s performance under a contract or purchase order with the County.

Suspension – the temporary stoppage of a SLBE firm’s participation in the County’s contracting process under the SLBE Program for a finite period of time due to the cumulative contract payments the SLBE received during a fiscal year.

Sec. 2-640. Program Objectives and General Responsibilities.

(a) To meet the objectives of this Program, the County is committed to:

1. Increasing the participation of Small Local Business Enterprises (“SLBEs”) in County contracting, and, to the extent possible, ameliorating through race- and gender-neutral means, any disparities in the participation of minority business enterprises or women business enterprises on County contracts.
2. Regular evaluation regarding the progress of the Program using accumulated availability and utilization data to determine specific program provisions that require modification, expansion, and/or curtailment;
3. Establishing one or more Goal Setting Committee(s) (“GSCs”) to provide guidance on the implementation of the rules under this Policy;
4. Continuous review and advice of the GSC in administering the policy and goals herein. The County’s Director of Procurement shall determine the size of each GSC that is to be chaired by the Purchasing Director. The Purchasing Director shall also appoint the remaining members of the GSC from the County’s procurement personnel and other County departments affected by this Program; and
5. Providing accountability and accuracy in setting goals and in reporting program results through the implementation of a mandatory centralized bidder registration process capable of identifying with specificity the universe of firms that are available and interested in bidding on and /or performing on County contracts, and of providing the means of tracking actual County bids, contract awards, and prime contract and subcontract payments to registered bidders on the basis of firm ownership status, commodity or sub-industry codes, firm location, and firm size. Accordingly, Prime Contractors and Subcontractors will be required to register and input data into the CBR or other related forms and systems as a condition of engaging in business with the County.

(b) At a minimum, the Procurement Director shall:

1. Report to the County Administrator and the County Council on at least an annual basis as to the County's progress towards satisfying SLBE program objectives;
2. Formulate Program waivers, improvements and adjustments to the GSC goal-setting methodology and other Program functions;
3. Have substantive input in a contract specification review process to be undertaken in advance of the issuance of County's RFPs and bid solicitations to ensure that contract bid specifications are not unnecessarily restrictive and unduly burdensome to small, local, minority-owned, and other businesses;
4. Receive and analyze external and internal information including statistical data and anecdotal testimonies it deems appropriate to effectively accomplish its duties; and
5. Monitor and support the implementation of the rules under this Program, and where appropriate, make recommendations to the County Administrator for approval of changes to established size standards for SLBE firms, and provide notice of all approved changes to the County Council.

(c) At a minimum, each Goal Setting Committee shall:

1. Meet as often as it deems necessary to accomplish its duties but not less than twice annually;
2. Develop the SLBE goal setting methodology to be implemented by the Director of Procurement on a contract-by-contract basis; and
3. Monitor and support the implementation of the rules under this Program policy.

Sec. 2-641. Eligibility for the SLBE Program.

(a) For the purpose of this program, a firm will be certified as a Small and Local Business Enterprise (*SLBE*) with the Purchasing Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the SLBE eligibility criteria as set forth below:

1. It is an independently owned and operated for-profit business concern as defined by South Carolina Code of Laws, Title 33, Chapter 31 that is not a broker, that is not a subsidiary of another business, that is not dominant in its field of operation; whose owners are actively involved in day-to-day management and control of the business, and that also is performing a commercially useful function;

2. It meets size standard eligibility requirements for Small Business Enterprises as defined below;

- a. Construction firms, specialty trade firms, and manufacturing firms have not employed more than 50 full-time persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$10 million in its most recently completed 3 fiscal years;
- b. Architectural business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$5 million in its most recently completed 3 fiscal years;
- c. Professional services business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$3 million in its most recently completed 3 fiscal years;
- d. Engineering business firms , have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2.5 million in its most recently completed 3 fiscal years; and
- e. Wholesale operations, retail firms, and all other services business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2 million in its most recently completed 3 fiscal years.

If a business has not existed for 3 years, the employment and gross revenue limits described above shall be applied based upon the annual averages not to exceed three years.

Once the gross annual revenues of a business exceed the three-year average gross annual revenue limits, it should no longer be eligible to benefit as an SLBE firm and should be permanently graduated from the program. The size standards in number of employees and annual gross revenue dollars should be reviewed annually and adjusted periodically to meet changes in market conditions. Joint ventures must be certified on a bid-by-bid basis. The joint venture itself shall not be subject to the size standard limitations imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SLBE in order for the joint venture to receive the benefits of the SLBE program. ***This definition is subsumed within the definition of Small Local Business Enterprises.***

3. The firm is a Local Business Enterprise as defined by this Policy with a principal place of business or significant employment presence in Richland County, SC as defined herein;

4. The firm has been established for at least one year or the managing principals of the business each have at least three years of relevant experience prior to forming or joining the business; and

5. In the year preceding the date of the initial certification application, the applicant has not received more than \$1,000,000 in County contract payments as a result of contract awards from the County achieved through an open competitive bidding process.

(b) Upon receipt of SLBE certification or re-certification applications, the Director of Procurement or designated Procurement Department staff shall review all enclosed forms affidavits and documentation to make a prima facie determination as to whether the applicant satisfies the SLBE eligibility requirements as set forth in this policy. Applicants determined ineligible to participate as a SLBE shall receive a letter from the Director of Procurement stating the basis for the denial of eligibility. Applicants determined ineligible shall not be eligible to submit a new application for one year after the date of the notice of denial of eligibility.

(c) Applicants determined eligible to participate in the SLBE program shall submit a completed re-certification form (SLBE-R) every two years to the Procurement Department for review and continued certification. However, upon application for re-certification, an SLBE firm must be an independently owned and operated business concern, and maintain a Principal Place of Business or Significant Employment Presence in the County of Richland in accordance with this Section 2-641 of Division 7, "Eligibility for the SLBE Program," of this Policy. To qualify for recertification, an SLBE's maximum employment numbers and annual gross revenues average for the three fiscal years immediately preceding the application for recertification shall not exceed the size standard eligibility requirements.

(d) In the course of considering the certification or re-certification status of any SLBE firm, the Director of Procurement or his or her designees shall periodically conduct audits and inspect the office, job site, records, and documents of the firm, and shall interview the firm's employees, subcontractors, and vendors as reasonably necessary to ensure that all eligibility standards are satisfied and that the integrity of the SLBE Program is maintained.

(e) For purposes of this Program, a firm will be certified as an *Emerging SLBE* by the Purchasing Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the Emerging SLBE eligibility criteria as set forth below:

1. The firm complies with all SLBE criteria as specified above in Sec. 2-641 (a) through (d);
2. The firm has been in existence for less than five years;
3. The firm has no more than five full-time employees; and
4. The firm's annual gross revenues as averaged over the life of the firm are less than \$1 million.

Sec. 2-642. Graduation and Suspension Criteria.

(a) A bidder may not count towards its SLBE or Emerging SLBE participation the amount subcontracted to an SLBE or Emerging SLBE firm that has graduated or been suspended from the program as follows:

1. An SLBE firm shall be permanently graduated from the SLBE Program after it has received a cumulative total of \$5 million of County-funded prime contract or subcontract payments in at least five separate contracts since its initial certification as an SLBE firm;
2. An SLBE firm shall be permanently graduated from the SLBE program after its three fiscal year average gross sales exceeds the size standard eligibility requirements;
3. An SLBE firm shall be temporarily suspended by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$1.5 million in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the SLBE firm shall be eligible to participate in Affirmative Procurement Initiatives in the following fiscal year so long as the firm has not yet satisfied the graduation criteria;
4. An SLBE firm may have its SLBE eligibility permanently revoked by the Director of Procurement if it fails to perform a Commercially Useful Function under a contract, or if it allows its SLBE status to be fraudulently used for the benefit of a non-SLBE firm or the owners of a non-SLBE firm so as to provide the non-SLBE firm or firm owners benefits from Affirmative Procurement Initiatives for which the non-SLBE firm and its owners would not otherwise be entitled;
5. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status after it has received a cumulative total of \$2.5 million of County-funded prime contracts or subcontract payments in at least five separate contracts since its initial certification as an Emerging SLBE firm;
6. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status once its three-year average annual gross sales exceeds \$2 million; and

7. An Emerging SLBE firm shall be temporarily suspended from Emerging SLBE status by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$750,000 in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the Emerging SLBE firm shall be eligible to continue participating in Affirmative Procurement Initiatives as an SLBE firm for the remainder of the fiscal year, and may also participate in Affirmative Procurement Initiatives as an Emerging SLBE firm in the following fiscal year so long as the firm has not yet satisfied the graduation criteria for such status.

(b) The Director of Procurement shall provide written notice to the SLBE firm or Emerging SLBE firm upon graduation or suspension from the SLBE program, and such notice shall clearly state the reasons for such graduation or suspension.

Sec. 2-643. Appeals.

A business concern that is denied eligibility as an SLBE or as an Emerging SLBE, or who has its eligibility revoked, or who has been denied a waiver request can appeal the decision to the County Administrator. A written notice of appeal must be received by the County Administrator within 15 days of the date of the decision. Upon receipt of a timely notice of appeal and request for hearing, the Director of Procurement, or designee (other than the Director of Procurement), shall also participate in a hearing conducted by the County Administrator or the County Administrator's designee soon as practicable. The decision of the County Administrator, or designee, shall be the final decision of the County.

Sec. 2-644. Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation.

(a) The County in conjunction with the appropriate Contract Officer and the Director of Procurement may utilize the following Affirmative Procurement Initiatives in promoting the award of County contracts to SLBEs or Emerging SLBEs.

1. **Bonding and Insurance Waiver:** The County, at its discretion, may waive or reduce the bonding, or insurance requirements depending on the type of contract and whether the County determines that the bonding and or insurance requirements would deny the SLBE or Emerging SLBE an opportunity to perform the contract which the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

2. **Price Preferences:** The County may award a contract to a SLBE or Emerging SLBE which submits a bid within 10% (inclusive) of a low bid by a non-SLBE. However, this price preference would not apply if the award to the SLBE would result in a total contract cost that is, on an annual basis, more than \$25,000 higher than the low bid; nor would it apply on a contract in which the total contract cost would exceed the County's budgeted price for the contract.

3. **Evaluation Preferences:** The County may reserve up to 20% of the total points available for evaluation purposes for respondents to an RFP to firms that are certified as SLBE or Emerging SLBE firms, or to joint ventures that have SLBE and/or Emerging SLBE partners (see EXHIBITS 1 and 2 regarding professional services contracts and architectural & engineering contracts, respectively).

4. **Mandatory Subcontracting:**

a. The Goal Selection Committee may, on a contract-by-contract basis, at its discretion, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible SLBEs or to eligible Emerging SLBEs, provided however, that if the prime contractor is a certified SLBE or Emerging SLBE, then the prime contractor shall be able to count the dollar value of the work performed by its own forces towards satisfaction of the Mandatory Subcontracting goal for that contract.

b. An SLBE or Emerging SLBE prime contractor may not subcontract more than 49% of the contract value to a non-SLBE.

c. A prospective bidder on a County contract shall submit at the time of bid SLBE – Form S providing the name of the SLBE or Emerging SLBE subcontractor or subcontractors and describing both the percentage of subcontracting by the SLBE or Emerging SLBE, and the work to be performed by the SLBE or Emerging SLBE. A bidder may request a full or partial waiver of this mandatory subcontracting requirement from the Director of Procurement for good cause by submitting the SLBE Unavailability Certification form to the Director of Procurement at the time of bid. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the bidder and careful review by the Director of Procurement. The Director of Procurement shall base his or her determination on a waiver request on the following criteria:

(1) Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SLBEs or Emerging SLBEs;

(2) Whether subcontracting would be inappropriate and/or not provide a “Commercially Useful Function” under the circumstances of the contract; and

(3) Whether there are no certified SLBE or Emerging SLBE firms that are qualified and available to provide the goods or services required.

d. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to commit in its bid or proposal to satisfying the mandatory SLBE subcontracting goal shall render its bid or proposal non-responsive.

e. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to attain a mandatory subcontracting goal for SLBE participation in the performance of its awarded contract shall be grounds for termination of existing contracts

with the County, debarment from performing future County contracts, and / or any other remedies available under the terms of its contract with the County or under the law.

f. A Prime Contractor is required to notify and obtain written approval from the Director of Procurement in advance of any reduction in subcontract scope, termination, or substitution for a designated SLBE or Emerging SLBE Subcontractor. Failure to do so shall constitute a material breach of its contract with the County.

5. ***Sheltered Market:***

a. The Director of Procurement and the appropriate County Contracting Officer may select certain contracts which have a contract value of \$250,000 or less for award to a SLBE or a joint venture with a SLBE through the Sheltered Market program. Similarly, the Director of Procurement and the appropriate County Contracting Officer may select certain contracts that have a value of \$50,000 or less for award to an Emerging SLBE firm through the Sheltered Market program.

b. In determining whether a particular contract is eligible for the Sheltered Market Program, the County's Contracting Officer and Director of Procurement shall consider: whether there are at least three SLBEs or Emerging SLBEs that are available and capable to participate in the Sheltered Market Program for that contract; the degree of underutilization of the SLBE and Emerging SLBE prime contractors in the specific industry categories; and the extent to which the County's SLBE and Emerging SLBE prime contractor utilization goals are being achieved.

c. If a responsive and responsible bid or response is not received for a contract that has been designated for the Sheltered Market Program or the apparent low bid is determined in the Procurement Director's discretion to be too high in price, the contract shall be removed from the Sheltered Market Program for purposes of rebidding.

6. ***Competitive Business Development Demonstration Project:***

a. With the concurrence of the Director of Procurement, the appropriate County Contracting Officer may reserve certain contracts for placement into a Competitive Business Development Demonstration Project ("CBD Demonstration Project") wherein those contracts require the purchase of goods or services from an industry that routinely has too few sources of bidders to provide meaningful or sufficient competition for such County contracts. The purpose for the placement of a contract into the CBD Demonstration Project shall be to encourage the development of new capacity within an industry to competitively bid on the future supply of specialized goods or services to the County.

b. Contracts reserved for CBD Demonstration Projects shall be subject to a Request for Proposals process whereby the selected firm will be required to be a joint venture between an established firm or experts in that relevant industry and an SLBE firm. The scope of work for the selected joint venture shall include teaching a hands-on curriculum

to SLBE firms that have expressed an interest in diversifying into the relevant industry, in addition to performing the customary functions of the contract. This curriculum shall include both administrative skills (e.g. cost estimating, bidding, staffing, project management) and technical skills (e.g., hands-on demonstration of how to perform necessary tasks in the field) required to qualify for future County contracts and to successfully compete in the industry.

c. The Director of Procurement shall be required to select SLBE candidate firms for participation on such CBD Demonstration Projects on the basis of an assessment of their current capabilities and their likely success in diversifying into the new relevant industry once given technical assistance, training, and an opportunity to develop a performance track record in the industry.

Sec. 2-645. SLBE Program Performance Review.

(a) The Director of Procurement or designee shall monitor the implementation of this Policy and the progress of this Program. On at least an annual basis, the Director of Procurement or designee shall report to the County Administrator and County Council on the progress of achieving the goals established for awards to certified SLBE and Emerging SLBE firms, reporting both dollars awarded and expended. In addition, the Director of Procurement or designee shall report on the progress in achieving the stated Program Objectives, including, but not limited to, enhancing competition, establishing and building new business capacity, and removing barriers to and eliminating disparities in the utilization of available minority business enterprises and women business enterprises on County contracts.

(b) The County shall periodically review the SLBE Program to determine whether the various contracting procedures used to enhance SLBE contract participation need to be adjusted or used more or less aggressively in future years to achieve the stated Program Objectives. The County Council shall conduct a public hearing at least once every two years in order to solicit public comments on the Program.

Sec. 2-646. Conflicts.

To the extent language in this Division conflicts with other language in Article X, the language in this Division controls only with respect to contracts wherein the Small Local Business Enterprise Program is being applied by the Director of Procurement. In all other respects, prior language in this Article shall remain in full force and effect.

SMALL, LOCAL BUSINESS ENTERPRISE PROGRAM EXHIBITS

For Architectural & Engineering, Professional Services, Other Services, and design / build or CM at risk contracts that are awarded based on evaluation criteria, there shall be SLBE or Emerging SLBE participation criterion for all contracts let at predetermined

percentage of the total points awarded. The determination will be made using the suggested model outlined in the “Point Evaluation Table” (EXHIBIT 1) below:

EXHIBIT 1

Point Evaluation Table

10 POINTS FOR SLBE PARTICIPATION

- > 51% = 10 points
- > 45% = 7 points
- > 40% = 6 points
- > 35% = 5 points
- > 30% = 4 points
- > 25% = 3 points
- > 20% = 2 points
- > 15% = 1 points

20 POINTS FOR SLBE PARTICIPATION

- > 51% = 20 points
- > 45% = 17 points
- > 40% = 16 points
- > 35% = 14 points
- > 30% = 12 points
- > 25% = 10 points
- > 20% = 8 points
- > 15% = 6 points
- > 10% = 4 points

Contractors may be evaluated on their SLBE or Emerging SLBE participation by utilizing the following sample schedule (EXHIBIT 2) which is most often used by Architectural & Engineering:

EXHIBIT 2

<u>Points Awarded</u>	<u>% of Participation Criteria</u>
5.0 51-100	Proposals by registered SLBE owned and/or controlled firms
4.0 36 – 50	Majority prime with registered SLBE participation
3.0 30 – 35	Majority prime with registered SLBE participation

2.0	24 – 29	Majority prime with registered SLBE participation
0	0 – 23	Less than the goal for registered SLBE participation

DRAFT

CHARLESTON COUNTY'S SBE

To certify Small Business Enterprises for contracting and procurement opportunities in the areas of:

- Construction
- Architecture and engineering
- Professional services
- Goods and supplies
- Other services

ELIGIBILITY CRITERIA

To be certified as an SBE, your business will:

1. Have an annual gross sales volume not exceeding \$7.5 million (averaged over the previous three years)
2. Be actively managed and controlled on a day-to-day basis by the owner(s)
3. Have been in operation for at least one year
4. Be current on any applicable business license(s) and on any Charleston County taxes and fees

WHAT CERTIFICATION CAN MEAN TO YOUR SMALL BUSINESS

1. Mandatory quote from SBE on procurements between \$5,000 and \$25,000
2. Mandatory SBE subcontractors on projects of \$25,000 and above
3. Technical and financial referrals
4. Workshops, seminars and training programs to assist business owners in the competition process

Following are Councilman Malinowski's comments relating to the SLBE:

1. Principal Place of Business definition—To only have a 25% requirement for employees residing in Richland County seems quite low. I would like to see efforts made to increase this number since the funding for these projects is coming from within Richland County. Since no less than 50% of a company's income must come from within the county then the employee base should also. Attention should also be given to possibly changing the word "domiciled" to an actual resident. The nuclear plant in Fairfield County is employing a huge number of people who are "domiciled" in the area for the duration of the project, but many are from out of state and spend the bulk of their paychecks where they actually claim residence.
2. Small Business Enterprise definition—Possibly consider a wording change here from "full-time" employees. As I stated in the work session, you can have a couple full-time employees and a much greater number of "part-time" employees in order to beat the system in this area.
3. Small Local Business Enterprise definition—It mentions about the possible establishment of another position, Director of Procurement. This seems like it would take additional funds away from the overall projects that are to be done. If we are hiring an overall Director, then that person needs to figure out how to run all of this without spending more money on staff positions that only take money away. If we put this in here, that's like giving the green light to this position. Remove it and see what happens as we move forward.
4. Section 2-640 (c) 1. It states they will meet as often as necessary but not less than twice annually. Specific dates need to be placed here because, as with many matters, time will slip by and all of a sudden they realize they haven't met and call for two meetings in the same month to satisfy the requirement. We also need to state what the annual year is they are meeting twice in—fiscal year or calendar year—this eliminates any confusion.
5. Section 2-641, 2. This entire section from 2. (a) through (k) is a redundancy and is located in previous pages. After the words, "That satisfy the following size requirements" we need to say "According to the definition in Section 2-639". That covers it without the redundancy and eliminates 2 pages of an already overly lengthy document.
6. Section 2-641, (5)(d). The words used are "shall periodically" conduct audits. We need specific dates for accountability purposes.
7. Section 2-641, (5)(e). Number 1 of this portion refers to a previous section, but number 3 and 4 of this section have conflicting numbers. In number 3 it says no more than 5 full time employees, but the reference section says 50. Number 4 says less than one million dollars, but the referred to section states other million dollar amounts that exceed this one million based on the specific operation.
8. Section 2-644, 6 (c). What will the cost be to Richland County to conduct all this training and other items referred to in this section? Why should the taxpayer incur this cost? If they are not qualified the county can offer training at a cost to the contracting company if they want to get in on these projects. If it is decided we must go forward with this training, then specifics of what the county will provide and a maximum dollar cost should be put here.

9. Section 2-645 (a). States on at least an annual basis. Need a specific date the annual covers.
10. Section 2-645 (b). States the county council shall conduct a public hearing at least once every two years in order to solicit public comments on the Program. I have seen too many items in the past go for too long a period of time prior to them being acted on. Need specific dates that these two year hearings must take place within.
11. Why are there two point tables in Exhibit 1, 10 and 20, for SLBE participation? Explain.
12. In Exhibit 2 there are rather large spreads for the numbers next to the points awarded, explain these spreads.

The following are Councilman Jackson's comments relating to the SLBE

4. Mandatory Subcontracting

a. The Global Selection may, on a contract-by-contract basis, at its discretion require that a predetermined percentage of a specific contract, (if the prime contractor is a SLBE, then his participation shall be counted toward the 40% maximum goal) up to 40% be subcontracted to eligible SLBEs or to emerging SLBEs.

Reason:

If the SLBE is a prime and have to sub 40% then they will not have much.

h. Service operations of the business did not employ more than 50 persons and the gross sales of the business did not exceed an average of:
\$5 million for architectural, engineering and for all other services.

Reason:

If cut to \$2.5 million then it affects firms that are on the verge to expand

The following are Councilman Rush's comments relating to the SLBE:

1. In the section for construction limits for SLBE the "Maximum should be \$5 million" not \$10 Million that was proposed.
2. It should be mandatory that SLBE, if they receive a prime contract, would still have to use the services of other SLBE as a subcontractor.

Suggested changes provided by Procurement Director:

Page 13 – Clean Version

d. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to commit in its bid or proposal to satisfying the mandatory SLBE subcontracting goal shall render its bid or proposal non-responsive.

e. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to attain a mandatory subcontracting goal for SLBE participation in the performance of its awarded contract shall be grounds for termination of existing contracts with the County, debarment from performing future County contracts, and / or any other remedies available under the terms of its contract with the County or under the law.

f. A Prime Contractor is required to notify and obtain written approval from the Director of Procurement in advance of any reduction in subcontract scope, termination, or substitution for a designated SLBE or Emerging SLBE Subcontractor. Failure to do so shall constitute a material breach of its contract with the County.

5. ***Sheltered Market:***

a. The Director of Procurement and the appropriate County ~~Contracting Officer~~ **Contracting Officer Representative** may select certain contracts which have a contract value of \$250,000 or less for award to a SLBE or a joint venture with a SLBE through the Sheltered Market program. Similarly, the Director of Procurement and the appropriate County ~~Contracting Officer~~ **Contracting Officer Representative** may select certain contracts that have a value of \$50,000 or less for award to an Emerging SLBE firm through the Sheltered Market program.

b. In determining whether a particular contract is eligible for the Sheltered Market Program, the County's ~~Contracting Officer~~ **Contracting Officer Representative** and Director of Procurement shall consider: whether there are at least three SLBEs or Emerging SLBEs that are available and capable to participate in the Sheltered Market Program for that contract; the degree of underutilization of the SLBE and Emerging SLBE prime contractors in the specific industry categories; and the extent to which the County's SLBE and Emerging SLBE prime contractor utilization goals are being achieved.

c. If a responsive and responsible bid or response is not received for a contract that has been designated for the Sheltered Market Program or the apparent low bid is determined in the Procurement Director's discretion to be too high in price, the contract shall be removed from the Sheltered Market Program for purposes of rebidding.

6. ***Competitive Business Development Demonstration Project:***

a. With the concurrence of the Director of Procurement, the appropriate County ~~Contracting Officer~~ **Contracting Officer Representative** may reserve certain contracts for placement into a Competitive Business Development Demonstration Project ("CBD Demonstration Project") wherein those contracts require the purchase of goods or services from an industry that routinely has too few sources of bidders to provide

MEMORANDUM

July 25, 2013

TO: Tony McDonald, Richland County Administrator

FROM: Franklin M. Lee, Esquire, Partner, Tydings & Rosenberg LLP

CC: Hon. Kelvin Washington

RE: Proposed Amended Scope of Work and Budget (SLBE Ordinance)

Tydings & Rosenberg LLP Proposed Amended Scope of Work & Budget for Administration of SLBE Program

The following is an outline of proposed services to be provided by Franklin M. Lee, Esq. of Tydings & Rosenberg LLP on behalf of Richland County, SC in connection with the administration of its Small Local Business Enterprise (“SLBE”) Ordinance. The budget presented under Task One at the end of this document reflects the unpaid costs of final services provided by Mr. Lee to the County in the drafting stage of numerous revisions of the SLBE Ordinance from May 1, 2013, through final enactment of the Ordinance by the County in July. In addition, this budget projects the proposed costs for additional services (i.e., Tasks Two through Six) to be provided by (or through) the law firm of Tydings & Rosenberg LLP going forward to assist the County in its development and implementation of procedures and guidelines necessary for the fair and efficient administration of the Small Local Business Enterprise program. Where appropriate, this proposal identifies those areas that may be appropriate for outsourcing of tasks to other firms, and identifies several qualified firms that might be available for the County’s consideration in performing these functions.

Proposed Amended Scope of Work

Task One: Final Revisions to Draft SLBE Ordinance (May 1 – July 30, 2013)

Task Two: Drafting of administrative procedures for SLBE Ordinance (including, but not limited to, preparation of certification affidavit forms, instructions, and guidelines, goal-setting procedures, de-certification and graduation procedures, contract compliance review procedures, reporting requirements, investigation of fraud allegations).

Task Three: Oversight of County staff training and administration of certification procedures.

Task Four: Oversight of County staff training and administration of contract compliance procedures related to SLBE Program.

Task Five: Design and implementation of automated centralized bidder registration system capable of tracking the availability of SLBE firms by industry code, and actual payments to all prime contractors and vendors and subcontractors and vendors.

Task Six: Ongoing consultations with County Attorney and Director of Procurement regarding interpretation and / or modification of language in the SLBE Ordinance and Administrative Procedures.

Proposed Budget

Task One: Final Revisions to Draft SLBE Ordinance (May 1 – July 30, 2013)

F. Lee: 90 Hours @ \$350 / hr. = \$ 31,500

Reimbursable Travel Expenses (7/1 – 7/3/13) = \$1282.33

Total Expense for Task One: \$32,782.33

Task Two: Drafting of administrative procedures for SLBE Ordinance (including, but not limited to, preparation of certification affidavit forms, instructions, and guidelines, goal-setting procedures, de-certification and graduation procedures, contract compliance review procedures, reporting requirements, investigation of fraud allegations).

F. Lee: 100 Hours @ \$350 / hr. = \$35,000

Total Expense for Task Two: \$35,000

Task Three: Oversight of County staff training and administration of certification / graduation procedures.

F. Lee: 20 Hours @ \$350 / hr. = \$ 7,000

And

Outside Consultant*: 120 Hours @ \$170 / hr. = \$ 20,400

(Qualified outside consultant: Gloria Cyprian-Tanner / Comprehensive Business Consultants, LLC)

Total Expense for Task Three: \$27,400

Task Four: Oversight of County staff training and administration of contract compliance procedures related to SLBE Program.

F. Lee: 20 hours @ \$350 / hr. = \$ 7,000

And

Outside Consultant*: 120 hours @ \$170 / hr. = \$20,400

(Potential outside consultants: Gloria Cyprian-Tanner / Comprehensive Business Consultants; LLC; MHR International; or Joan Gardenhire, CLG Management, LLC)

Total Expense for Task Four: \$27,400

Task Five: Design and implementation of automated centralized bidder registration system capable of tracking the availability of SLBE firms by industry code, and actual payments to all prime contractors and vendors and subcontractors and vendors.

F. Lee: 16 hours @ \$350 / hr. = \$5,600

Independent Project Director to Manage Integration of CBR Software*: \$10,000

(Tony Gruebl, Think Systems, Inc. -- External IT Project Director)

Centralized Bidder Registration Software Consultant*: \$50,000

(CBR Software Firms: Early Morning Software / PRISM; B2G Now; EBid Systems)

Total Expense for Task Five: \$65,600

Task Six: Ongoing consultations with County Attorney and Director of Procurement regarding interpretation and / or modification of language in the SLBE Ordinance and Administrative Procedures.

F. Lee: 20 hours @ \$350 / hr. = \$7,000

Total Expense for Task Six: \$7,000

TOTAL PROPOSED BUDGET FOR TASKS ONE THROUGH SIX: \$ 195,182.33

Richland County Council Request of Action

Subject

a. An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$517,000 of Hospitality Tax Unassigned Fund Balance for feasibility studies (\$420,000), Olive Branch Network (\$50,000), and Capital City Classic (\$47,000) **[PAGES 190-192]**

b. FY14 Township Funding **[PAGES 193-194]**

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 HOSPITALITY TAX BUDGET TO APPROPRIATE \$517,000 OF HOSPITALITY TAX UNASSIGNED FUND BALANCE FOR FEASIBILITY STUDIES (\$420,000), OLIVE BRANCH NETWORK (\$50,000), and CAPITAL CITY CLASSIC (\$47,000).

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

SECTION I. That the amount of five hundred seventeen thousand (\$517,000) be appropriated in the Hospitality Tax Fund. Therefore, the Fiscal Year 2013-2014 Hospitality Tax Annual Budget is hereby amended as follows:

HOSPITALITY TAX - REVENUE

Revenue appropriated July 1, 2013 as amended:	\$6,651,992
Appropriation of unassigned fund balance:	<u>\$ 517,000</u>
Total Hospitality Tax Revenue as Amended:	\$7,168,992

HOSPITALITY TAX - EXPENDITURES

Expenditures appropriated July 1, 2013 as amended:	\$6,651,992
For Feasibility Studies, Olive Branch Network, & Capital City Classic:	<u>\$ 517,000</u>
Total Hospitality Tax Expenditures as Amended:	\$7,168,992

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin Washington, Chair

ATTEST THIS THE ____ DAY

OF _____, 2013

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:

May 28, 2013

Honorable Kelvin Washington
Richland County Council - Chair
2020 Hampton Street
Columbia, SC 29202

Dear Mr. Washington,

The purpose of this letter is twofold. First, The Township Auditorium Board of Trustees would like to thank you and all of Richland County Council for your continued support of the Township Auditorium. Your support this year has been critical to much of the success we have had. For over 80 years this landmark facility has added to the cultural landscape and not only hosted some of the finest entertainers from around the world but we've also never lost sight of being a hometown venue continuing to host local high school and college graduations, dance recitals, and ballets. We have also had success in hosting many community fundraisers including the Honor Flight SC, the Blue Cross Blue Shield Gala, the Cooperative Ministries' Gala and the Columbia Museum of Art to name just a few.

Although this year has seen us busy with events and attendance up over last year, no one knows what the future may bring or when the number of acts touring might drop to a level that reduces our revenue considerably. And just as we are dependent on promoters to bring shows to us, promoters are dependent on acts deciding to tour and including the Carolinas on those tours. There are considerable up and downs in this business completely out of the control of the venue. The vast majority of publicly owned venues receive significant public funding. Such funding enables these venues to continue to operate during periods of relative inactivity so they may continue to serve their communities and be prepared to host national events once the business cycle picks up. The prior support of Richland County has kept the Township Auditorium operating and upgraded the facility thus allowing us the opportunity to set record attendance numbers over the past two years.

The second purpose of this letter is to serve as a formal request by the Township Auditorium Board of Trustees for the Township Auditorium to become a Richland County ordinance and receive annual funding. For the fiscal year 2013-2014, the Township Auditorium Board of Trustees is requesting \$300,000 to offset some of the operating overhead. Due to tireless work by the current personnel, the 2012 annual

operating overhead was approximately \$575,000; however, the building is still understaffed and undercompensated to comparable venues especially with a continuously growing schedule.

This funding will allow the Township Auditorium to be able to do the following:

- 1) Insure that our financial obligations are met including payroll and utilities (our two biggest line items)
- 2) Hire additional staff due to the increased number of events held
- 3) Maintain new systems and equipment with the ability to replace equipment when it becomes obsolete
- 4) Maintain rent at reasonable levels to insure use of the facility by local arts and civic groups
- 5) Increase the number of events held at the facility by being able to co-promote with outside promoters, sharing in advertising and marketing costs
- 6) Increase the number of events at the facility by bringing events as the promoter
- 7) Eliminate the need for the Township Auditorium to request additional funding from Richland County when revenues do not meet expenses

The Township Auditorium is enjoying one of the best years in its history because of the vision of Richland County Council and your support. We are poised for a successful future but need the stability of operating funding to maintain the high level of competitiveness. With the support of Richland County Council the Township Auditorium will be able to operate and maintain its place in Richland County and the Midlands as the premier entertainment venue.

Thank you for your consideration of our request.

Andrew Theodore
Chair, Township Auditorium Board of Trustees

Aundrai Holloman
Executive Director

Richland County Council Request of Action

Subject

Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6 [**PAGES 195-200**]

Notes

July 23, 2013 - The Committee unanimously approved the recommendation that Council approve alternative yard debris management protocol that reduces the burden on the citizen with the adoption of the following addendum (provided in part herein):

"Special services for YARD WASTE shall be provided to anyhousehold in where no occupant is capable of containerizing and/or bagging yard waste. 'Therefore, households who for medical reasons cannot bag or containerize their yard debris may be granted a variance from bagging and bundling. Resident may also be eligible to receive a large roll cart for yard waste use if they provide a written medical excuse from a licensed South Carolina doctor stating the citizen is not physically able to bag their yard waste. The county may require reimbursement for the actual cost of the yard waste roll cart. The Contacting Officer's Representative shall make the determination if this special service is justified.'

Additionally, staff was directed to identify storm drainage areas and non-storm drainage areas that currently exist in the county prior to the first Council meeting in September 2013.

Richland County Council Request of Action

Subject: Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6..

A. Purpose

“Review the ordinance on trash bagging on yard debris. Early results from constituents are the cost of purchasing trash bags is costly and the additional physical work for some residents bagging the leaves is problematic” [JACKSON].

B. Background / Discussion

- Hauler contracts for Collection Service Areas 2 and 6 were scheduled to expire December 31, 2012.
- Administration under the direction of Council negotiated new hauler contracts with the existing service providers during the summer and fall of 2012. Waste Industries has Area 2 and Advance Disposal has Area 6.
- A portion of the negotiation related to yard waste.
- The negotiated price per household was based on yard waste being bagged.
- The new contracts came into force January 1, 2013.
- Removing the contract provision for bagging yard waste would require agreement from the haulers to renegotiate their standing contracts
- These contracts affected about 19,000 households.
- Solid Waste staff has been to numerous community meetings since the bagging requirement went into effect. The positive comments have been equal to or greater than the negative comments with regard to bagging.
- The total number of complaints for bagging that Solid Waste staff has encountered is now estimated to be 1%.
- The D&S Committee discussed this matter during their April 23rd meeting. The Committee requested that the matter be further evaluated by staff and a potential alternative be brought back to Committee.
- The D&S Committee discussed this matter again during their July 23rd meeting. According to the published minutes the Committee unanimously approved the recommendation that Council approve alternative yard debris management protocol that reduces the burden on the citizen with the adoption of the following addendum:

“Special services for YARD WASTE shall be provided to any household in where no occupant is capable of containerizing and/or bagging yard waste. ‘Therefore, households who for medical reasons cannot bag or containerize their yard debris may be granted a variance from bagging and bundling. Resident may also be eligible to receive a large roll cart for yard waste use if they provide a written medical excuse from a licensed South Carolina doctor stating the citizen is not physically able to bag their yard waste. The county may require reimbursement for the actual cost of the yard waste roll cart. The Contacting Officer’s Representative shall make the determination if this special service is justified.’

Additionally, staff was directed to identify storm drainage areas and non-storm drainage areas that currently exist in the county prior to the first Council meeting in September 2013.

C. Legislative / Chronological History

- The contract for Areas 2 was executed September 5, 2012
- The contract for Area 6 was executed October 31, 2012

D. Financial Impact

The financial is dependent upon:

- Whether the haulers for Areas 2 and 6 agree to renegotiate the new 5-year contracts.
- The change in the per-household rate negotiated with a new contract should the haulers agree to renegotiate. The estimated increased costs for removing the bagging provision is attached - see Exhibit A.

Implementing the alternative yard waste procedure per the recommended addendum would have no impact on the monthly household contract hauler fee.

E. Alternatives

1. Leave the existing contracts in place which require bagging yard waste (containerizing is acceptable).
2. Attempt to renegotiate the 2 hauling contracts to remove the bagging of yard waste provision with the expectation that if renegotiated the curbside rate per household would increase.
3. Accept the alternative yard debris management protocol that reduces the burden on the citizen and can be accommodated within the terms of the existing hauler contracts for Service Areas 2 and 6 as defined in the proposed addendum.

F. Recommendation

Based on the factors discussed herein it is recommended that we keep the bagging provision in place and approve the proposed addendum below which removes the bundling provision and provides a waiver from bagging where citizens have legitimate medical issues. The hauler contracts would not have to be renegotiated, the contractual costs to the county would remain the same, the additional level of service would remain and the favorable impact to the environment could be realized.

Discussion:

Note that approximately 19,000 households are covered by the two new hauling contracts which have a bagging provision. A very small percentage of those affected have voiced a complaint to the Solid Waste Department. Also note that the bagging provision is actually an enhanced level of service in that the hauler must pick up all the yard waste placed at curbside instead of 2 roll cart volumes as was the case under the old contracts.

Per Council's request, Solid Waste staff investigated the feasibility of providing a different level of service (no bagging) to the rural areas of the county where there are no underground stormwater management systems. County Stormwater Department and GIS staff were engaged in the discussion. We determined that we have no reasonable way to define those areas at this time. And the consensus was it would be both time consuming and expensive to delineate the county in such a manner. Those discussions also led to the conclusion that the potential adverse impact to stormwater was just as significant in the rural areas as anywhere else. Considering the aforementioned facts we would not

recommend approaching yard waste management from the stormwater management perspective.

To provide more information on the potential financial impact to the Solid Waste Department budget we asked Waste Industries and Advance Disposal to submit estimated increased contractual costs under two scenarios. Scenario 1, collect two roll cart volumes of loose yard waste per week and Scenario 2, collect all loose yard waste each week piled at curbside. Both haulers submitted estimated increased cost for Scenario 1 but Advance Disposal was the only one to submit estimated costs for Scenario 2. The data was tabulated for Council's review - See Exhibit A. The data shown for the other haulers and service areas was derived by averaging and extrapolation. The data suggests that the increased costs to the county would range from \$1.6M to \$1.9M. Our conclusion is that the county cannot absorb the potential additional cost without increasing the solid waste fee in the near future.

In an effort to better meet the special needs of the citizens and to avoid renegotiating the hauler contract for Service Areas 2 & 6, Advance Disposal, Waste Industries and the Solid Waste staff propose the following addendum to both hauler contracts:

Yard Waste Addendum

A. Special services for YARD WASTE shall be provided to any household where no occupant is capable of containerizing and/or bagging yard waste. Therefore, households who for medical reasons cannot bag or containerize their yard waste may be granted a variance from bagging. Residents may also be eligible to receive a large roll cart for yard waste use if they provide a written medical excuse from a licensed South Carolina doctor stating the citizen is not physically able to bag their yard waste. The county may require reimbursement for the actual cost of the yard waste roll cart. The Contacting Officer's Representative shall make the determination if this special service is justified.

The Solid Waste Collection Office shall notify in writing any Contractor of those addresses for which special services have been approved. Un-containerized or Un-bagged yard waste shall be placed curbside and collection provided on a once-a-week basis with the collection made on the regular day of collection as designated. The maximum amount of loose yard waste to be collected by the contractor is 2 hopper loads; the equivalent of 2 - large roll carts. All efforts shall be made by the Solid Waste Collection Department to limit the total number of households serviced in this manner. The Solid Waste Department will track the variances granted.

B. The bundling provision shall be waived for all households.

C. Households may also make appointments for the collection of semi-annual or annual yard clean-ups. Yard waste collected during scheduled appointments does not need to be containerized and cannot be mixed with any other type materials.

Recommended by: Rudy Curtis

Department: Solid Waste

Date: July 1, 2013

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

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Grants

Reviewed by: Sara Salley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by:

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Exhibit A

Yard Waste Management - Increased Cost Analysis (Estimated)

Hauler / Service Area	# Of Households Served	Rate/Household/Month (p/h/m)	Projected Increase Cost p/h/m - Loose - 2 Roll Cart Quantity	Projected Increase Cost p/h/m - Loose - Unlimited Quantity	Annual Increase Cost - 2 Roll Carts Loose	Annual Increase Cost - Unlimited Loose	5-Year Contract Increased Cost - 2 Roll Carts Loose	5-Year Increased Cost - Unlimited Loose	
Allwaste - Area 1	16,240	\$16.42	\$1.61	2.55	\$313,757	\$496,944	\$1,568,784	\$2,484,720	
Ascot - Back Yard	429	\$41.05	\$1.61	2.55	\$8,288	\$13,127	\$41,441	\$65,637	
Waste Industries - Area 2	8,885	\$14.89	\$1.28	2.78	\$136,474	\$296,404	\$682,368	\$1,482,016	
Cobblestone - Back Yard	106	\$28.09	\$1.28	2.78	\$1,628	\$3,536	\$8,141	\$17,681	
Advanced - Area 3	13,883	\$16.53	\$1.94	2.31	\$323,196	\$384,837	\$1,615,981	\$1,924,184	
Waste Industries - Area 4	15,883	\$16.60	\$1.28	2.78	\$243,963	\$529,857	\$1,219,814	\$2,649,284	
Spring Valley - Back Yard	1,107	\$41.50	\$1.28	2.78	\$17,004	\$36,930	\$85,018	\$184,648	
Woodlake - Back Yard	382	\$41.50	\$1.28	2.78	\$5,868	\$12,744	\$29,338	\$63,718	
Ard - Area 5A	7,986	\$14.83	\$1.61	2.55	\$154,290	\$244,372	\$771,448	\$1,221,858	
Wildewood - Back Yard	1,551	\$37.08	\$1.61	2.55	\$29,965	\$47,461	\$149,827	\$237,303	
Johnson - Area 5B	1,728	\$16.38	\$1.61	2.55	\$33,385	\$52,877	\$166,925	\$264,384	
Advanced - Area 6	10,597	\$14.59	\$1.94	2.31	\$246,698	\$293,749	\$1,233,491	\$1,468,744	
Johnson - Area 7	6,276	\$16.38	\$1.61	2.55	\$121,252	\$192,046	\$606,262	\$960,228	
September 10, 2013	85,053				Totals	\$1,635,767	\$2,604,881	\$8,178,836	\$13,024,406

Advanced & Waste Industry provided the per household per month (p/h/m) cost highlighted in green. The other data highlighted in green was calculated using the supplied rate p/h/m.

WI Area 2 cost data was used for WI Area 4 estimates; AD Area 6 cost data was used for AD Area 3 estimates.

Richland County Council Request of Action

Subject

a. Authorizing and Providing for the creation of the Lower Richland Sewer System and for the issuance of Lower Richland Sewer System Improvement Revenue Bonds of Richland County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the new revenues derived from the operation of the Sewer System and pledging the revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing **[FIRST READING] [PAGES 201-247]**

b. Authorizing and Providing for the Issuance of a Sewer System Improvement Revenue Bond Anticipation Note, Series 2013 (Lower Richland Sewer System Project Phase I), or such other appropriate series designation of Richland County, South Carolina, in an amount not to exceed \$9,359,000; Authorizing the County Administrator to determine certain matters relating to the Note; Providing for form and details of the Note; Providing for the payment of the Note; Providing for the disposition of the proceeds thereof; and other matters relating thereto **[FIRST READING] [PAGES 248-257]**

Notes

July 23, 2013 - The Committee approved the recommendation that Council explore the expansion of water and/or sewer service by the Richland County Utilities Department to additional unincorporated areas within Richland County. Staff was directed to combine the related studies associated with various neighborhood master plans and provide a synopsis to Council prior to the next Council meeting.

Richland County Council Request of Action

Subject: Exploration of Water and/or Sewer Service Expansion in Unincorporated Richland County

A. Purpose

County Council is requested to provide direction relating to exploring the expansion of water and/or sewer service by the Richland County Utilities Department to additional unincorporated areas within Richland County.

B. Background / Discussion

At the June 18, 2013 Council Meeting, the following motion was made by Councilman Jackson:

Richland County explore providing water to the unincorporated areas of the County [JACKSON].

This item was forwarded to the July 23, 2013 D&S Committee meeting. In a follow-up discussion with Councilman Jackson, he also indicated he was interested in providing additional sewer service to unincorporated areas, particularly along Highway 48 (which is also known as Bluff Road).

In 1978, a voter referendum was held and approved for County of Richland to provide water and sewer services to unincorporated areas of Richland County. Since that time sewer systems have been constructed in the northwest part of the County served by the Broad River Sewer System with close to 10,000 customers, and in the southeast portion of the County. The Lower Richland sewer system serves the Eastover area with over 300 customers in the town and one industry. The main section of the Hopkins Community Water System has been completed with 500-600 customers and the Department is currently working with the Contractor to provide water service to several additional streets in Hopkins including incorporating the Allbene Park subdivision into the regional water system this Summer.

Other systems include sewer service to Franklin Park (in addition to inclusion into the regional water system already completed) and Murray Point. Water service is also provided to the Murray Point subdivision in Chapin and the Pond Drive subdivision in Eastover as well as the Gadsden Elementary school. During the past 30 years the Department has also closed out a number of smaller wastewater lagoons, water systems and failing septic systems and has incorporated them into public systems.

Several studies have been conducted to provide water and sewer service throughout the County, resulting in the creation of master plans and amendments as well as preliminary engineering reports. Some of these studies include:

- Richland County Sewer Master Plan by Power Engineering, Inc., February 1995
- Richland County Water Service Master Plan by Burkhold Planning and Management/Joel Wood and Associates, December 2002

- Lower Richland Neighborhood Wastewater Collection and Treatment Study by HGBD, Inc. (and amendments); May 2005
- McCrady Training Center Water Study prepared for South Carolina Army National Guard by HGBD, Inc.; July 2006
- Richland County Amendment to Richland County Sewer Master Plan (North Broad River Planning Sector) (Addendum to 1995 Master Plan) by Joel E. Wood and Associates, LLC; January 23, 2007
- Richland County Hopkins School Community Water System Improvements Preliminary Engineering Report by Joel E. Wood and Associates, LLC; 2008
- Lower Richland County Sewer System Preliminary Engineering Report, January 2010 (with revisions) by Wilbur Smith Associates

The sewer and water master plans have looked at options for providing service to the majority of unincorporated areas within the County. Maps of the covered areas are included as attachments.

Currently, staff is reviewing proposals from eight engineering firms to provide for the design of the Lower Richland Sewer System force main and collection systems to serve the area between Hopkins and Eastover. This project addresses a number of needs as well as complying with the agreement with the City of Columbia to provide sewer service in the area.

The new Lower Richland Wastewater Treatment Facility was brought online in January 2012. As a phased approach, the design project also includes upgrading the SCDHEC NPDES permit for the facility to allow for a discharge up to 2.0 MGD in anticipation of additional future flows for the area. It is anticipated the construction of the new sewer system will be completed in the next 18 to 24 months. Funding has been made available in the form of grants and loans by USDA Rural Development and the SC Department of Health and Environmental Control. In addition, but not included in the current project, Richland School District One has expressed interest in a sewer line to serve the Gadsden Elementary School which currently has a wastewater lagoon under consideration for closeout.

C. Legislative / Chronological History

- At the June 18, 2013 County Council meeting, Councilman Jackson made a motion to **“explore providing water to the unincorporated areas of the County.”** This item was forwarded to the July 23, 2013 D&S Committee meeting.

D. Financial Impact

Costs to study expanding water and/or sewer service to additional unincorporated areas of the County have not been specifically identified without further direction. However, the previous costs to conduct studies for the update of existing water and sewer master plans have been approximately \$15,000 to \$30,000.

As these reports are several years old, present costs could be substantially higher depending on the level of detail and the expense of the study areas. Also, a source of funding would have to be identified.

E. Alternatives

1. Update existing water and/or sewer master plan studies and proceed accordingly.
2. Do not update existing water and/or sewer master plan studies.
3. Identify areas of interest of most importance and update those study areas, based on current infrastructure, to make best use of potential funds.

F. Recommendation

Staff is willing to explore further expansion of water and/or sewer service. Operational costs typically decrease per capita with additional users. However, due to the general nature of the motion, staff seeks direction from Council to better identify areas of interest and to determine the depth of study required to address those interests.

Staff would then work with Council and Administration to bring back to Council a preliminary project scope and estimated costs.

Recommended by: Andy H. Metts Department: Utilities Date: 7/5/13

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 7/16/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Recommend approval for direction on exploration for future expansion. Since no funding source is identified, we would recommend that any project study or plan reviews with associated cost be returned to council in order to identify a funding source prior to obtaining service.

Legal

Reviewed by: Elizabeth McLean Date: 7/17/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Sparty Hammett Date: 7/18/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend Council approval to update existing water and sewer master plan studies.

Map Attachments

Southwest Broad River Planning Area-Sewer

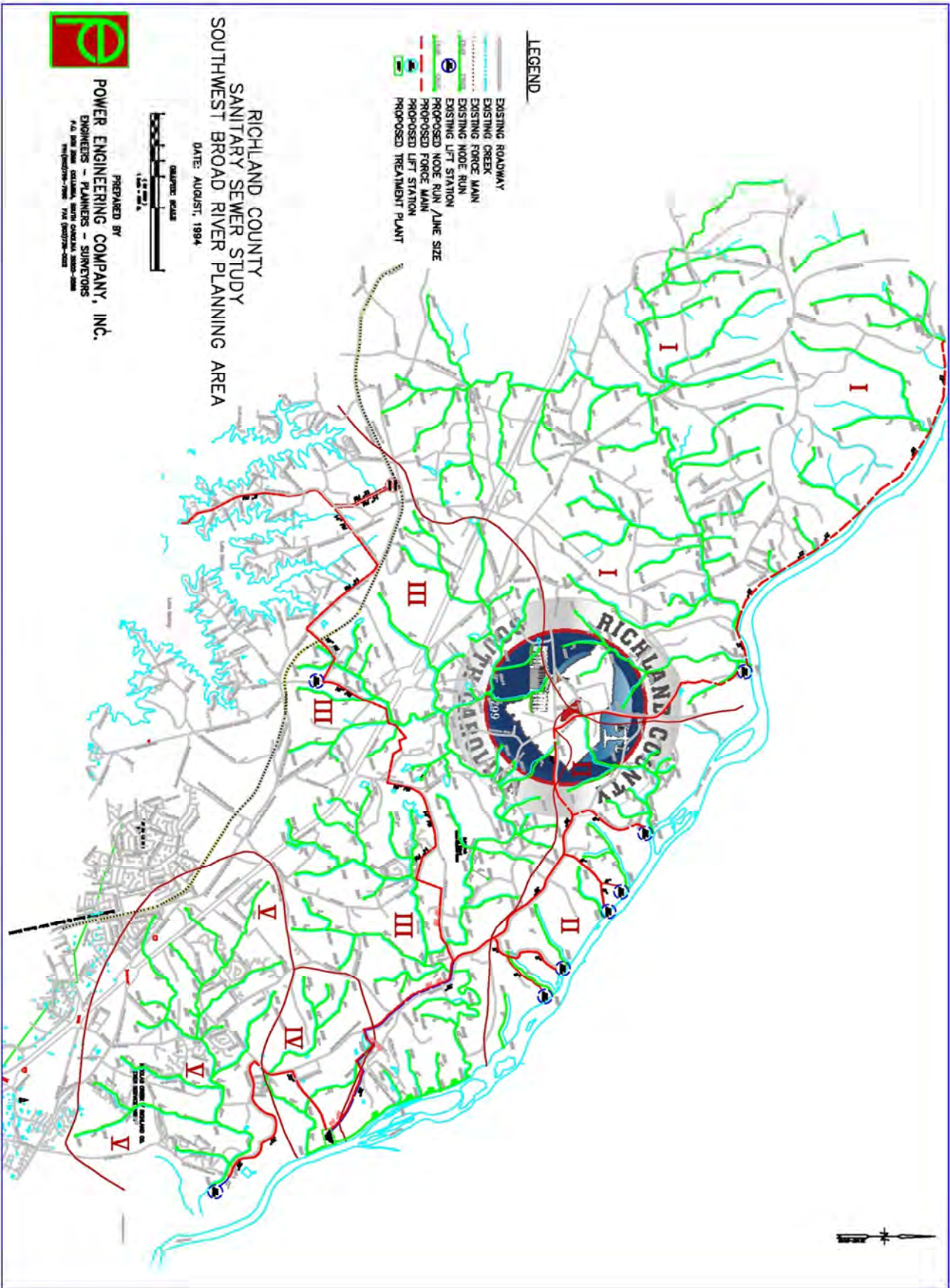
Southeast Planning Area – Sewer

North Broad River Planning Area- Sewer

Northwest Planning Area- Water

North Planning Area- Water

Hopkins School Community Water Study

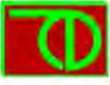


LEGEND

- EXISTING ROADWAY
- EXISTING CREEK
- EXISTING FORCE MAIN
- EXISTING NODE RUN
- EXISTING LIFT STATION
- PROPOSED FORCE MAIN /LINE SIZE
- PROPOSED NODE RUN
- PROPOSED LIFT STATION
- PROPOSED TREATMENT PLANT

**RICHLAND COUNTY
SANITARY SEWER STUDY
SOUTHWEST BROAD RIVER PLANNING AREA**

DATE: AUGUST, 1994



PREPARED BY
POWER ENGINEERING COMPANY, INC.
ENGINEERS - PLANNERS - SURVEYORS
1410 19th Street, North Charleston, SC 29405
803/792-7200 FAX 803/792-3222



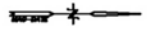
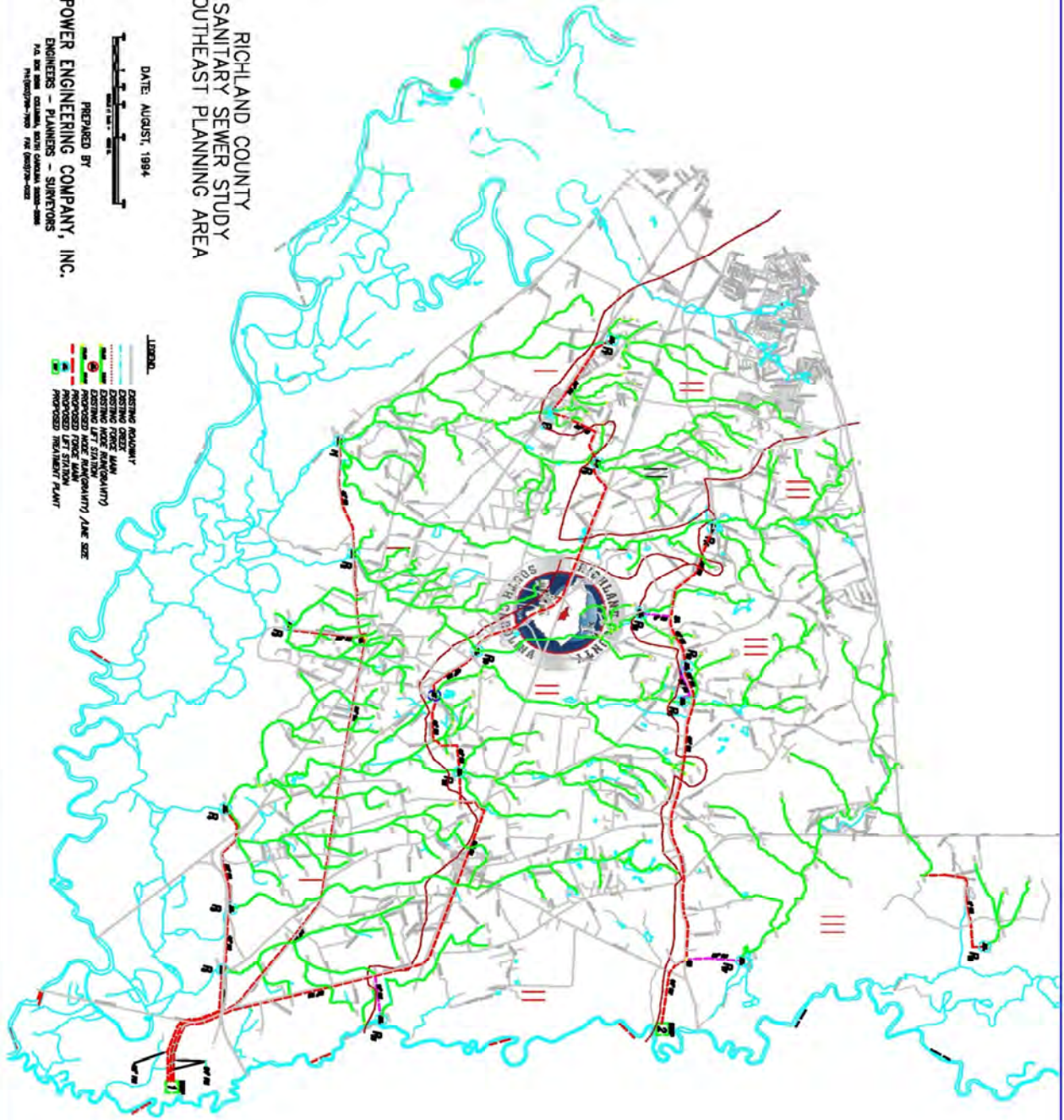
POWER ENGINEERING COMPANY, INC.
ENGINEERS - PLANNERS - SURVEYORS
P.O. BOX 5000, COLUMBIA, SOUTH CAROLINA 29908
PH: 803/799-1700 FAX: 803/799-0022

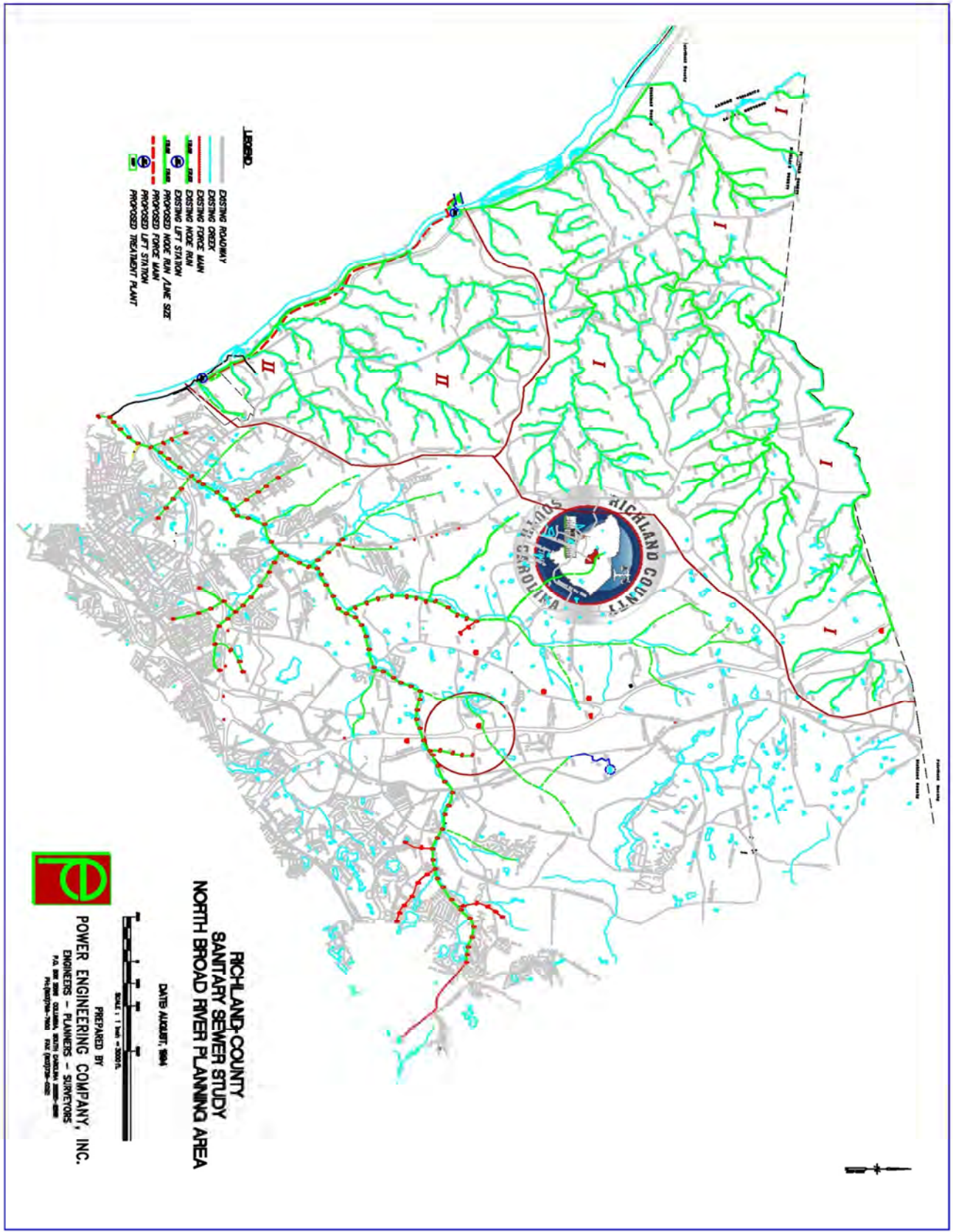
RICHLAND COUNTY SANITARY SEWER STUDY SOUTHEAST PLANNING AREA

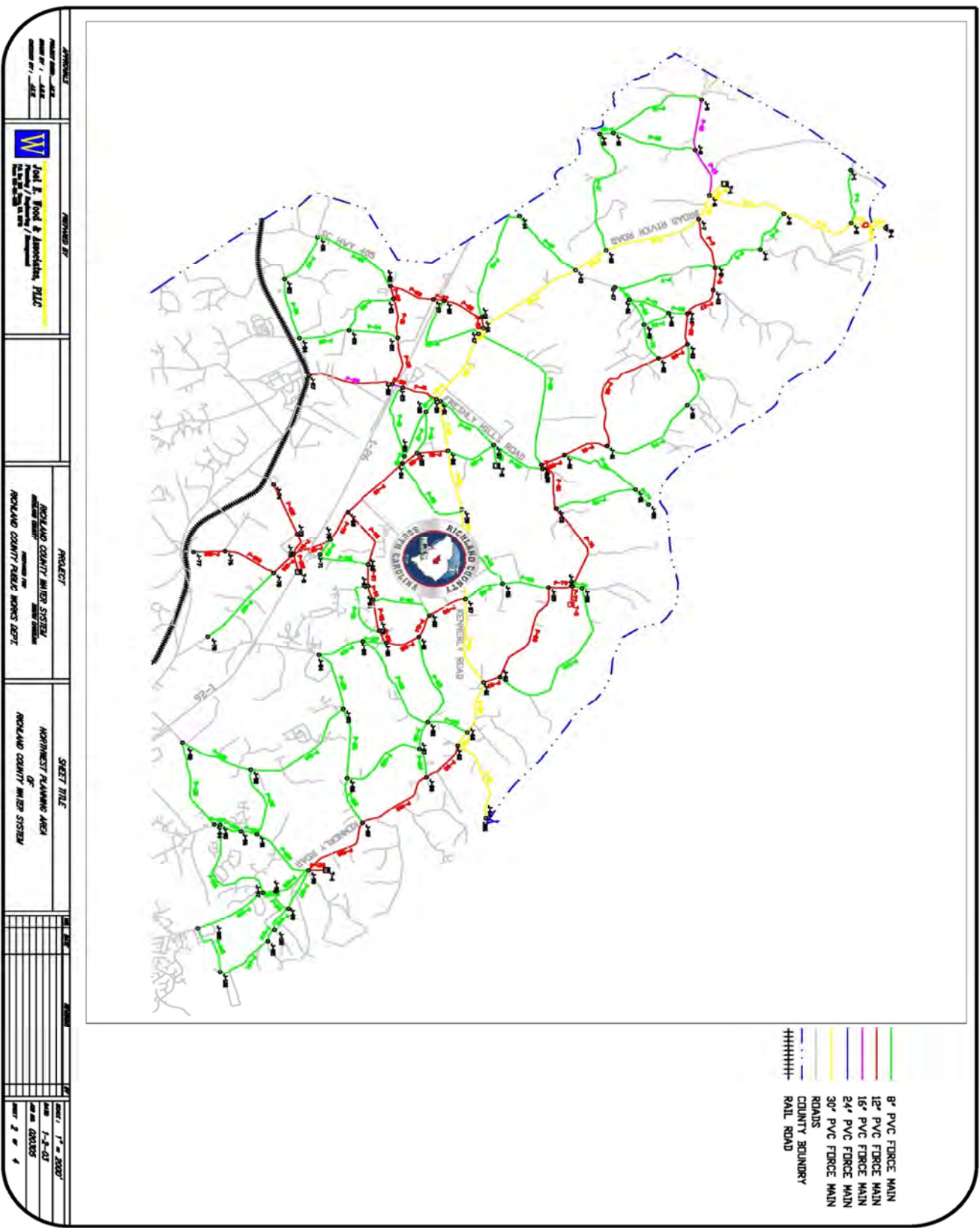
DATE: AUGUST, 1984



- LEGEND**
- EXISTING ROADWAY
 - EXISTING FORCE MAIN
 - EXISTING FORCE MAIN (HANDLING)
 - EXISTING FORCE MAIN (HANDLING) A/R SIZE
 - PROPOSED FORCE MAIN
 - PROPOSED FORCE MAIN
 - PROPOSED LIFT STATION
 - PROPOSED INVERTED SUMP







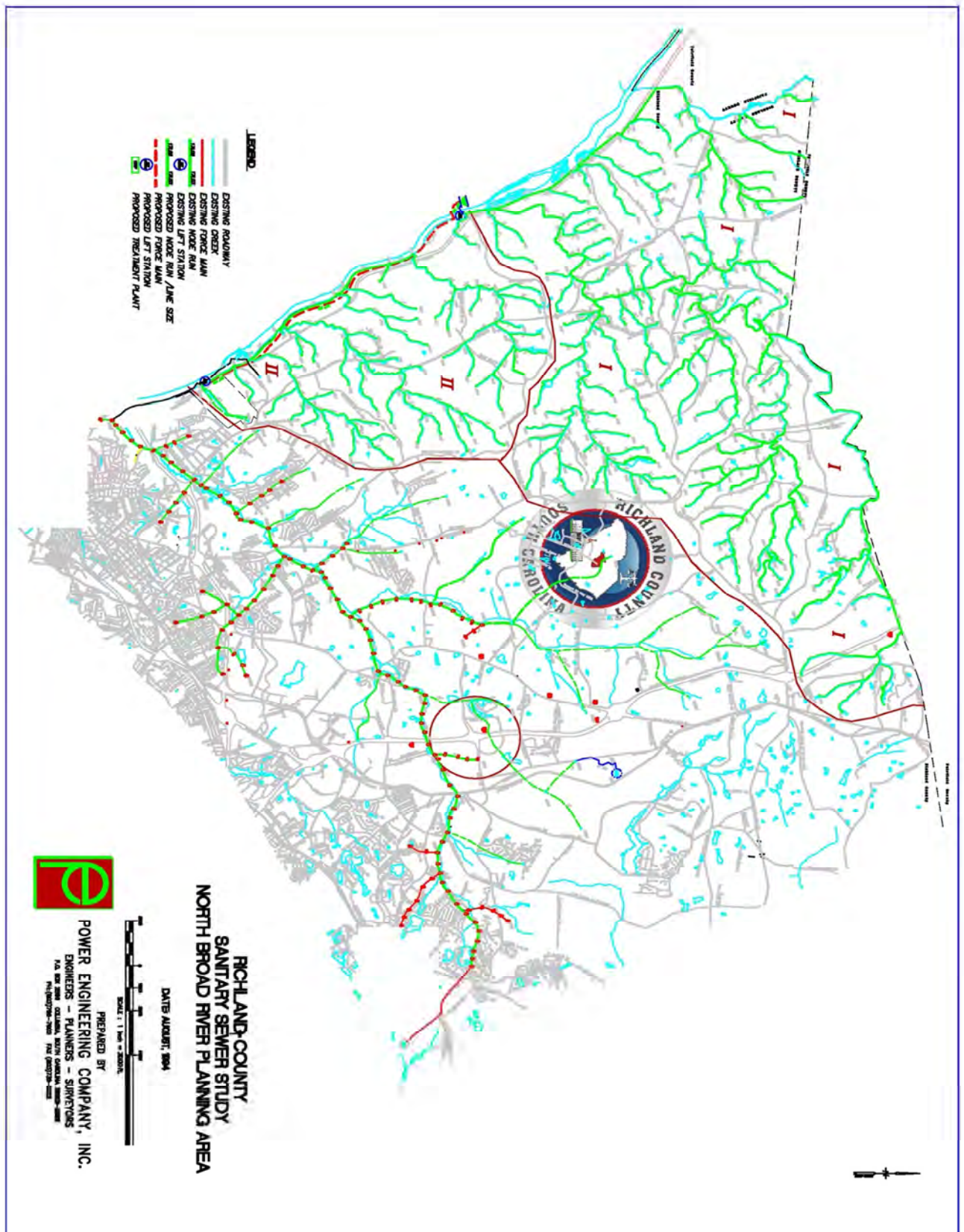
APPROVED BY:
 DATE: 1-2-03
 PROJECT: RICHLAND COUNTY WATER SYSTEM
 SHEET TITLE: NORTHWEST PLANNING AREA
 RICHLAND COUNTY PUBLIC WORKS DEPT.
 RICHLAND COUNTY WATER SYSTEM

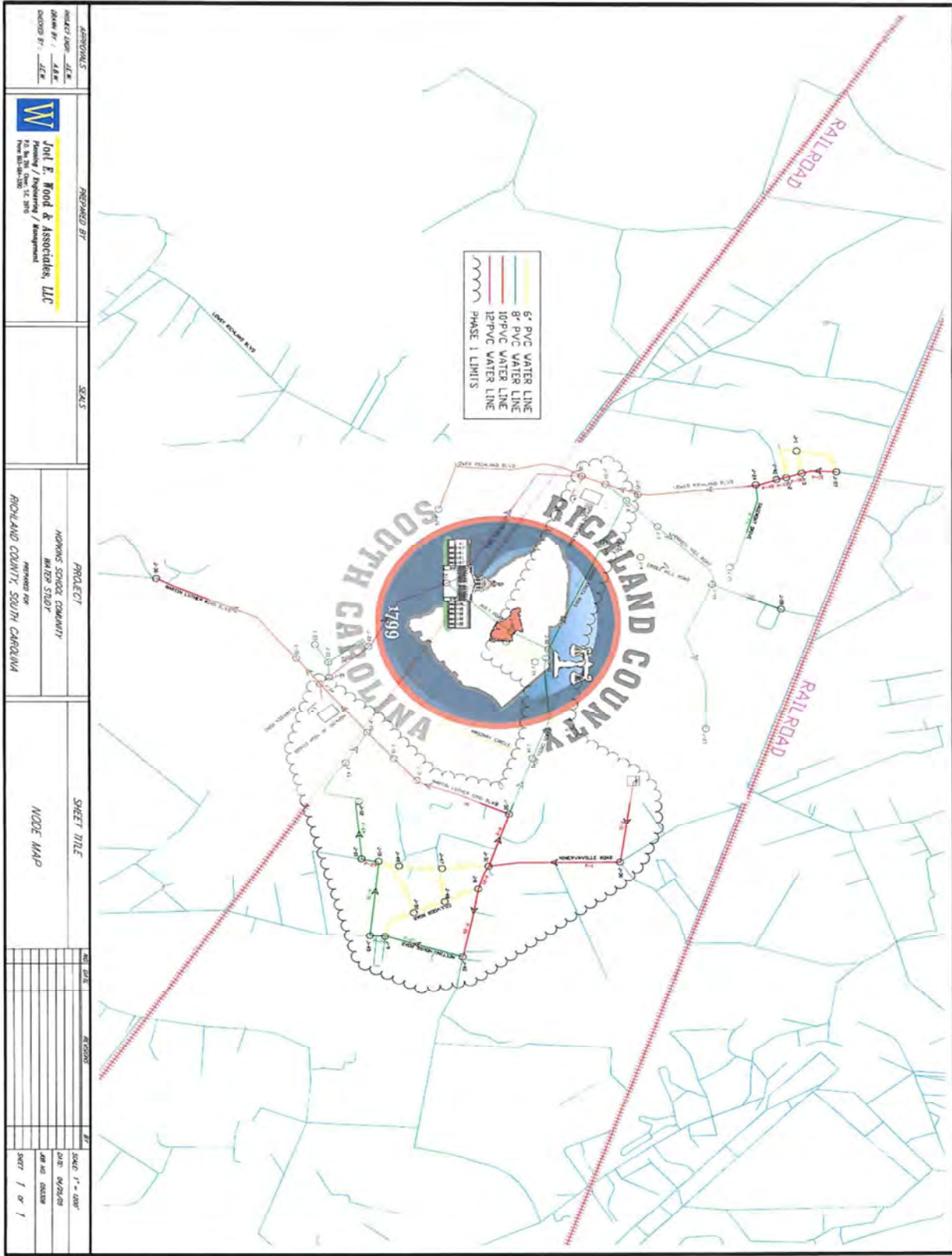


PROJECT: RICHLAND COUNTY WATER SYSTEM
 SHEET TITLE: NORTHWEST PLANNING AREA
 RICHLAND COUNTY PUBLIC WORKS DEPT.
 RICHLAND COUNTY WATER SYSTEM

PROJECT: RICHLAND COUNTY WATER SYSTEM
 SHEET TITLE: NORTHWEST PLANNING AREA
 RICHLAND COUNTY PUBLIC WORKS DEPT.
 RICHLAND COUNTY WATER SYSTEM

NO.	DATE	DESCRIPTION
1	1-2-03	ISSUED FOR PERMIT
2	1-2-03	ISSUED FOR PERMIT
3	1-2-03	ISSUED FOR PERMIT
4	1-2-03	ISSUED FOR PERMIT





APPROVED BY PROJECT NO. 1799 DATE 04/24/20 SHEET 1 OF 1	PREPARED BY JOEL E. ROND & ASSOCIATES, LLC PROJECT / REQUIREMENT / MANAGEMENT 1799 04/24/20	PROJECT HAWKINS SCHOOL COMMUNITY WATER STUDY PREPARED FOR RICHLAND COUNTY, SOUTH CAROLINA	SHEET TITLE INDEX MAP	NO. DATE 1799 04/24/20	DATE 04/24/20 SHEET 1 OF 1
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STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
GENERAL BOND ORDINANCE NO. _____

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

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

ARTICLE I

DEFINITIONS

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

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

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

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

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

“Bond” or “Bonds” shall mean any Bond, some of the Bonds or all of the Bonds issued under and pursuant to Article IV hereof, excluding bonds or other indebtedness issued under Section 4.5 and Section 4.6 hereof.

“Bond Anticipation Note” or “Notes” shall mean any Bond Anticipation Note issued under and pursuant to Article IV hereof, in anticipation of the issuance of Bonds.

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

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

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

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

“Combined System” shall mean the Richland County Sewer System consisting of various components including Nicholas Creek and Hollingshed Creek drainage basins and also certain County landfill facilities; East Bluff Sewer Assessment District; the Romain-Meech-Burbank Sewer Assessment District; Broad River Sewer System; Eastover Sewer System; Franklin Park Sewer System, and upon its creation, the Lower Richland Sewer System.

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

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

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

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

“Cost of Issuance” shall mean all items of expense, directly or indirectly payable or reimbursable by or to the County and related to the authorization, sale and issuance of Bonds including, but not limited to, printing costs, costs of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any Custodian/Trustee, Custodian, Registrar or Paying Agent, legal fees and

charges, auditing and accounting fees and charges, fees and disbursements of consultants and professionals, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of Bonds, costs and expenses of refunding, premiums for insurance of the payment of Bonds, financing charges, accrued interest with respect to the initial investment of proceeds of Bonds and any other costs, charges or fees in connection with the original issuance of Bonds.

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

“County” shall mean Richland County, South Carolina.

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

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

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

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

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

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

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

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

“Government Obligations” shall mean any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Outstanding” when used with respect to any Bond shall have the construction given to such word in Article XIII 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 XIII.

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

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

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

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

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

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

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

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

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

“Revenues” shall mean all receipts, income, revenues, fees and other charges to be levied and collected in connection with, and all other income and receipts of whatever kind or character derived by the County from the operation of the Lower Richland System, including, but not limited to, tap fees, connection charges, impact fees, developer fees, plant capacity fees, interest earnings and other earnings or investments, as such earnings or investments are computed in accordance with generally accepted accounting practices, but excluding the proceeds of any grants or debt, contributions in aid of construction, gains or losses on extinguishment of debt, fees derived from assessments and extraordinary items, and the receipts, income, revenues, fees and other charges derived from the operation of Special Facilities.

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

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

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

“State” shall mean the State of South Carolina.

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

“Test Period” shall mean that period defined in Section 4.3 hereof.

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

ARTICLE II

FINDINGS AND DETERMINATIONS

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

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

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

C. The County currently operates the Richland County Combined System as a department of the County.

D. It is the County's best interest to create a Sewer system to serve the residents of the Lower Richland area and other communities in lower Richland County, which shall be operated as a component of the Combined System.

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

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

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

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

ARTICLE III

ESTABLISHMENT OF LOWER RICHLAND SEWER SYSTEM

A. Pursuant to the Constitution and statutes of the State of South Carolina, and in conformity with the provisions thereof, the County, pursuant to the favorable results of a referendum heretofore duly held on November 7, 1978, hereby creates the Lower Richland Sewer System to service the residents of the of the Lower Richland area and other communities in lower Richland County.

B. The Lower Richland System will be administered as a component of the Combined System which is administered as a department of the County.

ARTICLE IV

AUTHORIZATION AND ISSUANCE OF BONDS

Section 4.1. Authorization of Bonds. There is hereby authorized to be issued Bonds of the County to be known as "Lower Richland Sewer System Improvement Revenue Bonds of Richland County, South Carolina," or such other designations as may be provided in the Supplemental Ordinance authorizing such Bonds, which Bonds may be issued pursuant to this Ordinance and in accordance with the terms, conditions and limitations set forth herein, in Series, in such amounts and from time to time as the County may deem to be necessary or advisable for any corporate purpose of the County for which Bonds may be issued under this Ordinance and the Act.

Section 4.2. 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 X hereof. Each Supplemental Ordinance shall designate the Bonds provided for thereby by an appropriate Series designation and by such further particular designations, if any, as the County deems appropriate, and shall, unless or except as is otherwise set forth herein, also specify: (i) the authorized principal amount of such Series of Bonds; (ii) the purpose or purposes for which the Bonds of such Series are being issued, which shall be one or more of the purposes set forth in Sections 4.3 or 4.4 hereof; (iii) if the Bonds of the Series are being issued for a purpose specified in Section 4.3 hereof, the Project for which such Bonds are being issued; (iv) an estimate of the Costs of Acquisition and Construction for any Project to be financed by such Series of Bonds, and, in the event of the acquisition by purchase or condemnation of any facilities already constructed, a determination of what repairs, replacements, additions and betterments will be necessary in order that such facilities may be effective for their purpose and an estimate of the cost required therefor; (v) the date or dates of the Bonds of the Series; (vi) the maturity date or dates of the Bonds of the Series and the sinking fund installment amounts; (vii) the interest rate or rates of the Bonds of such Series, or the manner of determining such rate or rates, the initial Interest Payment Date therefor, and the subsequent Interest Payment Dates; (viii) the denominations of, and manner of numbering and lettering, the Bonds of such Series; (ix) the redemption premium or premiums, if any, or the redemption price or prices to be paid upon the redemption of the Bonds of such Series, the period or periods, if any, during which such premiums or prices shall be payable, and the terms and conditions, if any, of such redemption; (x) the place or places of payment of the Bonds of the Series and interest thereon, and the Paying Agent therefor; (xi) the provisions for the sale or other disposition of the Bonds of the Series and the use, application and investment, if any, of the proceeds of such sale or other disposition, which use, application and investment shall not be inconsistent or in conflict with the provisions hereof; (xii) whether such Series of Bonds will be subject to a Reserve Fund Requirement and the manner of satisfaction of Reserve Fund Requirement; (xiii) any other provisions which may be required to be inserted therein by other provisions of this Ordinance; and (xiv) any other necessary or desirable provisions not inconsistent or in conflict with the provisions of this Ordinance.

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

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

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

Section 4.3. Conditions for the Issuance of Bonds under this Ordinance Other than Refunding Bonds. Anytime and from time to time, one or more Series of Bonds (exclusive of refunding Bonds) may be issued for such purposes as may be permitted by the Act upon compliance with the provisions of Section 4.2 hereof and this Section in such principal amounts as may be determined by the Council for the purpose of paying all or part of the Costs of Acquisition and Construction of one or more Projects authorized to be financed under the Act with Bonds upon the written request of the County and upon compliance with the following conditions:

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

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

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

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

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

E. The Supplemental Ordinance shall provide for a deposit into any Debt Service Reserve Fund established for the Series of Bonds authorized by such Supplemental Ordinance of cash or

securities or an insurance policy, surety bond or letter of credit, as provided in Section 6.8 hereof (inclusive of any proceeds of such Series of Bonds to be deposited in the applicable Debt Service Reserve Fund) having an aggregate value not less than the Reserve Fund Requirement, if any, with respect to the applicable Series of Bonds then proposed to be issued.

F. So long as the County is indebted to the United States of America, Rural Development, the County shall not borrow money from any source, enter into any contract or agreement, or incur any other liabilities in connection with making enlargements, improvements, or extensions to, or for any other purpose in connection with, the Lower Richland System (exclusive of normal maintenance) without the prior written consent of Rural Development. This would include the issuance of any Series of Bonds issued on a parity with the Initial Bond, any Junior Bonds and any Special Facilities Bonds.

Section 4.4. Refunding Bonds. Without complying with the provisions of Section 3.3 hereof except as otherwise provided herein, the County by means of a Supplemental Ordinance enacted in compliance with the provisions of the Act and any other statutory provisions authorizing the issuance of revenue refunding bonds, including advance refunding bonds, may issue hereunder refunding Bonds as follows:

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

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

Section 4.5. Junior Bonds. The County may at any time issue Junior Bonds in such amount as it may from time to time determine, payable from Net Revenues, provided that such Junior Bonds are issued to secure funds to defray the cost of improving, extending, enlarging, or repairing the Lower Richland System, some part thereof, including the acquisition of any system which may be combined with or consolidated into the Lower Richland System pursuant to law, or to refund Bonds, Junior Bonds, or any notes, bonds, or other obligations issued to finance or to aid in financing the acquisition, construction, or improvement of the Lower Richland System, and provided further that the pledge of Net Revenues securing Junior Bonds shall at all times be subordinate and inferior to the pledge securing the Bonds.

Section 4.6. Special Facilities Bonds. The County shall also have the right to issue, from time to time, Special Facilities Bonds to defray the costs of acquiring or constructing Special Facilities subject to the following conditions:

A. The County shall determine that the receipts, income, revenues and other charges to be levied and collected in connection with the Special Facilities shall be at least equal to: (1) the estimated costs of operating and maintaining such Special Facilities; (2) the principal and interest requirements of the

Special Facilities Bonds; (3) the amounts to be deposited in any reserve funds with respect thereto; and (4) any other costs and expenses relating to such Special Facilities.

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

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

Section 4.7. Bond Anticipation Notes. The County shall also have the right to issue, from time to time, Bond Anticipation Notes to defray the costs of Projects in anticipation of the issuance of a Bond or Bonds.

A. Bond Anticipation Notes issued hereunder and under a Supplemental Ordinance setting forth the details thereof and secured by a bond or bonds to be purchased by the USDA will be issued on a parity with any other debt issued hereunder, with the exception of Junior Bonds.

B. Bond Anticipation Notes issued hereunder and under a Supplemental Ordinance setting forth the details thereof will be junior and subordinate to any other debt issued hereunder.

ARTICLE V

THE BONDS

Section 5.1. Execution. Unless or except as is otherwise set forth in the Supplemental Ordinance providing for the issuance of a Series of Bonds, the Bonds shall be executed on behalf of the County by the Chairman of County Council by his or her manual or facsimile signature and the corporate seal of the County or a facsimile thereof shall be impressed or reproduced thereon and attested by the Clerk to County Council by his or her manual or facsimile signature.

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

Section 5.2. Authentication. Upon compliance with the provisions of Section 4.3, 4.4, or 4.5 hereof, as the case may be, and upon the order of the County, the Registrar shall authenticate Bonds authorized to be issued hereunder. Only such Bonds as shall have endorsed thereon a certificate of authentication duly executed manually by the Registrar shall be entitled to any right or benefit under this Ordinance. No Bond shall be valid or obligatory for any purpose unless and until such certificate of authentication shall have been duly executed by the Registrar, and such executed certificate of the Registrar upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered. The Registrar's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer of the Registrar, but it shall not be necessary that the same person sign the certificate of authentication on all of the Bonds issued hereunder or on all of the Bonds of a particular Series.

Section 5.3. Registration and Transfer of Bonds; Persons Treated as Holders. Unless and except as is otherwise set forth in the Supplemental Ordinance providing for the issuance of a Series of Bonds, each Bond shall be fully registered and transferable only upon the Books of Registry of the County, which shall be kept for that purpose at the office of the Registrar by the registered owner thereof or by his attorney, duly authorized in writing, upon surrender thereof, together with a written instrument of transfer

satisfactory to the Registrar, duly executed by the registered owner or his duly authorized attorney with such signature guaranteed by a participant in the Securities Transfer Agents in Medallion Program (“STAMP”) or similar program. Upon the transfer of any Bond, the County shall issue, subject to the provisions of Section 4.6 hereof, in the name of the transferee, a new Bond or Bonds of the same series and of the same aggregate principal amount, interest rate and maturity as the unpaid principal amount of the surrendered Bond.

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

Section 5.4. Form of Bonds; Denominations; Medium of Payment. Unless or except as is otherwise provided in the Supplemental Ordinance authorizing their issuance, the Bonds: (a) shall be in fully registered form without coupons, provided, such Bonds may be issued in book-entry form; (b) shall be issued in denominations of \$5,000, or any integral multiple thereof, provided that, upon partial redemption of a Bond requiring surrender thereof and the issuance of a new Bond, such new Bond may be in the denomination of the unredeemed balance; and (c) shall be payable with respect to principal, interest, and premium, if any, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Section 5.5. Numbers, Date, and Payment Provisions. The Bonds shall be numbered and designated in such manner as the County, with the concurrence of the Registrar, shall determine. Each Bond of a Series shall bear interest from the Interest Payment Date immediately preceding the date of its authentication, unless authentication shall be upon an Interest Payment Date, in which case it shall bear interest from its authentication, or unless authentication shall precede the first Interest Payment Date for such Bond, in which case it shall bear interest as otherwise provided in the Supplemental Ordinance authorizing its issuance, provided, however, that if the date of authentication of any Bond of any Series is after a Record Date and before the corresponding Interest Payment Date therefor, such Bond shall bear interest from such succeeding Interest Payment Date; notwithstanding the foregoing, if at the time of authentication of any Bond any interest on such Bond is in default, such Bond shall bear interest from the date to which interest on such Bond has been paid or if no interest has been paid, such Bond shall bear interest from the date of delivery thereof or from its dated date, or as otherwise provided in the Supplemental Ordinance authorizing the issuance of such Bonds.

Section 5.6. Exchange of Bonds. Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the Bondholder or his duly authorized attorney, may, at the option of the Bondholder thereof, and upon payment by such Bondholder of any charges which the Registrar may make as provided in Section 5.7, 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 5.7. Regulations with Respect to Exchanges and Transfer. In all cases in which the privilege of exchanging or transferring Bonds is exercised, the County shall execute and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. All Bonds surrendered in any such exchanges or transfers shall forthwith be canceled by the Registrar. There shall be no charge to the Bondholder for such exchange or transfer of Bonds except that the Registrar may make a charge sufficient

to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or transfer. Neither the County nor the Registrar shall be required (a) to exchange or transfer Bonds (i) from the Record Date to the succeeding Interest Payment Date or (ii) for a period of fifteen (15) days following any selection of Bonds to be redeemed or thereafter until after the first publication or mailing of any notice of redemption, or (b) to transfer any Bonds called for redemption.

Section 5.8. Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the Holder, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the Holder thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance or any Supplemental Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder. Neither the County nor the Registrar nor any Paying Agent shall be required to treat both the original Bond and any duplicate Bond as being Outstanding for the purpose of determining the principal amount of Bonds which may be issued hereunder or for the purpose of determining any percentage of Bonds Outstanding hereunder, but both the original and duplicate Bond shall be treated as one and the same.

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

ARTICLE VI

REDEMPTION OF BONDS

Section 6.1. Redemption of Bonds. The Bonds of a Series may be subject to redemption prior to their stated maturities upon such terms and conditions and at such dates and redemption price or prices or premium or premiums as shall be set forth in the Supplemental Ordinance providing for the issuance of such Bonds, and upon the further terms and conditions as are hereinafter set forth.

Section 6.2. Selection of Bonds for Redemption. In the event of the redemption at any time of only part of the Bonds of a Series, the Bonds to be redeemed shall be redeemed in such order as is set forth in the Supplemental Ordinance providing for the issuance of such Bonds. Unless otherwise provided by Supplemental Ordinance, if less than all of the Bonds of like maturity of any Series shall be called for prior redemption, the particular Bonds or portions of Bonds to be redeemed shall be selected at random by the Registrar in such manner as the Registrar in its discretion may deem fair and appropriate; provided, however, that the portion of any Bond of a denomination of more than \$5,000 to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof, and that, in selecting portions of such Bonds for redemption, the Registrar shall treat each such Bond as representing that number of Bonds of \$5,000 denomination which is obtained by dividing the principal amount of such Bond by \$5,000.

Section 6.3. Notice of Redemption. Unless or except as otherwise provided in the Supplemental Ordinance authorizing their issuance, the provisions of this Section 6.3 apply to each Series of Bonds.

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

Section 6.4. Partial Redemption of Bond. In the event that only part of the principal sum of a Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of such Bond to the Registrar. Upon surrender of such Bond, the County shall execute and the Registrar shall authenticate and deliver to the Holder thereof, at the principal office of the Registrar, or send to such Holder by registered mail at his request, risk and expense, a new fully executed Bond or Bonds, of authorized principal sums equal in aggregate principal amount to, and of the same Series, maturity and interest rate as, the unredeemed portion of the Bond surrendered.

Section 6.5. Effect of Redemption. If a Bond is subject by its terms to redemption prior to its stated maturity and has been duly called for redemption and notice of the redemption thereof has been duly given as hereinbefore provided and if moneys for the payment of such Bond at the then applicable redemption price or together with the then applicable redemption premium, if any, and the interest to accrue to the redemption date on such Bond are held for the purpose of such payment by the Custodian/Trustee for the series of Bonds of which such Bond is one, then such Bond so called for redemption shall, on the redemption date designated in such notice, become due and payable, and interest on the Bond so called for redemption shall cease to accrue.

Section 6.6. Cancellation. All Bonds which have been redeemed shall be canceled and either maintained or destroyed by the Registrar and shall not be reissued. A counterpart of the certificate of destruction evidencing such destruction shall be furnished by the Registrar to the County upon the request of the County.

Section 6.7. Defeasance. So long as the Federal Government or any agency thereof is the registered owner of Initial Bond, the County shall not issue any Bonds or other obligations for the purpose of defeasing or otherwise terminating the lien on the Bonds without immediately repaying all of the Initial Bond held by the Federal Government then outstanding.

ARTICLE VII

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

Section 7.1. Listing of Funds and Accounts. The following are the funds created and established by this Ordinance:

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

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

Section 7.2. Disposition of Revenues. So long as any Bonds are Outstanding, the Revenues of the Combined System including the Lower Richland System shall be applied at the times, in the amounts and for the purposes as provided or permitted by this Ordinance, and in the following order of priority.

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

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

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

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

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

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

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

Section 7.3. Security for and Payment of the Bonds. The Bonds, together with the interest thereon, shall be payable solely from and secured equally and ratably by a lien upon the Net Revenues of the Lower Richland System; provided, however, that all funds and accounts held by the Custodian/Trustee in the respective Bond and Interest Redemption Funds and Debt Service Reserve Funds established to secure a particular Series of Bonds are hereby pledged for the benefit only of the respective Bondholders as security for the Bonds of the Series to which such Funds relate. The Revenues shall be and hereby are irrevocably pledged to the payment of the principal of and interest on the Bonds. This provision of this Section 6.3 shall not preclude the issuance of Junior Bonds, if such Junior Bonds be issued in conformity with the provisions of Article 4.5 hereof, but the pledge herein made shall preclude the issuance of bonds payable from or secured by a pledge or lien on Net Revenues superior to that herein made to secure the Bonds.

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

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

Section 7.4. Accounting Methods. The designation of the Revenue Fund, the Operation and Maintenance Fund, the Depreciation Fund and the Contingent Fund in and by this Ordinance shall not be construed to require the establishment of any completely independent, self-balancing funds as such term is commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of the Revenues and assets of the Lower Richland System for certain purposes and to establish certain priorities for application of such Revenues and assets as herein provided.

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

Section 7.5. Revenue Fund. There is hereby established a Revenue Fund to be maintained by the County and into which shall be deposited all Revenues. Moneys in the Revenue Fund shall be made

use of only in the manner specified in this Article VII and in the order of priority according to Section 6.2 hereof. So long as the County maintains proper accounting records for receipts and disbursements for the Revenue Fund, the Operation and Maintenance Fund may be maintained as part of the Revenue Fund.

Section 7.6. Operation and Maintenance Fund. There is hereby established an Operation and Maintenance Fund to be maintained by the County in order to provide for the payment of all Expenses of Operating and Maintaining the Lower Richland System. So long as any of the Bonds remain Outstanding and unpaid, adequate provision shall be made by the County for the Expenses of Operating and Maintaining the Lower Richland System by depositing on or before the 15th day of the month following the month in which Bonds are delivered to the initial purchasers thereof, and not later than the 15th day of each month thereafter, in the Operation and Maintenance Fund from the Revenues of the Lower Richland System, an amount equal to the estimated Expenses of Operating and Maintaining the Lower Richland System for the next ensuing month in accordance with the Annual Budget.

Section 7.7. Bond and Interest Redemption Fund. There shall be established and maintained special funds of the County to be designated the Bond and Interest Redemption Fund for each Series of Bonds then Outstanding which shall be kept on deposit with the Custodian/Trustee, and withdrawals therefrom shall be made for the purposes provided in this Ordinance. Each Bond and Interest Redemption Fund shall bear a separate series designation as may be necessary to distinguish such Bond and Interest Redemption Fund.

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

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

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

(a) There shall be established and maintained, for the purpose of paying the interest on the respective Series of Bonds as the same becomes due and payable, an Interest Account in the respective Bond and Interest Redemption Funds. Unless and except as is otherwise set forth in the Supplemental

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

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

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

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

Section 7.8. Debt Service Reserve Fund. A Supplemental Ordinance may provide for the establishment of a Debt Service Reserve Fund for any Series of Bonds. Each Debt Service Reserve Fund shall bear a separate Series designation as may be necessary to distinguish such Debt Service Reserve Fund and shall, subject to certain provisions of this Ordinance, be maintained in an amount equal to the applicable Reserve Fund Requirement, as determined pursuant to a Supplemental Ordinance so long as the applicable Series of Bonds shall be Outstanding. Each such Fund is intended to insure the timely payment of the principal of and interest on the applicable Series of Bonds and to provide for the redemption of such Series of Bonds prior to their stated maturities. The respective Debt Service Reserve Funds shall be kept on deposit with the Custodian/Trustee, and withdrawals therefrom shall be made for the purposes provided in this Ordinance.

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

- (a) To prevent a Default in the payment of the principal of or interest on the applicable Series of Bonds, by reason of the fact that moneys in the applicable Bond and Interest Redemption Fund are insufficient for such purposes;
- (b) To pay the principal of, interest on, and redemption premium, if any, of the applicable Series of Bonds in the event that all Outstanding Bonds of such Series be redeemed as a whole;
- (c) To effect partial redemption of the applicable Series of Bonds, provided that such redemption be undertaken in accordance with the provisions of this Ordinance permitting a partial redemption of the applicable Series of Bonds and the balance remaining in the applicable Debt Service Reserve Fund following such partial redemption shall not be less than the Reserve Fund Requirement;
- (d) To effect the retirement of a Series of Bonds through purchase under the conditions herein prescribed.

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

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

In lieu of the deposit of moneys into the Debt Service Reserve Fund established with respect to any Series of Bonds to meet the Reserve Fund Requirement with respect to that Series, the County may cause to be credited a surety bond or an insurance policy payable to, or a letter of credit in favor of, the

Custodian/Trustee for the benefit of the Holders of the Bonds meeting the standard set forth in the Supplemental Ordinance authorizing that Series of Bonds. The amount of moneys required to be deposited to the Debt Service Reserve Fund shall be reduced by the amount of the surety bond, insurance policy, or letter of credit. The surety bond, insurance policy, or letter of credit shall be payable (upon the giving of notice as required thereunder) on any Interest Payment Date on which moneys will be required to be withdrawn from the Debt Service Reserve Fund and applied to the payment of the principal of or interest on any Bonds of that Series but only to the extent that withdrawals cannot be made by amounts then credited to the Debt Service Reserve Fund.

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

Section 7.9. Depreciation Fund. There is hereby established a Depreciation Fund.

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

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

Section 7.10. Contingent Fund. There is hereby established a Contingent Fund.

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

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

Section 7.11. Application of Remaining Revenues. After making payment for the Expenses of Operating and Maintaining the Lower Richland System; and after making payments on the Bonds; and after making the required deposits and payments, if any, to the applicable Debt Service Reserve Fund; and after providing for the payment of Junior Bonds; and after making the deposits to the Depreciation Fund and the Contingent Fund, the Revenues of the Lower Richland System shall then be used to meet any other

obligations of the County, which are or which shall become charges, liens or encumbrances upon the Revenues of the Lower Richland System; and then disposed of by the County as it may determine from time to time to be for the best interest of the Lower Richland System.

Section 7.12. Establishment of Construction Fund. There shall be established with the Custodian a Construction Fund with respect to each Series of Bonds (other than for Bonds issued pursuant to Section 3.4 hereof, if applicable) in the Supplemental Ordinance providing for their issuance, the moneys in which shall be used to defray the cost of the Project and to pay any Costs of Acquisition and Construction with respect to the facilities so financed. On the occasion of the delivery of any Series of Bonds, the proceeds therefrom shall be paid into the Construction Fund established for such Series as set forth in a Supplemental Ordinance authorizing their issue. Withdrawals from the Construction Fund shall not be made except as provided in the Supplemental Ordinance establishing such Construction Fund.

Section 7.13. Investment of Funds. Moneys held for the credit of the respective Bond and Interest Redemption Funds shall be invested, to the fullest extent practicable and reasonable, in Permitted Investments which shall mature prior to the respective dates when the moneys held for the credit of such Fund will be required for the purpose intended. Moneys in any other funds established by this Ordinance shall be invested, to the fullest extent practicable, in Permitted Investments, maturing at such times and in such amounts as shall be required to provide moneys to make the payments required to be made from such funds. Investment instructions shall be given from time to time in writing by an authorized officer of the County to the Custodian/Trustee.

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

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

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

ARTICLE VII

COVENANTS

Section 8.1. Rates and Charges. The County covenants and agrees to operate the Combined System in an efficient and economical manner and establish, levy, maintain, revise and collect such fees, rates and other charges for the use of the services and facilities furnished by the Combined System as may be necessary or proper. The County covenants and agrees to operate the Lower Richland System in an efficient and economical manner and establish, levy, maintain, revise and collect such fees, rates and other charges for the use of the services and facilities furnished by the Lower Richland System as may be necessary or proper, which fees, rates, and other charges, together with other available moneys, shall at all times be at least sufficient after making due and reasonable allowances for contingencies and for a margin of error in estimates to provide an amount equal to (a) one hundred percent (100%) of the amounts required to be deposited into the Operation and Maintenance Fund for the then current Fiscal Year; (b) one hundred twenty percent (120%) of the amounts required to be deposited into each Bond and Interest Redemption Fund for the then current Fiscal Year; (c) one hundred percent (100%) of the amounts required to be deposited into each Debt Service Reserve Fund for the then current Fiscal Year; (d) one hundred percent (100%) of the amounts required to be deposited into the Depreciation Fund for the then current Fiscal Year; (e) one hundred percent (100%) of the amounts required to be deposited into the Contingent Fund for the then current Fiscal Year; and (f) one hundred percent (100%) of the amounts required to provide for payment of any Junior Bonds for the then current Fiscal Year; and (g) the amounts necessary to comply in all respects with the terms of this Ordinance or any other contract or agreement with the Holder of a Bond (such obligation hereafter referred to as the "Rate Covenant").

Section 8.2. Statutory Lien. There is hereby created and established in accordance with Section 6-21-330 of the South Carolina Code of Laws 1976, as amended, a statutory lien upon the System in favor of the Holders from time to time of the Bonds. The Lower Richland System shall remain subject to such statutory lien until payment in full of the principal of and interest on the Bonds.

Section 8.3. To Pay Principal, Premium, and Interest on the Bonds. The County covenants and agrees to punctually pay, or cause to be paid, out of the Net Revenues pledged to such payment in Article VI hereof, the principal of, redemption premium, if any, and the interest on each and every Bond issued under the provisions of this Ordinance, at the place, on the dates and in the manner provided herein.

Section 8.4. Operation of Combined System including the Lower Richland System. The County covenants and agrees it shall at all times operate the System properly and in an efficient and economical manner and will maintain, preserve and keep the same with the appurtenances and every part and parcel thereof in good repair, working order and condition, and shall from time to time make all necessary and proper repairs and replacements so that at all times the operation of the System may be properly and advantageously conducted.

Section 8.5. Records, Accounts and Audits. The County covenants and agrees to keep proper books of records and accounts, in which complete and correct entries shall be made of all transactions relating to the Combined System including the Lower Richland System. A complete financial statement of the Combined System, including the Lower Richland System, shall be prepared in accordance with generally accepted accounting principles by an Accountant within such time limit as may established in a Supplemental Ordinance authorizing a Series of Bonds. As long as the County is indebted to the United States of America, acting through Rural Development, the County covenants to comply with reporting requirements of Rural Development, as set forth in a Supplemental Ordinance authorizing the issuance of a Series of Bonds. The County will cause to be furnished to the Custodian/Trustee and any Holder of any of the Bonds who makes written request therefor a copy of such statement. Such records shall be kept in accordance with the standards from time to time prescribed by the Governmental Accounting Standards Association or its successor. The County will cause to be furnished to any Holder of any of the Bonds, who make written request therefor, copies of financial statements certified by an Accountant. The County shall deliver to the Custodian/Trustee, annually, within sixty (60) days after the close of each Fiscal Year, a certificate demonstrating compliance with the Rate Covenant.

Section 8.6. Sale, Lease or Other Encumbrances. Other than the Bonds, Junior Bonds, Special Facilities Bonds, or obligations authorized or permitted hereby, the County covenants and agrees not to issue any bonds, notes, certificates or other obligations or evidences of indebtedness secured by a pledge of the Net Revenues. The County further covenants and agrees that it will not create or cause to be created any lien or charge on the Revenues other than the liens and charges created or permitted to be created hereby, and no part of the Lower Richland System will be sold, mortgaged, leased or otherwise disposed of or encumbered; provided, however, the County may from time to time permanently abandon the use of, sell, trade or lease any property forming a part of the System, which the County determines is no longer necessary or useful or profitable in the operation of the System, or necessary to produce or maintain the Revenues thereof, or which is to be or has been replaced by other property so as not to impair the operation of the System. Any moneys received upon a sale hereunder shall be considered Revenues.

Section 8.7. Insurance. The County covenants and agrees to make provision to maintain adequate insurance on the works, plants, facilities and properties comprising the Combined System, including the Lower Richland System, against the risks, accidents or casualties, of the kinds and in at least the amounts which are usually and customarily carried on similar plants, properties and systems which are owned and operated by a public or municipal corporation, including without limiting the generality of the foregoing, fire, extended coverage, general liability and workmen's compensation, and also all additional insurance covering such risks as may be deemed necessary or desirable by the County or recommended by a competent independent engineer or other advisor employed for the purpose of making such recommendations. The Custodian/Trustee shall not be responsible for maintaining such insurance policies or copies thereof.

Section 8.8. No Free Service. The County covenants and agrees that no free service will be furnished by the Lower Richland System to the County or to any agency, instrumentality or person. The reasonable costs and value of any services of the System rendered to the County through the operation of the System shall be charged against the County and shall be paid as the service accrues from the current funds and such funds, when so paid, shall be accounted for in the same manner as other Revenues of the System.

Section 8.9. Annual Budget. Prior to the beginning of each Fiscal Year, the County covenants and agrees to prepare an annual budget for the ensuing Fiscal Year which shall set forth in reasonable detail the estimated Revenues and Operation and Maintenance Expenses, debt service requirements, payments to the Depreciation Fund and Contingent Fund and other expenditures of the Combined System including the Lower Richland System for such Fiscal Year. Following the end of each fiscal quarter and at such other times as the County shall determine, the County shall review its estimates set

forth in the annual budget for such Fiscal Year, and in the event such estimates do not substantially correspond with actual Revenues, operation and maintenance expenses or other requirements, or if there are at any time during any such Fiscal Year extraordinary receipts or payments of unusual costs, the County may prepare an amended annual budget for the remainder of such Fiscal Year. The County also may at any time adopt an amended annual budget for the remainder of the then current Fiscal Year.

ARTICLE IX

CUSTODIAN/TRUSTEE; CUSTODIANS

Section 9.1. Custodian/Trustee. Prior to the delivery of the initial Series of Bonds, the County shall designate a Custodian/Trustee in the Supplemental Ordinance and the Custodian/Trustee shall signify its acceptance of the powers, duties and obligations conferred and imposed upon it by this Ordinance by executing and delivering to the County a written instrument of acceptance.

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

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

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

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

as it may see fit and, if the Custodian/Trustee determines to make such further inquiry or investigation, it is entitled to examine the books, records and premises of the County, in person or by agent or attorney.

The Custodian/Trustee shall not be required to take notice or be deemed to have notice or actual knowledge of any event of default specified in Article X hereof other than a payment default described in subparagraphs A or B of Section 12.1 unless the Custodian/Trustee shall receive from the County or the Holder of any Bond written notice stating that an Event of Default hereunder has occurred and specifying the same, and, in the absence of such notice, the Custodian/Trustee may conclusively assume that there is no such Event of Default.

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

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

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

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

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

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

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

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

Section 9.2. Resignation of Custodian/Trustee. The Custodian/Trustee may resign at any time and be discharged of its duties and obligations hereunder by giving 30 days' written notice to the County and to the Holders of the Bonds by first class mail, postage prepaid, of such resignation. No resignation will become effective until a successor Custodian/Trustee has been appointed and accepts such appointment as provided below. Upon receiving notice of resignation, the County shall promptly appoint such successor Custodian/Trustee by an instrument in writing executed by order of its Council. In the event a successor Custodian/Trustee has not been appointed within 60 days of the date notice of resignation is given, the Custodian/Trustee at the County's expense, may apply to any court of competent jurisdiction for the appointment of a successor Custodian/Trustee to act until such time as a successor is appointed as provided in this Section.

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

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

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

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

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

Section 9.3. Removal of Custodian/Trustee. Upon 30 days' written notice, the County, with the consent and approval of the Holders of not less than 50% of the Bonds then Outstanding, provided that an Event of Default shall not have occurred and be continuing, may remove the Custodian/Trustee. The removal of the Custodian/Trustee under this Section 9.3 shall not be effective until a successor Custodian/Trustee has been appointed and has accepted the duties of Custodian/Trustee.

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

Section 9.4. Custodians. The Construction Fund shall be held by a bank, a trust company, a national banking association or a national association as Custodian under this Ordinance or a Supplemental Ordinance.

Section 9.5. Duties and Obligations of Custodian/Trustee and Custodians. The recitals of fact made in this Ordinance and in the Bonds shall be taken as statements of the County, and neither the Custodian/Trustee nor Custodian shall be deemed to have made any representations whatsoever as to the correctness of the same or as to the validity or sufficiency of this Ordinance or of the Bonds issued hereunder. Nor shall the Custodian/Trustee or any Custodian be under any responsibility or duty with respect to the issuance of the Bonds or the application of the proceeds thereof, except to the extent provided for herein, or in a Supplemental Ordinance. Nor shall the Custodian/Trustee or any Custodian be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in response to this Ordinance, or to the Bonds issued hereunder, or to advance any of its own moneys, unless properly indemnified to its satisfaction. Nor shall the Custodian/Trustee or any Custodian be liable in connection with the performance of its duties hereunder, except for its own negligence or misconduct.

Section 9.6. Custodian/Trustee and Custodians Protected in Relying upon Resolutions, etc. The Custodian/Trustee and all Custodians shall at all times be protected in acting upon any notice, resolution, request, consent, order, certificate, statement, opinion, bond, or other paper or document believed to be genuine and to have been signed by the proper party or parties.

ARTICLE X

AMENDMENTS OR SUPPLEMENTS TO ORDINANCE

Section 10.1. Amendments or Supplements to Ordinance. The County shall not amend this Ordinance except in accordance with the provisions of this Article.

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

B. From time to time the Holders of 66-2/3% in principal amount of the Bonds then Outstanding, by an instrument or instruments in writing signed by such Holders and filed with the County and the Custodian/Trustee, shall have power to assent to and authorize any modification or amendment to the provisions of this Ordinance that may be proposed by the County or of the rights and obligations of the County and of the Holders of Bonds issued hereunder; and any action herein authorized to be taken with the assent and authority given as aforesaid of the Holders of 66-2/3% in principal amount of the Bonds at the

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

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

ARTICLE XI

EVENTS OF DEFAULT

Section 11.1. Events of Default. With respect to the Bonds, the following shall constitute “Events of Default”:

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

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

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

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

E. If an order or decree is entered (a) with the consent or acquiescence of the County, appointing a receiver or receivers of the Lower Richland System or any of the facilities thereof; or (b) without the consent or acquiescence of the County, appointing a receiver or receivers of the Lower Richland System

or any of the facilities thereof and if, in either case, such order or decree having been entered is not vacated or discharged or stayed on appeal within 60 days after the entry thereof; or

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

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

Subject to the provisions, limitations and conditions of Sections 12.1 and 12.2 of Article XII hereof, insofar as the remedies provided in said provisions are concerned, nothing in Section 21.3 of Article XII hereof or in this Article, and particularly nothing in paragraph C of this Section 11.1, 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 12.3 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 XII

REMEDIES UPON EVENT OF DEFAULT

Section 12.1 Declaration of Principal and Interest as Due. Upon the occurrence of an Event of Default, and at any time thereafter while such Event of Default continues, then and in each and every case the Custodian/Trustee in its own name and as trustee of an express trust, on behalf and for the benefit and protection of the Holders of all Outstanding Bonds, may proceed, and upon the written request of the Holders of not less than 25% in principal amount of the Bonds then Outstanding, shall proceed to declare the principal of all Bonds then Outstanding, together with all accrued and unpaid interest thereon, if not already due, to be due and payable immediately, and upon any such declaration the same shall become and be due and payable immediately, anything contained in this Ordinance or any Supplemental Ordinance hereto or in any of the Bonds to the contrary notwithstanding. This provision is also subject, however, to the condition that, if at any time after the principal of the Bonds, together with the accrued and unpaid interest thereon and other moneys secured hereby, have been so declared due and payable and before any further action has been taken (other than the making of the above declaration), the principal amount of all Bonds which have matured either according to the maturity date or dates otherwise specified therein (except as a result of such declaration) and all arrears of interest upon all Bonds, except interest accrued but not yet due on said Bonds, have been paid or caused to be paid, and all other Events of Default, if any, which have occurred have been remedied, cured or secured, then and in each and every such case the Holders of 25% in principal amount of the Bonds then Outstanding, by notice in writing delivered to the Custodian/Trustee and the County, may waive such Default and its consequences and rescind and annul such declaration. No such waiver or rescission or annulment shall extend to or affect any subsequent default or impair or exhaust any right or power related to such subsequent Default.

Section 12.2. Appointment of a Receiver. Upon the occurrence of an Event of Default described in paragraphs A and B of Section 11.1 hereof, and at any time thereafter while such default continues, the Custodian/Trustee or the Holders of not less than 25% in principal amount of the Bonds then Outstanding or any custodian/trustee therefor, may apply to a court of competent jurisdiction for the

appointment of a receiver. Any receiver so appointed shall (a) enter into and upon and take possession of the Lower Richland System, to the exclusion of the County if such court so directs; (b) have, hold, use, operate, manage and control the Lower Richland System as such receiver may deem best; and (c) exercise all rights and powers of the County with respect to the Lower Richland System as the County itself may do. In addition, the receiver shall (a) maintain, restore and insure the Lower Richland System and from time to time make all necessary and proper repairs to the Lower Richland System as such receiver may deem expedient; (b) establish, levy, maintain and collect such fees, rentals and other charges in connection with the Lower Richland System as such receiver may deem necessary or proper and reasonable; and (c) collect and receive all revenues, deposit such revenues in a separate account and apply such revenues so collected and received in such manner as the court shall direct.

Notwithstanding anything contained in this Ordinance or the Act, such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character of the County and useful to the Lower Richland System, other than in the ordinary course of Lower Richland System business.

Section 12.3. Suits at Law or in Equity and Mandamus. In case any one or more of the Events of Default shall happen and be continuing, then and in every such case, but subject to the provisions, limitations and conditions of Sections 12.1 and 12.2 of this Article so far as the remedies provided in said provisions are concerned, the Holder of any Bond at the time Outstanding, or Custodian/Trustee therefor, may, for the equal benefit and protection of all Holders of the Bonds similarly situated,

- (a) by mandamus or other suit, action or proceedings at law or in the equity, enforce such Bondholder's right against the County and require and compel the County to perform and carry out its duties and obligations under the Act and this Ordinance, and to perform and carry out its covenants and agreements with the Bondholders;
- (b) by action or suit in equity require the County to account as if such County were the trustee of an express trust;
- (c) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the Bondholders; or
- (d) bring suit upon the Bonds.

Section 12.4. Remedies Not Exclusive; Effect of Waiver of Default; Effect of Abandonment of Proceedings or Adverse Determination. The Holders from time to time of the Bonds shall be entitled to all the remedies and benefits of this Ordinance as are and as shall be provided by law, and, subject to the provisions of Sections 12.1 and 12.2 of this Article, nothing herein shall be construed to limit the rights or remedies of any such Holders under any applicable statute that may now exist or be enacted thereafter. No remedy conferred by the Act and this Article upon any Holder of any Bond is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred by the Act and this Article or by any other law now or hereafter existing. Every substantive right and remedy conferred upon the Holders of the Bonds may be enforced and exercised from time to time and as often as may be deemed expedient.

No waiver of any default or breach of duty or contract by any Holder of any Bond shall extend to or affect any subsequent default or breach of duty or contract, or shall impair any rights or remedies

thereon. No delay or omission of any Holder of a Bond to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein.

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

Section 12.5. Restrictions on Bondholder's Action.

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

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

Section 12.6. Application of Revenues and Other Moneys After Default. During the continuance of an Event of Default, all moneys received by the Custodian/Trustee pursuant to any right given or action taken under the provisions of this Article shall, after payment of the costs and expenses of the proceedings taken in efforts to collect such moneys and of the fees, expenses and advances incurred or made by the Custodian/Trustee with respect thereto, including reasonable attorneys fees, be deposited in the respective Bond and Interest Redemption Funds, and all amounts held by the Custodian/Trustee hereunder shall be applied as follows (provided if more than one Bond and Interest Redemption Fund has been established, such amounts shall be paid ratably):

A. Unless the principal of all Outstanding Bonds shall have become or have been declared due and payable:

First: To the payment to the persons entitled thereto of all installments of interest then due on the Bonds in the order of maturity of such installments, and, if the amount available shall not be sufficient to pay in full any installment or installments maturing on the same date, then to the

payment thereof ratably, according to the amounts due thereon to the person entitled thereto, without any discrimination or preference; and

Second: To the payment to the persons entitled thereto of the unpaid principal amounts or redemption premium, if any, of any Bonds which shall have become due (other than Bonds previously called for redemption in accordance with the provisions hereof), whether at maturity or by call for redemption, in the order of their due dates, and if the amounts available shall not be sufficient to pay in full all the Bonds due on any date, then to the payment thereof ratably, according to the principal amounts or redemption premium, if any, due on such date, to the persons entitled thereto, without any discrimination or preference.

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

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

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

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

ARTICLE XIII

MISCELLANEOUS

Section 13.1. Benefits of Ordinance Limited to the County, the Custodian/Trustee and Holders of the Bonds. With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the County, the Custodian/Trustee and the Holders of the Bonds, any legal or equitable right, remedy or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement or provision herein contained. This Ordinance and all of

the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the County, the Custodian/Trustee and the Holders from time to time of the Bonds as herein and therein provided.

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

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

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

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

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

Section 13.6. Law and Place of Enforcement of Ordinance. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in said State.

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

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

Section 13.9. Effectiveness of Ordinance. This Ordinance shall become effective upon its enactment; provided, however, that it shall not be necessary for the County to establish the funds and accounts created in Article VII hereof prior to the issuance of any Bonds.

Section 13.10. Notices. All notices, certificates, or other communications hereunder or under this Ordinance shall be sufficiently given and shall be deemed given when mailed by registered mail, postage prepaid, or given when dispatched by telegram addressed as follows:

Richland County
Post Office Box 192
Columbia, South Carolina 29202-0192
Attn: County Administrator

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

Section 12.11. Codification. This Ordinance shall be forthwith codified in the Code of County Ordinances in the manner required by law and the name shall be indexed under the general heading "Ordinance Lower Richland Sewer System Revenue Bonds."

Enacted this ____ day of _____, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Kelvin Washington, Chairman
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF

_____, 2013:

Michelle Onley, Interim Clerk to County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:
Date of Second Reading:
Date of Third Reading:

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A SEWER SYSTEM IMPROVEMENT REVENUE BOND ANTICIPATION NOTE, SERIES 2013 (LOWER RICHLAND SEWER SYSTEM PROJECT PHASE I), OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF RICHLAND COUNTY, SOUTH CAROLINA, IN AN AMOUNT NOT TO EXCEED \$9,359,000; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE NOTE; PROVIDING FOR FORM AND DETAILS OF THE NOTE; PROVIDING FOR THE PAYMENT OF THE NOTE; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

(c) The Lower Richland System was created pursuant to General Bond Ordinance No. ____ -13HR enacted by the County Council on _____, 2013 and is administered as a division of the Combined Sewer System (as defined in the General Bond Ordinance).

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

(e) Title 11, Chapter 17, Code of Laws of South Carolina 1976, as amended (“Title 11”), provides that any borrower (the definition of which includes the County) whenever authorized by general or special law to issue bonds, may, pending the sale and issuance thereof, borrow in anticipation of the receipt of the proceeds of such bonds.

(f) The County has made general provision for the issuance from time to time of Sewer system revenue bonds (the “Bonds”) of the County through the enactment of Ordinance No. ____-13HR entitled “An Ordinance Providing For The Issuance Of Lower Richland Sewer System Revenue Bonds Of Richland County, South Carolina” (the “General Bond Ordinance”).

(g) The Phase I project involves providing sewer service to the Lower Richland neighborhood, Hopkins Middle School, Hopkins Elementary School, and Franklin Park Subdivision, as well as the acquisition of existing customers on Garners Ferry Road (the “Project”).

(j) The total cost of the Project is estimated to be \$12,937,700 to be financed with a loan from the Federal Government in the amount of \$9,359,000, a grant from the Federal Government in the amount of \$2,279,800, tap fee/applicant contribution of \$723,900, and an State Revolving Fund Authority Fund loan in the amount of \$575,000.

(k) The Government will, upon compliance by the County with the terms and conditions set forth in a letter dated January 30, 2013, to the Chairman of the County Council of the County, purchase a sewer system improvement revenue bond of the County in the maximum amount of \$9,359,000.

(l) It is in the best interest of the County to authorize the issuance and sale of a revenue bond pursuant to the Revenue Bond Act for Utilities, the General Bond Ordinance and a Supplemental Ordinance in the principal amount of not exceeding \$9,359,000 for the purpose of defraying a portion of the costs and expenses of the Project.

(m) Pending the issuance and sale of such revenue bond, it is in the best interest of the County to provide for the issuance of a Sewer system improvement revenue bond anticipation note in a principal amount not exceeding \$9,359,000 (the "BAN") in anticipation of the issuance of the aforesaid revenue bond and the receipt of the proceeds thereof.

Section 2. Delegation of Authority. The Council hereby delegates to the County Administrator the authority to offer the BAN by private sale at such time as deemed to be in the best interest of the County and to cause to be prepared and distributed an appropriate Notice of Sale. The County Administrator is hereby authorized and empowered to determine the principal amount of the BAN and to award the sale of the BAN to the bidder whose bid is in the best interest of the County in accordance with the terms of the Notice of Sale for the BAN, provided the net interest cost of the BAN does not exceed 6% per annum.

Section 3. Authorization of Bonds. Pursuant to the provisions of the Revenue Bond Act, there is hereby authorized to be issued, and the Council irrevocably obligates and binds itself to effect the issuance of, a Sewer system improvement revenue bond (the "Bond") of the County in the principal amount of not exceeding \$9,359,000, the proceeds of which will be used to pay the principal of the BAN. Prior to the issuance and sale of the Bond, the Council shall enact an ordinance setting forth the form and details of the Bond, provided such details shall be within the limitations contained in the Revenue Bond Act.

Section 4. Authorization of Bond Anticipation Note. Pending the issuance and delivery of the Bond authorized by Section 3 hereof, and pursuant to the provisions of Title 11, Chapter 17 of the Code, and for the purpose of paying a portion of the cost of the improvements described in Section 1(g) and other costs incidental to the Project including, but without limiting the generality of such costs, engineering, financial and legal fees, there is hereby authorized to be issued the BAN in a principal amount of not exceeding \$9,359,000 in anticipation of the receipt of the proceeds of the Bond.

The BAN shall be in fully-registered form, registered as to principal and interest in the name of the Bank; shall be dated as of the date of its issuance; shall mature not later than twelve (12) months from the date of its issuance; shall be of the denomination of not exceeding \$9,359,000, or such lesser amount as may be paid from time to time for the BAN; and shall bear interest on the respective principal amounts of the BAN advanced to the County from time to time at the rate reflected thereon.

The County shall have the right to prepay the principal of or interest on the BAN in whole without penalty.

Both the principal of and interest on the BAN shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts at such place as may be agreed upon with the Bank. The County shall serve as the Registrar/Paying Agent for the BAN.

If payment for the BAN is made in installments, the amount and date of each payment shall be endorsed on the BAN in the space provided therefor by the County Administrator of the County. Interest shall accrue on the amount paid for the BAN from the date of payment thereof.

The BAN shall be executed on behalf of the County by the manual or facsimile signature of the County Administrator and the corporate seal of the County or a facsimile thereof shall be impressed or reproduced thereon and attested by the Clerk to County Council by his or her manual or facsimile signature.

Section 5. Registration of BAN. The BAN shall be registered as to principal and interest in the name of the registered owner thereof at the office of the Clerk to Council on registry books to be kept for that purpose, after which no transfer of such BAN shall be effectual unless made on said books by the registered holder in person, or by his duly authorized legal attorney.

Section 6. Form of Note. The BAN shall be issued in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 7. Covenants of the County. The County hereby covenants with the Bank as follows:

(a) The County covenants that as long as the BAN shall be outstanding under the provisions of this Ordinance and except as is otherwise permitted in this Ordinance, it will not sell, trade or lease or otherwise dispose of or encumber the Lower Richland System or any part thereof. The County may, however, from time to time, sell or dispose of any property, real or personal, which in the judgment of the Council of the County is no longer necessary or useful or profitable in the operation of the Lower Richland System or necessary to produce and maintain the revenues thereof, or which is to be or has been replaced by other property so as not to impair the operations of the Lower Richland System. Amounts received from such sale or disposition shall be deposited to the credit of the Revenue Fund established in the General Bond Ordinance.

(b) The County covenants that it has not issued, nor will it cause to be issued, any notes or certificates of indebtedness of any type in anticipation of the issuance of the Bond, except the BAN.

(c) The County hereby covenants and agrees with the Bank that it will not take any action which will, or fail to take any action which failure will, cause interest on the BAN to become includable in the gross income of the Bank for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the BAN. The County further covenants and agrees with the Bank that no use of the proceeds of the BAN shall be made which, if such use had been reasonably expected on the date of issue of the BAN, would have caused the BAN to be an "arbitrage bond," as defined in Section 148 of the Code, and to that end the County hereby shall:

(i) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the BAN is outstanding;

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

(iii) make such reports of such information at the time and places required by the Code.

Section 8. Payment of BAN. For the payment of the principal of and interest on the BAN as the same respectively mature, there are hereby pledged the proceeds of the Bond authorized in Section 3 hereof. Title 11 provides that the County may also, at its option, utilize any other funds available therefor for the payment of the principal of and interest on the BAN, and in accordance therewith, the County also hereby pledges the Revenues of the Lower Richland System for the payment of such principal and interest on the BAN.

The proceeds of the BAN shall be applied for the purpose for which the Bond is to be issued. Upon the delivery of the Bond in anticipation of which the BAN is authorized to be issued, a sufficient amount of the proceeds of the Bond shall be applied by the County to meet the payment of the principal of and, to the extent available, interest on the BAN.

Section 9. Tax Exemption. Both the principal of and interest on the BAN shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code of Laws of South Carolina, 1976, from all State, County, municipal, school district, and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise. It should be noted, however, that Section 12-11-20, Code of Laws of South Carolina, 1976, as amended, imposes upon every bank engaged in business in the State of South Carolina a fee or franchise tax computed on the entire net income of such bank which would include interest paid on the BAN to any such bank.

Section 10. Events of Default. The following shall constitute "Events of Default":

(a) If payment of the principal of the BAN is not made after the same has become due and payable; or

(b) If payment of interest on the BAN is not made after the same has become due and payable; or

(c) If the County fails or refuses to comply in any material respect in the due and punctual performance of the covenants, conditions, agreements and provisions contained in the BAN or in this Ordinance, and such failure continues for thirty days (30) after written notice specifying such failure and requiring the same to be remedied has been given to the County by the registered owner of the Note; or

(d) If any order or decree is entered (i) with the consent or acquiescence of the County, appointing a receiver of the Lower Richland System or of any of the revenues of the Lower Richland System (the "Revenues") or other moneys pledged and charged in the Ordinance for the payment of the BAN, or (ii) without the consent or acquiescence of the County, appointing a receiver of the Lower Richland System or any of the Revenues or other moneys pledged and charged in the Ordinance for the payment of the BAN and, in either case, such order or decree having been entered is not vacated or discharged or stayed on appeal within sixty days (60) after the entry thereof; or

(e) If any proceedings are instituted, with the consent or acquiescence of the County, for the purpose of effecting a composition between the County and its creditors and if the claim of such creditors is in any circumstance payable from the Revenues or other monies pledged and charged in the Ordinance for the payment of the BAN, or any such proceedings are instituted for the purpose of adjusting the claims of such creditors, pursuant to any federal or state statute now or hereafter enacted; or

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

Nothing in this section shall prohibit the registered owner of the BAN from enforcing the duties of the County by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction, even though the failure of the County to perform any such duty may not then constitute an Event of Default.

Section 11. Remedies Upon Event of Default. Upon the occurrence of an Event of Default and at any time thereafter while such Event of Default continues, the registered owner of the BAN may, upon notice in writing delivered to the County, declare the entire unpaid principal and interest on the BAN, as the case may be, then outstanding due and payable, and thereupon the entire unpaid principal of and interest on such BAN shall immediately be and become immediately due and payable.

The provisions of this Section are subject to the condition that if at any time after the entire principal of the BAN shall have been so declared due and payable and before any judgment or decree for the payment of the moneys due shall have been obtained or entered, the County shall pay to, or shall deposit with a trustee for payment to, the registered owner of the BAN a sum sufficient to pay principal on the BAN and interest upon the BAN, then the registered owner of the BAN may, by written notice to the County, rescind and annul such declaration and its consequences. No such rescission and annulment shall, however, extend to or affect any subsequent Event of Default.

Upon the occurrence of an Event of Default, the Bank (in addition to the power granted to it above) may proceed to protect and enforce its rights with respect to the BAN by any suit, action or special proceeding in equity or at law, either for the specific performance of any covenant or agreement contained herein or in aid of the execution of any power herein granted, or for the enforcement of any other appropriate legal or equitable remedy, as the trustee may deem most effective to protect and enforce any of its rights or interests under the BAN.

No waiver of any Event of Default, by the registered owners of the BAN shall extend to or shall affect any subsequent Event of Default or other default or shall impair any rights or remedies consequent thereto.

No delay or omission to exercise any right or power occurring upon any Event of Default or other default shall impair any such right or power or shall be construed to be a waiver of any such Event of Default or other default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient.

No remedy conferred upon or reserved to the registered owner of the BAN is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and shall be in addition to any other remedy given to the registered owner of the BAN.

In case the registered owner of the BAN shall have proceeded to enforce any right or exercise any power under this Ordinance and such proceedings shall have been discontinued or abandoned for any reason, or shall have been determined adversely to the registered owner of the BAN, then and in every case the County and the registered owner of the BAN shall be restored to their former positions and rights hereunder, and all rights, remedies and powers of the registered owner of the BAN shall continue as if no such proceedings had been taken.

Section 12. Construction Fund. All payments for the Note shall be deposited in a separate special fund of the County to be designated “Richland County Construction Fund (Sewer System Improvements – Lower Richland System), Interim Financing, 2013” (the “Construction Fund”), which fund shall be held by the bank designated by the County. The moneys deposited in the Construction Fund shall be disbursed for and applied to the payment of the costs and expenses of the Project and shall be made in the manner withdrawals from other funds of the County are made and in accordance with applicable rules and regulations of the Government.

The County Administrator is authorized to make disbursements from the Construction Fund to pay the costs and expenses of the Project. As each such payment is made, the County shall furnish the registered owner of the Note with a certificate duly executed by an authorized representative of the engineers for the Project and the County Administrator of the County, certifying that the sums to be paid are to pay costs and expenses incident to the construction of those aspects of the Project which will be reimbursed with the proceeds of the Bond, that such costs and expenses have been duly incurred by reason of work performed or materials furnished, and that no part of the items to be paid have been previously paid. Each certificate shall be approved in writing by an authorized representative of the Government and shall state that the disbursement is to pay costs and expenses of the Project that will be reimbursed with proceeds of the Bond. Copies of such certificates shall be made available, upon request, to the registered owner of the BAN.

Section 13. General Authorization. The County Administrator of the County and the County Attorney are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate issuance of the BAN and to carry out the intentions of this Ordinance. Council hereby retains McNair Law Firm, P.A., as bond counsel, in connection with the issuance of the BAN.

Section 14. Invalidity of Sections, Paragraphs, Clauses or Provisions. If any section, paragraph, clause or provision of this Ordinance is held invalid or unenforceable under any circumstances, such holding shall not affect the validity or enforceability thereof under other circumstances or the validity or enforceability of this Ordinance as a whole or of any other section, paragraph, clause or provisions of this Ordinance.

Section 15. Repeal of Conflicting Ordinances. All orders, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the BAN are, to the extent of such conflict, hereby repealed from and after its passage and approval.

Section 16. Effective Date. This Ordinance shall be in full force and effect from and after its enactment as provided by law.

Enacted this _____ day of September, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Kelvin Washington, Chairman
Richland County Council

(SEAL)

ATTEST THIS _____ DAY OF

_____, 2013:

Michelle Onley
Interim Clerk to County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:
Date of Second Reading:
Date of Third Reading:

(FORM OF NOTE)

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
RICHLAND COUNTY
SEWER SYSTEM IMPROVEMENT REVENUE
BOND ANTICIPATION NOTE, SERIES 2013
(LOWER RICHLAND PROJECT)

_____, 2010

\$ _____

KNOW ALL MEN BY THESE PRESENTS that Richland County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the order of _____ in _____, South Carolina (the "Bank"), or its registered assigns, the principal sum of _____ Dollars (\$ _____), or such lesser amount as has been advanced hereunder as shown on the Certificate of Advances attached hereto, on the Note (unless this Note shall be prepaid at an earlier date). This Note shall bear interest on the principal amounts advanced hereunder as shown on the Certificate of Advances from the date or dates of such advances at the rate of ____% per annum.

Both the principal of and interest on this Note are payable upon presentation and surrender of this Note at the principal office of the Bank, in _____, South Carolina, in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

The County shall have the right to prepay this Note in whole without penalty.

This Note is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Title 11, Chapter 17, Code of Laws of South Carolina, 1976, as amended (the "Act"), General Bond Ordinance No. _____ duly enacted on _____; and Ordinance No. _____ duly enacted on _____ (the "Ordinances"), by the Council of the County, in anticipation of the issuance of a Sewer system improvement bond (the "Bond") to be issued by the County pursuant to Title 6, Chapter 21, Code of Laws of South Carolina, 1976, as amended. The proceeds of this Note shall be used, pending issuance of the Bond, to provide funds to defray a portion of the costs of the Project (as defined in the Ordinances).

This Note is payable, both as to principal and interest, from the proceeds of the Bond. This Note is a special obligation of the County, and there is hereby pledged to the payment of the principal hereof and interest hereon the proceeds of the Bond. The Act provides that the County may also, at its option, utilize any other funds available therefor for the payment of the principal of and interest on this Note, and in accordance therewith the County also hereby pledges the revenues of the Lower Richland System for the payment of such principal and interest.

This Note has been initially registered in the name of the Bank as to principal and interest at the office of the County on registry books to be kept for such purpose, such registration to be noted hereon. After such registration, the principal of and interest on this Note shall be payable only to the registered owner hereof. No transfer shall be valid unless made on such books by the registered owner, or by its legal representative, and similarly noted on this Note.

This Note and the interest hereon are exempt from all State, County , municipal, school district, and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise. It should be noted, however, that Section 12-11-20, Code of Laws of South Carolina, 1976, as amended, imposes upon every bank engaged in business in the State of South Carolina a fee or franchise tax computed on the entire net income of such bank which would include any interest paid on this Note to any such bank.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen, and to be performed precedent to or in the issuance of this Note exist, have happened and have been done and performed in regular and due time, form and manner as required by law, and that the County has irrevocably obligated itself to issue and sell, prior to the stated maturity hereof, the Bond in anticipation of which this Note is issued.

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

RICHLAND
COUNTY, SOUTH CAROLINA

Chairman, County Council

(SEAL)

ATTEST:

Clerk to County Council

REGISTRATION

This Note has been registered in the name of _____ in _____, South Carolina, on registry books kept by Richland County, South Carolina.

Dated this _____ day of _____, 2013.

Clerk to County
Council, Richland County,
South Carolina

Richland County Council Request of Action

Subject

- a. Approval of Intertape Polymer Group Set Aside Grant [**PAGE 259**]
- b. Approval of Project Form Closing Fund Grant [**PAGE 260**]



MEMORANDUM

To: Economic Development Committee
From: Nelson Lindsay, Director of Economic Development
Date: September 4, 2013
Re: Intertape Polymer Group Set Aside Grant

Richland County has been approved for a SC Department of Commerce grant as part of an economic development incentive package. This grant needs to be voted on by the Economic Development Committee and sent to County Council for approval.

Intertape Polymer Group (SC Coordinating Council for Economic Development, Department of Commerce) The grant amount is \$150,000 for building upfit and site improvements related to the company's relocation to the former Lamson Sessions building. Richland County, as the local form of government, must apply on the companies' behalf in order to receive funds. This is a pass-through grant. There are no match requirements for this grant.

County staff will work with the company and the funding agency to administer the grant and ensure compliance with all appropriate rules and regulations.

The EDC's recommendation for approval of these grants is requested. The item will be forwarded to the September 10, 2013 meeting for Council action.

Cc: Sara Salley, Grants Manager



MEMORANDUM

To: Economic Development Committee
From: Nelson Lindsay, Director of Economic Development
Date: September 4, 2013
Re: Project Form Closing Fund Grant

Richland County has been approved for a SC Department of Commerce grant as part of an economic development incentive package. This grant needs to be voted on by the Economic Development Committee and sent to County Council for approval.

Project Form (SC Coordinating Council for Economic Development, Department of Commerce) The grant amount is \$350,000 for building upfit and site improvements related to the company's new location in Richland County. Richland County, as the local form of government, must apply on the companies' behalf in order to receive funds. This is a pass-through grant. There are no match requirements for this grant.

County staff will work with the company and the funding agency to administer the grant and ensure compliance with all appropriate rules and regulations.

The EDC's recommendation for approval of these grants is requested. The item will be forwarded to the September 10, 2013 meeting for Council action.

Cc: Sara Salley, Grants Manager

Richland County Council Request of Action

Subject

Building Codes Board of Appeals-1; there is one vacancy on the board:

Ralph Walden (Resigned)

Richland County Council Request of Action

Subject

Accommodations Tax Committee-2; there are two appointments to be made to this committee; positions to be filled are for Lodging and Hospitality; one application was received from:

J. Benjamin Blackwell* (withdrawn)

Richland County Council Request of Action

Subject

Airport Commission-1; there is one vacancy on the commission for an un-expired term; an application was received from: **[PAGES 263-268]**

Anne G. Kelly



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

Applicant must reside in Richland County.

Name: Anne G. Kelly

Home Address: 1667 Tanglewood Road, Columbia, SC 29204

Telephone: (home) (803)665-5063 (work) (803)576-1934

Office Address: 1701 Main Street, Room 205, Columbia, SC 29201

Email Address: kellyan@rcgov.us

Educational Background: Bachelor of Arts; Paralegal Training

Professional Background: Chief Deputy Clerk of Court

(See attached resume for complete background)

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

Name of Committee in which interested: Richland County Airport Commission

Reason for interest: "See Attachment"

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

"See Attachment"

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

Any other information you wish to give? See attached Letter and Resume

Recommended by Council Member(s): Julie-Ann Dixon, Damon Jeter,
Paul Livingston

Hours willing to commit each month: Whatever is required for the position

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: N/A

Aimee A. Kelly
Applicant's Signature

8/16/13
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	

**ATTACHMENT TO APPLICATION FOR SERVICE ON
RICHLAND COUNTY AIRPORT COMMISSION**

Anne G. Kelly

Reason for interest: I have strong ties to the Columbia and Richland County community and am keenly interested in furthering the community's growth and development. The best way to accomplish this is through public service. I would welcome the opportunity to provide input, as necessary, into the operations of Jim Hamilton – LB Owens Airport in order to ensure safety and efficiency, as well as to promote commercial, economic and industrial growth in Richland County. As a member of the Airport Commission, I would hopefully be in a position to participate in recommending policy direction and guidance to the Richland County Council to ensure that the Jim Hamilton – LB Owens Airport meets the air transportation and economic development needs of its customers and partners for the benefit of the community.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: I have a broad range of friends and colleagues from all sectors of public and private life in Columbia, Richland County and the state. As such, I am fortunate to be exposed to a myriad of expertise and viewpoints, which is helpful in determining public policy decisions. I also have a strong legal background, and am qualified to review and provide input regarding contracts, leases, development plans, FAA compliance, etc. See attached resume for additional qualifications.

ANNE G. KELLY
1667 Tanglewood Road
Columbia, South Carolina 29204
(803) 665-5063

Work Experience: **Chief Deputy Clerk of Court for Richland County, South Carolina,** Columbia, South Carolina. (1/09- present) Perform all duties associated with running the operations of the Richland County Clerk of Court's office and the Richland County Judicial Center. Regularly interact with the general public, judges and their staff, attorneys and their staff, solicitors, public defenders, probation officers, federal, state and local social and government agencies and other federal, state and county courts. Handle public complaints and other issues on a daily basis. Manage and direct the activities of all supervisors of the Clerk of Court and Family Court. Perform duties of the Clerk of Court in the Clerk's absence and/or at the Clerk's request. Regularly make management decisions and implement policies and procedures. Represent the Clerk of Court's office in public venues and at public speaking engagements. Act as liaison to the Richland County Bar Association and other legal associations.

Nelson Mullins Riley & Scarborough, L.L.P., Columbia, Greenville and Charleston, South Carolina. (7/89 - 12/94 and 10/96 – 1/09) Litigation/ Labor and Employment and Commercial/Automobile Litigation Legal Assistant. Perform all duties relevant to the litigation process, including drafting pleadings, file organization and maintenance, trial preparation, etc.

Leatherwood Walker Todd & Mann, P.C., Greenville, South Carolina. (12/94 - 10/96) Litigation Legal Assistant. Perform all duties relevant to insurance defense and commercial litigation, including drafting pleadings, legal research, file organization and maintenance, trial preparation, etc.

Smathers, Pleus, Adams, Fassett & Divine, P.A., Orlando, Florida. (4/85 - 7/89) Litigation/Real Estate Legal Assistant. Duties included heavy concentration of legal research and writing, general case related litigation responsibilities, and sole responsibility for foreclosure litigation, including title searches.

The Coca-Cola Company, Atlanta, Georgia. (7/81 - 3/84) International Trademark Legal Assistant. Responsible for all trademark activity, including registration and litigation, in Europe, Australia, New Zealand and the United States.

Neely, Player, Hamilton, Hines & Welch, Atlanta, Georgia. (6/80 - 7/81) Corporate/Litigation Legal Assistant. Responsible for some asbestos litigation, general corporate work, and was a registered lobbyist in the 1980-81 Georgia General Assembly, monitoring legislation for the interest of insurance companies.

Founder's Life Assurance Company, Tampa, Florida. (5/79 - 1/80) Sales representative with home office agency in payroll deduction field.

Exchange Travel Service, Inc., Tampa, Florida. (10/78 - 5/79) Travel Consultant.

Education: **The National Center for Paralegal Training**, Atlanta, Georgia. (2/80 - 5/80) Specialty in Civil and Criminal Litigation with training in legal research and general practice skills.

The University of the South, Sewanee, Tennessee ("Sewanee"). (8/74 - 5/78) Bachelor of Arts Degree with major in English.

University College, Oxford University, Oxford, England. (7/76 - 8/76) British Studies Program.

Lake Highland Preparatory School, Orlando, Florida. Graduated with honors 5/74.

Honors: Order of the Gownsmen (Academic Society)
National Honor Society

Extracurricular: Organizer and officer of Sewanee's first sorority, Theta Kappa Phi; Career Counseling Committee; Kappa Alpha Homecoming Representative.

Volunteer Work: Sustaining Member of Junior League of Columbia; Past Member of the Junior Leagues of Orlando, Atlanta and Greenville; 1990 Chairman of Handbook Committee (Columbia); Past President of the Sewanee Clubs (alumni association) of Greenville, Central Florida and Central South Carolina (Columbia); Past Central South Carolina Alumni Admissions Representative for Sewanee. Fundraiser and Silent Auction Committee Member for the Auntie Karen Foundation.

Personal: Married to Columbia attorney, D. Michael Kelly (The Mike Kelly Law Group).

Hobbies/Interests: **Interior Design**. Consult with and assist local interior designer with design projects.

Public Service. Strong interest in state, regional and local public service.

Richland County Council Request of Action

Subject

Community Relations Council-2; there are two positions on this council; applications were received from the following: **[PAGES 269-277]**

Dr. Allen Coles*
Kerry Feduk
Kimberly Andrena Kennedy Gooden (withdrew)
Toya Dion Jefferson Murph



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

Applicant must reside in Richland County.

Name: Allen Coles

Home Address: 1401 Berkeley Rd Columbia 29205

Telephone: (home) 254-4766 (work)

Office Address:

Email Address: acoles3@hotmail.com

Educational Background: PhD

Professional Background: Educational Administrator

Male (X) Female Age: 18-25 26-50 Over 50 (X)

Name of Committee in which interested: Greater Columbia Community Relations Council

Reason for interest: I am completing my first three-year term and would like to be reappointed to finish the task of strategic planning designed to make the organization more essential to the community and the County Council.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: I am attuned to the issues that divide our community and have the desire to improve the quality of life for all.

Presently serve on any County Committee, Board or Commission? Greater Columbia Community Relations Council

Any other information you wish to give? _____

Recommended by Council Member(s): Council Member Gregory Pearce

Hours willing to commit each month: As 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 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: _____

Allen Coles
Applicant's Signature

6/26/2013
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



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

Applicant must reside in Richland County.

Name: Kerry Feduk

Home Address: 180 Branch Hill Lane, Columbia, SC 29223

Telephone: (home) (803) 735-3127 (work) (803) 737-3324

Office Address: SC ETV, 1101 George Rogers Blvd., Columbia, SC 29201

Email Address: feduk@scetv.org

Educational Background: see attached

Professional Background: see attached

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

Name of Committee in which interested: _____

Reason for interest: Asked to serve by chair of Greater Columbia Community Relations Council

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

see attached

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

Any other information you wish to give? see attached

Recommended by Council Member(s): Karen Jenkins

Hours willing to commit each month: Hours required to attend scheduled meetings

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.

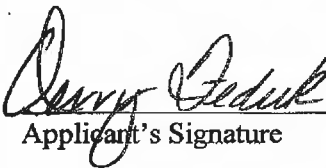
Yes _____ No XX _____

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 XX _____ No _____

If so, describe: I am part of Executive Management Team of SC ETV.as Vice President of Content. I am responsible for editorial decisions and may need at times to recuse myself.


Applicant's Signature

January 17, 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

South Carolina ETV Network
Kerry Feduk
Vice President of Content

PROFESSIONAL EXPERIENCE

Vice President of Content, May 2007-Present
South Carolina ETV Network

Interim Vice President of Content, October 2006-May 2007
South Carolina ETV Network

Assistant Director of Broadcasting, November 2003-October 2006
Administration, Programming, and Cable Relations
South Carolina ETV Network

Production Manager, August, 1999-November 2003
South Carolina ETV Network

Production Operations Manager, January 1991-June 1998
South Carolina ETV Network

Business & Production Manager, 1987-1990
Bates Video Production, Nebraska (private company)

Nebraska State Film Commissioner, 1985-1987
Nebraska Governor's Office and Department of Economic Development

Unit Director Sports & Special Projects, 1982-85
Production Operations Facilities Coordinator, 1971-1982
Nebraska ETV Network

RELEVANT EXPERIENCE/SKILLS/PROJECTS

SOUTH CAROLINA FILM OFFICE TASK FORCE

Co-Edited With Task Force Chairman Final Report to Governor

NEBRASKA FILM OFFICE STUDY COMMITTEE

Chair and Authored "Report to the Governor: Future of Film in Nebraska"

CPB TRAINING GRANT FOR WOMEN AND MINORITIES

Grant Author and Recipient

1987-1990 FREELANCE LOCATION SCOUT/MANAGER – NEBRASKA

*Major Feature Film Studios, Production Companies, and National Network and
Syndicated Television Producers and Companies*



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Toya Dion Jefferson Murph

Home Address: 201 Pine Loop Drive Blythewood, SC 29016

Telephone: (home) 803-834-5286 (work) 803-896-0886

Office Address: 8231 Parklane Road Columbia, SC 29223

Email Address: toya_murph@hotmail.com

Educational Background: AS, BS Biology, MS Human Service, Currently DrPH

Professional Background: military + emergency management

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

Name of Committee in which interested: Community Relations

Reason for interest: To be an advocate for my community and make Richland County a better place to live

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:
This would be a tremendous opportunity for me to provide my diverse professional background knowledge to help our community.

Presently serve on any County Committee, Board or Commission? None

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: 20 hours

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.

Richland County Council Request of Action

Subject

East Richland Public Service Commission-1; there is one position on the commission; applications were received from the following: **[PAGES 278-285]**

Phyllis Beighley*
Norman M. Paige
Mark A. Riffle



RECEIVED
2013 JUN 25 PM 3:50
RICHLAND COUNTY
ADMINISTRATOR'S OFFICE

APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Phyllis Beahley

Home Address: 6 Old Mill Court, Columbia, SC 29206

Telephone: (home) 803-238-9571 (work) _____

Office Address: Retired

Email Address: veighley4@gmail.com

Educational Background: BA Connecticut College; CEBS (certified employee benefit specialist)

Professional Background: 1972-2003 SC Budget & Control Bd Benefits Div
2009-2012 SC House of Rep Staff

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

Name of Committee in which interested: East Richland County Public Service Comm.

Reason for interest: Currently, I am the Vice Chairman and would like to be reappointed in order to serve the community and think that my business skills are valuable to the Commission

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

Commission: Vice Chair of the Commission - have served 4 years - 31 years management experience in Employee benefits - Eastminster Day School Board Member

Presently serve on any County Committee, Board or Commission? yes ERCPSD

Any other information you wish to give? I was on the YMCA Board for 10 years

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

Hours willing to commit each month: 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: _____

Phyllis Beightley
Applicant's Signature

6/21/13
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

2



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: NORMAN M. PAIGE
Home Address: 4711 OAK HILL ROAD - COLUMBIA, SC 29206
Telephone: (home) cell 803-260-2765 (work) SAME
Office Address: P.O. Box 5437 - COLUMBIA, SC 29205
Email Address: NMVAIGE@AOL.COM
Educational Background: UNIVERSITY SYRACUSE GRADUATE
Professional Background: BUSINESS

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

Name of Committee in which interested: EAST RICHLAND PUBLIC SERVICE COMMISSION

Reason for interest: LIVES IN DISTRICT - CAN ADD TO COMMITTEE WITH
BUSINESS & FINANCIAL EXPERIENCES EXPERTISE

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

Commission:

BUSINESS & FINANCIAL BACKGROUND & EXPERIENCES
& WORKING WITH PEOPLE

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

Any other information you wish to give? READ SHORT BID

Recommended by Council Member(s): LIVES IN JIM MANNING DISTRICT

Hours willing to commit each month: 20 HOURS

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: _____

Norman M. Paige
Applicant's Signature

6/27/13
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	

Norman M. Paige
4711 Oak Hill Road
Columbia, SC 29206
803-260-2765
June27,2013



Norm Paige currently serves as SC SCORE State District Director since 2006. SCORE is a resource partner of SBA. He has offices in the Thurmond Federal Building with SBA. SC SCORE has 6 chapters, 22 branches, and 214 Score volunteers. SCORE mission is to help & counsel SC Small Businesses. He has served in many leadership positions in the Midlands Score Chapter including Chapter Chair. He joined SCORE in 2004 after his company was sold. His career in "Sales Management, Finance, & Niche Marketing" are still areas of his expertise in counseling SCORE leaders & clients.

Norm received his bachelor's degree from Syracuse University where he majored in Political Science & a minor in Accounting. During his high school & colleges years, he worked for his family's office supply & Furniture Company. Norm was drafted into the Army to Fort Jackson after graduating from the University. After his military assignment Norm worked in sales in Rochester, New York before returning to Columbia, S. Carolina. He began his career in sales management at Columbia Office Supply Company. Norm & his business partners purchased Columbia Office Supply in 1990. Norm, after they sold their business to Staples Corporation joined SCORE.

Norm is active in his place of workshop, a lifetime member of Sertoma International, member of the Board of Director of Christopher Towers, Past Board Member of the SC Christian Council, American Legion, Past Board Member of the Executive Committee SC State Democratic Party, Great Columbia Chamber of Commerce, & a past member of the SC Highway Dept. "Right Away Board." His hobbies include traveling, golf, the Grand Strand, & horseshoe pitching.

Norman & his wife Nancy reside in Columbia and have one son, Michael.

Norman M. Paige



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

Applicant must reside in Richland County.

Name: MARK A. RIFFLE

Home Address: 4909 TRENHOLM RD., FOREST ACRES, SC 29206

Telephone: (home) 803-782-9007 (work) 803-898-9710

Office Address: 3440 HARDEN ST. EXTENSION, COLUMBIA, SC 29203

Email Address: MRIFFLE@DDSN.SC.GOV

Educational Background: MASTERS DEGREE IN PUBLIC ADMINISTRATION

Professional Background: 18 YEARS OF STATE OF SC SERVICE (SC DEPT. OF DISABILITIES
SC DEPT. OF AGRICULTURE)

Male

Female

Age: 18-25

26-50

Over 50

Name of Committee in which interested: EAST RICHLAND COUNTY PSD

Reason for interest: DESIRE TO SERVE THE COMMUNITY. I AM A CONSUMER
OF THE PSD'S SERVICES.

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

EDUCATION, EXPERIENCE AS A CONSENSUS BUILDER

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

Any other information you wish to give? SMALL BUSINESS OWNER

Recommended by Council Member(s): N/A

Hours willing to commit each month: 3-4

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.

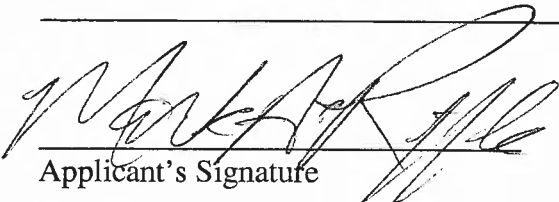
Yes _____ No _____


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


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 checked="" type="checkbox"/> Denied <input type="checkbox"/> On file

Richland County Council Request of Action

Subject

Employee Grievance Committee-4; no applications have been received

Richland County Council Request of Action

Subject

Hospitality Tax Committee-2; there are two vacancies on this committee; applications were received from the following: **[PAGES 287-293]**

John Adams
Shanelle Baker
Robert A. Swanson



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: JOHN ADAMS

Home Address: 1045 FLAT CHIMNEY LOOP, COLUMBIA, SC 29209

Telephone: (home) 803 920-2920 (work) 803 799-8035

Office Address: 1711 GERVAIS ST COLUMBIA SC 29209

Email Address: JOHNHADAMS@AOL.COM

Educational Background: ATTENDED: HEATHWOOD HALL & GFC UNDERGRADUE

Professional Background: REALTOR FROM '79 - PRESENT

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

Name of Committee in which interested: HOSPITALITY TAX

Reason for interest: I WANT TO BE INVOLVED IN THE PROCESS OF H. TAX ALLOCATIONS FROM THE VIEW POINT OF A TAXPAYER.

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

INVOLVED IN MY COMMUNITY. I AM A HOMEOWNER. I AM A REALTOR. I PROFESSIONALLY PROMOTE THIS COUNTY AS A GREAT PLACE TO LIVE

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: AS MUCH AS NEEDED. 5-25

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: _____

[Signature]
Applicant's Signature

6/13/13
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: Shanelle Baker
Home Address: 2601 Flamingo Dr Columbia SC 29209
Telephone: (home) 414 1708 (work) 618 2969
Office Address: 1200 Colonial life Blvd Columbia SC 29210
Email Address: Shanelleyb@gmail.com
Educational Background: USC - Columbia B.A. Political Science
Professional Background: 9+ years Colonial life Insurance
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Hospitality Tax Committee
Reason for interest: I would like to volunteer my time and service to help enrich the lives of others
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:
Project management (Lean Six Sigma Certified)
Community Event Planner (Labor of Love Project)
Presently serve on any County Committee, Board or Commission? N/A
Any other information you wish to give? _____
Recommended by Council Member(s): Helvin Washington
Hours willing to commit each month: flexible

CONFLICT OF INTEREST POLICY

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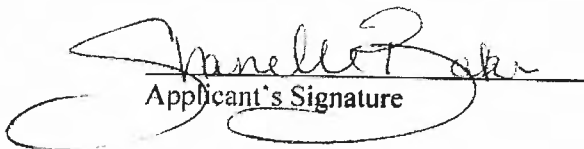
Yes _____ No

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

6/28/2013
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: Robert A Swanson

Home Address: 1390 KATHWOOD DR COLA, SC 29206

Telephone: (home) 803 789 0702 (work) 401 6148

Office Address: 1332 MAIN ST TB

Email Address: JSWA426287

Educational Background: BS Business Admin 1976 Citadel

Professional Background: OWNED, MANAGED, OPERATED THE SWANSON CO Inc.

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

Name of Committee in which interested: Hospitality

Reason for interest: WORK IN THE INDUSTRY

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

MANAGED successfully 35 people in 5 MIDAS AUTO SERVICE INDUSTRY for 30 YEARS

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:

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: _____

Robert A. Swanson
Applicant's Signature

2/1/13
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.

2	Staff Use Only	
	Date Received: _____	Received by: _____

Page 293 of 313

Richland County Council Request of Action

Subject

Midlands Workforce Development Board-8, for the following positions: **[PAGES 294-307]**

Private Sector (Business representative)-5

DSS representative-1

Youth Program representative-1

Job Corps representative-1

Private Sector applicants are: Derek Burrell, Larry Cooke, Wanda Herron, Harry Plexico, and Michael Ray

DSS representative applicant are: Terry D. Blair and JohnR. Timmons, Jr.

Youth Council applicants are: Aretha Barnes (Job Corps representative) and Joseph Rice, Jr. (Youth Program representative)



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Name: Derek Burrell

Home Address: 33 Valkyrie Circle Columbia, SC 29229

Office Address: 310 New State Road Cayce, SC 29033

Job Title and Employer: CMC Steel SC Director Charitable Contributions/Employee Development

Telephone: (home) 803.606.2826 (work) 803.936.3870

Educational Background: USC – BA Business Marketing & Management;
Webster University – currently seeking MBA

Professional Background: _____

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for Interest: I would like to have an increased
level of involvement with mWOB + strengthening Midlands Business

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission:
Communications skills, Dedication, passion for excellence.

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? Excited to serve!

Recommended by Council Member(s): _____

Applicant's Signature Derek Burrell Date 7/5/12

One form must be submitted for each committee on which you wish to serve.



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Name: Larry C. Cooke

Home Address: 23 Hunwick Ct Columbia, SC, 29206

Office Address: 23 Hunwick Ct Columbia, SC 29206

Job Title and Employer: Consultant/Agent – Larry C. Cooke, LLC

Telephone: (home) 803-782-5664 (work) 803-261-1140

Educational Background: BS in Business Admjn . 1973 – University of South Carolina - Numerous Continuing Ed classes and seminars on resource preservation

Professional Background: Real Estate

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: I am interested in the programs that MWD is working on now and in the future, particularly on jobs in the environment industry.

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission: I have been a board member on the CMCOG for 6 years, Chair of the Rail Passenger Study Committee and a member of the Planning and Economic Development Comm. Low Impact Development sub-committee, Midlands Urban Conservation Committee. Certified by the Real Estate Commission to teach "Eco-Friendly Real Estate - How to become Green"

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? Thank you for the opportunity to serve on this board

Recommended by Council Member(s): _____

Applicant's Signature *Larry C. Cooke* Date 8/80/2013

One form must be submitted for each committee on which you wish to serve.



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Wanda Herron
Home Address: 120 Columbia Club Dr West Blythewood Sc 29016
Telephone: (home) 803 2609200 (work) 803 2271314
Office Address: 201 Metropolitan Drive West Columbia Sc 29170
Educational Background: BS Bus. Admin (HR), MS Tech. Education
Professional Background: HR Mgr. 2006-2013, HR Admin 2005-6, Teacher 1983-2005
Male [] Female [X] Age: 18-25 [] 26-50 [] Over 50 [X]

Name of Committee in which interested: Midlands Workforce Dev. Bd
Reason for interest: Requested by member

Your characteristics/qualifications which would be an asset to Committee/Board/ Commission:
Many years experience in both education and manufacturing

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? -

Recommended by Council Member(s):

Hours willing to commit each month: As 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 board 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 boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board 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 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: _____

Wanda Johnson 5/22/13
Applicant's Signature Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-5060.

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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: Harry Plexico

Home Address: 203 Wilton Hill Road Columbia SC 29212

Office Address: 2000 S. Bellline Blvd. Columbia, SC 29201

Job Title and Employer: Intertape Polymer Group

Telephone: (home) (803) 781-8802 (work) (803) 376-5491

Educational Background: Columbia High School; Clemson University Mechanical Engineering

Professional Background: 20+ years with Allied Signal/Honeywell as manager in Engineering,

Maintenance & Production depts.; 10+ years with Intertape Polymer as manager in Engineering &

Production

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: Desire to understand the changing dynamics of the workforce and make a contribution to the service area.

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission: 27 years in the industrial manufacturing environment. Have been responsible for hiring and developing individuals to become successful, productive employees.

Presently serve on any County Board/Commission/Committee? Yes - MWDB

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Applicant's Signature Harry Plexico Date 7/15/13

One form must be submitted for each committee on which you wish to serve.



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Michael Ray
Home Address: 108 Peninsula Way
Telephone: (home) 803-865-3333 (work) 803-422-1553
Office Address: 250 Berryhill Rd Ste 502 Columbia, SC 29210
Educational Background: BS Computer Engn BS Electrical Engn Minor Math -> USC 1992
Professional Background: DuPont 5 years, Chipco Computers 5 yrs, Training Concepts 10 years
Male [checked] Female [] Age: 18-25 [] 26-50 [checked] Over 50 [] Ops. Mgn
Name of Committee in which interested:
Reason for interest: In work for local training and consulting firm and would love opportunity to help promote advancement of local workforce!
Your characteristics/qualifications which would be an asset to Committee/Board/ Commission: Worked in local education and local business development with consulting for 10 years. Have good working relationship with MWDB since 2004
Presently serve on any County Board/Commission/Committee? No
Any other information you wish to give? Serve on HOA in Lake Carolina
Recommended by Council Member(s):
Hours willing to commit each month: 10

CONFLICT OF INTEREST POLICY

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Training Concepts has been training provider for IWT and WIA programs since 2004. I understand I may be precluded from activities that could affect the status of Training Concepts with these programs.

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.

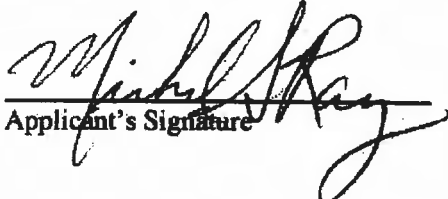
Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, 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: Training Concepts has been a training provider for IWT and WIA programs since 2004. I understand I may be precluded from activities involving the status of my employer with these programs


Applicant's Signature

6/14/13
Date

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Clerk of Council, Post Office Box 192, Columbia, SC 29202.
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Staff Use Only		
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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: KERRY D. Blair

Home Address: 2011 Dominion Dr.

Telephone: (home) 803.404.7241 (work) 803.714.7547

Office Address: 3220 Two Notch Rd Columbia, SC 29204

Educational Background: Bachelor in Social Work

Professional Background: Employment & Training Program Coordinator

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: I would like to have a positive impact implementing new ideas and my experiences.

Your characteristics/qualifications which would be an asset to Committee/Board/ Commission: My assets to the Board is being able to communicate effectively and decision making.

Presently serve on any County Board/Commission/Committee? _____

Any other information you wish to give? Will finish master degrees this fall

Recommended by Council Member(s): _____

Hours willing to commit each month: _____

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: _____


Applicant's Signature

07/01/13
Date

Return to:
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APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Name: John R. Timmons, Jr.

Home Address: 1321 Heatherwood Rd. - Columbia, S.C. - 29205

Office Address: 1535 Confederate Ave. - Columbia, S.C. - 29201

Job Title and Employer: Program Manager - S.C. Dept. of Social Services (DSS)

Telephone: (home) 803-719-8418 (work) 803-898-0967

Educational Background: Presbyterian College (Clinton, S.C.) - BA Degree

Professional Background: SC DSS (Workforce Dev.) & SC Probation, Parole + Pardon Services (Vocational Coordinator)

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: To collaborate with agencies/businesses in an effort to help others secure and maintain employment.

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission: Been in workforce development for 20 years; coordinated numerous job fairs across SC; established great rapport with employers/agencies statewide

Presently serve on any County Board/Commission/Committee? N/A

Any other information you wish to give? Board member for Work In Progress (agency dedicated to finding employment opportunities for those with mental health issues.)

Recommended by Council Member(s): _____

Applicant's Signature John R. Timmons, Jr.

Date 7-18-'13

One form must be submitted for each committee on which you wish to serve.



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Aretha Barnes
Home Address: 3415 Bellingham Rd
Telephone: (home) 803 529 4072 (work) 803 256 9675 x301
Office Address: 1224 Pickens St. 1st fl Columbia SC 29201
Educational Background: BA psychology, GCDF
Professional Background: Former Social Worker, Career Development Facilitator
Male [] Female [x] Age: 18-25 [] 26-50 [x] Over 50 []
Name of Committee in which interested: Youth Council
Reason for interest: I am interested in learning about resources available to assist our youth and I am interested in being proactive in using those services to the public.
Your characteristics/qualifications which would be an asset to Committee/Board/ Commission: I am passionate about working with youth. I have over 20 years of experience in that area. I am committed to doing work to provide service to youth that will enable them to become productive citizens.
Presently serve on any County Board/Commission/Committee? I serve on the Partners Committee in York County.
Any other information you wish to give? I currently work as a Career Transition Specialist for Job Corps.
Recommended by Council Member(s):
Hours willing to commit each month: 5

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: _____

Ortha Bantz
Applicant's Signature

6-6-13
Date

Return to:
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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: JOSEPH RICE JR.

Home Address: 115 FOREST EDGE ROAD.

Office Address: 700 TAYLOR STREET COL, SC. 29202

Job Title and Employer: Site Manager USC TRIO-PROGRAMS

Telephone: (home) 803-319-2172 (work) 803-737-0743

Educational Background: Health & Physical Education Community

Professional Background: Coaching, Counseling, Motivating

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: Help young people reach every goal in life that they strive for

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission:

I bring a work ethic of completing all task assigned.

Presently serve on any County Board/Commission/Committee? Election Commission as a Poll Clerk / Notary Public

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Applicant's Signature Joseph Rice Jr

Date 05/21/2013

One form must be submitted for each committee on which you wish to serve.

Richland County Council Request of Action

Subject

A Resolution to appoint and commission Daneil Seth McBride as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County **[PAGES 308-309]**

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

**A RESOLUTION OF THE
RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO APPOINT AND COMMISSION DANIEL SETH MCBRIDE
AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY,
GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.**

WHEREAS, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

WHEREAS, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

NOW, THEREFORE, BE IT RESOLVED THAT Daniel Seth McBride is hereby appointed and commissioned a Code Enforcement Officer of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this County, including the enforcement of the County's animal care regulations, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, Daniel Seth McBride shall not perform any custodial arrests in the exercise of his duties as a code enforcement officer. This appointment shall remain in effect only until such time as Daniel Seth McBride is no longer employed by Richland County to enforce the County's animal care regulations.

ADOPTED THIS THE DAY OF , 2013.

Kelvin E. Washington, Chair
Richland County Council

Attest: _____
Michelle Onley
Clerk of Council

Richland County Council Request of Action

Subject

Report of the Dirt Road Committee: **[PAGES 310-311]**

- a. Dirt Road Update
- b. Construction Contract

RICHLAND COUNTY COUNCIL



DIRT ROAD COMMITTEE

Kelvin Washington Torrey Rush Julie Ann Dixon-Chair Norman Jackson Bill Malinowski

September 10, 2013

Administration Conference Room

4:00 PM

- I. Call to Order**
- II. Dirt Road Update**
- III. Construction Contract**
- IV. Adjournment**

Richland County Council Request of Action

Subject

- a. Amended agenda pages will be given a page/letter designation and only those pages will be Xeroxed for distribution. Example: If page 105 has a change for some reason the amended page will be assigned page 105a. This will eliminate the necessity of Xeroxing hundreds of additional pages of new agendas as well as eliminate the need for council members to change all of their notations on pages already reviewed. **[MALINOWSKI]**
- b. Start a search for the relocation of the storage of Election Voting Machines and equipment and possible the Election Commission's office **[JACKSON]**
- c. Religious places located in GC or Industrial areas shall not be subjected to the regular buffers as in properly zoned districts **[JACKSON]**
- d. To implement Richland County Community Gardens as a part of the Richland County Healthy Lifestyle Initiative and to be housed with NIP to promote partnerships with neighborhoods and communities. Support from other County Departments is important for sustainability **[DIXON]**
- e. Request that the SCAC post the Rules, Regulations, and Bylaws on the SCAC website and that each County and/or County Chair should have the opportunity to make a recommendation to the board regarding their representative when vacancies become available and that the representative should be term limited **[DICKERSON]**
- f. Consider purchasing security cameras as a crime prevention mechanism and the for the safety of the citizens in Richland County to be placed in strategic locations along distressed corridors and communities where crime is increasingly an issue per the recommendation of Sheriff Leon Lott and the Community Action Team (CAT) **[DICKERSON]**
- g. I move that we give First Reading by Title Only to an ordinance granting a sewer easement to Lexington/Richland 5 School District over a portion of TMS # 03300-01-06 **[WASHINGTON]**

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda