



RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA

**SEPTEMBER 17, 2013
6:00 PM**

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

INVOCATION THE HONORABLE GREG PEARCE

PLEDGE OF ALLEGIANCE THE HONORABLE GREG PEARCE

Approval Of Minutes

1. Regular Session: September 10, 2013 [PAGES 7-18]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

2. a. Columbia Venture
b. Northwest Sewer Litigation Update
c. Fire Ad Hoc Committee

Citizen's Input

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

Report Of The County Administrator

4. a. Neighborhood Planning Conference
b. Strategic Plan Update
c. Introduction of New Employee

Report Of The Clerk Of Council

5. a. Council Individual Photos, October 1st, 3:00-5:00, 4th Floor Conference Room
- b. Renaissance Foundation's 2nd Annual Gospel Heritage Festival Awards featuring: Rev. Shirley Caesar, September 22nd, 6:00 PM, Koger Center

Report Of The Chairman

6. a. Sewer System Ad Hoc Committee

Presentations

7. a. ConnectSC

Open/Close Public Hearings

8. a. 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

Approval Of Consent Items

9. 13-17MA
Steven Mungo/Gerald Steele
RU to RS-LD (58.7 Acres)
1842 Kennerly Rd.
04200-04-07 & 08 **[THIRD READING] [PAGES 26-27]**
10. 13-19MA
Will Holmes
RS-MD to OI (15.26 Acres)
2312 Clemson Rd.
20200-01-30 **[THIRD READING] [PAGES 28-29]**
11. 13-25MA
Mukesh Thakkar
RU to RC (1.76 Acres)
10447 & 10453 Wilson Blvd.
15000-02-09 **[THIRD READING] [PAGES 30-31]**
12. 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 **[THIRD READING] [PAGES 32-58]**
13. 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 **[SECOND READING] [PAGES 59-65]**

14. 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 **[SECOND READING] [PAGES 66-72]**
15. 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) **[SECOND READING] [PAGES 73-75]**
16. 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 so such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing **[SECOND READING] [PAGES 76-111]**
 - 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 **[SECOND READING] [PAGES 112-145]**

Third Reading Items

17. 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 146-172]**
- b. Proposed Amended Scope of Work for Administration of Richland County's SLBE Program **[PAGES 173-175]**

Second Reading Items

18. An Ordinance Authorizing an Easement to School District 5 of Lexington and Richland Counties for a Sanitary Sewer Line across land owned by Richland County; specifically a portion of TMS # 03300-01-06 **[PAGES 176-181]**
19. An Ordinance Amending the Fiscal Year 2013-2014 General Fund Budget to Add Six School Resource Officer Positions for Sheriff's - SRO School District 5 **[PAGES 182-186]**

Report Of Development And Services Committee

20. Exploration of Water and/or Sewer Service Expansion in Unincorporated Richland County

[PAGES 187-197]

Report Of Economic Development Committee

21. Resolution Approving the 2013 Assessment Roll for the Village at Sandhill Improvement District
[PAGES 198-218]

Report Of Rules And Appointments Committee

1. Notification Of Appointments

22. East Richland Public Service Commission-1; there is one position on the commission; applications were received from the following: [PAGES 219-226]

Phyllis Beighley*
Norman M. Paige
Mark A. Riffle

23. Hospitality Tax Committee-2; there are two vacancies on this committee; applications were received from the following: [PAGES 227-233]

John Adams
Shanelle Baker
Robert A. Swanson

24. Midlands Workforce Development Board-8, for the following positions: [PAGES 234-247]

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)

2. Discussion From Rules And Appointments Committee

25. 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]
26. 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]

Other Items

27. REPORT OF THE HOSPITALITY TAX REVIEW COMMITTEE: [PAGES 251-262]

- a. Move that Council appropriate an amount no less than \$100,000 of the Hospitality Tax Non-Recurring funds portion of the Hospitality Tax budget for EdVenture. The final amount to be determined following Council debate on the matter.
- b. Review of the May 13, 2013 Hospitality Tax Committee Memo [PAGE 253]
- c. Review of the Current Hospitality Tax Guidelines [PAGES 254-260]
- d. Development of Criteria to Measure Accountability for Oversight Purposes [PAGES 262-262]
- e. Adding New Ordinance Agencies
 1. Township
 2. Renaissance Foundation
- f. Create a New Funding Category under Community Promotions to be titled "Special County Promotions". Place organizations that annual receive additional funding through the motions process out the competitive cycle since Council is providing additional funding for these organizations would receive base funding each year at the previous FY level with any funding increases based on CPI. The following organizations will be placed: Olive Branch Network of South Carolina, South East Rural Community Outreach (SERCO)
- g. Feasibility Studies Update

Citizen's Input

28. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

29. a. I move that Council give unanimous consent to a Resolution to support participation in the Connected Community Engagement Program [DICKERSON] [PAGE 264]
- b. To put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas [RUSH]
- c. To look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars [RUSH]
- d. To stop the hospitality sales tax program and the collection of that sales tax [RUSH]
- e. Business Center and Planning Department to create a detailed step by step process for applicants [DIXON]

- f. Resolution honoring USC Girls Basketball Coach Dawn Staley on her induction into the Naismith Memorial Basketball Hall of Fame [LIVINGSTON]

Adjournment



Special Accommodations and Interpreter Services

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

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

Richland County Council Request of Action

Subject

Regular Session: September 10, 2013 **[PAGES 7-18]**



**MINUTES OF
RICHLAND COUNTY COUNCIL
REGULAR SESSION
SEPTEMBER 10, 2013
6:00 PM**

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

OTHERS PRESENT – Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Brad Farrar, Amelia Linder, Tracy Hegler, Sara Salley, Nelson Lindsay, Quinton Epps, Buddy Atkins, Andy Metts, John Hixon, Geo Price, David Hoops, Dale Welch, Beverly Harris, Justine Jones, Rob Perry, Daniel Driggers, Howard Jackson, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

INVOCATION

The Invocation was given by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

PRESENTATION OF RESOLUTIONS

- 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]** – The resolution was presented by Mr. Jackson and Mr. Washington to Josiah Washington.
- b. **A Proclamation honoring Micah Washington for speaking on behalf of the Richland Library at the Budget Public Hearing [JACKSON]** – The proclamation was presented by Mr. Jackson and Mr. Washington to Micah Washington.

APPROVAL OF MINUTES

Zoning Public Hearing: July 23, 2013 – Mr. Pearce moved, seconded by Mr. Livingston, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called Meeting: July 23, 2013 – Mr. Livingston moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Ms. Dickerson moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. **Election Fee Agreement (Richland Library)**
- b. **Monticello Road Streetscaping—Condemnation Update**
- c. **City of Columbia Intergovernmental Agreement (Elections)**
- d. **Eastover Wastewater Treatment Plant (Contractual)**
- e. **Columbia Venture—Litigation Update** – This item was deferred to the September 17th Council meeting.
- f. **SC Public Interest Foundation—Litigation Update**
- g. **Carolina Walk/Serrus—Litigation Update** – No action was taken.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:19 p.m. and came out at approximately 6:52 p.m.
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CITIZENS INPUT

Ms. Staci Richey spoken regarding Item #24: Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6”.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Introduction of New Employees** – Mr. McDonald introduced Mr. Howard Jackson, Elections Director and Mr. Rob Perry, Transportation Director.
- b. **Mitigation Bank Update** – This item was taken up in Executive Session.
- c. **Potential Purchase of Property** – This item was taken up in Executive Session.
- d. **Proposed Transportation Penny RFP Work Session: Tuesday, September 17, 2013; 3:30-5:00 PM** – Mr. Livingston moved, seconded by Ms. Dickerson, to hold the Transportation Penny RFP work session on Tuesday, September 17th, 3:30-5:00 PM. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

- a. **SCAC Institute of Governments and County Council Coalition, October 17 and 18, Embassy Suites, Columbia** – Ms. Onley stated that the Institute of Government and County Coalition will be held October 17th and 18th at Embassy Suites. Council members wishing to attend should contact the Clerk’s Office.
- b. **REMINDER: Midlands Housing Trust Fund Breakfast, Wednesday, September 11, 8:00 AM, EdVenture Children’s Museum—The Canal Room** – Ms. Onley reminded Council of the Midlands Housing Trust Fund Breakfast on Wednesday, September 11th, 8:00 AM at EdVenture Children’s Museum.
- c. **Scheduling Council Member Individual Photos** – Ms. Onley requested that any Council member that would like to have new individual photos taken to contact the Clerk’s Office to schedule a convenient date and time.

REPORT OF THE CHAIR

Mr. Washington stated that Mr. Manning was not able to attend the Council meeting because he was traveling.

- a. **New County Lapel Pins** – Mr. Washington stated that Council members elected to purchase “Lapel Pin A”.

PRESENTATION

Community Healthcare Services: Mac Bennett, President & CEO, United Way of the Midlands – Mr. Bennett gave a brief overview of the program.

OPEN/CLOSE PUBLIC HEARINGS

- **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** – No one signed up to speak.
- **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** – No one signed up to speak.
- **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 2012 Edition 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** –No one signed up to speak.
- **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** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **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]**
- **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]

- **13-17MA, Steven Mungo/Gerald Steele, RU to RS-LD (58.7 Acres), 1842 Kennerly Rd., 04200-04-07 & 08 [SECOND READING]**
- **13-19MA, Will Holmes, RS-MD to OI (15.26 Acres), 2312 Clemson Rd., 20200-01-30 [SECOND READING]**
- **13-25MA, Mukesh Thakkar, RU to RC (1.76 Acres), 10447 & 10453 Wilson Blvd., 15000-02-09 [SECOND READING]**
- **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]**
- **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]**
- **Community Use of County Facilities**
- **Consent Agenda Deferral Policy**
- **Codify Property Maintenance Regulations [FIRST READING]**

Mr. Livingston moved, seconded by Ms. Dixon, to approve the Consent Items. The vote in favor was unanimous.

THIRD READING

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

Small Local Business Enterprise (“SLBE”) – Ms. Dickerson moved, seconded by Ms. Dixon, to approve this item. A discussion took place.

Ms. Dickerson made a substitute motion, seconded by Ms. Dixon, to amend Sec. 2-641(2)(b) to read: "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 \$2.5 million in its most recently completed 3 fiscal years." A discussion took place.

Mr. Jackson requested to also amend Sec. 2-641(2)(d) to read: "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 \$5 million in its most recently completed 3 fiscal years."

Mr. Washington made a second substitute motion, seconded by Ms. Dixon, to defer this item to the September 17th Transportation Penny RFP work session and to place the item on the September 17th Council agenda for action. The vote in favor was unanimous.

Proposed Amended Scope of Work for Administration of Richland County's SLBE Program – Mr. Jeter moved, seconded by Ms. Dickerson, to defer this item to the September 17th Transportation Penny RFP work session and to place the item on the September 17th Council agenda for action. The vote in favor was unanimous.

FIRST READING ITEMS

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) – Mr. Rush moved, seconded by Ms. Dickerson, to approve this item.

Mr. Livingston moved, seconded Mr. Pearce, to divide the question. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to appropriate up to \$420,000 to fund the feasibility studies. A discussion took place.

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Mr. Rush, to appropriate \$50,000 for the Olive Branch Network. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dixon, to appropriate \$47,000 for the Capital City Classic. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized that SC State Coach Jeffries and I. S. Leevy Johnson were in the audience.

FY14 Township Funding – Mr. Pearce moved, seconded by Mr. Malinowski, to appropriate an additional \$71,000 for the Township Auditorium. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Acquisition of Unclaimed Land within Undeveloped Right of Ways for Devils Ditch Maintenance Access and Enhancement – Mr. Malinowski moved, seconded by Mr. Rose, to approve Alternative #1: “Approve the request for the acquisition of unclaimed lands (existing undeveloped ROWs) for an estimated cost of \$3,000” for an extensive title search and legal notification in the Stormwater budget. The vote in favor was unanimous.

Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6 – Mr. Jackson moved, seconded by Ms. Dickerson, to refer this item back to the D&S Committee. The vote in favor was unanimous.

Authorizing and Providing for the creation of the Lower Richland Sewer System and for the issuance of Lower Richland Sewer System Improvement Revenue Bonds for 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] – Mr. Jackson moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

The vote in favor was unanimous.

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 of the payment of the Note; Providing for the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING] – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Approval of Intertape Polymer Group Set Aside Grant – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Approval of Project Form Closing Fund Grant – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANIES

- a. **Building Codes Board of Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Airport Commission—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Anne G. Kelly. The vote in favor was unanimous.
- c. **Community Relations Council—2** – Mr. Malinowski stated that the committee recommended appointing Dr. Allen Coles and Ms. Kerry Feduk. The vote in favor was unanimous.
- d. **East Richland Public Service Commission—1** – This item was held in committee.
- e. **Employee Grievance Committee—4** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- f. **Hospitality Tax Committee—2** – This item was held in committee.
- g. **Midlands Workforce Development Board—8** – This item was held in committee.

OTHER ITEMS

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 –

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

Report of the Dirt Road Committee:

- a. **Dirt Road Update** – This item was for information.
- b. **Construction Contract** – Ms. Dixon stated that the committee recommended authorizing staff to negotiate an amendment to the South Paving contract with

Cherokee, Inc. to include paving the 10 priority low volume roads this paving season. The vote in favor was unanimous.

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

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 7:42 p.m. and came out at approximately 7:57 p.m.
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- a. **Election Fee Agreement (Richland Library)** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.
- b. **Monticello Road Streetscaping – Condemnation Update** – Mr. Livingston moved, seconded by Mr. Washington, to proceed with the condemnation action. The vote was in favor.
- c. **City of Columbia Intergovernmental Agreement (Elections)** – Mr. Washington moved, seconded by Mr. Rose, to authorize the County Administrator to enter into IGA with the revised attorney fees language and making any changes necessary by the recent Circuit Court ruling related to the Election Board. The vote in favor was unanimous.
- d. **Eastover Wastewater Treatment Plant (contractual)** – Mr. Rose moved, seconded by Mr. Washington, to authorize the Legal Department to revise the contract as appropriate and finalize the terms with Eastover's counsel. The vote was in favor.
- e. **SC Public Interest Foundation – Litigation Update** – No action was taken.
- f. **Mitigation Bank Update** – Mr. Jackson moved, seconded by Ms. Dixon, to direct staff to enter into negotiations with the US Army Corps of Engineers (USACE), SC Department of Health and Environmental Control (SCDHEC), SC Department of Natural Resources, Haile Gold Mine, Inc. and other impacted parties to discuss the proposed mitigation plan set forth in the USACE public notice dated July 9, 2013; to direct Administration to file comments to the USACE and SCDHEC on the proposed mitigation plan, and if necessary, file an Administrative Appeal of the 404 Permit and 401 Water Quality Certification. The vote in favor was unanimous.

g. Potential Purchase of Property:

1. Mr. Jackson moved, seconded by Ms. Dixon, to direct staff to negotiate and close a contract, at or below, the amount discussed in Executive Session, with Mr. Hopkins to purchase approximately 575 acres for the establishment of mitigation bank. The vote in favor was unanimous.
2. Mr. Jackson moved, seconded by Mr. Malinowski, to direct staff to negotiate and close on an option/agreement, at or below, the amount discussed in Executive Session, on the Beta Tract for the purchase of approximately 1,800 acres of land to include mitigation credits on the property. The vote in favor was unanimous.

MOTION PERIOD

- 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]** – This item was referred to the Rules & Appointments Committee.
- b. **Start a search for the relocation of the storage of Election Voting Machines and equipment and possibly the Election Commission’s office [JACKSON]** – This item was referred to the D&S Committee.
- c. **Religious places located in GC or Industrial areas shall not be subjected to the regular buffers as in properly zoned districts [JACKSON]** – This item was referred to the D&S Committee.
- 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]** – This item was referred to the D&S Committee.
- 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]** – This item was referred to the Rules & Appointments Committee.
- f. **Consider purchasing security cameras as a crime prevention mechanism and for the safety of the citizens in Richland County to be placed in strategic locations along distressed corridors and communities where crime is increasingly an issue per the recommendation of Sheriff Leon Lott and the Community Action Team (CAT) [DICKERSON]** – This item was referred to the A&F Committee.

- 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] – Mr. Jackson moved, seconded by Mr. Livingston, to give First Reading by Title Only to this item. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 9:22 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. Columbia Venture
- b. Northwest Sewer Litigation Update
- c. Fire Ad Hoc Committee

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. Neighborhood Planning Conference
- b. Strategic Plan Update
- c. Introduction of New Employee

Richland County Council Request of Action

Subject

- a. Council Individual Photos, October 1st, 3:00-5:00, 4th Floor Conference Room
- b. Renaissance Foundation's 2nd Annual Gospel Heritage Festival Awards featuring: Rev. Shirley Caesar, September 22nd, 6:00 PM, Koger Center

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a. 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

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13-17MA
Steven Mungo/Gerald Steele
RU to RS-LD (58.7 Acres)
1842 Kennerly Rd.
04200-04-07 & 08 [**THIRD READING**] [**PAGES 26-27**]

Notes

First Reading: July 23, 2013
Second Reading: September 10, 2013
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 [**THIRD READING**] [**PAGES 28-29**]

Notes

First Reading: July 23, 2013
Second Reading: September 10, 2013
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 [**THIRD READING**] [**PAGES 30-31**]

Notes

First Reading: July 23, 2013
Second Reading: September 10, 2013
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
[THIRD READING] [PAGES 32-58]

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: September 10, 2013

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 \$1,524,590,417. Eight percent of such sum is \$121,967,233. 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 \$72,752,233 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>
--------------------------------	--------------------------------	--------------------------------------	--------------

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 **[SECOND READING]**
[PAGES 59-65]

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: September 10, 2013

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 FUEL/GAS 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; is hereby amended to read as follows:

ARTICLE VI. GAS CODE

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.

Sec. 6-126. Adopted.

There is hereby adopted by the county council the ~~2006~~ 2012 edition of the International Fuel/Gas Code, and all amendments thereto, as published by the International Code Council, Inc. The installation, workmanship, construction, maintenance, or repair of all gas work shall conform to the requirements of this 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: September 10, 2013 (tentative)
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; so as to codify property maintenance regulations [**SECOND READING**] [**PAGES 66-72**]

Notes

July 23, 2013 - The Committee unanimously approved the recommendation that Council approve an ordinance amendment in Chapter 6 of the Richland County Code of Ordinances with regards to property maintenance regulations.

First Reading: September 10, 2013

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; uncleanliness; 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 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) **[SECOND READING] [PAGES 73-75]**

Notes

First Reading: September 10, 2013

Second Reading:

Third Reading:

Public Hearing:

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:

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 so such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing **[SECOND READING] [PAGES 76-111]**

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 **[SECOND READING] [PAGES 112-145]**

Notes

First Reading: September 10, 2013

Second Reading:

Third Reading:

Public Hearing:

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 prepaying 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



United States Department of Agriculture
Rural Development
State Office
Columbia, South Carolina

DRAFT

Richland County
Mr. Kelvin Washington, Chairman
2020 Hampton Street
Columbia, SC 29202

Dear Mr. Washington:

This letter will establish conditions which you must understand and agree to before further consideration may be given to your application. The State and Area staff of USDA, Rural Development (RD) will administer the loan and grant on behalf of the Rural Utilities Service (RUS). You must report any changes in project cost, source of funds, scope of services, or any other significant changes in the project to USDA, Rural Development for review and approval. A written amendment to this letter will be prepared for any changes approved. Any changes not approved by Rural Development shall be cause for discontinuing processing of the application.

The scope of the project consists of the Lower Richland County Sewer System Project Phase I. This Phase includes providing sewer service to the Lower Richland neighborhood, Hopkins Middle School, and Hopkins Elementary School, Franklin Park Subdivision, as well as the acquisitions of existing customers on Garners Ferry Road. Wastewater will be transported for treatment at the County's Wateree WWTF.

This letter is not to be considered as loan approval or as representation to the availability of funds. The RD proposed funding is not to exceed \$9,359,000 of loan funds and \$2,279,800 of grant funds.

You may be required to refinance (graduate) the unpaid balance of its RD loan, in whole or in part, upon the request of RD if at any time it shall be determined the authority is able to obtain a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time.

Extra copies of this letter are being provided for use by your engineer, attorney, bond counsel and accountant. All parties may access our web-site located at www.usda.gov/rus/water/ for the following:

- a. RD Instruction 1780
- b. RUS Bulletin 1780-13, "Agreement Between Owner and Contractor"
- c. RUS Bulletin 1780-26, "Guidance for the Use of EJCDC Standard Documents on Water and Waste Projects with RUS Financial Assistance"

Strom Thurmond Federal Building • 1835 Assembly Street • Suite 1007 • Columbia, SC 29201
Phone: (803) 765-5163 • Fax: (803) 765-5633 • TDD: (803) 765-5697 • Web: <http://www.rurdev.usda.gov/sc>

Committed to the future of rural communities.

"USDA is an equal opportunity provider, employer and lender."
To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD).

- d. RUS Bulletin 1780-30, "Water Programs Audit Guide and Compliance Supplement"
- e. RUS Bulletin 1780-31, "Water Programs Compliance Supplement For OMB Circular A-133 Audits"

The enclosures listed below are attached to your copy of this letter as noted. Enclosed are the following:

Form RD 442-7 - "Operating Budget"
Government Auditing Standards (Revision 2007) available on line at
<http://www.gao.gov/govaud/ybk01.htm>
Form RD 442-3, "Balance Sheet"
Form RD 442-2, "Statement of Budget, Income and Equity" (Accountant
Copy for all three of these attachments)

The conditions referred to above are as follows:

1. **Project Budget** – Funding from all sources has been budgeted for the estimated expenditures as follows:

Project Costs:

Construction	\$9,481,700
Legal Fees	25,000
Basic	\$587,900
Insp.	\$275,000
Engineering Fees (Total)	862,900
Land & Rights	92,000
City of Columbia Fees	845,600
Interest	682,300
Project Contingency	948,200
TOTALS	\$12,937,700

2. **Project Funds** - The project funding is planned in the form of a loan and grant from the following sources and amounts:

<u>Project Funding Source:</u>	<u>Funding Amount:</u>
RD Loan	\$9,359,000
RD Grant	\$2,279,800
Tap Fee/Applicant Contribution	\$ 723,900
Other Fund(SRF Loan)	\$ 575,000
Total Project Funding (All Sources):	\$12,937,700

Any changes in funding sources following obligation of RD funds must be reported to the processing official. You must assure that all project funds are

expended only for the eligible items included in the project budget of this letter of conditions or as amended by RD in writing at a later date.

Any applicant contribution shall be considered as the first funds expended, unless other funding are not available at the start of project construction, other funds can be prorated and/or used when funding becomes available during the construction period. After providing for all authorized costs, any remaining RD project funds will be considered to be RD grant funds and refunded to RD. If the amount of unused RD project funds exceeds the RD grant, that part would be RD loan funds and applied as an extra payment.

Prior to advertisement for construction bids, you must provide evidence of applicant contributions and approval of the other funds. This evidence should include a copy of any other funds awarded. An agreement should be reached with all funding sources on how funds are to be disbursed before the start of construction.

3. **Disbursement of Funds** - The RD funds or interim financing will be advanced as they are needed in the amount(s) necessary to cover the RD proportionate share of any disbursements required of your entity, over 30 day periods. Funds will be disbursed by electronic transfer of funds. Interim financing will be used for the RD loan if it is available at reasonable rates and terms. You must provide RD with a copy of the tentative agreement reached in connection with interim financing for review and approval.

You must establish a separate fund, to be known and hereafter referred to as the Construction Account, with a participating 31 CFR Part 202 collateral depository, federal agency, or Federal Reserve Bank acting as a fiscal agent in the United States. All project funds will be deposited into this account. The account shall be used solely for the purpose of paying authorized costs of the project as outlined in the project budget. Once the funds are deposited into the construction account, they become your responsibility. Financial institutions or depositories accepting deposits of public funds and providing other financial agency services to the Federal Government are required to pledge adequate, acceptable securities as collateral. General requirements for designating depositories and regulations governing the pledging of collateral are identified in 31 CFR Part 202 (“Depositaries and Financial Agents of the Federal Government”). Treasury’s current acceptability and valuation requirements are identified in 31 CFR Part 380 (“Collateral Acceptability and Valuation”) and specific eligibility and valuation guidance is provided in Treasury’s procedural instructions and on Treasury’s Bureau of the Public Debt website at www.publicdebt.treas.gov. All funds in the account will be secured by a collateral pledge equaling at least 100% of the highest amount of funds expected to be deposited in the Construction Account at any one time.

Any RD grant funds not disbursed immediately upon receipt must be deposited in an interest bearing account except as follows:

- a. Federal grant awards (includes all federal funding sources) are less than \$120,000 per year.
- b. The best available interest bearing account would not be expected to earn in excess of the following:

Public Bodies

Interest earned on grant funds in excess of \$100 per year will be submitted to RD at least quarterly as required in 7CFR3016.

- c. The depository would require a minimum balance so high that it would not be feasible.

4. **Security** – (Revenue Bonds - Public Body) The loan will be evidenced by a waterworks and Sewer System Improvement Bond secured by a pledge of revenue and a statutory lien on the waterworks and sewer system. The pledge of water and sewer revenue and the statutory lien on the waterworks and sewer system will be on parity with the bonds previously issued to Rural Development.

A pledge of the system's revenues and other agreements between you and RD as set forth in the bond ordinance. Additional security requirements are contained in RUS Bulletin 1780-12 and RUS Bulletin 1780-27 which are mentioned later.

The services of a recognized bond counsel are required. The bond counsel will prepare the form of ordinance to be used, in accordance with Subpart D of RUS Instruction 1780. You should immediately provide your bond counsel with a copy of this letter of conditions and its enclosures.

5. **Loan Repayment** – (Monthly Installments) The loan will be scheduled for repayment over a period of 40 years. The payments due the first 2 year(s) will consist of interest only. Payments for the remaining 38 years will be equal amortized monthly installments. For planning purposes use a 2.50% interest rate and a monthly amortization factor of 3.40, which provides for a monthly payment of \$31,821.

The interest rate will be the lower of the rate in effect at the time of loan approval or the time of loan closing, whichever is less, unless you choose otherwise. Should the interest rate be reduced, the payment will be recalculated to the lower amount. The payment due date will be established as the day that the loan closes, but no later than the 28th of each month. Interest only payments during the 24 month deferral period will be advanced to you from the RD loan project funds as agreed to by RD.

You will be required to complete SF-5510, Authorization Agreement for Preauthorized Payments, if you participate for all new and existing indebtedness to RD. It will allow for your payment to be electronically debited from your account on the day your payment is due.

6. **Reserves** – Reserves must be properly budgeted to maintain the financial viability of any operation. Reserves are important to fund unanticipated emergency maintenance and repairs, and assist with debt service should the need arise. Reserves can also be established and maintained for the anticipated and expected expenses including but not limited to operation and maintenance, customer deposits, and depreciation of short-lived assets.

It has been determined as part of this funding proposal that you have sufficient funds to establish reserves for the following purposes and amounts:

Operation and Maintenance	\$ 82,181
---------------------------	-----------

As a part of this RD loan proposal you must establish and fund monthly a debt service reserve fund equal to 10% of the monthly payment each month over the life of the loan until you accumulate one annual installment. This reserve is required to establish an emergency fund for maintenance and repairs and debt repayment should the need arise. Ten percent of the proposed loan installment would equal \$3,183.00 per month.

7. **Users** – This letter of conditions is based upon you providing evidence or a certification that there will be at least 1,197 bona fide residential equivalent users (REUs) on the existing system when construction has been completed. If a number less than 1,197 is certified, Richland County shall adjust user rates to provide an equivalent revenue to match that which would be provided by 1,197 REUs at the initial user rate as established in the proposed rate schedule below. Evidence or certification must be provided on the final number of bona fide REUs and the associated final user fee when construction is complete.

Before RD can agree to the project being advertised for construction bids, you must provide evidence or a certification of the total number of bona fide users are currently using the system or signed up to use the system. You must provide evidence or a certification to show those users will actually be connected to the system when the project is completed and that the monthly sewage volume projected for each by the engineer is reasonable. In the event any of the large volume users discontinue the offered service, you must obtain enough additional revenue (i.e., increase in user rates, sign up of an adequate number of other users, reduction in project scope to reduce debt service and O&M, etc.) to make up the projected income that would be lost by not having those users on the system.

8. Proposed Rate Schedule:

Users and Rate Schedule: Before the loan and grant can be closed, you must provide that Richland County has 1,197 REUs signed up for connection to the system when construction is complete or that action has been taken to adjust the monthly user fee to produce an equivalent revenue with a lesser number of REUs. The users are as follows:

	Residential	Commercial	Bulk
Sewer	1187	8	2

With 1,197 REUs signed up, the initial monthly user fee shall be established at \$37.60 per REU. If a number less than 1,197 is certified, Richland County shall adjust user rates to provide equivalent revenue to match that which would be provided by 1,197 REUs at the initial monthly user fee rate of \$37.60. The County must always maintain a rate schedule that provides adequate revenue to meet the requirements of operation and maintenance, debt service, reserves, short lived assets and fund contingency and depreciation accounts.

9. **Income Available** – You must maintain a rate schedule that provides adequate income to meet the minimum requirements for operation and maintenance, debt service, and reserves.

10. **Delayed Payment Penalty**

An enforceable use agreement with a penalty clause and reconnection charges are required except for users presently receiving service or where mandatory use of the system is required. RUS Bulletin 1780-9 can be used.

11. **Operation and Maintenance Expenses** – O&M expenses must be properly budgeted to determine the financial viability of any operation. For planning purposes, we have projected O&M expenses based on the information provided in the preliminary engineering report and other financial information provided which should be representative of a typical year. This information is utilized to determine loan repayment and is reflected in the operating budget. It is expected that O&M will change over each successive year and user rates will need to be adjusted for the need.

12. **Proposed Operating Budget and User Rate Structure** - You will be required to submit a copy of your proposed annual operating budget and rate analysis to this office which supports the proposed loan repayment prior to loan approval and updated to current status prior to this agency giving you written authorization to proceed with the bidding phase. The operating budget should be based on a typical year cash flow subject to completion of this project in the first full year of operation. The rate analysis will be required to show the number of users, their

average consumption based on a twelve month consecutive average, and rate structure to support the necessary revenue to make the operating budget cash flow. Form RD 442-7 - "Operating Budget", or similar form may be utilized for this purpose. Separate budgets should be prepared for your water and sewer systems.

13. **Insurance and Bonding Requirements** - Prior to loan closing or start of construction, whichever occurs first, you must acquire the types of insurance and bond coverage shown below. The use of deductibles may be allowed providing you have the financial resources to cover potential claims requiring payment of the deductible. RD strongly recommends that you have your engineer, attorney, and insurance provider(s) review proposed types and amounts of coverage, including any exclusions and deductible provisions. It is your responsibility and not that of RD to assure that adequate insurance and fidelity or employee dishonesty bond coverage is maintained.
- a. General Liability Insurance – Include vehicular coverage.
 - b. Workers' Compensation - In accordance with appropriate State laws.
 - c. Position Fidelity Bond(s) - All positions occupied by persons entrusted with the receipt and/or disbursement of funds must be bonded. You should have each position bonded in an amount equal to the maximum amount of funds to be under the control of that position at any one time. The minimum coverage acceptable to RD will be for each position to be bonded for an amount at least equal to one annual installment on your loan(s). The coverage may be increased during construction of this project based on the anticipated monthly advances. The amount of coverage should be discussed and approved by RD.
 - d. National Flood Insurance - In addition to meeting the requirements for the type of assistance requested, the following requirements must be met for financial assistance for acquisition and/or construction in designated special flood or mudslide prone areas:
 - (1) If flood insurance is available, you must purchase a flood insurance policy at the time of loan closing.
 - (2) Applicants whose buildings, machinery or equipment are to be located in a community which has been notified as having special flood or mudslide prone areas will not receive financial assistance where flood insurance is not available.
 - e. Real Property Insurance – Fire and extended coverage will normally be maintained on all structures except reservoirs, pipelines and other structures if such structures are not normally insured and subsurface lift stations except for the value of electrical and pumping equipment. Prior to the acceptance of the

facility from the contractor(s), you must obtain real property insurance (fire and extended coverage) on all facilities identified above.

- 14. Accounting Services** - If you have both water and sewer facilities you should maintain accounting records in such a manner that will allow the operation of each to be reported separately. You may be required to obtain the services of an independent licensed Certified Public Accountant (CPA). When permitted by state statutes or with the approval of RD, a state or Federal auditor may perform the audit in lieu of a CPA. A CPA will be considered independent if the CPA:
- a. Meets the standards for independence contained in the American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct in effect at the time the CPA's independence is under review;
 - b. Does not have any direct financial interest or any material indirect financial interest in the borrower during the period covered by the audit; and
 - c. Is not, during the period of the audit, connected with the borrower as a promoter, underwriter, trustee, director, officer or employee.

Audit Agreement: You must enter into a written audit agreement with the auditor and submit a copy to RD prior to advertisement of bids. The audit agreement may include terms and conditions that the borrower and auditor deem appropriate; however, the agreement should include the following:

1. A statement that the auditor will perform and document the audit work in accordance with Generally Accepted Government Auditing Standards, (GAGAS), as outlined in the attached booklet, "Government Auditing Standards (Revised 1994)", and the professional standards of the AICPA;
2. A statement that the auditor will submit the completed audit and accompanying letters to your governing body 30 days prior to the date the audit is due to RD;
3. A statement that the auditor will make all audit-related documents, including work papers, available to RD or its representatives, upon request; and
4. A statement that the auditor will immediately report, in writing, all irregularities and illegal acts to your governing body and the Agency.

Prior to the advertisement for bids, your accountant must certify to you and RD that the accounts and records as required by your bond [resolution] [ordinance] have been established and are operational.

Quality Review Requirement: As required by GAGAS, the auditor must belong to and participate in an external quality review program and provide you with a copy of the most recent quality review report. These reviews are performed every 3 years by an independent organization to determine if the auditor is following established audit procedures and applicable auditing standards.

Audit Requirements: The following management data will be required from you on an annual basis and be submitted to RD as specified below:

1. A borrower that expends \$500,000 or more in Federal financial assistance per fiscal year shall submit an audit performed in accordance with the requirements of OMB Circular A-133. As described above, the total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Projects financed with interim financing are considered federal expenditures. OMB Circular A-133 audits shall be submitted no later than 9 months after the end of the fiscal year. In addition to submitting two (2) copies of the audit report to RD, the borrower is also required to submit copies of OMB Circular A-133 audits, accompanying audit letters (the “reporting package”), and the Data Collection Form to the Federal clearinghouse designated by OMB to retain as an archival copy. The Federal clearinghouse address is: Federal Audit Clearinghouse, Bureau of the Census, 1201 E. 10th Street, Jeffersonville, Indiana 47132. RUS Bulletin 1780-31, outlines the requirements of OMB Circular A-133 audits.
2. A borrower that expends less than \$500,000 in Federal financial assistance per fiscal year and an outstanding RUS loan balance of \$1,000,000 or more, shall submit an audit performed in accordance with Water and Waste audit requirements (i.e., a GAGAS audit). These audits shall be submitted to RD no later than 150 days after the end of the fiscal year. Two (2) copies of the audit report are required by RD. An audit performed in accordance with Water and Waste audit requirements should not be submitted to the Federal clearinghouse. RUS Bulletin 1780-30, outlines the requirements for Water Programs Audits.
3. A borrower that expends less than \$500,000 in Federal financial assistance per fiscal year and has an outstanding RD loan balance of less than \$1,000,000 may submit a management report in lieu of an audit report unless notified by RD otherwise. Management reports shall be submitted to RD no later than 60 days after the end of the fiscal year. A year-end management report shall consist of: Form RD 442-3, “Balance Sheet”, and Form RD 442-2, “Statement of Budget, Income and Equity”, or forms that provide the information in a similar format. Form RD 442-2 should have Schedule 1, all Columns completed on page 1, and page 2. Schedule 2 is not required for year end reports. An annual audit report must be submitted in lieu of Forms RD 442-2 and 442-3. The audit report must be submitted no later than 150 days after the end of the borrower’s fiscal year.

Compensation for preparation of the A-133 audit or your annual audit is not included in project funds and should be paid from the operational revenues generated from your system operation.

Annual Budget and Projected Cash Flow: Thirty days prior to the beginning of each fiscal year, you will be required to submit an annual budget and projected

cash flow to this office. You should submit two copies of Form RD 442-2, Statement of Budget, Income and Equity, Schedule 1, page 1; and Schedule 2, Projected Cash Flow. The only data required at this time on Schedule 1, page 1, is Columns 2 & 3. All of Schedule 1, page 2 and Schedule 2, Projected Cash Flow will be required. With the submission of the annual budget, you will be required to provide a current rate schedule, a current listing of the Board or Counsel members and terms.

15. **Legal Services** – You must obtain a legal services agreement with your attorney for providing legal services for your project. It is suggested that Rural Development guides be used in preparing this agreement. It is also suggested that ten percent of the cost be retained until the loan is closed and construction of the project is complete. This agreement is subject to the approval of the Rural Development Community Programs Director.

Prior to loan and grant closing, the attorney must provide this office with a certification as to judgments and/or litigation of the County. A similar certification must also be furnished Rural Development for each advance of loan funds from the Finance Office and before loan and grant closing instructions can be issued.

The closing instructions for this loan and grant will be issued by the approving official and the Office of the General Counsel of the Department of Agriculture. A determination that loan and grant closing instructions can be met must be made prior to loan and grant closing or the issuance of a commitment for interim financing.

A preliminary title search shall be made by your attorney to determine that the County will have fee simple title to properties on which its sewer system is located. After the loan and grant are closed, a final title opinion shall be prepared by your attorney indicating that the County does have fee simple title to these properties. These opinions are to be recorded on Forms RD 1927-9 and 1927-10.

Your documents concerning the creation and legal existence of your entity are administratively acceptable; however, the documents will be reviewed further by our Office of the General Counsel at the time your file is forwarded for closing instructions. Any changes required by our Office of the General Counsel will be included in the closing instructions.

16. **Property Rights** - Prior to advertisement for construction bids, you must furnish satisfactory evidence that you have or can obtain adequate continuous and valid control over the lands and rights needed for the project. Acquisitions of necessary land and rights must be accomplished in accordance with the Relocation and Real Property Acquisition Act. Such evidence must be in the following form:

- a. Evidence of adequate, continuous, and valid rights-of-way must be provided as follows:
 1. Form RD 442-21, "Right-of-Way Certificate," with two copies of right-of-way map attached.
 2. Form RD 442-22, "Opinion of Counsel Relative to Right-of-Way."
 3. A right-of-way map showing the location of all structures, pipelines, ditches, etc. The map should show that rights-of-way are continuous, and any rights-of-way acquired by use or adverse possession will be shown by some distinctive color. This map will bear the written signatures of the "Applicant's representative" and "Applicant's engineer."
- b. Preliminary Title Work - A copy of deeds, contracts or options for any lands needed other than rights-of-way, along with a preliminary title opinion covering such lands. A separate Form RD 1927-9, "Preliminary Title Opinion" may be used for each property to be acquired.

In the case of your existing system or where you have already acquired real property (land or facilities), a preliminary title opinion(s) concerning all such property(s) will be provided.

A narrative opinion from your attorney concerning all permits, certificates, licenses and other items necessary to show that all legal requirements can be met and stating how they will be met.

- c. Final Title Work - On the day of loan closing, your attorney must furnish a separate final title opinion on all existing land(s) and those to be acquired on the day of loan closing. Form RD 1927-10, "Final Title Opinion" Form RD 442-21 "Right-of-Way Certification" should be used with two copies of the right of way map attached.

A certification and legal opinion relative to title to rights-of-way and easements. Form RD 442-22, "Opinion of Counsel Relative to Rights-of-Way," should be used. This form must be provided showing no exceptions.

17. **Engineering Services** – RD must approve any agreements or modifications to agreements for professional design services.
18. **Resident Inspector** – Resident inspection is required for this project in accordance with the RD approved engineering agreement. This service is to be provided by the consulting engineer or other arrangements as approved by RD. Prior to the pre-construction conference, a resume of qualifications of the resident inspector(s) will be submitted to the owner and RD for review and approval. The owner will provide a letter of acceptance for all proposed inspectors to the

engineer and RD. The resident inspector(s) must also attend the pre-construction conference.

19. Environmental Requirements

- a. Mitigation - At the conclusion of the proposal's environmental review process, specific actions were negotiated with environmental regulatory officials to avoid or minimize adverse environmental impacts. The following list of action(s) are required for successful completion of the project and must be adhered to during project design and construction:

Mitigation for Land Use/Important Farmlands/Formally Classified Lands

Land Use / Important Farmland. The gravity sewers and force mains will be buried immediately upon completion of installation. Every effort will be made to complete the installation of the facilities in a timely manner to minimize the temporary impacts during installation. Construction of the facilities along the roadway rights-of-way will require Encroachment Permits from the South Carolina Department of Transportation (SCDOT) and the Richland County Roads Department. The encroachment permits should have conditions and restrictions that will lessen temporary impacts. This will be required in and enforced through the contractor's contract documents.

Richland County Planning and Development Services Department has in place a land development review process to ensure the zoning regulations are complied with. No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the County. In addition, a land development permit is also required for expansions of existing uses as well as for a change of use. Therefore any potential indirect and cumulative impacts discussed above will be addressed. Portions of the Richland County Land Development Code which address zoning are included in the Maps/Exhibits Section. Included are copies of the zoning maps with the project highlighted, "Article V. Zoning Districts and District Standards," Sec. 26-86. RU Rural District, and "Table 26-V-2 Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions."

Formally classified lands. Installations under streams will be installed by boring and other best management practices will be utilized during construction to minimize possible erosion and sedimentation that has the potential to impact Congaree National Park. These practices include, but are not limited to, utilizing silt fencing and straw bales to prevent siltation, backfilling trenches with the topsoil originally removed from the trenched area, returning the elevation to the pre-existing grade, and re-establishing vegetation as quickly as is feasible after construction. Every effort will be made to complete the installations of the sewers and force mains in a timely manner to minimize the impact. This will be required in and enforced through the contractor's contract documents.

Richland County Planning and Development Services Department has in place a land development review process to ensure the zoning regulations are complied with.

Wild and Scenic Rivers / Nationwide Rivers Inventory

The increased volume of effluent discharge to the Wateree River will require revision of the current NPDES permit; a process overseen by the South Carolina Department of Health and Environmental Control (SCDHEC). The National Park Service staff at the Congaree National Park must be provided the opportunity to view the environmental document and they reserve the option/right to comment on the NPDES permit through SCDHEC. When environmental assessment is reviewed and a Notice of Availability issued, Congaree National Park must be contacted regarding the availability.

The expansion of the treatment facility will be designed to meet regulatory requirements and will also have to be permitted by SCDHEC prior to construction. Once in operation the effluent will be monitored by SCDHEC which will also conduct annual inspections of the facility. Any violations of limits will be addressed through the existing SCDHEC enforcement program to ensure that any and all problems are corrected.

The replacement of the various existing discharges and malfunctioning septic tanks with a newly upgraded treatment facility designed to meet current requirements will improve the overall water quality in the region. Mitigation should not be required because the discharge will result in a net improvement of water quality in the region.

Richland County Planning and Development Services Department has in place a land development review process to ensure the zoning regulations are complied with.

Mitigation for Floodplains

To prevent possible erosion and sedimentation during construction, best management practices will be utilized to minimize temporary impacts. These practices include but are not limited to, utilizing silt fencing and straw bales to prevent siltation, backfilling trenches with the topsoil originally removed from the trenched area, returning the elevation to the pre-existing grade, and re-establishing vegetation as quickly as is feasible after construction. Every effort will be made to complete the installations of the sewers and force mains in a timely manner to minimize the impact. These practices and actions will be required in and enforced through the contractor's contract documents.

Richland County Planning and Development Services Department has in place a land development review process to ensure the regulations are complied with. No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the County. In addition, a land development permit is also required for expansions of existing uses as well as for a change of use. Therefore any potential indirect and cumulative impacts discussed above will be addressed. The Land Development Code requires that a floodplain development permit be requested for any development activities in the FP Overlay District to ensure compliance with all regulations concerning floodplain development. The County flood coordinator reviews all applications for floodplain development permits for danger to life, damage to property, safe access, among other considerations. A land disturbance permit will be required for all development and will not be issued until an approved SWPPP for the work is in place.

Mitigation for Wetlands

To avoid direct impacts on wetlands, the pipelines will be bored under the stream crossings and wetlands adjacent to existing roadways. Determination of the limits of the

wetlands will be accomplished and drawings showing the locations of bore entrance and exit points will be provided to the USACE to allow a final determination of the necessity of permitting to be made. A complete Jurisdictional Determination package will be submitted to the USACE during design.

To prevent possible erosion and sedimentation during construction, best management practices will be utilized to minimize impacts. These practices include but are not limited to, utilizing silt fencing and straw bales to prevent siltation, backfilling trenches with the topsoil originally removed from the trenched area, returning the elevation to the pre-existing grade, and re-establishing vegetation as quickly as is feasible after construction. Every effort will be made to complete the installations of the force mains in a timely manner to minimize the impact. These practices and actions will be required in and enforced through the contractor's contract documents.

Richland County Planning and Development Services Department has in place a land development review process to ensure the regulations are complied with. No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the County. In addition, a land development permit is also required for expansions of existing uses as well as for a change of use. Therefore any potential indirect and cumulative impacts discussed above will be addressed. The Land Development Code requires that all submissions for SWPPP approval include wetlands maps and that all sediment and erosion control plans show locations of all waters of the U.S. and State (including wetlands). The County reviews all submittals to ensure requirements are met before approval. A land disturbance permit will be required for all development and will not be issued until an approved SWPPP for the work is in place.

Mitigation for Cultural Resources

The contracts will specify that if any previously unknown cultural and/or historical resources are located during construction, all construction activities in the immediate and adjacent areas will cease immediately and the proper authorities will be notified. The authorities to be notified will be the SHPO, Rural Development, all three Tribal Contacts, and Richland County. Construction in the area will not resume until concurrence is obtained from these entities.

Mitigation for Water Quality Issues

To prevent possible erosion and siltation during construction, Best Management Practices will be utilized to minimize impacts. These practices include but are not limited to, utilizing silt fencing and straw bales to prevent siltation, backfilling trenches with the topsoil originally removed from the trenched area, returning the elevation to the pre-existing grade, and re-establishing vegetation as quickly as is feasible after construction. Every effort will be made to complete the installations of the facilities in a timely manner to minimize impacts. These practices and actions will be required in and enforced through the contractor's contract documents.

Mitigation for Air Quality

There may be temporary impacts due to the emissions of heavy equipment during construction. Every effort will be made to complete construction in a timely manner to minimize these impacts. Fugitive dust may be controlled by application of water from appropriate spray devices. Contractors will be required to control fugitive dust if construction occurs during dry periods. Construction and installation of the force mains along the roadway rights-of-way will require encroachment permits from the South Carolina Department of Transportation (SCDOT) and Richland County. The encroachment permits should have conditions and restrictions that should address safety issues from dust clouds. Compliance with these conditions and restrictions will be required in and enforced through the contractor's contract documents.

Mitigation for Solid and Hazardous Waste

Contractors will be required to dispose of solid waste in a manner that meets all state and federal requirements. This will be required in and enforced through the contractor's contract documents.

Mitigation for Transportation

Installation of the sewers and force mains will be conducted in as quick and as efficient a manner as possible to minimize the time of impact to transportation. Construction and installation of the facilities along the roadway rights-of-way will require encroachment permits from the South Carolina Department of Transportation (SCDOT) and Richland County. The encroachment permits should have conditions and restrictions that should address issues such as obstruction of traffic.

Mitigation for Noise

Construction and installation of the gravity sewers and force mains along the roadway rights-of-way will require encroachment permits from the South Carolina Department of Transportation (SCDOT) and Richland County. The encroachment permits should have conditions and restrictions that address issues such as noise. Such restrictions could include limiting construction to daylight hours, limiting construction to weekdays, and using appropriate sound reduction devices such as mufflers on all equipment for which such devices are intended to be used. Other mitigation will not be required because impacts will be minimal and temporary. Compliance with these conditions and restrictions will be required in and enforced through the contractor's contract documents.

- b. Project Modifications – The project as proposed has been evaluated to be consistent with all applicable environmental requirements. If the project or any project element deviates from or is modified from the original approved project, additional environmental review may be required.

**20. Vulnerability Assessment and Emergency Response Plans
Requirements serving populations less than 3300:**

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law 107-188 (Bioterrorism Act) amended the Safe Drinking Water Act (SDWA) to require all medium-sized and large-sized community water systems (serving populations greater than 3300) to assess vulnerability to terrorist attack and develop emergency plans for and response to such attacks. The Environmental Protection Agency (EPA) maintains responsibility for vulnerability assessments (VAs) and emergency response plans (ERPs) under the Bioterrorism Act. Rural Development (RD) and EPA share the objective of ensuring safe, reliable and affordable drinking water and wastewater for residents of rural areas. Protection of rural America's water and wastewater systems will be enhanced through the implementation of the RD Water and Environmental Program Homeland Security Initiative. RD will assist systems, especially those servicing populations of less than 3300, in completing VAs and ERPs. The County will provide Rural Development with the certifications on VA and ERP or other documentation that the system has taken appropriate steps to ensure public safety. The VA and ERP should not be offered and will not be accepted by Rural Development.

21. **Civil Rights & Equal Opportunity** - You should be aware of and will be required to comply with other federal statute requirements including but not limited to:

Section 504 of the Rehabilitation Act of 1973 – Under section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual in the United States shall, solely by reason of their handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving RD financial assistance.

Civil Rights Act of 1964 – All borrowers are subject to, and facilities must be operated in accordance with, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and subpart E of part 1901 of this title, particularly as it relates to conducting and reporting of compliance reviews. Instruments of conveyance for loans and/or grants subject to the Act must contain the covenant required by paragraph 1901.202(e) of this title.

Prior to the closing of the loan and grant or the beginning of construction, whichever occurs first, it will be necessary that our Rural Development Area Office conduct a user certification and compliance review. The user Certification will include the review of the user agreements, collected tap fees and service declination statements. Your office's full cooperation will be necessary in accomplishing this certification and review. At the time of the review, it will be necessary for your office to furnish to the representative of the Rural Development Area Office evidence that the County has the users and has adopted the rate schedules required in item #8 of this letter. During the review, the representative of the Rural Development Area Office will complete and execute Form RD 400-8, "Compliance Review." So as to assist the Rural Development

Area Office with the Compliance Review, you will need to have available a **numerical breakdown** of your required users into the following categories:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <p>RESIDENTIAL USERS
<u>Ethnicity:</u>
<input type="checkbox"/> Hispanic or Latino
<input type="checkbox"/> Not Hispanic or Latino
<u>Race:</u>
<input type="checkbox"/> White
<input type="checkbox"/> Black or African American
<input type="checkbox"/> American Indian or Alaskan Native
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander
<input type="checkbox"/> Asian</p> | <p><input type="checkbox"/> COMMERCIAL USERS</p> <p><input type="checkbox"/> INDUSTRIAL USERS</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|

The same breakdown data will be needed for applications of persons wishing to become users and for the County's water/sewer employees and Board.

The nondiscrimination poster, "And Justice For All," is to be displayed at your offices and facilities.

The Americans with Disabilities Act (ADA) of 1990 – This Act (42 U.S.C. 12101 et seq.) prohibits discrimination on the basis of disability in employment, State and local government services, public transportation, public accommodations, facilities, and telecommunications. Title II of the Act applies to facilities operated by State and local public entities which provides services, programs and activities. Title III of the Act applies to facilities owned, leased, or operated by private entities which accommodate the public.

Age Discrimination Act of 1975 – This Act (42 U.S.C. 6101 et seq.) provides that no person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

RD financial programs must be extended without regard to race, color, religion, sex, national origin, marital status, age, or physical or mental handicap.

22. **Permits** - Copies of all permits needed for the project must be provided for review prior to advertisement for construction bids. Such permits may include but are not limited to the following:
 - SC Department of Health and Environmental Control
 - Corps of Engineers

23. **Contract Documents, Final Plans and Specifications**
 - a. The contract documents should consist of the EJCDC Construction Documents as indicated in RUS Bulletin 1780-26 or other approved form of

agreement.

- b. The contract documents and final plans and specifications must be submitted to RD for approval.
- c. The project must be designed in compliance with Section 504 of the Rehabilitation Act of 1973.

24. **Bid Authorization** - Once all the conditions outlined in this letter have been met, RD may authorize you to advertise the project for construction bids. Such advertisement must be in accordance with appropriate State statutes. Immediately after bid opening you must provide RD with (a) bid tabulation, and (b) your engineer's evaluation of bids and recommendations for contract awards. If RD agrees that the construction bids received are acceptable, adequate funds are available to cover the total project costs, and all the administrative conditions of loan approval have been satisfied, loan closing instructions will be issued to you setting forth any further requirements that must be met before the loan can be closed. Obligated loan and grant funds not needed to complete the proposed project will be deobligated prior to construction. Any reductions will be applied to grant funds first.

When all parties agree that the closing requirements can be met, a mutually acceptable date for the loan closing will be scheduled.

25. **The Central Contractor Registration (CCR)**

Beginning October 1, 2010 financial assistance grant recipients must have a Dun and Bradstreet Data Universal Numbering System (DUNS) numbers and maintain current registrations in the Central Contractor Registration (CCR) database. The CCR requirement will also apply to loans obligated after October 1, 2011. The CCR requirement is new for grants effective October 1, 2010 (and loans and loan guarantees starting on October 1, 2011). Completing the CCR registration process takes up to five business days.

The CCR registration must remain active, with current information, at all times during which an entity has an application under consideration by an agency or has an active Federal Award. To remain registered in the CCR database after the initial registration, **you are required to review and update on an annual basis from the date of initial registration or subsequent updates in the CCR database to ensure it is current, accurate and complete. You will have an expiration date and it is your responsibility to ensure that you keep the CCR registration current.**

Central Contracting Registration (CCR) is now using the new System for Award Management (SAM), Phase 1.

What Does SAM Include?

SAM Phase 1 includes the capabilities previously included in the following

“legacy” systems: Central Contractor Registration (CCR), Federal Agency Registration (FedReg), Online Representations and Certifications Application (ORCA), and the Excluded Parties List System

Where Can I Find SAM?

SAM is online at <http://sam.gov>. The legacy systems will redirect users to this address.

Where Can I Get Help?

SAM.gov contains quick start guides, webinars, a User Guide and other materials that provide all the information you need to get started using SAM. For other questions, beginning Monday, July 30, the help desk for SAM will be the Federal Service Desk (FSD). You can reach them at <http://fsd.gov>.

You as the recipient must maintain the currency of your information in the CCR. This requires that you review and update the information at least annually after the initial registration.

26. **Cost Overruns** – Cost overruns must be due to high bids or unexpected construction problems that cannot be reduced by negotiations, redesign, use of bid alternatives, rebidding or other means prior to consideration by Rural Development for subsequent funding. Such requests will be contingent on the availability of funds. Cost overruns exceeding 20% of the development cost at time of loan or grant approval or where the scope of the original purpose has changed will compete for funds with all other applications on hand as of that date.
27. **Use of Remaining Funds** – Applicant contributions, in the form of waived tap fees for LMI homes, will be considered the first funds expended in the project. Tap fees collected by the applicant must be contributed towards the project but will not be required until the system is operational and the tap fee has been paid by the customer. Remaining funds may be considered in direct proportion to the amounts obtained from each source and handled as follows:
- Remaining funds may be used for eligible loan and grant purposes, provided the use will not result in major changes to the original scope of work, the request is made within 60 days of project completions, and the purpose of the loan and grant must remain the same.
 - RD loan funds that are not needed will be applied as an extra payment on the RD indebtedness unless other disposition is required by the bond ordinance, resolution, or State statute.
 - Grant funds not approved for authorized purposes will be cancelled within 60 days of project completion. Prior to actual cancellation, you and your attorney and engineer will be notified of RD’s intent to cancel the remaining funds and given appropriate appeal rights.
28. **Processing Forms** - At a properly called meeting, you must adopt and properly

Execute the following forms, and minutes showing the adoption must be provided:

RD Binding Covenant

Form RD 400-1 - "Equal Opportunity Agreement"

Form RD 400-4 - "Assurance Agreement"

Form AD 1047 - "Certification Regarding Debarment, Suspension and other Responsibility Matters"

Form AD 1049 - "Certification Regarding Drug-Free Workplace Requirements"

Form RD 1910-11 - "Applicant Certification, Federal Collection Policies"

RD Instruction 1940-Q, Exhibit A-1, "Certification for Contracts, Grants and Loans"

Standard Form LLL - "Disclosure of Lobbying Activities" (If Applicable)

RUS Bulletin 1780-22, "Eligibility Certification"

RUS Bulletin 1780-27 - "Loan Resolution (Public Bodies)"

RUS Bulletin 1780-12 - "Water or Waste System Grant Agreement"

Form RD 1940-1 - "Request for Obligation of Funds"

Please complete and return the enclosed Form RD 1942-46, "Letter of Intent to Meet Conditions," if you desire further consideration be given your application.

The loan will be considered approved on the date a signed copy of Form RD 1940-1, "Request for Obligation of Funds," is mailed to you.

Attached is a copy of RUS Bulletin 1780-12, "Water and Waste System Grant Agreement," for your review. You will be required to execute a completed form at the time of grant closing.

29. Special Requirements

Any public information events are to be coordinated in advance with Rural Development through our Public Information Coordinator in our State Office. These events are to be planned in order for the public to be aware of this project and Rural Development's participation in the project.

If the conditions set forth in this letter are not met within 12 months from the date of this letter, RD reserves the right to discontinue processing of the application. In the event the project has not advanced to the point of loan closing within 12 months and it is determined the applicant still wishes to proceed, it may be necessary to review the conditions outlined in this letter. If during that review, it is determined the conditions outlined are no longer adequate, RD reserves the right to require that the letter of conditions be revised or replaced.

We believe the information in this letter clearly sets forth the conditions which must be complied with; however, this letter does not relieve you from meeting the requirements of RD Instruction 1780. If you have any questions, please do not hesitate to contact me.

Mr. Kelvin Washington, Chairman
Richland County

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Sincerely,

MICHELE J. CARDWELL
Acting Community Programs Director

Attachments

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE County CouncilOF THE Richland CountyAUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS Sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Richland County
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

NINE MILLION THREE HUNDRED FIFTY-NINE THOUSAND AND XX / 100 DOLLARS (9,359,000.00)pursuant to the provisions of Revenue Bond Act for Utilities as amended; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the **Richland County** _____

hereby certify that the **County Council** _____ of such Association is composed of _____ members, of whom _____ constituting a quorum, were present at a meeting thereof duly called and held on the _____ day of _____, _____ that the foregoing resolution was adopted at such meeting by the vote shown above. I further certify that as of _____, _____ the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____.

of **Richland County** _____

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 146-172]**

b. Proposed Amended Scope of Work for Administration of Richland County's SLBE Program **[PAGES 173-175]**

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

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

An Ordinance Authorizing an Easement to School District 5 of Lexington and Richland Counties for a Sanitary Sewer Line across land owned by Richland County; specifically a portion of TMS # 03300-01-06 **[PAGES 176-181]**

Notes

First Reading: September 10, 2013

Second Reading:

Third Reading:

Public Hearing:

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

AN ORDINANCE AUTHORIZING AN EASEMENT TO SCHOOL DISTRICT
5 OF LEXINGTON AND RICHLAND COUNTIES FOR A SANITARY
SEWER LINE ACROSS LAND OWNED BY RICHLAND COUNTY;
SPECIFICALLY A PORTION OF TMS #03300-01-06.

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 County of Richland and its employees and agents are hereby authorized to grant an easement for sanitary sewer line to School District 5 of Lexington and Richland Counties across a portion of Richland County TMS #03300-01-06, as specifically described in the Sanitary Sewer Easement, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Kelvin Washington, Chair

Attest this _____ day of
_____, 2013.

Michelle Onley
Interim Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: September 10, 2013
Second Reading:
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA)

) SANITARY SEWER EASEMENT

COUNTY OF RICHLAND)

KNOWN ALL MEN BY THESE PRESENTS, That I (or we) SCHOOL DISTRICT 5 OF LEXINGTON/RICHLAND COUNTIES, SC 29 212, (The Grantor), of the County and State aforesaid, for and in consideration of the sum of one (\$1.00) dollar to the Grantor paid by Richland County, South Carolina, (The Grantee), the receipt of which is hereby acknowledged, and in further consideration of the agreements and conditions hereinafter contained, do(es) hereby grant unto the County of Richland as follows:

The Grantor does hereby grant unto the Grantee, their successors and assigns, an exclusive easement and right-of-way 15 feet in width (7.5 feet on each side of the sewer component), with an additional width as necessary, to construct, operate and maintain, together with the right of ingress and egress at all times for the purpose of constructing, operating and maintaining a sanitary sewer, together with the right to remove shrubbery, trees and other obstructions of any kind from the easement and right-of-way area. The Grantor hereby agrees that no construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without the prior written consent of the Richland County Utilities Department.

Said easement and right-of-way to run through property owned by Grantor, said property and easement being more fully described as follows:

All that certain piece, parcel or strip of land, situate, lying, and being near Columbia, in the County of Richland, State of South Carolina, containing the below described portion of the lot designated as Richland County TMS# 203300-01-06.

Also known as CIVIL SKETCH 1 (6-17-13; REV 7/15/13)

TITLED: "SEWER EASEMENT"

The Centerline of the easement is the centerline of the sanitary sewer system as built.

TO HAVE AND TO HOLD THE aforesaid rights to the Grantee, its successors and assigns.

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2013-2014 General Fund Budget to Add Six School Resource Officer Positions for Sheriff's - SRO School District 5 [**PAGES 182-186**]

Notes

First Reading: July 23, 2013

Second Reading:

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: Request to Add School Resource Officer Positions

A. Purpose

The Richland County Sheriff's Department is requesting the addition of eight (8) new deputy positions to fill the requested needs of Richland-Lexington School District 5 for additional School Resource Officers.

B. Background / Discussion

Richland –Lexington School District 5 has requested the addition of eight (8) School Resource Officers beginning with the 2013-2014 school year. The request is cost-neutral to the county with 100% of the cost contributed by Richland –Lexington School District 5.

The request includes 2 School Resource Officers to be placed at Spring Hill High School and the CATE/Alternative Academy. Funding for these officers has been requested through the U.S Department of Justice, Justice Assistance Grant (JAG) program. The grant budget request for this project was approved by county council during the FY14 budget process. However, due to ongoing federal budget issues, grant award notifications have not been issued at this time. Notice of award could arrive at any time, but this request is being made in the event that grant funding is delayed further or does not materialize. Richland-Lexington School District 5 has agreed to cover the cost of these officers in the event that grant funding is not available.

C. Legislative / Chronological History

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

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to fund the proposed addition of eight (8) deputies to fill SRO positions to be placed in the respective district schools.

2. Do not approve the request to fund the proposed addition of eight (8) deputies to fill SRO positions to be placed in the respective district schools. This alternative will result in RCSD not being able to meet the identified need of Richland-Lexington 5 to fill the requested positions.

F. Recommendation

It is recommended that Council approve the eight (8) new School Resource Officer positions to be funded in total by Richland-Lexington School District 5.

Recommended by: Sheriff Leon Lott Department: Sheriff's Office Date: 7/11/13

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 7/17/13

Recommend Council approval Recommend Council denial
Comments regarding recommendation: No cost associated with the program was included in the request of action and the information has been requested from the Sheriff's Department. In effort to prevent delays, I'd recommend approval contingent upon receiving the cost data before finalizing. Request is consistent with the School Resource Officer (SRO) program in other districts and the burden is to be paid 100% by the School District. It would require a budget amendment with three readings.

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:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 GENERAL FUND BUDGET TO ADD SIX SCHOOL RESOURCE OFFICER POSITIONS FOR SHERIFF'S – SRO SCHOOL DISTRICT 5.

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 0 dollars (\$0) be appropriated specifically to the Richland County Sheriff – SRO School District 5 for “Six School Resource Officers”. Therefore, the Fiscal Year 2013-2014 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2013 as amended:	\$ 109,926,338
Appropriation of General Fund unassigned fund balance	\$ 0
Total General Fund Revenue as Amended:	\$ 109,926,338

EXPENDITURES

Expenditures appropriated July 1, 2013 as amended:	\$ 109,926,338
Increase to Sheriff – SRO School District Five	\$ 0
Total General Fund Expenditures as Amended:	\$ 109,926,338

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

RICHLANDCOUNTYATTORNEY'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

Exploration of Water and/or Sewer Service Expansion in Unincorporated Richland County [**PAGES 187-197**]

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 expanse 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

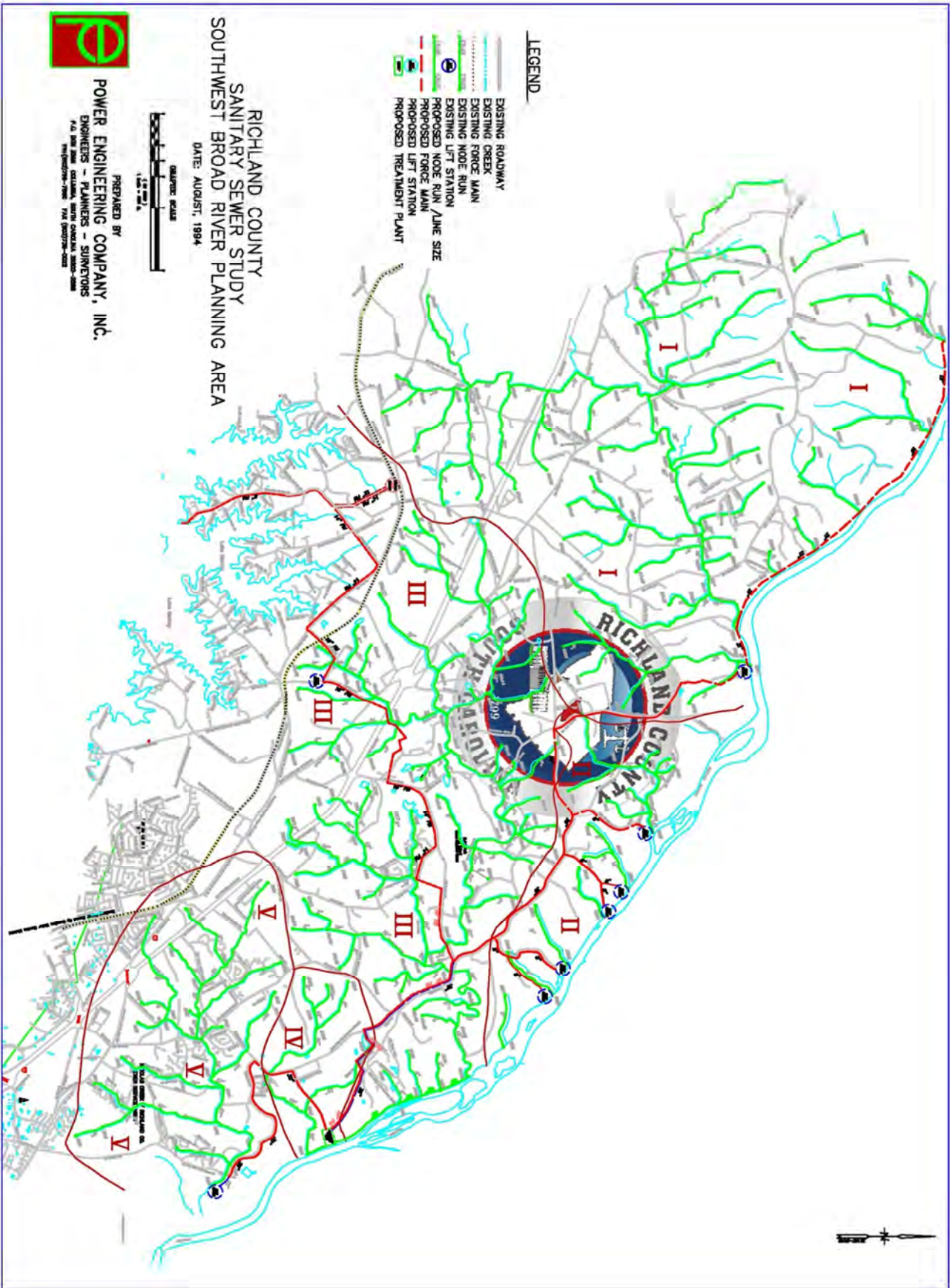
Southeast Planning Area – Sewer

North Broad River Planning Area- Sewer

Northwest Planning Area- Water

North Planning Area- Water

Hopkins School Community Water Study

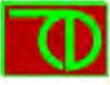


LEGEND

- 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
141 10th Street, North Central, GA 30068
404/375-7700 FAX 404/375-7702



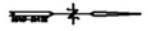
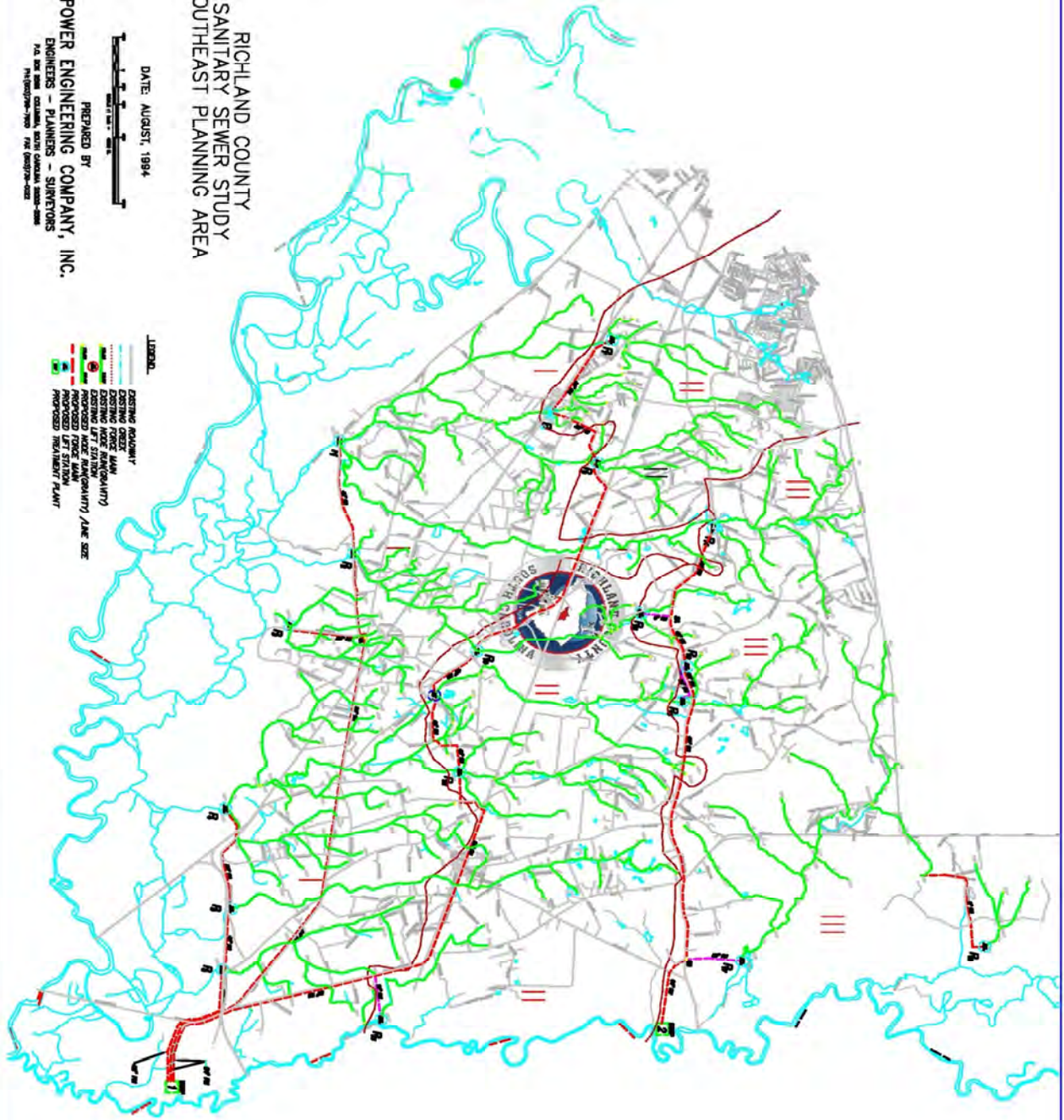
POWER ENGINEERING COMPANY, INC.
ENGINEERS - PLANNERS - SURVEYORS
P.O. BOX 5000, COLUMBIA, SOUTH CAROLINA 29208-0500
PH: 803/799-1700 FAX: 803/799-0222

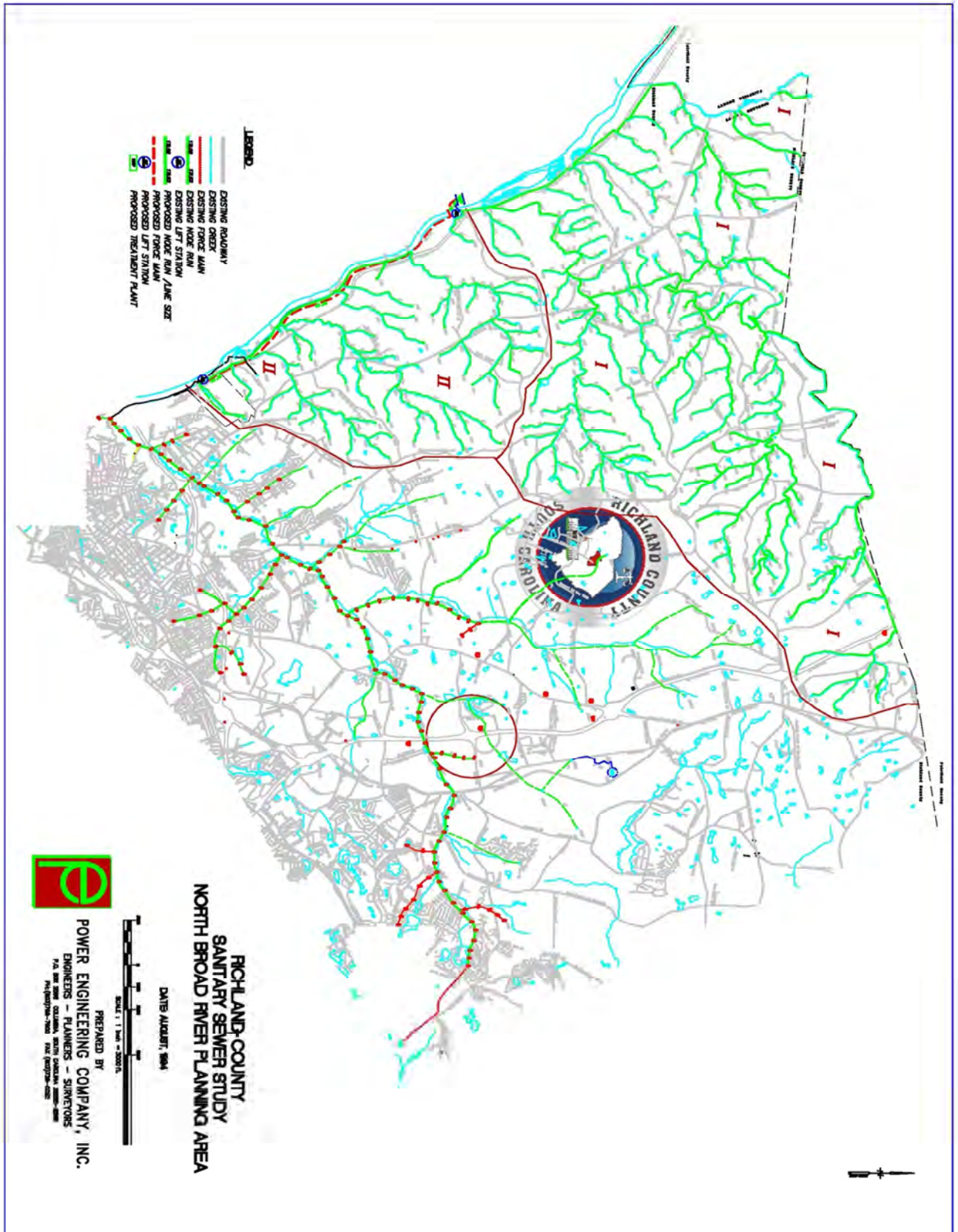
RICHLAND COUNTY SANITARY SEWER STUDY SOUTHEAST PLANNING AREA

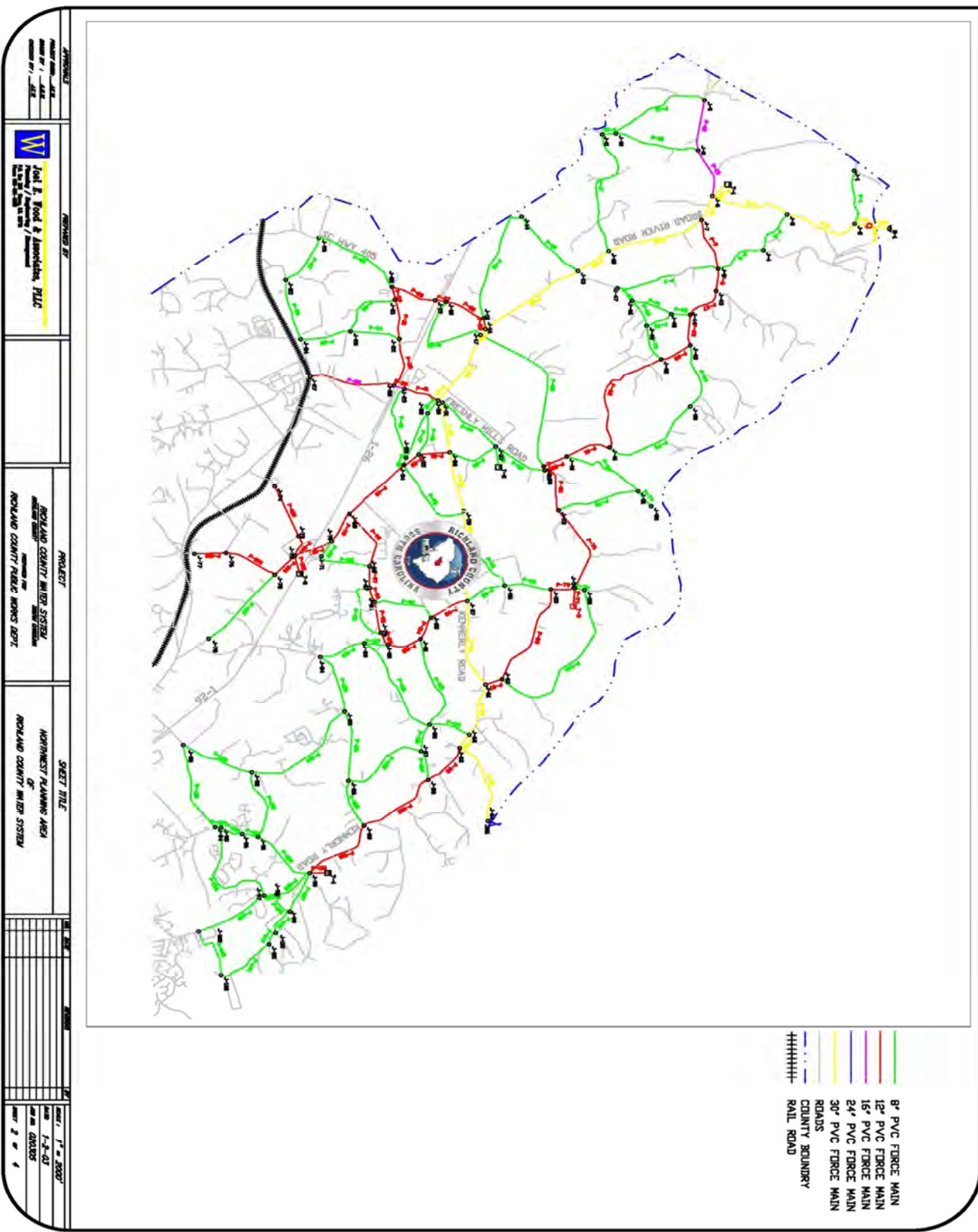
DATE: AUGUST, 1984



- LEGEND**
- EXISTING ROADWAY
 - EXISTING FORCE MAIN
 - EXISTING FORCE MAIN (MANHOLES)
 - EXISTING FORCE MAIN (MANHOLES) A/R SIZE
 - PROPOSED FORCE MAIN
 - PROPOSED FORCE MAIN
 - PROPOSED LIFT STATION
 - PROPOSED INVERTED SUMP





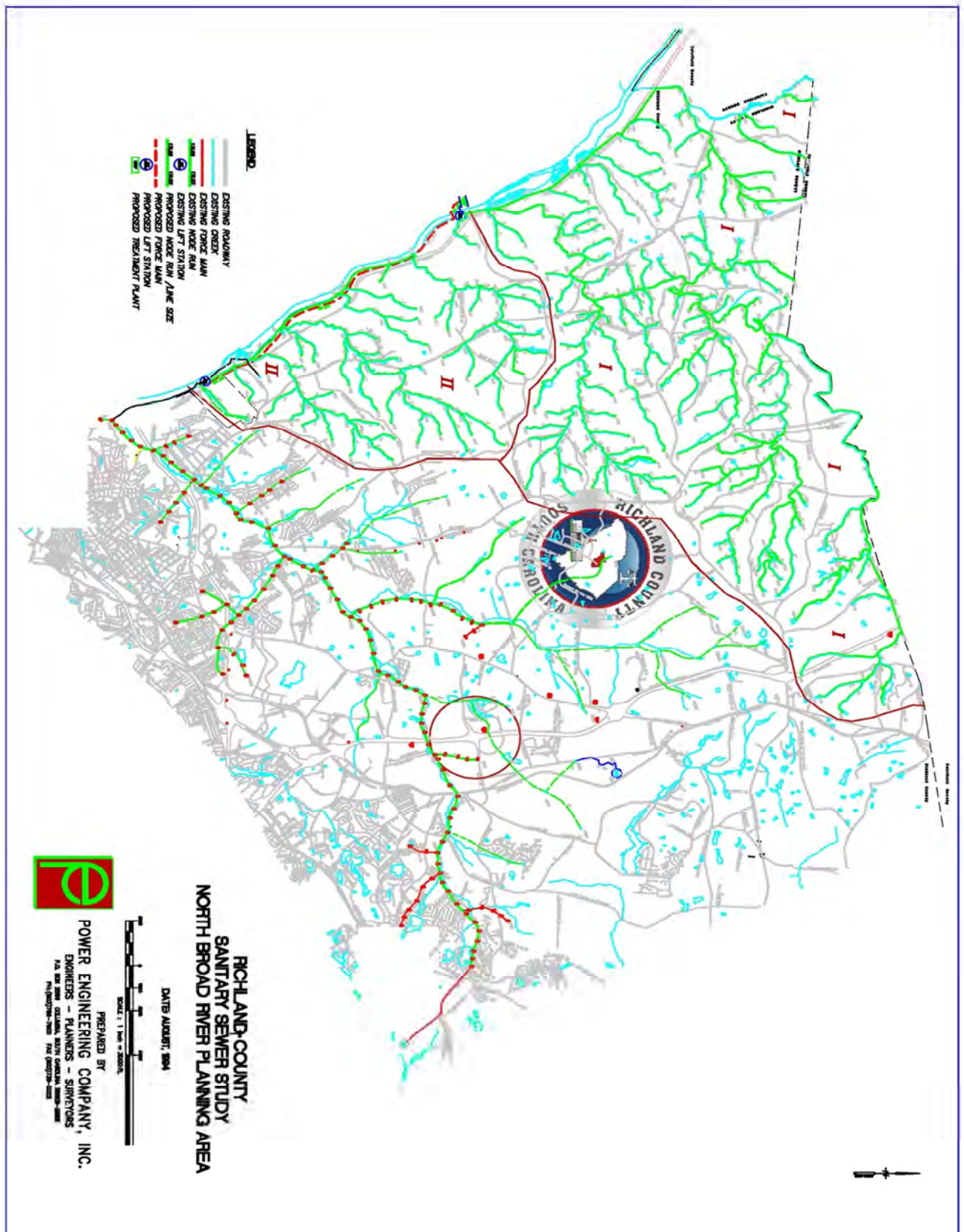


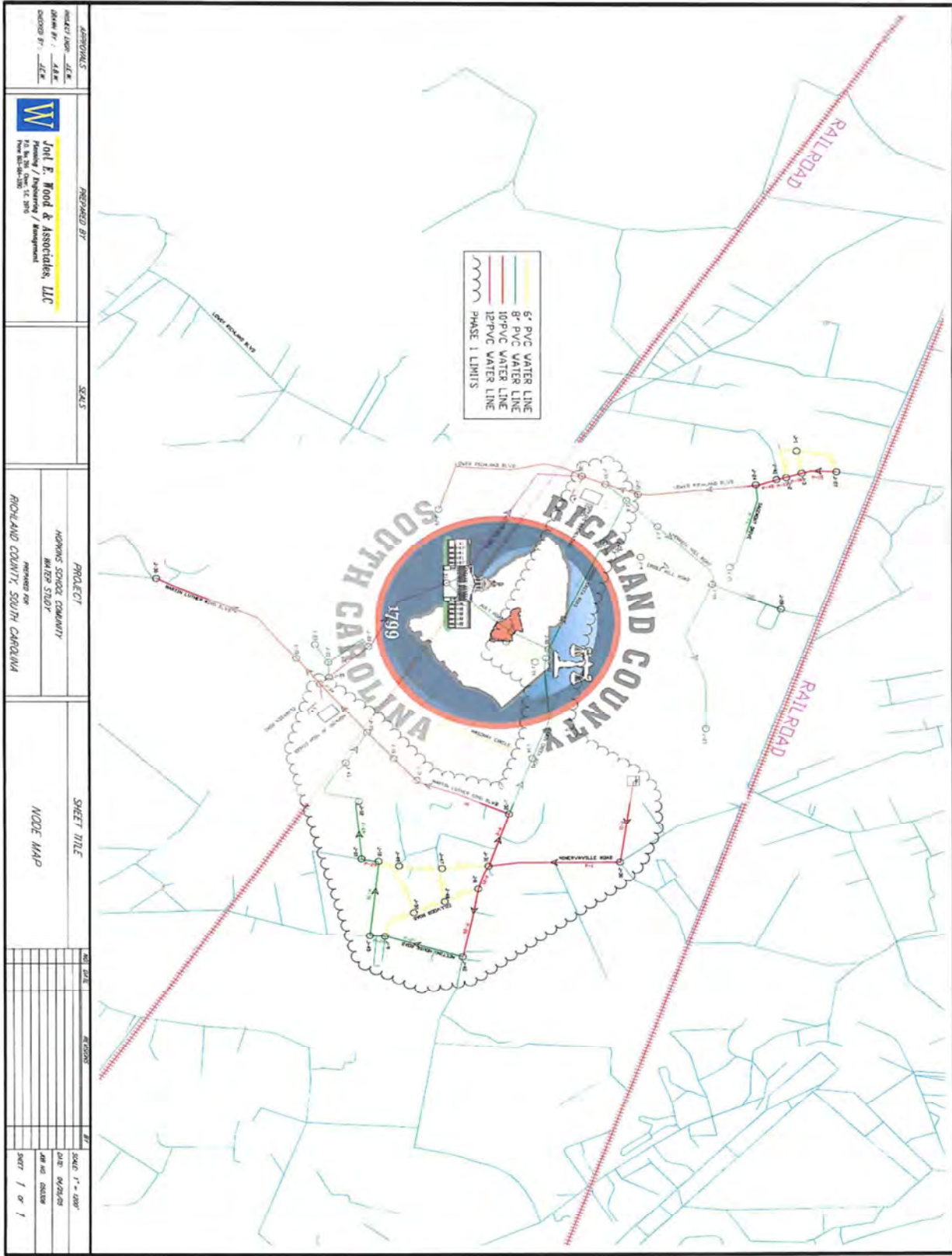
APPROVED BY:
 DATE: 1-2-03
 PROJECT:
 SHEET TITLE:
 SHEET NO. OF 4

PROJECT:
 RICHMOND COUNTY WATER SYSTEM
 RICHMOND COUNTY PUBLIC WORKS DEPT.

SHEET TITLE:
 NORTHWEST PLANNING AREA
 RICHMOND COUNTY WATER SYSTEM

DATE:	1-2-2003
BY:	J. B. Bond
APP.:	J. B. Bond
SCALE:	AS SHOWN
SHEET:	2 OF 4





- 5" PVC WATER LINE
- 8" PVC WATER LINE
- 10" PVC WATER LINE
- 12" PVC WATER LINE
- PHASE 1 LIMITS

APPROVED BY: _____ PROJECT NO.: _____ DATE: _____ SHEET NO. OF _____	PREPARED BY: _____ PROJECT: _____ SHEET TITLE: _____	SCALE: _____ DATE: _____ SHEET NO. OF _____
PROJECT: _____ SHEET TITLE: _____	PREPARED BY: _____ PROJECT: _____ SHEET TITLE: _____	SCALE: _____ DATE: _____ SHEET NO. OF _____
PROJECT: _____ SHEET TITLE: _____	PREPARED BY: _____ PROJECT: _____ SHEET TITLE: _____	SCALE: _____ DATE: _____ SHEET NO. OF _____

W
Joel E. Bond & Associates, LLC
 Planning / Engineering / Management
 P.O. Box 10000
 Columbia, SC 29208

Richland County Council Request of Action

Subject

Resolution Approving the 2013 Assessment Roll for the Village at Sandhill Improvement District [**PAGES 198-218**]



Sidney J. Evering, II
Telephone: 803.253.8666
Direct Fax: 803.255.8017
sidneyevering@parkerpoe.com

Charleston, SC
Charlotte, NC
Columbia, SC
Raleigh, NC
Spartanburg, SC

Memorandum

To: Roxanne Ancheta
From: Sidney J. Evering, II
Date: September 6, 2013
Re: Village at Sandhill Improvement District

The Village at Sandhill Improvement District (“District”) was created pursuant to an Assessment Ordinance adopted by Richland County Council (“County”) on March 2, 2004. The District was formed to provide a revenue source to pay for certain infrastructure improvements within the District. Additionally, in March 2004 the County issued \$25,000,000 of its revenue bonds to be repaid from assessments imposed on properties within the District.

On an annual basis it is necessary for the County to update the assessment roll, which list the properties within the District, and impose the appropriate amount of assessment on each property as required to make the principal and interest payments due on the bonds and pay the administration expenses of the District.

The County hired a consultant, Municap, Inc. (“Municap”), to annually prepare an updated assessment roll and inform the County as to the amount of assessment to be imposed on each property. The assessment roll is to be amended each year to reflect:

- the current parcels in the district
- the names of the owners of the parcels
- the assessment for each parcel (including any adjustments to the assessments)
- the annual payment to be collected from each parcel for the current year
- any changes in the annual assessments
- prepayments of the assessments
- any other changes to the assessment roll

PPAB 2163684v1

Parker Poe Adams & Bernstein LLP 1201 Main Street Suite 1450 Post Office Box 1509 Columbia, SC 29202-1509
t 803.255.8000 f 803.255.8017 www.parkerpoe.com

Roxanne Ancheta
September 6, 2013
Page 2

The County Auditor and the County Assessor are responsible for reviewing Municap's annual report and confirming the properties reflected on the assessment roll and the amount of assessment. Once confirmed, County Council must adopt a resolution amending the assessment roll accordingly and imposing the assessment for the year in question. The County Treasurer will then list the assessment on the property tax bills that are generated for the District. A copy of a draft resolution and Municap's annual report for this year are attached.

SJE:
Attachments

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

RESOLUTION

A RESOLUTION APPROVING THE 2013 ASSESSMENT ROLL FOR THE VILLAGE AT SANDHILL IMPROVEMENT DISTRICT, RICHLAND COUNTY, SOUTH CAROLINA.

WHEREAS, the County Council (“County Council”) of Richland County, South Carolina (“County”) by Ordinance No. 002-04HR enacted on March 2, 2004, authorized the creation of the Village at Sandhill Improvement District (“District”); and

WHEREAS, the County Council by Ordinance No. 003-04HR enacted on March 2, 2004, authorized and provided for the issuance and sale of not exceeding \$25,000,000 principal amount Village at Sandhill Improvement District Assessment Revenue Bonds, Series 2004, and approved the Assessment Report and the Rate and Method of Apportionment of Assessments (“Rate and Method of Apportionment”) including the Assessment Roll for the District; and

WHEREAS, the Rate and Method of Apportionment provides in Section F:

The County Council shall amend the Assessment Roll each year to reflect (i) the current Parcels in the District, (ii) the names of the owners of the Parcels, (iii) the Assessment for each Parcel, including any adjustments to the Assessments as provided for in Section C, (iv) the Annual Payment to be collected from each Parcel for the current year, (v) any changes in the Annual Assessments, (vi) prepayments of the Assessments as provided for in Section I and J, and (vii) any other changes to the Assessment Roll; and

WHEREAS, MuniCap, Inc. has prepared an Annual Assessment Report and Amendment of the Assessment Roll for Imposition of Assessments in 2013 and Collection in 2014 dated August 22, 2013 (“2013 Assessment Roll”).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL AS FOLLOWS:

1. The County hereby approves, confirms, and adopts the 2013 Assessment Roll as attached hereto.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION.

ADOPTED IN A MEETING DULY ASSEMBLED THIS ___ DAY OF _____, ____.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin Washington, Chair

(Seal)

ATTEST this the ___ day of _____, ____.

Michelle Onley
Clerk of Council

**VILLAGE AT SANDHILL IMPROVEMENT DISTRICT
RICHLAND COUNTY, SOUTH CAROLINA**

**ANNUAL ASSESSMENT REPORT AND
AMENDMENT OF THE ASSESSMENT ROLL FOR
IMPOSITION OF ASSESSMENTS IN 2013 AND COLLECTION IN 2014**

Prepared By:

MUNICAP, INC.

Administrator of the Village at Sandhill Improvement District

August 22, 2013

**Village at Sandhill Improvement District
Richland County, South Carolina**

**Annual Assessment Report and
Amendment of the Assessment Roll for
Imposition of Assessments in 2013 and Collection in 2014**

INTRODUCTION

The Village at Sandhill Improvement District was created pursuant to an Assessment Ordinance that was adopted by the Richland County Council on March 2, 2004, wherein the district was created and the Assessments were authorized to be imposed and collected. The Village at Sandhill Improvement District Assessment Revenue Bonds, Series 2004, in the amount of \$25,000,000 were issued pursuant to the (i) Bond Ordinance, which was enacted by the Richland County Council on March 2, 2004, (ii) the County Public Works Improvement Act, codified as Chapter 35 of Title 4, Code of Laws of South Carolina 1976, as amended, and (iii) a Master Trust Indenture, dated as of March 1, 2004, as supplemented by a First Supplemental Indenture of Trust, dated as of March 1, 2004, each by and between Richland County (the "County") and Regions Bank, as trustee. The bonds are to be repaid from Assessments levied on each parcel of assessed property in the Village at Sandhill Improvement District (the "District").

The Assessments have been imposed on the assessed property within the District pursuant to the Assessment Ordinance. As detailed within the Assessment Ordinance (including the "Assessment Roll" and the "Rate and Method of Apportionment of Assessments") the Assessments are equal to the interest and principal on the bonds and estimated administrative expenses related to the bonds. The Assessments are due and payable each year as the Annual Assessment. An Annual Credit may be applied to the Annual Assessment each year. The resulting amount is equal to the Annual Payment, which is to be collected from the assessed property in the District.

As indicated in the Rate and Method of Apportionment of Assessments, the Assessment Roll is to be amended each year to reflect "(i) the current parcels in the district, (ii) the names of the owners of the parcels, (iii) the Assessment for each parcel (including any adjustments to the Assessments), (iv) the Annual Payment to be collected from each parcel for the current year, (v) any changes in the Annual Assessments, (vi) prepayments of the Assessments, and (vii) any other changes to the Assessment Roll."

This report has been prepared to show the calculation of the 2013-2014 Annual Payment and to record the annual update of the Assessment Roll.

Capitalized but undefined terms used herein shall have the meaning as set forth in the Rate and Method of Apportionment of Assessments.

ANNUAL ASSESSMENT

The Annual Assessment is the assessment due and payable each year on the assessed property. The Annual Assessment imposed in 2013 for collection in 2014 is equal to \$1,842,286.00.

ANNUAL PAYMENT

The Annual Payment is the amount due and payable from the assessed property each year and is equal to the Annual Assessment less the Annual Credit. The Annual Credit is described in the next section.

ANNUAL CREDIT

The Annual Credit for each year is equal to the Annual Assessment less the Annual Revenue Requirement.

ANNUAL REVENUE REQUIREMENT

The Annual Revenue Requirement is defined as follows:

For any given year, the sum of the following, (1) regularly scheduled debt service on the bonds to be paid from the Annual Payments; (2) periodic costs associated with such bonds, including but not limited to rebate payments and credit enhancements on the bonds; and (3) administrative expenses; less (a) any credits applied under the bond indenture, such as interest earnings on any account balances, and (b) any other funds available to the district that may be applied to the Annual Revenue Requirement.

Table A provides a summary of the Annual Revenue Requirement for the 2013-2014 assessment year. Each of these numbers is explained in the following sections.

Table A
Annual Revenue Requirement

Interest payment on May 1, 2014	\$652,643.00
Interest payment on November 1, 2014	\$652,643.00
Principal payment on November 1, 2014	\$437,000.00
Subtotal Annual Payments	\$1,742,286.00
Administrative Expenses	\$49,000.00
Contingency	\$51,000.00
Subtotal Expenses	\$1,842,286.00
Reserve Fund Investment Income	\$0.00
Subtotal Funds Available	\$0.00
Annual Revenue Requirement	\$1,842,286.00

Debt Service

Debt service includes the semi-annual interest payments due on May 1, 2014 and November 1, 2014. The outstanding Series 2004 Bonds have been reduced to a current balance of \$21,466,000.00. The outstanding Series 2004 Bonds will be reduced by an additional \$413,000.00 as a result of a regularly scheduled principal payment on November 1, 2013, which should reduce the balance to \$21,053,000.00. Accordingly, each semi-annual interest payment on the Series 2004 Bonds is \$652,643.00 and represents interest at an annual coupon of 6.20 percent on the estimated outstanding bonds of \$21,053,000.00. There is a scheduled principal payment of \$437,000.00 on the bonds on November 1, 2014. As a result, total debt service is \$1,742,286.00.

Administrative Expenses

Administrative expenses generally include the fees of the trustee, the Administrator (MuniCap, Inc.) and the County's bond counsel, plus additional County expenditures. The annual fee of the trustee is estimated to be \$3,500.00. The cost of the Administrator for calendar year 2014

is estimated to be \$20,000.00. The cost of the County's bond counsel for calendar year 2014 is estimated to be \$12,500.00. The County's additional expenditures for calendar year 2014 are estimated to be \$13,000.00. As a result, total administrative expenses for calendar year 2014 are estimated to be \$49,000.00.

Contingency

A contingency, equal to approximately 2.9 percent of annual debt service, has been added in the event of special assessment delinquencies or unanticipated administrative expenses.

Reserve Fund Investment Income

As of July 31, 2013, the Reserve Fund balance was \$872,209.13, which is equal to the reserve requirement of \$872,200.00 and \$9.13 of investment income that has posted to the fund. The investment income currently held in the Reserve Fund will be used to pay debt service on November 1, 2013. Proceeds in the Reserve Fund are currently earning less than 0.01 percent per annum. It is anticipated that there will be an unscheduled draw on the Reserve Fund to pay debt service on November 1, 2013, which is expected to reduce the balance in the Reserve Fund below the reserve requirement. As a result, any investment income earned on the Reserve Fund through October 31, 2013 will be used to replenish the Reserve Fund.

CALCULATION OF THE ANNUAL CREDIT

The Annual Credit for each year is equal to the Annual Assessment less the Annual Revenue Requirement. A summary of the Annual Credit is shown below.

Table C
Annual Credit

	Annual Assessment
Annual Assessment	\$1,842,286
Annual Revenue Requirement	\$1,842,286
Annual Credit	\$0

CALCULATION OF THE ANNUAL PAYMENT

The Annual Payment each year is equal to the Annual Assessment less the Annual Credit. The calculation of the Annual Payment is shown in the following table.

Table D
Annual Payment

	Annual Assessment
Annual Assessment	\$1,842,286
Annual Credit	\$0
Annual Payment	\$1,842,286

ALLOCATION OF THE ANNUAL ASSESSMENT AND ANNUAL PAYMENT

Both the Annual Assessment and Annual Payment are allocated to Parcels in the District pro rata in accordance with each Parcel's Principal Portion of Assessments. Each Parcel's Annual Assessment and Annual Payment are shown on Appendix A-2, attached hereto.

AMENDMENT OF THE ASSESSMENT ROLL

The County Council shall amend the Assessment Roll each year to reflect (i) the current parcels in the district, (ii) the names of the owners of the parcels, (iii) the Assessment for each parcel (including any adjustments to the Assessments), (iv) the Annual Payment to be collected from each parcel for the current year, (v) any changes in the Annual Assessments, (vi) prepayments of the Assessments, and (vii) any other changes to the Assessment Roll.

Reapportionment of Assessments upon the Subdivision of a Parcel

According to the Rate and Method of Apportionment of Assessments, "Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be allocated to each new Parcel in proportion to the Equivalent Acres of each Parcel and the Assessment for the undivided Parcel prior to the subdivision. The allocation of the Assessment shall be made pursuant to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Assessment of the new Parcel;
- B = the Assessment of the subdivided Parcel prior to the subdivision;
- C = the Equivalent Acres of the new Parcel; and
- D = the sum of the Equivalent Acres for all of the new Parcels that result from the subdivision."

According to the Rate and Method of Apportionment of Assessments, Equivalent Acres are calculated by multiplying the estimated Net Acres by the appropriate factor. The appropriate factor to use is determined by the Class of the acreage. The Class of the acreage is determined by the expected use of the acreage (either retail, residential or office). This approach allows the assessment allocation to be based on "the value of the improvements contributed to each class of property," as explained in the March 29, 2004 Assessment Report. This approach is consistent with how the Assessments were initially allocated.

This report has been prepared to record the allocation of the Assessments pursuant to the formula and calculation of Equivalent Acres described above for the subdivisions described below.

Subdivision of Parcel R22900 02 05

Real property Parcel R22900 02 05 has been subdivided into the new Parcels shown in Table E below, including the remaining portion of Parcel R22900 02 05. The gross acres, the estimated Net Acres and the Equivalent Acres for each of the real property Parcels (post subdivision) are reflected in Table E. The gross acres, the estimated Net Acres and the Equivalent Acres for each of the real property Parcels (post subdivision) have been estimated by MuniCap (the Administrator) in accordance with the Rate and Method of Apportionment of Assessments and are based on information provided by the master developer (Village at Sandhill, LLC) and the County.

Table E
Parcels Resulting from the Subdivision of Parcel R22900 02 05

Parcel Identification	Gross Acres	Estimated Net Acres	Class	Factor	Equivalent Acres	Percent of Total Equivalent Acres
R22900 02 05	2.870	2.870	1	1.00	2.870	29.0%
R22900 02 52	0.270	0.270	1	1.00	0.270	2.7%
R22900 02 53	0.710	0.710	1	1.00	0.710	7.2%
R22900 02 54	0.700	0.700	1	1.00	0.700	7.1%
R22900 02 55	0.680	0.680	1	1.00	0.680	6.9%
R22900 02 56	0.390	0.390	1	1.00	0.390	3.9%
R22900 02 57	1.490	1.490	1	1.00	1.490	15.1%
R22900 02 58	3.770	2.770	1	1.00	2.770	28.0%
	10.880	9.880			9.880	100.0%

The Assessments on Parcel R22900 02 05 prior to the subdivisions shown above are shown in Table F. The dollar amounts shown in Table F exclude the outstanding 2012-2013 Annual Payment for this Parcel.

Table F
Assessment on Parcel R22900 02 05 Prior to Subdivision

Parcel Identification	Principal Portion of Assessments¹	Total Assessments¹
R22900 02 05	\$862,690.97	\$1,736,017.47

1 - Excludes the outstanding 2012-2013 Annual Payment.

In accordance with formula shown above, the Assessments and the Principal Portion of the Assessments from prior Parcel R22900 02 05 have been allocated as shown in Table G. The dollar amounts shown in Table G exclude the outstanding 2012-2013 Annual Payment previously apportioned to Parcel R22900 02 05, which is further described below.

Table G
Assessments After the Subdivision of Parcel R22900 02 05

Parcel Identification	Equivalent Acres	Percent of Total Equivalent Acres	Principal Portion of Assessments¹	Total Assessments¹
R22900 02 05	2.870	29.0%	\$250,599.50	\$504,288.48
R22900 02 52	0.270	2.7%	\$23,575.56	\$47,441.77
R22900 02 53	0.710	7.2%	\$61,995.00	\$124,754.29
R22900 02 54	0.700	7.1%	\$61,121.83	\$122,997.19
R22900 02 55	0.680	6.9%	\$59,375.49	\$119,482.98
R22900 02 56	0.390	3.9%	\$34,053.59	\$68,527.01
R22900 02 57	1.490	15.1%	\$130,102.18	\$261,808.30
R22900 02 58	2.770	28.0%	\$241,867.81	\$486,717.45
	9.880	100.0%	\$862,690.97	\$1,736,017.47

1 - Excludes the outstanding 2012-2013 Annual Payment previously allocated to R22900 02 05.

As of August 22, 2013, the previously allocated Annual Payment of \$19,032.59 for Parcel R22900 02 05 remains outstanding. Table H below shows the allocation of this outstanding Annual Payment as a result of the subdivisions described above.

Table H
Allocation of Parcel R22900 02 05's Outstanding 2012-2013 Annual Payment

Parcel Identification	Equivalent Acres	% of Total Equivalent Acres	Outstanding 2012-2013 Annual Payment	Principal Portion of Assessments within Outstanding 2012-2013 Annual Payment
R22900 02 05	2.870	29.0%	\$5,528.70	\$1,238.33
R22900 02 52	0.270	2.7%	\$520.12	\$116.50
R22900 02 53	0.710	7.2%	\$1,367.73	\$306.35
R22900 02 54	0.700	7.1%	\$1,348.46	\$302.03
R22900 02 55	0.680	6.9%	\$1,309.94	\$293.40
R22900 02 56	0.390	3.9%	\$751.29	\$168.28
R22900 02 57	1.490	15.1%	\$2,870.30	\$642.90
R22900 02 58	2.770	28.0%	\$5,336.06	\$1,195.19
	9.880	100.0%	\$19,032.59	\$4,262.97

Subdivision of Parcel R22900 02 09A

Real property Parcel R22900 02 09A has been subdivided into the new Parcels shown in Table I below, including the remaining portion of R22900 02 09A. The gross acres, the estimated Net Acres and the Equivalent Acres for each of the real property Parcels (post subdivision) are reflected in Table I. The gross acres, the estimated Net Acres and the Equivalent Acres for each of the real property Parcels (post subdivision) have been estimated by MuniCap (the Administrator) in

accordance with the Rate and Method of Apportionment of Assessments and are based on information provided by the master developer (Village at Sandhill, LLC) and the County.

Table I
Parcels Resulting from the Subdivision of Parcel R22900 02 09A

Parcel Identification	Gross Acres	Estimated Net Acres	Class	Factor	Equivalent Acres	Percent of Total Equivalent Acres
R22900 02 09A		0.000	1	1.00	0.000	
R22900 02 09A		23.465	2	0.58	13.610	
R22900 02 09A		52.150	3	0.55	28.683	
Total for R22900 02 09A	92.450	75.616			42.292	86.8%
R22900 02 46	2.610	2.610	2	0.58	1.514	3.1%
R22900 02 47	1.950	1.530	1	1.00	1.530	3.1%
R22900 02 48	0.210	0.000			0.000	0.0%
R22900 02 49	0.090	0.000			0.000	0.0%
R22900 02 50	0.890	0.890	1	1.00	0.890	1.8%
R22900 02 51	2.500	2.500	1	1.00	2.500	5.1%
	100.700	83.146			48.726	100.0%

The Assessments on Parcel R22900 02 09A prior to the subdivisions shown above are shown in Table J. The dollar amounts shown in Table J exclude the outstanding 2012-2013 Annual Payment for this Parcel.

Table J
Assessment on Parcel R22900 02 09A Prior to Subdivision

Parcel Identification	Principal Portion of Assessments¹	Total Assessments¹
R22900 02 09A	\$4,328,996.65	\$8,711,362.53

1 - Excludes the outstanding 2012-2013 Annual Payment.

In accordance with formula shown above, the Assessments and the Principal Portion of the Assessments from prior Parcel R22900 02 09A have been allocated as shown in Table K. The dollar amounts shown in Table K exclude the outstanding 2012-2013 Annual Payment previously apportioned to Parcel R22900 02 09A, which is further described below.

Table K
Assessments After the Subdivision of Parcel R22900 02 09A

Parcel Identification	Equivalent Acres	Percent of Total Equivalent Acres	Principal Portion of Assessments¹	Total Assessments¹
R22900 02 09A	42.292	86.8%	\$3,757,397.53	\$7,561,117.44
R22900 02 46	1.514	3.1%	\$134,490.77	\$270,639.59
R22900 02 47	1.530	3.1%	\$135,930.03	\$273,535.86
R22900 02 48	0.000	0.0%	\$0.00	\$0.00
R22900 02 49	0.000	0.0%	\$0.00	\$0.00
R22900 02 50	0.890	1.8%	\$79,070.41	\$159,115.63
R22900 02 51	2.500	5.1%	\$222,107.90	\$446,954.01
	48.726	100.0%	\$4,328,996.65	\$8,711,362.53

1 - Excludes the outstanding 2012-2013 Annual Payment previously allocated to Parcel R22900 02 09A.

As of August 22, 2013, the previously allocated Annual Payment of \$379,147.97 for Parcel R22900 02 09A remains outstanding. Table L below shows the allocation of this outstanding Annual Payment as a result of the subdivisions described above.

Table L
Allocation of Parcel R22900 02 09A's Outstanding 2012-2013 Annual Payment

Parcel Identification	Equivalent Acres	Percent of Total Equivalent Acres	Outstanding 2012-2013 Annual Payment	Principal Portion of Assessments within Outstanding 2012-2013 Annual Payment
R22900 02 09A	42.292	86.8%	\$329,085.42	\$73,709.46
R22900 02 46	1.514	3.1%	\$11,779.15	\$2,638.33
R22900 02 47	1.530	3.1%	\$11,905.21	\$2,666.56
R22900 02 48	0.000	0.0%	\$0.00	\$0.00
R22900 02 49	0.000	0.0%	\$0.00	\$0.00
R22900 02 50	0.890	1.8%	\$6,925.25	\$1,551.14
R22900 02 51	2.500	5.1%	\$19,452.95	\$4,357.13
	48.726	100.0%	\$379,147.97	\$84,922.61

Assessment Prepayments

No additional prepayments of Assessments have occurred since the last Assessment Roll.

SUMMARY

The current parcels in the district, the names of the owners of those parcels, the Assessment for each parcel (including the adjustments to the Assessments), the Annual Payment to be collected from each parcel for the 2013-2014 assessment year, the changes in the Annual Assessments, the effect of any prepayments of the Assessments are shown in the Annual Assessment Roll, as amended, in Appendices A-1 and A-2 attached hereto.

In order to comply with the County's billing requirements, the Annual Payment on each Parcel has been rounded to the nearest cent. As a result of rounding, the aggregate Annual Payment billed to all Parcels for the 2013-2014 assessment year equals \$1,842,286.08.

Appendix A-1

ASSESSMENT ROLL
ANNUAL ASSESSMENTS

Village of Sandhill Improvement District
Richland County, South Carolina

Bond Year Ending Nov 1,	Principal	Interest and Administrative Expenses	Annual Assessment	Annual Credit	Annual Payment
2004	\$0	\$1,008,472	\$1,008,472	\$1,008,472	\$0
2005	\$0	\$1,650,000	\$1,650,000	\$1,595,000	\$55,000
2006	\$0	\$1,555,450	\$1,555,450	\$95,450	\$1,460,000
2007	\$286,000	\$1,555,450	\$1,841,450	\$141,450	\$1,700,000
2008	\$305,000	\$1,537,718	\$1,842,718	\$142,718	\$1,700,000
2009	\$324,000	\$1,518,808	\$1,842,808	\$92,808	\$1,750,000
2010	\$343,000	\$1,498,720	\$1,841,720	\$51,720	\$1,790,000
2011	\$366,000	\$1,477,454	\$1,843,454	\$18,454	\$1,825,000
2012	\$385,000	\$1,454,762	\$1,839,762	\$0	\$1,839,762
2013	\$413,000	\$1,430,892	\$1,843,892	\$0	\$1,843,892
2014	\$437,000	\$1,405,286	\$1,842,286	\$0	\$1,842,286
2015	\$465,000	\$1,378,192	\$1,843,192		
2016	\$493,000	\$1,349,362	\$1,842,362		
2017	\$521,000	\$1,318,796	\$1,839,796		
2018	\$554,000	\$1,286,494	\$1,840,494		
2019	\$592,000	\$1,252,146	\$1,844,146		
2020	\$624,000	\$1,215,442	\$1,839,442		
2021	\$667,000	\$1,176,754	\$1,843,754		
2022	\$709,000	\$1,135,400	\$1,844,400		
2023	\$751,000	\$1,091,442	\$1,842,442		
2024	\$798,000	\$1,044,880	\$1,842,880		
2025	\$845,000	\$995,404	\$1,840,404		
2026	\$897,000	\$943,014	\$1,840,014		
2027	\$953,000	\$887,400	\$1,840,400		
2028	\$1,014,000	\$828,314	\$1,842,314		
2029	\$1,075,000	\$765,446	\$1,840,446		
2030	\$1,141,000	\$698,796	\$1,839,796		
2031	\$1,216,000	\$628,054	\$1,844,054		
2032	\$1,291,000	\$552,662	\$1,843,662		
2033	\$1,371,000	\$472,620	\$1,843,620		
2034	\$1,455,000	\$387,618	\$1,842,618		
2035	\$1,545,000	\$297,408	\$1,842,408		
2036	\$1,639,000	\$201,618	\$1,840,618		
Total	\$23,475,000	\$36,000,274	\$59,475,274	\$3,146,072	\$15,805,940

Village at Sandhill Improvement District

Appendix A-2

August 22, 2013 Special Assessment Roll

Tax Account Number	Owner	Total Assessment ¹	Principal Portion of Assessment ²	2013-2014 Annual Assessment	2013-2014 Annual Payment
R22900-02-05	Village at Sandhill, LLC	\$509,817.17	\$251,837.84	\$21,929.22	\$21,929.22
R22900-02-06	Plex Indoor Sports, LLC	\$1,569,004.00	\$779,695.83	\$68,228.88	\$68,228.88
R22900-02-07	Village at Sandhill, LLC	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-08	Regal Cinemas, Inc.	\$1,612,926.35	\$801,522.46	\$70,138.87	\$70,138.87
R22900-02-09A	Village at Sandhill, LLC	\$7,890,202.86	\$3,831,106.99	\$328,798.79	\$328,798.79
R22900-02-09B	Village at Sandhill, LLC	\$671,035.93	\$333,462.45	\$29,180.32	\$29,180.32
R22900-02-10	HD Development of Maryland, Inc.	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-11	Vas Outparcels, LLC	\$475,825.48	\$236,455.19	\$20,691.50	\$20,691.50
R22900-02-12	Vas Outparcels, LLC	\$456,304.43	\$226,754.46	\$19,842.62	\$19,842.62
R22900-02-13	MSCI 2006 HQ10 Forum Dr LLC	\$2,637,781.21	\$1,310,810.56	\$114,705.17	\$114,705.17
R22900-02-14	MSCI 2006 HQ10 Forum Dr LLC	\$1,183,463.36	\$588,106.50	\$51,463.47	\$51,463.47
R22900-02-15	Vas Town Center I, LLC	\$934,570.03	\$464,422.24	\$40,640.22	\$40,640.22
R22900-02-16	Vas Town Center I, LLC	\$1,493,359.94	\$742,105.52	\$64,939.47	\$64,939.47
R22900-02-17	Vas Town Center I, LLC	\$500,226.78	\$248,581.10	\$21,752.60	\$21,752.60
R22900-02-18	Vas Town Center I, LLC	\$556,349.78	\$276,470.68	\$24,193.13	\$24,193.13
R22900-02-19	Vas Town Center I, LLC	\$1,000,453.56	\$497,162.19	\$43,505.20	\$43,505.20
R22900-02-20	Vas Town Center I, LLC	\$187,890.06	\$93,369.49	\$8,170.49	\$8,170.49
R22900-02-21A	Vas Town Center I, LLC	\$1,942,343.98	\$965,222.21	\$84,463.75	\$84,463.75
R22900-02-21B	JC Penney Corporation, Inc.	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-22	Vas Town Center I, LLC	\$195,210.45	\$97,007.26	\$8,488.82	\$8,488.82
R22900-02-23	Vas Forum II, LLC	\$1,529,961.90	\$760,294.38	\$66,531.12	\$66,531.12
R22900-02-24	Vas Forum II, LLC	\$419,702.47	\$208,565.60	\$18,250.96	\$18,250.96
R22900-02-26	Richland County	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-27	Vas Outparcels, LLC	\$419,702.47	\$208,565.60	\$18,250.96	\$18,250.96
R22900-02-28	Vas Outparcels, LLC	\$336,738.03	\$167,337.52	\$14,643.21	\$14,643.21
R22900-02-33	Vas Outparcels II, LLC	\$522,187.95	\$259,494.41	\$22,707.59	\$22,707.59
R22900-02-34	Providential Real Estate LLC	\$143,967.71	\$71,542.85	\$6,260.50	\$6,260.50
R22900-02-35	Academy Ltd	\$1,493,359.94	\$742,105.52	\$64,939.47	\$64,939.47
R22900-02-36	Village at Sandhill Property Owners Ass.	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-37	Village at Sandhill, LLC	\$854,593.78	\$414,950.07	\$35,612.44	\$35,612.44
R22900-02-38	Village at Sandhill, LLC	\$3,220,662.31	\$1,567,718.26	\$134,834.91	\$134,834.91
R22900-02-39	Village at Sandhill, LLC	\$905,787.41	\$439,807.26	\$37,745.77	\$37,745.77
R22900-02-40	Village at Sandhill, LLC	\$50,920.21	\$25,153.40	\$2,190.28	\$2,190.28
R22900-02-41	TMW and Associates, LLC	\$120,511.17	\$59,529.72	\$5,183.66	\$5,183.66
R22900-02-42	Village at Sandhill, LLC	\$315,705.33	\$155,951.10	\$13,579.72	\$13,579.72
R22900-02-43	Vas Forum II, LLC	\$458,744.55	\$227,967.05	\$19,948.73	\$19,948.73
R22900-02-44	Village at Sandhill Property Owners Ass.	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-45	Village at Sandhill, LLC	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-46	Village at Sandhill, LLC	\$282,418.74	\$137,129.10	\$11,768.89	\$11,768.89
R22900-02-47	Village at Sandhill, LLC	\$285,441.06	\$138,596.59	\$11,894.84	\$11,894.84
R22900-02-48	Village at Sandhill, LLC	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-49	Village at Sandhill, LLC	\$0.00	\$0.00	\$0.00	\$0.00
R22900-02-50	Village at Sandhill, LLC	\$166,040.88	\$80,621.55	\$6,919.22	\$6,919.22
R22900-02-51	Village at Sandhill, LLC	\$466,406.96	\$226,465.02	\$19,436.01	\$19,436.01
R22900-02-52	Village at Sandhill, LLC	\$47,961.89	\$23,692.06	\$2,063.03	\$2,063.03
R22900-02-53	Village at Sandhill, LLC	\$126,122.02	\$62,301.35	\$5,425.00	\$5,425.00
R22900-02-54	Village at Sandhill, LLC	\$124,345.65	\$61,423.86	\$5,348.59	\$5,348.59
R22900-02-55	Village at Sandhill, LLC	\$120,792.92	\$59,668.90	\$5,195.77	\$5,195.77
R22900-02-56	Village at Sandhill, LLC	\$69,278.29	\$34,221.87	\$2,979.93	\$2,979.93
R22900-02-57	Village at Sandhill, LLC	\$264,678.60	\$130,745.08	\$11,384.86	\$11,384.86
R22900-02-58	Village at Sandhill, LLC	\$492,053.51	\$243,063.00	\$21,165.14	\$21,165.14
R22911-01-01	VAS Forum III, LLC	\$361,139.33	\$179,463.43	\$15,704.32	\$15,704.32
R22911-01-02	VAS Forum III, LLC	\$348,938.68	\$173,400.47	\$15,173.76	\$15,173.76
R22982-01-01	Vas Retail Condominium, LLC	\$26,362.51	\$13,100.50	\$1,146.39	\$1,146.39
R22982-01-02	Vas Retail Condominium, LLC	\$27,282.07	\$13,557.47	\$1,186.37	\$1,186.37

Tax Account Number	Owner	Total Assessment ¹	Principal Portion of Assessment ²	2013-2014 Annual Assessment	2013-2014 Annual Payment
R22982-02-01	OWNER'S NAME NOT AVAILABLE	\$2,925.64	\$1,453.86	\$127.22	\$127.22
R22982-02-02	Vas Condominium, LLC	\$2,925.64	\$1,453.86	\$127.22	\$127.22
R22982-02-03	Vas Condominium, LLC	\$2,435.37	\$1,210.23	\$105.90	\$105.90
R22982-02-04	Vas Condominium, LLC	\$2,679.18	\$1,331.38	\$116.51	\$116.51
R22982-02-05	Vas Condominium, LLC	\$2,679.18	\$1,331.38	\$116.51	\$116.51
R22982-02-06	Vas Condominium, LLC	\$2,406.23	\$1,195.74	\$104.64	\$104.64
R22982-02-07	Vas Condominium, LLC	\$2,922.98	\$1,452.54	\$127.11	\$127.11
R22982-02-08	Vas Condominium, LLC	\$3,005.14	\$1,493.36	\$130.68	\$130.68
R22982-02-09	Vas Condominium, LLC	\$3,932.65	\$1,954.28	\$171.01	\$171.01
R22982-02-10	Vas Condominium, LLC	\$2,922.98	\$1,452.54	\$127.11	\$127.11
R22982-02-11	Vas Condominium, LLC	\$2,406.23	\$1,195.74	\$104.64	\$104.64
R22982-02-12	Patterson, Vance M.	\$2,679.18	\$1,331.38	\$116.51	\$116.51
R22982-02-13	Vas Condominium, LLC	\$2,679.18	\$1,331.38	\$116.51	\$116.51
R22982-02-14	Barrett, Raymond A.	\$2,432.73	\$1,208.91	\$105.79	\$105.79
R22982-02-15	Vas Condominium, LLC	\$2,925.64	\$1,453.86	\$127.22	\$127.22
R22982-02-16	Vas Condominium, LLC	\$1,982.23	\$985.04	\$86.20	\$86.20
R22982-03-01	Vas Condominium, LLC	\$2,925.64	\$1,453.86	\$127.22	\$127.22
R22982-03-02	Vas Condominium, LLC	\$2,925.64	\$1,453.86	\$127.22	\$127.22
R22982-03-03	Vas Condominium, LLC	\$2,435.37	\$1,210.23	\$105.90	\$105.90
R22982-03-04	Vas Condominium, LLC	\$2,679.18	\$1,331.38	\$116.51	\$116.51
R22982-03-05	Vas Condominium, LLC	\$2,679.18	\$1,331.38	\$116.51	\$116.51
R22982-03-06	Vas Condominium, LLC	\$2,406.23	\$1,195.74	\$104.64	\$104.64
R22982-03-07	Vas Condominium, LLC	\$2,922.98	\$1,452.54	\$127.11	\$127.11
R22982-03-08	MPLV, LLC	\$3,005.14	\$1,493.36	\$130.68	\$130.68
R22982-03-09	Vas Condominium, LLC	\$3,932.65	\$1,954.28	\$171.01	\$171.01
R22982-03-10	Vas Condominium, LLC	\$2,922.98	\$1,452.54	\$127.11	\$127.11
R22982-03-11	Samchynskyy, Sergiy & Yuliya Besarab	\$2,406.23	\$1,195.74	\$104.64	\$104.64
R22982-03-12	Vas Condominium, LLC	\$2,679.18	\$1,331.38	\$116.51	\$116.51
R22982-03-13	Vas Condominium, LLC	\$2,679.18	\$1,331.38	\$116.51	\$116.51
R22982-03-14	Vas Condominium, LLC	\$2,435.37	\$1,210.23	\$105.90	\$105.90
R22982-03-15	Vas Condominium, LLC	\$2,925.64	\$1,453.86	\$127.22	\$127.22
R22982-03-16	Vas Scu, LLC	\$1,982.23	\$985.04	\$86.20	\$86.20
R22982-04-01	Vas Retail Condominium, LLC	\$27,457.62	\$13,644.70	\$1,194.01	\$1,194.01
R22982-04-02	Vas Retail Condominium, LLC	\$24,204.21	\$12,027.96	\$1,052.53	\$1,052.53
R22982-05-01	Vas Condominium, LLC	\$2,990.65	\$1,486.16	\$130.05	\$130.05
R22982-05-02	Vas Condominium, LLC	\$2,990.65	\$1,486.16	\$130.05	\$130.05
R22982-05-03	Vas Condominium, LLC	\$2,489.50	\$1,237.12	\$108.26	\$108.26
R22982-05-04	Vas Condominium, LLC	\$2,738.72	\$1,360.97	\$119.09	\$119.09
R22982-05-05	Vas Condominium, LLC	\$2,738.72	\$1,360.97	\$119.09	\$119.09
R22982-05-06	Vas Condominium, LLC	\$2,459.70	\$1,222.32	\$106.96	\$106.96
R22982-05-07	Vas Condominium, LLC	\$2,987.94	\$1,484.82	\$129.93	\$129.93
R22982-05-08	Vas Condominium, LLC	\$3,071.92	\$1,526.55	\$133.58	\$133.58
R22982-05-09	Vas Condominium, LLC	\$4,047.13	\$2,011.17	\$175.99	\$175.99
R22982-05-10	Vas Condominium, LLC	\$2,987.94	\$1,484.82	\$129.93	\$129.93
R22982-05-11	Vas Condominium, LLC	\$2,459.70	\$1,222.32	\$106.96	\$106.96
R22982-05-12	Vas Condominium, LLC	\$2,738.72	\$1,360.97	\$119.09	\$119.09
R22982-05-13	Vas Condominium, LLC	\$2,738.72	\$1,360.97	\$119.09	\$119.09
R22982-05-14	Vas Condominium, LLC	\$2,489.50	\$1,237.12	\$108.26	\$108.26
R22982-05-15	Vas Condominium, LLC	\$2,990.65	\$1,486.16	\$130.05	\$130.05
R22982-05-16	Vas Condominium, LLC	\$2,026.27	\$1,006.93	\$88.11	\$88.11
R22982-06-01	Vas Condominium, LLC	\$2,990.65	\$1,486.16	\$130.05	\$130.05
R22982-06-02	Vas Condominium, LLC	\$2,990.65	\$1,486.16	\$130.05	\$130.05
R22982-06-03	Vas Condominium, LLC	\$2,489.50	\$1,237.12	\$108.26	\$108.26
R22982-06-04	Vas Condominium, LLC	\$2,738.72	\$1,360.97	\$119.09	\$119.09
R22982-06-05	Vas Condominium, LLC	\$2,738.72	\$1,360.97	\$119.09	\$119.09
R22982-06-06	Vas Condominium, LLC	\$2,459.70	\$1,222.32	\$106.96	\$106.96
R22982-06-07	Vas Condominium, LLC	\$2,987.94	\$1,484.82	\$129.93	\$129.93
R22982-06-08	Vas Condominium, LLC	\$3,071.92	\$1,526.55	\$133.58	\$133.58
R22982-06-09	Vas Condominium, LLC	\$4,020.03	\$1,997.71	\$174.81	\$174.81
R22982-06-10	Vas Condominium, LLC	\$2,987.94	\$1,484.82	\$129.93	\$129.93

Tax Account Number	Owner	Total Assessment ¹	Principal Portion of Assessment ²	2013-2014 Annual Assessment	2013-2014 Annual Payment
R22982-06-11	Vas Condominium, LLC	\$2,459.70	\$1,222.32	\$106.96	\$106.96
R22982-06-12	Vas Condominium, LLC	\$2,738.72	\$1,360.97	\$119.09	\$119.09
R22982-06-13	Vas Condominium, LLC	\$2,738.72	\$1,360.97	\$119.09	\$119.09
R22982-06-14	Vas Condominium, LLC	\$2,489.50	\$1,237.12	\$108.26	\$108.26
R22982-06-15	Vas Condominium, LLC	\$2,990.65	\$1,486.16	\$130.05	\$130.05
R22982-06-16	Vas Condominium, LLC	\$2,026.27	\$1,006.93	\$88.11	\$88.11
R22982-07-01	Vas Retail Condominium, LLC	\$17,806.94	\$8,848.92	\$774.34	\$774.34
R22982-07-02	Vas Retail Condominium, LLC	\$16,624.75	\$8,261.45	\$722.94	\$722.94
R22982-08-01	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-08-02	Vas Condominium, LLC	\$2,245.58	\$1,115.91	\$97.65	\$97.65
R22982-08-03	Vas Condominium, LLC	\$1,902.25	\$945.30	\$82.72	\$82.72
R22982-08-04	Vas Condominium, LLC	\$2,072.99	\$1,030.15	\$90.15	\$90.15
R22982-08-05	Vas Condominium, LLC	\$2,072.99	\$1,030.15	\$90.15	\$90.15
R22982-08-06	Vas Condominium, LLC	\$1,878.13	\$933.31	\$81.67	\$81.67
R22982-08-07	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-08-08	Vas Condominium, LLC	\$2,293.83	\$1,139.89	\$99.75	\$99.75
R22982-08-09	Vas Condominium, LLC	\$2,991.64	\$1,486.66	\$130.09	\$130.09
R22982-08-10	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-08-11	Vas Condominium, LLC	\$1,878.13	\$933.31	\$81.67	\$81.67
R22982-08-12	Vas Condominium, LLC	\$2,072.99	\$1,030.15	\$90.15	\$90.15
R22982-08-13	Vas Condominium, LLC	\$2,072.99	\$1,030.15	\$90.15	\$90.15
R22982-08-14	Vas Condominium, LLC	\$1,902.25	\$945.30	\$82.72	\$82.72
R22982-08-15	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-08-16	Vas Condominium, LLC	\$1,583.04	\$786.67	\$68.84	\$68.84
R22982-09-01	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-09-02	Vas Condominium, LLC	\$2,245.58	\$1,115.91	\$97.65	\$97.65
R22982-09-03	Vas Condominium, LLC	\$1,902.25	\$945.30	\$82.72	\$82.72
R22982-09-04	Vas Condominium, LLC	\$2,072.99	\$1,030.15	\$90.15	\$90.15
R22982-09-05	Vas Condominium, LLC	\$2,072.99	\$1,030.15	\$90.15	\$90.15
R22982-09-06	Vas Condominium, LLC	\$1,878.13	\$933.31	\$81.67	\$81.67
R22982-09-07	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-09-08	Vas Condominium, LLC	\$2,293.83	\$1,139.89	\$99.75	\$99.75
R22982-09-09	Vas Condominium, LLC	\$2,991.64	\$1,486.66	\$130.09	\$130.09
R22982-09-10	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-09-11	Vas Condominium, LLC	\$1,878.13	\$933.31	\$81.67	\$81.67
R22982-09-12	Vas Condominium, LLC	\$2,072.99	\$1,030.15	\$90.15	\$90.15
R22982-09-13	Vas Condominium, LLC	\$2,072.99	\$1,030.15	\$90.15	\$90.15
R22982-09-14	Vas Condominium, LLC	\$1,902.25	\$945.30	\$82.72	\$82.72
R22982-09-15	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-09-16	Vas Condominium, LLC	\$1,583.04	\$786.67	\$68.84	\$68.84
R22982-10-01	Vas Condominium, LLC	\$2,230.74	\$1,108.54	\$97.00	\$97.00
R22982-10-02	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-10-03	Vas Condominium, LLC	\$1,902.25	\$945.30	\$82.72	\$82.72
R22982-10-04	Vas Condominium, LLC	\$2,898.84	\$1,440.54	\$126.06	\$126.06
R22982-10-05	Vas Condominium, LLC	\$2,898.84	\$1,440.54	\$126.06	\$126.06
R22982-10-06	Vas Condominium, LLC	\$1,878.13	\$933.31	\$81.67	\$81.67
R22982-10-07	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-10-08	Vas Condominium, LLC	\$3,281.15	\$1,630.53	\$142.68	\$142.68
R22982-10-09	Vas Condominium, LLC	\$4,142.27	\$2,058.45	\$180.13	\$180.13
R22982-10-10	Vas Condominium, LLC	\$2,230.74	\$1,108.54	\$97.00	\$97.00
R22982-10-11	Vas Condominium, LLC	\$1,878.13	\$933.31	\$81.67	\$81.67
R22982-10-12	Vas Condominium, LLC	\$2,889.57	\$1,435.93	\$125.65	\$125.65
R22982-10-13	Vas Condominium, LLC	\$2,889.57	\$1,435.93	\$125.65	\$125.65
R22982-10-14	Vas Condominium, LLC	\$1,902.25	\$945.30	\$82.72	\$82.72
R22982-10-15	Vas Condominium, LLC	\$2,232.59	\$1,109.46	\$97.09	\$97.09
R22982-10-16	Vas Condominium, LLC	\$1,581.19	\$785.75	\$68.76	\$68.76
R22982-11-01	Vas Retail Condominium, LLC	\$16,967.39	\$8,431.72	\$737.84	\$737.84
R22982-11-02	Vas Retail Condominium, LLC	\$16,737.57	\$8,317.51	\$727.84	\$727.84
R22982-12-01	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-12-02	Vas Condominium, LLC	\$2,260.82	\$1,123.49	\$98.31	\$98.31

Tax Account Number	Owner	Total Assessment ¹	Principal Portion of Assessment ²	2013-2014 Annual Assessment	2013-2014 Annual Payment
R22982-12-03	Vas Condominium, LLC	\$1,915.17	\$951.71	\$83.28	\$83.28
R22982-12-04	Vas Condominium, LLC	\$2,087.05	\$1,037.14	\$90.76	\$90.76
R22982-12-05	Vas Condominium, LLC	\$2,087.05	\$1,037.14	\$90.76	\$90.76
R22982-12-06	Vas Condominium, LLC	\$1,890.87	\$939.64	\$82.23	\$82.23
R22982-12-07	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-12-08	Vas Condominium, LLC	\$2,309.41	\$1,147.63	\$100.43	\$100.43
R22982-12-09	Vas Condominium, LLC	\$3,011.94	\$1,496.74	\$130.98	\$130.98
R22982-12-10	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-12-11	Vas Condominium, LLC	\$1,890.87	\$939.64	\$82.23	\$82.23
R22982-12-12	Vas Condominium, LLC	\$2,087.05	\$1,037.14	\$90.76	\$90.76
R22982-12-13	Vas Condominium, LLC	\$2,087.05	\$1,037.14	\$90.76	\$90.76
R22982-12-14	Vas Condominium, LLC	\$1,915.17	\$951.71	\$83.28	\$83.28
R22982-12-15	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-12-16	Vas Condominium, LLC	\$1,593.78	\$792.01	\$69.31	\$69.31
R22982-13-01	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-13-02	Vas Condominium, LLC	\$2,260.82	\$1,123.49	\$98.31	\$98.31
R22982-13-03	Vas Condominium, LLC	\$1,915.17	\$951.71	\$83.28	\$83.28
R22982-13-04	Vas Condominium, LLC	\$2,087.05	\$1,037.14	\$90.76	\$90.76
R22982-13-05	Vas Condominium, LLC	\$2,087.05	\$1,037.14	\$90.76	\$90.76
R22982-13-06	Vas Condominium, LLC	\$1,890.87	\$939.64	\$82.23	\$82.23
R22982-13-07	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-13-08	Vas Condominium, LLC	\$2,309.41	\$1,147.63	\$100.43	\$100.43
R22982-13-09	Vas Condominium, LLC	\$3,011.94	\$1,496.74	\$130.98	\$130.98
R22982-13-10	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-13-11	Vas Condominium, LLC	\$1,890.87	\$939.64	\$82.23	\$82.23
R22982-13-12	Vas Condominium, LLC	\$2,087.05	\$1,037.14	\$90.76	\$90.76
R22982-13-13	Vas Condominium, LLC	\$2,087.05	\$1,037.14	\$90.76	\$90.76
R22982-13-14	Vas Condominium, LLC	\$1,915.17	\$951.71	\$83.28	\$83.28
R22982-13-15	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-13-16	Vas Condominium, LLC	\$1,593.78	\$792.01	\$69.31	\$69.31
R22982-14-01	Vas Condominium, LLC	\$2,245.87	\$1,116.06	\$97.66	\$97.66
R22982-14-02	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-14-03	Vas Condominium, LLC	\$1,915.17	\$951.71	\$83.28	\$83.28
R22982-14-04	Vas Condominium, LLC	\$2,918.52	\$1,450.32	\$126.91	\$126.91
R22982-14-05	Vas Condominium, LLC	\$2,918.52	\$1,450.32	\$126.91	\$126.91
R22982-14-06	Vas Condominium, LLC	\$1,890.87	\$939.64	\$82.23	\$82.23
R22982-14-07	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-14-08	Vas Condominium, LLC	\$3,303.41	\$1,641.59	\$143.65	\$143.65
R22982-14-09	Vas Condominium, LLC	\$4,170.38	\$2,072.41	\$181.35	\$181.35
R22982-14-10	Vas Condominium, LLC	\$2,245.87	\$1,116.06	\$97.66	\$97.66
R22982-14-11	Vas Condominium, LLC	\$1,890.87	\$939.64	\$82.23	\$82.23
R22982-14-12	Vas Condominium, LLC	\$2,909.17	\$1,445.68	\$126.51	\$126.51
R22982-14-13	Vas Condominium, LLC	\$2,909.17	\$1,445.68	\$126.51	\$126.51
R22982-14-14	Vas Condominium, LLC	\$1,915.17	\$951.71	\$83.28	\$83.28
R22982-14-15	Vas Condominium, LLC	\$2,247.74	\$1,116.99	\$97.74	\$97.74
R22982-14-16	Vas Condominium, LLC	\$1,591.91	\$791.08	\$69.23	\$69.23
R23000-05-01	First Citizens Bank & Trust	\$402,621.56	\$200,077.47	\$17,508.19	\$17,508.19
R23000-05-02	Vas Marketplace, LLC	\$2,972,079.11	\$1,476,935.49	\$129,242.27	\$129,242.27
R23000-05-03	Village at Sandhill, LLC	\$302,576.20	\$150,361.25	\$13,157.67	\$13,157.67
R23000-05-04	Village at Sandhill, LLC	\$90,284.83	\$44,865.86	\$3,926.08	\$3,926.08
R23000-05-05	Vas Outparcels, LLC	\$561,230.05	\$278,895.86	\$24,405.36	\$24,405.36
R23000-05-06	Vas Outparcels, LLC	\$302,576.20	\$150,361.25	\$13,157.67	\$13,157.67
	Total	\$42,962,407.38	\$21,186,686.21	\$1,842,286.00	\$1,842,286.00

¹ Includes the outstanding 2012-2013 Annual Payment for certain parcels.

² Includes the Principal Portion of Assessments from the outstanding 2012-2013 Annual Payment for certain parcels.

**NO-DEFAULT CERTIFICATE OF
RICHLAND COUNTY, SOUTH CAROLINA
REQUIRED BY SECTION 808(b) OF
THE MASTER TRUST INDENTURE**

I, the undersigned County Administrator of Richland County, South Carolina (the “*County*”), as an “Authorized Officer” under that certain Master Trust Indenture dated as of March 1, 2004 (the “*Master Indenture*”) between the County, as issuer, and Regions Bank, as trustee (the “*Trustee*”) relating to the Village at Sandhill, **HEREBY CERTIFIES** that, to the best of my knowledge, the County is not in default with respect to any of the covenants, agreements or conditions on its part contained in the Master Indenture and in that certain First Supplemental Trust Indenture dated as of March 1, 2004 (the “*First Supplement*”) between the County and the Trustee relating to the Village at Sandhill Improvement District.

W. Anthony McDonald
County Administrator
Richland County, South Carolina

September __, 2013

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 219-226]**

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

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

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

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

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

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

Yes _____ No ✓ _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No ✓ _____

If so, describe: _____

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

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

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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: _____

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.

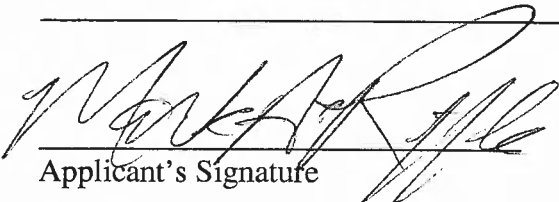
Yes _____ No _____


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

Hospitality Tax Committee-2; there are two vacancies on this committee; applications were received from the following: **[PAGES 227-233]**

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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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.

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

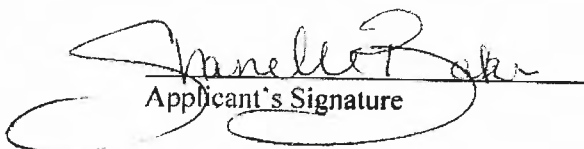
Yes _____ No

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No

If so, describe: _____


Applicant's Signature

6/28/2013
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: JSSWA426287

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

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.

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

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

Yes _____ No X

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No X

If so, describe: _____

Robert 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: _____

Richland County Council Request of Action

Subject

Midlands Workforce Development Board-8, for the following positions: **[PAGES 234-247]**

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.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

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

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.

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

Michael Ray
Applicant's Signature

6/14/13
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-5060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: ERRY 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:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-5060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

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

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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:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-5060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

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

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]**

Richland County Council Request of Action

Subject

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]**

Richland County Council Request of Action

Subject

REPORT OF THE HOSPITALITY TAX REVIEW COMMITTEE: [PAGES 251-262]

- a. Move that Council appropriate an amount no less than \$100,000 of the Hospitality Tax Non-Recurring funds portion of the Hospitality Tax budget for EdVenture. The final amount to be determined following Council debate on the matter.
- b. Review of the May 13, 2013 Hospitality Tax Committee Memo **[PAGE 253]**
- c. Review of the Current Hospitality Tax Guidelines **[PAGES 254-260]**
- d. Development of Criteria to Measure Accountability for Oversight Purposes **[PAGES 262-262]**
- e. Adding New Ordinance Agencies
 1. Township
 2. Renaissance Foundation
- f. Create a New Funding Category under Community Promotions to be titled "Special County Promotions". Place organizations that annual receive additional funding through the motions process out the competitive cycle since Council is providing additional funding for these organizations would receive base funding each year at the previous FY level with any funding increases based on CPI. The following organizations will be placed: Olive Branch Network of South Carolina, South East Rural Community Outreach (SERCO)
- g. Feasibility Studies Update

RICHLAND COUNTY COUNCIL



HOSPITALITY TAX REVIEW COMMITTEE

Damon Jeter
District 3

Greg Pearce
District 6

Torrey Rush
District 7

Jim Manning
District 8

Norman Jackson
District 11

AMENDED

Monday, September 16, 2013

12:00 PM

Admin Conference Room

- I. Call to Order**
- II. Presentation by EdVenture (Next Generation Exhibit Capital Funding)**
- III. Move that Council appropriate an amount no less than \$100,000 of the Hospitality Tax Non-Recurring funds portion of the Hospitality Tax budget for EdVenture. The final amount to be determined following Council debate on the matter.**
- IV. Review of the May 13, 2013 Hospitality Tax Committee Memo [Page 3]**
- V. Review of the Current Hospitality Tax Guidelines [Pages 4-10]**
- VI. Development of Criteria to Measure Accountability for Oversight Purposes [Pages 11-12]**
- VII. Adding New Ordinance Agencies**
 - a. Township**
 - b. Renaissance Foundation**
- VIII. Create a New Funding Category under Community Promotions to be titled "Special County Promotions". Place organizations that annual receive additional funding through the motions process out the competitive cycle since Council is providing additional funding for these organizations every year. These organizations would receive base funding each year at the previous FY level with**

RICHLAND COUNTY COUNCIL



HOSPITALITY TAX REVIEW COMMITTEE

**any funding increases based on CPI. The following organizations will be placed:
Olive Branch Network of South Carolina, South East Rural Community
Outreach (SERCO)**

IX. Feasibility Studies Update

X. Other Items

XI. Schedule Next Meeting

XII. Adjournment

****Special Accommodations & 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.



Memo

May 13, 2013

To: Richland County Council

From: Hospitality Tax Committee

RE: Recommendations for the Hospitality Tax County Promotions Grant Program

Please accept the following recommendations for the County Promotions grant program. After reviewing the applications and making funding recommendations for the FY14 budget year, the Committee offers the following:

- Increase the amount of funds allocated to the County Promotions (and therefore to the H-Tax Committee for awards) line item. In FY14, the H-Tax grant program received 43 applications requesting a combined \$2.1 million. However, the H-Tax Committee was only allocated \$321,650 to make recommendations against requests almost 6 times as large.
- Related, take organizations that annually receive additional funding through the motion process out of the competitive cycle as they are funded each year through a motion during the budget (e.g. SERCO, Sweet Potato Festival). The \$30,000+ funds in Committee recommendations allocated to these organizations could fund other organizations. Council motions and out of cycle funding for projects that have already gone through the grant process could have the unintended effect of undermining the grant process.
- Remove the 25/75% split rule where 25% of the funds are allocated for incorporated programs and 75% are allocated for unincorporated and regional tourism programs. This rule is difficult to work with and Council does not follow this rule when making budget motions.
 - For FY14, 22 applications were received for incorporated programs requesting \$890,935 and \$80,419 was available to allocate for recommendations.
 - On the unincorporated/regional tourism side, 21 applications requesting \$1.2 M were vying for \$241,256.
 - In FY13, County Council allocated an additional \$141,000 in H-Tax funds to incorporated programs through the motion process to organizations who received a Committee recommendation. This number does not include motions provided to organizations that did not apply or programs in the unincorporated areas.
- Allow organizations that operate tourism facilities be allowed to use a portion of H-Tax funds for facility operations and maintenance. An example of this is the Columbia Music Festival Association's ArtSpace that is a venue for cultural and arts organizations. In 2011 Council voted on changes to the H-Tax program that included restricting funds to paying for marketing, promotions, entertainment and public safety. The H-Tax Committee applauds Council for those changes, particularly regarding its renewed emphasis on marketing to attract more non-residents to the County, but we believe some additional and limited flexibility for operations and maintenance for true tourist facilities may be warranted. The true test of these and other changes will be reviewed once final reports are received in July 2013.

Thank you for considering these recommendations.



GUIDELINES FOR RICHLAND COUNTY PROMOTIONS HOSPITALITY TAX FUND

REVISED July 2013 - FY 2014 (July 1, 2013 – June 30, 2014)

County Promotion Grants are funded through Hospitality Tax (H-Tax) revenues collected in **unincorporated** Richland County as well as incorporated municipal areas of the Town of Irmo which lie in Richland County and the entire incorporated municipal area of the Town of Eastover. These funds may be used for tourism related events and programs in Richland County, with a priority of funding projects in those areas where H-Tax funds are collected. Please pay close attention to grant guidelines as they explain organization and program eligibility as well as funding priorities.

On May 6, 2003, Richland County Council passed an ordinance establishing a two-percent (2%) H-Tax on all prepared food and beverages sold in the unincorporated areas of Richland County. The proceeds from this tax are to be used for the dedicated purpose of promoting tourism in Richland County. The County Promotions program is a competitive grants program that provides H-Tax funds to eligible organizations.

On January 10, 2012, Richland County Council voted to make the following changes to the County Promotions H-Tax program:

1. **Request Additional Information to Determine Tourism Impact, Health of Organization and Capacity of the Organization** - Questions will be added to the H-Tax application that deal with project income, event/program history and community impact.
2. **Maximize the Amount of County Promotion Funds**
 - a) H-Tax funds will be distributed once a year during the budget process. There will not be a second round of applications as in previous years.
 - b) Applicants will provide 50% match in cash or in-kind products/services for their project.
 - c) Eligible expenditures are restricted to the following categories:
 - Advertising/Promotions/Marketing (expenditures needed to get tourist to the event)
 - Security/Emergency Services
 - Entertainment/Speakers/Guest Artist Instructor
3. **Strengthen Measures to Ensure that Organizations are Held Responsible for Spending County Tax Funds –** Statement of assurances will be added to the application.
4. **Edit the Scoring Matrix** – The scoring matrix will be updated to help the H-Tax Committee prepare stronger recommendations for tourism projects.

ALLOCATION REQUIREMENTS

During FY13, Richland County awarded just over \$315,300 in grants through the County Promotions process. The amount available for FY14 grants is subject to change through County's budget process.

June 12, 2009, Richland County Council amended the Hospitality Tax Ordinance to state:

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

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

25% of County promotions funds will be allocated to organizations and projects in the incorporated areas of Richland County.

COUNTY PROMOTIONS GRANT PROCESS

To be considered for funding, an application must be received by the published funding deadline (February 22, 2013). Once all applications for H-Tax County Promotions Grant funds are received by Richland County and eligibility is verified, they will be forwarded to the Hospitality Tax Advisory Committee for review.

Eligible applicants will be required to deliver a four (4) to five (5) minute **presentation** on their program to the Committee in March. The date will be announced as soon as possible.

The Committee will review and score each application based on the evaluation measures described below. Applications will be ranked based on the scores and the Committee will determine funding recommendations. The Committee will submit its funding recommendations to the county for review by County Council. County Council makes all funding decisions; however, the Council relies heavily on the recommendations of the Committee. Funding of all projects is entirely dependent upon H-Tax funds being received by Richland County.

COUNTY PROMOTIONS GRANT TIMELINE

Request for applications:	January – February 22, 2013
Application due date:	February 22, 2013, 5:00 PM
H-Tax Committee meeting & applicant presentations:	End of March 2013, TBD
County budget process:	April – June 2013
Grant award notifications:	June 2013
Grant Period:	July 1, 2013 – June 30, 2014 (if awarded)
Mid-Year Reports:	Due by January 31, 2014 (if awarded)
Final Reports:	Due by July 31, 2014 (if awarded)

There is only one deadline for H-Tax grants for FY14.

ORGANIZATION ELIGIBILITY REQUIREMENTS

- Applicant organizations must have been in existence for at least one (1) year prior to requesting funds and provide their federal employer identification number as registered with the IRS.
- Applicants must provide proof of their non-profit status and fall into one of the following categories:
 - Organizations exempt from federal income tax under Section 501(C)(3) of the Internal Revenue Code and whose primary goal is to attract additional visitors through tourism promotion. The letter of exemption from the Internal Revenue Service must accompany your proposal.
 - Destination Marketing Organizations, which are recognized non-profit organizations charged with the responsibility of marketing tourism for their specific municipalities, counties or regions, such as Chambers of Commerce, Convention and Visitors Bureaus and Regional Tourism Commissions.
- Richland County will not award H-Tax funds to individuals, fraternal organizations, religious organizations, or organizations that support and/or endorse political campaigns.

CRITERIA FOR PROJECT ELIGIBILITY

As required by the Hospitality Tax Ordinance, projects to be funded by Hospitality Tax funds must result in **the attraction of tourists to Richland County.**

Per South Carolina Code of Laws SECTION 6-1-730, projects must fall under one of the following to qualify for H-Tax funds:

- (A) The revenue generated by the hospitality tax must be used exclusively for the following purposes:
 - (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
 - (2) tourism-related cultural, recreational, or historic facilities;
 - (3) beach access and re-nourishment;
 - (4) highways, roads, streets, and bridges providing access to tourist destinations;
 - (5) advertisements and promotions related to tourism development; or
 - (6) water and sewer infrastructure to serve tourism-related demand.

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

(2) In a county in which less than nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, an amount not to exceed fifty percent of the revenue in the preceding fiscal year of the local accommodations tax authorized pursuant to this article may be used for the additional purposes provided in item (1) of this subsection. (Richland County collects less than \$900,000 in A-Tax.)

Priority will be given to projects that demonstrate a benefit to **unincorporated** Richland County or regional marketing efforts that draw tourists to the area, especially those areas where Richland County collects Hospitality Tax (Unincorporated Richland County, Town of Eastover and the Richland County portions of the Town of Irmo).

If you are not sure if your program or organization is located in incorporated or unincorporated Richland County, please call the Grants Office for assistance at 803.576.2069.

Each application/proposed project will be reviewed individually to determine the potential impact it will have for tourism in unincorporated Richland County.

FUNDING PRIORITIES/ELIGIBLE EXPENDITURES

Priority will be given to projects that:

- Promote dining at restaurants, cafeterias, and other eating and drinking establishments where Richland County collects Hospitality Tax (Unincorporated Richland County, Town of Eastover and the Richland County portions of the Town of Irmo);
- Generate overnight stay in **unincorporated** Richland County's lodging facilities; and
- Promote and highlight **unincorporated** Richland County's historic and cultural venues, recreational facilities and events, and the uniqueness and flavor of the local community.

Funds will be distributed with a goal of **seventy-five percent (75%) dedicated to organizations and projects that generate tourism in the unincorporated areas of Richland County and in municipal areas where Hospitality Tax revenues are collected by the county** (Unincorporated Richland County, Town of Eastover and the Richland County portions of the Town of Irmo). Richland County does not receive H-Tax revenue from incorporated areas.

County Promotions grant funds must be used for tourism related expenses in the following categories only:

- **Advertising/Promotions/Marketing** (including designing, printing, postage for items mailed to attract tourist). At least 70% of marketing expenses must be paid to advertise outside of Richland County.
- **Security/Emergency Services** (Fire Marshalls, police, sheriff deputies, etc.)
- **Entertainment/Speakers/Guest Artist Instructor** - Entertainment expenses should be no more than 50% of the total requested amount of the grant.
- **Venue fees or rentals**
- **Transportation or accommodations**
- **Food or beverages**
- **Staging or fencing**

Some of the expenditures not eligible are: Items given to tourists once they are here (tee shirts, cups, trophies...etc.), insurance or licenses, invoices outside the funding year, salaries (other than previously mentioned), or decorations.

All grant funds must be expended by the recipient organization. Re-granting or sub-granting of funds is not allowed. Expenditures must be consistent with the application budget. Only goods and services that comply with the Hospitality Tax Guidelines and State Law are permitted. Project or event vendors will not be paid directly by Richland County.

MEAL AND OVERNIGHT JUSTIFICATION

In this section of the application, Richland County wants the applicant to estimate the number of meals that will be consumed in restaurants and overnight stays in the **unincorporated** areas of the County. Take the following items into consideration when making your estimations and provide a justification explaining how you came up with this number.

- How many people will attend your event?
- Of these, how many live in the incorporated areas of Richland County? These attendees will more likely eat at home or in restaurants closer to where they live. Richland County does not collect H-Tax in the City of Columbia, Forest Acres, Arcadia Lakes or Blythewood.
- How many of these people live in the unincorporated areas? Only a small portion of these may actually eat out. Many will eat at home.
- How many tourists are attending your event? How many hotel rooms are booked for your event? These are the people who will eat meals out.
- Estimate hotel room nights will be booked due to your event. Are these rooms located in the unincorporated areas of the County? How will you track this number? # rooms x # nights = estimated room nights booked

BUDGET

The budget should reflect in financial terms the actual costs of achieving the objectives of the project(s) you propose in your application. A budget form is provided for you as part of the application.

The project expenses section may or may not contain all of the listed "Budget Categories," depending on the size and type of project you propose. Under project income, list known and anticipated funding sources, including any that are pending. Be sure to include the Richland County requests in this list. Also include the value of any in-kind contributions and mark as in-kind.

Hospitality Tax Grant funds can account for up to **50%** of the total cost of the program/event you are applying for. Applicants must provide 50% of the total cost of the project as either in-kind or cash match.

Budget Narrative/Justification (H-Tax Grant Funds Only) - Please include a detailed description for each category included in the budget. For example:

- Marketing/Advertising – \$5,000 for 6 billboards located in Charleston, Greenville, Aiken, Myrtle Beach and Rock Hill. \$1,000 for TV ads on WIS. \$2,500 radio ads on Clear Channel
- Security/Emergency Services: \$100 fire marshal, \$300 RC Sheriff's Deputies
- Entertainment: \$9,000 for 3 bands

Budget tips:

- Budgets **MUST** be entered on the budget form provided and **MUST** include a justification for H-Tax expenditures. This tells Richland County how you plan to spend grant funds.
- **Grant funds should be used for tourism marketing first above any other expense. See the FUNDING PRIORITIES/ELIGIBLE EXPENDITURES section above for more information.**
- Be as detailed as possible in your budget justification. This information will be compared to your payment requests. Items in your payment requests must appear in your application budget.
- Signage and banners used at your event, directional signage, programs, volunteer t-shirts, and other items handed out at your event do not count as marketing expenses.

STATEMENT OF ASSURANCES

By signing and submitting the H-Tax County Promotions application, your organization is agreeing to the following Statement of Assurances:

- Upon grant application acceptance and funding award, applicant agrees that financial records, support documents, statistical records and all other records pertinent to Hospitality Tax funding shall be retained for a period of three years.
- All procurement transactions, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a matter so as to provide maximum open free competition.

- The funding recipient shall establish safeguards to prohibit employees from using their positions for a purpose that has the appearance of being motivated by a desire for private gain for themselves and others.
- All expenditures must have adequate documentation.
- All accounting records and supporting documentation shall be available for inspection by Richland County upon request.
- No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of or be otherwise subjected to discrimination under the program or activity funding in whole or in part by Hospitality Tax funds.
- Employment made by or resulting from Hospitality Tax funding shall not discriminate against any employee or applicant on the basis of handicap, age, race, color, religion, sex, or national origin.
- None of the funds, materials, property, or services provided directly or indirectly under Hospitality Tax funding shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.
- The applicant hereby certifies that the information submitted as part of this application is accurate and reliable.
- Any change and/or variation must be reported immediately, otherwise, funding may be withheld.

APPLICATION EVALUATION

The Committee will use the following evaluation criteria to evaluate applications and proposed projects. The individual factors are important in project evaluation, as they are an indication of the degree to which the proposed project will contribute to the tourism in Richland County. Please ensure that you review these factors and include the elements in your application. These factors, with their corresponding point values, are:

Project Design and Benefit to Community:

55 points maximum

Benefit to Tourism (20) - Does the project promote tourism in the areas of the County in which Richland County H-Taxes are collected? Will it promote a positive image for the County? Will it attract visitors, build new audiences and encourage tourism expansion in the areas of the County in which Richland County H-Taxes are collected? Will it increase awareness of the County's amenities, history, facilities, and natural environment in the areas of the County in which Richland County H-Taxes are collected?

Reliable Tracking Mechanism and Marketing Plan (15) – How will visitors and tourists would be tracked? (surveys, wristbands, ticketing, and etc.) Are these methods viable? Does the marketing plan describe how the organization will reach tourists? Are at least 70% of the ads or other marketing expenses targeted outside the Columbia/Richland County area?

Is the expected number of tourists in line with the organization's marketing plan?

Benefit to Community (10) - How will this project benefit the citizens of Richland County? Will the project benefit unincorporated Richland County? Who will attend the event? How many visitors will the event serve? A visitor is defined by someone who travels at least 50 miles to attend the event.

Community Support and Partnerships (10) - Does the project have broad-based community appeal or support? What is the evidence of need for this project in the County? What kind and degree of partnership does the project exhibit? Does it exhibit volunteer involvement or inter-jurisdictional, corporate, business, and/or civic support?

Economic Impact and Accountability

45 points maximum

Budget (5) – Are all expenses that are to be paid with H-Tax funds eligible expenses? Did the budget and justification provide enough detail to show how funds will be spent? Does the applicant provide 50% in cash or in-kind match?

Expected H-Tax Revenue Generated (15) - What are the projected direct and indirect dollar expenditures by visitors/tourists? What is the estimated number of meals consumed? Are any overnight stays anticipated? Will this program drive business to those businesses that pay collect and remit Richland County H-Tax in the unincorporated areas of the County as well as Eastover and Richland portions of Irmo?

Reasonable Cost/Benefit Ratio (15) - Does the benefit of the project (i.e. number of tourists estimated; expected revenue generated) exceed the cost of the project? Is this project "worth" its cost?

Management Capability (10) - Does the applicant organization demonstrate an ability to successfully complete the project through effective business practices in the areas of finance, administration, marketing, and production? If this organization has received County Hospitality Tax funding previously, was the project successful?

APPLICATION PACKAGE

In order to be considered for funding, applicants must submit a **complete** application package for the H-Tax County Promotions grant program. Incomplete applications will not be considered. Complete applications include:

- Completed and signed application form (<http://www.rcgov.us/Business/Hospitality.asp>). Answer all questions and complete each section. N/A and See Attached are not valid responses.
- If your organization does not have an Executive Director, please note this in the signature area.
- Required Attachments:
 - Letter from IRS confirming nonprofit status and proof of registration with the SC Secretary of State's Office
 - List of the organization's current Board Members/Directors
 - Organization's most recent audited financial statement or 990 Tax form
 - Additional one (1) page project description (**OPTIONAL**)
 - Additional one (1) page budget justification (**OPTIONAL**)

Attachments MUST be submitted along with the proposal. Incomplete applications will not be evaluated. County Council approved a motion in May 2011 that stated that late and incomplete applications will not be sent to the grant committees for review.

Applicants must provide six (6) copies of the complete application package plus one (1) original (7 packages total). Please submit only the required elements secured with a binder clip. Folders, report covers and binders will be discarded.

Applications are due by 5:00 p.m. on February 22, 2013. Emailed or faxed applications will not be accepted. Due dates are not post mark dates. **Applications must be received by 5:00 pm or they will not be considered for funding.**

Mail Application to:
Richland County Administrator's Office
Attn: Sara Salley
PO Box 192
Columbia, SC 29202

Hand Deliver Application to:
Richland County Administrator's Office
Attn: Sara Salley
2020 Hampton Street, Suite 4069
Columbia, SC 29204

AWARD NOTIFICATION

The Grants Manager will notify all applicant organizations of the funding outcome in writing in June 2012. Awards will be available for reimbursement beginning July 1, 2013. Final reports for the previous fiscal year, if applicable, must be received before payments are released.

REPORTING AND GRANT ACKNOWLEDGEMENT REQUIREMENTS

At the completion of the grant funded project, Richland County requires grantees to complete a mid-year and/or final report for H-Tax County Promotions funds.

Grantees must acknowledge the receipt of H-Tax County Promotions funding by including the Richland County Government logo, or by listing "Richland County Government" on all program/project advertising, marketing and promotional materials. Examples of this must be included in your final report.

FREEDOM OF INFORMATION ACT NOTICE

Please be advised that all materials submitted for H-Tax County Promotions grant funding are subject to disclosure based on the Freedom of Information Act (FOIA).

CONTACT

Sara Salley, Grants Manager, PO Box 192, Columbia, SC 29202, 803.576.2069, Salleys@rcgov.us



Hospitality Tax Grant Final Report Form

Funds Received FY July 1, 2013 – June 30, 2014

Organization: _____

Contact: _____

Phone: _____ Email _____

Grant Amount: \$ _____ Project Dates: _____

Project Name: _____

Please answer each question below. Please feel free to add additional lines.

PROJECT OUTCOMES

1. Were you able to complete the project as stated in your original application? Yes No
If no, state any problems you encountered.

2. Describe project success.

3. How has this project increased tourism and visitation to unincorporated Richland County?

4. Describe how your project worked with businesses that collect Hospitality Tax in unincorporated Richland County (Any area outside the city limits of Columbia, Forest Acres, Arcadia Lakes and Blythewood).

5. Briefly describe the marketing efforts to promote your program. Be sure to include how you reached out to tourists.

6. How did your organization determine the attendance figures (see below)? Describe methods of tracking attendance and tourism numbers. Describe methods for determining meal and overnight numbers.

PROJECT BUDGET DATA:

Record financial data below to reflect income and expenditures for the project(s) in which you received County H-Tax funding. **Please provide data for FY13 and FY14 even if you did not receive a County H-Tax grant in FY13.**

			FY 2012-2013		FY 2013-2014
1	Total Amount of Expenditures (total cost of producing program in which you applied for)				
2	Amount of Richland County H-Tax Grant				
3	Amount funded by H-Tax from other jurisdictions (City, Forest Acres, Lexington, etc.)				
4	Total amount of other sponsorships, donations and grants towards the project outlined in the grant not counting H-Tax funding listed above.				
5	Total amount of sales income generated by project outlined in the grant (ticket sales, product sales, etc.)				

6	Total cash income generated by the project outlined in the grant (add lines 2, 3, 4, and 5 to get total cash income)		
7	Value of in-kind donations towards the project outlined in the grant		
8	Total income for the project outlined in the grant (add lines 6 and 7)		

TOURISM DATA:

Record numbers in table below to reflect funds received and attendance for up to two years. **Please provide data for FY13 and FY14 even if you did not receive a County H-Tax grant in FY13.**

		FY 2012-2013	FY 2013-2014
9	Total tourists (those who traveled from outside the County)		
10	Total attending from unincorporated Richland County (including Eastover and Richland County portion of Irmo)		
11	Total attending from incorporated Richland County (City of Columbia, Forest Acres, Arcadia Lakes and Blythewood)		
12	Total Attendance (Add lines 9, 10 and 11)		
13	Number of meals generated by the program outlined in the application		
14	Number of overnight stays generated by the program outlined in the application		

If you have zip code summary data, please attach.

REQUIRED ATTACHMENTS

___ **Grant Expenses** - Attach an **itemized list of expenditures** not included in the Mid-Year report that includes vendor name, amount, expense purpose, and date paid.

___ **Copies of valid invoices and proof of payment** for each grant expenditure. Proof of payment is a copy of a cancelled check, bank statement showing a cleared check or credit card receipt. All grant expenses must tie to expenses outlined in the application budget. **Note: All expenditures should match up to payment requests and original grant budget. Please contact the Grants Office if you have changes to your budget.**

___ **Samples of acknowledgement of Richland County’s support.**

Failure to produce completed reports or reporting ineligible expenses/activities may result in withholding of future grant allocations.

ORGANIZATION SIGNATURE:

Provide signature of official within organization, verifying accuracy of above statements.

_____ Name

_____ Title

_____ Signature

_____ Date

For questions, please call Sara Salley, Grants Manager at 803.576.2069.
 Richland County Administration PO Box 192 Columbia, SC 29202 Fax 803.576.2137 Email salleys@rcgov.us

Richland County Council Request of Action

Subject

- a. I move that Council give unanimous consent to a Resolution to support participation in the Connected Community Engagement Program **[DICKERSON] [PAGE 264]**
- b. To put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas **[RUSH]**
- c. To look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars **[RUSH]**
- d. To stop the hospitality sales tax program and the collection of that sales tax **[RUSH]**
- e. Business Center and Planning Department to create a detailed step by step process for applicants **[DIXON]**
- f. Resolution honoring USC Girls Basketball Coach Dawn Staley on her induction into the Naismith Memorial Basketball Hall of Fame **[LIVINGSTON]**



**RESOLUTION TO PARTICIPATE IN THE
CONNECTED COMMUNITY ENGAGEMENT PROGRAM**

Whereas, every household and business location in our community should have access to affordable broadband service at an acceptable quality of service to support the most common interactive applications and

Whereas, every resident should have the means, skills, and knowledge to adopt and utilize broadband service at their home and

Whereas, meaningful use is necessary to empower each user to derive value from the Internet in his or her own way and

Whereas, the access, adoption, and use of broadband empowers citizens with the tools needed to effect positive community development and lower geographic barriers and minimize socioeconomic disparities and

Whereas, community anchor institutions such as libraries and schools have a leadership role in providing access and assistance to our citizens to use Internet resources and

Whereas, broadband can help protect the public by facilitating and promoting public safety information and procedures and

Whereas, broadband can enable local government and citizens to interact, collaborate, and share information efficiently and effectively and

Whereas, broadband is critical to promote and support economic development and revitalization and

Whereas, a community technology action plan is needed to engage stakeholders and establish a shared sense of direction for the community

NOW THEREFORE BE IT RESOLVED this 17th day of September 2013 that RICHLAND COUNTY herewith commits to participate in the Connected Community Engagement Program in order to assess local broadband access, adoption, and use, and develop a technology action plan.

Approved and adopted the 17th day of September 2013. I, the undersigned, hereby certify that the forgoing resolution was duly adopted by the membership of the Richland County Council and shall be forwarded to ConnectSC and to the Richland County Telecommunications & Technology Advisory Committee (RC-TTAC).

_____ Executive Sponsor for Richland County Broadband
Council Member, District 2, Joyce Dickerson



ACCESS



ADOPTION



USE

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda