



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

### **Report Of The Chairman**

6. a. Personnel Matter: Evaluation Forms

### **Presentations**

7. Palmetto Health State of the Organization Annual Report

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

8. a. An Ordinance authorizing a deed to Vulcan Construction Materials, LP, for approximately 10 acres of land, constituting a portion of Richland County TMS # 06500-01-11
- b. An Ordinance authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto
- c. An Ordinance authorizing the issuance and sale of Sewer System Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; other matters relating thereto
- d. Amendment to the Ordinance regarding Richland County Boards, Commissions and Committees
- e. Ordinance to Establish the Richland County Complete Streets Commission

### **Approval Of Consent Items**

9. An Ordinance Authorizing a deed to Vulcan Construction Materials, LP. for approximately 10 acres of land, constituting a portion of Richland County TMS # 06500-01-11 [**THIRD READING**] [**PAGE 27**]
10. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to reorganize the sections and to provide for continuing service of members until a successor is appointed [**THIRD READING**] [**PAGES 29-52**]
11. Placing the Recreation Commission under County Council [**PAGES 54-57**]
12. Review of the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County, as well as the Priority Investment Areas [**PAGES 59-60**]
13. State of the County Address [**PAGES 62-63**]

14. An Ordinance Amending the Fiscal Year 2010-2011 Road Maintenance Fund Annual Budget to appropriate \$500,000 of Undesignated Fund Balance for the Low Volume Alternative Paving Pilot Demonstration [**PAGES 65-66**]
15. Contract with Correct Care Solution Detention Center Medical Services [**PAGES 68-69**]
16. An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$155,900 of General Fund Undesignated Fund Balance to the Coroner for additional funding for current budget [**FIRST READING**] [**PAGES 71-72**]

### **Third Reading Items**

17. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions Created and Recognized; so as to create a Richland County Complete Streets Commission, and setting forth the conditions under which said commission shall function and the responsibilities of same [**PAGES 74-76**]
18. An Ordinance Authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in an aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [**PAGES 78-116**]
19. An Ordinance Authorizing the issuance and sale of Sewer System General Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; other matters relating thereto [**PAGES 118-158**]

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

20. Utility Systems Oil, Fats and Grease Regulations [**PAGES 160-171**]

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

21. An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$164,754 of General Fund Undesignated Fund Balance to the Solicitor for additional funding for emergency budget request [**FIRST READING**] [**PAGES 173-174**]
22. Approval of SOVA Solicitation for Funds and Required Match-Solicitor's Office [**PAGES 176-178**]

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

1. **Notification Of Vacancies**
  23. Employee Grievance Committee-1 [Vivian McCray, April 1, 2011\*]

24. Planning Commission-1 [Elizabeth Mattos-Ward, April 1, 2011\*]

## 2. Discussion From Rules And Appointments Committee

25. Motion to review Council's rules and regulations regarding the authority of the Chair, seniority, and possible term limitation in positions and rotations [**DICKERSON, JACKSON, MAILINOWSKI, AND KENNEDY**]

26. If Council intends to attempt another try at a Referendum for a penny sales tax increase, all council members shall hold public meetings to get public input before making a final decision whether to move forward or not. Public input shall determine how proceeds from the tax will be spent and the term of the tax. This process should be given enough time to make sure it does not appear rushed or at the last minute [**JACKSON**] [**PAGES 183-188**]

Reason:

If approved, the citizens will be paying for this and we are only the representatives of the people's will and so we shall do everything that's in the best interest of the people we serve.

Transparency:

This process whether it is approved and passes or not will give comfort to our constituents that we are not hiding anything by revealing up front everything that would be done with that tax.

27. All elected County officials shall be treated equally, no exceptions [**JACKSON**] [**PAGES 190-192**]

## Citizen's Input

28. Must Pertain to Items Not on the Agenda

## Executive Session

### Motion Period

29. a. Resolution honoring Cynthia Byrd for her contributions to the Richland County Public Library in memory of her son Brandon LaVar Byrd [**DICKERSON**]

b. Motion that Richland County Council provide a resolution for Thomasina Briggs in honor of her longstanding and dedicated service to the Appearance Commission [**ROSE**]

## Adjournment



# Richland County Council Request of Action

**Subject**

Regular Session: February 15, 2011 [PAGES 6-16]

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 15, 2011 6:00 p.m.

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

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### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Melinda Edwards, Larry Smith, Anna Almeida, Dale Welch, Geo Price, Carl Gosline, John Hixon, David Chambers, 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 Joyce Dickerson

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

## **APPROVAL OF MINUTES**

**Regular Session: February 1, 2011** – Mr. Malinowski requested that the Citizen’s Input synopsis be amended to read: “...alleged false arrest...”

Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as amended. The vote in favor was unanimous.

Mr. Rose moved, seconded by Mr. Malinowski, to reconsideration the approval of the minutes. The vote was in favor.

Mr. Malinowski moved, seconded by Mr. Washington, to approve the minutes as amended. The vote in favor was unanimous.

## **ADOPTION OF AGENDA**

Mr. Pope requested that a receipt of legal advice regarding the Election Commission be added under the Report of the Attorney for Executive Session.

Mr. Smith requested that a Contractual Matter: Redistricting Ad Hoc Proposals be added under the Report of the Attorney for Executive Session.

The agenda was unanimously adopted as amended.

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

- a. **Pending Litigation: Dickerson vs. Richland County**
- b. **Economic Development Briefing**
- c. **Property Acquisition**
- d. **CMRTA IGA**
- e. **Personnel Matter**
- f. **Legal Briefing: Election Commission**
- g. **Contractual Matter: Redistricting Ad Hoc Proposals**

## CITIZENS' INPUT

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

**Legislative Delegation Report** – Mr. Pope thanked Council for their participation in the event and stated that staff had followed-up with Legislative Delegation staff.

## REPORT OF THE CLERK OF COUNCIL

**Odyssey Golf Foundation's 2011 Nine Hole Youth & Adult Tournament, Saturday, March 12<sup>th</sup>, Crickentree, 1084 Langford Rd., Blythewood** – Ms. Finch stated that the Odyssey Golf Foundation will be hosting their Nine Hole Youth & Adult Tournament March 12<sup>th</sup>, if any Council members are interested in registering.

**Zumba Fitness** – Ms. Finch stated that Palmetto Health will be hosting a Zumbathon on February 19<sup>th</sup> at the Strom Thurmond Wellness & Fitness Center.

## REPORT OF THE CHAIRMAN

**Update regarding Lexington County Transportation Request** – This item was received as information.

**Personnel Matter** – Mr. Bill Tomes presented the evaluation instrument for the County Administrator and Clerk of Council. A discussion took place.

Mr. Manning moved, seconded by Mr. Malinowski, to proceed with the evaluation instrument as presented. A discussion took place.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to schedule a work session on the document. A discussion took place.

Mr. Washington moved, seconded by Mr. Jackson, to amend the substitute motion to send the document to the Rules & Appointments Committee meeting. A discussion took place.

Mr. Jeter made a second substitute motion, seconded by Ms. Hutchinson, to allow Council members to read and dissect the information, offer any suggestions they may have and bring it back for action at the March 1<sup>st</sup> Council meeting. A discussion took place.

**For**

Pearce  
Malinowski  
Hutchinson  
Jeter  
Dickerson  
Manning

The vote was in favor of the second substitute motion.

**POINT OF ORDER** – Mr. Pearce stated that the votes in opposition of the second substitute motion should be recorded for the record.

Mr. Jackson moved, seconded by Mr. Malinowski, to reconsider the vote on the second substitute motion. The vote was in favor of reconsideration.

Mr. Washington moved, seconded by Mr. Jackson, to send it to the March 1<sup>st</sup> Rules & Appointments Committee and the Committee shall report out to full Council at the March 1<sup>st</sup> Council meeting.

**For**

Pearce  
Malinowski  
Jackson  
Hutchinson  
Dickerson  
Kennedy  
Rose  
Washington

**Against**

Jeter  
Livingston  
Manning

The vote was in favor.

**PRESENTATION**

**George Thibeault, Jr., President, Constantia Hueck Foils, LLC—Richland County 2010 Ambassador of the Year** – Mr. Washington presented Mr. Thibeault with a resolution from County Council.

**APPROVAL OF CONSENT ITEMS**

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

- **10-33MA, Odom Enterprise, Steven Odom, RU to LI (2.33 Acres), 5771 Lower Richland Blvd. 21613-01-02 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (A), General; so as to require notification to the Building Inspections Department and to the Emergency Services Department whenever plans are submitted that affect the “Emergency Planning Zone (EPZ)” of the V. C. Summer Nuclear Plant, which is located in Fairfield County [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection (I), On-Premises Signs Permitted in the General Commercial District; Paragraph (4), Height; so as to the maximum height for on-premises signs in the GC (General Commercial) District [THIRD READING]**
- **An Ordinance Authorizing a deed to Vulcan Construction Materials, LP, for approximately 10 acres of land constituting a portion of Richland County TMS # 06500-01-11 [SECOND READING]**

Mr. Manning moved, seconded by Mr. Washington, to approve the consent items. The vote in was unanimous.

## SECOND READING

**An Ordinance Authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in an aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the other bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto** – Mr. Washington moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to require the Administrator to advise Council when the bonds go for sale and at what particular percentage. A discussion took place.

Mr. Malinowski withdrew the substitute motion.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to direct the Administrator, in conjunction with the Finance Director, to make the decision regarding bond redemption and that Council will be advised immediately of the transaction once completed. A discussion took place.

The vote was in favor.

**An Ordinance Authorizing the issuance and sale of Sewer System General Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; other matters relating thereto** – Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to direct the Administrator, in conjunction with the Finance Director, to make the decision regarding bond redemption and that Council will be advised immediately of the transaction once completed. The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to reorganize the sections and to provide for continuing service of members until a successor is appointed** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions Created and Recognized; so as to create a Richland County Complete Streets Commission, and setting forth the conditions under which said commission shall function and the responsibilities of same** – Mr. Malinowski moved, seconded by Ms. Hutchinson, approve this item as amended. The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.
- b. **Hospitality Tax Committee—4** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.
- c. **Planning Commission—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

### II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee (Hospitality)—2** – Mr. Malinowski stated that the committee recommended appointing Mr.

Drew Tompkins Hampton and re-advertising for the remaining vacancy. The vote in favor was unanimous.

- b. **Appearance Commission, Landscaper/Landscape Architect—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments & Appeals (Licensed Contractor)—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- d. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Kendall Corley.

Mr. Washington moved, seconded by Mr. Jackson, to appoint Mr. Clemon Stocker.

Mr. Malinowski, Mr. Pearce, Ms. Hutchinson, Mr. Jeter, Mr. Livingston, Ms. Dickerson, Mr. Manning, Ms. Kennedy and Mr. Rose voted for Mr. Corley.

Mr. Jackson and Mr. Washington voted for Mr. Stocker.

Mr. Kendall Corley was appointed.

- e. **Central Midlands Regional Transit Authority—1** – Mr. Malinowski stated that the committee recommended appointing Mr. John V. Furgess, Sr.

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

- f. **Internal Audit Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.

- g. **Planning Commission—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Howard Van Dine, III.

Mr. Washington requested that a vote be taken individually on the three applicants.

No one voted for Mr. Christopher Anderson.

Mr. Jackson, Mr. Jeter, Mr. Livingston, Ms. Dickerson, Ms. Kennedy and Mr. Washington voted for Mr. Wallace Brown, Sr.

Mr. Pearce, Mr. Malinowski, Ms. Hutchinson, Mr. Manning and Mr. Rose voted for Mr. Howard Van Dine.

Mr. Wallace Brown, Sr. was appointed.

### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Motion to amend Council's Rules to read: Whenever a meeting is held on the second Tuesday of the month, appropriate written/backup materials for all items of business that are to be included in the Administrative and Finance or Development and Services Committee agendas must be delivered electronically to the Administrator's Office no later than the adjournment of the meeting approximately two weeks prior to the committee meeting scheduled meeting date [JACKSON]** – Mr. Malinowski stated that the committee recommended approval of the following language: "Motions made prior to the second Council meeting, the motion will appear on the appropriate committee's agenda for the following meeting." A discussion took place.

The vote in favor was unanimous.

- b. **All Elected County Officials shall be treated equally, no exceptions [JACKSON]** – Mr. Malinowski stated that this item was held in committee.
- c. **When a motion comes before Committee the maker of the motion must attend the Committee meeting [LIVINGSTON]** – Mr. Malinowski stated that the committee recommended approval of the following language: "When a motion comes before a committee the maker of the motion should consider attending or providing necessary information to the committee to be sure the intent of the motion is clear." The vote in favor was unanimous.
- d. **Due to South Carolina's poor national reputation regarding females elected and appointed positions, I move Council create an ad-hoc committee to study and report any gender disparities in regard to appointment and other leadership positions within the Council's purview of powers [MANNING]** – Mr. Malinowski stated that this item was tabled in committee.
- e. **In the absence of an established Richland County Council policy/rule regarding agency Directors making endorsements of candidates for position on their respective Boards and/or**

**Commissions appointed by Richland County Council, I move that the Rules & Appointments Committee evaluate this situation and make a recommendation to the full Council to establish a policy on this matter [PEARCE]** – Mr. Malinowski stated that the committee recommended approval of the following language: “Directors of agencies will advise County Council skills needed for their Committee/Board/Commission. Each agency’s Committee/Board/Commission may forward to County Council applicants they feel are qualified to serve. Those applicants will be added to all applicants received by Richland County, Council will select and appoint the most qualified candidate.

Mr. Malinowski moved, seconded by Mr. Rose, to approve the following language: “Directors of agencies may advise County Council skills needed for their Committee/Board/Commission. The vote was in favor.

**CITIZEN’S INPUT**

Mr. Leroy Cannon spoke regarding the Clerk of Council.

Ms. Denise Mickel spoke regarding an appeal with the Assessor’s Office.

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 8:14 p.m. and came out at approximately 9:51 p.m.**  
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- a. **Pending Litigation: Dickerson vs. Richland County** – Mr. Manning moved, seconded by Ms. Kennedy, to direct staff to proceed as directed in Executive Session. The vote in favor was unanimous.
- b. **Economic Development Briefing** – No action was taken.
- c. **Property Acquisition** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to direct staff to proceed as directed in Executive Session. The vote in favor was unanimous.

Mr. Jeter moved, seconded by Mr. Manning, to authorize the Administrator to secure the appraised property discussed in Executive Session. The vote in favor was unanimous.

- d. **CMRTA IGA** – No action was taken.
- e. **Personnel Matter** – This item was taken up during the Report of the Chairman.

- f. **Legal Briefing: Election Commission** – Mr. Jeter moved, seconded by Mr. Washington, to direct the Administrator and Chair to forward a formal letter to the Legislative Delegation with the findings of the report and request that the Legislative Delegation acquire responses to the questions from their respective bodies. The vote in favor was unanimous.
- g. **Contractual Matter: Redistricting Ad Hoc Proposals** – Mr. Manning moved, seconded by Ms. Kennedy, to authorize the Attorney to retain the firm as discussed in Executive Session. The vote in favor was unanimous.

### MOTION PERIOD

**Richland County Interstate Off-Ramp Lighting: Motion that staff conduct analysis and study the feasibility of the installation of interstate lighting at pre-selected interstate off-ramps located in Richland County. The lighting will be used to direct nighttime traffic off of these exits in order to increase business spending at establishments such as hotels, restaurants and convenience stores. Such analysis to encompass working with the Department of Transportation and to acquire studies as to whether such a project would be successful in capturing hospitality dollars from travelers passing through Richland County [ROSE]** – This item was referred to the D&S Committee.

**Motion that staff research and give alternative options for the transportation of inmates being released from the Alvin S. Glenn Detention Center. Currently, inmates without transportation are being transported and dropped off at the CMRTA bus station on Laurel Street (one block from City Hall and Main Street) [ROSE]** – This item was referred to the D&S Committee.

**If Council intends to attempt another try at a Referendum for a penny sales tax increase, all council members shall hold public meetings to get public input before making a final decision whether to move forward or not. Public input shall determine how proceeds from the tax will be spent and the term of the tax. This process should be given enough time to make sure it does not appear rushed or at the last minute. Reason: If approved, the citizens will be paying for this and we are only the representatives of the people's will and so we shall do everything that's in the best interest of the people we serve. Transparency: This process whether it is approved and passes or not will give comfort to our constituents that we are not hiding anything by revealing up front everything that would be done with that tax. [JACKSON]** – This item was referred to the Rules & Appointments Committee.

**Motion to review Council's rules and regulations regarding the authority of the Chair, seniority, and possible term limitation in positions and rotations [DICKERSON, JACKSON, MALINOWSKI AND KENNEDY]** – This item was referred to the Rules & Appointments Committee.

**Motion to review Richland County Department of Social Services and healthcare to align with the national and state healthcare regarding efficiencies [DICKERSON]**

– Ms. Dickerson withdrew her motion.

**A Resolution Honoring Mr. Thomas Myers, a member of the “Wrecking Crew” (Information will be forthcoming to the Clerk’s Office) [WASHINGTON]**

– Mr. Washington withdrew his motion.

**ADJOURNMENT**

The meeting adjourned at approximately 10:06 p.m.

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

\_\_\_\_\_  
Damon Jeter, Vice-Chair

\_\_\_\_\_  
Gwendolyn Davis Kennedy

\_\_\_\_\_  
Joyce Dickerson

\_\_\_\_\_  
Valerie Hutchinson

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Norman Jackson

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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Seth Rose

\_\_\_\_\_  
Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Zoning Public Hearing: February 22, 2011 **[PAGES 18-19]**

## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, FEBRUARY, 22, 2011 7:00 p.m.

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

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#### **MEMBERS PRESENT:**

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

Absent        Joyce Dickerson

**OTHERS PRESENT:** Michielle Cannon-Finch, Anna Almeida, Amelia Linder, Milton Pope, Sparty Hammett, Geo Price, Stephany Snowden, Monique Walters, Michelle Onley

#### **CALL TO ORDER**

The meeting was called to order at approximately 7:11 p.m.

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

Ms. Almeida stated there were not deletions or additions to the agenda.

### TEXT AMENDMENT

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; so as to permit the subdivision of property to family members**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Jackson moved, seconded by Mr. Malinowski, to forward this item to the D&S Committee and to also have the Planning Commission submit a draft ordinance. A discussion took place.

The vote in favor was unanimous.

### MAP AMENDMENT

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

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

### ADJOURNMENT

The meeting adjourned at approximately 7:18 p.m.

Submitted respectfully by,

Paul Livingston  
Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

- a. Contractual Matter: Redistricting Ad Hoc Committee
- b. Contractual Matter: Township Auditorium
- c. Property Acquisition

# 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. Lexington County Transportation Request Update
- b. Budget Update
- c. Property Acquisition

# Richland County Council Request of Action

**Subject**

- a. Personnel Matter: Evaluation Forms

# Richland County Council Request of Action

**Subject**

Palmetto Health State of the Organization Annual Report

# Richland County Council Request of Action

## **Subject**

- a. An Ordinance authorizing a deed to Vulcan Construction Materials, LP, for approximately 10 acres of land, constituting a portion of Richland County TMS # 06500-01-11
- b. An Ordinance authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto
- c. An Ordinance authorizing the issuance and sale of Sewer System Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; other matters relating thereto
- d. Amendment to the Ordinance regarding Richland County Boards, Commissions and Committees
- e. Ordinance to Establish the Richland County Complete Streets Commission

# Richland County Council Request of Action

**Subject**

An Ordinance Authorizing a deed to Vulcan Construction Materials, LP. for approximately 10 acres of land, constituting a portion of Richland County TMS # 06500-01-11 **[THIRD READING] [PAGE 27]**

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

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

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to VULCAN CONSTRUCTION MATERIALS, LP, for certain real property known as a portion of Richland County TMS# 06500-01-11 and consisting of approximately 10 acres, as specifically described in the Title To Real Estate, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

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

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

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

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

# Richland County Council Request of Action

**Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to reorganize the sections and to provide for continuing service of members until a successor is appointed **[THIRD READING] [PAGES 29-52]**

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SO AS TO REORGANIZE THE SECTIONS AND TO PROVIDE FOR CONTINUING SERVICE OF MEMBERS UNTIL A SUCCESSOR IS APPOINTED.

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; is hereby amended as follows:

**Sec. 2-326. In general.**

All provisions of this article shall apply to the boards, commissions, and committees enumerated in this article, as well as to all other boards, committees and commissions appointed and/or created by Richland County Council. Except as otherwise provided by law or by the council, such boards and commissions shall elect a chairman and a vice-chairman and shall prescribe their own rules of procedure. Such boards and commissions may establish such bylaws, rules and regulations, not inconsistent with ordinances of the council or applicable state law, as they deem appropriate and necessary for the conduct of their affairs. Copies thereof shall be filed with the clerk.

**Sec. 2-327. Terms of service.**

(a) The members of such boards, commissions and committees shall not serve more than two (2) consecutive terms; provided, however, that upon service of two (2) consecutive terms a member may be eligible for reappointment after one year of non-service. Provided, however, that an individual serving in a executive position on a county board, commission, or committee shall be allowed to complete the term for that position when the individual's term on the board, commission expires prior to the expiration of the executive appointment. Further provided, regional boards, commissions and committees are exempt from the two (2) consecutive term limits requirement whenever the other jurisdiction(s) appointing said members do not limit the number of terms held by their appointee(s).

(b) Notwithstanding any other provision of this Article, any member serving on a board, commission or committee may continue to serve until such time as an advertisement has appeared in the local newspaper and a successor has been duly appointed; provided, however, the term of an elected member (who is serving on a board commission or committee) ends when such member is no longer serving in the capacity of an elected member.

**Sec. 2-328. Removal from service.**

In the event that any appointee to a board, committee, or commission misses five out of twelve meetings of the board, committee, or commission to which he has been appointed, he shall automatically lose his membership, and his seat shall be declared vacant. The chairman of

the board, committee or commission shall notify the chairman of county council, in writing, upon any of its members accumulating five absences out of twelve meetings. The county council may, in its discretion, waive enforcement of this provision in the case of illness, death of a family member, court appearance, or other similar circumstances, beyond the control of the appointee. In addition, the members of such boards and commissions may be removed for cause by majority vote of the council. The provisions of this section shall be applicable to the boards, committees, and commission enumerated in this article, as well as to any other board, committee or commission appointed by the Richland County Council.

**Sec. 2-329. Concurrent service on multiple boards, etc., prohibited.**

Notwithstanding any other provision of this chapter, no one shall be permitted to serve on more than one board, committee, or commission at any one time; provided, however, that in the event a person was serving, on February 2, 1977, on more than one board, committee, or commission, he shall be allowed to continue to serve until the expiration of his term on one or more boards, committees, or commissions brings him into compliance with this section. After that time, he shall not be allowed to serve on more than one board, committee, or commission at the same time.

**Sec. 2-330. Quarterly attendance records.**

The chairperson of each board, commission or committee shall provide the county council with an attendance record. Such attendance record shall be provided quarterly, with the first quarter beginning in January of each year.

**Sec. 2-331. Determination of credit for attendance at meeting(s).**

In order to receive credit for attendance at a meeting, a member must be present during at least 50 percent of said meeting.

**Sec. 2-332. Boards, commission and committees created.**

The following boards, commissions and committees are hereby established and recognized:

(a) *The Board of Trustees of the Columbia Township Auditorium.*

- (1) The board shall consist of seven (7) members residing in the county, appointed by the council for a term of five (5) years.
- (2) The board shall perform all duties provided by law.

(b) *The Richland County Planning Commission.*

- (1) The commission shall consist of not less than five (5) or more than nine (9) members, appointed by the council for a term of four (4) years. Any person who is appointed to the commission after September 1, 2006 must reside in

Richland County. In appointing members to the commission, council shall give due consideration as to whether applicants live in an incorporated or unincorporated area of the County.

- (2) The commission shall perform all duties provided by law.
- (c) *The Richland-Lexington Riverbanks Parks Commission.*
- (1) Two (2) members of the commission shall be appointed by the council, for a term of six (6) years.
  - (2) The commission shall perform all duties provided by law.
- (d) *The Board of Trustees of the Richland Memorial Hospital.*
- (1) The board shall consist of 14 members and the chief and vice chief of staff shall serve ex officio. Each member of the board shall be appointed by the county council for a term of four years, or until his or her successor is appointed. Provided, however, the terms of all current board members shall expire on December 31st of the last year of their current term. Thereafter, each term of office shall begin on January 1st of the first year, and expire on December 31st of the fourth year.
  - (2) The board shall perform all duties provided by law.
- (e) *The Economic Development Commission.* The commission shall consist of twelve (12) members, of which three (3) shall be appointed by the council for a term of three (3) years. Other appointive bodies include Lexington County, Fairfield County, Chamber of Commerce and city council with each nomination to be confirmed by all appointive bodies. Meetings at call.
- (f) *East Richland Public Service District.* The public service district shall consist of five (5) members appointed by the governor upon the recommendation of the county council for five (5) year terms. Members shall be electors or residents of the district, and at least one member shall be a resident of each incorporated municipality within the districts. Meetings at call.
- (g) *Richland County Youth Commission.*
- (1) *Creation.* There is hereby created the Richland County Youth Commission, which shall be appointed by majority vote of the county council and shall function in an advisory capacity. The commission shall be comprised of concerned citizens from diverse backgrounds who are committed to improving the quality of life for young people in Richland County. This advisory commission shall be an advocate for the youth of this county.

- (2) *Membership.* The youth commission shall consist of thirteen (13) members, all of whom shall be residents of the county; at least one (1) member to be appointed from the clergy; at least one (1) member to be a representative of the South Carolina Department of Youth Services, upon recommendation of the commissioner; at least one (1) member from the Richland County Sheriff's Department, upon recommendation by the Richland County Sheriff; at least one (1) member who is a resident of Richland County School District One; at least one (1) member who is a resident of Richland County School District Two; two (2) members attending high school (grades 9-12) in Richland County; and the remaining six (6) members at large.
- (3) *Terms.* The term of office of each commissioner shall be for a period of four (4) years, or until his successor is appointed and qualified; however, the initial appointment shall be made in staggered terms. The six candidates receiving the most votes shall be appointed for four (4) years, and the five (5) remaining candidates shall be appointed for two (2) years.
- (4) *Structure.* The commission shall develop and adopt its own bylaws, subject to final approval by the county council. The commission shall elect annually a chairman, vice-chairman, secretary, and treasurer.
- (5) *Meetings.* The commission shall meet at such times and places as provided in its bylaws but shall hold at least one (1) meeting each month. All meetings shall be conducted pursuant to, and in compliance with, the South Carolina Freedom Act.
- (6) *Duties and responsibilities.*
  - a. Identify youth-related problems or potential problems. In this regard, the commission shall:
    1. Become well informed on the problems facing youth in the community;
    2. Coordinate with other local groups/agencies who serve youth, such as private, nonprofit agencies or government groups;
    3. Hold public forums, conduct community surveys, contact local law enforcement personnel, and meeting with community leaders; and
    4. Actively seek youth involvement and input.
  - b. Implement a program to increase the awareness of the general population and elect officials of the needs and problems facing youth and their families. In this regard, the commission shall:

1. Support the efforts of other organizations in publicizing youth Issues and problems; and
2. Become advocates for improvement of services and programs for youth.
3. Research successful model youth programs and make recommendations to county council for consideration and implementation in the county.
4. Seek and administer federal, state and private funding for commission operations and for projects proposed by the commission pursuant to the powers enumerated herein.

(h) *Richland County Conservation Commission.*

- (1) *Creation.* There is hereby created a commission to be known as the Richland County Conservation Commission, which shall have the structure, organization, composition, purposes, powers, duties, and functions established hereinbelow.
- (2) *Structure, organization, and composition of commission.*
  - a. The Richland County Conservation Commission shall consist of 11 members. Each member of Richland County Council shall appoint one person to represent their respective Council district, and the term of the member of the Commission shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his/her term.
  - b. Officers of the Commission shall consist of a Chairman, Vice Chairman, Secretary-Treasurer, and such other officers as may be elected by a majority vote of the Commission. The officers of the Commission shall be elected by the Commission each year for terms of office that shall commence on January 1 of the following year. Officers shall serve terms of one (1) year and shall continue in office until their successors are elected and qualify.
  - c. The members of the Commission, including officers, shall serve without pay but may be reimbursed for travel and other incidental expenses incurred in connection with the Commission's responsibilities; however, such reimbursement shall be subject to compliance with ordinances, policies and procedures established by

the Richland County Council governing the reimbursement of expenses for county boards, agencies and commissions.

- (3) *Parliamentary procedure; minutes.* The Commission shall adopt by-laws and rules of procedure, which are not inconsistent with Roberts Rules of Order, the laws of the State of South Carolina, and the Richland County Code of Ordinances. The Commission shall maintain records and minutes of its proceedings and meetings.
- (4) *Meetings; attendance.* The Commission shall meet at least quarterly. The chairman or a majority of the members of the Commission may call a special meeting of the Commission at any time. A member of the Commission who shall be absent for 50% or more of the meetings of the Commission during any 24-month period shall be deemed to have forfeited their membership and shall be removed without further action by the Commission or the County Council.
- (5) *Ex-officio members.* The Commission may, by majority vote of the members, elect ex- officio members of the commission for terms of one (1) year. Ex-officio members of the commission may participate in discussions of policy or other matters of importance to the Commission but shall not be permitted to vote on any other matter coming before the commission. Ex-officio members of the Commission shall not be counted in determining the existence of a quorum at any meeting of the commission.
- (6) *Purposes and objectives.* The purposes and objectives of the Richland County Conservation Commission shall be as follows:
  - a. To promote the conservation of natural resources;
  - b. To promote the development and preservation of historical resources;
  - c. To promote passive, outdoor, nature- based recreation;
  - d. To promote tourism, emphasizing the natural, cultural, and historical resources of Richland County;
  - e. To educate the public as to the benefits of conservation;
  - f. To undertake such studies, plans, activities, and projects as may, from time to time, be assigned to the Commission by the County Council.
- (7) *Plan for protection; list of significant resources.*
  - a. The Commission shall prepare and submit annually to the County Council a plan for the protection of significant resources in the

county. Such plan shall include a list of significant natural, cultural, or historical resources in the county, which are recommended to the County Council for acquisition, lease, or development. A financing strategy shall accompany each recommendation, with emphasis being placed upon minimizing the utilization of public monies and maximizing the utilization of other sources, such as grants, public donations, etc.

- b. The plan may provide various recommendations and approaches for the protection of natural, cultural, or historical properties or resources, including:
  - 1. Purchase of resources for public ownership or other protective ownership;
  - 2. Purchase of resources for resale;
  - 3. Acquisition of conservation easements to protect resources;
  - 4. The development of, access to, or restoration of properties or resources;
  - 5. Acceptance by donation or bargain sale of properties or resources;
  - 6. The negotiation of leases or conservation easements;
  - 7. The maintenance, preservation, protection, identification or development of natural, cultural or historical properties or resources;
  - 8. Other plans, methods, or approaches for the identification, acquisition, purchase, lease, preservation, protection or development of natural, cultural or historical properties or resources.
- c. Provided, however, that the power of eminent domain shall not be exercised by the Council nor the commission for the acquisition of any property recommended for protection by the commission. Any purchase, lease, acceptance, acquisition, protection, development, or maintenance of land, as referenced in subsection b.(1-8) above, shall only be received from a willing property owner who voluntarily consents to such participation.
- d. The Richland County Council may adopt the list of significant resources submitted by the commission, in whole or in part, and may

add to or delete additional properties and significant resources to the list of significant resources submitted by the commission. The list shall be reviewed and, if necessary, amended not less than annually by the commission. No assets or revenues allocated or appropriated to the Richland County Conservation Commission Fund shall be used to acquire, purchase, lease, protect, preserve, identify, or develop property not included on the list of significant resources approved by the County Council. Provided, however, property owners may notify the commission, in writing, that they do not want the commission to consider their property for preservation and/or protection. The commission shall maintain a file of such written notifications, and those properties shall not be considered for inclusion on the list of significant resources that is submitted to the County Council.

- e. The plan for the protection or preservation of significant resources in the county may include plans and recommendations for the protection of the following resources:
  - 1. Open space and significant scenic views;
  - 2. Prime agricultural land;
  - 3. Recreation land for hunting, fishing, water access, and trails;
  - 4. Wildlife habitat;
  - 5. Sensitive ecological land;
  - 6. Historic buildings, sites, or landscapes;
  - 7. Other properties or resources determined by the County Council to be significant for natural, cultural, or historical preservation.
  
- f. In the process of developing the plan, the commission shall have the authority to coordinate activities of volunteers, organizations, business and corporate entities and government agencies for the identification, conservation, preservation and development of natural, cultural and historical resources in the county; encourage such planning activities and development as may be necessary or advisable to promote, identify, acquire, lease, conserve, maintain and develop natural, cultural and historical resources in the county; and, in conjunction with cultural and other agencies, entities or individuals, identify, acquire, lease, maintain, preserve and develop natural, cultural and historical resources in the county.

(8) *Conservation easements.*

- a. Any landowner desiring to obtain an endorsement by the Richland County Council for the granting of a conservation easement to a qualified organization, exclusively for conservation purposes, shall submit an application to the Commission, along with the appropriate user fee as described in subparagraph d. below.
- b. Upon review of the application, the Commission shall prepare a report for Council concerning the features and characteristics of the subject property and the conservation easement. The report to Council shall:
  1. Identify the conservation values of the parcel that justify the interest by Richland County. Conservation values are characteristics of property, which because of their ecological, historic, scenic, or open space value, are essential to the continued integrity of Richland County; and
  2. Indicate that the conservation easement protects in perpetuity all aspects of the parcel with conservation value; and
  3. Indicate that any developments proposed by the owner on non-conservation aspects of the parcel would not disturb the conservation values of the parcel; and
  4. Indicate that the Donee organization to hold the easement has sufficient credibility and resources to adequately monitor and enforce the easement and has been approved by the Commission.
- c. Upon receipt of this report, County Council shall make a finding that such easement furthers a “significant public benefit”. No conservation easement shall be accepted or endorsed unless the easement fulfills a “significant public benefit”, defined as:
  1. Recreation or education of the public (this requires that the public have free access to the land); or
  2. Protection of an important watercourse or natural habitat of fish, wildlife, or plants; or
  3. Preservation of historically important land or structures; or
  4. Preservation of open space for the scenic enjoyment of the public or pursuant to a clearly delineated governmental conservation policy; provided that such preservation will yield a significant public benefit, such as:

- (i) Furthering a county or municipal green space plan, of which the donor's conservation easement will be an integral part; or
  - (ii) The easement will protect open space, the view of which can be and is enjoyed by the public from vantage points on adjacent or nearby property (e.g. from a road or adjoining public land), and that the protection of this viewshed will yield a significant public benefit.
- d. In order to offset the costs incurred by the Commission and Council in evaluating the application for endorsement and in making the actual endorsement, each applicant shall pay a required user fee to the County. Such user fee shall be an amount equal to 2% of the appraised value of the property being donated for conservation purposes, as reflected in the records of the Richland County Tax Assessor, or five hundred (\$500.00) dollars, whichever is greater.

(9) *Richland County Conservation Commission Fund.*

- a. The Richland County Conservation Commission Fund is hereby established as a separate and segregated fund for the purpose of funding projects and activities of the Richland County Conservation Commission approved by the Richland County Council. Such fund shall consist of all funds appropriated by the Richland County Council, all gifts of land, cash or other assets made to the county for the purposes and objectives stated herein, and all other grants or other public or private revenues or gifts, with interest thereon, for such purposes.
- b. The Richland County Council may make annual appropriations to the fund, and all funds appropriated shall be used solely and exclusively for the purposes stated herein. Unexpended or unused assets and funds shall be maintained in the Richland County Conservation Commission Fund and used solely for the identification, acquisition, lease, protection, maintenance and development of natural, cultural and historical property and resources identified on the list of significant resources developed by the Richland County Conservation Commission. Fund balances not expended during any fiscal year shall be carried forward for the identification, acquisition, lease, protection, preservation or development of resources listed on the commission's list of significant resources.
- c. All property or interests in property to be used by or for the Richland County Conservation Commission Fund shall be transferred to the county by the persons or entities owning title thereto, and all real

property used, acquired or leased for commission purposes shall be owned, purchased, leased, held, conveyed, or disposed of in the name of the county by the Richland County Council. All such property or interests in property shall be listed on a fixed asset ledger, which shall be maintained. Such ledger shall show the value of property or interests in property acquired, leased, held, owned, preserved, protected, maintained, or developed, in whole or in part, from funds allocated from the Richland County Conservation Commission Fund.

(i) *Richland County Appearance Commission.*

- (1) *Creation.* There is hereby created a Richland County Appearance Commission, which shall be a permanent county commission, appointed in whole by the county council.
- (2) *Membership.* The Richland County Appearance Commission shall consist of at least 11 members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at-large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.
- (3) *Purpose.* The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. Responsibilities include:
  - a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.
  - b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.
  - c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five- year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.
  - d. To develop a maintenance plan for the above LIMB Plan and five-year plan.

- e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.

(4) *Terms of members; election of officers; and meetings.*

- a. An at-large Commission member shall serve a term of four years or until his or her successor is appointed. The term of a member of the Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his or her term.
- b. The commission shall elect a chairman, vice-chairman, secretary and treasurer.
- c. The commission shall meet at such times and places as determined by the chairman, but shall hold at least one meeting each quarter. The county administrator shall assign staff to assist the commission in making its recommendations to county council. All meetings of the commission shall be conducted in compliance with the South Carolina Freedom of Information Act.

- (5) *By-laws.* The commission shall adopt by-laws by which meetings and activities of the commission will be conducted. Such by-laws shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.

(j) *Richland County Hospitality Tax Advisory Committee.*

- (1) *Creation.* There is hereby created a Richland County Hospitality Tax Advisory Committee.
- (2) *Membership.* The Richland County Hospitality Tax Advisory Committee shall consist of five (5) members who shall be appointed by majority vote of the Council. All members must be interested citizens residing in the County, and at least two members must be representative of the restaurant industry.
- (3) *Responsibilities.* The Richland County Hospitality Tax Advisory Committee shall review applications of those entities who are seeking funding from the County Promotions portion of hospitality tax funds. The Committee will then make recommendations to County Council for the allocation and distribution of such funds.
- (4) *Terms of Members; Election of Chairperson; Meetings.*

- a. The Committee members shall serve a term of two years or until his or her successor is appointed.
- b. The Committee shall elect a chairperson.
- c. The Committee shall meet at such times and places as determined by the Chairperson, but shall hold at least one meeting each calendar year. The County Administrator shall assign staff to assist the Committee in making its recommendations to County Council. All meetings of the Committee shall be conducted in compliance with the South Carolina Freedom of Information Act.

(k) *Richland County Transportation Study Commission.*

- (1) *Creation.* There is hereby created a Richland County Transportation Study Commission.
- (2) *Membership.* The Richland County Transportation Study Commission shall consist of thirty-nine (39) members who shall be appointed as follows: 11 members, 1 from each member of County Council; 7 members, 1 from each member of Columbia City Council; 4 members, of which 1 shall be appointed by Lexington County Council, 1 shall be appointed by West Columbia City Council, 1 shall be appointed by Cayce City Council, and 1 shall be appointed by the Springdale Town Council; and 17 members, as recommended by the Richland County Rules and Appointments and approved by a majority vote of Richland County Council. No elected officials shall be appointed to this Commission.
- (3) *Terms of Members; Sub-Committees; Election of Chairperson; Meetings.*
  - a. A Commission member shall serve a term of two (2) years or until his or her successor is appointed.
  - b. The Commission shall consist of four (4) sub-committees, and an at large membership, as follows:
    - 1. An Executive sub-committee, which shall be composed of seven (7) members; and
    - 2. A Greenways and Bike Paths sub- committee, which shall be composed of seven (7) members; and
    - 3. A Roads sub-committee, which shall be composed of ten (10) members; and

4. A Transit sub-committee, which shall be composed of fourteen (14) members.
  5. In addition, sixteen (16) members shall be appointed as at-large members; provided that fifteen (15) of the at-large members shall also be appointed to one of the sub-committees referenced above.
- c. The Commissions chairperson, co- chairperson, and those members to serve on the Executive sub-committee of the Commission, shall be appointed by a majority vote of Richland County Council.
  - d. Each sub-committee shall elect a chairperson by a majority vote of its respective membership.
  - e. The Commission shall meet at such times and places as determined by the Chairperson, but shall hold at least one meeting each calendar month. All meetings of the Commission shall be conducted in compliance with the South Carolina Freedom of Information Act.
- (4) *Responsibilities.* The Richland County Transportation Study Commission shall study the long-range transportation needs of Richland County, including the current bus system and other modes of public transit. The Commission shall also assess the highway and road improvements that are needed to alleviate congestion that will allow people and goods to move through the County efficiently. This study shall include incentives for development throughout the County that is conducive to public transit, and shall include projects to alleviate congestion, including, but not limited to, Lower Richland Connector and Clemson Road. In addition, the Commission shall develop a plan to make Richland County more pedestrian and bicycle friendly. The Transportation Study Commission shall submit an interim report to Richland County Council in May 2007 and in November 2007. A final report shall be submitted to Richland County Council in May 2008. Copies of these reports shall be submitted to all local governments within the service area. Any consulting services that may be needed to assist the Commission with their responsibilities shall be managed by the Richland County Procurement Department (for example, RFPs). The Executive Committee of the Commission shall review the applications and make a recommendation to Richland County Council before a contract is awarded.
- (1) *Richland County Business Service Center Appeals Board.*
- (1) *Creation.* There is hereby created a Richland County Business Service Center Appeals Board.
  - (2) *Membership.* The Business Service Center Appeals Board shall consist of five members who shall be appointed by majority vote of the Council. The

five-member board shall be comprised of three Certified Public Accountants, one member of the S.C. Bar Association, and one other business person. All members must be interested citizens residing in Richland County. Not more than one member of the Appeals Board may be an employee of the County.

(3) *Responsibilities.* The Richland County Business Service Center Appeals Board shall serve as the appeals function expounded in the Richland County Code of Ordinances, Chapter 16, Article I. The Board will hear appeals resulting from any person aggrieved by a final assessment, charge backs from an audit, or a denial of a business license by the License Official. In that capacity and as a finder of fact, the Appeals Board shall have the following responsibilities:

- a. Adopting procedures relating to the execution of the Appeal's Board function;
- b. Receiving written appeals from businesses;
- c. Holding meetings to receive testimony by the business, the Business Service Center official, and any other official approved by the Appeals Board;
- d. Reviewing and analyzing the information presented in the testimonies provided;
- e. Making a factual conclusion as to the issue in question based upon the review and analysis; and
- f. Writing a formal determination regarding the decision made as to the issue in question.

(4) *Terms of Members; Election of Chairperson; Meetings.*

- a. The term of office of the chairperson and each member of the Appeals Board shall be four (4) years. However, in making the initial appointments, two members shall be appointed for an initial term of four years, two members for an initial term of three years, and one member shall be appointed for an initial term of two years. Thereafter, their successors shall be appointed for terms of four years, or for the balance of any unexpired term. Members may be reappointed for a consecutive, second term, for four years. After this second term, a member may be reappointed for a third term, but only after two years has elapsed from the last day of the last term served. The County Council may terminate for just cause any Board members' terms of office.

- b. The Committee shall elect a chairperson.
- c. The Committee shall meet whenever an appeal is made, at such times and places as determined by the Chairperson.

(m) *Appointment of members of county athletic commission.*

- (1) The county council, pursuant to the provisions of Act No. 48 of 1991, hereby assumes the appointive powers over the county athletic commission. There shall be five (5) members of the commission who shall be appointed as follows:
  - a. One member who sides in County Council District 1, 2, or 7;
  - b. One member who resides in County Council District 8 or 9;
  - c. One member who resides in County Council District 3 or 4;
  - d. One member who resides in County Council District 5 or 6;
  - e. One member who resides in County Council District 10 or 11.
- (2) The members of the commission shall be appointed for four year terms and until their successors are appointed qualify.

(n) *Duties of local emergency planning committee.* The duties of the Richland County Local Emergency Planning Committee are hereby expanded to include the following:

- (1) Ensure the full implementation of the Superfund Amendments and Re-authorization Act of 1986 (SARA), Title III be accomplished as quickly as possible.
- (2) Make recommendations for hazardous materials code uniformity within Richland County and all municipalities within Richland County.
- (3) Review environmental impact statements submitted by business handling environmentally sensitive materials.
- (4) Develop facility inspection frequency recommendations based on inventory and release history.
- (5) Make recommendations to insure the cooperation of all public safety and inspection agencies before, during, and after hazardous materials inspections.

- (6) Make recommendations on planning and zoning ordinances for industries the produce, store, or transport hazardous materials. Develop recommendations for safe distances between residential areas and hazardous industries.
  - (7) Explore the possibility of adjacent jurisdictions adopting interlocal agreements, with mutual review of projects with regional impact.
  - (8) Develop recommendations for financial responsibility requirements for industries that manufacture, store, or transport hazardous materials.
  - (9) Develop a system of regulating local transportation of hazardous materials within the provisions of state and federal law.
  - (10) Develop a system to assist the facility planning process and require such a document be on file with the local emergency planning committee.
  - (11) Develop an outline for the permitting process of environmentally sensitive business.
  - (12) Conduct a study of crimes against the environment.
  - (13) Develop a cost recovery program to assist state and local government to recover cost expended in hazardous materials incidents.
  - (14) Explore shortfalls and gaps in hazardous waste regulations.
- (o) *Disabilities and special needs board.*
- (1) *Board.* There is hereby created the Richland/Lexington County Disabilities and Special Needs Board with powers, duties, responsibilities, and functions set forth herein.
  - (2) *Purpose.* It is the purpose of the Richland/Lexington County Disabilities and Special Needs Board to develop, provide, coordinate, improve and operate community based programs serving persons with disabilities and special needs or other related disabilities with a view toward developing their respective mental, physical and social capacities to their fullest potential.
  - (3) *Membership.* The board shall be composed of fifteen (15) members, at least five (5) of whom shall be resident electors. The board shall be appointed by the governor of the State of South Carolina upon recommendation of the majority of the county legislative delegation. Persons with a demonstrated interest and background in disabilities and special needs and/or human services shall be recommended for appointment.

- (4) *Terms.* The terms of the members shall be for four (4) years until their successors are appointed and qualify, except that of the first appointed: One (1) shall be appointed for one (1) year; two (2) for two (2) years; two (2) for three (3) years; and two (2) for four (4) years. Vacancies shall be filled for any unexpired terms in the same manner as original appointments. Any member may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office or for missing three (3) consecutive meetings after being given a written statement of reasons and an opportunity to be heard.
- (5) *Meetings and requirements.* The board shall open all regular meetings to the general public. No fewer than four (4) meetings per year shall be held. Special meetings may be called, with reasonable notice given to other members.
- (6) *Bylaws.* The board will establish its own bylaws. On an annual basis, it will elect a chairperson, a vice- chairperson, a secretary and a treasurer.
- (7) *Insurance.* The board will maintain at all times, workers compensation insurance on its employees and a policy of liability insurance in the amount of one million dollars (\$1,000,000.00) covering all employees and board members. The premiums for this coverage shall be the responsibility of the board. Richland County shall be listed as an insured under the policy of liability insurance. The board shall furnish a copy of the current insurance policies to county council and will keep current copies of the policies on file at all times.
- (8) *Duties.* The board shall:
  - a. Be the administrative, planning, coordinating, evaluative, and review body of services to persons in the county who are mentally retarded or have other related disabilities; the board shall be funded in part or in whole by appropriations for the South Carolina Department of Disabilities and Special Needs.
  - b. Submit an annual plan and projected budget to the South Carolina Department of Disabilities and Special Needs for approval and consideration of funding.
  - c. Review and evaluate, on at least an annual basis, county mental retardation and related disability services provided pursuant to this ordinance and report its finding and recommendations to the South Carolina Department of Disabilities and Special Needs and county council.

- d. Promote and accept local financial support for Richland County programs from funding sources such as businesses, individuals, industrial and private foundation, voluntary agencies, governmental and other lawful sources and promote public support from municipal and county sources.
- e. Employ personnel and expend its budget for the direct delivery of services or contract with those services vendors necessary to carry out county mental retardation or related disability service programs, which shall meet those specifications prescribed by the South Carolina Department of Disabilities and Special Needs .
- f. Plan, arrange, and implement working agreements and contract with other human service agencies, both public and private, and with educational and judicial agencies.
- g. Provide the South Carolina Department of Disabilities and Special Needs and the county council with such records, reports, and access to its sponsored services as the South Carolina Department of Disabilities and Special Needs and the county council may require and submit its sponsored services and facilities to licensing requirements of the South Carolina Department of Disabilities and Special Needs of the licensing requirements of other state or local agencies having such legal authority.
- h. Buy, sell, mortgage, pledge, encumber, lease, rent, and contract with respect to real and personal property, from funds payable out of any revenues of the county disabilities and special needs board, and shall not obligate the full faith, credit, and taxing power of the county.
- i. Provide a public forum to which individuals or groups may present any concerns or appeal a dispute or disagreement with a provided agency or service.

(p) *Duties of the Midlands Commission on homelessness.*

- (1) The Midlands Commission shall be appointed from the civic and business community and shall be composed of seven (7) persons, each of whose leadership has demonstrated an interest in the needs of the homeless population of central South Carolina. Three (3) of the members of the Commission shall be appointed by the Mayor and City Council of the City of Columbia and four (4) of the members of the Commission shall be appointed by the County Council of the County of Richland, State of South Carolina. One of the four members of the Commission appointed by the County of Richland shall be the designee of the Consortium For The Homeless serving central South Carolina. The members shall serve for terms

of three (3) years and until their successors are appointed and qualified, except that the first appointments shall be as follows: three (3) for three (3) years; two (2) for two (2) years; and two (2) for one (1) year. No Commission member shall be eligible for appointment following service as a Commissioner for one (1) year following the expiration of any full term of service as a Commissioner.

(2) Immediately upon the appointment of the Commission, it shall organize by electing one of its number as Chair, a second as Vice Chair, and a third as Secretary. The officers of the Commission shall hold office for terms of one (1) year and until their successors shall be chosen and qualified. It shall be the duty of the Commission to see that a record of the appointees to the Commission shall be filed in the office of the Clerk of County Council for Richland County, and the office of the Clerk of the City Council of Columbia, so as to indicate the persons holding office as members of the Commission and the duration of their respective terms. No member of the Commission shall receive any compensation for his or her services as a member of the Commission. Membership on the Commission shall not be construed to be an office of honor or profit.

(3) *Duties.*

- a. To act as an advocate for the needs of the homeless population in central South Carolina;
- b. To identify resources necessary to address the needs of the homeless population of central South Carolina;
- c. To encourage coordination in the planning for and delivery of services to the homeless population in central South Carolina.
- d. To the greatest extent possible, work in conjunction with the Consortium for the homeless and other entities serving the needs of the homeless.
- e. To conduct its affairs in a fiscal year beginning July 1 and ending June 30. As shortly after close of its fiscal year as may be practicable, an audit of its affairs shall be made. Copies of such audit, incorporated into an annual report of the Commission, shall be filed with the Clerk for the County Council of Richland County, State of South Carolina, and the Clerk for the City Council of Columbia, State of South Carolina.

(4) Reasonable administrative assistance to the Commission shall be provided for by the City of Columbia in conjunction and cooperation with the County of Richland.

- (5) Any action required of the Commission may be taken at any meeting of the Commission, regular or special, and at any such meeting a majority of the members of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

(q) *Internal Audit Committee.*

- (1) *Creation.* There is hereby established an Internal Audit Committee which shall have the structure, organization, composition, purposes, powers, duties, and functions established below.
- (2) *Membership; terms.* The Internal Audit Committee shall be comprised of three members of Council (the Council Chair, the A&F Committee Chair, and the D&S Committee Chair), two citizens appointed by a majority vote of the Council at large, and an employee appointed by the County Administrator. The citizens' and the employee's terms shall be one year in length, with up to three term renewals permitted. The Council members' terms shall be for as long as they serve in the capacity of Council Chair or Committee Chair.
- (3) *Duties and responsibilities.*
  - a. The Internal Audit Committee shall develop with the Internal Auditor, for recommendation to the full Council for approval by majority vote, an audit schedule (which shall include areas to be reviewed, their priority and the timelines for completion), audit progress, audit follow-up, and special needs; and shall work to assure maximum coordination between the work of the Internal Auditor and the needs of the chief executive officer, the legislative body, and any other contractually hired auditors, as necessary or appropriate.
  - b. The Internal Audit Committee shall review, for recommendation to Council for approval by majority vote, all areas of County operations for which County funds are levied, collected, expended, or otherwise used. This includes departments or offices reporting to the County Administrator, departments or offices headed by elected or appointed officials, millage agencies, legislatively appointed Commissions receiving County funding, nonprofit organizations receiving grant monies from County funds, and any other organization receiving any type of funding for any purpose from the County.
  - c. The Internal Audit Committee shall oversee the responsibilities of the Internal Auditor, as stated in the negotiated contract with the Internal Auditor.

- d. The Internal Audit Committee shall present to the full Council a written report regarding each audit conducted by the Internal Auditor following the Internal Auditor's report to the Internal Audit Committee for each audit. Additionally, in conjunction with the budget process, the Internal Audit Committee shall annually present to the full Council a written summary report regarding the audits, progress, findings, and any other appropriate information relating to the internal audits conducted during the past fiscal year following the Internal Auditor's summary report to the Internal Audit Committee.
- e. The Internal Audit Committee shall annually review the Internal Auditor and anyone else working in such a capacity for adherence to government auditing standards in conducting its work to ensure quality service and independence as defined by those standards. (These are the federal Government Accounting Office's "Yellow Book" standards). A subsequent report of the Committee's findings shall be presented to Council for their information.

(r) *Bond Review Committee.*

- (1) *Creation.* There is hereby established a Richland County Bond Review Committee which shall have the structure, organization, composition, purposes, powers, duties, and functions established below.
- (2) *Membership; terms.* The Bond Review Committee shall be comprised of five members, as follows: two shall be county employees designated by the County Administrator, two shall be Council members designated by the County Council Chair, and one shall be a bond counsel representative. A member shall serve a term of two (2) years or until his or her successor is appointed. In addition, the County Auditor and the County Treasurer shall serve on the Committee ex officio, with all the same rights, duties, and responsibilities as a Committee member.
- (3) *Duties and responsibilities.*
  - a. The Bond Review Committee shall review and make recommendations to the County Council regarding the issuance of Debt Obligations and the management of outstanding debt in accordance with the County Debt Policy.
  - b. The Bond Review Committee shall consider all issues related to outstanding and proposed Debt Obligations; including, but not limited to, all matters affecting or relating to the creditworthiness, security and repayment of the proposed Debt Obligations, such as procurement of services for debt sales and administration, structure, repayment terms and covenants of the proposed Debt Obligation.

- c. The Bond Review Committee shall periodically review county debt policies and make recommendations where appropriate.
- d. The Bond Review Committee shall review all capital projects proposed to be financed with debt for compliance with the Debt Policy, and will make recommendations to the County Administrator as to the appropriate structure of such debt. In formulating its recommendations, the Committee shall consider:
  - 1. Legality and availability of revenue for the repayment of such debt;
  - 2. Impact of such debt on the county's debt capacity;
  - 3. Ongoing operational impact analysis to consider additional requirement after project completion on the county's operating budget;
  - 4. Impact analysis of debt service requirements to the total county debt obligation over life of debt;
  - 5. Review post-project analysis to evaluate actual benefit received in comparison to estimates;
  - 6. Review compliance on all outstanding bond covenants and requirements of the bond resolutions; and
  - 7. Other relevant factors.
- e. The Bond Review Committee shall present findings and recommendations to Council during project discussions.

**Sec. 2-333 – 339. Reserved.**

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

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

SECTION IV. Effective Date. This Ordinance shall be enforced from and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
\_\_\_\_\_, Chair

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 1, 2011  
Second Reading: February 15, 2011 (tentative)  
Third Reading:

# Richland County Council Request of Action

**Subject**

Placing the Recreation Commission under County Council [**PAGES 54-57**]

**Notes**

February 22, 2011 - The committee recommended that Council approve the resolution supporting Representative Jim Harrison's pre-filed bill to have the Recreation Commission fall under the jurisdiction of Richland County Council. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Placing the Recreation Commission under County Council

### A. Purpose

A resolution supporting Representative Jim Harrison's pre-filed bill to have the Recreation Commission to fall under the jurisdiction of Richland County Council [JACKSON]

### B. Background / Discussion

Councilman Jackson made this motion at the January 18<sup>th</sup> Council meeting based on a bill sponsored by Rep Harrison and Rep Brady at the 119<sup>th</sup> Gen. Assembly, January 11, 2011. The draft resolution and Rep. Harrison's bill are attached.

### C. Financial Impact

The Financial impact of this resolution has not been determined at this time.

### D. Alternatives

1. Approve the resolution supporting Representative Jim Harrison's pre-filed bill.
2. Do not approve the resolution supporting Representative Jim Harrison's pre-filed bill.

### E. Recommendation

Recommended by: Councilman Norman Jackson  
Date: January 18, 2011

Department: County Council

### F. Reviews

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

#### Finance

Reviewed by: Daniel Driggers

Date: 2/10/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

#### Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

#### Administration

Reviewed by: J. Milton Pope

Date: 2-16-11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend support of the Council having the option of transferring assets of a Special Purpose District to the County.

Item# 11

Attachment number 1  
Page 1 of 4



**South Carolina General Assembly**  
119th Session, 2011-2012

Download [This Bill](#) in Microsoft Word format

~~Indicates Matter Stricken~~  
~~Indicates New Matter~~

**H. 3143****STATUS INFORMATION**

General Bill  
Sponsors: Reps. Harrison and Brady  
Document Path: I:\council\bill\ms\7023ahb11.docx

Introduced in the House on January 11, 2011  
Currently residing in the House Committee on **Judiciary**

Summary: Special purpose district

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
12/7/2010	House	Prefiled
12/7/2010	House	Referred to Committee on <b>Judiciary</b>
1/11/2011	House	Introduced and read first time ( <a href="#">House Journal-page 61</a> )
1/11/2011	House	Referred to Committee on <b>Judiciary</b> ( <a href="#">House Journal-page 61</a> )
1/12/2011	House	Member(s) request name added as sponsor: Brady

View the latest [legislative information](#) at the LPITS web site

**VERSIONS OF THIS BILL**

12/7/2010

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

**A BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-2025 SO AS TO REQUIRE THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, THAT PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO BE APPOINTED BY THE GOVERNING BODY OF THE COUNTY AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY BY ORDINANCE OF THE GOVERNING BODY OF THE COUNTY, AND TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY.

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

SECTION 1. Article 15, Chapter 11, Title 6 of the 1976 Code is amended by adding:

"Section 6-11-2025. (A) Notwithstanding the provisions of this article, the governing body of a special purpose district must be appointed by the governing body of the county in which the district is located if it:

- (1) is created by act of the General Assembly;
- (2) provides only recreational services; and
- (3) has boundaries that consist of the entirety of the unincorporated area of the county.

(B) After the appointment as provided in this section occurs, the governing body of the county may transfer, by ordinance, all assets and liabilities of the district to the county. The district then becomes a department of the county and all powers, duties, and responsibilities of that district must be determined by the governing body of the county. The governing body of the county may reconstitute the board of the district as it determines.

(C) For purposes of calculating the millage limitation imposed pursuant to Section 6-1-320 for a county, any millage for operating purposes imposed by the transferred district is considered to have been imposed by the county."

SECTION 2. This act takes effect upon approval by the Governor.

---XX---

This web page was last updated on January 18, 2011 at 10:47 AM

# Richland County Council Request of Action

## **Subject**

Review of the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County, as well as the Priority Investment Areas **[PAGES 59-60]**

## **Notes**

February 22, 2011 - The committee recommended that Council direct staff to revisit the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County, as well as the Priority Investment Areas to determine what action, if any, needs to be taken in those areas. The vote in favor was unanimous.

## **Richland County Council Request of Action**

**Subject:** Review of the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County, as well as the Priority Investment Areas.

### **A. Purpose**

To direct staff to revisit the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County, as well as the Priority Investment Areas to determine what action, if any, needs to be taken in those areas.

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

On January 18, 2011, with unanimous consent, a motion was made by the Honorable Councilman Bill Malinowski to request that staff revisit the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County as well as the Priority Investment Areas to determine what action, if any, needs to be taken in those areas.

Staff will analyze the existing and proposed residential densities, land uses and public facilities to evaluate the Future Land Use Map designations as well as the Priority Investment Areas.

Priority Investment Areas were considered based on projected growth/development, approved housing commercial and residential developments, the potential for redevelopment (infill, corridor planning), existing development, access to roads, availability of developable parcels, and the availability of water and sewer.

### **C. Financial Impact**

None

### **D. Alternatives**

1. Direct staff to revisit the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County, as well as the Priority Investment Areas to determine what action, if any, needs to be taken in those areas.
2. Do not direct staff to revisit the Comprehensive Plan.

### **E. Recommendation**

This request is at Council's discretion.

Recommended by: Honorable Bill Malinowski

Date: 1/18/11

## F. Approvals

### Finance

Reviewed by Daniel Driggers:

Date: 2/9/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. No financial impact indicated on ROA.

### Planning

Reviewed by: Anna Almeida

Date: 2/9/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Planning

Reviewed by: Amelia Linder

Date: 2/10/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion.

### Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

### Administration

Reviewed by: Sparty Hammett

Date: 2/16/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

# Richland County Council Request of Action

## **Subject**

State of the County Address [**PAGES 62-63**]

## **Notes**

February 22, 2011 - The committee recommended that Council adopt a policy regarding the State of the County Address. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** State of the County Address

**A. Purpose**

Council is requested to consider the motion made at the February 1, 2011 Council Meeting, and direct staff as appropriate.

**B. Background / Discussion**

The following motion was made at the February 1, 2011 Council Meeting by Councilman Manning:

**Based on a fabulous idea by Councilman Norman Jackson, I move that County Council Institute a State of the County Address Like the State of the Union, State, and City.**

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

**C. Financial Impact**

There is no financial impact associated with this request at this time, as further information and direction from Council will need to be obtained before a financial impact can be determined.

**D. Alternatives**

1. Approve the motion and direct staff as appropriate.
2. Do not approve the motion.

**E. Recommendation**

By: Motion by Councilman Manning      Date: February 1, 2011 Council Meeting

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 2/2/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: council discretion

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

**Administration**

Reviewed by: Tony McDonald

Date: 2/3/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion.

# Richland County Council Request of Action

**Subject**

An Ordinance Amending the Fiscal Year 2010-2011 Road Maintenance Fund Annual Budget to appropriate \$500,000 of Undesignated Fund Balance for the Low Volume Alternative Paving Pilot Demonstration **[PAGES 65-66]**

**Notes**

February 22, 2011 - The committee recommended that Council allocate \$500,000 from the fund balance from the Road user fee to get the pilot project started. The committee also recommended that Council direct staff to look at other alternatives during the budget process to fund this project. The vote in favor was unanimous.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2010-2011 ROAD MAINTENANCE FUND ANNUAL BUDGET TO APPROPRIATE \$500,000 OF UNDESIGNATED FUND BALANCE FOR THE LOW VOLUME ALTERNATIVE PAVING PILOT DEMONSTRATION.

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 thousand dollars (\$500,000) be appropriated to the Fiscal Year 2010-2011 Road Maintenance Fund for the Low Volume Alternative Paving Pilot Demonstration. Therefore, the Fiscal Year 2010-2011 Road Maintenance Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2010 as amended:	\$ 11,381,140
Appropriation of Road Maintenance undesignated fund balance:	<u>500,000</u>
Total Road Maintenance Fund Revenue as Amended:	\$ 11,881,140

EXPENDITURES

Expenditures appropriated July 1, 2010 as amended:	\$ 11,381,140
Increase for the Low Volume Alternative Paving Pilot Demonstration:	<u>500,000</u>
Total Road Maintenance Fund Expenditures as Amended:	\$ 11,881,140

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 \_\_\_\_\_, 2009.

RICHLAND COUNTY COUNCIL

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

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

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

---

Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

Contract with Correct Care Solution Detention Center Medical Services **[PAGES 68-69]**

## **Notes**

February 22, 2011 - The committee recommended that Council approve the request to extend the contract with Correct Care Solutions in the amount of \$3,997,001.84 for one year in an effort to develop a comprehensive RFQ and to complete the NCHC recertification process. The vote in favor was unanimous.

## **Richland County Council Request of Action**

### Extend Contract with Correct Care Solution Detention Center Medical Services

#### **A. PURPOSE:**

The Detention Center requests for County Council to extend the medical contract with Correct Care Solutions (CCS) for one year. This extension will allow the Detention Center and Procurement to develop a comprehensive Request for Qualification for medical services. The renewal is for \$ 3,997,001.84 for FY 11/12 with Correct Care Solutions for inmate medical services.

#### **B. BACKGROUND / DISCUSSION:**

In September 2005, County Council decided to terminate its inmate services medical contract with Prison Health Service. After a formal procurement process, County Council elected to award CCS the inmate medical service contract for the Detention Center in March 2006.

CCS is the first medical provider that has been successful in achieving the National Commission on Health Care (NCCHC) certification for our facility. NCCHC's *Standards for Health Services* are widely recognized by the medical profession as well as the courts as the benchmark standards for establishing or measuring a correctional facility's health services systems. There are only 250 facilities in the US that has obtained this certification and only 3 other facilities in SC.

The contract Council awarded to CCS in 2006 will end in March 2011. The Detention Center and CCS are preparing for an inspection for NCCHC recertification. NCCHC recertification will not be awarded until May 2011. The Detention Center did not want to solicit for medical providers during this process. This is an important certification and must be maintained. It raises the medical care bar, and ensures the Detention Center's medical service provider provides a high level of medical care, thus reducing the County's liability.

#### **C. FINANCIAL IMPACT:**

The estimated expenditure is \$3,843,271.00 of the \$5,051,525.00 requested in account # 2100-5265, Professional Services.

#### **D. ALTERNATIVES:**

1. Approve the request to extend the contract with Correct Care Solutions for one year in effort to develop a comprehensive RFQ and to complete the NCCHC recertification process.
2. Solicit for Request for Qualifications, to see if another health service care provider can provide the quality of service already established by CCS.
  - o *Note* (If Council selects this option CCS will need to be extended 6-12 months to give Procurement and the Detention Center time to develop a comprehensive RFQ.)
3. The County can drop the privatization of medical services and pick up service.

**E. RECOMMENDATION:**

The Department recommends that Council approve the request to extend the medical contract with CCS for one year.

Recommend by: Ronaldo D. Myers Department: Detention Center Date: January 31, 2011

**F. Reviews**

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

**Finance**

Reviewed by : Daniel Driggers

Date: 2/10/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Based on Detention Center Director recommendation. Funds are available as stated.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 2/10/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 2/16/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$155,900 of General Fund Undesignated Fund Balance to the Coroner for additional funding for current budget [**FIRST READING**]  
**[PAGES 71-72]**

## **Notes**

February 22, 2011 - The committee recommended that Council approve the request to amend the Coroner's budget by adding an additional \$155,900. The vote in favor was unanimous.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2010-2011 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$155,900 OF GENERAL FUND UNDESIGNATED FUND BALANCE TO THE CORONER FOR ADDITIONAL FUNDING FOR CURRENT BUDGET.

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 one hundred fifty five thousand nine hundred dollars (\$155,900) be appropriated to FY 2010-2011 Coroner. Therefore, the Fiscal Year 2010-2011 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2010 as amended:	\$ 137,823,215
Appropriation of General Fund undesignated fund balance	<u>155,900</u>
Total General Fund Revenue as Amended:	\$ 137,979,115

EXPENDITURES

Expenditures appropriated July 1, 2010 as amended:	\$ 137,823,215
Increase to Coroner's Current Budget	<u>155,900</u>
Total General Fund Expenditures as Amended:	\$ 137,979,115

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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

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

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

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

**Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions Created and Recognized; so as to create a Richland County Complete Streets Commission, and setting forth the conditions under which said commission shall function and the responsibilities of same [**PAGES 74-76**]

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SECTION 2-326, BOARDS AND COMMISSIONS CREATED AND RECOGNIZED; SO AS TO CREATE A RICHLAND COUNTY COMPLETE STREETS COMMISSION, AND SETTING FORTH THE CONDITIONS UNDER WHICH SAID COMMISSION SHALL FUNCTION AND THE RESPONSIBILITIES OF SAME.

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions created and recognized; is hereby amended to create a new subsection, to read as follows:

(m) *Richland County Complete Streets Commission.*

- (1) *Creation.* There is hereby created a Richland County Complete Streets Commission, hereinafter known as the Commission, or RCCSC.
- (2) *Membership.* The Commission shall consist of nine (9) members, with one representative from each of the following general interest groups: one (1) representative from the South Carolina Department of Health and Environmental Control (DHEC); one (1) representative from the American Association of Retired People (AARP) regional office; one (1) representative from neighborhood advocacy interests; one (1) representative from District One of the South Carolina Department of Transportation (SCDOT); one (1) representative from the Central Carolina Realtors Association; one (1) representative from the Homebuilders Association of Greater Columbia; one (1) representative from cycling advocacy interests; one (1) representative from the Richland County municipalities; and one (1) representative from Americans with Disabilities Act (ADA) advocacy interests.

~~The Commission may select ex-officio members as may be useful in assisting in the Commission's duties.~~ All members shall serve without compensation, and shall be appointed by the Richland County Council.

- (3) *Terms of Members; Election of Chairperson; Meetings.*
  - a. Initially, three (3) members shall be appointed for a one year term; three (3) members for a two year term; and three (3) members for a 3 year term. Thereafter, all appointments shall be for a three year term. The initial appointments shall be as follows:

1. Three year terms for the ADA advocacy representative; Central Carolina Realtors Association representative; and the DHEC representative; and
  2. Two year terms for the AARP representative; the municipal representative; and the cycling advocacy representative; and
  3. One year term for the residential neighborhood advocacy representative; the District One SCDOT representative; and the Homebuilders Association of Greater Columbia representative.
  4. After the initial appointments, each new appointment shall be for a three year term.
  5. Appointments to a vacancy shall be for remainder of the representative's current term.
- b. The Commission shall annually elect a chairperson and a vice-chairperson by a majority vote of its respective membership.
  - c. The Planning and Development Services Department shall provide administrative support to the Commission.
  - d. The Commission shall meet monthly during the second week of the month and shall not begin before 5:00 PM. The Chairman may call a special meeting at any time with a minimum seven (7) days notice to the members.
  - e. All meetings of the Commission shall be conducted in compliance with the South Carolina Freedom of Information Act.
- (4) *Duties.* The Commission shall review and comment regarding proposals to implement the Richland County Complete Streets Program Goals and Objectives, adopted July 6, 2010, and as may be periodically amended thereafter. Said proposals may include, but are not limited to, regulations and/or procedures to:
- a. Improve cycling and pedestrian facilities and safety; and
  - b. Complete a comprehensive sidewalk improvement program for County Council consideration by June 2012; and
  - c. Create CMRTA Park-n-Ride facilities; and

- d. Preparation of a countywide ADA Transition Plan for County Council consideration by June 2014; and
- e. Develop measures to reduce pedestrian and cycling accidents; and
- f. Other duties as may be assigned by the County Council.

(5) *Procedures.* The Richland County Complete Streets Commission shall adopt Rules of Procedure by which meetings and activities of the Commission will be conducted no later than ninety (90) days after its first scheduled meeting. Such Rules shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.

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

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

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

RICHLAND COUNTY COUNCIL

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

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

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 1, 2011  
Second Reading: February 15, 2011  
Third Reading: March 1, 2011 (tentative)

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in an aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto **[PAGES 78-116]**

## **Notes**

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

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

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

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

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

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

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

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

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

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

(e) The assessed value of all the taxable property in the County as of June 30, 2010, for purposes of computation of the County's constitutional debt limit, is \$1,487,350,825 which excludes exempt manufacturing property of \$17,618,900. Eight percent of such sum is \$118,988,066. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$42,490,000. Thus, the County may incur not exceeding \$76,498,066 of additional general obligation debt within its applicable debt limitation.

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

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

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

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

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

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

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

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

Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(n) It is now in the best interest of the County for the County Council to provide for the issuance and sale of general obligation refunding bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) refunding the Bonds to be Refunded; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

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

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

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

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

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

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

Within twenty-four (24) hours after the receipt of bids, the Administrator is hereby authorized to designate the registrar and paying agent (the “Registrar/Paying Agent”) for the Bonds. The

Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

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

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

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

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

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

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

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

such transfer. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 19. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

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

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

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

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

[Signature Page to Follow]

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

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)

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

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

FORM OF BOND

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

No. R-

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

REGISTERED HOLDER: CEDE & CO.

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

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

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

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

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

and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2011.

[Redemption Provisions]

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

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

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

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

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair, County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

\_\_\_\_\_ as Registrar

By: \_\_\_\_\_ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

\_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust.) (Minor)

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

under Uniform Gifts to Minors

\_\_\_\_\_  
(State)

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

[FORM OF ASSIGNMENT]

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

\_\_\_\_\_ (Name and address of Transferee)

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

Dated:

\_\_\_\_\_  
Signature Guaranteed:

\_\_\_\_\_  
(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Clerk, County Council

## FORM OF NOTICE

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

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

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

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

## FORM OF NOTICE OF SALE

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

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

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

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2011; will be in denominations of \$5,000 or any integral multiple thereof not

exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on \_\_\_\_\_ in each of the years and in the principal amounts as follows:

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

[Redemption Provisions]

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

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

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

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

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked “Proposal for \$ \_\_\_\_\_ General Obligation Refunding Bonds, Series 2011\_\_\_, of Richland County, South Carolina” and should be directed to the County Administrator at the address in the first paragraph hereof. It

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

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

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

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

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

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

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054, the County's Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1301 Gervais Street, 17th Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net) or with the County's Financial Advisor, R. Michael Gallagher, Ross, Sinclair & Associates, LLC, 1219 Assembly Street, Suite 202, Columbia, South Carolina, 20201, telephone (803) 771-8707, e-mail: [mgallagher@rsamuni.com](mailto:mgallagher@rsamuni.com).

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2011, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Refunding Bonds of the County in an amount sufficient to refund certain outstanding general obligation bonds, to pay costs of issuance of the Bonds and for such other lawful corporate and public purposes as the County Council shall determine.

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

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

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

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

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

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

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

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

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

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

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

(e) The assessed value of all the taxable property in the County as of June 30, 2010, for purposes of computation of the County's constitutional debt limit, is \$1,487,350,825 which excludes exempt manufacturing property of \$17,618,900. Eight percent of such sum is \$118,988,066. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$42,490,000. Thus, the County may incur not exceeding \$76,498,066 of additional general obligation debt within its applicable debt limitation.

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

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

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

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

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

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

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

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

~~County~~ Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(n) It is now in the best interest of the County for the County Council to provide for the issuance and sale of general obligation refunding bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) refunding the Bonds to be Refunded; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

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

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

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

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

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

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

Within twenty-four (24) hours after the receipt of bids, the ~~County~~ Administrator is hereby authorized to designate the registrar and paying agent (the “Registrar/Paying Agent”) for the Bonds. The

Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

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

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

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

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

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

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

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

such transfer. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

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

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

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

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

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

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

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

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

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

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

SECTION 13. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall

be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

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

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

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

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

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

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

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

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

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

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

SECTION 19. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

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

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

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

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

[Signature Page to Follow]

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

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)

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

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

FORM OF BOND

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

No. R-

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

REGISTERED HOLDER: CEDE & CO.

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

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

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

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

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

and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2011.

[Redemption Provisions]

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

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

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

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

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair, County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

\_\_\_\_\_ as Registrar

By: \_\_\_\_\_ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

\_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust.) (Minor)

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

under Uniform Gifts to Minors

\_\_\_\_\_  
(State)

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

[FORM OF ASSIGNMENT]

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

\_\_\_\_\_ (Name and address of Transferee)

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

Dated:

\_\_\_\_\_  
Signature Guaranteed:

\_\_\_\_\_  
(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Clerk, County Council

## FORM OF NOTICE

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

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

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

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

## FORM OF NOTICE OF SALE

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

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

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

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2011; will be in denominations of \$5,000 or any integral multiple thereof not

exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on \_\_\_\_\_ in each of the years and in the principal amounts as follows:

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

[Redemption Provisions]

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

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

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

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

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked “Proposal for \$ \_\_\_\_\_ General Obligation Refunding Bonds, Series 2011\_\_\_\_, of Richland County, South Carolina” and should be directed to ~~the Chair of~~ the County ~~Council~~ [Administrator](#) at the address in the first

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

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

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

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

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

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

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054, the County’s Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1301 Gervais Street, 17th Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net) or with the County’s Financial Advisor, R. Michael Gallagher, Ross, Sinclair & Associates, LLC, 1219 Assembly Street, Suite 202, Columbia, South Carolina, 20201, telephone (803) 771-8707, e-mail: [mgallagher@rsamuni.com](mailto:mgallagher@rsamuni.com).

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2011, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Refunding Bonds of the County in an amount sufficient to refund certain outstanding general obligation bonds, to pay costs of issuance of the Bonds and for such other lawful corporate and public purposes as the County Council shall determine.

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

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

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

Document comparison by Workshare Professional on Thursday, February 10, 2011 11:13:19 AM

Input:	
Document 1 ID	PowerDocs://COLUMBIA/1026966/1
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Document 2 ID	PowerDocs://COLUMBIA/1026966/2
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Rendering set	Standard

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Moved to	0
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Format changed	0
Total changes	33

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing the issuance and sale of Sewer System General Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; other matters relating thereto **[PAGES 118-158]**

## **Notes**

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

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

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

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

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

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

(b) The County Council has previously determined to establish, operate, and maintain a wastewater collection and treatment system in the Nicholas Creek and Hollingshed Creek drainage basins and also certain County landfill facilities (the "System"); the County Council has previously created a sewer district known as East Bluff Sewer Assessment District; and County Council has previously created a sewer assessment district known as the Romain-Meech-Burbank Sewer Assessment District, all pursuant to the favorable results of a referendum held in Richland County on November 7, 1978, on the question of the County's providing sewage services and the provisions of Section 44-55-1410 of the Code of Laws of South Carolina 1976, as amended and other provisions of law.

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

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended ("Title 11, Chapter 27"), provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (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) Section 12 of Article X of the South Carolina Constitution prohibits the issuance of general obligation bonds of any county to finance wastewater collection and treatment facilities benefiting only a particular geographic section of a county unless a special assessment, tax, or service charge in an amount designed to provide debt service shall be imposed upon the areas or persons receiving the benefit therefrom.

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

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

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

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

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

(k) Based on current market conditions and projected savings, the County Council finds that it is in the best interest of the County to effect a refunding of certain maturities of the Series 2003E Bonds (the "Bonds to be Refunded") because a savings can be effected through the refunding of such Series 2003E Bonds. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the refunding of the Bonds to be Refunded and that certain authority relating to such refunding is delegated to the County Administrator (the "Administrator") and/or his lawfully-authorized designee through this Ordinance. Because the Refunding Act requires that refunding bonds be sold at public sale, there can be no assurance that market conditions at the time of such sale will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the County Council, through the authority delegated to the Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(l) It is now in the best interest of the County for the County Council to provide for the issuance and sale of general obligation refunding bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) refunding the Bonds to be Refunded; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9. Security for Bonds. For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of 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 respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does hereby covenant to establish and maintain rates and charges as are sufficient to provide funds to pay the principal of and interest on the Bonds when due, and sufficient revenues must be available for the payment of principal of and

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

The County Council, acting through its Chair, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Notice of Initiative and Referendum. The County Council hereby delegates to 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”); and
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 19. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 20. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Bonds; provided, however, that for purposes of this covenant only, the

County shall not be in violation of this covenant solely because it makes the irrevocable election under Section 54AA(d) or (g) (as applicable) of the IRC with respect to the Bonds to be issued as BABs. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be “arbitrage bonds,” as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 54AA, 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;

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

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

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

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

[Signature Page to Follow]

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

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)

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

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

FORM OF BOND

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

No. R-

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

REGISTERED HOLDER: CEDE & CO.

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

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

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

For the payment of the principal and interest on this Bond as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of 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 respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does hereby covenant to establish and maintain rates

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

The County Council, acting through its Chair, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2011.

[Redemption Provisions]

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

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

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of

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

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

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair, County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

\_\_\_\_\_  
as Registrar

By: \_\_\_\_\_  
Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the  
entireties

\_\_\_\_\_  
Custodian  
(Cust.) (Minor)

JT TEN - As joint tenants  
with right of  
survivorship and

under Uniform Gifts to Minors

not as tenants in  
common

\_\_\_\_\_  
(State)

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

[FORM OF ASSIGNMENT]

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

\_\_\_\_\_  
(Name and address of Transferee)  
the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer  
the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

\_\_\_\_\_  
Signature Guaranteed:

\_\_\_\_\_  
(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Clerk, County Council

FORM OF NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on \_\_\_\_\_, 2011, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS, WITH AN APPROPRIATE SERIES DESIGNATION, IN AN AMOUNT SUFFICIENT TO REFUND CERTAIN MATURITIES OF OUTSTANDING BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of Sewer System General Obligation Refunding Bonds (the "Bonds") of the County.

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

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

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

## FORM OF NOTICE OF SALE

\$ \_\_\_\_\_ SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS,  
 SERIES 2011 \_\_\_\_  
 OF RICHLAND COUNTY, SOUTH CAROLINA

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

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

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2011; will be in denominations of \$5,000 or any integral multiple thereof not

exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on \_\_\_\_\_ in each of the years and in the principal amounts as follows:

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

[Redemption Provisions]

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

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

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

Security: For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of the County, and collected by the Treasurer of Richland County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal of and interest on the Bonds as they respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does hereby covenant to establish and maintain rates and charges as are sufficient to provide funds to pay the principal of and interest on the Bonds when due, and sufficient revenues must be available for the payment of principal of and interest on the Bonds, and must be delivered to the Treasurer of the County for payment of principal of and interest on the Bonds and for no other purpose, prior to the occasion when the Auditor of the County fixes the annual tax levy, and the

annual ad valorem taxes to be levied for the payment of the principal of and interest on the Bonds on all taxable property in the County shall be reduced in each year in accordance with Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended, by the amount of revenue derived from the operation of the System which is actually in the hands of the Treasurer of the County for the payment of the principal of and interest on the Bonds at the time the tax for the year is required to be levied; provided, further, that the Bonds are primarily the obligation of the System and for the payment of principal of and interest thereof, as the same mature, there must be revenues derived from operation of the System, and resort to the County tax levy required by the preceding provisions of this Section must be made only in the event that revenues derived from the operation of the System prove insufficient to meet the payment of principal of an interest on the Bonds; this provision shall not preclude the issuance of additional bonds (whether general obligation bonds) secured by a pledge of the revenues on a parity with the pledge herein made to secure the Bonds secured by a pledge superior to the pledge herein made to secure the Bonds.

The County Council, acting through its Chair, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ \_\_\_\_\_ Sewer System General Obligation Refunding Bonds, Series 2011 \_\_\_\_, of Richland County, South Carolina" and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in

form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.

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

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054, the County's Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1221 Main Street, Suite 1800, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net) or with the County's Financial Advisor, R. Michael Gallagher, Ross, Sinclair & Associates, LLC, 1219 Assembly Street, Suite 202, Columbia, South Carolina, 20201, telephone (803) 771-8707, e-mail: [mgallagher@rsamuni.com](mailto:mgallagher@rsamuni.com).

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2011, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of Sewer System General Obligation Refunding Bonds of the County in an amount sufficient to refund certain outstanding general obligation bonds, to pay costs of issuance of the Bonds and for such other lawful corporate and public purposes as the County Council shall determine.

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

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

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

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

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

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

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

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

(b) The County Council has previously determined to establish, operate, and maintain a wastewater collection and treatment system in the Nicholas Creek and Hollingshed Creek drainage basins and also certain County landfill facilities (the "System"); the County Council has previously created a sewer district known as East Bluff Sewer Assessment District; and County Council has previously created a sewer assessment district known as the Romain-Meech-Burbank Sewer Assessment District, all pursuant to the favorable results of a referendum held in Richland County on November 7, 1978, on the question of the County's providing sewage services and the provisions of Section 44-55-1410 of the Code of Laws of South Carolina 1976, as amended and other provisions of law.

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

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended ("Title 11, Chapter 27"), provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (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) Section 12 of Article X of the South Carolina Constitution prohibits the issuance of general obligation bonds of any county to finance wastewater collection and treatment facilities benefiting only a particular geographic section of a county unless a special assessment, tax, or service charge in an amount designed to provide debt service shall be imposed upon the areas or persons receiving the benefit therefrom.

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

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

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

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

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

(k) Based on current market conditions and projected savings, the County Council finds that it is in the best interest of the County to effect a refunding of certain maturities of the Series 2003E Bonds (the "Bonds to be Refunded") because a savings can be effected through the refunding of such Series 2003E Bonds. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the refunding of the Bonds to be Refunded and that certain authority relating to such refunding is delegated to the County Administrator ([the "Administrator"](#)) and/or his lawfully-authorized designee through this Ordinance. Because the Refunding Act requires that refunding bonds be sold at public sale, there can be no assurance that market conditions at the time of such sale will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the County Council, through the authority delegated to the ~~County~~ Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(l) It is now in the best interest of the County for the County Council to provide for the issuance and sale of general obligation refunding bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) refunding the Bonds to be Refunded; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9. Security for Bonds. For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of ~~Riehl~~andthe County, and collected by the Treasurer of ~~Riehl~~andthe County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal of and interest on the Bonds as they respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that

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

The County Council, acting through its Chair, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Notice of Initiative and Referendum. The County Council hereby delegates to ~~its Chair and~~ the Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27, relating to the Initiative and Referendum provisions contained in Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, shall be given with respect to this Ordinance, such notice being in substantially the form attached hereto as Exhibit B. If such notice is given, ~~the Chair and~~ the Administrator are 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”); and
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 18. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds necessary to refund the Bonds to be Refunded shall be deposited with the Escrow Agent pursuant to the terms of the Refunding Trust Agreement. The remaining proceeds, if any, shall be deposited with the ~~County~~-Treasurer of the County in a special fund to the credit of the County and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds.

SECTION 19. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

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

(a) comply with the applicable provisions of Sections 54AA, 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;

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

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

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

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

[Signature Page to Follow]

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

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)

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

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

FORM OF BOND

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

No. R-

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>ORIGINAL 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 of the principal and interest on this Bond as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of ~~Richland~~the County, and collected by the Treasurer of ~~Richland~~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 respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does hereby covenant to establish and maintain

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

The County Council, acting through its Chair, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2011.

[Redemption Provisions]

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

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

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

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

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair, County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

\_\_\_\_\_  
as Registrar

By: \_\_\_\_\_  
Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the  
entireties

\_\_\_\_\_  
Custodian  
(Cust.) (Minor)

JT TEN - As joint tenants

with right of survivorship and not as tenants in common

under Uniform Gifts to Minors

\_\_\_\_\_  
(State)

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

[FORM OF ASSIGNMENT]

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

\_\_\_\_\_  
(Name and address of Transferee)  
the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

\_\_\_\_\_  
Signature Guaranteed:

\_\_\_\_\_  
(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Clerk, County Council

## FORM OF NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on \_\_\_\_\_, 2011, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS, WITH AN APPROPRIATE SERIES DESIGNATION, IN AN AMOUNT SUFFICIENT TO REFUND CERTAIN MATURITIES OF OUTSTANDING BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of Sewer System General Obligation Refunding Bonds (the "Bonds") of the County.

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

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

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

## FORM OF NOTICE OF SALE

\$ \_\_\_\_\_ SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS,  
 SERIES 2011 \_\_\_\_  
 OF RICHLAND COUNTY, SOUTH CAROLINA

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

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

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2011; will be in denominations of \$5,000 or any integral multiple thereof not

exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on \_\_\_\_\_ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
-------------	-----------------------------	-------------	-----------------------------

The Bonds will bear interest from the date thereof payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, until they mature.

[Redemption Provisions]

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

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

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

Security: For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of ~~Richland~~the County, and collected by the Treasurer of Richland County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal of and interest on the Bonds as they respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does hereby covenant to establish and maintain rates and charges as are sufficient to provide funds to pay the principal of and interest on the Bonds when due, and sufficient revenues must be available for the payment of principal of and interest on the Bonds, and must be delivered to the ~~Richland County~~ Treasurer of the County for payment of principal of and interest on the Bonds and for no other purpose, prior to the occasion when the ~~Richland~~

~~County~~ Auditor of the County fixes the annual tax levy, and the annual ad valorem taxes to be levied for the payment of the principal of and interest on the Bonds on all taxable property in the County shall be reduced in each year in accordance with Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended, by the amount of revenue derived from the operation of the System which is actually in the hands of the ~~Richland County~~ Treasurer of the County for the payment of the principal of and interest on the Bonds at the time the tax for the year is required to be levied; provided, further, that the Bonds are primarily the obligation of the System and for the payment of principal of and interest thereof, as the same mature, there must be revenues derived from operation of the System, and resort to the County tax levy required by the preceding provisions of this Section must be made only in the event that revenues derived from the operation of the System prove insufficient to meet the payment of principal of an interest on the Bonds; this provision shall not preclude the issuance of additional bonds (whether general obligation bonds) secured by a pledge of the revenues on a parity with the pledge herein made to secure the Bonds secured by a pledge superior to the pledge herein made to secure the Bonds.

The County Council, acting through its Chair, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked “Proposal for \$ \_\_\_\_\_ Sewer System General Obligation Refunding Bonds, Series 2011\_\_\_, of Richland County, South Carolina” and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in

form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.

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

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054, the County's Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1221 Main Street, Suite 1800, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net) or with the County's Financial Advisor, R. Michael Gallagher, Ross, Sinclair & Associates, LLC, 1219 Assembly Street, Suite 202, Columbia, South Carolina, 20201, telephone (803) 771-8707, e-mail: [mgallagher@rsamuni.com](mailto:mgallagher@rsamuni.com).

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2011, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of Sewer System General Obligation Refunding Bonds of the County in an amount sufficient to refund certain outstanding general obligation bonds, to pay costs of issuance of the Bonds and for such other lawful corporate and public purposes as the County Council shall determine.

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

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

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

Document comparison by Workshare Professional on Thursday, February 10, 2011 11:12:04 AM

Input:	
Document 1 ID	PowerDocs://COLUMBIA/1026977/1
Description	COLUMBIA-#1026977-v1-Ordinance_for_Richland_County_Series_2011_SRef_Bonds
Document 2 ID	PowerDocs://COLUMBIA/1026977/2
Description	COLUMBIA-#1026977-v2-Ordinance_for_Richland_County_Series_2011_SRef_Bonds
Rendering set	Standard

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Format change	
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Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

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Deletions	33
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	56

# Richland County Council Request of Action

## **Subject**

Utility Systems Oil, Fats and Grease Regulations [**PAGES 160-171**]

## **Notes**

February 22, 2011 - The committee directed staff to change the wording in section 8.9 (Violation; penalties) item number 3, line four, from 'may' to 'shall'. The committee then recommended that Council approve the oil, fats, and grease section of the Richland County Water and Sewer manual. The vote was in favor.

## Richland County Council Request of Action

**Subject:** Utility Systems Oil, Fats and Grease Regulation

### **A. Purpose**

The purpose of this report is to obtain County Council's approval of the Oils, Fats and Grease Section of the Richland County Utilities Regulation Manual.

### **B. Background**

The Richland County Utilities Department is currently developing an industrial pretreatment program, revising the Department's Water and Sewer Regulation Manual and revising the Utilities Section of the Code of Ordinances. The implementation of the industrial pretreatment program and the incorporation of this program into the Code of Ordinances is a major undertaking with assistance being obtained from an outside consulting firm. Work is continuing daily on the project with the final completion expected within ninety (90) days.

### **C. Discussion**

One component of both the industrial pretreatment program and the water and sewer regulation manual is a section on oils, fats and grease. This section defines oils, fats and grease, establishes maximum limits for discharge into sewer systems and discusses pretreatment.

At the request of Councilman Malinowski, the current proposed version of the fats, oils and grease section of the regulation manual is attached for review and consideration by County Council. This section discusses the pretreatment of grease by the use and maintenance of grease interceptors/traps for certain types of commercial customers. It also establishes the frequency of grease removal from various types of grease interceptors/traps.

### **D. Alternatives**

1. Approve the oils, fats and grease section of the regulation manual as submitted.
2. Modify the section and approve.

### **E. Financial Impact**

The operation and maintenance of oils, fats and grease interceptors/traps will be at the expense of the commercial customers. The proper operation of grease interceptors/traps should lessen the impact of grease on the waste stream and reduce the wastewater collection system maintenance cost.

### **F. Recommendation**

It is recommended that County Council approve the oil, fats and grease section of the Richland County Water and Sewer Regulation Manual as drafted.

**Recommended by:** Andy H. Metts    **Department:** Utilities    **Date** 2/8/11

**G. Reviews**

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

**Finance**

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

Date: 2/9/11  
 Recommend Council denial

**Procurement**

Reviewed by: Rodolfo Callwood  
 Recommend Council approval  
Comments regarding recommendation:

Date: 2/10/11  
 Recommend Council denial

**Legal**

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

Date:  
 Recommend Council denial

**Administration**

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

Date: 2/10/11  
 Recommend Council denial

## SECTION 8

### CONTROL OF FATS, OILS AND GREASE

#### 8.1 General

In an effort to curb overflows from grease accumulation in its sanitary sewer mains, the County Council adopts this Fats, Oils and Grease Control section. Any industrial, commercial or nonresidential facility connected to the sanitary sewer collection and treatment system involved in the preparation or serving of foods and other establishments with the potential to discharge fats, oils and greases will be subject to the conditions of the division.

The purpose of this section is to aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, and greases into the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

In addition to the control of fats, oils, and grease each user shall take appropriate steps to prevent the discharge of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, including, but not limited to fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil; fats, oils or greases of animal, fish, or marine mammal origin; vegetable oils, including oil from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils in amounts that will cause interference or pass-through of the sewer collection and/or treatment systems.

#### 8.2 Definitions.

*Fats, oils, and greases:* Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as grease or greases.

*County:* County of Richland, South Carolina

*Food service establishments:* Those industrial, commercial or nonresidential establishments primarily engaged in activities of preparing, serving, or otherwise making food available for consumption by the public, such as restaurants, bars commercial kitchens, caterers, motels, hotels, schools, hospitals, cafeterias, prisons, correctional facilities, and residential health care institutions. These establishments

use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. Those permanent facilities required to have a South Carolina Department of Health and Environmental Control food service license shall normally be included.

*Grease interceptor:* A structure or device designed for the purpose of removing and preventing fats, oils, and greases from entering the sanitary sewer collection system. These devices are often below-ground units in outside areas and are built as two- or three- chambered baffled tanks.

*Grease trap:* A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Such traps are typically compact under-the-sink units that are near food preparation areas.

*Minimum design capability:* The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer. All systems shall be designed such that no more than 100 mg/l of fats, oils, and/or grease shall be discharged to the public sewer system at any time.

*Neutralizing Device:* A tank or manufactured device installed to dilute or neutralize acids or corrosive liquids prior to discharge into collector lines. Such devices shall be automatically provided with a sufficient intake of diluting water or neutralizing medium, so as to make its contents non-injurious before being discharged into the collection system.

*Oil separator:* A device which serves to trap and retain oils or flammable liquid to prohibit the introduction into the sewer system by accident or otherwise.

*RCU:* Richland County Utilities

*Sand separator:* A device which is designed to trap sand and other solids and prohibit entry into the sewer system and may operate in conjunction with or as a component of a grease interceptor or oil separator.

*SCDHEC:* South Carolina Department of Health and Environmental Control

*User :* Any person, including those located outside the jurisdictional limits of the County, who contributes, causes or permits the contribution or discharge of wastewater into a publicly owned treatment works (POTW), including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

### **8.3 Wastewater discharge limitations.**

In addition to those items referenced in Section 8.1 generally, no user shall allow wastewater discharge from subject grease interceptor, grease trap, or alternative pretreatment technology to exceed one hundred (100) milligrams per liter of fats, oil and grease as measured by methods provided in 40 CFR 136.

### **8.4 Food service establishment permit requirement.**

All food service and other establishments with the potential of discharging wastewater containing fats, oils and grease to the Richland County Utilities sanitary sewer collection systems are to be permitted by the County and subject to the following requirements:

*1. Grease interceptor requirements:* All permitted food service and related establishments are required to install, operate, and maintain an approved type and adequately-sized grease interceptor necessary to maintain compliance with the objectives of the ordinance and related regulations. All grease interceptors must meet the requirements of the Richland County Utilities standards in addition to County building codes and the latest addition of the International Plumbing Code as adopted by the South Carolina Building Codes Council.

*2. Implementation:* All new service establishment facilities are subject to grease interceptor requirements. All such facilities must obtain prior approval from Richland County Utilities for grease interceptor design and sizing prior to submitting plans for a building permit. The grease interceptor must provide for a minimum hydraulic retention time of twenty four (24) minutes at actual peak flow or twelve (12) minutes at the calculated theoretical peak flow rate as predicted by the International Plumbing Code fixture criteria, between the influent and effluent baffles with twenty (20) percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as the sludge pocket.

Existing facilities with planned modification in plumbing improvements or not in accordance with the ordinance or RCU Public Sewer & Water Regulations and Specifications standards will be required to provide plans to comply with the grease interceptor requirements. All existing food service establishments, determined by RCU to have a reasonable potential to adversely impact the County's sewer systems will be notified of their obligation and provided with a compliance schedule to install a grease interceptor and related appurtenances.

3. The construction and location criteria for grease Interceptors shall be in accordance with Environmental Protection Agency (EPA) Guidance Document, "On site Wastewater Treatment and Disposal Systems," Chapter 8.

4. Prior to placing the grease interceptor and/or grease trap into operation the owner of the establishment shall request an inspection and shall be approved by RCU.

5. *Variance to install a grease trap in lieu of grease interceptor:* Grease interceptors required under this ordinance shall be installed unless RCU authorizes the installation of an indoor grease trap or other alternative pretreatment technology and determines that the installation of a grease interceptor would not be feasible. The food service establishment bears the burden of demonstrating that the installation of a grease Interceptor is not feasible. If an establishment desires, because of documented space constraints, an alternative to an out-of-building grease interceptor, the request for an alternative grease trap or location shall contain the following information. In addition to general information the following information must be provided by the food service establishment:

a. Location of Richland County Utilities sewer main and easement in relation to available exterior space outside building.

b. A schematic or plan of existing plumbing at or in a site that uses common plumbing for all services at that site.

c. Specific manufacturer literature on the proposed system.

d. Inability to pay for the required modifications shall not be deemed an acceptable reason for non-compliance.

## **8.5 Grease interceptor design requirements.**

1. Grease interceptor sizing and installation must be approved by RCU. The grease interceptor must provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow or twelve (12) minutes at the calculated theoretical peak flow rate as predicted by the International Plumbing Code fixture criteria, between the influent and effluent baffles with twenty (20) percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as the sludge pocket. No interceptor total volume shall be less than 1000 gallons. The grease interceptor shall have a minimum of two (2) compartments with fittings designed for grease retention.

2. Grease interceptors shall be installed at a location where they shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The grease interceptor may not be installed in any part of the building where food is handled. Location of the grease interceptor must meet the approval of RCU, and may require approval of the County building official and/or SCDHEC.

3. All grease Interceptors, whether singular or in series, must be directly accessible from the surface and must be fitted with an extended outlet sanitary tee

that terminates 6" to 12" above the tank floor. The minimum access opening dimensions shall be 18" x 18" or a minimum of 24" in diameter. Two (2) access openings (inlet and outlet) to underground traps are required and should be removable with ease by one person.

See typical detail for 1,000 gallon capacity trap in the detail section.

4. All below ground grease Interceptors must either be two-chambered or individual tanks in series. If two-chambered, the dividing wall must be equipped with an extended elbow or sanitary tee terminating 6" to 12" above the tank floor. An extended outlet sanitary tee must also be provided at the outlet of the second chamber. Both chambers must be directly accessible from the surface.

## **8.6 Grease interceptor Operation & Maintenance requirements.**

1. All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capacity or effective volume. These devices should be inspected at least monthly. Users who are required to maintain a grease interceptor shall:

a. Maintenance of grease traps/interceptors must include thorough pump-out and/or cleaning as needed by removing any accumulated grease cap and sludge pocket as often as necessary, up to and including daily, but at intervals of not longer than ninety (90) days at the user's expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor.

b. If any skimmed or pumped wastes or other materials removed from a grease interceptor are treated in any fashion on site and reintroduced back into the grease interceptor as an activity of and after said on-site treatment, the user shall be responsible for the attainment of the established grease numerical limit of 100 mg/l on all discharges of wastewater from said grease interceptor into the County sanitary sewer collection and treatment system.

c. Operate the grease interceptor in a manner so as to maintain said device such that attainment of the grease limit is consistently achieved. Consistent shall mean any wastewater sample taken from the effluent of said grease interceptor shall be equal to or less than the limit stated in Section 8.3 Wastewater discharge limitations.

d. The use of biological or enzyme additives as a grease degradation agent is conditionally permissible, upon written approval by RCU. Any establishment using this method of grease abatement shall maintain the trap or interceptor in such a manner that attainment of the grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved. Upon determination that any such products has

caused interference with the County's collection and/or treatment systems the User shall be notified to immediately discontinue the use of any such products.

e. The use of automatic grease removal systems is conditionally permissible, upon prior written approval by the RCU. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.

f. Richland County Utilities reserves the right to make determinations of the grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and to require repairs to, or modification or replacement of such units.

g. In no case shall the total accumulation of grease, oil, floating materials, and sediment be allowed to occupy more than twenty-five percent (25%) of the capacity of the first stage of the grease interceptor.

h. If sampling test results for an establishment are more than twenty-five percent (25%) of the wastewater discharge limit, and the establishment does not have an approved extension to its cleaning schedule, the establishment shall immediately clean and inspect the trap and will be required to clean its grease interceptor(s) at an interval of thirty (30) days or less, for a period of time to be determined by Richland County Utilities.

4. The user shall maintain a written record of trap maintenance for a minimum of three (3) years. All such records will be available for inspection by Richland County Utilities at all reasonable times. RCU may require the submittal of any maintenance contracts, hauling manifests, and cleaning records. Records shall include at a minimum the date of service, estimated volume removed, person and/or company performing the service, and the means and location of disposal. RCU reserves the right to observe any and all cleaning and maintenance activities whether performed by the User or a contracted operator.

5. Non grease-laden sources are not allowed to be connected to the sewer lines intended for grease interceptor service.

6. Access manholes, with a minimum diameter of twenty-four (24) inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection grease removal, and wastewater sampling activities.

## **8.7 Grease trap requirements.**

1. Upon approval by RCU, a grease trap complying with the provisions of this section may be installed instead of a grease interceptor. The grease trap must be

installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into drainage or sewage system in quantities that can affect line stoppages or hinder sewage treatment or private sewage disposal.

2. Grease trap sizing and installation must be approved by RCU.

3. No grease trap shall be installed which has a stated flow rate of more than fifty-five (55) gallons per minute except when specifically approved by RCU.

4. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public sewer and shall be properly disposed or recycled in accordance with acceptable practices and all environmental regulations.

5. No food waste disposal unit or dishwasher shall be connected to or discharge into a grease trap.

6. Wastewater in excess of one hundred-forty degrees Fahrenheit (140° F / sixty degrees Celsius (60° C) shall not be discharged into a grease trap.

### **8.8 Requests for cleaning schedule extension.**

A food service establishment may apply to RCU for an extension of the required cleaning frequency set forth in the ordinance. The representative of the food service establishment who wishes to apply for the cleaning schedule extension shall notify RCU in advance of the intent to apply for the extension. RCU may grant an extension on a required cleaning frequency on a case-by-case basis where the User has demonstrated, with defensible analytical results, the specific grease interceptor or grease trap will produce an effluent in consistent compliance with the ordinance if such an extension is granted.

The notification of intent to apply for an extension shall include:

1. Facility information:

- a. The name and address of the facility;
- b. Name and telephone number of the facility contact;
- c. Normal business hours; and
- d. The type of business;

2. Treatment unit information:

- a. The type of treatment unit and the capacity in gallons;
  - b. A brief description of the treatment unit;
  - c. The time(s) of day the greatest hydraulic and organic loadings to the treatment unit normally occur;
  - d. The date of the most recent leaning and inspection of the unit;
  - e. A statement of the physical condition of the unit; and
  - f. Where applicable, the name of any treatment products used.
3. A proposed sampling schedule, including:
- a. The date(s) the User proposes to collect the samples;
  - b. The times each sample will be collected;
  - c. The name and telephone number of the person who will collect the samples, including qualifications; and
  - d. The name and telephone number of the laboratory which will analyze the samples and its SCDHEC laboratory identification number;
4. Other information as may be requested by RCU.

The User shall obtain approval of the proposed sampling schedule prior to initiation of the sampling and analyses. The User shall certify the sampling schedule will be carried out as submitted or as approved. RCU shall reserve the right to modify a sampling schedule as deemed necessary. The User shall be required to provide analytical results for not less than three (3) oil and grease analyses for samples collected during peak flow periods through the unit during the normal working hours of a twenty-four (24) hour period.

- a. Samples shall be collected at an approved sampling port and shall be collected by a qualified person properly trained in the collection and handling of wastewater samples.
- b. Samples shall be 45-60 days after the most recent cleaning.
- c. Samples shall be analyzed, separately, by a reputable laboratory approved by SCDHEC using approved analytical procedures.

d. The User shall submit a written request for a cleaning schedule extension, including:

e. A copy of the cleaning and maintenance records for the treatment unit for the previous twelve months;

f. A copy of the laboratory analytical reports, including quality control data and appropriate chains of custody;

g. Incomplete or unverifiable results shall not be considered. RCU may grant extensions to the cleaning schedule as follows:

5. A thirty (30) day extension may be granted where the average oil and grease concentration of the analyses is less than 66% of the concentration limit and no single concentration exceeded 70% of the concentration limit.

6. A sixty (60) day extension may be granted where the average oil and grease concentration of the analyses is less than 50% of the concentration limit and no single concentration exceeded 60% of the concentration limit.

7. A ninety (90) day extension may be granted where the average oil and grease concentration of the analyses is less than 33% of the concentration limit and no single concentration exceeds 50% of the concentration limit.

8. In no case shall an extension greater than ninety (90) days be granted. Extensions granted shall begin on the date the samples for which results were submitted were collected as documented on the chain of custody. Where an extension has been granted, the unit shall consistently produce an effluent incompliance with the terms of this or other applicable Ordinance. RCU shall reserve the right to collect and analyze samples of any User's discharge and may revoke, without notice, any extension where RCU believes it is in the best interest of the proper protection and operation of its collection and treatment systems.

9. Where an extension has been granted and any sample analysis indicates an exceedance of the oil and grease limitation by twenty-five (25%) percent or more, the User shall immediately clean and inspect the trap and shall return to the original cleaning schedule. Where the User has been required to return to an original cleaning frequency, the User shall be required to submit a new request for extension if desired.

10. Where an extension has been granted and any sample analysis indicates an exceedance of the oil and grease limitation of any magnitude by less than 25%, the User shall immediately clean and inspect the trap and shall decrease the maximum time between cleanings by at least thirty (30) days.

11. Where an extension has been granted and RCU must clean associated public sewer lines and the stoppage is traceable to or known or suspected to be caused by

the User's facility, the User shall immediately clean and inspect the trap and shall return to the original cleaning schedule. The User will be required to submit a new request for extension if desired.

## **8.9 Violation; penalties.**

Any person, establishment or entity which fails to comply with any of the regulations and requirements set forth in this section, including, but not limited to, cleaning grease interceptors or grease traps at necessary intervals, providing up-to-date cleaning logs, or which refuses to open grease interceptors or grease traps for inspections by RCU inspectors or exceeds discharge limits, is in violation of the ordinance, and is subject to the following penalties:

1. Notice of Violation: Richland County Utilities shall serve any person, establishment, or entity in violation of the ordinance with written notice stating the nature of the violation, and providing a reasonable time limit for satisfactory compliance. This shall not relieve the person, establishment, or entity of liability for any violations occurring before or after receipt of the notice of violation.

2. Compliance order: A compliance order is an order which directs the person, establishment, or entity to achieve or restore compliance by a particular date specified within the order. Terms need not be discussed with the person, establishment, or entity in advance.

3. Should the User after prior warning continue to discharge grease in violation of any notice or order, and the County initiated sewer system cleaning in order to restore a blockage or other malfunction of its collection or treatment systems, the individual, establishment, or entity responsible for causing the failure may be required to reimburse the County for actions taken to restore its systems. The cost of the cleaning plus a fifteen percent (15%) handling fee shall be added to the individual, establishment, or entity's sewer utility bill.

4. Termination of Services: Any user that violates this ordinance is subject to termination of sewer and/or water services. Such user will be notified of the proposed termination of its services and be offered an opportunity to show cause why the proposed action should not be taken.

5. Penalties: Any person, establishment, or entity who continues to violate any portion of this division of the ordinance is guilty of a misdemeanor and subject to a fine not to exceed five hundred (\$500.00) dollars, with each day of violation or noncompliance to constitute a separate offense. In conjunction with fines, the County is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, establishment, or entity continuing prohibited discharges.

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$164,754 of General Fund Undesignated Fund Balance to the Solicitor for additional funding for emergency budget request [**FIRST READING**] [**PAGES 173-174**]

## **Notes**

February 22, 2011 - The committee recommended that Council approve the Solicitor's emergency budget request in the amount of \$164,754. The vote was in favor.

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

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2010-2011 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$164,754 OF GENERAL FUND UNDESIGNATED FUND BALANCE TO THE SOLICITOR FOR ADDITIONAL FUNDING FOR EMERGENCY BUDGET REQUEST.

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 one hundred sixty four thousand seven hundred fifty four dollars (\$164,754) be appropriated to FY 2010-2011 Solicitor. Therefore, the Fiscal Year 2010-2011 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2010 as amended:	\$ 137,823,215
Appropriation of General Fund undesignated fund balance	<u>164,754</u>
Total General Fund Revenue as Amended:	\$ 137,987,969

EXPENDITURES

Expenditures appropriated July 1, 2010 as amended:	\$ 137,823,215
Increase to Solicitor's Current Budget	<u>164,754</u>
Total General Fund Expenditures as Amended:	\$ 137,987,969

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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

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

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

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
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**

Approval of SOVA Solicitation for Funds and Required Match-Solicitor's Office [**PAGES 176-178**]

## **Notes**

February 22, 2011 - A motion was made that Council fund the request of \$6,084.60 from the General Fund fund balance. ***The motion failed.***

# Richland County Council Request of Action

**Subject:** Approval of SOVA Solicitation for Funds and Required Match

**A. Purpose**

County Council is requested to approve the State Office of Victim Assistance (SOVA) Solicitation for funds for the Solicitor’s Office in the amount of \$30,423 and the required match of \$6,084.60 for the purpose of providing services to victims of crime.

**B. Background / Discussion**

The Solicitor’s Office bid to receive funds from the State Office of Victim Assistance through a formula-based solicitation process open to state solicitor offices. Allocations are based on crime rates and population size of each circuit. Therefore, the Fifth Circuit applied for \$76,815.16 based on the SC Prosecution Coordination Commission’s formula. A 20% match is also required.

This unique opportunity is not a grant but rather a solicitation through the State Material Management Office where victim service agencies submitted bids for services. Richland County has received an Intent of Award in the amount of \$30,423.

Funds can be used for victim services operations in the Solicitors Office to include salary, supplies, vehicle, computer equipment and employee training. These funds may be used for items already budgeted in the Solicitor’s Office, freeing up funds to create additional programs and services to be provided by the Fifth Circuit Solicitor’s Office.

Specifically, the awarded funds will be used by the Victim Services personnel (Director and Advocates) travel for transportation needs of advocates to court proceedings to assist and/or accompany crime victims or to provide transportation for victims to court proceedings.

**C. Financial Impact**

Richland County will need to provide \$6,084.60 in matching funds for this funding program.

<b>Funding Program</b>	<b>Grant Portion</b>	<b>County Match</b>	<b>Total</b>
State Office of Victim Assistance	\$30,423.00	\$6,084.60	\$36,507.60

**D. Alternatives**

1. Approve the request to accept the State Office of Victim Assistance funds, if awarded and the matching funds.
2. Do not approve, forfeit funds, and decrease likelihood for future funding.

**E. Recommendation**

It is recommended that Council approve the request to accept the State Office of Victim Assistance funds and approve the matching funds required as outlined by the funding agency.

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 2/9/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion on funding. Approval would require the identification of a funding source for the County match portion.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 2/10/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Grants**

Reviewed by: Sara Salley

Date: 2/10/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 2/16/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA  
MATERIALS MANAGEMENT OFFICE  
CAPITAL CENTER  
1201 MAIN STREET, SUITE 600  
COLUMBIA SC 29201

**Intent to Award**

Posting Date: February 08, 2011

**Solicitation:** 5400002528

**Description:** SUPPORT SERVICES FOR VICTIMS OF CRIME II

**Agency:** GOVERNOR'S OFFICE STATE OFFICE OF VICTIM'S ASSISTANCE

The State intends to award contract(s) noted below. Unless otherwise suspended or canceled, this document becomes the final Statement of Award effective **8:00 A.M., February 22, 2011**. Unless otherwise provided in the solicitation, the final statement of award serves as acceptance of your offer.

Contractor should not perform work on or incur any costs associated with the contract prior to the effective date of the contract. Contractor should not perform any work prior to the receipt of a purchase order from the using governmental unit. The State assumes no liability for any expenses incurred prior to the effective date of the contract and issuance of a purchase order.

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest within ten days of the date notification of award is posted in accordance with this code. A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the appropriate Chief Procurement Officer within the time provided. [Section 11-35- 4210]

PROTEST - CPO ADDRESS - MMO: Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing

(a) by email to [protest-mmo@mmo.sc.gov](mailto:protest-mmo@mmo.sc.gov) ,

(b) by facsimile at 803-737-0639 , or

(c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201.

**Maximum Contract Period:** February 22, 2011 through June 30, 2011

**Contract Number:** 4400003324

**Awarded To:** FIFTH CIRCUIT SOLICITORS OFFICE  
1701 MAIN STREET SUITE 301  
COLUMBIA SC 29201

**Total Potential Value:** \$ 30,423.00

Item# 22

Attachment number 1  
Page 3 of 3

# Richland County Council Request of Action

**Subject**

Employee Grievance Committee-1 [Vivian McCray, April 1, 2011\*]

# Richland County Council Request of Action

**Subject**

Planning Commission-1 [Elizabeth Mattos-Ward, April 1, 2011\*]

# Richland County Council Request of Action

**Subject**

Motion to review Council's rules and regulations regarding the authority of the Chair, seniority, and possible term limitation in positions and rotations **[DICKERSON, JACKSON, MAILINOWSKI, AND KENNEDY]**

# Richland County Council Request of Action

## **Subject**

If Council intends to attempt another try at a Referendum for a penny sales tax increase, all council members shall hold public meetings to get public input before making a final decision whether to move forward or not. Public input shall determine how proceeds from the tax will be spent and the term of the tax. This process should be given enough time to make sure it does not appear rushed or at the last minute **[JACKSON] [PAGES 183-188]**

## Reason:

If approved, the citizens will be paying for this and we are only the representatives of the people's will and so we shall do everything that's in the best interest of the people we serve.

## Transparency:

This process whether it is approved and passes or not will give comfort to our constituents that we are not hiding anything by revealing up front everything that would be done with that tax.

Completed	Business - Contact Name	Date Requested	Time Request	Location	Requested Topics	Actual Date	Speaker	Email	Phone	Notes
✓	Sustainable Midlands - Ryan Nevius	August 5th	3:00pm	Capital Senior Center	asking for a presentation re: 1 cent transportation tax referendum		Stephany	<a href="mailto:nvan@sustainablemidlands.org">nvan@sustainablemidlands.org</a>		
✓	Forest Acres Rotary Club - Mark Williams	August 18th	12:30pm	Golden Corral on Forest Drive	asking for a presentation re: 1 cent transportation tax referendum		Rox, Milton	<a href="mailto:mwilliams@forestacres.net">mwilliams@forestacres.net</a>	803-782-9475	
✓	GOP Meeting - Bob Barnwell	August 23 - Monday	6:00pm	Suggs & Kelly	Transportation Penny		Milton, Rox, Steph	<a href="mailto:sctrojanbob@gmail.com">sctrojanbob@gmail.com</a>		
✓	WACH Media Presentation	August 24th	10:00am	WACH Fox, Pickens St			PIO			
✓	United Way's CEO Association - Lilia Anna Sauls	August 25th - Wednesday	9:30am	Trinity Cathedral, Sumter St (Corner of Marion & Gervais), 3rd Floor	"What does a Penny get you"		Mr. Pope	<a href="mailto:lasauls@stlawrenceplace.org">lasauls@stlawrenceplace.org</a>	256-3999	Requested Mr. Pope
✓	Transportation Study Commission Meeting	August 25th	2:30pm	Columbia College			Milton, Rox, Steph			
✓	WIS Media Presentation	August 26th	8:30 am & 3:00pm	WIS, 1111 Bull St			PIO			
✓	WLTX - Allen Wallace	August 27th - Friday	7:00 PM	WLTX Studio	Transportation Penny		Roxanne	<a href="mailto:jwallace@wftx.gannett.com">jwallace@wftx.gannett.com</a>	Cell- 706-267-0959 Office 803-776-9508 ext. 234	
✓	WIS TV - Brandi Cummings	August 31 - Tuesday	11:00 AM	Richland County Admin			Roxanne			

Completed	Business - Contact Name	Date Request	Time Requested	Location	Requested Topics	Actual Date	Speaker	Email	Phone	Notes	Notes
✓	Brandon Acres/Cedar Terrace Community - Tige Watts	September 9th, Thursday	7:00PM - 8:15PM	Hampton Park, 1117 Brandon Ave	Penny Transportation Presentation		Roxanne	<a href="mailto:ijgewatts@aol.com">ijgewatts@aol.com</a>	237-3396	We will need to provide a laptop projector and screen for presentation	Park contact person Delores Salley 776-9082 or 766-1415
✓	Citizens for a Greater Midlands - Betty Gregory	September 14, Tuesday	9:30am - 11am	Chamber of Commerce - Old Print Room - First Floor	Speakers Training Briefing		Milton, Rox	<a href="mailto:betygregory@columbiachamber.com">betygregory@columbiachamber.com</a>	206-0759 (cell) or 733-2520 (office)		
✓	WLTX	September 14, Tuesday	9:30am - 10:30am	Wltx Studio	Educational Briefing		Stephany				
✓	The State - Dawn Hinsaw	September 14, Tuesday	2:00pm to 3:00 pm	Roxanne's Office - Conference Call	Discuss Roads projects		Roxanne				
✓	Business Association of Columbia - Banks Lowry	September 15th - Wednesday	7:30am - 8:30 am	The Summit Club / Wilbur Smith Building	General info regarding sales tax increase		Milton	<a href="mailto:blowry@mcwaters.com">blowry@mcwaters.com</a>	803-212-4218 or cell 803-603-8543		
✓	Transportation Penny Educational Session	September 15th - Wednesday	6:00 pm - 7:00 pm	Harbison Recreation Center			Milton, Rox, Steph				
✓	Transportation Penny Educational Session	September 16th - Thursday	6:00 pm - 7:00 pm	RCSD Lower Richland Regional 1 Headquarters			Roxanne				
✓	The State Newspaper - Warren Bolton	September 21st - Tuesday	9:30am - 10:30am	The State Newspaper Offices			Roxanne, Milton				
✓	Transportation Penny Educational Session	September 22nd - Wednesday	6:00 pm - 7:00 pm	Parklane Adult Activity Center			Rox, Steph, Tamara				
✓	RC Neighborhood Council - Erica Hink	September 23, 2010	6:30 PM	Council Chambers	how the tax will work, Prioritized projects, etc		Milton	<a href="mailto:rjobrien_col@bellsouth.net">rjobrien_col@bellsouth.net</a>	576-1340		
✓	Old Leesburg Community - Crime Watch Meeting - Shirley Mims	September 23 - Thursday	7:00 pm - 8:00pm	Mt. Olive Church, 5601 Old Leesburg Rd., Hopkins SC							
✓	Transportation Penny Educational Session	September 27th - Monday	6:00 pm - 7:00 pm	Richland County Public Library	Transportation Penny Sales Tax		Stephany Rox, Steph,	<a href="mailto:Mimss@rcgov.us">Mimss@rcgov.us</a>	576-2446		
✓	WISTV	September 30 - Thursday	2:45PM - 3:45PM	1111 Bull St	Media Presentation		Rox	<a href="mailto:rstander@wistv.com">rstander@wistv.com</a>			

Completed	Business - Contact Name	Date Request	Time Request	Location	Requested Topics	Actual Date	Speaker	Email	Phone
✓	Lower Richland Democratic Breakfast - Rev. Neal Jones	October 2 - Saturday	9:00 AM	Lizards Thicket - 7938 Garners Ferry Rd SC Dept of Archives & History, 8301 Parklane Rd, Columbia SC 29223	Transportation Penny Sales Tax Presentation		Roxanne	<a href="mailto:nealjoness@sc.ir.com">nealjoness@sc.ir.com</a>	
✓	Neighborhood Planning Conference Columbia Capital Foy	October 2 - Saturday	8:30 AM - 2:00 PM	Palmetto Club	Booth on Transportation Sales Tax		Stephany & Tamara		227-4822
✓	County/City Joint Transportation Sales Penny Presentation - Councilman Jackson & Councilwoman Plaugh (city)	October 6th - Wednesday	7:20 AM - 7:50 AM	Woodland Park	Transportation Penny Sales Tax Presentation		Milton		
✓	Chamber of Commerce - Mr. Campbell	October 13th - Saturday	6:30 PM	Chamber of Commerce	Joint County/City Transportation Penny Sales Presentation		Stephany	<a href="mailto:snowdens@rcgov.us">snowdens@rcgov.us</a>	576-2065
✓	NE - Lake Carolina / The Summit	October 14 - Thursday	12:00 PM to 12:15 PM	Lake Carolina Sales Office	Transportation Penny Presentation to Area Ministers (Educational Only)		Milton		446-2670
✓	League of Women Voters - Lill Mood	October 20 - Wednesday	6:30 PM - 7:30 PM	Capital Senior Center	Advocacy Group request: wants RC staff person there for factual information if needed.		Milton		
✓	Awareness Taping - Brandi Cummings	October 21st - Thursday	11:00 AM-12:30 PM	WIS Station	Transportation Penny Sales Tax Presentation		Roxanne	<a href="mailto:lrwood@bellsouth.net">lrwood@bellsouth.net</a>	
✓	College Place area and Bethlem Baptist Church - Kendall Corely	October 21st - Thursday	11:00 AM - 11:30AM	Family Life Center, 1028 Eastman St, Columbia	Transportation Penny Sales Tax Presentation		Mr. Popel Stephary		
✓	On Point on Fox w/ Cynthia Hardy	October 21st - Thursday	6:30 PM	WACH Fox, Pickens St	Transportation Sales Tax Presentation		Stephany	<a href="mailto:dc@thecampbellconsultinggroup.net">dc@thecampbellconsultinggroup.net</a>	727-8190
	Forest Lake Recreation Center - James Manning	October 22 - Friday	3:45 PM	Forest Lake Recreation Center	Transportation Sales Tax Presentation		Stephany		
	Forest Acres Neighborhood Association - Beth Baldauf	October 26th - Tuesday	6:30 PM - 7:00 PM	St. Michael & All Angels' Episcopal Church, 6408 Bridgewood Rd (Corner of Bridgewood & N. Trenholm)	Penny Transportation Presentation		Steph	<a href="mailto:jamesmanning@gmail.com">jamesmanning@gmail.com</a>	386.8242
	Rotary Club - Ebony Woods	October 26th - Tuesday	7:00 PM	Lutheran Seminary (across from Hyatt Park Elem on N. Main) in the cafeteria	Transportation Penny Sales Tax Presentation		Rox	<a href="mailto:beth.baldauf@gmail.com">beth.baldauf@gmail.com</a>	
	NE - Woodcreek, Wildwood	October 26th - Tuesday	7:30 AM - 8:30 AM	Wildwood Community Center	Transportation Penny Sales Tax Presentation			<a href="mailto:woods@rcgov.us">woods@rcgov.us</a>	576-2048
	Retired Military - Russell Anderson	October 27 - Wednesday	6:30 PM - 7:30 PM	NCO club on Ft. Jackson	Advocacy Group request: wants RC staff person there for factual information if needed.		Rox		
	Richland Radio	October 29 - Friday	8:00 AM - 9:00 AM	Richland Radio	Transportation Penny Sales Tax Presentation		Milton		360-7178
	Heyward Bannister - Election Day Training	October 29 - Friday	5:00 PM - 6:00 PM	Chamber of Commerce	Richland Radio		Rox, Milton Steph		
	Heyward Bannister - Election Day Training	October 30 - Saturday	10:00 AM - 11:30 AM	Chamber of Commerce	Heyward Bannister - Election Day Training		Rox		
	Heyward Bannister - Election Day Training	October 30 - Saturday	12:00 PM - 1:30 PM	Chamber of Commerce	Heyward Bannister - Election Day Training		Rox		
	Council Member Washington	October 30 - Saturday	9:00 AM - 12:00 PM	Hopkins Park	Heyward Bannister - Election Day Training		Steph		

**List of Speakers**  
Roxanne Ancheta

**Department**  
Administration

**Date / Time Preference**  
Any day / time except Tuesday afternoon and evenings

Completed	Business - Contact Name	Date Requested	Time Request	Location	Requested Topics	Actual Date	Speaker	Email	Phone	Notes
✓	Sustainable Midlands - Ryan News	August 5th	3:00pm	Capital Senior Center	asking for referend	Stephany		<a href="mailto:duan@usabusinessmidlands.com">duan@usabusinessmidlands.com</a>		
✓	Forest Acres Rotary Club - Mark Williams	August 18th	12:30pm	Golden Corral on Forest Drive	ask for a referend re: 1 cent transportation tax	Rox, Milton		<a href="mailto:mwilliams@forestacres.net">mwilliams@forestacres.net</a>	803-782-9475	
✓	WACH Media Presentation Commission Meeting	August 24th	10:00am	WACH Fox, Pickens St		PIO		<a href="mailto:pio@wach.com">pio@wach.com</a>		
✓	WIS Media Presentation Commission Meeting	August 25th	2:30pm	Columbia College		Milton, Rox, Steph				
✓	WIS Media Presentation Commission Meeting - Columbia - Betsy Lowry	August 26th - Wednesday	8:30 am & 3:00pm	WIS, 1111 Bull St		PIO		<a href="mailto:pio@wach.com">pio@wach.com</a>	803-215-4218 or cell 803-600-8543	
✓	WIS TV - Brand Cummings	October 21st - Thursday	7:30am - 8:30 am	The Summit Club / Wilbur Smith Building	General info regarding sales tax increase	Milton				
✓	RC Neighborhood Council - Lil Mood	September 23, 2010	11:00 AM	WIS, 1111 Bull St	Milton on Penny Tax	Milton				
✓	League of Women Voters - Lil Mood	October 21st - Thursday	6:30 PM	Council Chambers	How the tax will work, Prioritized Transportation Penny Sales Tax Presentation	Milton		<a href="mailto:roxianna@wvnc.org">roxianna@wvnc.org</a>	576-1340	
✓	CCM Meeting - Bob Barwell	August 23 - Monday	6:00pm	Stigs & Kelly	Transportation Penny	Roxanne Milton, Steph		<a href="mailto:stigsandkelly@gmail.com">stigsandkelly@gmail.com</a>		
✓	United Ways CEO Association - Lisa Avra Saus	August 25th - Wednesday	9:30am	Trinity Cathedral, Summit St (Corner of Marion & Geneva) 3rd Floor	Transportation Penny	Mr. Pope		<a href="mailto:lisa@unitedways.org">lisa@unitedways.org</a>	565-3929 Cell: 706-287-0959 Office: 803-776-8508 ext. 234	Requested Mr. Pope as speaker
✓	WLTJ - Allen Wallace	August 27th - Friday	7:00 PM	WLTJ Studio	Transportation Penny	Rox		<a href="mailto:wallace@wltj.com">wallace@wltj.com</a>		
✓	Brandon Acres/Chapel Hill Community - Tige Wails	September 9th, Thursday	7:00PM - 8:15PM	Hampton Park, 1117 Brandon Ave	Penny Transportation Presentation	Rox		<a href="mailto:twails@brandacres.com">twails@brandacres.com</a>	237-3396	
✓	WIS TV - Brand Cummings	August 31 - Tuesday	11:00 AM	Richard County Admin		Roxanne Milton, Steph				
✓	Transportation Penny Educational Session	September 15th - Wednesday	6:00 pm - 7:00 pm	Herbison Recreation Center		Rox, Steph				
✓	Transportation Penny Educational Session	September 16th - Thursday	6:00 pm - 7:00 pm	RCSD Lower Richard Regional High School		Rox, Steph				
✓	Transportation Penny Educational Session	September 22nd - Wednesday	6:00 pm - 7:00 pm	Parklane Adult Activity Center		Steph, Tamara				
✓	Transportation Penny Educational Session	September 27th - Monday	6:00 pm - 7:00 pm	Richard County Public Library		Steph				
✓	Citizens for a Greater Midlands - Betty Gregory	September 14, Tuesday	9:30 - 11 or 2 to 3:30	Old Print Room - First Floor	Chamber of Commerce - Speakers Training Briefing	Rox, Milton		<a href="mailto:bettygregory@columbiachamber.com">bettygregory@columbiachamber.com</a>	204-0799 (cell) or 732-2520 (office)	
✓	The State - Dawn Hirsaw	September 14, Tuesday	2:00pm to 3:00 pm	RC Chamber of Commerce - Conference Call	Discuss Roads projects	Roxanne				
✓	WLTJ	September 14, Tuesday	9:30am - 10:30am	WIS Studio	Educational Briefing	Stephany Milton				
✓	The State Newspaper - Warren Bolton	September 21st - Tuesday	9:30am - 10:30am	The State Newspaper Offices		Stephany Milton				
✓	Oil Leasing Community Meeting - Shirley Mims	September 23 - Thursday	7:00pm - 8:00pm	Mt. Olive Church, 5601 Mount Olive Rd., Hopkins SC	Transportation Penny Sales Tax	Stephany		<a href="mailto:Mmims@copius.us">Mmims@copius.us</a>	576-2446	
✓	Lower Richard Democratic Unitariat - Pat Neal Jones	October 2, Saturday	9:00 AM	Lizards Theater - 7938 Gaines Ferry Rd	Transportation Penny Sales Tax Presentation	Rox		<a href="mailto:patjones@rlc.com">patjones@rlc.com</a>		
✓	County City Joint Transportation Sales Penny Presentation - Jackson & Councilman Plaugh (city)	October 13th, Saturday	6:30 PM	Woodland Park	Joint County/City Transportation Penny Sales Presentation	Rox, Milton, Steph		<a href="mailto:roxianna@copius.us">roxianna@copius.us</a>	576-2065	
✓	Carolina News	September 23, Thursday	9:30 AM	Admin Office	Interview re: IST for Carolina News (USC Media Program)	Rox				
✓	Forest Acres Neighborhood Association - Beth Balkauf	October 26th - Tuesday	7:00 PM	St. Michael & All Angels Episcopal Church, 6408 Bridgeway Rd (Corner of Bridgeway & N Trenton)	Transportation Penny Sales Tax Presentation	Rox		<a href="mailto:beth.balkauf@gmail.com">beth.balkauf@gmail.com</a>	227-4622	
✓	Columbia Capital Rotary Club - Darren Foy	October 6th - Wednesday	7:20 AM - 7:50 AM	Palmetto Club	Transportation Penny Sales Tax Presentation	Milton				
✓	WIS TV	September 30 - Thursday	2:45PM - 3:45PM	1111 Bull St	Media Presentation	Rox		<a href="mailto:rtanide@wistv.com">rtanide@wistv.com</a>		
✓	Chamber of Commerce - M. Campbell	October 14 - Thursday	12:00 PM to 12:15 PM	Chamber of Commerce	Transportation Penny Presentation	Rox			446-2670	
✓	NE - Lake Carolina / The Summit	October 20 - Wednesday	6:30 PM - 7:30 PM	Lake Carolina Sales Office	Advocacy Group request; wants RC staff person there for fiscal year info	Rox				
✓	NE - Woodcreek, Wildwood Springs, and Brierley Church - Kendell Corey	October 21st - Thursday	6:30 PM	Wildwood Community Center	RC staff person there for fiscal year info	Rox				
✓	On Point on Fox w/ Cynthia Haery	October 22 - Friday	3:45 PM	WACH Fox, Pickens St	RC staff person there for fiscal year info	Rox				
✓	Lake Recreation Center - James Manning	October 26th - Tuesday	6:30 PM - 7:00 PM	WACH Fox, Pickens St Center	RC staff person there for fiscal year info	Rox		<a href="mailto:jamman@wvnc.org">jamman@wvnc.org</a>	727-8190	
✓	Richard Radio	October 29 - Friday	6:00 PM - 6:00 PM	Richard Radio	Transportation Sales Tax Presentation	Stephany Milton, Steph		<a href="mailto:jamman@wvnc.org">jamman@wvnc.org</a>	803-386-8242	
✓	Howard Bannister - Election Day Training	October 30 - Saturday	10:00 AM - 11:30 AM	Chamber of Commerce	Howard Bannister - Election Day Training	Rox				
✓	Election Day Training	October 30 - Saturday	12:00 PM - 1:30 PM	Chamber of Commerce Lutheran Seminary	Election Day Training	Rox				
✓	Rotary Club - Ebony Woods	October 26th - Tuesday	7:30 AM - 8:30 AM	Rotary Club	Transportation Penny Sales Tax Presentation	Steph		<a href="mailto:woods@copius.us">woods@copius.us</a>	576-2048	
✓	Council Member	October 30 - Saturday	9:00 AM - 12:00 PM	Rotary Club	Transportation Penny Sales Tax Presentation	Milton			360-7178	
✓	Retired Military - Russell Anderson	October 29 - Friday	8:00 AM - 9:00 AM	NCO club on Ft Jackson	Transportation Penny Sales Tax Presentation					

Completed	Business - Contact Name	Date Requested	Time Request	Location	Requested Topics	Actual Date	Speaker	Email	Phone	Notes
	Florence & Hutcheson Consulting EGINEERS - Suzie Sale Dennis Corporation	Would like some between 9/6 - 9/8	between 9am and 11am	Florence & Hutcheson, 501 Huger St	Transportation Penny			<a href="mailto:ssale@flohut.com">ssale@flohut.com</a>	254-5800	

# Richland County Council Request of Action

**Subject**

All elected County officials shall be treated equally, no exceptions **[JACKSON] [PAGES 190-192]**

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 2, ADMINISTRATION; SECTION 2-262, SALARIES OF CERTAIN ELECTED OFFICIALS; SO AS TO REQUIRE ALL ELECTED OFFICIALS TO RECEIVE A 5% PAY RAISE UPON RE-ELECTION.

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; Section 2-262 is hereby amended to read as follows:

**Section 2-262. Salaries of certain elected officials.**

(a) The following elected officials shall be excluded from the County's pay and classification plan: auditor, clerk of court, coroner, probate judge, sheriff, and treasurer.

(b) The salary of the auditor, clerk of court, coroner, sheriff, and treasurer shall be determined through the County's budget process, and does not include any supplemental appropriations from the state of South Carolina or from any other source.

(c) Each year elected officials listed in (b) above shall receive a pay increase commensurate with the percentage increase of the Consumer Price Index (CPI) over the previous year, which number is distributed to the County from the State Department of Revenue through the South Carolina Association of Counties for budgetary purposes, but not to exceed 4% for that year; provided, however, elected officials' salaries shall be reviewed at the same time that other County positions are reviewed for market comparisons, but in no event longer than three years. If it is determined that an elected official's salary is higher than others surveyed in similar sized counties, the elected official shall not receive a CPI pay increase for the first year following such review. Pay increases, when applicable, shall take effect starting with the first pay period in July.

(d) Upon re-election to the same office for a consecutive term, ~~the such~~ elected officials ~~listed in (a) above~~, shall receive a 5% pay increase, which shall take effect at the beginning of the new term of office.

(e) A newly elected official, or an individual appointed to fill an existing term of office, shall receive the salary of the previous incumbent, but shall not receive the 5% pay increase that re-elected officials receive.

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 \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_

Paul Livingston, Chair

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

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

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

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

# Richland County Council Request of Action

## **Subject**

- a. Resolution honoring Cynthia Byrd for her contributions to the Richland County Public Library in memory of her son Brandon LaVar Byrd **[DICKERSON]**
- b. Motion that Richland County Council provide a resolution for Thomasina Briggs in honor of her longstanding and dedicated service to the Appearance Commission **[ROSE]**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda