

AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 11, 2018
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a) Regular Meeting August 14, 2018
5. Awards and Recognitions
6. Appearances & Public Presentations
 - a) Center for Heirs Property Preservation – April Richardson – Overview of Programs
7. Administrator's Briefing
8. Public Hearing
 - a) Ordinance 18-O-10, To Amend Title 2 – Administration and Personnel and Title 3 – Revenue and Finance of the Colleton County Code of Ordinances.
 - b) Ordinance 18-O-11, To Provide for the Issuance and Sale of Not Exceeding \$6,000,000 Fire Protection Service General Obligation Bonds Of Colleton County, South Carolina; To Prescribe The Purposes For Which The Proceeds Shall Be Expended; To Provide For The Payment Thereof; And Other Matters Relating Thereto
 - c) Ordinance 18-O-12, Authorizing the Acquisition of Certain Property by Colleton County, South Carolina by Lease-Purchase Financing in the Amount Of Not Exceeding \$2,500,000; the Execution and Delivery of Certain Instruments, Including a Lease-Purchase Agreement by Colleton County; and Other Matters Relating Thereto
 - d) Ordinance 18-O-13, To Provide for the Transfer of Real Property Owned by Colleton County, South Carolina, Identified by T.M.S. No. 097-00-00-050, to CCEDC One, Inc. (a Colleton County Economic Development Corporation) Related to Project EPS; and Other Matters Relating Thereto

- e) Resolution 18-R-57, To endorse the 2018 Community Development Block Grant, Community Enrichment Application for the Colleton County – Old High School Football Stadium Demolition Project and Funds for Local Match

9. Old Business

- a) 2nd Reading Ordinance 18-O-15, Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, County Colleton, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto
- b) 2nd Reading Ordinance 18-O-16, To Relinquish Any Right of First Refusal and other Restrictive Covenants of Colleton County to the Property Located at 360 Anderson Road, TMS #132-00-00-247
- c) 3rd Reading Ordinance 18-O-10, To Amend Title 2- Administration and Personnel of the Colleton County Code of Ordinances
- d) 3rd Reading Ordinance 18-O-11, To Provide For The Issuance And Sale Of Not Exceeding \$6,000,000 Fire Protection Service General Obligation Bonds Of Colleton County, South Carolina; To Prescribe The Purposes For Which The Proceeds Shall Be Expended; To Provide For The Payment Thereof; And Other Matters Relating Thereto
- e) 3rd Reading Ordinance 18-O-12, Authorizing the Acquisition of Certain Property by Colleton County, South Carolina by Lease-Purchase Financing in the Amount Of Not Exceeding \$2,500,000; the Execution and Delivery of Certain Instruments, Including a Lease-Purchase Agreement by Colleton County; and Other Matters Relating Thereto
- f) 3rd Reading Ordinance 18-O-13, To Provide for the Transfer of Real Property Owned by Colleton County, South Carolina, Identified by T.M.S. No. 097-00-00-050, to CCEDC One, Inc. (a Colleton County Economic Development Corporation) Related to Project EPS; and Other Matters Relating Thereto

10. New Business

- a) 1st Reading Ordinance 18-O-17, BY TITLE ONLY To Ratify FY18 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto
- b) Resolution 18-R-55, To Authorize Acceptance and Budgeting of Funds for Various Grants Received for FY 2018-2019

- c) Resolution 18-R-56, To Authorize the Acceptance of a Grant from the South Carolina Department of Social Services for the Child and Adult Care Food Program Grant for 2019
 - d) Resolution 18-R-57, To Endorse the 2018 Community Development Block Grant, Community Enrichment Application for the Colleton County – Old High School Football Stadium Demolition Project and Funds for Local Match
 - e) Resolution 18-R-58, To Award the Contract for Emergency Debris Removal and Disposal Services
 - f) Resolution 18-R-59, To Award the Contract for Debris Monitoring and Recovery Services
 - g) Resolution 18-R-60, To Authorize the Council Clerk to Advertise for Board Vacancies
 - h) Resolution 18-R-61, To Authorize the Purchase of Seventeen Lifepak 15 Cardiac Monitors/Defibrillators from Physio Control; to Authorize the Surplus of Sixteen Lifepak 12 Cardiac Monitors/Defibrillators
 - i) Resolution 18-R-62, To Authorize the Purchase of Various Equipment for Colleton County Fire-Rescue as Provided by the 2018 Fire Bond
- 11. Items for Information and Public Record
 - 12. Public Comments (3 minutes per person/max time 20 min.)
 - 13. Council Time
 - 14. Executive Session
 - a) Contractual – Solid Waste
 - 15. Adjournment
 - 16. Informal Meeting of the Whole

Sponsor(s)	: County Council	
First Reading	: June 26, 2018	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: August 14, 2018	
Public Hearing	: September 11, 2018	
Third Reading	: September 11, 2018	
Effective Date	: Immediately	

ORDINANCE NO. 18-O-10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Title 2 – Administration and Personnel of the Colleton County Code of Ordinances.]

WHEREAS:

1. **Title 2 – Administration and Personnel, Chapter 2.16 – Emergency Preparedness**, of the Colleton County Code of Laws is to be repealed and these duties shall become the responsibility of Colleton County Fire-Rescue Personnel; and
2. **Title 2 – Administration and Personnel, Chapter 2.20 – Fire Protection System**, of the Colleton County Code of Laws must be amended as the 1993 ordinance, which implemented the Fire and Rescue District of Colleton County, requires adaptation to updated organizational structures and to include the addition of Emergency Management and Emergency Medical Services; and;
3. **Title 2 – Administration and Personnel, Chapter 2.30 – Colleton County Council, Section 2.30.020 - Officers**, the Council Chairman and Vice-Chairman shall be elected from and by the Council members at the initial meeting of the Council in January of even-numbered years; and
4. County Council believes that it is in the best interest of the citizens of Colleton County to approve the changes set forth herein.

NOW THEREFORE BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. **Title 2 – Administration and Personnel, Chapter 2.16 – Emergency Preparedness**, of the Colleton County Code of Laws is hereby repealed in its entirety.
2. **Title 2 – Administration and Personnel, Chapter 2.20 – Fire Protection System**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

Chapter 2.20 – Fire Protection System

Sections:

- 2.20.010 Abolition of existing fire protection districts.**
- 2.20.020 District – Established.**
- 2.20.030 District – Purpose and Function.**
- 2.20.040 Tax Levy.**
- 2.20.050 Colleton County Fire and Rescue Commission – Established.**
- 2.20.060 Fire and Rescue Commission – Powers and Duties.**
- 2.20.070 Fire and Rescue Commission – Additional Duties (Reserved).**
- 2.20.080 Fire and Rescue Director.**
- 2.20.090 Emergency Management Division.**
- 2.20.100 Emergency Medical Services**

2.20.010 Abolition of Existing Fire Protection Districts

All ordinances, resolutions or other acts of Colleton County Council establishing rural fire districts and the funding mechanism for fire districts repealed by Ordinance 93-O-17 continue to be repealed as of the effective date of Ordinance 93-O-17. At the time of passage of Ordinance 93-O-17, districts specifically listed included but were not limited to Canadys, Colleton Rural, Cottageville, Jacksonboro, Maple Cane, Neyles, Ruffin, the Unincorporated Edisto Island, Green Pond, Hendersonville, Intercommunity Development Organization (IDO) Fire Department and Islandton.

2.20.020 District – Established

- A.** Pursuant to a public hearing held on June 15, 1993 and by virtue of the powers vested in the County Council by §4-9-30(5) and 4-9-130 of the South Carolina Code of Laws, as amended, the County Council enacted Ordinance 93-O-17 to create and establish a single special taxing district within the county to be known as the Colleton County Fire Protection and Rescue Service District (above captioned as and hereinafter termed District), which includes the entire unincorporated area of Colleton County in addition to those municipalities which have elected to become part of the District for service and tax levy purposes and therefore are merged into the single District, is the successor in title and interest of the fire protection districts in respect of every right, entitlement, asset, and obligation of the preexisting fire protection districts, and all such rights, entitlements, assets, and obligations of the previously established and said fire protection districts shall be attached and made a part of the new District, continuing therein with no break in continuity.
- B.** Pursuant to this code, no individual or organization can infringe on the Colleton County Fire and Rescue Protection and Rescue Service District by way of creating a fire department, rescue squad or emergency response service.

2.20.030 District – Purpose and Function.

- A. The District is created and established for the purpose and function of providing a means of financing fire protection and rescue services therein and the County Council is authorized to exercise all powers provided by law and to perform all duties necessary to the proper rendering of fire protection and rescue services within the District, including the appropriation of funds for the operation and maintenance of the District through an annual levy and collection of ad valorem taxes upon all taxable property within the District.
- B. The County Council is further authorized, to the extent and in the manner provided by law, to cause the issuance of general obligation bonds of the county for the benefit of, but not limited to, the construction and/or acquisition of facilities and of equipment, for the repayment of which bonds there shall be levied and collected an annual ad valorem tax upon all taxable property located within the District.

2.20.040 Tax Levy.

- A. There shall be levied annually on all taxable property within the District an ad valorem tax sufficient to raise moneys required for the operation and maintenance of the District. Said levy shall be set by the County Council in connection with the establishment of the tax levy for general county operations, provided, however, that the District levy shall be distinct from the levy for general county operations and shall be shown separately on the tax bill. Further, the revenues collected from the fire levy shall be used solely for the purposes identified in this code, the same being fire protection matters and rescue services within the District, which shall be understood to include reasonable mutual aid agreements which are beneficial to the citizens of the District.
- B. Likewise, in years in which any bonds issued by the County Council for the District are payable, a separate tax levy in an amount sufficient to service said debt shall be fixed, levied, and collected. For this purpose, a separate Fire Debt Service Fund shall be established as appropriated annually in the Colleton County Budget Ordinances.

2.20.050 Colleton County Fire and Rescue Commission – Established.

- A. There is created and established the Colleton County Fire and Rescue Commission (CCFRC, hereinafter termed Commission) as an operating agency of county government through which fire protection and rescue services in the District shall be provided under the provisions of the Colleton County Code of Laws, as amended and pursuant to Section 4-9-30(5)(b) of the

Code of Laws of South Carolina, 1976, as amended, with powers, duties, and functions set forth herein.

- B. The Commission shall consist of five members, which shall be appointed by County Council. All members shall be drawn from the county at large from areas within the District. If a vacancy occurs, the county council shall fill the vacancy by appointment for the unexpired term.
- C. A Commission member or appointee shall not be an officer, director, member, or employee of a municipality, or Colleton County government or any agency thereof; notwithstanding, in the event an individual is placed in nomination, they may retain their conflicting status until such time as they are appointed by vote of the County Council, at which time the individual must resign their conflicting position.
- D. Commissioners shall serve terms of four years, except that two of the commissioners appointed initially served terms of two years each, said Commissioners having been determined by drawing lots.
- E. The Commission shall, biannually in January as its first order of business, elect a chairman and vice chairman.
- F. The Commission shall meet not less than four times each year and at other times as called by the chairman, upon written request by a majority of the members, or at the request of the County Council or the County Administrator if necessary for the routine continuation of service provision or other emergency.
- G. All activities of the Commission, District and their staff shall be subject to the South Carolina Freedom of Information Act, as amended. All members receive all mailings, notifications, agendas, policy manuals, etc.
- H. Two no-notice consecutive absences of voting members or any three absences from regular meetings in any twelve (12) month period shall constitute mandatory resignation of the voting member; the Commission Chairperson shall so notify all Commission members and County Council, at which time that seat will be filled as provided in section 2.20.050(B).
- I. A simple majority shall constitute a quorum for conducting routine business. No proxies, absentee ballots, or other non-present votes shall be permitted.
- J. The County Council may remove any member of the Commission by a majority vote of members of Council, which shall normally be done only after consultation with the Commission on the matter under consideration.

2.20.060 Fire and Rescue Commission – Powers and Duties.

The Fire and Rescue Commission shall enjoy the powers and authorities defined and noted herein throughout, and the Commission is charged with timely and considerate execution of its duties and responsibilities as noted herein throughout. The Commission shall:

- A. Determine, designate, define and coordinate Service Areas within the District so as to obtain maximum fire and rescue coverage of the entire District, commensurate with the best utilization of appropriated funding and resources available.
- B. Develop and enforce minimum standards for fire and rescue operations for all areas within the District, and any other agencies receiving public funds from the District tax levies. These standards shall be compliant with all applicable Federal, State, and Local laws and regulations.
- C. The Commission makes no hire/fire decisions.
- D. At its discretion, establish ad-hoc committees of its own or combined membership at its discretion. The Commission shall generally follow Roberts Rules of Order, except where noted or as limited in its properly adopted bylaws.
- E. Develop, maintain, and implement as funded by County Council a comprehensive fire and rescue protection plan for the District and its service areas, with all associated statistical research and data. Status of planning, implementation, and statistical recapitulation by service area and in total shall be presented in conjunction with the Fire and Rescue Chief's annual budget request, which shall be submitted in such time as the County Administrator requests, for review, recommendation, and subsequent compiling for consideration by County Council.
- F. Develop annual budgets proposals in conjunction with the Fire and Rescue Chief, to include capital expenditure plans and allocations based on the greatest need and highest benefit to the largest number of citizens residing in the District, subject to approved funding properly appropriated by the County Council and derived from the annual ad valorem tax levy by County Council on all taxable property within the District. The budget proposal shall be submitted in such time and format as the County Administrator specifies, for review, recommendation, and subsequent compiling for consideration by County Council. At a minimum, operations, administration, capital improvements, and proposed contracts shall be specified. The Commission's original request shall be copied to County Council, also. These funds shall be used exclusively for the purpose of providing fire protection, prevention, and rescue services within the District.

- G.** Provide fire-fighting and rescue equipment through the Fire and Rescue Chief to be utilized within any unprotected area of the county by officials of the District as directed by said Commission and through the County to own, construct, or erect such physical facilities as may be needed, all of which shall be titled in the name of Colleton County.
- H.** Coordinate equipment, stations, and staff within the District available for providing fire and rescue services to obtain maximum use of said equipment for the good of all citizens residing in the District.
- I.** Apply for grants or other funds for the District, subject to standard, countywide procedures established by County Council, the County Administrator, and the Finance department. All grant and tax levy cash shall be collected and deposited in bank accounts maintained by the County Treasurer and all payments and grants shall be processed through the Finance department.
- J.** Establish minimum training requirements, certification programs, and other policy level activities appropriate for District-wide implementation. Such standards shall be developed in consultation with the Fire and Rescue Chief and shall not be contrary to this ordinance or applicable Federal, State, and Local laws and regulations.
- K.** Recommend for approval of County Council the adoption of such codes, declaration or regulations as may be needed to ensure that life and health regulations are met as they pertain to fire preventions within the District.
- L.** Review, evaluate, revise, and mediate all relevant contracts and agreements as necessary or as requested by the Fire and Rescue Chief.
- M.** Develop and promote a strong, viable volunteer system which acknowledges the critical needs which volunteers fill, enhances recruitment of volunteers, and in every respect values the services of the volunteer.
- N.** Develop and promote guidelines adequate to require all future public water systems installed in the county to provide water for fire protection and to recommend for adoption such county and municipal ordinances as may be necessary to enforce such guidelines.
- O.** Develop, design, investigate, evaluate, review, revise, negotiate, recommend and mediate dispatch protocols and predetermined response procedures for all fire and rescue calls within the county. This shall include joint development of dispatch protocols with the Sheriff as regards E-911 procedures.
- P.** Adhere to and adopt all policies and make decisions in accordance with County Council adopted policies, ordinances, and resolutions.

- Q. Record its meetings, keep tapes on a 60-day rotational basis only, and publish its minutes in a brief, summary format that must be approved at the next meeting of the Commission. Copies of summary minutes or an agenda follow-up will be sent to County Council members

2.20.070 Fire and Rescue Commission – Additional Duties (Reserved).

2.20.080 Fire and Rescue Chief.

The Fire & Rescue Chief (hereinafter termed Chief) reports to and may only be terminated by the County Administrator in accordance with the County Council's Personnel Policy, as amended.

- A. Should the Chief position become vacant, the County Administrator shall advertise, and conduct interviews in conjunction with a selection committee which shall include the Chair of the Fire Commission and the County Administrator, and the County Administrator shall determine the salary within the limits and guidelines of the county personnel policies and current funding levels. The Chief shall be entitled to all of the same provisions and entitlements outlined in the Colleton County Personnel Policy, as amended, and in all respects shall be an employee of Colleton County, and shall report to the County Administrator.
- B. The Chief shall supervise, direct, and assign all day-to-day operations of the Fire and Rescue Department in accordance with County and Commission established policies, which shall include all of the elements contemplated herein, with due respect and regard for each level of shared authority relative to the Chief position. The County Administrator as required may amend specific duties formally with regard for same.
- C. In consultation with the Commission, the Chief will establish minimum resource, training, and other requirements based on federal, state, and local regulations for all fire service personnel.
- D. The Chief is exclusively responsible for supervision, training, and deployment of all paid, compensated and volunteer staff and firefighters within the District, as well as for all day-to-day operations.
- E. To recommend to the Commission and monitor standard operating procedures for the upkeep, maintenance and repair of the vehicles trucks and other firefighting apparatus and equipment and to that end shall, as often as is deemed necessary, effect inspection of such equipment.

2.20.090 Emergency Management Division.

The Emergency Management Division, as outlined in Chapter 2.21 of the Colleton County Code of Laws, will be under the supervision of the Fire and Rescue Chief.

2.20.100 Emergency Medical Services

Emergency Medical Services, as outlined in Chapter 2.22 of the Colleton County Code of Laws, will be under the supervision of the Fire and Rescue Chief.

3. Title 2 – Administration and Personnel, Chapter 2.21 – Emergency Management Division, of the Colleton County Code of Laws is hereby established below.

Chapter 2.21 – Emergency Management Division

Sections:

- 2.21.010 Purpose**
- 2.21.020 Definitions**
- 2.21.030 Director of Emergency Management Division**
- 2.21.040 Composition of Department**
- 2.21.050 County Council – Powers and Duties**

2.21.010 Purpose.

It is the intent and purpose of this section to establish an organization, to be known as the county emergency management division, which will ensure the complete and efficient utilization of all the county resources necessary to respond to any emergency arising from an enemy/terrorist attack, natural hazard or technological hazard. The division will be the coordinating agency for all activity in connection with emergency management. It will be the instrument through which the county council shall exercise its authority under the laws of this state during an emergency involving this county or any part of the state. This division will report to the Fire and Rescue Chief.

2.21.020 Definitions

As used in this chapter:

Colleton County emergency management organization consists of all officers and employees of county government, together with those volunteer forces enrolled to aid them in a disaster, the municipalities of the county and persons who may by agreement or operation of law be charged with duties incident to protection of life and property of this county during disasters.

Disaster means actual or threatened enemy attack, sabotage, conflagration, natural or man-made disaster such as: flood, storm, epidemic, earthquake, riot or other public calamity.

Emergency management means the extraordinary actions of government in preparing for and carrying out all functions and operations, other than those for which the military is primarily responsible, when concerted, coordinated action by several agencies or departments of government and/or private sector organizations and citizens are required to prevent, minimize and repair injury and damage resulting from a disaster of any origin.

Volunteer means all persons, other than officers and employees of the county serving with or without compensation pursuant to compliance with this chapter. While engaged in such services they shall have the same immunities as persons and employees of the county performing similar duties.

2.21.030 Director of Emergency Management Division

The Fire and Rescue Chief shall be responsible for directing the day-to-day operations of the division, executing the instructions of the county administrator and coordinating the activities of various county emergency forces during a period of disaster or emergency. The director shall be appointed by the county administrator. The Chief or his/her designee shall be empowered and required to coordinate and render assistance to county and city officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the municipalities and county for the purpose of minimizing or preventing damage to persons or property in emergency or disaster situations. Municipal and county personnel shall include in such plans the restoration of governmental services and public utilities necessary for the public health, safety and welfare. The Chief or his/her designee shall further direct the plans of the county emergency management department in the implementation of the provision of this article.

2.21.040 Composition of Department

All county officials and employees, together with those volunteer forces enrolled to aid them during a disaster, and persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in the county during an emergency, shall constitute the county emergency management department.

2.21.050 County Council – Powers and Duties

The County Council is responsible for meeting the dangers to the county and its people presented by disasters of any origin. Under this chapter, the County Council may issue proclamations and regulations and amend or rescind them. Proclamations of the County Council have the force and effect of law.

- A. A state of disaster emergency may be declared by the county council if it finds a disaster has occurred, or that the threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing or anticipated situation. Once declared, the state of emergency shall continue until terminated by proclamation of the county council or as

prescribed by state law. All proclamations issued under this section shall indicate the nature of the disaster, the area or areas affected by the proclamation, and the conditions which brought about or make possible termination of the state of disaster emergency.

B. In addition to any other powers conferred by law, the county council may, under the provisions of this chapter:

1. Suspend the provisions of existing regulations prescribing the procedures for conduct of county business if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency;
2. Utilize all available resources of county government as reasonably necessary to cope with disaster emergency;
3. Transfer the direction, personnel or functions of county departments and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable;
4. Compel performance by elected and appointed county government officials and employees of the duties and functions assigned in the county emergency operation plan;
5. Contract, requisition and compensate for goods and services from private sources;
6. Direct and compel evacuation of all or part of the population from any stricken or threatened area within the county if this action is deemed necessary for preservation of life or other disaster mitigation, response or recovery;
7. Prescribe routes, modes of transportation, and destination in connection with evacuation;
8. Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;
9. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles;
10. Make provisions for the availability and use of temporary housing.

4. Title 2 – Administration and Personnel, Chapter 2.22 – Emergency Medical Services, of the Colleton County Code of Laws is hereby established below.

Chapter 2.22 – Emergency Medical Services

Sections:

- 2.22.010 Purpose**
- 2.22.020 Definitions**
- 2.22.030 Director of Emergency Medical Services**
- 2.22.040 Composition of Department**
- 2.22.050 County Council – Powers and Duties**

2.22.010 Purpose.

It is the intent and purpose of this section to outline how Emergency Medical Services are provided to Colleton County residents and visitors. Emergency Medical Services involves the rapid treatment of the sick and injured at the point of illness or injury and transportation of those sick and injured to the closest appropriate medical facility. The Fire and Rescue Department, under the direction of the Fire and Rescue Chief, is responsible for providing Emergency Medical Services to all Colleton County citizens, including those not residing within the District.

2.21.020 Definitions

As used in this chapter:

Emergency Medical Services consists of the pre-hospital medical care of and transportation of the sick and injured.

ALS means advanced life support and is the highest level of pre-hospital care that can be provided by a government as certified by SC DHEC.

SC DHEC means the South Carolina Department of Health and Environmental Control, which serves as the primary certifying, licensing, and regulatory agency for Emergency Medical Services in the state.

Volunteer means all persons, other than officers and employees of the county serving with or without compensation pursuant to compliance with this chapter. While engaged in such services they shall have the same immunities as persons and employees of the county performing similar duties.

2.21.030 Director of Emergency Medical Services

The Fire and Rescue Chief shall be responsible for directing the day-to-day operations of Emergency Medical Services, executing the instructions of the county administrator and coordinating the activities of various county emergency forces during a period of disaster or emergency. The director shall be appointed by the county administrator. The Fire and Rescue Chief shall insure that all Emergency Medical Services operations are compliant with local, state and federal regulations.

2.21.040 Composition of Department

All Fire-Rescue personnel, both paid and volunteer, who hold a SC DHEC certification are authorized to participate in Emergency Medical Services in Colleton County.

2.21.050 County Council – Powers and Duties

The County Council is the sole authority regarding the provision of Emergency Medical Services in Colleton County. Although private ambulance companies may provide services to medical facilities, such as transportation from one hospital to another hospital or transportation from home to a doctor's office or dialysis clinic, the Fire and Rescue Department is the sole Emergency Medical Services provider for calls for service through the 9-1-1 center.

5. Title 2 – Administration and Personnel, Chapter 2.30 – Colleton County Council, Section 2.30.020 Officers, is hereby amended as follows:

The first paragraph of the Section and sub-paragraphs A and B are hereby repealed in their entirety and the following paragraphs are inserted in replacement:

The Council shall elect a Chairman, Vice-Chairman, and such other officers as it may deem necessary for the terms as hereinafter set forth, at the initial meeting of the Council in January of odd-numbered years, at which the first act of Council shall be to elect a Chairman and at which the County Attorney shall act as Chairman only for the election of the Council Chairman.

A. Chairman. At the initial meeting of Council in January of even-numbered years, unless otherwise provided by law, the Council shall elect one of its members, by a majority vote, to serve as Chairman for a term of two years. Any vacancy in the Chairmanship shall be filled by the Council for the unexpired term. The Chairman shall preside at all regular and special meetings of the Council; shall execute, on behalf of the Council, by and through the County Administrator, all ordinances, resolutions, directives, deeds, bonds, contracts and other official instruments; and shall have such other duties and perform such other functions as set forth by the Council. The Chairman shall be able to vote on all issues before Council.

B. Vice Chairman. At the initial meeting of Council in January of even-numbered years, unless otherwise provided by law, the Council shall elect one of its members, by a majority vote, to serve as Vice-Chairman a term of two years; in the event that the Chairman shall be temporarily absent or unable to serve, the Vice Chairman shall serve as Chairman in his stead. If the Vice-Chairman is unable to fulfill his duties, a special election, by the Council, may be held to complete his unexpired term.

6. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

7. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
First Reading : June 26, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : August 14, 2018
Public Hearing : September 11, 2018
Third Reading : September 11, 2018
Effective Date : Immediately

I, _____,
Council Clerk, certify that this
Ordinance was advertised for
Public Hearing on _____.

ORDINANCE NO. 18-O-11

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$6,000,000 FIRE PROTECTION SERVICE GENERAL OBLIGATION BONDS OF COLLETON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.

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AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$6,000,000 FIRE PROTECTION SERVICE GENERAL OBLIGATION BONDS OF COLLETON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.

BE IT ENACTED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

As an incident to the enactment of this Ordinance and the issuance of the bonds provided for herein, the County Council of Colleton County, South Carolina (the "County Council"), the governing body of Colleton County, South Carolina (the "County"), find that the facts set forth herein exist and the statements made with respect thereto are true and correct.

WHEREAS, the County Council, in Ordinance No. 93-O-17, has previously determined to establish, operate, and maintain a system of fire protection in those areas of the County where fire services were not being provided and, pursuant to the provisions of Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended, has, from time to time designated the areas of the County where fire protection service may be furnished by the County under the provisions thereof (the areas designated by County Council are collectively referred to herein as the "District"); and

WHEREAS, by virtue of Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended, as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (collectively, the "Enabling Act"), County Council is authorized to issue general obligation bonds of the County for the purpose of raising moneys to establish, maintain, and operate a fire protection system and to purchase the necessary fire-fighting equipment and to construct, acquire, and build the necessary fire stations and to acquire sites for the stations; and

WHEREAS, pursuant to the authorizations of Article X of the South Carolina Constitution and the Enabling Act, the County Council desires to obtain funds for the purpose of defraying a portion of the cost of replacing the computer-aided dispatch system, renovating and improving existing fire stations, and acquiring fire trucks, ambulances, other support vehicles and equipment for use by the Colleton County Fire-Rescue Commission (collectively, the "Series 2018 Project"); and

WHEREAS, Article X, Section 12 of the South Carolina Constitution prohibits the issuance of general obligation bonds of any county to finance fire protection facilities benefitting only a particular geographic section of the 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; and

WHEREAS, County Council have determined to provide for the levy and collection of an annual ad valorem tax within the District which will be sufficient to provide for the payment of the principal and interest on the bonds to be issued hereunder, and the respective requirements of Article

X, Section 12 of the South Carolina Constitution and Section 4-19-30 of the Enabling Act with respect to the issuance of the bonds provided for herein have been met; and

WHEREAS, the Section 4-19-10(l) of the Enabling Act permits the use of funds from the levy and collection of an annual ad valorem tax within the District to be used for operating and maintenance expenses of the County’s fire protection system; and

WHEREAS, the County Council have determined that is in the best interest of the District to transfer a portion of the funds on deposit in the District’s debt service fund to the District’s operating and maintenance fund to be used to fund the costs of acquisition and construction of an expansion of the County’s fleet management building to service vehicles, fleet, and equipment of the District; and

WHEREAS, by virtue of Article X, Section 14(7)(b) of the South Carolina Constitution, general obligation debt incurred pursuant to and within the limitations prescribed by Article X, Section 12 of the South Carolina Constitution shall not be considered in determining the debt limitations imposed by Article X, Section 14(7)(a) of the South Carolina Constitution; and

NOW, THEREFORE, on the basis of the foregoing authorizations and for the purpose of raising the sum of approximately \$6,000,000 to be expended for the Series 2018 Projects, the County Council enact this Ordinance to effect the issuance and sale of fire protection service general obligation bonds of the County authorized by the Enabling Act.

ARTICLE I

DEFINITIONS AND INTERPRETATIONS

Section 1 Defined Terms.

The terms defined in this Article (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Ordinance shall have the respective meanings specified in this Article.

“Authenticating Agent” shall mean the authenticating agent for the Bonds designated pursuant to Section 1 of Article II hereof.

“Beneficial Owner” shall mean the person in whose name a Bond is recorded as the beneficial owner of the Bond by a Participant on the records of the Participant or such person’s subrogee.

“Bonds” shall mean the Fire Protection Service General Obligation Bonds, Series 2018 of the County authorized to be issued hereunder in the aggregate principal amount of not exceeding \$6,000,000.

“Bond Registrar” shall mean the bond registrar designated pursuant to the provisions of Section 1 of Article II hereof.

“Book-Entry Only System” shall have the meaning attributed to that term in Article II, Section 14 hereof.

“Books of Registry” shall mean the registration books maintained by the Bond Registrar in accordance with Section 8 of Article II hereof.

“Chairman” shall mean the chairman of the County Council or, in his absence, the vice chairman of the County Council.

“Clerk” shall mean the clerk of the County Council or, in her absence, the acting clerk.

“Closing Date” shall mean the date upon which there is an exchange of the Bonds for the proceeds representing the purchase price of the Bonds by the Original Purchaser.

“Continuing Disclosure Undertaking” shall mean the Continuing Disclosure Undertaking hereby authorized on behalf of the County Council, as it may be amended from time to time in accordance with the terms thereof.

“County” shall mean Colleton County, South Carolina.

“County Administrator” shall mean the County Administrator of the County.

“County Council” shall mean the County Council of Colleton County, South Carolina, the governing body of the County or any successor governing body of the County.

“Dated Date” shall mean the date of delivery of the Bonds.

“Debt Service” shall mean the scheduled amount of interest and amortization of principal payable on the Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

“District” shall mean the service area for fire protection services set forth in Ordinance No. 93-O-17.

“DTC” shall mean The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors pursuant to Article II, Section 14 hereof.

“Enabling Act” shall mean Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended, as further amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.

“Finance Director” shall mean the Finance Director of the County or, in his absence, any other officer or employee of the County designated in writing by the County Administrator to perform the duties of the Finance Director under this Ordinance.

“Financial Advisor” shall mean Raymond James & Associates, Inc., the financial advisor to the County.

“Fire Protection Service Tax” shall mean the ad valorem taxes imposed by the County Council in the District pursuant to Ordinance No. 93-O-17 in accordance with the Enabling Act.

“Fiscal Agents” shall mean the Paying Agent, the Bond Registrar, the Authenticating Agent, and any escrow agent under Article VI hereof with respect to the Bonds.

“Interest Payment Date” shall mean any date on which a payment of interest on the Series 2018 Bonds shall be due, as determined by the Chairman or County Administrator on the advice of the Financial Advisor and bond counsel.

“Letter of Representations” shall mean the Blanket Letter of Representation of the County to DTC dated July 10, 1997.

“Net Proceeds,” when used with reference to the Bonds, shall mean the face amount of the Bonds, plus accrued interest and premium, if any.

“Ordinance” shall mean this Ordinance as from time to time amended and supplemented by one or more supplemental ordinances enacted in accordance with the provisions of Article VII hereof.

“Ordinance No. 93-O-17” shall mean Ordinance No. 93-O-17 enacted in accordance with the Enabling Act by the County Council on June 22, 1993, providing for the imposition of the Fire Protection Service Tax to provide fire protection service in the District.

“Original Purchaser” shall mean the first purchaser of the Bonds from the County.

“Participants” shall mean those broker-dealers, banks, and other financial institutions for which the Securities Depository holds Bonds as securities depository.

“Paying Agent” shall mean the paying agent for the Bonds designated pursuant to Section 1 of Article II hereof.

“Securities Depository” shall mean the administrator of the book-entry only system for the Bonds, as further described in Article II, Section 14 hereof and any successor appointed as provided in Article II, Section 14 hereof. The initial Securities Depository shall be DTC.

“Series 2018 Projects” shall mean, collectively, the equipping of certain fire service buildings; the acquisition of certain new and used fire trucks, ambulances, and other fire protection

service vehicles; the acquisition of various firefighting, rescue, medical, and protective equipment; and the costs of renovation of certain fire stations.

“Sinking Fund Account” shall mean the sinking fund account established and held by the Treasurer of Colleton County designed to provide for the payment of the principal of, premium, if any, and interest on the Bonds, as the same respectively fall due.

Section 2 General Rules of Interpretation.

For purposes of this Ordinance, except as otherwise expressly provided or the context otherwise requires:

(a) Articles, Sections, and Paragraphs, mentioned by number are the respective Articles, Sections, and Paragraphs, of this Ordinance so numbered.

(b) Except as otherwise expressly provided or unless the context otherwise requires, words importing persons include firms, associations, and corporations, and the masculine includes the feminine and the neuter.

(c) Words importing the redemption or redeeming or calling for redemption of a Bond do not include or connote the payment of such Bond at its stated maturity or the purchase of such Bond.

(d) Words importing the singular number include the plural number and *vice versa*.

(e) The heading or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this Ordinance.

ARTICLE II

ISSUANCE OF BONDS

Section 1 Authorization of Bonds; Approval of Maturity Dates, Principal Amounts, and Interest Rates.

(a) Pursuant to the provisions of the Enabling Act and for the purposes of funding the costs of the Series 2018 Projects and paying capitalized interest on the Bonds there shall be issued not exceeding Six Million and no/100 Dollars (\$6,000,000.00) of general obligation bonds of the County. The Bonds shall be designated “Fire Protection Service General Obligation Bonds, Series 2018”; and may be issued in one or more series as designated by the County Administrator. The Bonds shall be originally dated the Dated Date, shall be in fully-registered form, shall be in denominations of Five Thousand and no/100 Dollars (\$5,000.00) each or any integral multiple thereof, and may be numbered from R-1 upward.

(b) The Bonds will be issued in such principal amount, bear interest at such rates, payable on each Interest Payment Date, and will mature on the dates and in the amounts as are approved by the Chairman or County Administrator provided that:

(i) The Bonds shall be issued in a principal amount of not exceeding \$6,000,000.

(ii) The Bonds shall not bear interest at a true interest cost (TIC) greater than 4.0% per annum.

(iii) The Interest Payment Dates of the Bonds shall commence not later than June 30, 2019.

(iv) The Bonds shall mature not later than June 30, 2031.

(c) The County Administrator is hereby expressly delegated the authority to approve the sale and issuance of the Bonds so long as they conform to all of the parameters set forth in this Ordinance, including, but not limited to, this Section 1 of Article II.

(d) The Paying Agent, Authenticating Agent, and Bond Registrar shall be such institution as designated by the County Administrator as in the best interest of the County.

Section 2 Redemption of Bonds.

(a) General. The Bonds may not be called for redemption by the County except as provided in this Section 2.

(b) Redemption. The Bonds may be subject to redemption prior to their maturity, in whole or in part, and by lot as to Bonds or portions of Bonds within a maturity (but only in integral multiples of \$5,000), upon the terms and on the dates and at the redemption prices as approved by the County Administrator prior to the issuance of the Bonds.

(c) Partial Redemption of Bonds. In the event that only part of the principal amount of a Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of that Bond to the Paying Agent. Upon surrender of such Bond, the County shall execute and the Authenticating Agent shall authenticate and deliver to the holder thereof, at the office of the Authenticating Agent, or send to such holder by registered mail at his request, risk, and expense, a new fully-executed Bond or Bonds, of authorized denominations equal in aggregate principal amount to, and of the same maturity and interest rate as, the unredeemed portion of the Bond surrendered.

(d) Official Notice of Redemption. (i) Unless waived by any registered owner of Bonds to be redeemed, official notice of any such redemption shall be given by the County by mailing a copy of an official redemption notice by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owners of the Bond or Bonds to be redeemed at the address shown on the Books of Registry. Notice of redemption shall describe

whether and the conditions under which the call for redemption may be revoked. Failure to give notice by mail or any defect in any notice so mailed with respect to any Bond shall not affect the validity of the proceedings for such redemption for Bonds for which notice was properly given.

- (ii) All official notices of redemption shall be dated and shall state:
 - (A) the redemption date,
 - (B) the redemption price,
 - (C) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
 - (D) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after such date, and
 - (E) the place where such Bonds are to be surrendered for payment of the redemption price.

(e) Conditional Notice of Redemption of Bonds Permitted. In the case of an optional redemption, the notice may state (i) that it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, with the Trustee no later than the redemption date or (ii) that the County retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a “Conditional Redemption”), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded.

(f) Deposit of Funds. At least one day prior to any redemption date, the County shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

(g) Effect of Deposit of Funds. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless (i) the County shall have revoked the redemption in accordance with the terms set forth in the official notice of redemption or (ii) the County shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. If said money shall not be available on the redemption date, such bonds or portions thereof shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption. Upon surrender of such Bonds for redemption in accordance with such notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be cancelled by the Paying Agent and shall not be reissued.

(h) Further Notice. In addition to the foregoing notice, further notice shall be given by the County as set out below, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed. Such further notice of redemption may be combined with official notice as above prescribed in a single notice.

(i) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption and (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bond as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed.

(ii) Each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(iii) Upon the payment of the redemption price of Bonds being redeemed, each cheque or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such cheque or other transfer.

Section 3 Cancellation of Bonds.

All Bonds which have been redeemed shall be cancelled and either maintained or destroyed by the Paying Agent and shall not be reissued. A counterpart of the certificate of destruction evidencing such destruction shall be furnished by the Paying Agent to the County upon the request of the County Administrator.

Section 4 Purchase of Bonds.

The Paying Agent shall, if and to the extent practicable, endeavor to purchase Bonds or portions of Bonds at the written direction of the County at the time, in the manner, and at the price as may be specified by the County. The Paying Agent may so purchase the Bonds; provided that any limitations or restrictions on such redemption or purchases contained in this Ordinance shall be complied with. The expenses of such purchase shall be deemed an expense of the Paying Agent to be paid by the County. The Paying Agent shall incur no liability for any purchase made in accordance with this Section or for its inability to effect such purchase in excess of the redemption price thereof.

Section 5 Medium of Payment.

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 the payment of public and private debts.

Section 6 Place of Payments; Selection of Paying Agent.

Principal and premium, if any, of the Bonds, when due, shall be payable at the corporate trust office of the Paying Agent. Interest on any Bond shall be payable on each Interest Payment Date by cheque or draught mailed to the person in whose name such Bond is registered at the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding such Interest Payment Date (the Regular Record Date) by the Paying Agent. Principal of, redemption premium, if any, and interest payable to any person holding Bonds in aggregate principal amount of \$1,000,000 or more will be paid, upon the written request of any such registered owner in form and substance satisfactory to the Paying Agent, by wire transfer of immediately available funds to an account within any of the continental United States of America designated by such registered owner on or before the Record Date.

Section 7 Execution of Bonds; Designation of Authenticating Agent.

(a) The Bonds shall be executed in the name of the County by the manual or facsimile signature of the Chairman, and attested by the manual or facsimile signature of the Clerk, and the seal of the County shall be impressed or reproduced on each Bond. Any facsimile signature appearing on the Bonds may be that of the officer who is in the office on the date of the enactment of this Ordinance. The Bonds shall be executed in respect of any manual signature by the person or persons holding office when such Bonds are ready for delivery. The execution of the Bonds in this fashion shall be valid and effective notwithstanding changes in the personnel of any of the above offices subsequent to their execution.

(b) The Bonds shall bear a certificate of authentication, substantially in the form set forth in Exhibit A, duly executed by the Authenticating Agent. The Authenticating Agent shall authenticate each Bond with the manual signature of an authorized officer of the Authenticating Agent, but it shall not be necessary for the same authorized officer to authenticate all of the Bonds. Only such authenticated Bonds shall be entitled to any right or benefit under this Ordinance. Such certificate on any Bond issued hereunder shall be conclusive evidence that the Bond has been duly issued and is secured by the provisions hereof.

Section 8 Form of Bonds; Designation of Bond Registrar.

(a) The Bonds shall be issued in fully-registered form, and all principal, interest, or other amounts due thereunder shall be payable only to the registered owner thereof. The County Council hereby direct the Bond Registrar to maintain, at the County's expense, the Books of Registry for the registration or transfer of the Bonds.

(b) The form of the Bonds and assignment provisions to be endorsed thereon shall be substantially as set forth in Exhibit A attached hereto and made a part of this Ordinance with any appropriate variations, legends, omissions, and insertions as permitted or required by this Ordinance or law.

Section 9 Registration and Transfers of Bonds; Persons Treated as Owners.

(a) Each Bond shall be fully-registered and no Bond may be transferred except by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such registered Bond or Bonds, the County shall execute and the Authenticating Agent shall authenticate and deliver, subject to the provisions of Section 12 of this Article, in the name of the transferee, a new registered Bond or Bonds of the same aggregate principal amount as the unpaid principal amount of the surrendered Bond or Bonds.

(b) Any registered owner requesting any transfer shall pay all taxes or other governmental charges required to be paid with respect thereto. Any purported assignment in contravention of the foregoing requirements shall be, as to the County, absolutely null and void. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of and interest on such Bonds shall be made only to or upon the order of the registered owner or his legal representative. All such payments shall be valid and effective to satisfy and discharge the liability of the County upon such Bond to the extent of the sum or sums so paid. No person other than the registered owner shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under any Bond against the County. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in any Bond as against a person (including the registered owner) other than the County, as in the case where the registered owner is a trustee or nominee for two or more beneficial owners of an interest in any Bond.

(c) The Bond Registrar shall not be required to exchange or transfer any Bond or portion thereof (i) for which notice of redemption has been mailed to the registered owner thereof or (ii) for the period beginning on the Regular Record Date and ending on the next succeeding Interest Payment Date.

Section 10 Mutilated, Lost, or Stolen Bonds.

In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute and the Authenticating Agent may authenticate a new Bond of like date, maturity, interest rate, and denomination, as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Bonds, they shall first be surrendered to the Paying Agent, and in the case of any lost, stolen, or destroyed Bonds, there shall be first furnished to the County and the Paying Agent evidence of their loss, theft, or destruction satisfactory to the County and the Paying Agent, together with indemnity satisfactory to them; provided that in the case of a registered owner which is a bank or insurance company, the agreement of such bank or insurance company to indemnify the County and the Paying

Agent shall be sufficient. In the event any such Bonds shall have matured, instead of issuing a duplicate Bond, the County may pay the same without surrender thereof. The County, the Paying Agent, and the Authenticating Agent, may charge the registered owner of such Bond with their reasonable fees and expenses to replace mutilated, lost, stolen, or destroyed Bonds.

Section 11 Exchange of Bonds.

Subject to the provisions of Section 9 of this Article, the Bonds, upon surrender thereof to the Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his duly authorized attorney, may, at the option of the registered owner thereof, and upon payment by such registered owner of any charges which the Paying Agent, the Authenticating Agent, or the Bond Registrar may make as provided in Section 12 of this Article, be exchanged for a principal amount of Bonds of any other authorized denominations equal to the unpaid principal amount of surrendered Bonds.

Section 12 Regulations with Respect to Exchanges and Transfers.

In all cases in which the privilege of exchanging or transferring the Bonds is exercised, the County shall execute and the Authenticating Agent shall authenticate and deliver the Bonds in accordance with the provisions of this Ordinance. All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Paying Agent. There shall be no charge for such exchange or transfer of the Bonds except that the Paying Agent, the Bond Registrar, and the Authenticating Agent, may make a charge sufficient to reimburse them, or any of them, for any tax or other governmental charge required to be paid with respect to such exchange or transfer.

Section 13 Temporary Bonds.

The Bonds may be initially issued in temporary form, exchangeable for definitive Bonds to be delivered as soon as practicable. The temporary Bonds may be printed, lithographed, or typewritten, shall be of such denominations as may be determined by the County Council, shall be without coupons, and may contain such reference to any of the provisions of this Ordinance as may be appropriate. Every temporary Bond shall be executed by the County upon the same conditions and in substantially the same manner as the definitive Bonds. If the County issues temporary Bonds, it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds shall be surrendered for cancellation at the office of the Paying Agent and the Paying Agent shall deliver and exchange for such temporary Bonds an equal, aggregate principal amount of definitive Bonds of like aggregate principal amount and in authorized denominations of the same maturity or maturities and interest rate or rates. Until so exchanged, the temporary Bonds shall be entitled to the same benefits under this Ordinance as definitive Bonds under this Ordinance.

Section 14 Book-Entry Only System for the Bonds.

(a) The provisions of this section shall apply with respect to any Bond registered to Cede & Co. or any other nominee of DTC while the book-entry only system (the “Book-Entry Only System”) provided for herein is in effect and shall, during the period of their application, supersede any contrary provisions of this Ordinance.

(b) The Bonds shall be issued as a single Bond for each maturity. On the date of the initial authentication and delivery of all of the Bonds, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC as the registered owner of the Bonds. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the County shall have no responsibility or obligation to any Participant (which means securities brokers and dealers, banks, trust companies, clearing corporations, and various other entities, some of whom, or their representatives, own DTC) or to any Beneficial Owner (which means, when used with reference to the Book-Entry Only System, the person who is considered the beneficial owner thereof pursuant to the arrangements for book entry determination of ownership applicable to DTC) with respect to the following: (i) the accuracy of the records of DTC, Cede & Co., or any Participant with respect to any ownership interests in the Bonds, (ii) the delivery to any Participant, any Beneficial Owner, or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant, or any Beneficial Owner, or any other person, other than DTC, of any amount with respect to the principal of or premium, if any, or interest on the Bonds. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective fully to satisfy and discharge the County's obligations with respect to the principal of and premium, if any, and interest on such Bonds to the extent of the sum so paid. No person other than DTC shall receive a Bond. Upon delivery by DTC to the County of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." in this section shall refer to such new nominee of DTC.

(c) Upon receipt by the County of written notice from DTC to the effect that DTC is unable or unwilling to discharge its responsibilities hereunder, the County shall issue, transfer, and exchange Bonds as requested by DTC in authorized denominations, and whenever DTC requests the County to do so, the County will cooperate with DTC in taking appropriate action after reasonable notice to arrange for a substitute Securities Depository willing and able upon reasonable and customary terms to maintain custody of the Bonds registered in whatever name or names the registered owners transferring or exchanging such Bonds shall designate in accordance with this section.

(d) In the event the County determines that it is in the best interests of the Beneficial Owners that they be able to obtain Bonds registered in the name of a registered owner other than DTC, the County may so notify DTC, whereupon DTC will notify the Participants of the availability through DTC of such Bonds. In such event, upon the return by DTC of Bonds held by DTC in the name of Cede & Co., the County shall issue, transfer, and exchange Bonds in authorized denominations as requested by DTC, and whenever DTC requests the County to do so, the County will cooperate with DTC in taking appropriate action after reasonable notice to make available

Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging Bonds shall designate, in accordance with this section.

(e) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, to DTC as provided in the Letter of Representations delivered by the County to DTC.

(f) In the event that the Book-Entry Only System pursuant to this section is discontinued, the Bonds shall be issued, transferred, and exchanged through DTC and its Participants to the Beneficial Owners.

ARTICLE III

SECURITY FOR BONDS

Section 1 Pledge of Full Faith, Credit, and Taxing Power.

For the payment of the principal of and interest on the Bonds as the same respectively mature, and for the creation of such Sinking Fund Account 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 Colleton County, and collected by the Treasurer of Colleton 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 and interest of the Bonds as they respectively mature, and to create such Sinking Fund Account as may be necessary therefor; provided, however, that revenues from the Fire Protection Service Tax levied in the District to effect the payment of principal and interest of the Bonds must be available for the payment of debt service on the Bonds, and must be delivered to the Treasurer of Colleton County for the payment of principal and interest of the Bonds and for no other purpose, prior to the occasion when the Auditor of Colleton County fixes the annual tax levy, and the annual ad valorem tax to be levied for the payment of the principal and interest on the Bonds on all taxable property in the County may be reduced in each year by the amount of revenues derived from the Fire Protection Service Tax levied in the District which are actually in the hands of the Treasurer of Colleton County at the time the tax for the year is required to be levied; provided, further that the Bonds are primarily to be paid from the Fire Protection Service Tax and for the payment of principal and interest thereof, as the same mature, there must be levied and collected the Fire Protection Service Tax upon all taxable property in the District, and resort to the County tax levy required by the preceding provisions of the Section must be made only in the event that funds from the Fire Protection Service Tax levied in the District prove insufficient to meet the payment of the principal and interest.

Section 2 Levy and Collection of Property Taxes.

The Auditor and Treasurer of Colleton County, South Carolina, shall be notified of this issue of Bonds and directed, subject to the provisions of Section 1 of this Article III, to levy and collect, respectively, upon all taxable property in the County, an annual tax, without limit, sufficient to meet the payment of the principal of and interest on the Bonds, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefor.

ARTICLE IV

**SALE OF BONDS; DISPOSITION OF PROCEEDS OF SALE;
TRANSFER OF FUNDS TO OPERATING AND MAINTENANCE FUND**

Section 1 Sale of Bonds.

The Bonds shall be sold at public sale, at the price of not less than 100% of par and accrued interest to the date of delivery, in accordance with Section 11-27-40(9)(b) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are approved by the Chairman. The Chairman is hereby expressly delegated the authority to approve the sale of the Bonds so long as they conform to all of the parameters set forth in Section 1 of Article II hereof. The sale of the Bonds shall be advertised as directed by the Finance Director in accordance with the Enabling Act. The form of said Notice, and the conditions of sale, are substantially those set forth in Exhibit B attached hereto and made a part and parcel hereof. Bids for the purchase of the Bonds may be received in such form as determined by the County Administrator to be in the best interest of the County.

Section 2 Disposition of Proceeds of Sale of Bonds.

(a) The proceeds derived from the sale of the Bonds issued pursuant to this Ordinance shall be made use of by the County Council as follows:

(i) Any accrued interest shall be deposited in the Sinking Fund Account and applied to the payment of the first installment of interest to become due on the Bonds.

(ii) Capitalized interest, in the amount designated by the County Administrator shall be deposited in the Sinking Fund Account and applied to the payment of the installments of interest designated by the County Administrator.

(iii) Any premium shall be applied as directed by the County Administrator upon the advice of the Financial Advisor.

(iv) The remaining proceeds derived from the sale of the Bonds shall be applied as follows:

(A) Sufficient proceeds shall be applied to pay capitalized interest on the Bonds through the Fiscal Year ending June 30, 2019.

(B) Proceeds in the amount of not exceeding \$6,000,000 shall be applied by the County to fund costs of the Series 2018 Projects; provided, however, that if it becomes necessary in the judgment of County Council to expend such proceeds in on other authorized fire protection service equipment, County Council, by resolution, may authorize and approve such use of the proceeds of the Bonds.

(C) Any remaining proceeds of the Bonds, after their application to the purposes set forth in subparagraphs (A) and (B) above, together with investment earnings on the proceeds of the Bonds, shall be applied as directed by the County Council to defray costs of the other fire protection service equipment.

(b) No purchaser or registered owner of the Bonds shall be liable for the proper application of the proceeds thereof.

Section 3 Transfer of Funds to Capital Projects Fund; Disposition.

(a) The County Council hereby authorize the County Administrator to transfer moneys on deposit in the Fire/Rescue 2019 Bond Fund (Fund 146), in the amount of \$423,024.00, to the County Capital Projects Fund (Fund 115). Upon transfer, such funds shall be applied to pay a portion of the capital costs associated with the replacement of the County's computer-aided dispatch software system.

ARTICLE V

TAX EXEMPTION OF BONDS

Section 1 Exemption from State Taxes.

Both the principal of and interest on the Bonds shall be exempt from all state, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, or transfer taxes.

Section 2 Federal Tax Provisions.

The County Council hereby authorize the County Administrator to execute and deliver a tax regulatory agreement or certificate for the purpose of establishing and maintaining the excludability of interest on the Bonds from the gross income of the recipients thereof for federal income tax purposes.

ARTICLE VI

DEFEASANCE

Section 1 **Release of Ordinance.**

(a) If all of the Bonds issued pursuant to this Ordinance shall have been paid and discharged, then the obligations of the County under this Ordinance, and all other rights granted thereby shall cease and determine. Bonds shall be deemed to have been paid and discharged within the meaning of this Article in each of the following circumstances:

(i) If the Paying Agent shall hold, at the stated maturities of such Bonds, in trust and irrevocably appropriated thereto, moneys for the full payment thereof; or

(ii) If default in the payment of the principal of such Bonds or the interest thereon shall have occurred, and thereafter tender of such payment shall have been made, and the Paying Agent shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(iii) If the County shall have deposited with the Paying Agent or other escrow agent meeting the requirements of a Fiscal Agent hereunder, in an irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, which are not subject to redemption by the issuer prior to the date of maturity of the Bonds to be defeased, the principal of and interest on which, when due, and without reinvestment thereof, will provide moneys, which, together with the moneys, if any, so deposited at the same time, shall be sufficient to pay, when due, the principal, interest, and redemption premium or premiums, if any, due or to become due on and prior to the maturity date or dates; or

(iv) If there shall have been so deposited either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, so deposited at the same time, shall be sufficient to pay, when due, the principal and interest due or to become due on the Bonds on the maturity thereof.

(b) In addition to the above requirements of paragraphs (i), (ii), (iii), or (iv), in order for this Ordinance to be discharged, all other fees, expenses, and charges of the Fiscal Agents, shall have been paid in full at such time.

(c) Notwithstanding the satisfaction and discharge of this Ordinance, the Fiscal Agents shall continue to be obligated to hold in trust any moneys or investments then held by the Paying Agent for the payment of the principal of, premium, if any, and interest on, the Bonds, to pay to the registered owners of Bonds the funds so held by the Fiscal Agents as and when such payment becomes due.

(d) Any release under this Section shall be without prejudice to the rights of the Fiscal Agents to be paid reasonable compensation for all services rendered under this Ordinance and all reasonable expenses, charges, and other disbursements and those of their respective attorneys, agents, and employees, incurred on and about the administration of trusts by this Ordinance created and the performance of the powers and duties under this Ordinance of the Fiscal Agents.

Section 2 Deposit of Moneys.

Any moneys which at any time shall be deposited with a Fiscal Agent by or on behalf of the County for the purpose of paying and discharging any Bonds shall be and are hereby assigned, transferred, and set over to the Fiscal Agent in trust for the respective registered owners of such Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the registered owners of such Bonds shall no longer be entitled to enforce payment of their obligations, then, in such event, it shall be the duty of the Fiscal Agent to transfer such funds to the County.

Section 3 Notice of Release of Ordinance.

(a) In the event any of said Bonds are not to be redeemed within the sixty (60) days next succeeding the date the deposit required by Section 1(a)(iii) or (iv) of this Article is made, the County shall give the Fiscal Agent irrevocable instructions to mail, as soon as practicable by first class mail, a notice to the registered owners of such Bonds at the addresses shown on the Books of Registry that (i) the deposit required by subparagraph (a)(iii) or (a)(iv) of Section 1 of this Article has been made with the Fiscal Agent, and (ii) said Bonds are deemed to have been paid in accordance with this Article and stating such maturity or redemption dates upon which moneys are to be available for the payment of the principal of, and premium, if any, and interest on, said Bonds.

(b) The County covenants and agrees that any moneys which it shall deposit with the Fiscal Agent shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Article.

ARTICLE VII

AMENDING AND SUPPLEMENTING OF ORDINANCE

Section 1 Amending and Supplementing of Ordinance Without Consent of Registered Owners of Bonds.

(a) The County Council, from time to time and at any time and without the consent or concurrence of any registered owner of any Bond, may enact an ordinance amendatory hereof or supplemental thereto, if the provisions of such supplemental ordinance shall not materially adversely affect the rights of the registered owners of the Bonds then outstanding, for any one or more of the following purposes:

(i) To make any changes or corrections in this Ordinance as to which the County Council shall have been advised by counsel that the same are verbal corrections or changes or are required for the purpose of curing and correcting any ambiguity or defective or inconsistent provision or omission or mistake or manifest error contained in this Ordinance, or to insert in this Ordinance such provisions clarifying matters or questions arising under this Ordinance as are necessary or desirable;

(ii) To add additional covenants and agreements of the County for the purpose of further securing the payment of the Bonds;

(iii) To surrender any right, power, or privilege reserved to or conferred upon the County by the terms of this Ordinance;

(iv) To grant or confer upon the registered owners of the Bonds any additional rights, remedies, powers, authority, or security that lawfully may be granted to or conferred upon them; or

(v) To make such additions, deletions, or modifications as may be necessary to assure compliance with section 148(f) of the Code relating to required rebate to the United States of America or otherwise as may be necessary to assure the exclusion from gross income of interest on the Bonds for purposes of federal income taxation.

(b) The County Council shall not enact any supplemental ordinance authorized by the foregoing provisions of this Section unless in the opinion of counsel (which opinion may be combined with the opinion required by Section 4 hereof) the enactment of such supplemental ordinance is permitted by the foregoing provisions of this Section and the provisions of such supplemental ordinance do not adversely affect the rights of the registered owners of the Bonds then outstanding.

Section 2 Amending and Supplementing of Ordinance With Consent of Registered Owners of Bonds.

(a) With the consent of the registered owners of not less than a majority in principal amount of the Bonds then outstanding the County Council from time to time and at any time may enact an ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, this Ordinance, or modifying or amending the rights or obligations of the County under this Ordinance, or modifying or amending in any manner the rights of the registered owners of the Bonds then outstanding; provided, however, that without the specific consent of the registered owner of each such Bond which would be affected thereby, no supplemental ordinance amending or supplementing the provisions hereof shall: (i) change the fixed maturity date of any Bond or the dates for the payment of interest thereon or the terms of the redemption thereof, or reduce the principal amount of any Bond or the rate of interest thereon or the redemption price (or the redemption premium) payable upon the redemption or prepayment thereof; (ii) reduce the aforesaid percentage of Bonds, the registered owners of which are required to consent to any supplemental ordinance amending or supplementing the provisions of this Ordinance; or (iii) give to any Bond or Bonds any preference over any other Bond or Bonds

secured hereby. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the registered owners of the Bonds of the enactment of any supplemental ordinance authorized by the provisions of Section 1 of this Article.

(b) It shall not be necessary that the consents of the registered owners of the Bonds approve the particular form of the wording of the proposed amendment or supplement or of the supplemental ordinance effecting such amending or supplementing hereof pursuant to this Section. The County shall mail a notice at least once, not more than thirty (30) days after the effective date of such amendment or supplement, of such amendment or supplement postage prepaid, to each registered owner of Bonds then outstanding at his address appearing upon the Books of Registry and to the Paying Agent, but failure to mail copies of such notice to any of the registered owners shall not affect the validity of the supplemental ordinance effecting such amendments or supplements or the consents thereto. Nothing in this paragraph contained, however, shall be construed as requiring the giving of notice of any amendment or supplement of this Ordinance authorized by Section 1 of this Article. No action or proceeding to set aside or invalidate such supplemental ordinance or any of the proceedings for its enactment shall be instituted or maintained unless such action or proceeding is commenced within sixty (60) days after the mailing of the notice required by this paragraph.

Section 3 Notation Upon Bonds; New Bonds Issued Upon Amendments.

Bonds delivered after the effective date of any action taken as provided in this Article may bear a notation as to such action, by endorsement or otherwise and in form approved by the County. In that case, upon demand of the registered owner of any Bond outstanding after such effective date and upon the presentation of the Bond for such purpose at the office of the Paying Agent, and at such additional offices, if any, as the County may select and designate for that purpose, a suitable notation shall be made on such Bond. If the County shall so determine, new Bonds, so modified as in the opinion of the County upon the advice of counsel to conform to the amendments or supplements made pursuant to this Article, shall be prepared, executed, and delivered, and upon demand of the registered owner of any Bond then outstanding shall be exchanged without cost to such registered owner for Bonds then outstanding, upon surrender of such outstanding Bonds.

Section 4 Effectiveness of Supplemental Ordinance.

Upon the enactment (pursuant to this Article and applicable law) by the County Council of any supplemental ordinance amending or supplementing the provisions of this Ordinance and the delivery to the Paying Agent and the County Council of an opinion of bond counsel that such supplemental ordinance is in due form and has been duly enacted in accordance with the provisions hereof and applicable law and that the provisions thereof are valid and binding upon the County, or upon such later date as may be specified in such supplemental ordinance, (a) this Ordinance and the Bonds shall be modified and amended in accordance with such supplemental ordinance, (b) the respective rights, limitations of rights, obligations, duties, and immunities, under this Ordinance of the County, the Fiscal Agents, and the registered owners of the Bonds, shall thereafter be determined, exercised, and enforced under this Ordinance subject in all respects to such modifications and amendments, and (c) all of the terms and conditions of any such supplemental ordinance shall be a part of the terms and conditions of the Bonds and of this Ordinance for any and all purposes.

Section 5 Supplemental Ordinance Affecting Fiscal Agents.

No supplemental ordinance changing, amending, or modifying any of the rights, duties, and obligations of any Fiscal Agent appointed by or pursuant to the provisions of this Ordinance may be enacted by the County Council or be consented to by the registered owners of the Bonds without written consent of such Fiscal Agent affected thereby.

ARTICLE VIII

CONCERNING THE FISCAL AGENTS

Section 1 Fiscal Agents: Appointment and Acceptance of Duties.

The Paying Agent, the Bond Registrar, the Authenticating Agent, and any escrow agent with respect to the Bonds shall accept the duties and trusts imposed upon it by this Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article VIII. Similarly, each financial institution appointed as a successor Paying Agent, Bond Registrar, Authenticating Agent, or escrow agent shall signify its acceptance of the duties and trusts imposed by this Ordinance by a written acceptance.

Section 2 Responsibilities of Fiscal Agents.

The recitals of fact contained herein and in the Bonds shall be taken as the statements of the County and no Fiscal Agent shall be deemed to assume any responsibility for the correctness of the same except in respect of the authentication certificate of the Authenticating Agent endorsed on the Bonds. No Fiscal Agent shall be deemed to make any representations as to the validity or sufficiency of this Ordinance or of any Bonds or as to the security afforded by this Ordinance, and no Fiscal Agent shall incur any liability in respect thereof. No Fiscal Agent shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiscal Agent. No Fiscal Agent shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiscal Agent shall be liable in the performance of its duties hereunder except for its own negligence or wilful misconduct.

Section 3 Evidence on Which Fiscal Agents May Act.

(a) Each Fiscal Agent, upon receipt of any notice, ordinance, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Ordinance, shall examine such instrument to determine whether it conforms to the requirements of this Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiscal Agent may consult with counsel, who may or may not be of counsel to the County, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiscal Agent shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under this Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of the Chairman, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of this Ordinance; but in its discretion the Fiscal Agent may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as it may deem reasonable.

(c) Except as otherwise expressly provided in this Ordinance, any request, order, notice, or other direction required or permitted to be furnished pursuant to any provision hereof by the County to any Fiscal Agent shall be sufficiently executed if executed in the name of the County by the Chairman.

Section 4 Compensation.

The County shall pay to each Fiscal Agent from time to time reasonable compensation based on the then standard fee schedule of the Fiscal Agent for all services rendered under this Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Ordinance; provided, however, that any specific agreement between the County and a Fiscal Agent with respect to the compensation of that Fiscal Agent shall control the compensation to be paid to it.

Section 5 Certain Permitted Acts.

Any Fiscal Agent may become the owner or underwriter of any bonds, notes, or other obligations of the County, or conduct any banking activities with respect to the County, with the same rights it would have if it were not a Fiscal Agent. To the extent permitted by law, any Fiscal Agent may act as a depository for and permit any of its officers or directors to effect or aid in any reorganization growing out of the enforcement of the Bonds or this Ordinance.

Section 6 Resignation of Any Fiscal Agent.

Any Fiscal Agent may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving not less than sixty (60) days' written notice to the County and not less than thirty (30) days' written notice to the registered owners of the Bonds (as established by the Books of Registry) prior to the next succeeding Interest Payment Date, and such resignation shall take effect upon the date specified in such notice unless a successor shall have been appointed previously by the County pursuant to Section 8 of this Article VIII, in which event such resignation shall take effect immediately upon the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 7 Removal of Fiscal Agent.

Any Fiscal Agent may be removed at any time by an instrument or concurrent instruments in writing, filed with the County and such Fiscal Agent, and signed by either the Chairman or the registered owners representing a majority in principal amount of the Bonds then outstanding or their attorneys in fact duly authorized.

Section 8 Appointment of Successor Fiscal Agents.

(a) In case any Fiscal Agent hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the County. Every such Fiscal Agent appointed pursuant to the provisions of this Section 8 shall be a trust company or bank organized under state or federal laws and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$25,000,000 if there be such institution willing, qualified, and able to accept the trust upon reasonable and customary terms.

(b) If in a proper case no appointment of a successor Fiscal Agent shall be made by the County pursuant to the foregoing provisions of this Section 8 within forty-five (45) days after any Fiscal Agent shall have given to the County written notice as provided in Section 6 of this Article VIII or after a vacancy in the office of such Fiscal Agent shall have occurred by reason of its removal or inability to act, the former Fiscal Agent or any registered owner may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after notice, if any, as the court may deem proper, appoint a successor.

Section 9 Transfer of Rights and Property to Successor.

Any successor Fiscal Agent appointed under this Ordinance shall execute, acknowledge, and deliver to its predecessor, and also to the County, an instrument accepting such appointment, and thereupon the successor, without any further act, deed, or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties, and obligations of the predecessor Fiscal Agent, with like effect as if originally named in that capacity; but the Fiscal Agent ceasing to act shall nevertheless, at the request of the County or at the written request of the successor Fiscal Agent, execute, acknowledge, and deliver, all instruments of conveyance and further assurance and do all things as may reasonably be required for more fully and certainly vesting and confirming in the successor Fiscal Agent all the right, title, and interest, of the predecessor Fiscal Agent in and to any property held by it under this Ordinance, and shall pay over, assign, and deliver, to the successor Fiscal Agent any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance, or instrument in writing, from the County be required by such successor Fiscal Agent for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers, and duties, any and all such deeds, conveyances, and instruments in writing, shall, on request, and so far as may be authorized by law, be executed, acknowledged, and delivered, by the County. Each successor Fiscal Agent shall promptly notify the other Fiscal Agents, if any, of its appointment as Fiscal Agent.

Section 10 Merger or Consolidation.

Any corporation or other organization into which any Fiscal Agent may be merged or converted or with which it may be consolidated or any corporation or other organization resulting from any merger, conversion, or consolidation or other organization to which it may be party or any corporation or other organization to which any Fiscal Agent may sell or transfer all or substantially all of its corporate trust business, provided such corporation or other organization shall be a bank or trust company organized under state or federal laws, and shall be authorized by law to perform all the duties imposed upon it by this Ordinance, shall be the successor to such Fiscal Agent without the execution or filing of any paper or the performance of any further act.

Section 11 Adoption of Authentication.

In case any of the Bonds contemplated to be issued under this Ordinance shall have been authenticated but not delivered, any successor Authenticating Agent may adopt the certificate of authentication of any predecessor Authenticating Agent so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Authenticating Agent may authenticate such Bonds in the name of the predecessor Authenticating Agent or in the name of the successor Authenticating Agent, and in all such cases such certificate shall be of full force and effect.

ARTICLE IX

MISCELLANEOUS

Section 1 Execution of Closing Documents and Certificates.

The Chairman, the Clerk, the County Administrator, the Finance Director of the County, and all other officers and employees of the County, are fully authorized and empowered to take all further action and to execute and deliver all closing documents and certificates as may be necessary and proper in order to complete the issuance of the Bonds and the action of such officers or any one or more of them in executing and delivering any documents, in the form as he or they shall approve, is hereby fully authorized.

Section 2 Vice Chairman May Act in Chairman's Absence; Acting Clerk May Act in Clerk's Absence.

In the absence of the Chairman, the vice chairman of the County Council is fully authorized to exercise all powers vested in the Chairman under this Ordinance. In the absence of the Clerk, the acting clerk of the County Council is fully authorized to exercise all powers and take all actions vested in the Clerk under this Ordinance.

Section 3 Official Statement.

(a) The County Council hereby approve the form of the Preliminary Official Statement relating to the Bonds in substantially the form presented at third reading hereof and hereby direct the distribution thereof in connection with the sale of the Bonds.

(b) The County Council hereby authorize the Official Statement of the County relating to the Bonds substantially in the form of the Preliminary Official Statement presented at this meeting, with any modifications as the County Administrator, upon the advice of the Financial Advisor and bond counsel, approves; the County Administrator is hereby authorized and directed to execute copies of the Official Statement and deliver them to the Original Purchaser of the Bonds, which execution and delivery shall be conclusive evidence of the approval of any such modifications; and the County hereby authorize the use of the Official Statement and the information contained therein in connection with the public offering and sale of the Bonds.

Section 4 Benefits of Ordinance Limited to the County and Registered Owners of the Bonds.

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

Section 5 Ordinance Binding Upon Successors or Assigns of the County.

All the terms, provisions, conditions, covenants, warranties, and agreements contained in this Ordinance shall be binding upon the successors and assigns of the County and shall inure to the benefit of the registered owners of the Bonds.

Section 6 No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in this Ordinance or the Bonds, against any member of the County Council, or any officer or employee of the County, as such, in his or her individual capacity, past, present, or future, either directly or through the County, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly agreed and understood that this Ordinance and the Bonds are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee as such, past, present, or future, either directly or by reason of any of the obligations, covenants, promises, or agreements, entered into between the County and the registered owners of the Bonds or to be implied therefrom as being supplemental hereto or thereto; and that all personal liability of that character against every such member, officer, and employee is, by the

enactment of this Ordinance and the execution of the Bonds, and as a condition of, and as a part of the consideration for, the enactment of this Ordinance and the execution of the Bonds, expressly waived and released. The immunity of the members, officers, and employees, of the County under the provisions contained in this Section shall survive the termination of this Ordinance.

Section 7 Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Ordinance requires any action to be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina or in a state where the office of any Fiscal Agent is located, the action shall be taken on the first secular or business day occurring thereafter. Whenever in this Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina or in a state where the office of any Fiscal Agent is located, the time shall continue to run until midnight on the next succeeding secular or business day.

Section 8 Partial Invalidity.

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

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

Section 9 Continuing Disclosure Undertaking.

(a) Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended (“Section 11-1-85”), the County Council covenant to file with a central repository for availability in the secondary bond market when requested:

(i) An annual independent audit, within thirty days of the County Council’s receipt of the audit; and

(ii) Event specific information within 30 days of an event adversely affecting more than five percent of the aggregate of revenues of the County.

The only remedy for failure by the County Council to comply with the covenant in this Section 9 shall be an action for specific performance of this covenant. The County Council specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any registered owner of any Bonds.

(b) In addition, the County Council hereby authorize the Finance Director of the County to execute the Continuing Disclosure Undertaking, in substantially the form attached hereto as Exhibit D, with any changes therein as may be approved by the Finance Director of the County, upon the advice of the Financial Advisor or bond counsel. The County Council further hereby covenant and agree that they will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Ordinance, failure of the County Council to comply with the Continuing Disclosure Undertaking shall not be considered an event of default with respect to the Bonds; however, any registered owner may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the County Council to comply with their obligations under this paragraph.

Section 10 Law and Place of Enforcement of the Ordinance.

This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 11 Repeal of Inconsistent Ordinances and Resolutions.

All ordinances and resolutions of the County Council, and any part of any resolution or ordinance, inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

Section 12 Notice of Enactment of Ordinance

Upon enactment of this Ordinance, notice, substantially in the form attached hereto as Exhibit C, of the enactment of this Ordinance shall be published in The Press & Standard, a newspaper published in Walterboro, South Carolina of general circulation in the County.

Section 13 Effective Date of this Ordinance.

This Ordinance shall become effective upon approval following third reading.

(SEAL)

Chairman,
County Council of Colleton County, South
Carolina

ATTEST:

Clerk,
County Council of
Colleton County, South Carolina

First Reading: June 26, 2018
Second Reading: August 14, 2018
Public Hearing: September 11, 2018
Third Reading: September 11, 2018

Sponsor(s) : County Council
First Reading : June 26, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : August 14, 2018
Public Hearing : September 11, 2018
Third Reading : September 11, 2018
Effective Date : Immediately

I, _____,
Council Clerk, certify that this
Ordinance was advertised for
Public Hearing on _____.

ORDINANCE NO. 18-O-12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[Authorizing the Acquisition of Certain Property by Colleton County, South Carolina by Lease-Purchase Financing in the Amount Of Not Exceeding \$2,500,000; the Execution and Delivery of Certain Instruments, Including a Lease-Purchase Agreement by Colleton County; and Other Matters Relating Thereto.]

WHEREAS, Colleton County, South Carolina, a body politic and corporate and a political subdivision organized and existing under the laws of the State of South Carolina (the "County"), acting by its governing body, the County Council of Colleton County ("County Council"), is authorized to enact ordinances in relation to health and order in Colleton County or respecting any subject as appears to County Council necessary and proper for the security, general welfare, and convenience of Colleton County or for preserving health, peace, order, and good government in Colleton County; and

WHEREAS, the County is authorized to acquire and lease personal property (excluding any real property and permanent improvements thereon) (the "Property") by means of lease-purchase financing which does not count against the limitation set forth in Article X, Section 14, paragraph 7(a) of the South Carolina Constitution and Section 11-27-110 of the Code of Law of South Carolina 1976, as amended; and

WHEREAS, County Council have determined that it is in the best interest of the County to acquire certain vehicles and equipment to be financed by means of a lease-purchase arrangement or lease-purchase agreements pursuant to which all lease payments are made with respect to all Property so financed and secured by a security interest in such Property so financed; and

WHEREAS, County Council intend that Property to be so financed thereunder will be identified and approved in the County budget ordinance or by separate resolution duly enacted by County Council; and

WHEREAS, County Council intend that the specific terms of such lease-purchase financing arrangement, including the principal amount to be financed, interest rate, term, and other financing terms, and the selection of the financial institution or institutions providing the

financing, will be approved by the County Administrator, subject to the parameters set forth herein, without further action of County Council; and

WHEREAS, the terms of the lease-purchase financing arrangement are to be set forth in a lease purchase agreement (the "Lease Purchase Agreement"), as approved by the County Administrator upon the advice of counsel.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA,

Section 1. The lease purchase of the Property set forth in Schedule A attached hereto by the County pursuant to the terms set forth in the Lease Purchase Agreement is hereby approved. The County Administrator is hereby authorized and directed to execute and deliver the Lease Purchase Agreement, in form and substance satisfactory to him upon the advice of counsel, his execution being conclusive evidence of his approval.

Section 2. The consummation of all transactions contemplated by the Lease Purchase Agreement are hereby approved.

Section 3. All property which may be acquired by the County pursuant to the Lease Purchase Agreement, or designated by the County as subject to the Lease Purchase Agreement, in addition to the Property set forth in Schedule A shall be identified and approved by the County Council in the County budget ordinance or by separate ordinance or resolution. The County Administrator is hereby authorized to approve, on behalf of the County, the specific terms of financing any particular Property, including the principal amount to be financed, interest rates, term, and other financing terms, and the selection of the financing institution or institutions providing the financing, as he deems in the best interest of Colleton County Government.

Section 4. The Chairman, the County Administrator, and all other appropriate officials and employees of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions contemplated by the Lease Purchase Agreement and the Purchase Contract.

Section 5. The County Administrator is hereby authorized to issue Purchase Orders for the order of equipment with an over 180 day lead time, as provided by Schedule A, with purchase resolutions to be approved at a later date.

Section 7. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 8. This Ordinance shall become effective immediately upon approval after third reading by County Council.

Section 9. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent

jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereof.

Section 8. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

Attest:

Signed:

Clerk to Council

Joseph F. Flowers, Chairman

Approved as to Form
Sean P. Thornton, County Attorney

Council Vote:
Opposed:

Sponsor(s) : County Council
First Reading : July 20, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : August 14, 2018
Public Hearing : September 11, 2018
Third Reading : September 11, 2018
Effective Date : Immediately

I, _____,
Council Clerk, certify that this
Ordinance was advertised for
Public Hearing on _____.

ORDINANCE NO. 18-O-13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Provide for the Transfer of Real Property Owned by Colleton County, South Carolina, Identified by T.M.S. No. 097-00-00-050, to CCEDC One, Inc. (a Colleton County Economic Development Corporation) Related to Project EPS; and Other Matters Relating Thereto.]

WHEREAS:

1. The Council deems it to be in the best interest of the County to provide for the transfer of the real property located at 385 Global Place, Walterboro, South Carolina 29488 in the Colleton County Commerce Park, identified by T.M.S. No. 097-00-00-050.000 and containing 48 acres +/- to CCEDC One, Inc. on such terms and conditions as set forth herein as it relates to Project EPS.

NOW THEREFORE BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. The County of Colleton hereby authorizes the conveyance to CCEDC One, Inc. the property located at 385 Global Place, identified by T.M.S. No. 097-00-00-050.000 and containing 48 acres +/-, more fully described in attached Exhibit A. The transfer shall be a conveyance in fee simple.
2. The County Administrator is hereby authorized, empowered, and directed on behalf of the County of Colleton to sign all deeds, contracts and any other documents necessary to effect this transfer.
3. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.
4. If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

Attest:

Signed:

Ruth Mayer, Clerk to Council

Joseph F. Flowers, Chairman

Approved as to Form
Sean P. Thornton, County Attorney

Council Vote:
Opposed:

Sponsor(s): County Council
First Reading: August 14, 2018
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: September 11, 2018
Public Hearing: October 2, 2018
Third Reading: October 2, 2018
Effective Date: Immediately

I, _____,
Council Clerk, certify that
this Ordinance was advertised
for public hearing on _____.

ORDINANCE NO. 18-O-15

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, County Colleton, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto.]

WHEREAS:

Colleton County Council deems it to be in the best interest of the County to grant an Easement to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, Colleton County, SC; such easements are to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.

NOW THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. The documents attached and included herein by reference grant Easement No. 897128 to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, Colleton County, SC to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.
2. The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.
3. Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.
4. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the invalidity does not affect other provisions or

applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

5. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s): County Council
First Reading: August 14, 2018
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: September 11, 2018
Public Hearing: October 2, 2018
Third Reading: October 2, 2018
Effective Date: Immediately

I, _____,
Council Clerk, certify that
this Ordinance was advertised
for public hearing on _____.

ORDINANCE 18-O-16

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Relinquish Any Right of First Refusal and other Restrictive Covenants of Colleton County to the Property Located at 360 Anderson Road, TMS #132-00-00-247.]

WHEREAS:

1. On February 23, 2009, by Indenture Deed recorded in Deed Book 1728 page 231, office of the Register of Deeds for Colleton County, SC, the Walterboro-Colleton Airport Commission, the City of Walterboro and Colleton County (Grantors) conveyed to Marketing Services International, LLC certain real property identified by TMS #132-00-00-247; and
2. On November 20, 2013, by Indenture Deed recorded in Deed Book 2173 page 251, office of the Register of Deeds for Colleton County, SC, the Marketing Services International, LLC conveyed to Universal Distributors, LLC certain real property identified by TMS #132-00-00-247; and
3. On the Indenture Deed for the real property located at 360 Anderson Rd., Walterboro, SC (Tax Map # 132-00-00-247) contains a deed restriction from the original Grantors for a sixty (60) year period from February 23, 2009 that the Grantors have a first right of refusal; and
4. Universal Distributors, LLC desires to sell the business located at 360 Anderson Rd to Coastal Land Holdings, LLC; and
5. Universal Distributors, LLC and Coastal Land Holdings, LLC desire that the Grantors approve the sale of the real property as provided for in the Indenture Deed dated November 20, 2013 on record in the office of the Register of Deeds for Colleton County in Deed Book 2173 at Page 251, by waiving the right of first refusal on the property as well as by waiving the restriction against the subdivision of the premises.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED THAT:

1. Colleton County hereby waives the right to first refusal as well as the restriction against the subdivision of the premises on the property identified by TMS #132-00-00-247

originally set forth in the indenture deed from the Walterboro-Colleton Airport Commission, City of Walterboro and Colleton County, SC to Marketing Services International, LLC recorded March 9, 2009 in Deed Book 1728 page 231, and again set forth in the indenture deed from Marketing Services International, LLC to Universal Distributors, LLC recorded December 18, 2013 in the office of the Register of Deeds for Colleton County, SC, and the right of first refusal shall apply to this transaction only.

2. The County Administrator is hereby authorized to execute the Limited Waiver of Right of First Refusal (as to one transaction only) included herein and by reference for the property identified by TMS #132-00-00-247 and all other necessary documents upon approval by the county attorney.

3. Severability:

All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.

4. Conflict:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

By: _____
Joseph F. Flowers, Chairman of County Council

ATTEST:

COUNCIL VOTE:
OPPOSED:

By: _____
Ruth Mayer, Clerk to County Council

APPROVED AS TO FORM:

By: _____
Sean Thornton, County Attorney

Sponsor(s) : County Council
First Reading : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : October 2, 2018
Public Hearing : November 6, 2018
Third Reading : November 6, 2018
Effective Date : Immediately

I, _____,
Council Clerk, certify that this
Ordinance was advertised
for Public Hearing on _____.

ORDINANCE NO. 18-O-17

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Ratify FY18 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.]

Sponsor(s) : County Council
Adopted : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-55

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution To Authorize Acceptance and Budgeting of Funds for Various Grants Received for FY 2018-2019.]

WHEREAS:

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The Fourteenth Circuit Solicitor's Office is the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY 19 received from the South Carolina Office of the Attorney General for a Violence Against Women Grant in the amount of \$279,934 and a Victims of Crime Grant in the amount of \$69,593 as described below; and

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures in the following funds for the grants and unbudgeted revenues for FY19 as listed:
 - a. Fund 120 – Special Revenue Fund; South Carolina Office of the Attorney General Violence Against Women Act Grant; Violence Against Women Protection Team Grant No. 1K18005; \$279,934.
 - b. Fund 120 – Special Revenue Fund; South Carolina Office of the Attorney General Victims of Crime Act Grant; Sexual Assault Nurse Examiner Coordinator Grant No. 1V18058; \$69,593.
2. The above listed OPRs (Offices of Primary Responsibility) are responsible for preparing any external reports related to said funds, complying with grant terms and conditions, coordinating reimbursement requests with the Finance Department in addition to being the responsible parties for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY19 as requested for this grant/non-budgeted revenue received.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council
Adopted : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-56

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Acceptance of a Grant from the South Carolina Department of Social Services for the Child and Adult Care Food Program Grant for 2019.]

WHEREAS:

1. Colleton County Council deems it to be in the best interest of the County to sponsor/administer a Child and Adult Care Food Program with meal preparation at the Colleton Commercial Kitchen, delivered meals, in-house reporting and financial management; and
2. The Child and Adult Care Program will service students in after school programs within the County; and
3. The program is set to run from October 1, 2018 through May 30, 2019 and September 1, 2019 through September 30, 2019, and requires that the County hire two temporary employees to be funded by the grant; and
4. The program is projected to have no local match requirement.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Acceptance of the South Carolina Department of Social Services Grant for FY19 for the operation of the Child and Adult Care Food Program under the sponsorship and administration of the County, as well as the hiring of two temporary employees to be funded by said grant, is hereby approved.
2. The County Administrator is hereby directed to implement the Child and Adult Care Food Program and to amend the FY19 budget to reflect the appropriations in connection with the grant.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-57

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to endorse the 2018 Community Development Block Grant, Community Enrichment Application for the Colleton County – Old High School Football Stadium Demolition Project and Funds for Local Match.]

1. The need to address quality of life issues for the Colleton County, and addressing the concerns and issues of LMI residents is a priority for the County, in regards to demolishing old high school football stadium; and
2. The Colleton County wishes to address this need by making application to the South Carolina Department of Commerce, Grants Administration for Community Enrichment Funds; and
3. The completion of this project would benefit residents near the old high school football stadium in the Colleton County, of which at least 51% qualify as having low-to-moderate incomes.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby endorses the Old High School Football Stadium Project because it will greatly improve the quality of life for the residents of the Colleton County.
2. The Administrator shall be and is authorized to prepare and submit a Community Development Block Grant (CDBG) Community Enrichment Application for the Colleton County – Old High School Football Stadium Project (CE-18-26) and to commit funds in the amount of 10% of the grant request to meet the matching commitment of the Community Development Program plus any additional funds needed to complete the project.
3. Additionally, to commit to sharing cost savings on a pro rata basis.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-58

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract for Emergency Debris Removal and Disposal Services.]

WHEREAS:

1. The County advertised, CC-25 for the procurement of Debris Removal and Disposal Services for a “first push” contractor to provide services throughout the County after a hurricane or other disaster; and
2. Four bids were received and reviewed by the Capital Projects and Purchasing department and the County Engineer;
3. Ackerman Landscape and Irrigation, Inc. is the lowest responsible bidder; and
4. These services are provided on a pay-as-used basis and in the event that a hurricane or other natural disaster makes these services necessary, funding will be provided by a combination of County and FEMA funds.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby awards the contract in accordance with CC-25 for Debris Removal and Disposal Services to Ackerman Landscape and Irrigation, Inc.
2. The County Administrator is hereby authorized to execute a contract on behalf of the County pending approval of same by the County Attorney.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-59

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract for Debris Monitoring and Recovery Services.]

WHEREAS:

1. The County advertised a Request for Proposals, CC-24 for Debris Monitoring and Recovery services; and
2. Four proposals were received, and a committee reviewed and ranked the proposals;
3. Tetra Tech, Inc. received the highest ranking by the committee; and
4. Staff recommends that the contract be awarded to Tetra Tech, Inc. for Debris Monitoring and Recovery Services for a period of two years; and
5. These services are provided on a pay-as-used basis and in the event that a hurricane or other natural disaster makes these services necessary, funding will be provided by a combination of County and FEMA funds.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby awards the contract in accordance with Proposal CC-24 for Debris Monitoring and Recovery Services to Tetra Tech, Inc.
2. The County Administrator is hereby authorized to execute a contract on behalf of the County pending approval of same by the County Attorney.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-60

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

(To Authorize the Council Clerk to Advertise for Board Vacancies.)

WHEREAS:

1. Board of Adjustments & Appeals (Building Dept.) has two vacancies (One Heating/Air Condition, one Plumbing; and
2. Board of Assessment Appeals has one vacancy; and
3. Keep Colleton Beautiful has one vacancy; and
4. Colleton County Memorial Library has three vacancies; and
5. Lowcountry Regional Transportation Authority (Breeze) has one vacancy; and
6. Colleton County Commission of Alcohol & Drug Abuse has one vacancy; and
7. The County Council is the appointing authority for Boards.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

- 1) The Council Clerk is hereby directed to advertise for the vacancies.

ATTEST:

Ruth Mayer, Council Clerk

SIGNED:

Joseph F. Flowers, Chairman

COUNCIL VOTE:

Sponsor(s) : County Council
Adopted : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-61

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Purchase of Seventeen Lifepak 15 Cardiac Monitors/Defibrillators from Physio Control; to Authorize the Surplus of Sixteen Lifepak 12 Cardiac Monitors/Defibrillators.]

WHEREAS:

1. The 2018 Fire Bond contains provisions for the purchase of seventeen Lifepak 15 Cardiac Monitors/Defibrillators; and
2. Physio Control was designated as the sole source provider of Lifepak Cardiac Monitors/Defibrillators by Resolution 14-R-07; and
3. Staff recommends that Council declare surplus sixteen Lifepak 12 Cardiac Monitors/Defibrillators, which are obsolete and no longer eligible for service; and
4. Staff recommends that Council authorize the trade-in of the sixteen Lifepak 12 Cardiac Monitors/Defibrillators to Physio Control toward the purchase of new cardiac monitors/defibrillators. Physio Control will credit the County \$104,000 for the trade of these cardiac monitors/defibrillators; and
5. Staff recommends that Council authorize the purchase of seventeen Lifepak 15 Cardiac Monitors/Defibrillators in the amount of \$441,743.63 (after the above mentioned credit), which includes shipping and sales tax, from Physio Control.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Council hereby authorizes the surplus of sixteen Lifepak 12 Cardiac Monitors/Defibrillators, and authorizes their trade to Physio Control for a credit amount of \$104,000.
2. Council hereby authorizes the purchase of seventeen Lifepak 15 Cardiac Monitors/Defibrillators in the amount of \$441,743.63 including tax and shipping.
3. Funding for this purchase shall come from the 2018 Fire Bond.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : September 11, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-62

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Purchase of Various Equipment for Colleton County Fire-Rescue as Provided by the 2018 Fire Bond.]

WHEREAS:

1. The 2018 Fire Bond contains provisions for the purchase of three pumpers and two ambulances with stretcher systems; and
2. E-One and Wheeled Coach Corporation have previously been designated by County Council as the sole source vendor for pumper and ambulance purchases for the standardization of the County's fleet, and staff is requesting that Council authorize a sole source purchase arrangement for this purchase of pumpers and ambulances; and
3. Council previously authorized the purchasing arrangement for Kenworth Trucks (17-R-36) and Stryker Stretchers (15-R-52); and
4. The Fire-Rescue Commission and Fleet Management recommend that Council authorize the purchase of three E-One/Kenworth Pumpers from through an E-One authorized dealer (Fireline) for a total cost of \$1,194,297 (including SC Sales Tax); and
5. The Fire-Rescue Commission and Fleet Management recommend that Council authorize the purchase of two Wheeled Coach/Kenworth ambulances from Wheeled Coach Corporation through its authorized dealer (Atlantic Emergency Solutions) for a total cost of \$536,390 (including SC Sales Tax); and
6. The Fire-Rescue Commission and Fleet Management recommend that Council authorize the purchase of two Stryker Power Load Stretcher systems from Stryker at a cost of \$63,040.81 (this includes SC sales tax and a seven year service plan on the power load system).

NOW, THEREFORE, BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby authorizes the sole source purchase arrangement for three E-One Pumpers with through and E-One authorized dealer (Fireline), and the sole source purchase arrangement for two Wheeled Coach Ambulances with a Wheeled Coach Corporation authorized dealer (Atlantic Emergency Solutions).

2. The purchase of three E-One/Kenworth Pumpers at a cost of \$1,194,297 (including SC Sales Tax) is hereby approved.
3. The purchase of two Wheeled Coach/Kenworth Ambulances at a cost of \$536,390 (including SC Sales Tax) is hereby approved.
4. The purchase of two Stryker Power Load Stretcher Systems at a cost of \$63,040.81 (including SC Sales Tax and a seven year service plan) is hereby approved.
5. The County Administrator is hereby authorized to execute on behalf of the County any paperwork necessary for the purchases.
6. Funding for these purchases is included in the 2018 Fire Bond and approved by Ordinance 18-O-11.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED