

**AMENDED AGENDA**  
**COLLETON COUNTY COUNCIL**  
**REGULAR MEETING**  
**TUESDAY, APRIL 4, 2023**  
**5:30 P.M.**  
**COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. County Council Jail Tour
2. Call to Order
3. Roll Call
4. Invocation & Pledge of Allegiance
5. Approval of Minutes
  - a) Regular Meeting March 14, 2023
6. Awards and Recognitions
  - a) The 2022 Sustained Excellence in Risk Management Award and 2nd Place Award for Best Lag Time in SC - Van Hensen, South Carolina Association of Counties
7. Appearances & Public Presentations
  - a) SC State - Cornelius Hamilton, Acting Regional Director, 1890 Extension
  - b) Coalition for a Better Colleton- Hiram Davis
8. Administrator's Briefing
9. Public Hearing
  - a) Ordinance 23-O-03, To Provide for the Issuance and Sale of Not to Exceed \$40,355,000 General Obligation Capital Project Sales Tax 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
  - b) Ordinance 23-O-04, Authorizing Colleton County to Join with the Walterboro - Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC
  - c) Ordinance 23-O-05, To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 132-00-00-054, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2).
  - d) Ordinance 23-O-06, To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law

10. Old Business

- a) 3<sup>rd</sup> Reading Ordinance 23-O-03, To Provide for the Issuance and Sale of Not to Exceed \$40,355,000 General Obligation Capital Project Sales Tax 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
- b) 3<sup>rd</sup> Reading Ordinance 23-O-04, Authorizing Colleton County to Join with the Walterboro - Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC
- c) 3<sup>rd</sup> Reading Ordinance 23-O-05, To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 132-00-00-054, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2).
- d) 3<sup>rd</sup> Reading Ordinance 23-O-06, To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law
- e) 2<sup>nd</sup> Reading Ordinance 23-O-07, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and between Colleton County and Pomega Energy Storage Technologies, Inc., Including Any Related or Affiliated Entities and Any Sponsor Affiliates, Whereby Colleton County will enter into a Fee-In-Lieu of Taxes Arrangement with Pomega Energy Storage Technologies, Inc.; Providing for Payment by Pomega Energy Storage Technologies, Inc. of Certain Fees in Lieu of *Ad Valorem* Taxes; Providing for Certain Special Source Revenue or Infrastructure Credits; To Further Amend the Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina and Hampton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Colleton County as Part of the Park; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Pomega Energy Storage Technologies, Inc., Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Matters Relating Thereto

11. New Business

- a) 1<sup>st</sup> Reading Ordinance 23-O-08, By Title Only, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2023 through June 30, 2024 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto
- b) Resolution 23-R-24, To Accept the Grant for the Colleton County Summer Feeding Program for 2023
- c) Resolution 23-R-25, To Declare April Child Abuse Prevention and Sexual Assault Awareness Month

- d) Resolution 23-R-26, To Authorize the Expenditure of Funds Related to Special Projects as Recommended by the Colleton County Accommodations Tax Committee from the from the State Accommodations Tax Fund – Fund 152 and Other Matters Related Thereto.
  - e) Resolution 23-R-27, To Advertise Board Vacancies
  - f) Resolution 23-R-28, To Appoint Members to Board Vacancies
- 12. Items for Information and Public Record
  - 13. Public Comments (3 minutes per person/max time 20 min.)
  - 14. Council Time
  - 15. Executive Session
    - a) Legal – Sheriff’s Office
  - 16. Adjournment
  - 17. Informal Meeting of the Whole

COUNTY COUNCIL MEETING ON APRIL 4, 2023

Colleton County Council will hold a regular meeting on Tuesday, April 4, 2023, at 6:00 pm. The public will be able to stream the meeting from a link on the County’s home page or by going to [www.colletoncounty.org/live](http://www.colletoncounty.org/live). Individuals who would like to participate in public comment can do so at [www.colletoncounty.org/comment](http://www.colletoncounty.org/comment).

MINUTES  
TUESDAY, MARCH 14, 2023  
REGULAR MEETING  
6:00 P.M.

Colleton County Council  
Council Chambers, Old Jail Building  
109 Benson Street  
Walterboro, SC 29488

Present: Vice Chairman Phillip Taylor called the meeting to order with Council Members Dr. Joseph Flowers, Bubba Trippe, and Scott Biering in attendance. Chairman Murdaugh was not present.

Others Included: Kevin Griffin, Meagan Utsey, Sean Thornton, Kaela Brinson, Jon Carpenter, Barry McRoy, Joshua Rowland, Sue Keith, David Irwin, Stacy See, April Cone, Clarence Wiggins, Donna Lamb, Crawford Moore, Jerome Kizer, and Joseph Heyward.

Councilman Bubba Trippe gave the invocation and led the Pledge of Allegiance.

**Approval of Minutes**

- A. Regular Meeting February 7, 2023— Dr. Flowers moved to approve the minutes of the Regular Meeting held on February 7, 2023. The motion was seconded by Councilman Biering, and the motion carried unanimously.

**Appearances & Public Presentations**

- A. 2022 Audit Report David Irwin, CPA– Mauldin & Jenkins, LLC

Mr. Irwin gave an overview on the 2022 Audit Report. Attached is the information that was presented.

Vice Chairman Taylor: Stated, Mr. Irwin we certainly thank you for the report. You always do a fantastic job laying out the sentiments from what we hear each day from the different people that deal with our finance department. For example, at the Airport, we hear “Jon is a miracle worker” and they sing his praises all the time. I want to say thank you to Mr. Irwin, but also to all the staff and the team that worked so hard to make this happen. Nine years in a row is something I believe we should stand and applaud to.

Dr. Flowers: Stated, I would like to echo that and thank Jon, Kevin, and their staff on doing a great job. This is a great report and very thorough. Mr. Irwin certainly did a great job presenting it. Thank you for all that each of you do.

Councilman Trippe: Stated, I would like to echo that same thing. Some of this is new to us that are new to council. Evidently we have a great team that is doing a great job.

Councilman Biering: Stated, I am going to echo the same. This is like drinking out a fire hose for a new Council Member. I look forward to working with you all to learn more.

B. USC Salkehatchie– Dr. April Cone, Dean

Dr. Cone presented general and statistical information on USC Salk, and the opportunities that are available. Attached is the information that was presented.

Vice Chairman Taylor: Stated, Thank you.

Councilman Trippe: Stated, USC Salk is something that we really need in our town. I have had a granddaughter go through, and take early classes. It really helped her when she went off to college. I am proud of USC Salk.

Dr. Cone: Stated, Thank you very much. My two children have also taken advantage of the classes as well. I have one at USC Columbia and will probably be able to graduate early thanks to that.

Councilman Biering: Stated, I had the privilege to see students taking these classes. It is a great program, and the students are very proud of it. I was able to speak at one of the leadership classes in the ILab. If you all have not seen it, go visit the lab. It is an amazing thing that I did not know we had here. I look forward to working with you.

Dr. Cone: Stated, thank you. I appreciate the opportunity.

C. In His Name Colleton– Stacy See

Mr. See gave an overview and an update of In His Name Colleton. Attached is the information that was presented.

Vice Chairman Taylor: Stated, thank you. We certainly see all your work in the community.

Councilman Biering: Stated, I spoke with In His Name a while ago and they were excited about the grant. I am excited to see what you all accomplish with this grant. I have seen some of the work you all have done here recently and it has been great work. I look forward to working with you in any capacity that I can.

### **Administrator's Briefing**

Mr. Griffin: Stated, we are moving into our 2023-2024 budget process. There will be more on that coming in April. Any outside agency requests are due by March 31<sup>st</sup>. If you are an outside agency and are interested in submitting a request to council you will need to do that by the end of this month. Next, we are very glad to have the first reading of the Fee-in-Lieu Ordinance on the agenda for Pomega Energy. Also, I did want to remind you all on item "d" Zeke Road, County Council can abandon maintenance of a road, but they can not close a road. That can only be done by civil action of the circuit court.

### **Public Hearing**

Dr. Flowers made a motion to move into Public Hearing. Councilman Biering seconded that motion and the motion carried unanimously.

- A. **Ordinance 23-O-01, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations and Section 14.08-4 Landscaping, Buffering and Environmental Protection, of the Colleton County Code of Ordinances.**
- B. **Ordinance 23-O-02, To Provide for the Sale of a Portion of Real Property Owned by Colleton County, South Carolina to Mr. Jason McMillan for the property identified by TMS No. 195-00-00-181.000 on Cooks Hill Road; and Other Matters Relating Thereto.**

No comments were made. Dr. Flowers made a motion to close Public Hearing. Councilman Biering seconded that motion and the motion carried unanimously.

### **Old Business**

- A. **3rd Reading Ordinance 23-O-01, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations and Section 14.08-4 Landscaping, Buffering and Environmental Protection, of the Colleton County Code of Ordinances.**

Dr. Flowers moved to approve the 3<sup>rd</sup> Reading Ordinance 23-O-01, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations and Section 14.08-4 Landscaping, Buffering and Environmental Protection, of the Colleton County Code of Ordinances. The motion was seconded by Councilman Trippe. The motion carried unanimously.

- B. **3rd Reading Ordinance 23-O-02, To Provide for the Sale of a Portion of Real Property Owned by Colleton County, South Carolina to Mr. Jason McMillan for the property identified by TMS No. 195-00-00-181.000 on Cooks Hill Road; and Other Matters Relating Thereto**

Dr. Flowers moved to approve the 3<sup>rd</sup> Reading Ordinance 23-O-02, To Provide for the Sale of a Portion of Real Property Owned by Colleton County, South Carolina to Mr. Jason McMillan for the property identified by TMS No. 195-00-00-181.000 on Cooks Hill Road; and Other Matters Relating Thereto. The motion was seconded by Councilman Trippe. The motion carried unanimously.

- C. **2<sup>nd</sup> Reading Ordinance 23-O-03, By Title Only, To Provide for the Issuance and Sale of Not to Exceed \$40,355,000 General Obligation Capital Project Sales Tax 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**

Dr. Flowers moved to approve the 2<sup>nd</sup> Reading Ordinance 23-O-03, By Title Only, To Provide for the Issuance and Sale of Not to Exceed \$40,355,000 General Obligation Capital Project Sales Tax 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. The motion was seconded by Councilman Biering. The motion carried unanimously.

**D. 2<sup>nd</sup> Reading Ordinance 23-O-04, By Title Only, Authorizing Colleton County to Join with the Walterboro - Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC**

Dr. Flowers moved to approve the 2<sup>nd</sup> Reading Ordinance 1st Reading Ordinance 23-O-04, By Title Only, Authorizing Colleton County to Join with the Walterboro - Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**E. 2<sup>nd</sup> Reading Ordinance 23-O-05, To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 132-00-00-054.000, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2).**

Dr. Flowers moved to approve the 2<sup>nd</sup> Reading Ordinance 23-O-05, To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 132-00-00-054.000, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2). The motion was seconded by Councilman Biering. The motion carried unanimously.

**F. 2<sup>nd</sup> Reading Ordinance 23-O-06, To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law**

Dr. Flowers moved to approve the 2<sup>nd</sup> Reading Ordinance 23-O-06, To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law. The motion was seconded by Councilman Trippe. The motion carried unanimously.

**New Business**

**A. 1st Reading Ordinance 23-O-07, By Title Only, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and between Colleton County and Pomega Energy Storage Technologies, Inc., Including Any Related or Affiliated Entities and Any Sponsor Affiliates, Whereby Colleton County will enter into a Fee-In-Lieu of Taxes Arrangement with Pomega Energy Storage Technologies, Inc.; Providing for Payment by Pomega Energy Storage Technologies, Inc. of Certain Fees in Lieu of Ad Valorem Taxes; Providing for Certain Special Source Revenue or Infrastructure Credits; To Further Amend the Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina and Hampton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Colleton County as Part of the Park; Providing for the Allocation**

**of Fee-In-Lieu of Taxes Paid by Pomega Energy Storage Technologies, Inc., Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Matters Relating Thereto**

Dr. Flowers moved to approve 1st Reading Ordinance 23-O-07, By Title Only, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and between Colleton County and Pomega Energy Storage Technologies, Inc., Including Any Related or Affiliated Entities and Any Sponsor Affiliates, Whereby Colleton County will enter into a Fee-In-Lieu of Taxes Arrangement with Pomega Energy Storage Technologies, Inc.; Providing for Payment by Pomega Energy Storage Technologies, Inc. of Certain Fees in Lieu of Ad Valorem Taxes; Providing for Certain Special Source Revenue or Infrastructure Credits; To Further Amend the Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina and Hampton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Colleton County as Part of the Park; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Pomega Energy Storage Technologies, Inc., Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Matters Relating Thereto. The motion was seconded by Councilman Biering. The motion carried unanimously.

**B. Resolution 23-R-14, To Declare April as Fair Housing Month**

Dr. Flowers moved to approve Resolution 23-R-14, To Declare April as Fair Housing Month. The motion was seconded by Councilman Trippe. The motion carried unanimously.

**C. Resolution 23-R-15, To Approve a Policy of Non-Discrimination on the Basis of Disability Status and to Designate an ADA Coordinator**

Dr. Flowers moved to approve Resolution 23-R-15, To Approve a Policy of Non-Discrimination on the Basis of Disability Status and to Designate an ADA Coordinator. The motion was seconded by Councilman Biering. The motion carried unanimously.

**D. Resolution 23-R-16, To Authorize the Abandonment of Maintenance on Zeke Road**

Dr. Flowers moved to approve Resolution 23-R-16, To Authorize the Abandonment of Maintenance on Zeke Road. The motion was seconded by Councilman Trippe. The motion carried unanimously.

**E. Resolution 23-R-17, To Declare Surplus Various Vehicles and Equipment and to Authorize Their Sale in Accordance with County Policy**

Dr. Flowers moved to approve Resolution 23-R-17, To Declare Surplus Various Vehicles and Equipment and to Authorize Their Sale in Accordance with County Policy. The motion was seconded by Councilman Biering. The motion carried unanimously.



**F. Resolution 23-R-18, To Authorize the Sole Source Electrical Installation and Repairs of Generac Generators**

Dr. Flowers moved to approve Resolution 23-R-18, To Authorize the Sole Source Electrical Installation and Repairs of Generac Generators. The motion was seconded by Councilman Trippe. The motion carried unanimously.

**G. Resolution 23-R-19, To Approve the Purchase and Installation of a Generac Generator for the Harrelson Building**

Dr. Flowers moved to approve Resolution 23-R-19, To Approve the Purchase and Installation of a Generac Generator for the Harrelson Building. The motion was seconded by Councilman Biering. The motion carried unanimously.

**H. Resolution 23-R-20, To Authorize the Acceptance of the Proposal Related to the Design Build of the Green Pond Community Center**

Dr. Flowers moved to approve Resolution 23-R-20, To Authorize the Acceptance of the Proposal Related to the Design Build of the Green Pond Community Center. The motion was seconded by Councilman Trippe. The motion carried unanimously.

**I. Resolution 23-R-21, To Authorize the Acceptance of the Proposal Related to the Design Build of the Colleton County Food Assistance Facility**

Dr. Flowers moved to approve Resolution 23-R-21, To Authorize the Acceptance of the Proposal Related to the Design Build of the Colleton County Food Assistance Facility. The motion was seconded by Councilman Biering. The motion carried unanimously.

**J. Resolution 23-R-22, To Remove a Member from the Colleton County Accommodations Tax Advisory Board and to Authorize the Council Clerk to Advertise for Board Vacancies**

Dr. Flowers moved to approve Resolution 23-R-22, To Remove a Member from the Colleton County Accommodations Tax Advisory Board and to Authorize the Council Clerk to Advertise for Board Vacancies. The motion was seconded by Councilman Trippe. The motion carried unanimously.

**G. Resolution 23-R-23, To Appoint Members to Board Vacancies**

Councilman Taylor moved to approve Resolution 23-R-23, To Appoint Members to Board Vacancies. The motion was seconded by Councilman Biering. The motion carried unanimously.

The following appointments were made by ballot: Evon Robinson, Sr. (Minority) and Robert Renner (at-large)– Colleton County Lowcountry Council of Government, Phillip Rizer – Colleton County Land Use Zoning Board of Appeals.

The following appointments were made by acclimation, Alta Mae Marvin– Colleton County Edisto River Canoe and Kayak Trail Committee, and Dawn Davis and Ashley Shearin – Colleton County Keep Colleton Beautiful.

### **Public Comment**

Ms. Johnson: Stated, I still do not understand why this club cannot be closed. You all need to go after Hazel Sanders because she owns the club. Buddy Hill came to my house talking about he can't close the club. You all closed down the Silver Shadow and The Block back in the day. There is no reason why he can not close this club down. I am totally disabled and I do not sleep. This club is a nuisance to my health. I can't lay down like and say I am going to sleep like you all every night. I have to reach over and take medicine. I have been on every medicine on the market and nothing helps me sleep. I am having to keep call the Sheriff's Department to come out there because at 3 AM I am hearing "Boom...Boom...Boom". The music just gets louder and louder. These people don't close until six in the morning. I go to Church on Sunday so; I have to get up. It is bad enough because I do not get any sleep. Somebody has got to do something soon. I need rest. I have children next door and elderly people behind me. It is sad. We need help in our community, and I will not stop coming up here until they do something. The other issue is with the light that is by me. We need a caution light or something because it is pitch black at night. We need something because after we pass the church to the other end, is pitch black. There is no lights there at all.

Vice Chairman Taylor: Stated, I wanted to be clear. The light that you are talking about, that you would like SCDOT to put up, is at the corner of Rivers and Robertson.

Ms. Johnson: Stated, they do not stop at the stop sign. My street is a highway and a drag strip because there are races too. I have had to call the police to come out. They do not care by where we live at.

Vice Chairman Taylor: Stated, I also have Hiram Davis by your name.

Hiram Davis: Stated, I would like to come before you today with Ms. Johnson and I also have some members from my executive team from a Coalition for a Better Colleton. Just to give you an insight, our organization was created in June of 2020 to bridge the gap in Colleton County between our local government...the City, County, and the School District, as well as our Law Enforcement community. Since 2020, we have invested in the community trying to bridge that gap. Here recently, in the past 6 months, we have been hitting the streets very hard trying to assist those in our community with various things. Some things we don't go to social media and put it on live 5 news because it doesn't require that, but what we do were going to let our words speak for us. Ms. Felicia Johnson who just spoke before you, she has been coming to council meetings, according to my research, since July 2022. We are almost at one year of coming to every single County Council meeting. Now, I have been to almost all of them if not in person than virtually. So, I am a witness that she has been coming to you all as a council asking for assistance with this issue that she has been experiencing with HangTime night club, as well as the safety of the citizens who

walk in that area. I go work in that community and neighborhood. Several of our staff members from the Black Street Early Childcare also walk to work in the mornings. One of our custodians was almost hit by a car as I was turning into the school because it is dark outside and there are no street lights on Robertson Blvd except at the end by Hwy 303. I have been trying to make calls today to start a case study, but I think the issues we have in our community is that our citizens feel like they are being left out. They come to these meetings time after time and you all sit just like you are now. I am not sure if you are taking it all in or as my grandmother would say, "It is going in one ear and out the other." Our citizens are very important to us, so we want to make sure that we are doing some sort of bridging in the gap. So, I would like to propose to you tonight, is there some way that we can get a round table, not a formal meeting, with our citizens to discuss our concerns. Along with Law Enforcement, and whomever should be apart of the team. At that point we will be showing that we are caring, concerned, and that we are going to be an advocate for our citizens. So, this will not require her to come to tons of meeting for you all to have not made any leeway. At least communicate with Ms. Johnson. I know some of you may have been communicating with her, but communication without works is dead. If you don't communicate with your citizens, and if you're not remaining visible, if you're not having transparency, your citizens are being left behind. They feel as though you all, are not doing your job. We have some council members that are on council now that have led these citizens to false hopes and high promises, and now you won't even return their phone calls. A citizen that is not here tonight told me that one of you told her that you are too busy and will get to her when you can. However, you took the oath of office and asked citizens to vote for you, and you said that you are going to be there for your citizens. I am not saying that you need to make your schedule for every citizen in Colleton County 24 hours a day, but you are here for the citizens of Colleton County. I do think we need to bridge that gap here in our county. Now, the Hang Time situation. I am not sure if you all have done your research with that, but until we do research and come together as a community, we are not going to find a solution to this issue. I am going to be honest with you. I would love to come to a Council meeting and not have to hear Ms. Johnson get up here and talk at every single Council meeting. I am sure she is tired of talking. I am glad that she is feeling concerned, but I do not think she should have to come to every single Council meeting for you all to not give her any type of attention. It is absolutely ----. I am tired, and I know other citizens are tired of Ms. Johnson having to come to every meeting to express her concerns. Finally, I also had a call from the group that has a grave concern to the half way house that is trying to become established over on Barracada Road. That too is the same situation. They feel like they are not being heard, and they would like some type of resolve. They would like some type of communication. Again, we need to come together as a community, sit down at the table, pull those ties off and jackets off, and talk face to face to our citizens so that we can make a change here in Colleton County. At the end of the, what you do now, or what you do in the next two or four years, will determine if you will be rehired, and you were hired on whatever day you were elected. So, we are pleading with you, please stop disregarding the citizens of this community, and make some initiative to pull things together in our community. It goes beyond just having a great budget. It goes beyond doing things to satisfy. We need to not only satisfy, but ensure that our citizens are being taken care of. Finally, as it relates to the third reading of the business license. The same people, Ms. Johnson and the other lady that is not here tonight, are concerned because the third reading of the county wide

business license was tabled yet again. It is brought to our attention that there were some concerned farmers that would not want to pay the \$15.00 fee that is associated with having the county wide business license. Where our concern is, those farmers with the \$150,000 big tractors, is it really that big of an issue to pay \$1.25 a month or a \$15.00 business license to be governed by our county? Is it really worth more than Ms. Johnson's life or the life of the custodian at the Black Street Early Childhood center? Or the children that live behind Ms. Johnson? It really is not. If you are going to put \$1.25 a month a head of somebodies life then that goes to show you 40 years or 2 years, the citizens of Colleton County need something else. Please let's bridge this gap so, we do not need to keep coming back time and time again.

Vice Chairman Taylor: Stated, thank you. I have Mayor Crawford Moore next on my list here.

Mayor Moore: Stated, thank you for the opportunity to be here tonight. I have with me tonight Mayor Pro Tempore, Jerome Kizer. First, I would like to thank you all for your support with the Capital Project Sales Tax. That is going to help us move forward with the Emergency Operations Center, and help us get back up and going after storms and emergency situations. It is going to help us get back in business quicker and protect our population there. Our population has tripled in the last two or three years. This is very critical to have and we appreciate your support in that. Next, a couple weeks ago we signed a Project Partnership Agreement for Edisto Beach Coastal Storm Risk Management Project. We have been working on this for 20 plus years and finally got it together a couple weeks ago. Councilman Trippe represented council well at the signing. Thank you for the support, it means a lot that you were there. This beach maintenance is guaranteed for the next 50 years. This public-private partnership includes the Army Corp. and the State Government. Of course, each year the County puts back a significant amount of our ATAX money and saves for the next nourishment. A health beach in Colleton County, at Edisto Beach, is critical to our economic ---. It is important to understand that the beach is not owned by the Town of Edisto Beach. The beach belongs to the public. It belongs to anyone who wants to come down and spend their time at the beach. We are a strong family beach. When it becomes time to maintain that beach and take care of it, a lot of that falls on the Town of Edisto Beach. We don't mind doing it. We love living there and we love taking care of the beach, but this project is really going to help the Town and County to move forward for the next 50 years. I thank you for your time always, and I will take any questions that you have.

Vice Chairman Taylor: Stated, thank you.

Mr. Joseph Heyward: Stated, I live on Peurifoy Road and they just put in a walk way. Right by where the daycare center is under water when it rains. Is there anyway that someone can take a look at this? (Inaudible) This is the first time that I have spoke to Council, and I want to thank you. If you can help with this issue, I do appreciate it. Thank you.

### **Council Time**

Vice Chairman Taylor: Stated, I wanted to thank everyone for coming out tonight. These concerns that the community has, everyone here wants what is best for our community. We work very hard trying to work on these things. All over South Carolina right now, I don't know if many of you have heard of a "She Cave" or a "Man Cave", but people in backyards are having large parties and are disrupting the neighborhoods. This goes beyond Hangtime, it goes beyond what is going on at the bowling alley, or Possum Corner Road. It is a comprehensive approach that we are going to have to take to address some of these concerns. Some things are constitutional and take a little time for people to understand the various laws. SLED has been involved in the Hangtime situation already. There has been other tools that have been used to try and help mitigate the concerns. Not everything is so public, not everything can be so public. I want Ms. Johnson to be rest assured that we appreciate you coming. We are not upset with you coming. We are working diligently to try and get some resolve. We have had a new appointment to the Public Health and Safety Committee of the council. This happened in February this year. I will be chairing the Public Health and Safety Committee, and I am going to ask that the county committee schedule a meeting so that we can bring some professionals in and take a hard look. We are looking at some things that Richland County and Horry County have done, as well as things that have been going on through the state, a comprehensive approach. This is not to try and answer every question right now, but I do want to reassure Ms. Johnson and everyone else that this Council is very concerned with every issue that is involving the safety and wellbeing of our citizens. We will do what is possible to help in those regard.

### **Executive Session**

Dr. Flowers moved to go into executive session to discuss the following: Economic Development – Project Marathon and Project Lion. Councilman Biering seconded the motion. The motion carried unanimously.

Councilman Taylor moved to exit executive session. Dr. Flowers seconded the motion, which carried unanimously.

### **Adjournment**

Dr. Flowers moved to adjourn the meeting, Councilman Biering seconded the motion, which carried unanimously.

This 14<sup>th</sup> day of March, 2023.

---

Steven D. Murdaugh, Chairman

ATTEST:

---

Kaela Brinson, Clerk to Council

Sponsor(s) : County Council  
First Reading : February 7, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : March 14, 2023  
Public Hearing : April 4, 2023  
Third Reading : April 4, 2023  
Effective Date : Immediately

I, Kaela Brinson, Council Clerk  
certify that this Ordinance was  
advertised for Public Hearing on  
March 17, 2023.

**ORDINANCE NO. 23-O-03**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$40,355,000  
GENERAL OBLIGATION CAPITAL PROJECT SALES TAX 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.]**

**TABLE OF CONTENTS**

(This Table of Contents for the Ordinance is for convenience of reference only and is not intended to define, limit, or describe the scope or intent of any provision of the Ordinance)

Page

**ARTICLE I  
DEFINITIONS AND INTERPRETATIONS**

Section 1 Defined Terms..... 3  
Section 2 General Rules of Interpretation..... 5

**ARTICLE II  
ISSUANCE OF BONDS**

Section 1 Authorization of Bonds; Approval of Maturity Dates, Principal  
Amounts, and Interest Rates ..... 6  
Section 2 [Reserved]. ..... 7  
Section 3 Cancellation of Bonds..... 7  
Section 4 Purchase of Bonds..... 7  
Section 5 Medium of Payment..... 7  
Section 6 Place of Payments; Selection of Paying Agent..... 7  
Section 7 Execution of Bonds; Designation of Authenticating Agent..... 7  
Section 8 Form of Bonds; Designation of Bond Registrar ..... 8  
Section 9 Registration and Transfers of Bonds; Persons Treated as Owners ..... 8  
Section 10 Mutilated, Lost, or Stolen Bonds ..... 9  
Section 11 Exchange of Bonds ..... 9  
Section 12 Regulations with Respect to Exchanges and Transfers..... 9  
Section 13 Temporary Bonds..... 10  
Section 14 Book-Entry Only System for the Bonds ..... 10

**ARTICLE III  
SECURITY FOR BONDS**

Section 1 Pledge of Full Faith, Credit, and Taxing Power..... 11  
Section 2 Levy and Collection of Property Taxes..... 12  
Section 3. Pledge of Capital Project Sales Tax Revenues..... 12

**ARTICLE IV  
SALE OF BONDS; DISPOSITION OF PROCEEDS OF SALE; INVESTMENT OF  
PROCEEDS PRIOR TO DISPOSITION**

Section 1 Sale of Bonds ..... 13  
Section 2 Disposition of Proceeds of Sale of Bonds..... 13

ARTICLE V  
TAX EXEMPTION OF BONDS

Section 1	Exemption from State Taxes.....	14
Section 2	Federal Tax Provisions.....	15

ARTICLE VI  
DEFEASANCE

Section 1	Release of Ordinance .....	15
Section 2	Deposit of Moneys.....	16
Section 3	Notice of Release of Ordinance .....	16

ARTICLE VII  
AMENDING AND SUPPLEMENTING OF ORDINANCE

Section 1	Amending and Supplementing of Ordinance Without Consent of Register Owners of Bonds.....	17
Section 2	Amending and Supplementing of Ordinance With Consent of Registered Owners of Bonds.....	17
Section 3	Notation Upon Bonds; New Bonds Issued Upon Amendments .....	18
Section 4	Effectiveness of Supplemental Ordinance .....	18
Section 5	Supplemental Ordinance Affecting Fiscal Agents .....	19

ARTICLE VIII  
CONCERNING THE FISCAL AGENTS

Section 1	Fiscal Agents; Appointment and Acceptance of Duties.....	19
Section 2	Responsibilities of Fiscal Agents .....	19
Section 3	Evidence on Which Fiscal Agents May Act .....	20
Section 4	Compensation .....	20
Section 5	Certain Permitted Acts .....	20
Section 6	Resignation of Any Fiscal Agent .....	20
Section 7	Removal of Fiscal Agent.....	21
Section 8	Appointment of Successor Fiscal Agents .....	21
Section 9	Transfer of Rights and Property to Successor.....	21
Section 10	Merger or Consolidation .....	22
Section 11	Adoption of Authentication.....	22

ARTICLE IX  
MISCELLANEOUS

Section 1	Execution of Closing Documents and Certificates .....	22
Section 2	Vice Chairman May Act in Chairman’s Absence; Acting Clerk May Act in Clerk’s Absence .....	22
Section 3	Official Statement .....	23
Section 4	Benefits of Ordinance Limited to the County and Register Owners of the Bonds.....	23
Section 5	Ordinance Binding Upon Successors or Assigns of the County.....	23



Section 6	No Personal Liability .....	23
Section 7	Effect of Saturdays, Sundays and Legal Holidays .....	24
Section 8	Partial Invalidity.....	24
Section 9	Continuing Disclosure Undertaking .....	24
Section 10	Law and Place of Enforcement of the Ordinance .....	25
Section 11	Repeal of Inconsistent Ordinances and Resolutions .....	25
Section 12	Effective Date of this Ordinance.....	25

Exhibit A - Form of Bond.

**AN ORDINANCE**

**TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$40,355,000 GENERAL OBLIGATION CAPITAL PROJECT SALES TAX 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**, Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended (the “Capital Project Sales Tax Act”), authorises counties to impose a sales and use tax for the purpose of funding the costs of certain capital improvements as permitted in the Capital Project Sales Tax Act, subject to the results of a referendum, by the enactment of an ordinance pursuant to the Capital Project Sales Tax Act; and

**WHEREAS**, the Capital Project Sales Tax Act permits the revenues derived from the imposition of the sales and use tax to be pledged to the repayment of bonds issued by the county, the proceeds of which are to be used to fund the project or projects approved in the referendum; and

**WHEREAS**, pursuant to the requirements of the Capital Project Sales Tax Act, a referendum was previously approved on November 4, 2014 in Colleton County (the “Initial CPST Referendum”) by which a capital project sales tax to pay costs of certain projects was approved, levied, and collected, which tax expires April 30, 2023; and

**WHEREAS**, pursuant to the provisions of the Capital Project Sales Tax Act, the County Council enacted Ordinance No. 22-O-08 (the “Capital Project Sales Tax Ordinance”) to provide for the reimposition of a one percent sales and use tax (the “Capital Project Sales Tax”) in Colleton County for a period not to exceed 7 years from the date of imposition of the Capital Project Sales Tax, to fund, at a maximum cost not to exceed \$40,355,061, the cost of acquiring, including in certain instances the acquisition of real property, constructing, furnishing, and equipping the following capital projects approved in the Referendum: Colleton County Animal Services Facility, Veteran’s Park, Town of Smoaks – Johnsville/Smoaks Community Center, Colleton County Emergency Operations Center, Colleton County Recreation Center Additions (New Gym and Activity Rooms), Colleton County Recreation Center Additions (Pool Facility), Town of Cottageville Park Expansion, Town of Williams - Water Infrastructure Improvements, City of Walterboro – I95 Business Loop Project Phase 3, Edisto Municipal EOC and Town Hall Complex Phase 1, City of Walterboro – Ireland Creek Greenway Park and Stream Restoration (collectively, the “Referendum Projects”); and

**WHEREAS**, pursuant to the requirements of the Capital Project Sales Tax Act, a referendum was conducted on November 8, 2022 in Colleton County (the “Referendum”) for the purpose of approving the Capital Project Sales Tax to pay costs of the Referendum Projects; and

**WHEREAS**, the Referendum was approved by a majority vote of voters in the Referendum; and

**WHEREAS**, the County Council has now determined that it is in the best interest of the County, and necessary and proper for the general welfare of the County and its citizens that the County proceed with the Referendum Projects at this time by raising the necessary funds for the Referendum Projects by the issuance of general obligation bonds payable from the proceeds of the Capital Project Sales Tax; and

**WHEREAS**, there was also submitted to and approved by the voters at the Referendum the question of the issuance of not exceeding \$40,355,061 of general obligation bonds of the County, payable from the Capital Project Sales Tax to be collected over a period not to exceed 7 years, to fund the Referendum Projects; and

**WHEREAS**, County Council has determined that the estimated costs of the Referendum Projects, including the costs of issuance of the bonds authorised hereby, is approximately \$40,355,061; and

**WHEREAS**, by virtue of the County Bond Act (Title 4, Chapter 15 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 authorised to issue general obligation bonds of the County in such amounts as permitted under Article X, Section 14 of the South Carolina Constitution; and

**WHEREAS**, Article X, Section 14, paragraph 6 of the South Carolina Constitution authorises the County to incur general obligation indebtedness approved by a majority vote of the qualified electors of Colleton County voting in a referendum, subject to the restrictions and limitations set forth in the referendum;

**NOW, THEREFORE**, on the basis of the foregoing authorisations and for the purpose of raising the sum of not exceeding \$40,355,061 for the Referendum Projects, the County Council enact this Ordinance to effect the issuance and sale of General Obligation Capital Project Sales Tax Bonds of the County authorised 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 General Obligation Capital Project Sales Tax Bonds, Series 2023 of the County authorised to be issued hereunder in the aggregate principal amount of not to exceed \$40,355,000.

“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.

“Capital Project Sales Tax Act” shall mean Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended.

“Capital Project Sales Tax” shall mean the one percent sales and use tax in Colleton County authorised to be imposed pursuant to the Capital Project Sales Tax Ordinance and the Referendum.

“Capital Project Sales Tax Ordinance” shall mean Ordinance No. 22-O-08 enacted in accordance with the Capital Project Sale Tax Act by the County Council on July 26, 2022, providing for the Referendum.

“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 to be executed by the Chairman or the Finance Director 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 amortisation 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.

“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 15 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.

“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 January 1 or July 1 commencing January 1, 2024.

“Investment Advisor” shall mean Raymond James & Associates, Inc., the investment advisor to the County pursuant to the Investment Engagement Agreement, or any successor thereto.

“Investment Engagement Agreement” shall mean the engagement letter of the Investment Advisor to the County, dated March 17, 2023.

“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.

“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.

“Referendum” shall mean the referendum conducted in Colleton County on November 8, 2022, pursuant to the provisions of the Capital Project Sales Tax Act.

“Referendum Projects” shall mean the cost of acquiring, including in certain instances the acquisition of real property, constructing, furnishing, and equipping the following capital projects approved in the Referendum: Colleton County Animal Services Facility, Veteran’s Park, Town of Smoaks – Johnsville/Smoaks Community Center, Colleton County Emergency Operations Center, Colleton County Recreation Center Additions (New Gym and Activity Rooms), Colleton County Recreation Center Additions (Pool Facility), Town of Cottageville Park Expansion, Town of Williams - Water Infrastructure Improvements, City of Walterboro – I95 Business Loop Project Phase 3, Edisto Municipal EOC and Town Hall Complex Phase 1, City of Walterboro – Ireland Creek Greenway Park and Stream Restoration.

“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.

“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 Referendum Projects and paying costs of issuance of the Bonds, there shall be issued not to exceed Forty Million Three Hundred Fifty-five Thousand and no/100 Dollars (\$40,355,000.00) of general obligation bonds of the County. The Bonds shall be designated “General Obligation Capital Project Sales Tax Bonds (with such series or subseries designations as approved by the County Administrator)”; 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 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 County Administrator provided that:

(i) The Bonds shall not bear interest at a true interest cost (TIC) greater than 5.0% per annum.

(ii) The Bonds shall mature not later than July 1, 2030.

(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 the Colleton

County Treasurer, or such institution as designated by the County Administrator, as in the best interest of the County.

Section 2 [Reserved].

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 (15<sup>th</sup>) 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.

(a) 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 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)     At the direction of the County Administrator, the Bonds may 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, subject to the provisions of Section 3 of this Article III, 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.

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.

Section 3.      Pledge of Capital Project Sales Tax Revenues

(a)      The Bonds shall be payable from, and additionally secured by a pledge of, the net revenues raised by the Capital Project Sales Tax. Upon receipt of the net revenue of the Capital Project Sales Tax from the State Treasurer, the Treasurer of Colleton County shall deposit that portion of the net revenues as directed by annual budget of the County Council into the Sinking Fund Account established for the Bonds and shall maintain proper books and records for an accounting thereof. To the extent the net revenues derived from the Capital Project Sales Tax are or will be available and on deposit with the Treasurer of Colleton County prior to the due dates of Debt Service for any fiscal year, the County Council shall reduce the amount of taxes required to be levied and collected pursuant to Section 2 of this Article. Such net revenues received by the Treasurer of Colleton County from the State Treasurer from the Capital Project Sales Tax shall be deposited in the Sinking Fund Account and on each payment date of the Bonds shall be applied to pay current Debt Service due on the Bonds. Pending such application, moneys held in such Account shall be invested by the Treasurer of Colleton County in accordance with law. All investment earnings shall be applied as directed by the County Council for the costs of Referendum Projects.

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

(c)      The County Council expressly reserves the right to pledge net revenues derived from the Capital Project Sales Tax to secure the payment of other obligations of the County, including other general obligation bonds, revenue bonds, notes, lease, or contract obligations, or similar contracts or evidences of indebtedness, and to apply such net revenues that are not required to pay current Debt Service on the Bonds to the costs of other Referendum Projects.

(d) Upon payment in full of all principal and interest due on the Bonds, whether at maturity or pursuant to defeasance in accordance with Article VI hereof, all funds derived from the Capital Project Sales Tax held by the Colleton County Treasurer in the Sinking Fund Account shall be released from the lien and pledge in favour of the Bonds created hereby and shall be disbursed at the direction of the County Council to pay costs of the Referendum Facilities.

#### ARTICLE IV

#### SALE OF BONDS; DISPOSITION OF PROCEEDS OF SALE; INVESTMENT OF PROCEEDS PRIOR TO DISPOSITION

##### Section 1      Sale of Bonds.

(a) 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 or the County Administrator. 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 shall be approved by the Finance Director, upon the advice of the Financial Advisor and Bond Counsel. 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.

(b) Notwithstanding the provisions of paragraph (a) above, in the event any series of Bonds may be issued in compliance with the requirements of Section 11-27-40(4) of the Code of Laws of South Carolina 1976, as amended, the County Administrator is hereby expressly delegated the authority to solicit proposals from banks and other financial institutions for the purchase of the Bonds in accordance with said Section 11-27-40(4), and to select a proposal on the terms and conditions as are approved by the Chairman or the County Administrator, upon the advice of the Financial Advisor. 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. Notice of the sale of the Bonds in substantially the form set forth in Exhibit B hereto shall be published in accordance with said Section 11-27-40(4).

##### 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 instalment of interest to become due on the Bonds.

(ii) Any premium shall be applied as directed by the County Administrator upon

the advice of the Financial Advisor and Bond Counsel including the payment of capitalised interest, which shall be deposited in the Sinking Fund Account and applied to the payment of the instalments of interest designated by the County Administrator.

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

(A) Sufficient proceeds shall be applied to defray the costs of issuing the Bonds as directed by the County Administrator.

(B) Proceeds as directed by the County Administrator shall be applied by the County to fund costs of the Referendum Projects.

(C) Any remaining proceeds of the Bonds, after their application to the purposes set forth above, together with investment earnings on the proceeds of the Bonds, shall be applied as directed by the County Council.

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

Section 3      Investment of Proceeds Prior to Disposition.

(a) Pending the disposition of Bond proceeds as set forth in Section 2 above, such Bond proceeds shall be invested and reinvested by the County in conjunction with Raymond James & Associates, Inc. (the “Investment Adviser”), which shall serve as Investment Adviser to the County relating to the investment of such proceeds, in accordance with law. The Investment Adviser shall serve in a fiduciary capacity to the County pursuant to the terms of an engagement letter (the “Investment Engagement Agreement”) substantially in the form of the letter of the Investment Adviser to the County, dated March 17, 2023, presented at the meeting at which this Ordinance receives third reading, with such changes as may be approved by the County Administrator upon the advice of legal counsel. The County Administrator is hereby authorized to execute and deliver the Investment Engagement Agreement upon third reading of this Ordinance.

(b) The County Administrator, or his designee, is hereby authorized on behalf of the County to direct any investment or reinvestment, make any decision, or take any other action from time to time required or convenient to the administration of the investment of such Bond proceeds pursuant to investment advisory relationship established by the Investment Engagement Agreement.

**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;

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

the (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 authorisation 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 reorganisation 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 authorised.

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 organised 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 authorised 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 organisation into which any Fiscal Agent may be merged or converted or with which it may be consolidated or any corporation or other organisation resulting from any merger, conversion, or consolidation or other organisation to which it may be party or any corporation or other organisation to which any Fiscal Agent may sell or transfer all or substantially all of its corporate trust business, provided such corporation or other organisation shall be a bank or trust company organised under state or federal laws, and shall be authorised 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 authorised 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 authorised.

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 authorised 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 authorised 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 connexion with the sale of the Bonds.

(b)      The County Council hereby authorise 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 Chairman of County Council or the Finance Director of the County to execute the Continuing Disclosure Undertaking, in the form 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 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: February 7, 2023  
Second Reading: March 14, 2023  
Public Hearing: [April 4, 2023]  
Third Reading: [April 4, 2023]

## FORM OF BOND

**STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON  
GENERAL OBLIGATION CAPITAL PROJECT SALES TAX BOND, SERIES [\_\_\_\_]**

NO. R-1

CUSIP NO. \_\_\_\_\_

Interest Rate: \_\_\_\_\_ and \_\_\_/100 percentum (\_\_\_\_%)

Maturity Date: July 1, \_\_\_\_\_

Original Date of Issue: May \_\_, 2023

Registered Owner: CEDE &amp; Co.

Principal Amount: \_\_\_\_\_ Million \_\_\_\_\_ and \_\_\_/100  
(\$ \_\_\_\_\_) Dollars

**KNOW ALL MEN BY THESE PRESENTS**, that **COLLETON COUNTY, SOUTH CAROLINA** (hereinafter called the County), a body politic and corporate and a political subdivision of the State of South Carolina, is justly indebted and, for value received, hereby promises to pay the Registered Owner, or registered assigns, hereof on the Maturity Date set forth above, the Principal Amount set forth above, and to pay interest (computed on the basis of a 360-day year consisting of twelve 30-day months) on the Principal Amount from the most recent January 1 or July 1 to which interest shall have been paid, or if no interest shall have been paid, from the Original Date of Issue, interest being payable to the Maturity Date hereof on the first days of January and July of each year (such dates being hereinafter referred to as the Interest Payment Dates), commencing January 1, 2024, at the Interest Rate per annum specified above, until payment of the Principal Amount. The interest so payable and to be punctually paid or duly provided for on any Interest Payment Date will be paid to the person in whose name this bond is registered at the close of business on the fifteenth day (whether or not a business day) of the calendar month immediately preceding such Interest Payment Date (the Regular Record Date), by cheque or draught mailed to the registered owner by the Colleton County Treasurer (the Paying Agent) at his address as it appears on the registration books (the Books of Registry) of the County as maintained by the Paying Agent as bond registrar (the Bond Registrar). The principal and premium, if any, of this bond, when due, shall be payable upon presentation and surrender of this bond at the office of the Paying Agent in the City of Walterboro, State of South Carolina. Both the principal of and interest on this bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for payment of public and private debts. For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit, and taxing power, of the County are irrevocably pledged. This bond is payable from and additionally secured by a pledge of the net revenues collected from the Capital Project Sales Tax imposed in Colleton County, South Carolina, pursuant to Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended.

**THIS BOND** is one of an issue of bonds of like original date of issue, tenor, and effect except as to number, denomination, date of maturity, date of authentication, rate of interest, [redemption provisions,] and registered owner, aggregating \_\_\_\_\_ Million Dollars (\$ \_\_\_\_\_), issued pursuant to and for purposes authorised by the County Bond Act (Title 4, Chapter 15 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; the Capital Project Sales Tax Act (Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended; the favourable results of a referendum conducted in Colleton County, South Carolina; and an ordinance (the “Ordinance”) duly enacted by the County Council of Colleton County, South Carolina, in order to fund costs of capital projects in the County and costs of issuance of the Bonds.

**THE ORDINANCE** contains provisions defining terms; sets forth the terms and conditions upon which the covenants, agreements, and other obligations of the County made therein may be discharged at or prior to the maturity of this bond with provisions for the payment thereof in the manner set forth in the Ordinance; and sets forth the terms and conditions under which the Ordinance may be amended or modified with or without the consent of the registered owner of this bond. Reference is hereby made to the Ordinance, to all provisions of which any registered owner of this bond by the acceptance hereof thereby assents.

**ALL PRINCIPAL**, interest, or other amounts due hereunder, shall be payable only to the Registered Owner hereof. This bond may not be transferred except by the Registered Owner hereof in person or by his attorney duly authorised in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Registered Owner of this bond. Any purported assignment in contravention of the foregoing requirements shall be, as to the County, absolutely null and void. The person in whose name this bond shall be registered shall be deemed and regarded as the absolute power hereof for all purposes, and payment of the principal of, premium, if any, and interest on, this bond shall be made only to or upon the order of the Registered Owner or his legal representative. All payments made in this manner shall be valid and effective to satisfy and discharge the liability of the County upon this bond to the extent of the sum or sums 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 this bond, against the County. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in this 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 this bond.

**THE BOND REGISTRAR** shall not be required to exchange or transfer any bond or portion thereof for the period beginning on the Regular Record Date and ending on the next succeeding Interest Payment Date

**THIS BOND** and the interest hereon are 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.

**IT IS HEREBY CERTIFIED AND RECITED** that all acts, conditions, and things, required by the Constitution and Laws of the State of South Carolina to exist, to happen, and to be performed, precedent to or in the issuance of this bond exist, have happened, and have been done and performed in regular and due time, form, and manner; that the total indebtedness of the County, including this bond and the issue of which this bond is one, does not exceed any constitutional or statutory limitation thereon; and that provision has been made for the levy and collection of sufficient annual taxes, without limit, for the payment of the principal and interest hereof, as they should fall due.

**THIS BOND** shall not be entitled to any benefit under the Ordinance or become valid or obligatory for any purpose until it shall have been authenticated by the execution of the Certificate of Authentication which appears hereon by the manual signature of an authorized officer of the authenticating agent.

**IN WITNESS WHEREOF, COLLETON COUNTY, SOUTH CAROLINA**, has caused this bond to be signed in its name by the Chairman of the County Council of Colleton County, by his manual signature, attested by the Clerk of the County Council of Colleton County, by her manual signature, under the Seal of Colleton County impressed or reproduced hereon, and this bond to be originally dated the Original Date of Issue.

**COLLETON COUNTY, SOUTH CAROLINA**

(SEAL)

By: \_\_\_\_\_

Chairman  
County Council of Colleton County,  
South Carolina

ATTEST:

\_\_\_\_\_  
Clerk  
County Council of Colleton County,  
South Carolina

\_\_\_\_\_  
Approved as to Form  
Sean P. Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds of the issue designated herein and issued under the provisions of the within-mentioned Ordinance.

**COLLETON COUNTY TREASURER,**  
as Authenticating Agent

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

Date of Authentication: \_\_\_\_\_



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

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

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

UNIF GIFT MIN ACT - \_\_\_\_\_

(Cust)

Custodian \_\_\_\_\_

(Minor)

under Uniform Gifts to Minors Act \_\_\_\_\_

(State)

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

### ASSIGNMENT

**FOR VALUE RECEIVED** the undersigned hereby sells, assigns, and transfers unto \_\_\_\_\_ (Social Security No. or Other Identifying Number of Assignee \_\_\_\_\_) the within bond, and does hereby irrevocably constitute and appoint \_\_\_\_\_ to transfer the said bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

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

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

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

FORM OF NOTICE OF PRIVATE SALE

**NOTICE OF PRIVATE SALE OF \$ \_\_\_\_\_ COLLETON COUNTY GENERAL OBLIGATION CAPITAL PROJECT SALES TAX BONDS, SERIES 20\_\_**

Notice is hereby given that the County Council of Colleton County, South Carolina intends to sell the \$ \_\_\_\_\_ General Obligation Capital Project Sales Tax Bonds, Series 20\_\_ (the “Bonds”) of Colleton County, South Carolina (the “County”), secured by a pledge of the full faith, credit, and taxing power of the County, to \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, at a price of \$ \_\_\_\_\_, plus accrued interest (if any). The Bonds are payable from and additionally secured by a pledge of the net revenues collected from the Capital Project Sales Tax imposed in Colleton County, South Carolina, pursuant to Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended. The Bonds will have a [\_\_\_\_-year] maturity schedule with payments of principal and interest. [The first scheduled payment will be due on the 6-month anniversary of the date of issuance of the Bonds and every 6 months thereafter until maturity.] The Bonds shall bear interest at the fixed rate of [\_\_\_\_]% per annum until the final maturity of the Bonds.

By order of the County Council of Colleton County, South Carolina

Sponsor(s) : County Council  
First Reading : February 7, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : March 14, 2023  
Public Hearing : April 4, 2023  
Third Reading : April 4, 2023  
Effective Date : Immediately

I, Kaela Brinson, Council Clerk,  
certify that this Ordinance was  
advertised for Public Hearing on  
March 17, 2023.

## **ORDINANCE NO. 23-O-04**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[An Ordinance Authorizing Colleton County to Join with the Walterboro – Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC.]**

#### **WHEREAS:**

1. The Walterboro - Colleton County Airport Commission has determined that the real estate described hereinbelow is surplus to the needs for the purposes of the Act establishing the Walterboro - Colleton County Airport Commission and that there are no restrictions on the use or disposal of such real property under the deed from the United States of America; and
2. The Walterboro - Colleton County Airport Commission has determined that a desirable industry to be operated by Fuller Properties, LLC wishes to locate a facility upon the real estate described hereinbelow and that the establishment of the industry will be economically beneficial to the citizenry of the county and has requested the real estate described herein below be conveyed to Fuller Properties, LLC for a consideration of Two Hundred Twelve Thousand Three Hundred Eighty-Eight and no/100 Dollars (\$212,388), all by its resolution duly adopted; and
3. The Walterboro - Colleton County Airport Commission has determined that the real estate described hereinbelow should be conveyed to Fuller Properties, LLC for said consideration, subject to certain conditions and restrictions and has requested that the City of Walterboro and the County of Colleton join in a conveyance of the real estate described hereinbelow to Fuller Properties, LLC for said consideration, subject to certain conditions and restrictions, all by its resolution duly adopted.

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

1. Colleton County joins with the City of Walterboro and the Walterboro-Colleton County Airport Commission in conveying to Fuller Properties, LLC, for a consideration of Two Hundred Twelve Thousand Three Hundred Eighty-Eight and no/100 Dollars (\$212,388), all by its resolution duly adopted the following described property:

Being a portion of the 60.8+- acre parcel of land being designated as Colleton County TMS No. 132-00-00-018 in which the fee-simple title therein is now jointly owned and held and vested in the names of the City of Walterboro f/k/a the Town

of Walterboro (A South Carolina Municipal Corporation) and the County of Colleton (A body politic and a corporate and political subdivision of the State of South Carolina), and pursuant to and in accordance with Act #584 of the General Assembly of the State of South Carolina of 1946, as amended by Act #789 of the General Assembly of the State of South Carolina of 1948 and by Act #21 of the General Assembly of the State of South Carolina of 1965 and by Act # 1031 of the General Assembly of the State of South Carolina of 1966 and by Act # 1150 of the General Assembly of the State of South Carolina of 1968, the above-described real property is subject and entrusted to the ongoing and continuing care and custody and management and supervision and control of the "Walterboro - Colleton County Airport Commission"; and the above-described real estate is a portion of the real property previously transferred and conveyed to the Town of Walterboro and the County of Colleton, as the Grantees, by a Quit Claim Deed from the United States of America acting by and through the Federal Works Agency, as the Grantor, dated January 29, 1947 and recorded on March 19, 1947 with the Colleton County Clerk of Court's Office in Deed Book 97, at Pages 43-45, and is also a portion of the real property previously transferred and conveyed to the Town of Walterboro and the County of Colleton, as the named Grantees, acting by and through the "Walterboro - Colleton County Airport Commission", by a Quit Claim Deed from the United States of America acting by and through the War Assets Administration, as the Grantor, dated April 18, 1947 and recorded on April 23, 1947 with the Colleton County Clerk of Court's Office in Deed Book 97, at Pages 117-123; and the above-described real estate is subject to the covenants and conditions and restrictions and reservations as stated and set forth in the aforesaid Quit Claim Deed dated 1/29/1947 and recorded on 3/19/1947 in Colleton County Deed Book 97, at Page 43, and as stated and set forth in the aforesaid Quit Claim Deed dated 4/18/1947 and recorded on 4/23/1947 in Colleton County Deed Book 97, at Page 117, and also as provided in and by and under the subsequent Modification Deed that was executed on September 25, 1950 by the United States of America acting by and through the Federal Security Administrator, as the Grantor, unto and in favor of the Town of Walterboro and the County of Colleton, South Carolina, as the Grantees, and that was thereafter recorded on November 8, 1950 with the Colleton County Clerk of Court's Office in Deed Book 105, at Page 431, and that thereby modified certain conditions and covenants and restrictions and reservations as contained in the above-referenced prior Quit Claim Deed dated 1/29/1947 and recorded on 3/19/1947 in Colleton County Deed Book 97, at Page 43; and the United States of America acting by and through the Administrator of General Services, as the Grantor, thereafter transferred and conveyed unto and in favor of the Town of Walterboro, South Carolina and the County of Colleton, South Carolina, as the Grantees, all coal and iron and oil and gas and other minerals in and on and upon the land as previously described in and by and under Colleton County Deed Book 97, at Pages 43-45, by the execution of a Quit Claim Deed dated September 13, 1966 and recorded on September 23, 1966 with the Colleton County Clerk of Court's Office in Deed Book 141, at Page 488.

2. The Deed conveying said property to Fuller Properties, LLC is to be made subject to such conditions, reservations and restrictions as the Walterboro-Colleton County Airport Commission determines to be appropriate.
3. The County Administrator is hereby authorized, empowered and directed on behalf of Colleton County to execute and deliver said Deed, and to execute such other documents as may be necessary or desirable in connection with the Conveyance of the property.
4. The proceeds from the sale of the property shall be retained by the Walterboro - Colleton County Airport Commission.
5. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.
6. If any provisions 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.

ATTEST:

SIGNED:

\_\_\_\_\_  
Kaela Brinson, Clerk to Council

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean P. Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

Sponsor(s)	: County Council	
First Reading	: February 7, 2023	I, Kaela Brinson, Council Clerk,
Committee Referral	: N/A	certify that this Ordinance was
Committee Consideration Date	: N/A	advertised for Public Hearing on
Committee Recommendation	: N/A	March 23, 2023.
Second Reading	: March 14, 2023	
Public Hearing	: April 4, 2023	
Third Reading	: April 4, 2023	
Effective Date	: Immediately	

**ORDINANCE NO. 23-O-05**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 132-00-00-054, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2).]**

**WHEREAS:**

1. County Council pursuant to Title 6, Chapter 29, Code of Laws of South Carolina, 1976 as amended, has the legal authority to periodically amend the Official Colleton County Zoning Ordinance and Maps; and
2. The Colleton County Zoning Ordinance authorizes County Council to amend the official Zoning Maps for Colleton County; and
3. The owner of the property located at 2824 Jefferies Highway and identified as T.M.S. No. 132-00-00-054 has requested that the property be rezoned from Urban Development-1 (UD-1) to Urban Development-2 (UD-2) to allow for the potential of a Manufactured Home Dealer; and
4. The Planning Commission at their Monday, January 23, 2023 meeting, voted unanimously to recommend that Council approve the request for the rezoning of T.M.S. No. 132-00-00-054, located at 2824 Jefferies Highway from Rural Development – 1 (RD-1) to Rural Development (RD-2); however the use will still have to be approved by the Zoning Board of Appeals.

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

1. The 20 acre tract, located at 2824 Jefferies Highway, identified as T.M.S. No. 132-00-00-054, is hereby rezoned from Urban Development – 1 (UD-1) to Urban Development - 2 (UD-2) on the official Zoning Maps for Colleton County.
2. 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.

**3. Conflict:**

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

ATTEST:

SIGNED:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
First Reading : February 7, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : March 14, 2023  
Public Hearing : April 4, 2023  
Third Reading : April 4, 2023  
Effective Date : Immediately

I, Kaela Brinson, Council Clerk,  
certify that this Ordinance was  
advertised for Public Hearing on  
March 17, 2023.

## **ORDINANCE NO. 23-O-06**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law.]**

#### **WHEREAS:**

1. Chapter 13, Section 13.04.010 of the Colleton County Code of Laws provides for the adoption of certain codes by reference; and
2. Updated Editions of said Codes have been issued, and in order to keep current with requirements of said Codes, it is necessary to adopt these editions.

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

1. Chapter 13, Section 13.04.010, Part A (1), is hereby amended to read as follows:

#### **13.04.010 Adoption by reference.**

- A. 1. The following Codes are adopted by reference as though they were copied herein fully:  

International Building Code – 2021 Edition (IBC 2021), including Chapter 1;  
International Fire Code – 2021 Edition (IFC 2021);  
International Fuel Gas Code – 2021 Edition (IFGC 2021);  
International Mechanical Code – 2021 Edition (IMC 2021);  
International Plumbing Code – 2021 Edition (IPC 2021);  
International Residential Code – 2021 Edition (IRC 2021);  
International Swimming Pool & Spa Code – 2021 Edition; and  
NFPA 70 – National Electric Code 2020  
2017 Accessible and Usable Buildings and Facilities ICC A117.1 – 2017 Edition  
*(These Codes include South Carolina amendments and Modifications enacted at the state level.)*
2. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.
3. 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.



ATTEST:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

SIGNED:

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

\_\_\_\_\_  
Approved as to Form  
Sean P. Thornton, County Attorney

Sponsor(s) : County Council  
 First Reading : March 14, 2023  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : April 4, 2023  
 Public Hearing : May 2, 2023  
 Third Reading : May 2, 2023  
 Effective Date : Immediately

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

**ORDINANCE NO. 23-O-07**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN COLLETON COUNTY AND POMEGA ENERGY STORAGE TECHNOLOGIES, INC., INCLUDING ANY RELATED OR AFFILIATED ENTITIES AND ANY SPONSOR AFFILIATES, WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH POMEGA ENERGY STORAGE TECHNOLOGIES, INC.; PROVIDING FOR PAYMENT BY POMEGA ENERGY STORAGE TECHNOLOGIES, INC. OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; TO FURTHER AMEND THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK AGREEMENT BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND HAMPTON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN COLLETON COUNTY AS PART OF THE PARK; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY POMEGA ENERGY STORAGE TECHNOLOGIES, INC., UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.]**

WHEREAS, Colleton County, South Carolina (the “County”), acting by and through its County Council (the “County Council”) is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “FILOT Act”), to designate real and tangible personal property as “economic development property” and to enter into an arrangement which provides for payment in lieu of taxes (“Negotiated FILOT Payments”) for a project qualifying under the FILOT Act; and

WHEREAS, the County, acting by and through the County Council, is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code (the “MCIP Act”), to provide for payments in lieu of taxes (“PILOT Payments”) with respect to property situated or having a situs in a multi-county business or industrial park created under the MCIP Act, and pursuant to Section 4-1-175 and 4-29-68 of the Code (the “SSRC Act”), to permit investors to claim infrastructure or special source revenue credits against their PILOT Payments (including any Negotiated FILOT Payments) to reimburse such investors for expenditures for infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a

manufacturing or commercial enterprise in order to enhance the economic development of Colleton County (“Infrastructure Improvements”), to facilitate the grant of infrastructure or special source revenue credits, and to provide certain enhanced tax credits to such investors; and

WHEREAS, in order to promote the economic welfare of the citizens of Colleton County and Hampton County (collectively, the “the Counties”) by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for a Joint County Industrial Park executed on December 11, 2007, by Colleton County and on January 22, 2008, by Hampton County (the “Original Agreement”), to develop jointly an industrial and business park (the “Park”), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the “Act”); and

WHEREAS, the Original Agreement was initially approved by Colleton County Council Ordinance 07-O-29, adopted December 4, 2007; and was further amended from time-to-time to add or remove property to the Park; and

WHEREAS, the Original Agreement, as amended, is referred to herein as the “Park Agreement,” and

WHEREAS, the Park Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and

WHEREAS, Pomega Energy Storage Technologies, Inc., a [ ] corporation (the “Company”), intends to acquire, construct, renovate, furnish, and equip a 3GWh capacity lithium-ion battery manufacturing facility for battery energy storage systems in the County (the “Project”); the Project is to be located at [ ] in the Colleton Industrial Campus in Colleton County, South Carolina (the “Project Site”); and

WHEREAS, the Project when completed will represent an anticipated “investment” (as defined in the FILOT Act) (the “Investment”) by the Company in the aggregate not less than [\$279 million], of which [\$75 million] will be in real property (land and building) and [\$204 million] will be in tangible business personal property (new machinery and equipment) to be located at the Project Site; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ approximately [575] full-time employees; and

WHEREAS, the County is authorized to include the site of the Project Site within a multi-county industrial and business park pursuant to the MCIP Act and to provide special source revenue or infrastructure credits pursuant to the SSRC Act; and

WHEREAS, the Project is located entirely within Colleton County and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements as described herein; and

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Company to invest its funds to acquire, construct, renovate, furnish, and equip the Project (the “Incentives”); and

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the FILOT Act, the SSRC Act, and the MCIP Act for the County Council to provide final approval for qualifying the Project under the FILOT Act, the SSRC Act, and the MCIP Act for the Incentives;

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary:

- (a) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Company, County Council’s investigation of the Project, including the criteria described in Section 1 above, and any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary, County Council hereby find that:

- (a) the Project constitutes a “project” as that term is defined in the FILOT Act;
- (b) the Project will serve the purposes of the FILOT Act, the SSRC Act, and the MCIP Act;
- (c) the Investment by the Company in the Project will be approximately [\$279 million], all to be invested within the “investment period” (as defined in the FILOT Act); and the Company will employ [575] new full-time employees at the Project within 5 years;
- (d) the Project will be located entirely within Colleton County and is anticipated to be located in the Park created pursuant to the MCIP Act;
- (e) the Infrastructure Improvements to be financed or reimbursed from the SSRCs consist of infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to

enhance the economic development of Colleton County; and

- (f) the Project is anticipated to benefit the general welfare of Colleton County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (g) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (h) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (i) the inducement of the location of the Project is of paramount importance; and
- (j) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as “economic development property” under the FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT Payments to be made with respect to the Project based upon a 4% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement (as defined below) is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 30-year term of the fee-in-lieu of taxes, all as more fully set forth in the Fee-in-lieu of Tax Agreement between the County and the Company (the “FILOT Agreement”). The FILOT Agreement shall be a “Fee Agreement” within the meaning of Section 12-44-30(10) of the FILOT Act.

Section 4. Multi-County Park Incentive.

(A) The County will use its commercially reasonable efforts, in cooperation with Hampton County (the “Partner County”), and will designate the Project Site as a multi-county business park pursuant to Article VIII, Section 13 of the South Carolina Constitution, the MCIP Act, and the terms of the Agreement for the Development of a Joint County Industrial Park between the County and Hampton County, South Carolina, executed on December 11, 2007 by Colleton County and on January 22, 2008 by Hampton County, as amended to add the Project Site, and as further amended, supplemented, or replaced from time to time (the “MCIP Agreement”).

(B) The County will provide for 30 years that the annual allocation of the PILOT Payments generated by the Project will be distributed (after distribution of a portion of the PILOT Payments to the Partner County in accordance with the MCIP Agreement) as follows:

- (i) To the County, for providing the SSRCs (as defined in Section 5 hereof),

an amount equal to the annual SSRC provided in Section 5 of this Ordinance and in the FILOT Agreement; and

- (ii) Except as may otherwise be provided by ordinance of the County Council from time to time, the balance of the PILOT Payments to the County and the other overlapping taxing entities, in the same relative percentages as the relative millage rates imposed by such taxing entities for the applicable tax year.

#### Section 5. Special Source Revenue Credits.

(A) After the identification of qualifying public infrastructure located solely within Colleton County and the costs thereof to the satisfaction of the County, the County will provide to the Company an infrastructure or special source revenue incentive (the “SSRCs”) as follows: an annual SSRC in the amount of 35% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax year one (1); 50% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax years two and three (2 and 3); 40% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax year four (4); 30% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax years five and six (5 and 6); and 20% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax year seven (7).

(B) The documents providing for the SSRCs shall include customary terms providing: (i) for the recovery by the County, on a pro rata basis, of certain moneys if certain thresholds are not achieved (a “clawback” provision); (ii) that the Company will pay the County’s administrative expenses associated with the approval and administration of the SSRC; (iii) that under certain terms and conditions, the County will have access to certain information of the Company; and (iv) that the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project.

Section 6. Execution of the FILOT Agreement. The form, terms, and provisions of the FILOT Agreement presented to the meeting at which this Ordinance received third reading and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized and directed to execute and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement presented to said meeting.

Section 7. Miscellaneous.

(a) The Chairman and all other appropriate officials 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 authorized by this Ordinance.

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council.

(d) 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 hereunder.

(e) All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

[Remainder of this page intentionally left blank.]

**COLLETON COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Chairman, County Council of  
Colleton County, South Carolina

ATTEST:

\_\_\_\_\_  
Clerk to County Council  
Colleton County, South Carolina

First Reading: March 14, 2023  
Second Reading: April 4, 2023  
Public Hearing: [\_\_\_\_\_, 2023]  
Third Reading: [\_\_\_\_\_, 2023]



Sponsor(s) : County Council  
First Reading : April 12, 2022  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : May 3, 2022  
Public Hearing : June 7, 2022  
Third Reading : June 7, 2022  
Effective Date : July 1, 2022

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

**ORDINANCE NO. 23-O-08**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2023 through June 30, 2024 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto.]**

Sponsor(s) : County Council  
Adopted : April 4, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-24**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Accept the Grant for the Colleton County Summer Feeding Program for 2023.]**

**WHEREAS:**

1. Colleton County Council deems it to be in the best interest of the County to continue its sponsorship/administration of the Summer Feeding Program with monitored scattered sites, delivered meals, in-house reporting and financial management; and
2. The Summer Feeding Program is in the planning stage now to begin in June of 2023, and 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 SCDSS Summer Feeding Program Grant for FY23 and FY24 for operation of the Colleton County Summer Feeding Program under the sponsorship and administration of the County is hereby approved.
2. The County Administrator is hereby directed to implement the 2023 Summer Feeding Program and to amend the FY23 and FY24 budgets to reflect the appropriations in connection with the grant.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : April 4, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## **RESOLUTION NO. 23-R-25**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

#### **[To Declare April Child Abuse Prevention and Sexual Assault Awareness Month.]**

#### **WHEREAS:**

1. South Carolina's future prosperity is dependent on nurturing the healthy development of the 1.1 million children currently residing in the diverse communities across our state; and
2. Preventing child abuse, neglect, and sexual assault must be a community priority that requires individuals, families, child-serving organizations, schools, faith-based groups, businesses, government agencies, colleges, and civic leaders to support the physical, emotional, social and educational development and competency of all children and adults; and
3. Child abuse and sexual assault are public health issues with serious societal consequences, as data shows the link between the abuse, neglect, and assault of children and adults and a wide range of costly medical, emotional, psychological and behavioral problems into adulthood; and
4. One in ten children will be sexually abused before their 18th birthday, one in four women in their lifetime, and one in 33 men in their lifetime; and
5. Parents and caregivers who have a circle of family and friends, know how to find help in times of need, and understand how their children grow are better equipped to take on life's challenges and provide a safe, caring environment for their children; and
6. Child abuse and violence prevention programs not only give individuals, families, and children the knowledge and resources to learn, grow, and thrive but also serve as a proven and effective way to reduce child abuse and neglect; and
7. In 2022, Hopeful Horizons assisted a record number of women and children needing shelter 77 women with 98 children. A total of 5,286 nights of safety were provided- average length of stay was 30 days; assisted 63 women and their children in moving from shelter housing to permanent housing; supported 63 women and their children with rent subsidies that helped them get back on their feet and in their own safe housing.
8. In 2022, Hopeful Horizons family advocates served 493 families, 379 forensic interviews and 50 forensic medicals.

9. In 2022, Hopeful Horizon’s child therapy and services team provided services to 740 children and teens.

10. The County of Colleton, in conjunction with Hopeful Horizons and concerned citizens around the state, designates the month of April as Child Abuse Prevention and Sexual Assault Awareness Month while urging all citizens to dedicate themselves to protect the quality of life for every child and every adult.

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

County Council hereby proclaims April 2023 as Child Abuse Prevention and Sexual Assault Awareness Month.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council  
Adopted : April 4, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-26**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Authorize the Expenditure of Funds Related to Special Projects as Recommended by the Colleton County Accommodations Tax Committee from the State Accommodations Tax Fund – Fund 152 and Other Matters Related Thereto.]**

**WHEREAS:**

1. At their meeting on May 19, 2022, the Accommodations Tax Committee received a request for funding from the Colleton County Historical & Preservation Society—Accessibility and Tourism at the Bedon-Lucas House, \$6,000, and County Council approved that request on June 7, 2022; and
2. The Colleton County Historical & Preservation Society has since modified their request for a total of \$10,000, which was approved by the Accommodations Tax Committee at their March 15, 2023 meeting; and
3. The Accommodations Tax Committee recommends that County Council approve the amended request submitted by the Colleton County Historical & Preservation Society in the amount of \$10,000 for ADA Panels at the Bedon-Lucas House.

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

The Colleton County Historical Society is hereby appropriated \$10,000 for ADA Panels at the Bedon-Lucas House from the State Accommodations Tax Fund – Fund 152.

ATTEST:

SIGNED:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : April 4, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-27**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Authorize the Council Clerk to Advertise for Board Vacancies]**

**WHEREAS:**

1. Colleton County Edisto River Canoe and Kayak Trail Committee has one vacancy; and
2. Colleton County Board of Assessment Appeals has one vacancy; and
3. The County Council is the appointing authority for Boards.

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

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

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : April 4, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-28**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Appoint Members to Board Vacancies.]**

**WHEREAS:**

1. Colleton County Accommodations Tax Advisory Board has two vacancies; and  
Applicant: Scott Grooms
2. The County Council is the appointing authority for Boards.

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

The Council Hereby appoints the following:

Colleton County Accommodations Tax Advisory Board: Scott Grooms

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED: