

**AMENDED AGENDA  
COLLETON COUNTY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 7, 2024  
6:00 P.M.**

**COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
  - a) Regular Meeting, April 2, 2024
  - b) Budget Work Session, April 25, 2024
5. Awards and Recognitions
6. Appearances & Public Presentations
  - a) Energy Share Small Business Program – Tawana Tolbert, Customer Outreach Supervisor
7. Administrator’s Briefing
8. Public Hearing
  - a) Ordinance 24-O-01, Authorizing Colleton County to Join with the Walterboro – Colleton County Airport Commission and the City of Walterboro in Conveying 10.07 Acres of a Portion of Real Property, Located at the Colleton County Recreation Center, Identified by T.M.S. No. 132-00-00-028.00 to Colleton County
  - b) Ordinance 24-O-02, Granting an Easement to CDP Walterboro 2, LLC on a Portion of Property Owned by Colleton County Located at 113 Mable T. Willis Boulevard, County Colleton, SC, and Identified by TMS No. 178-00-00-205.00; Such Easement is to be Used for the Construction of a Dollar General Store; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto
  - c) Ordinance 24-O-05, To Establish, Pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as Amended, a Multi-County Business Park in Conjunction with Charleston County, South Carolina; To Provide for a Written Agreement with Charleston County as to the Sharing of the Revenues and Expenses of the Park; To Provide for the Distribution of Revenues from the Park Among Taxing Entities Having Jurisdiction Over the Park; To Provide for a Fee in Lieu of Ad Valorem Taxation; And Other Matters Related Thereto
9. Old Business
  - a) 3<sup>rd</sup> Reading Ordinance 24-O-01, Authorizing Colleton County to Join with the Walterboro – Colleton County Airport Commission and the City of Walterboro in

Conveying 10.07 Acres of a Portion of Real Property, Located at the Colleton County Recreation Center, Identified by T.M.S. No. 132-00-00-028.00 to Colleton County

- b) 3<sup>rd</sup> Reading Ordinance 24-O-02, Granting an Easement to CDP Walterboro 2, LLC on a Portion of Property Owned by Colleton County Located at 113 Mable T. Willis Boulevard, County Colleton, SC, and Identified by TMS No. 178-00-00-205.00; Such Easement is to be Used for the Construction of a Dollar General Store; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto
  - c) 3<sup>rd</sup> Reading Ordinance 24-O-05, To Establish, Pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as Amended, a Multi-County Business Park in Conjunction with Charleston County, South Carolina; To Provide for a Written Agreement with Charleston County as to the Sharing of the Revenues and Expenses of the Park; To Provide for the Distribution of Revenues from the Park Among Taxing Entities Having Jurisdiction Over the Park; To Provide for a Fee in Lieu of Ad Valorem Taxation; And Other Matters Related Thereto
  - d) 2<sup>nd</sup> Reading, Ordinance 24-O-03, To Provide for the Issuance and Sale of Not to Exceed \$[10,000,000] General Obligation Bonds and Not to Exceed \$[10,000,000] General Obligation Bond Anticipation Notes of Colleton County, South Carolina for the Purposes of Defraying the Costs of Acquisition, Improvement, Construction, Installation, and Equipping of [List Projects Here], and Other County Government Facilities; to Provide for the Payment Thereof; to Declare the County Council's Intent to Reimburse Expenditures for some or all Such Costs from the Proceeds of Tax-Exempt Bonds or Notes; And Other Matters Relating Thereto
  - e) 2<sup>nd</sup> Reading Ordinance 24-O-04, Authorizing the Acquisition of Certain Equipment and Heavy Vehicles by Colleton County, South Carolina by Lease-Purchase Financing in the Amount of Not Exceeding \$3,000,000; The Execution and Delivery of Certain Instruments, Including a Lease-Purchase Agreement by Colleton County; And Other Matters Relating Thereto
  - f) 2<sup>nd</sup> Reading Ordinance 24-O-06, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2024 through June 30, 2025 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto
10. New Business
- a) 1<sup>st</sup> Reading Ordinance 24-O-07, By Title Only, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, As Amended, (1) the Execution and Delivery of a Fee-in-Lieu of Ad Valorem Taxes Agreement, by and between Colleton County, South Carolina and a Company known to the County as Project Bobcat, as Sponsor, to Provide for a Fee-in-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits; (2) the Enlargement of the Boundaries of a Multi-County Industrial or Business Park Previously Created by Colleton County and Hampton County to Include Certain Property Located in Colleton County, South Carolina Now or to be Hereafter Owned and/or Operated by

Project Bobcat, or One or More Companies Related Thereto; and (3) Other Related Matters

- b) 1<sup>st</sup> Reading Ordinance 24-O-08, By Title Only, Authorizing the County to Borrow \$1,500,000 Through the USDA Rural Development Loan Program for the Construction of a New Fuel Farm and Two T-Hanger Units at the Lowcountry Regional Airport
  - c) Resolution 24-R-30, To Award the Contracts in Accordance with Request for Proposal FMD-18 for the Purchase and Installation of Emergency Equipment
  - d) Resolution 24-R-31, To Reschedule the June County Council Meeting
  - e) Resolution 24-R-32, Identifying a Project to Satisfy the Requirements of Title 12, Chapter 44 of the South Carolina Code, so as to Allow Investment Expenditures Incurred by a Company Known to the County as Project Bobcat, its Affiliates and Related Entities, to Qualify as Expenditures Eligible for a Fee-In-Lieu of Ad Valorem Taxes Arrangement with Colleton County, South Carolina; Providing for Other Related Economic Development Incentives, Including Special Source Revenue Credits; And Other Matters Related Thereto
  - f) Resolution 24-R-33, To Officially Name the Conference Room in the Colleton County Board of Voter Registration and Elections Office located at 72 Bells Highway, as the “Lynette B. Fryar Conference Room.”
  - g) Resolution 24-R-34, To Authorize the Waiver of Various Fees for the Summer 2024 Mission Serve Home Repair Program
  - h) Resolution 24-R-35, To Appoint Members to Board Vacancies
  - i) Resolution 24-R-36, To Authorize Acceptance and Budgeting of Various Grants for FY 2023-2024
- 11. Items for Information and Public Record
  - 12. Public Comments (3 minutes per person/max time 20 min.)
  - 13. Council Time
  - 14. Executive Session
    - a) Real Estate
    - b) Personnel
  - 15. Adjournment
  - 16. Informal Meeting of the Whole

Colleton County Council will hold a regular meeting on Tuesday, May 7, 2024, 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).

MINUTES  
TUESDAY, APRIL 2, 2024  
REGULAR MEETING  
6:00 P.M.

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

Present: Chairman Steven D. Murdaugh called the meeting to order with Council Members Dr. Joseph Flowers, Phillip Taylor, Bubba Trippe, and Scott Biering in attendance.

Others Included: Kevin Griffin, Meagan Utsey, Sean Thornton, Jon Carpenter, Barry McRoy, George Welch, Chris Myers, Lynn Stroble, Mayor Crawford Moore, Mayor Donald Dulin, Clarence Wiggins, Johnny Frank, Scott Catterton, Wesley McDonald, and Nate Knox.

Councilman Phillip Taylor gave the invocation and led the Pledge of Allegiance.

Chairman Murdaugh: Stated, I would like to make a motion to amend the agenda to add Ordinance 24-O-03 as item “G” under “New Business”. This is an Ordinance to Provide for the Issuance and Sale of General Obligation Bonds. Councilman Taylor seconded the motion, and the motion carried unanimously.

**Approval of Minutes**

- A. Regular Meeting March 5, 2024— Dr. Flowers moved to approve the minutes of the Regular Meeting held on March 5, 2024. The motion was seconded by Councilman Taylor and the motion carried unanimously.

**Awards & Public Presentations**

- A. 30 Year Service Recognitions

Chairman Murdaugh: Stated, tonight we have several employees that we are recognizing for their 30 years of service. We have Mr. Richard Harvey, Janet Laney, Deadgrea “Dea” Saddler, and Johnny Stieglitz. I would ask if any of them would like to say a few words, but I don’t see any of them here. I am aware that Mrs. Dea has a family member that is sick, and Mr. Harvey is sick. Kevin, would you like to make any comments on the employees?

Mr. Griffin: Stated, when you have 30 years of service it shows how awfully exemplary employees they are. They have done an extremely good job since they have been with the county. Johnny and Dea have certainly been staples during their time here. I don’t think anyone knows the number of hours that Dea works. There are days you can come by here at 7 p.m. and she is still here working. I really appreciate all of their service, Dea, Johnny, Janet, and the coroner.

Councilman Taylor: Stated, I would like to congratulate each and every one of them for having the “sticktoitness” to stick with a career for 30 years. Their impact in this county has been great and is still great. I am truly grateful.

Dr. Flowers: Stated, I wanted to say that I am grateful for their service for such a long time. We appreciate all their hard work and dedication.

Councilman Trippe: Stated, I would like to congratulate them also.

Councilman Biering: Stated, I would like to say thank you too. If I have someone who sticks with me in my private business for 3 years, I think I’ve done something. So, 30 years is amazing.

#### B. SCAC Risk Management Awards- Robert Benfield

Mr. Benfield: Stated, it is a pleasure to be with you all tonight. So often we talk about government now a days and it is negative. It is my pleasure to be here tonight to talk about something positive. Your Risk Management program is one of the best in South Carolina. There are 41 counties in our programs, and I am here to announce 3 awards. Risk Management is simply what we do to keep bad stuff from happening. George Welch is your risk manager, and he cannot do this job alone. It is a team effort to be successful. Last year we had the pleasure of announcing you, the most improved county in South Carolina, and that trend continues. I would like to present to you all the 2023 Outstanding Safety Achievement Award (for the Splash into Safety Program). This is the first time in 26 years that I have had a joint county program. Dorchester and Colleton County joined together to create a program for youth who do not have any access to swimming. The program offered access to safety water training to reduce drownings. Colleton and Dorchester counties joined together and worked with Summerville Family YMCA, Summerville Medical Center, DCSD4, Colleton County School District, and Colleton Medical Center. The program was so successful that they had over 335 participants in this program. The goal of county business is to protect the county’s assets. The greatest assets that any county has are your people first, then your buildings and your properties second. This program helped your children, residents, and county employees.

Secondly, out of the 41 counties in our program we only had five counties qualify for the 2023 Sustained Excellence in Risk Management Award. This means you not only met our standards, but you also exceeded them. You all have done this several times in the past. This is quite an accomplishment for you guys.

Thirdly, the Lag Time Award for prompt reporting of Workers Compensation Claims. This is the time between when someone gets hurt and you all letting us know about it. The quicker we know about it, the better we can assist the employees. Our requirement is from three days of the employee getting hurt. Out of 41 counties, you all got the second fastest reporting time of .34 days. This means when you have someone hurt in your county, we got the report in less than a third of the day. This is quite an accomplishment. The last thing I want to mention to you is called your experience modifier. In Worker’s Comp., every year we look at all your payroll and employees. There is a formula we use that says you should have this many injuries per year. If you have less than that number of injuries, you get rewarded for it. For eight years in a row, the modifier for your county has been less than one, which means you all got a discount off on your insurance. It is my

pleasure to tell you all, and the citizens of Colleton County, that you have saved the taxpayers \$86,000 off your premium. That is quite a savings. Thank you all for your support.

C. Proclamation- Sexual Assault Awareness Month 2024

\*\*\*Chairman Murdaugh read the Proclamation into the record.

Councilman Taylor: Stated, does Hopeful Horizons represent more than one county? I am not sure that those 1242 incidents of sexual violence showed up in Colleton County. I would like to be a little clearer on that, because it gives the presence that happened here.

Mr. Thornton: Stated, I believe they cover all the Lowcountry, and 14<sup>th</sup> Circuit. I know they cover more than just Colleton.

D. Band of Blue- Mardi Gras Parade

Chairman Murdaugh: Stated, we would like to congratulate the Band of Blue for marching in the 2024 Mardi Gras Parade. Of course, the Band of Blue is no Stranger to the parade, having performed in it in 1990, 2010, 2013, 2017. This year they performed in the Krewe of Endymion Parade were 12 High School bands, 1 Drum and Bugle Corps (Cavaliers) and 3 College Bands (Talladega State, University of South Dakota and Alcorn State). After their performance in 2010, parade officials gave the Band of Blue a standing invitation to return any year after that. This parade is the biggest of all the Mardi Gras parades. The 7-mile parade ends in the New Orleans Convention Center. 115 band members performed and about 42 parents were there also. We would like to thank the Band of Blue Booster Club and President Randy Ballew and all the parents that chaperoned, to the bus drivers from Academy Bus Line and to Melissa Juttlesstad and Florida and Beyond Tours. We would also like to thank Colleton County Sheriff's Office and Deputy James Brown and Deputy Stencil White. We would like to congratulate the band on their achievements. Let's give them a round of applause.

**Administrator's Briefing**

Mr. Griffin: Stated, I would like to comment on the Risk Management Awards the one person who did not get honored, is to my right. When George is not around, Meagan is the Risk Manager. She and George consult any time we have an issue or things need working through. One of her many responsibilities is that, and she does a great job. Secondly, I think I mentioned it at the last meeting, but Chris Myers would stand back up. As you know, Council, a number of years ago, has really got behind education of our employees and helping them move forward and move up. Chris has now received his doctorate in Sports Management. We are really proud of Chris and what he has done there, as well as with the Splash Program. We now have two individuals with doctorate degrees that we have educated, Dr. David Green and Dr. Chris Myers.

We did add this bond anticipation note here at the end, because we have not gathered exactly what we are going to need with trying to get the jail upfitted along with the Coroner's Office and the others. What we want to do is enter into a bond anticipation note which is basically interim financing until we go into a GO Bond as we work through that. Construction pricing is just all over

the place. If you have any questions, Alan can answer them for you, regarding the bond anticipation note. If you have any questions, I would be glad to answer any other questions you might have.

Chairman Murdaugh: Asked, how long does this bond anticipation note last? I guess with this we do not anticipate any issues with getting the bonds written.

Mr. Alan Linkous: Stated, this is a common process, just not for everybody. You are familiar with the issuance of general obligation bonds; you are in and out. The Ordinance you have been given first reading will authorize the issuance of a general obligation bond for the various projects the county has on the drawing board. In conversation with Mr. Griffin, it became obvious that timing and cost are still in fluctuation. We have put together and presented an Ordinance that will allow you to issue up to “X” amount of GO bonds and in the interim you may issue what is called a bond anticipation note. Which is also secured with the general full faith and credit of the county, but it is a short-term obligation of 1 year max. Although, it can be issued on an annual basis or rolled over. What that would permit the county to do, if it so chooses, is to proceed with projects without knowing the full cost but knowing you don’t need any more debt than “X”. In the interim you might only borrow half of “X” to get the projects going to figure out if you are going to get grant money or to figure out the full financial schedule for providing the funding. Ultimately, you will get some of those questions answered and then it would proceed to permanent financing, issuing bonds at that point and time. For example, you might issue up to 5 million dollars in bonds but right now you’re going to issue 2 million dollars in an anticipation bond to get things moving. When you decide to issue the bond, proceeds of the bonds will first pay off the anticipation note then the balance of proceeds will be used to fund the remainder of the project. It basically gives you construction financing in one-year increments while you are trying to figure out the full size of the bond issue.

Chairman Murdaugh: Stated, thank you, Mr. Linkous, for being here.

### **Old Business**

**A. 2<sup>nd</sup> Reading Ordinance 24-O-01, Authorizing Colleton County to Join with the Walterboro – Colleton County Airport Commission and the City of Walterboro in Conveying 10.07 Acres of a Portion of Real Property, Located at the Colleton County Recreation Center, Identified by T.M.S. No. 132-00-00-028.00 to Colleton County.**

Councilman Taylor moved to approve 2<sup>nd</sup> Reading Ordinance 24-O-01, Authorizing Colleton County to Join with the Walterboro – Colleton County Airport Commission and the City of Walterboro in Conveying 10.07 Acres of a Portion of Real Property, Located at the Colleton County Recreation Center, Identified by T.M.S. No. 132-00-00-028.00 to Colleton County. The motion was seconded by Councilman Biering. The motion carried unanimously.

**B. 2<sup>nd</sup> Reading Ordinance 24-R-02, Granting an Easement to CDP Walterboro 2, LLC on a Portion of Property Owned by Colleton County Located at 113 Mable T. Willis Boulevard, County Colleton, SC, and Identified by TMS No. 178-00-00-205.00; Such Easement is to be Used for the Construction of a Dollar General Store; to Authorize**



### **Execution and Recording of the Easement Documents; and Other Matters Related Thereto**

Councilman Trippe moved to approve 2<sup>nd</sup> Reading Ordinance 24-R-02, Granting an Easement to CDP Walterboro 2, LLC on a Portion of Property Owned by Colleton County Located at 113 Mable T. Willis Boulevard, County Colleton, SC, and Identified by TMS No. 178-00-00-205.00; Such Easement is to be Used for the Construction of a Dollar General Store; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto. The motion was seconded by Councilman Biering. The motion carried unanimously.

Chairman Murdaugh: Asked, is this a temporary easement?

Mr. Griffin: Stated, we have an existing easement over that property now. If you recall, we discussed it during the process of putting the medians in the highway. Dollar General has asked for access to that easement in order to get out. Otherwise, you would not be able to turn left out of their property without that. We are working on the property next door for the EOC center so we will be on both sides of it.

### **C. 2<sup>nd</sup> Reading Ordinance 24-R-05, To Establish, Pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as Amended, a Multi-County Business Park in Conjunction with Charleston County, South Carolina; To Provide for a Written Agreement with Charleston County as to the Sharing of the Revenues and Expenses of the Park; To Provide for the Distribution of Revenues from the Park Among Taxing Entities Having Jurisdiction Over the Park; To Provide for a Fee in Lieu of Ad Valorem Taxation; And Other Matters Related Thereto**

Dr. Flowers moved to approve 2<sup>nd</sup> Reading Ordinance 24-R-05, To Establish, Pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as Amended, a Multi-County Business Park in Conjunction with Charleston County, South Carolina; To Provide for a Written Agreement with Charleston County as to the Sharing of the Revenues and Expenses of the Park; To Provide for the Distribution of Revenues from the Park Among Taxing Entities Having Jurisdiction Over the Park; To Provide for a Fee in Lieu of Ad Valorem Taxation; And Other Matters Related Thereto. The motion was seconded by Councilman Trippe. The motion carried unanimously.

### **New Business**

#### **A. 1st Reading, Ordinance 24-O-06, By Title Only, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2024, through June 30, 2025 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto**

Councilman Taylor moved to approve 1st Reading, Ordinance 24-O-06, By Title Only, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1,

2024, through June 30, 2025 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto. The motion was seconded by Councilman Biering. The motion carried unanimously.

**B. Resolution 24-R-25, To Declare April as Fair Housing Month**

Dr. Flowers moved to approve Resolution 24-R-25, To Declare April as Fair Housing Month. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**C. Resolution 24-R-26, To Approve a Policy of Non-Discrimination on the Basis of Disability Status and to Designate an ADA Coordinator**

Councilman Biering moved to approve Resolution 24-R-26, 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 Taylor. The motion carried unanimously.

**D. Resolution 24-R-27, to Award the Contract in Accordance with Bid FM-60 for the Colleton County Memorial Library Roof Replacement.**

Dr. Flowers moved to approve Resolution 24-R-17, To Award the Contract in Accordance with Bid FM-60 for the Colleton County Memorial Library Roof Replacement. The motion was seconded by Councilman Biering. The motion carried unanimously.

Chairman Murdaugh: Stated, Roofco, Inc. received the bid award at \$105,000.

**E. Resolution 24-R-28, To Authorize the Council Clerk to Advertise for Board Vacancies**

Councilman Biering moved to approve Resolution 24-R-28, To Authorize the Council Clerk to Advertise for Board Vacancies. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**F. Resolution 24-R-29, To Appoint Members to Board Vacancies**

Councilman Trippe moved to approve Resolution 24-R-29, To Appoint Members to Board Vacancies. The motion was seconded by Councilman Biering. The motion was carried unanimously with one recusal by Dr. Flowers abstaining from voting on Phillip Rizer's appointment.

**G. Ordinance 24-O-03, To Provide For The Issuance And Sale Of Not To Exceed \$[\_\_\_] General Obligation Bonds And Not To Exceed \$[\_\_\_] General Obligation Bond Anticipation Notes Of Colleton County, South Carolina For The Purposes Of Defraying The Costs Of Acquisition, Improvement, Construction, Installation, And Equipping Of [List Projects Here], And Other County Government Facilities; To Provide For The Payment Thereof; To Declare The County Council's Intent To Reimburse Expenditures For Some Or All Such Costs From The Proceeds Of Tax-Exempt Bonds Or Notes; And Other Matters Relating Thereto.**

Dr. Flowers moved to approve Ordinance 24-O-03, To Provide For The Issuance And Sale Of Not To Exceed \$[ ] General Obligation Bonds And Not To Exceed \$[ ] General Obligation Bond Anticipation Notes Of Colleton County, South Carolina For The Purposes Of Defraying The Costs Of Acquisition, Improvement, Construction, Installation, And Equipping Of [List Projects Here], And Other County Government Facilities; To Provide For The Payment Thereof; To Declare The County Council's Intent To Reimburse Expenditures For Some Or All Such Costs From The Proceeds Of Tax-Exempt Bonds Or Notes; And Other Matters Relating Thereto. The motion was seconded by Councilman Biering. The motion carried unanimously.

### **Public Comments**

Mrs. Lynn Stroble: Stated, I wanted to come before you tonight to publicly invite you to our strategic planning session. It will be next Tuesday night from 6-8 p.m. We would like to partner with you if you could be there with us and provide input and feedback. I wanted to provide this to you, and it should be in your email as well. We also invite any of the public that would like to be there. We would like to invite your input as you collaborate with us to strengthen our shared vision and plans for the future for our district. Thank you for this opportunity. If you can put this on your calendar, if you cannot be there in person, give us your input over email or I would be happy to speak with you in person. As many of you know, I am the Vice Chair of our school board and a veteran teacher in our community. It has been my honor for the last 45 years to serve as a student and teacher here. My passion has always been to help children figure out what it is that they are good at, and what it is the Lord put inside of them like he did us to give back to our community. So, I am honored to represent this area of our county. I believe we have to get our kids ready for the work force that is in front of them, and that is why I came back to the call of coming back to the school board. Both of my sons were able to graduate from here as I did. One chose to go to vocational school/college to get an engineering degree and one chose vocational school and go straight to work. I believe our career center is for all kids. It doesn't have to be those who are going into college, and it doesn't have to be those going straight to work. It is for all kids because it helps them. So, I stand before you tonight and I wanted to share some of the partnerships that we have. You know that a partnership, like the school board working with the county, is when we agree to advance the mutual interest. The work force in this county is a mutual agreement, can we agree? So, we help get them ready. I would like to stand on Psalm 133, and I am sure Brother Taylor would agree. "It is good when we can dwell together in unity. How good and pleasant it is when brothers dwell in unity." I have found this to be true in the classroom and schools that I have been blessed to supervise. As you know, our career center has prepared nurses for the last three semesters. They are over at the high school, but our career center helps them. In the last three semesters, all of our CNA's have passed state boards and are certified nursing assistants. Some are serving locally, and some have chosen to go on to college. We have partnerships with Walterboro Ford, the animal shelter, Colleton Memorial Hospital, Colleton County Fire Rescue, and the bus maintenance. We want more of those partnerships. Last week, our 5<sup>th</sup> graders went on a tour to Boeing, and they invited board members to go also. So, I was honored to be back again. This time they were very hungry to have our 5<sup>th</sup> graders understand, get their diploma, live in Walterboro, and come here to work. They kept trying to

encourage them how important it is to get a good education. Mr. Ed Williams went along with us, as you know he handles robotics in our community. We have robotics at all levels, elementary, middle, and high school. Boeing is partnered with us in what's called Dream Learners. Helping our students see their future. That is what I feel like we can do as partners, help our students see the future in the workforce that is here for them. At Boeing they told them, as 5<sup>th</sup> graders, that when they are in 11<sup>th</sup> grade they can come back as interns for summer work at \$70/hr. If you come back with a high school diploma, we will pay for you to get an associate degree at Trident Tech or a degree at the Citadel. They start them off as engineers at \$100,000 a year. They were telling our 5<sup>th</sup> graders to get their education, because there are careers right beyond the borders of Colleton County. What I want to hear is that those jobs are right here in Colleton County, and that they can get those degrees that they need and the workplace experience that they need. So, I am here to ask for a partnership and how we might work together at our strategic planning meeting, and how we might continue to work together to get our work force ready. I know you want that to happen as much as I do, for our students to have good careers. I will leave you with a question from the Superintendent, how can we continue to partner with you to best prepare our students for their chosen career and/or college? Thank you for the opportunity to invite you and I hope you can be there to help us.

Chairman Murdaugh: Thank you, Mrs. Stroble, and thank you for your service. If anyone else would like to make a comment at this time, please come forward.

No further comments.

### **Council Time**

Councilman Trippe: Stated, we lost one of our good teachers last week, Debi Price. She was an inspiration to this county. I am sure a lot of you all know who she is. We will keep them in our prayers, and we will miss Debi greatly.

Chairman Murdaugh: Stated, everyone knows I lost my dad. A lot of people sent cards, letters, emails, and phone calls. I wanted to thank you all for that. I understand there were some nice comments made at the last meeting. Unfortunately, I was not here to hear all of them, but I was told about them, and I appreciate them very much. Again, I want to thank everyone for your condolences and concerns.

### **Executive Session**

Councilman Taylor moved to go into executive session to discuss the following: Economic Development- Project Ironsides, Project Canady's, Project Sandridge, and Real Estate- Colleton Center. Councilman Biering seconded the motion. The motion was carried unanimously.

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

**Adjournment**

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

This 2<sup>nd</sup> day of April 2024.

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

ATTEST:

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

MINUTES  
THURSDAY, APRIL 25, 2024  
BUDGET WORK SESSION  
5:00 P.M.

Budget Work Session  
Council Chambers, Old Jail Building  
109 Benson Street  
Walterboro, SC 29488

Present: Chairman Steve Murdaugh called the meeting to order with Council Members Phillip M. Taylor, Sr., Dr. Joseph Flowers, Bubba Trippe, and Scott Biering.

Others Included: Kevin Griffin, Meagan Utsey, Kaela Brinson, Jon Carpenter, Barry McRoy, David Greene, Sheriff Buddy Hill, Gene Johnson, and Susan Johnson.

Councilman Phillip M. Taylor, Sr. gave the invocation and led the Pledge of Allegiance.

**Budget Presentation Fiscal Year 2023-2024**

\*\*\*Mr. Carpenter reviewed the attached presentation with Council.

**Council Items for Discussion**

No discussion.

**Executive Session**

Councilman Taylor moved to go into executive session to discuss the following: Personnel– FY 2024-2025 Personnel Requests and Real Estate– Hampton Street. Dr. Flowers seconded the motion. The motion carried unanimously.

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

**Adjournment**

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

This 7<sup>th</sup> day of May, 2024.

---

Steven D. Murdaugh, Chairman

ATTEST:

---

Kaela Brinson, Clerk to Council

Sponsor(s) : County Council  
First Reading : March 5, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : April 2, 2024  
Public Hearing : May 7, 2024  
Third Reading : May 7, 2024  
Effective Date : Immediately

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

## **ORDINANCE NO. 24-O-01**

### **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 8.863 Acres of a Portion of Real Property, Located at the Colleton County Recreation Center, Identified by T.M.S. No. 132-00-00-028.00 to Colleton County.]**

#### **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 the real estate described hereinbelow should be conveyed to Colleton County to be used for recreation ballfields and has requested that the City of Walterboro and the County of Colleton join in a conveyance of the real estate described hereinbelow to Colleton County for said consideration, all by its resolution duly adopted; and
3. Colleton County Council deems it to be in the best interest of the County to grant an access Easement to the City of Walterboro across a portion of property upon its ownership by Colleton County located on Recreation Lane (Currently a portion of TMS. No. 132-00-00-028.000) within the City of Walterboro, SC; and
4. Such easement is to be used for the City of Walterboro for the placement of a well adjacent to its elevated water tank.

#### **NOW THEREFORE, BE IT ORDAINED BY 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 Colleton County, for a consideration of Ten and no/100 Dollars (\$10), all by its resolution duly adopted the following described property:

All that certain piece or parcel or tract of land being triangular in shape and containing 8.863 acres, more or less, together with all buildings and structures and fixtures improvements thereon, situate and lying and being in Colleton County, South Carolina, about three (3) miles northeast of the Town of Walterboro and being near and just northeast of the Lowcountry Regional Airport in that certain part of the "Industrial Area" commonly known as the "Colleton County Recreation Center and Complex", and being located at the intersections of Thunderbolt Drive with Recreation Lane and S.C. Secondary Road No. S-15-744 on the southwestern side of Thunderbolt Drive (S.C. Secondary Road No. 5-15-461) and on the southeastern side of Recreation Lane (S.C. Secondary Road No. S-15-745) and on the northeastern side of S.C. Secondary Road No. S-15-744, and being more fully shown and described and delineated on and by reference to a Plat of 8.863 acres prepared for the County of Colleton by Samuel C. Bethay, Registered Professional Engineer and Land Surveyor No. 11900, surveyed on March 17, 2024 and signed on March 19, 2024 and approved on March 21, 2024 and recorded on March 27, 2024 with the Colleton County Register of Deeds Office in Plat Book 966, at Page 92 and reference to the aforesaid Plat is hereby specifically craved for a more full and complete and particular and accurate description of the within 8.863 acre tract of land and its size and shape and location and area and dimensions and metes and bounds and courses and bearings and distances and measurements and such aforesaid Plat is hereby incorporated herein and hereunder and made part and parcel hereof by specific reference thereto.

BEING a portion of the 1,538.60+- acre parcel of land now being designated as Colleton County TMS No. 132-00-00-028 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 Granter, 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 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 January 29, 1947 and recorded on March 19, 1947 in Colleton County Deed Book 97, at Pages 43-45, 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 Granter, 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 January 29, 1947 and recorded on March 19, 1947 in Colleton County Deed Book 97, at Pages 43-45; and the United States of America acting by and through the Administrator of General Services, as the Granter, 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 located in and on and at and upon all of the lands as previously more fully described in and by and under the aforesaid Quit Claim Deed dated January 29, 1947 and recorded on March 19, 1947 in Colleton County Deed Book 97, at Pages 43-45, by the execution of a subsequent 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 documents attached and included herein by reference, grant an access easement to City of Walterboro across a portion of property owned by Colleton County located on Recreation Lane (Currently a portion of TMS. No. 132-00-00-028.000) within the City of Walterboro, SC to be used for the City of Walterboro to provide for the placement of a well adjacent to its elevated water.
3. The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.
4. Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.
5. Severability:

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

6. 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 : March 5, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : April 2, 2024  
Public Hearing : May 7, 2024  
Third Reading : May 7, 2024  
Effective Date : Immediately

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

## **ORDINANCE NO. 24-O-02**

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

**[An Ordinance Granting an Easement to CDP Walterboro 2, LLC on a Portion of Property Owned by Colleton County Located at 113 Mable T. Willis Boulevard, County Colleton, SC, and Identified by TMS No. 178-00-00-205.00; Such Easement is to be Used for the Construction of a Dollar General Store; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto.]**

#### **WHEREAS:**

1. Colleton County Council deems it to be in the best interest of the County to grant an access Easement to the CDP Walterboro 2, LLC for a portion of property owned by Colleton County located at 113 Mable T. Willis Boulevard (TMS. No. 178-00-00-205.000) within the City of Walterboro, SC; and
2. Such easement is to be used for the construction of a Dollar General Store.

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

1. The documents attached and included herein by reference, grant an access easement to CDP Walterboro 2, LLC for a portion of property owned by Colleton County located at 113 Mable T. Willis Boulevard (TMS. No. 178-00-00-205.000) within the City of Walterboro, SC to be used for the construction of a Dollar General Store.
2. The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.
3. Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.
4. Severability:

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

**5. Conflict:**

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

ATTEST:

SIGNED:

\_\_\_\_\_  
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 : March 5, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : April 2, 2024  
Public Hearing : May 7, 2024  
Third Reading : May 7, 2024  
Effective Date : Immediately

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

## ORDINANCE NO. 24-O-05

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

**[AN ORDINANCE TO ESTABLISH, PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, A MULTI-COUNTY BUSINESS PARK IN CONJUNCTION WITH CHARLESTON COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH CHARLESTON COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO.]**

WHEREAS, Colleton County, South Carolina (“Colleton County”) and Charleston County, South Carolina (“Charleston County”) (collectively, the “Counties” and together with any additional counties that become parties to the MCP Agreement described below, the “Member Counties”), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the “Act”), propose to establish jointly a multi-county industrial/business park within the geographical boundaries of one or more of the Member Counties (the “Park”); and

WHEREAS, Article VIII, Section 13(B) of the South Carolina Constitution provides that nothing in the State Constitution may be construed to prohibit any of the counties in South Carolina from agreeing to share the lawful cost, responsibility, and administration of functions with one or more governments; and

WHEREAS, certain real property sites which the Counties, from time to time, desire to include within the Park will be used or developed as affordable housing facilities, in whole or in part (as determined from time to time by the applicable County); and

WHEREAS, the Counties desire to establish the Park pursuant to a MCP Agreement (as defined below); and

WHEREAS, in order to promote the economic growth of Colleton County and Charleston County, the Park will be created pursuant to the terms of the “Agreement for the Establishment of Multi-County Business Park for Affordable Housing,” the form of which is attached hereto as Exhibit A (the “MCP Agreement”);

WHEREAS, the Counties have agreed to the specific terms and conditions of the arrangement set forth in the MCP Agreement; and

WHEREAS, the Counties now desire to establish the Park, although the Park will include no real property sites until the provisions to include real property as provided in the MCP Agreement have complied with;

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

**Section 1. Establishment of Multi-County Park; Approval of MCP Agreement; Location of Park; Change of Park Boundaries.**

(a) There is hereby authorized to be established, initially in conjunction with Charleston County, a multi-county business park. The form, provisions, terms, and conditions of the MCP Agreement before the meeting at which this Ordinance receives third reading and filed with the Clerk to County Council be and they are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the MCP Agreement were set out in this Ordinance in its entirety.

(b) The MCP Agreement is to be in substantially the form as presented at the meeting at which this Ordinance received third reading and is hereby approved, or with such changes therein as shall not materially adversely affect the rights of Colleton County thereunder and as shall be approved by the officials of Colleton County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the MCP Agreement before the meeting at which this Ordinance received third reading. The Chairman of County Council, for and on behalf of Colleton County, is hereby authorized, empowered, and directed to do any and all things necessary or proper to effect the establishment of the Park and the execution and delivery of the MCP Agreement and the performance of all obligations of Colleton County under and pursuant to the MCP Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

(c) It is recognized that the Park will from time to time consist of contiguous and non-contiguous properties within each or any Member County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by (a) an ordinance of the Member County in which the property to be added or removed from the Park is actually located, and (b) a resolution (or comparable action) of the governing bodies of the other Members.

**Section 2. Payment of Fee-in-lieu of Taxes.**

(a) In accordance with Article VIII, Section 13(D) of the South Carolina Constitution, the area comprising the Park and all property having a situs therein is exempt from all *ad valorem* taxation. All owners and lessees of property situated in the Park will pay a fee in lieu of *ad valorem* taxes as provided for in the MCP Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the county treasurer of the county in which such property is located. That portion of the fee from the Park property located in a Member County and allocated pursuant to the MCP Agreement to the other Member County shall be paid to the respective county treasurer (or other designated official) of the other Member County in accordance with the terms of the

MCP Agreement. Payments of fees in lieu of *ad valorem* taxes will be due on the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payments. Any late payment beyond the due date will accrue interest at the rate of statutory judgment interest. The Member Counties, acting by and through the appropriate official, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

(b) Nothing herein shall be construed to prohibit any Member County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision of South Carolina law.

**Section 3. Sharing of Expenses and Revenues.** Sharing of expenses and revenues of the Park by the Member Counties shall be as set forth in the MCP Agreement.

**Section 4. Distribution of Revenues to Taxing Entities.** Revenues from the Park shall be distributed to and within the Member Counties as set forth in the MCP Agreement.

**Section 5. Governing Laws and Regulations.** In order to avoid any conflict of laws or ordinances among the Member Counties, the ordinances or other local laws of each Member County will be the reference for such regulations or laws in connection with Park premises located within such Member County. Nothing herein shall be taken to supersede any applicable municipal, state, or federal law or regulation. The Member County in which a parcel of Park premises is located is specifically authorized to adopt restrictive covenants and land use requirements in accordance with law for each such parcel at that Member County's sole discretion. The ordinances of a Member County shall in no way apply to Park property not located in such Member County.

**Section 6. Savings Clause.** If any portion of this Ordinance shall be held void or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

**Section 7. General Repealer.** Any prior ordinance or resolution of Colleton County Council, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

**Section 8. Effectiveness.** This Ordinance shall be effective upon approval following third and final reading.

COLLETON COUNTY, SOUTH CAROLINA

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

Steven D. Murdaugh  
Chairman of County Council  
Colleton County, South Carolina

ATTEST:

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



## EXHIBIT A

Sponsor(s) : County Council  
 First Reading : April 2, 2024  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : May 7, 2024  
 Public Hearing : June 4, 2024  
 Third Reading : June 4, 2024  
 Effective Date : Immediately

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

**ORDINANCE NO. 24-O-03**

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

**[TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$[10,000,000] GENERAL OBLIGATION BONDS AND NOT TO EXCEED \$[10,000,000] GENERAL OBLIGATION BOND ANTICIPATION NOTES OF COLLETON COUNTY, SOUTH CAROLINA FOR THE PURPOSES OF DEFRAYING THE COSTS OF ACQUISITION, IMPROVEMENT, CONSTRUCTION, INSTALLATION, EQUIPPING, AND RENOVATION OF THE PROJECT DESCRIBED HEREIN, AND OTHER COUNTY GOVERNMENT FACILITIES; TO PROVIDE FOR THE PAYMENT THEREOF; TO DECLARE THE COUNTY COUNCIL’S INTENT TO REIMBURSE EXPENDITURES FOR SOME OR ALL SUCH COSTS FROM THE PROCEEDS OF TAX-EXEMPT BONDS OR NOTES; AND OTHER MATTERS RELATING THERETO.]**

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ORDINANCE NO. \_\_-O-\_\_

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$[10,000,000] GENERAL OBLIGATION BONDS AND NOT TO EXCEED \$[10,000,000] GENERAL OBLIGATION BOND ANTICIPATION NOTES OF COLLETON COUNTY, SOUTH CAROLINA FOR THE PURPOSES OF DEFRAYING THE COSTS OF ACQUISITION, IMPROVEMENT, CONSTRUCTION, INSTALLATION, EQUIPPING, AND RENOVATION OF THE PROJECT DESCRIBED HEREIN, AND OTHER COUNTY GOVERNMENT FACILITIES; TO PROVIDE FOR THE PAYMENT THEREOF; TO DECLARE THE COUNTY COUNCIL'S INTENT TO REIMBURSE EXPENDITURES FOR SOME OR ALL SUCH COSTS FROM THE PROCEEDS OF TAX-EXEMPT BONDS OR NOTES; AND OTHER MATTERS RELATING THERETO.**

**NOW, THEREFORE BE IT ORDERED AND ORDAINED** by the County Council of Colleton County, South Carolina, in Council assembled, and by the authority thereof, as follows:

As an incident to the enactment of this Ordinance and the issuance of the bonds and bond anticipation notes 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**, by virtue of 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 "Bond Enabling Act"), County Council is authorised to issue general obligation bonds of the County for the purpose of defraying the cost of any purpose for which the County may, under applicable constitutional provisions, issue bonds or levy taxes, and for any amount not exceeding the constitutional debt limit applicable to the County; and; and

**WHEREAS**, the County Council have determined that it is in the best interest of the County and its citizens and it is necessary and proper for the security, general welfare, and convenience of the County that the County provide for the design, acquisition, construction, installation, equipping and renovation of the County's Voter Registration Offices, a new County Coroner's Office and Morgue, the Colleton County Detention Center, the Colleton County Harrelson Building, including offices of the Register of Deeds, GIS Department, Assessor's Office, and Planning and Development Office, and an Agriculture Center Commercial Kitchen (collectively, as more fully described herein, the "Project"); and

**WHEREAS**, Article X, Section 14, Paragraph 7 of the Constitution of the State of South Carolina, and the Bond Enabling Act authorise the County Council to issue general obligation bonds, subject to the 8% constitutional debt limit, for all corporate purposes of the County, including any public purpose necessary or convenient to the welfare of the County; and

**WHEREAS**, Article X, Section 14, Paragraph 8 of the Constitution of the State of South Carolina and Title 11, Chapter 17 of the Code of Laws of South Carolina 1976, as amended (the “Note Enabling Act”) authorise the County Council to incur general obligation indebtedness in anticipation of the proceeds of general obligation bonds, subject to the 8% constitutional debt limit, for all corporate purposes of the County, including any public purpose necessary or convenient to the welfare of the County; and

**WHEREAS**, the assessed value of all taxable property in the County as of June 30, 2023, was \$218,841,533; the County has outstanding bonded indebtedness in the amount of \$5,406,007 which counts against its 8% constitutional debt limit; consequently, the County may incur without an election \$12,101,316 of additional general obligation indebtedness; and

**WHEREAS**, the County Council have 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 this Ordinance be enacted to provide for the issuance of general obligation bonds of the County to provide for payment of the costs of the Project and, until such time as bonds are issued to provide interim financing of such costs through the issuance of general obligation bond anticipation notes (the general obligation bonds and the general obligation bond anticipation notes are collectively referred to herein as the “Obligations”); and

**WHEREAS**, the County has advanced or may advance its own funds to pay Project costs, including costs of the design, acquisition, construction, installation, equipping and renovation of the County’s Voter Registration Offices, a new County Coroner’s Office and Morgue, the Colleton County Detention Center, the Colleton County Harrelson Building, including offices of the Register of Deeds, GIS Department, Assessor’s Office, and Planning and Development Office, and an Agriculture Center Commercial Kitchen, and on a temporary basis pending the issuance of the Obligations, and such funds do not consist of moneys that were otherwise earmarked or intended to be used by the County to provide permanent financing for such Project costs; and

**WHEREAS**, the County Council desire to declare their intent to reimburse expenditures for such Project costs from the proceeds of tax-exempt Obligations to be issued to provide financing for such Project costs;

**NOW, THEREFORE**, on the basis of the foregoing authorisations and for the purposes set forth above, the County Council enact this Ordinance to effect the issuance and sale of not to exceed \$[10,000,000] general obligation bonds and not to exceed \$[10,000,000] at any time outstanding of general obligation bond anticipation notes of the County authorised by the Bond Enabling Act and Note 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 institution named as the authenticating agent for the Bonds or Notes designated pursuant to Section 7 of Article II hereof.

“Authorised Denominations” shall mean \$5,000 or any multiple thereof, or such other denominations, including a single Bond or Note for an entire series of Bonds or Notes, as approved by the County Administrator upon the advice of the Financial Advisor and Bond Counsel.

“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.

“Bond Enabling Act” shall mean the 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.

“Bonds” shall mean the General Obligation Bonds of the County authorised to be issued hereunder from time to time in the aggregate principal amount of not to exceed \$[10,000,000].

“Bond Counsel” shall mean the firm of Howell Linkous & Nettles, LLC or another firm of attorneys of nationally recognised standing in the matters pertaining to the federal tax exemption of interest on bonds issued by states and political subdivisions, and duly admitted to practice law before the highest court of any state of the United States.

“Bond Registrar” shall mean the County or such other institution named as the bond registrar designated pursuant to the provisions of Section 8 of Article II hereof.

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

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

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

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

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

“Continuing Disclosure Undertaking” shall mean the Continuing Disclosure Undertaking hereby authorized to be executed by the Chairman 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.

“Defeasance Obligations” shall mean obligations of the United States or any of its agencies.

“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.

“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, or another firm duly registered with the Municipal Securities Rulemaking Board as an independent registered municipal advisor.

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

“Interest Payment Date” shall mean the dates selected for payment of interest on the Bonds as provided in Article II hereof.

“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.

“Note Enabling Act” shall mean, collectively, Article X, Section 14, Paragraph 8 of the Constitution of the State of South Carolina and Title 11, Chapter 17 of the Code of Laws of South Carolina 1976, as amended.

“Note Purchase Contract” shall mean any Note Purchase Contract or comparable term sheet, commitment letter, or similar document between the County and the Original Purchaser of the Notes, as described in Article IX, Section 7 hereof.

“Notes” shall mean the General Obligation Bond Anticipation Notes of the County authorized to be issued hereunder, in the aggregate principal amount of not to exceed \$[10,000,000] outstanding at any one time.

“Obligations” means, collectively, the Bonds and the Notes.

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

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

“Original Purchaser of the Notes” shall mean such investment banking firm, commercial bank, or other financial institution or lender, so designated by the County Administrator, upon the advice of the Financial Advisor, as the first purchaser of any series of Notes 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 County or any other institution named as the paying agent for any series of the Bonds or Notes, as designated pursuant to Section 1 of Article II and Section 8 of Article IX hereof, respectively.

“Paying Agent Account” shall mean the respective account established with and held by the Paying Agent for the Bonds and the Paying Agent for the Notes for the purpose of paying debt service respectively on the Bonds and the Notes.

“Project” shall mean, collectively, the design, acquisition, construction, installation, equipping and renovation of the County’s Voter Registration Offices, a new County Coroner’s Office and Morgue, the Colleton County Detention Center, the Colleton County Harrelson Building, including offices of the Register of Deeds, GIS Department, Assessor’s Office, and Planning and Development Office, and an Agriculture Center Commercial Kitchen.

“Record Date” for any series of the Bonds or Notes shall be established by the County Administrator, upon the advice of the Financial Advisor and Bond Counsel.

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

“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      Authorisation of Bonds; Approval of Maturity Dates, Principal Amounts, and Interest Rates.

(a)      Pursuant to the provisions of the Bond Enabling Act and for the purposes of providing permanent funding for the costs of the Project and paying costs of issuance of the Bonds, there shall be issued not to exceed [Ten Million] and no/100 Dollars (\$[10,000,000].00) of general obligation bonds of the County, which may be issued in one or more series, as approved by the County Administrator, upon the advice of the Financial Advisor and Bond Counsel. The Bonds shall be designated “General Obligation Bonds” with such series designated as approved by the County

Administrator. The Bonds shall be originally dated the Dated Date, shall be in fully-registered form, shall be in Authorised Denominations as designated by the County Administrator upon the advice of the Financial Advisor and the Bond Counsel, 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, upon the advice of the Financial Advisor and Bond Counsel, pursuant to the sale of the Bonds in accordance with Article IV hereof, provided that:

(i) The Bonds shall mature not later than [\_\_\_\_\_ ( )] years from their date of issuance.

(ii) The Interest Payment Dates for the Bonds shall be designated by the County Administrator.

(iii) The Bonds shall be issued in the principal amount not to exceed \$[10,000,000] as approved by the County Administrator.

(iv) The Paying Agent, Authenticating Agent, and Bond Registrar, or any one or more of them, shall be the County or such financial institution as designated by the County Administrator, upon the advice of the Financial Advisor and Bond Counsel, as in the best interest of the County.

(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.

## Section 2      Redemption of Bonds.

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

(b) Optional or Mandatory Redemption. The Bonds shall be subject to optional or mandatory redemption upon the terms and conditions as approved by the County Administrator, upon the advice of the Financial Advisor and Bond Counsel.

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

(d) Official Notice of Redemption. (i) Unless waived by any registered owner of Bonds to be redeemed, official notice of any such redemption shall be given by the County by mailing a copy of an official redemption notice by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owners of the Bond or Bonds to be redeemed at the address shown on the Books of Registry. Failure to give notice by mail or any defect in any notice so mailed with respect to any Bond shall not affect the validity of the proceedings for such redemption for Bonds for which notice was properly given.

(ii) All official notices of redemption shall be dated and shall state:

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

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

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

(g) Effect of Deposit of Funds. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the County shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. If said money shall not be available on the redemption date, such bonds or portions thereof shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption. Upon surrender of such Bonds for redemption in accordance with such notice, such Bonds shall be paid by the Paying Agent from amounts held in the Paying Agent Account at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any

partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal.

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 authorised officer of the Authenticating Agent, but it shall not be necessary for the same authorised officer to authenticate all of the Bonds. Only such authenticated Bonds shall be entitled to any right or benefit under this Ordinance. Such certificate on any Bond issued hereunder shall be conclusive evidence that the Bond has been duly issued and is secured by the provisions hereof.

Section 8      Form of Bonds; Designation of Bond Registrar.

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

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

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

(a) Each Bond shall be fully-registered and no Bond may be transferred except by the registered owner thereof in person or by his attorney duly authorised 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 authorised 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 13 of this Article, in the name of the transferee, a new registered Bond or Bonds of the same aggregate principal amount as the unpaid principal amount of the surrendered Bond or Bonds.

(b) Any registered owner requesting any transfer shall pay all taxes or other governmental charges required to be paid with respect thereto. Any purported assignment in contravention of the foregoing requirements shall be, as to the County, absolutely null and void. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of and interest on such Bonds shall be made only to or upon the order of the registered owner or his legal representative. All such payments shall be valid and effective to satisfy and discharge the liability of the County upon such Bond to the extent of the sum or sums so paid. No person other than the registered owner shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under any Bond against



the County. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in any Bond as against a person (including the registered owner) other than the County, as in the case where the registered owner is a trustee or nominee for two or more beneficial owners of an interest in any Bond.

(c) The Bond Registrar shall not be required to exchange or transfer any Bond or portion thereof (i) for which notice of redemption has been mailed to the registered owner thereof or (ii) for the period beginning on the 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, if any, 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 in this connexion.

Section 11     Exchange of Bonds.

Subject to the provisions of Section 10 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 authorised 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 13 of this Article, be exchanged for a principal amount of Bonds of any other authorised 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 Bonds may be issued in book-entry-only form upon the approval of the County Administrator and upon the advice of the Financial Advisor and Bond Counsel. If so designated, the provisions of this section shall apply with respect to any Bond registered to Cede & Co. or any other nominee of DTC while the book-entry only system (the “Book-Entry Only System”) provided for herein is in effect and shall, during the period of their application, supersede any contrary provisions of this Ordinance.

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

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

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

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

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

### **ARTICLE III**

#### **SECURITY FOR BONDS**

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

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

##### **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 to levy and collect, respectively, upon all taxable property in the County, an annual tax, without limit, sufficient to meet the payment of the principal of and interest on the Bonds, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefor.

## ARTICLE IV

### SALE OF BONDS; DISPOSITION OF PROCEEDS OF SALE

#### Section 1      Sale of Bonds.

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

#### Section 2      Disposition of Proceeds of Sale of Bonds.

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

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

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

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

(a) Sufficient proceeds shall be used to defray the costs of issuing the Bonds.

(b) The proceeds necessary to refund all Notes issued under this Ordinance shall be deposited with the Paying Agent for such issue or issues of Notes, and applied to the payment of principal, interest, and redemption premium, if any, of the Notes.

(c) The remaining proceeds shall be applied by the County to fund costs of the Project.

(B) County Council hereby authorises reimbursement from the proceeds of the Bonds the expenditures of funds advanced by the County for payment thereof, prior to the issuance of the Bonds, for the Project.

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

## 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.

In the event the Bonds are exempt from federal taxation, the County Council hereby authorise the Finance Director to execute and deliver, upon the advice of Bond Counsel, 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 County 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. Except in the instance where the entire defeasance amount will be deposited with the escrow agent and held uninvested in cash, in determining the sufficiency of the moneys and Defeasance Obligations deposited pursuant to this Section, the Paying Agent and, if a different person, the escrow agent shall receive, and may rely upon: (i) a verification report of a firm of nationally recognised independent certified public accountants or other qualified firm acceptable to the County and the Paying Agent; and (ii) an opinion of Bond Counsel to the effect that (A) all conditions set forth in this Section have been satisfied and (B) if such Bonds were originally issued as tax-exempt bonds, that defeasance of such Bonds will not cause interest on the Bonds to be includable in gross income for federal income tax purposes.

## 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 hereto, (1) if no Bonds have been issued, or (2) if the provisions of such supplemental ordinance shall not materially adversely affect the rights of the registered owners of the Bonds then outstanding, for any one or more of the following purposes:

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

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

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

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



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

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

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

(a) With the consent of the registered owners of not less than a majority in principal amount of the Bonds then outstanding the County Council from time to time and at any time may enact an ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, this Ordinance, or modifying or amending the rights or obligations of the County under this Ordinance, or modifying or amending in any manner the rights of the registered owners of the Bonds then outstanding; provided, however, that without the specific consent of the registered owner of each such Bond which would be affected thereby, no supplemental ordinance amending or supplementing the provisions hereof shall: (i) change the fixed maturity date of any Bond or the dates for the payment of interest thereon or the terms of the redemption thereof, or reduce the principal amount of any Bond or the rate of interest thereon or the redemption price (or the redemption premium) payable upon the redemption or prepayment thereof; (ii) reduce the aforesaid percentage of Bonds, the registered owners of which are required to consent to any supplemental ordinance amending or supplementing the provisions of this Ordinance; or (iii) give to any Bond or Bonds any preference over any other Bond or Bonds secured hereby. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the registered owners of the Bonds of the enactment of any supplemental ordinance authorized by the provisions of Section 1 of this Article.

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

proceedings for its enactment shall be instituted or maintained unless such action or proceeding is commenced within sixty (60) days after the mailing of the notice required by this paragraph.

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

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

Section 4      Effectiveness of Supplemental Ordinance.

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

Section 5      Supplemental Ordinance Affecting Fiscal Agents.

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

**ARTICLE VIII**

**CONCERNING THE FISCAL AGENTS**

Section 1      Fiscal Agents; Appointment and Acceptance of Duties.

Any Paying Agent, Bond Registrar, Authenticating Agent, and any escrow agent with respect to the Bonds or Notes 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, any 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 and the Notes 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 or the Notes. No Fiscal Agent shall be deemed to make any representations as to the validity or sufficiency of this Ordinance or of any Bonds or the Notes 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 connexion with 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 County Administrator, 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 County Administrator.



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, the Notes, 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 or the Notes (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 or the Notes 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 provision 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 or Notes 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 or Notes and deliver such Bonds or Notes so authenticated. In case any such Bonds or Notes shall not have been authenticated, any successor Authenticating Agent may authenticate such Bonds or Notes 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**  
**AUTHORISATION AND ISSUANCE OF NOTES**

**Section 1**      **Constitutional and Statutory Authorisation of Notes.**

The County Council is authorised and empowered by Subsection 9 of Section 14 of Article X of the South Carolina Constitution and by the Note Enabling Act to borrow pursuant to the provisions thereof in anticipation of the receipt of the proceeds of the Bonds.

**Section 2**      **Issuance of Notes.**

(a) Pursuant to the constitutional and statutory authorisation cited above, in order to obtain funds to pay a portion of the costs of the Project, pending the issuance of the Bonds, and costs of issuance of the Notes, the County shall borrow an amount, as determined by the County Administrator from time to time upon the advice of the Financial Advisor and Bond Counsel, but not to exceed \$[10,000,000], to be evidenced by one or more series of Notes in the aggregate principal amount outstanding at any one time of not to exceed \$[10,000,000], dated the date of their delivery, and maturing on dates designated by the County Administrator to be not later than one year after their respective dates of delivery.

(b) The Notes may be renewed from time to time in the event the Bonds are not issued prior to their maturity, pursuant to authorisation of the County Council by resolution to be duly adopted.

**Section 3**      **Form of Notes.**

(a) The Notes shall be issued in the aggregate principal amount of not to exceed \$[10,000,000], in denominations as approved by the County Administrator, upon the advice of the Financial Advisor and Bond Counsel, may be numbered from R-1 and upward consecutively, and shall be in substantially the form attached hereto as Exhibit E, with any necessary changes or appropriate variations, omissions, and insertions as are incidental to the series, numbers, denominations, and registration and transfer provisions as are otherwise permitted or required by law or this Ordinance.

(b) The Notes shall be payable, both principal and interest, 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. Principal of and interest on the Notes shall be paid when due to the Noteholders by the Paying Agent from moneys on deposit in the Paying Agent Account for such purpose.



Section 4      Execution of Notes.

The Notes shall be executed in the name of the County by the Chairman, and attested by the Clerk, by their manual or facsimile signatures, provided that in the event that both such signatures are facsimile signatures, the Notes shall be of no effect unless and until they are authenticated by the manual signature of an authorized officer of an Authenticating Agent that is named by the Chairman, upon the advice of the Financial Advisor and Bond Counsel, and the seal of the County shall be impressed or reproduced on each Note. Any facsimile signature appearing on the Notes may be those of the officers who are in office on the date of the enactment of this Ordinance or the adoption of a resolution pursuant to Section 2(b) of this Article. The Notes shall be executed in respect of any manual signature by the person or persons holding office when such Notes are ready for delivery. The execution of the Notes in this fashion shall be valid and effectual notwithstanding changes in the personnel of any of the above offices subsequent to their execution.

Section 5      Interest Rates on Notes.

The Notes shall bear interest at such interest rate or rates as approved by the Chairman, [upon the advice of the Financial Advisor,] which interest shall be payable at the maturity of the Notes and on such other interest payment dates as approved by the Chairman [upon the advice of the Financial Advisor].

Section 6      Prepayment or Redemption of Notes.

(a) The Notes shall be subject to prepayment or prior redemption upon the terms and conditions as approved by the County Administrator[, upon the advice of the Financial Advisor].

(b) Notice of redemption of Notes will be given by the County by mailing it by first class mail, not less than 10 days nor more than 60 days prior to the redemption date, to the registered owner of each Note called for redemption. Interest on the Notes or portion thereof to be redeemed shall cease to accrue from and after the redemption date, unless the County defaults in making due provision for the payment of the redemption price thereof.

Section 7      Sale of Notes.

The Notes shall be sold at a price or prices, approved by the County Administrator, [upon the advice of the Financial Advisor,] to the Original Purchaser of the Notes, which prices the County Administrator shall have determined to be in the best interest of the County. The County Council hereby delegate to the County Administrator the authority to execute and deliver to the Original Purchaser of the Notes an agreement, term sheet or similar document, upon the advice of the Financial Advisor and Bond Counsel, for the sale of the Notes (each, a “Note Purchase Contract”). The Note Purchase Contract shall provide for a sale price as approved by the County Administrator, and shall meet the other terms and conditions set forth in this Ordinance. Any persons as the County Administrator shall designate may exercise the foregoing powers and duties of the County Administrator in lieu thereof.

Section 8      Place of Payments; Paying Agent on Notes.

Principal of the Notes, when due (whether at maturity or prepayment), shall be payable at the designated office of the Paying Agent as shall have been designated by the County Administrator, upon the advice of the Financial Advisor and Bond Counsel (the “Paying Agent” for the Notes). Interest on any Note shall be payable on each interest payment date by cheque or draught mailed to the person in whose name such Note is registered at the close of business on the Record Date for the Notes by the Paying Agent.

Section 9      Registration of Transfer of Notes; Persons Treated as Owners.

(a) Any Note shall be transferable upon the books of registry, only by the noteholder or by his attorney, duly authorised in writing, upon surrender thereof, together with a written instrument of transfer satisfactory to the County, duly executed by the noteholder or his duly authorised attorney. Upon the transfer of any Note, the County shall issue in the name of the transferee, a new Note or Notes of the same aggregate principal amount as the unpaid principal amount of the surrendered Note.

(b) The provisions of Section 12 hereof shall apply with respect to any Note registered to Cede & Co. or any other nominee of DTC while the Book-Entry Only System provided for therein is in effect and shall, during the period of their application, supersede any contrary provisions of this Ordinance.

(c) Any noteholder of a Note requesting any transfer shall pay any tax or other governmental charge required to be paid with respect thereto. As to any Note in fully-registered form, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of or on account of the principal of and interest on any Note in fully-registered form shall be made only to or upon the order of the registered holder thereof, or his duly authorised attorney, and the County shall not be affected by any notice to the contrary; but the registration may be changed as herein provided. All payments made in this manner shall be valid and effectual to satisfy and discharge the liability upon the Note to the extent of the sum or sums paid.

(d) At reasonable times and under reasonable regulations established by the Paying Agent, the books of registry for the Notes may be inspected and copied by or delivered to, the County or holders of 25% or more in principal amount of the Notes then outstanding, or a designated representative thereof.

Section 10      Exchange of Notes.

The Notes issued in fully-registered form, upon surrender thereof at the office of the County or the Paying Agent, with a written instrument of transfer satisfactory to the County duly executed by the holder of the Note or his duly authorised attorney, may, at the option of the holder of the Note, and upon payment by such holder of any charges which the County may make, be exchanged for a

principal amount of Notes of any other authorised denomination equal to the unpaid principal amount of the surrendered Notes.

Section 11     Mutilated, Lost, Stolen, or Destroyed Notes.

In the event any Note is mutilated, lost, stolen, or destroyed, the County may execute a new Note of like denomination as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Note, it shall first be surrendered to the County, and in the case of any lost, stolen, or destroyed Note, there shall be first furnished to the County evidence of the 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 holder which is a bank or insurance company, the agreement of the bank or insurance company to indemnify shall be sufficient. In the event any mutilated, lost, stolen or destroyed Note shall have matured, instead of issuing a duplicate Note, the County may pay it without surrender thereof. The County may charge the Noteholder of the Note with the reasonable fees and expenses of the County in this connexion.

Section 12     Book-Entry Only System.

The Provisions of Article II, Section 13 of this Ordinance shall apply to the Notes in the same manner as to the Bonds.

Section 13     Registrar and Paying Agent; Designation and Responsibilities.

The Paying Agent shall, provided that sufficient funds are on deposit for such purpose in the Paying Agent Account as provided in Section 8 of this Article, pay to the owners or holders of the Notes the principal of, redemption premium, if any, and interest on each Note in accordance with the terms of the Notes and any corresponding Note resolutions or ordinances.

Section 14     Defeasance of Notes.

If the County deposits with the Paying Agent or other escrow agent moneys or Defeasance Obligations which, together with the earnings thereon, are sufficient to pay the principal of and redemption premium on any particular Note becoming due, either at maturity or by call for optional redemption or otherwise, together with all interest accruing thereon to the due date or redemption date, and pays or makes provision for payment of all fees, costs, and expenses of the County and the Paying Agent (or other escrow agent) due or to become due with respect to such Note, all liability of the County with respect to such Note shall cease, such Note shall be deemed not to be outstanding hereunder, and the holder or holders of such Note shall be restricted exclusively to the moneys or Defeasance Obligations so deposited, together with any earnings thereon, for any claim of whatsoever nature with respect to such Note, and the Paying Agent (or other escrow agent) shall hold such moneys, Defeasance Obligations, and earnings in trust for such holder or holders. Except in the instance where the entire defeasance amount will be deposited with the Paying Agent and held uninvested in cash, in determining the sufficiency of the moneys and Defeasance Obligations deposited pursuant to this Section, the Paying Agent shall receive, and may rely upon: (a) a verification report of a firm of nationally recognised independent certified public accountants or

other qualified firm acceptable to the County and the Paying Agent; and (b) an opinion of Bond Counsel to the effect that (1) all conditions set forth in this Section have been satisfied and (2) that defeasance of such Notes will not cause interest on the Notes to be includable in gross income for federal income tax purposes. Upon such defeasance all rights of the County, including its right to provide for optional redemption of the Notes on dates other than planned pursuant to such defeasance, shall cease unless specifically retained by filing a written notification thereof with the Paying Agent at the time the Defeasance Obligations are deposited with the Paying Agent (or other escrow agent).

**ARTICLE X**  
**APPLICATION OF NOTE PROCEEDS**

**Section 1**      **Application of Note Proceeds.**

All proceeds of the Notes shall be applied as directed by the County Administrator to pay costs of the Project and issuance costs of the Notes. Proceeds of any renewal or refunding Notes shall be applied to refund outstanding Notes or as otherwise provided in the resolution of County Council authorising their issuance.

**Section 2**      **Purchaser of Notes Not Liable for Proper Application of Proceeds.**

No purchaser or holder of the Notes shall be liable for the proper application of the proceeds thereof.

**ARTICLE XI**  
**SECURITY FOR THE NOTES**

**Section 1**      **Agreement to Issue Bonds or Refunding Notes.**

The County Council covenant and agree, pursuant to Section 11-17-20 of the Note Enabling Act to issue and sell the Bonds, in the manner prescribed by the Bond Enabling Act in an amount sufficient to retire the Notes, prior to the maturity of the Notes or to issue refunding Notes in such a sufficient amount.

**Section 2**      **Security for the Notes.**

For the payment of the Notes, there are hereby pledged the proceeds to be derived from the sale of the Bonds to be issued by the County or, if the Bonds are not issued prior to the maturity of the Notes, from the sale of an issue of renewal or refunding bond anticipation notes, together with the full faith, credit, and taxing power of the County.

**Section 3**      **No Additional Amount of Notes Except Junior Notes.**

The County agrees with the holders of the Notes that the County will not issue additional bond anticipation notes in an amount such that the outstanding principal amount of all Notes Outstanding are in excess of \$[10,000,000] in anticipation of the issuance of the Bonds unless the same are expressly made junior to the Notes authorised by this Ordinance.

Section 4      All Notes Equally and Ratably Secured.

All Notes authorised by and issued pursuant to this Ordinance shall be secured equally and ratably as provided in Section 2 of this Article.

Section 5      Performance of Covenants; Authority of the County.

The County covenants that it will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in the Note Enabling Act, in this Ordinance, in the Notes executed and delivered hereunder, and in all proceedings pertaining thereto. The County covenants that it is duly authorised under the Constitution and laws of the State of South Carolina to issue the Notes authorised hereby, to enact this Ordinance, and to pledge the proceeds of the Bonds hereby pledged in the manner and to the extent herein set forth; that all action on its part for the issuance of the Notes and the enactment of this Ordinance has been duly and effectively taken; and that the Notes in the hands of the holders thereof are and will be valid and enforceable obligations of the County according to the import thereof.

**ARTICLE XII**

**MISCELLANEOUS**

Section 1      Execution of Closing Documents and Certificates.

The County Administrator, the Clerk, the Finance Director, and all other officers and employees of the County, are fully authorized, empowered, and directed to take all further action and to execute and deliver any and all documents, instruments, and certificates and to do and to cause to be done any and all acts and things as may be necessary and proper in order to complete the issuance of the Bonds and the Notes herein authorised 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, or in carrying out the transactions contemplated by this ordinance 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 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 authorize the Administrator to approve the form of any Preliminary Official Statements relating to the Bonds and the Notes necessary for the sale of the Bonds or Notes, upon the advice of the Financial Advisor and Bond Counsel, and hereby direct the distribution thereof in connexion with the sale of the Bonds and the Notes, respectively.

(b)      The County Council hereby authorize any final Official Statement of the County relating to the Bonds and the Notes, necessary for the sale of the Bonds or Notes, upon the advice of the Financial Advisor and Bond Counsel, with any modifications as the Finance Director, upon the advice of the Financial Advisor and Bond Counsel, approves; the Finance Director is hereby authorized and directed to execute copies of the Official Statements and deliver them to the Original Purchasers of the Bonds and the Notes, 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 Statements and the information contained therein in connexion with the public offering and sale of the Bonds and the Notes, respectively. The County Council hereby delegate to the Chairman authority to deem final any such documents within the meaning of S.E.C. Rule 15c2-12.

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

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 or Notes 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 and Notes, respectively, 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 and the Notes 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 and the Notes.

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 or the Notes, 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 and the Notes

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 and the Notes 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 the Notes, and as a condition of, and as a part of the consideration for, the enactment of this Ordinance and the execution of the Bonds and the Notes, 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 and the Notes 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 or Notes.

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

#### Section 10 Law and Place of Enforcement of the Ordinance.

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

#### Section 11 Effect of Article and Section Headings and Table of Contents.

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.

#### Section 12 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 13 Notice of Enactment of Ordinance.

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



Section 14     Official Intent to Reimburse Expenditures.

The County Council on behalf of the County, hereby declare their intent to reimburse expenditures for costs of the design, acquisition, construction, installation, equipping and renovation of the County's Voter Registration Offices, a new County Coroner's Office and Morgue, the Colleton County Detention Center, the Colleton County Harrelson Building, including offices of the Register of Deeds, GIS Department, Assessor's Office, and Planning and Development Office, and an Agriculture Center Commercial Kitchen from the proceeds of the Obligations expected to be issued for such purposes in the maximum amount of \$10,000,000 to provide financing for the such Project costs. It is the intention of the County Council that this Ordinance shall constitute an official intent on the part of the County within the meaning of Treasury Regulation Section 1.150-2(d).

Section 15     Effective Date of this Ordinance.

This Ordinance shall become effective upon approval following third reading.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2024.

**COLLETON COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk

First Reading: \_\_\_\_\_, 2024  
Public Hearing: \_\_\_\_\_, 2024  
Second Reading: \_\_\_\_\_, 2024  
Third Reading: \_\_\_\_\_, 2024

EXHIBIT A

FORM OF BOND

STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON  
GENERAL OBLIGATION BOND, SERIES \_\_\_\_\_

NO. R-1

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

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

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

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

Registered Owner: CEDE & 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 (unless this bond be subject to redemption and shall have been duly called for previous redemption and payment of the redemption price made or provided for), 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 \_\_\_\_\_ 1 or \_\_\_\_\_ 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 \_\_\_\_\_ 1, \_\_\_\_\_, 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 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 authorized by 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; and an ordinance (the "Ordinance") duly enacted by the County Council of Colleton County, South Carolina, in order to fund the costs of the Project (as defined in the Ordinance); and to pay costs of issuance of the Bonds of 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.

**THE BONDS** maturing on or prior to \_\_\_\_\_ 1, \_\_\_\_\_ are not subject to redemption prior to their maturity. The Bonds maturing after \_\_\_\_\_ 1, \_\_\_\_\_, are subject to redemption on and after \_\_\_\_\_ 1, \_\_\_\_\_, at the option of the County, in whole or in part at any time, and by lot as to Bonds or portions of Bonds within a maturity (but only in integral multiples of \$5,000), at the redemption price of par plus accrued interest to the date fixed for redemption.

**THE BONDS** maturing on \_\_\_\_\_, \_\_\_\_\_, are subject to mandatory sinking fund redemption, prior to maturity in part, on \_\_\_\_\_, \_\_\_\_\_ and on each \_\_\_\_\_ thereafter, at a redemption price equal to the principal amount of such Bonds or portions thereof to be redeemed, plus interest accrued thereon to the date of redemption, on \_\_\_\_\_ in each of the following years in the respective principal amounts for each year specified below:

<u>Year</u>	<u>Principal Amount</u>
-------------	-------------------------

\_\_\_\_\_  
\*Maturity

**IF BONDS** are called for redemption prior to their maturity, notice of redemption, describing the bonds or portions of bonds to be redeemed and specifying the redemption date and place or places where amounts due upon redemption will be payable, must be given by the County by sending a notice, by first class mail, not less than thirty (30) days and not more than sixty (60) days prior to the redemption date, to the registered owner of each bond to be redeemed in whole or in part at the address shown on the Books of Registry. Failure to give notice by mail or any defect in any notice mailed with respect to any bond shall not affect the validity of the proceedings for redemption as to bonds for which notice was properly given. Interest on the bonds or portions thereof to be redeemed shall cease to accrue from and after the redemption date specified in the notice, unless the County defaults in making due provision for the payment of the redemption price thereof.

**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 (i) for which notice of redemption has been mailed to the Registered Owner or (ii) 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 authorised 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

**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.



EXHIBIT B

FORM OF OFFICIAL NOTICE OF SALE

OFFICIAL NOTICE OF SALE

COLLETON COUNTY, SOUTH CAROLINA

\$ \_\_\_\_\_ \*

General Obligation Bonds, Series \_\_\_\_\_

\*Preliminary, Subject to Change

NOTICE IS HEREBY GIVEN that Colleton County, South Carolina (the "County") will receive electronic bids for all, but not less than all, of the principal amount of Colleton County, South Carolina, General Obligation Bonds, Series \_\_\_\_\_ (the "Bonds") until \_\_\_\_\_ A.M./P.M., Eastern Time on

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

The sale date of all or any portion of the Bonds may be modified by notice disseminated via TM3 ([www.tm3.com](http://www.tm3.com)) or another electronic information service at least forty-eight (48) hours prior to the time set for the receipt of bids on the modified date of sale. If a new date is selected for the receipt of bids for any or all of the Bonds, it will be disseminated via TM3 ([www.tm3.com](http://www.tm3.com)) or another electronic information service at least forty-eight (48) hours prior to the time set for the receipt of bids.

Electronic bids must be submitted to the Bidcomp/*PARITY* Competitive Bidding System ("*PARITY*"). No other form of bid or provider of electronic bidding services will be accepted. For the purposes of establishing the time all bids are received, the time as maintained by *PARITY* shall constitute the official time. **NOTICE OF A CHANGE OR CANCELLATION WILL BE GIVEN BY NOTIFICATION PUBLISHED ON TM3 ([www.tm3.com](http://www.tm3.com)) NOT LATER THAN 4:00 P.M., EASTERN TIME ON THE DAY PRECEDING THE RECEIPT OF BIDS.** Such notice will specify the revised principal amounts and the change to the call provisions, if any, and any later date or time selected for the sale, which may be postponed or cancelled in the same manner. Consideration of the bids and the award of the Bonds will occur by 2:00 P.M. Eastern Time on the same day of the sale. Further information regarding the electronic bidding site may be obtained by contacting *PARITY* at (212) 806-8102.

**DESCRIPTION:** The Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made available to the public. The Bonds will be dated as of the date of delivery, which is expected to occur on \_\_\_\_\_, \_\_\_\_\_. Interest will be payable semiannually on \_\_\_\_\_ 1 and \_\_\_\_\_ 1 of each year beginning \_\_\_\_\_ 1, \_\_\_\_\_. Principal of the Bonds will mature (subject to the right of redemption as hereinafter set forth) on \_\_\_\_\_ 1 in the years and amounts, as follows (subject to adjustment as provided herein):

**Year**  
**Due                      1                      Principal\***

\$

---

\*Preliminary, Subject to Change

**REVISED MATURITY SCHEDULE AND/OR CALL PROVISIONS:** The preliminary annual principal amounts (the “Preliminary Annual Principal Amounts”) of the Bonds as set forth above in this Notice of Sale may be revised before the viewing of electronic bids for the purchase of the Bonds. Any such revisions (the “Revised Annual Principal Amounts”) **WILL BE GIVEN BY NOTIFICATION PUBLISHED ON TM3 ([www.tm3.com](http://www.tm3.com)) NOT LATER THAN 4:00 P.M., EASTERN TIME ON THE DAY PRECEDING THE RECEIPT OF BIDS.** In the event that no such revisions are made, the Preliminary Annual Principal Amounts will constitute the Revised Annual Principal Amounts. **BIDDERS SHALL SUBMIT BIDS BASED ON THE REVISED ANNUAL PRINCIPAL AMOUNTS, IF ANY.** Prospective bidders may request notification by facsimile transmission of any revisions to the Preliminary Annual Principal Amounts by so advising and faxing their telecopier number(s) to Raymond James & Associates, Inc., Financial Advisor, by telephone to George Pugh at (912) 634-2824 or by e-mail to [george.pugh@raymondjames.com](mailto:george.pugh@raymondjames.com) by 4:00 P.M., EASTERN DAYLIGHT SAVINGS TIME, at least one day prior to the date for receipt of bids.

**CHANGES TO REVISED MATURITY SCHEDULE:** The County further reserves the right to change the Revised Annual Principal Amounts of the Bonds after determination of the successful bidder, by increasing or decreasing the principal amount of the Bonds by not more than fifteen percent (15%) of the total par amount. Such changes, if any, will determine the final annual principal amounts (the “Final Annual Principal Amounts”). The dollar amount bid by the successful bidder will be adjusted to reflect any adjustments in the Final Annual Principal Amounts of the Bonds. The interest rates specified by the successful bidder for the various maturities at the initial reoffering prices shall not change. **THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING PRICES AS A RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS.** The County anticipates that the Final Annual Principal Amounts of the Bonds will be communicated to the successful bidder subsequent to the award of the Bonds as soon

as possible. **AS A RESULT OF ANY SUCH CHANGES IN THE FINAL ANNUAL PRINCIPAL AMOUNTS, THE SUCCESSFUL BIDDER'S UNDERWRITER'S DISCOUNT WILL BE ADJUSTED SO THAT THE ORIGINAL PURCHASE PRICE BID AS A PERCENTAGE OF PAR REMAINS THE SAME.** Notwithstanding the foregoing, the County may decrease the principal amount of each maturity by more than the percentages stipulated above of each Revised Principal Amount if permitted by the successful bidder.

**TERM BOND OPTION:** Bidders may designate two (2) or more of the consecutive serial maturities for the Bonds as one (1) or more term bond maturities equal in aggregate principal amount to, and with mandatory sinking fund redemption requirements corresponding to, such designated serial maturities.

**OPTIONAL REDEMPTION:** The Bonds maturing on or prior to \_\_\_\_\_ 1, \_\_\_\_\_ are not subject to optional redemption prior to their maturity. The Bonds maturing after \_\_\_\_\_ 1, \_\_\_\_\_, are subject to redemption on and after \_\_\_\_\_ 1, \_\_\_\_\_, at the option of the County, in whole or in part at any time, and by lot as to Bonds or portions of Bonds within a maturity (but only in integral multiples of \$5,000), at the redemption price of par plus accrued interest to the date fixed for redemption.

**PURPOSE AND SECURITY:** The proceeds of the Bonds will be used (i) to [State purpose of the Bonds.]; and (ii) to pay costs of issuance of the bonds. See "THE BONDS - Plan of Finance" in the Preliminary Official Statement.

The Bonds are general obligations of the County and the full faith, credit and taxing power of the County are irrevocably pledged to the payment of the principal and interest thereof. For more complete and detailed information, please see "THE BONDS – Security for the Bonds" in the Preliminary Official Statement.

**BOOK-ENTRY REGISTRATION:** The Bonds will be dated the date of delivery, which is scheduled to occur on \_\_\_\_\_, \_\_\_\_\_. The Bonds will be issued as fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof, only in book-entry form payable to a nominee of The Depository Trust Company, New York, New York ("DTC"), as securities depository for the Bonds. Reference is made to the Preliminary Official Statement relating to the Bonds for the applicable provisions relating to the transfer of beneficial ownership, the responsibilities of DTC participants, and the right of the County to discontinue use of the book-entry only system.

**SUBMISSION OF BID:** Electronic bids must be submitted to **PARITY**. All prospective bidders must be contracted customers of i-Deal's Bidcomp Competitive Bidding System. If you do not have a contract with Bidcomp, call (212) 404-8102 to become a customer. By submitting a bid, a prospective bidder represents and warrants to the County that such a bidder's bid for the Bonds (if a bid is submitted in connection with the sale) is submitted for and on behalf of such prospective bidder by an officer or agent who is duly authorized to bind the prospective bidder to a legal, valid, and enforceable contract for the purchase of the Bonds. By contracting with **PARITY** a prospective bidder is not obligated to submit a bid in connection with the sale. If any provisions of this Notice of

Sale shall conflict with information provided by *PARITY* as the selected provider of electronic bidding services, this Notice of Sale shall control.

**INTEREST RATE AND BIDDING DETAILS:** The rate of interest specified for any maturity may not exceed [\_\_\_\_\_] % per annum. Bidders may specify the rate or rates of interest the Bonds are to bear in multiples of 1/8<sup>th</sup> or 1/20<sup>th</sup> of 1%, but no maturity may bear interest at more than one rate. A bid for less than all of the Bonds, or a bid for less than 100 percent (100.00%) of the par value of the Bonds, or a bid for greater than 102.00% of the par value of the Bonds will not be considered.

**BASIS OF AWARD:** Unless all bids are rejected, the Bonds will be awarded to the responsible bidder whose bid complies with this Notice of Sale and results in the lowest true interest cost to the County. The lowest true interest cost will be determined in accordance with the True Interest Cost (“TIC”) method by doubling the semi-annual interest rate, compounded semi-annually, necessary to discount the debt service payments from the debt service payment dates to the dated date of the Bonds and to the aggregate purchase price. If two (2) or more responsible bidders offer to purchase the Bonds at the same lowest TIC, the Bonds may be apportioned between such bidders if it is agreeable to each of the bidders who have offered the price producing the same lowest TIC; provided, that if apportionment is not acceptable to such bidders, the County will have the right to award the Bonds to one of such bidders. There will be no auction. The County reserves the right to waive irregularities in any bid and to reject any or all bids.

**NO GOOD FAITH DEPOSIT:** A good faith deposit is not required for a bid to be considered for the Bonds.

**DELIVERY AND PAYMENT:** Delivery of the Bonds will be made through the facilities of DTC within 45 days from the date of award, accompanied by a certified transcript of the record of proceedings, a Signature and No-Litigation Certificate, a Non-Arbitrage and Tax Certificate, and the approving opinion of Howell Linkous & Nettles, LLC. In addition, the approving opinion of Bond Counsel, substantially in the form included as an Appendix to the Preliminary Official Statement, will be delivered to the Purchaser. Certain legal matters are to be passed upon for the County by Sean P. Thornton, Esq., County Attorney. Payment for the Bonds shall be made by wire transfer in immediately available federal funds. Delivery is expected on or about \_\_\_\_\_, \_\_\_\_\_.

Concurrently with the delivery of the Bonds, the County will furnish a certificate, signed by the appropriate officials, stating in effect that, as of its date and at all times subsequent thereto and up to the time of delivery of the Bonds, the information contained in the Preliminary Official Statement was, and such information contained in the Official Statement is, true and correct in all material respects and does not contain any untrue statement of a material fact and does not omit to state a material fact required to be stated therein or necessary to make the statements made therein, in the light of the circumstances under which they were made, not misleading.

**CUSIP NUMBERS:** The County’s Financial Advisor will timely apply for the assignment of CUSIP numbers for the Bonds as required by the Municipal Securities Rulemaking Board’s Rule G-34. The Purchaser shall be responsible for the cost of assignment of such CUSIP numbers and any CUSIP Service Bureau charges related to the Bonds awarded to such Purchaser. The Purchaser shall also

notify the CUSIP Service Bureau as to the final structure of the Bonds awarded to such Purchaser. Neither the failure to print such numbers on any Bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the Purchaser thereof to accept delivery of and pay for the Bonds.

**OFFICIAL STATEMENT:** A Preliminary Official Statement has been prepared by the County, and such Preliminary Official Statement is deemed final by the County for purposes of compliance with Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended (the “Rule”). Any omission of information from the Preliminary Official Statement is allowable under the Rule. The County will prepare and provide to the Purchaser, within seven (7) business days after the award, up to 25 copies of the final Official Statement (the “Final Official Statement”) without cost to the Purchaser. The Final Official Statement shall be in substantially the same form as the Preliminary Official Statement, subject to any additions, deletions, or revisions that the County believes are necessary.

After the award of the Bonds, the County will prepare copies of the Final Official Statement and will include therein such additional information concerning the reoffering of the Bonds as the successful bidder may reasonably request. The successful bidder shall be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering. Additional copies of the Final Official Statement may be printed at the successful bidder’s expense, if such bidder agrees to pay the County in advance for the cost of any additional copies.

**PURCHASER’S CERTIFICATION REGARDING ISSUE PRICE:**

The winning bidder shall assist the County in establishing the issue price of the Bonds and shall execute and deliver to the County on the Closing Date an “issue price” or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the County and Howell Linkous & Nettles, LLC, Bond Counsel for the County. All actions to be taken by the County under this Official Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the County by the County’s municipal advisor identified herein and any notice or report to be provided to the County may be provided to the County’s municipal advisor.

The County intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the “competitive sale requirements”) because: (i) the County shall disseminate this Official Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters; (ii) all bidders shall have an equal opportunity to bid; (iii) the County may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and (iv) the County anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the lowest TIC, as set forth in this Official Notice of Sale.

Any bid submitted pursuant to this Official Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event that the competitive sale requirements are not satisfied, the County shall so advise the winning bidder. The County may determine to treat (i) the first price at which 10% of a maturity of the Bonds (the “10% test”) is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds as the issue price of that maturity (the “hold the offering price rule”), in each case applied on a maturity by maturity basis (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity). The winning bidder shall advise the County if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. The County shall promptly advise the winning bidder, at or before the time of award of the Bonds, which maturities (and if different interest rates apply within a maturity, which separate CUSIP number within that maturity) of the Bonds shall be subject to the 10% test or shall be subject to the hold the offering price rule. Bids will not be subject to cancellation in the event that the County determines to apply the hold the offering price rule to any maturity of the Bonds. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to the hold the offering price rule in order to establish the issue price of the Bonds.

By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold the offering price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following: (A) the close of the fifth (5th) business day after the sale date; or (B) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The winning bidder shall promptly advise the County when the underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

If the competitive sale requirements are not satisfied, then until the 10% test has been satisfied as to each maturity of the Bonds, the winning bidder agrees to promptly report to the County the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until the 10% test has been satisfied as to the Bonds of that maturity or until all Bonds of that maturity have been sold.

The County acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold the offering price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the

agreement of each dealer who is a member of the selling group to comply with the hold the offering price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold the offering price rule, as set forth in the retail distribution agreement and the related pricing wires. The County further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold the offering price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold the offering price rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the winning bidder that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public and (B) comply with the hold the offering price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and (ii) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the winning bidder or such underwriter that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public and (B) comply with the hold the offering price rule, if applicable, in each case if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Official Notice of Sale. Further, for purposes of this Official Notice of Sale: (i) "public" means any person other than an underwriter or a related party, (ii) "underwriter" means (A) any person that agrees pursuant to a written contract with the County (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public), (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including

direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and (iv) "sale date" means the date that the Bonds are awarded by the County to the winning bidder.

By submitting a bid, each bidder represents that it has an established reputation of underwriting new issuances of municipal bonds such as the Bonds.

**CONTINUING DISCLOSURE:** In order to assist the successful bidder in complying with the Rule the County will undertake to provide annual reports and notices of certain material events. A summary of the County's undertakings to comply with the Rule are contained in the Preliminary Official Statement. The County is current with the requirements of all undertakings of the County entered into in compliance with the Rule. See the Preliminary Official Statement for information regarding past failure of the County to comply with its prior undertakings under the Rule.

**BLUE SKY LAWS:** The County has not undertaken to register the Bonds under the securities law of any jurisdiction, nor has the County investigated the eligibility of any institution or person to purchase or participate in the underwriting of the Bonds under any applicable legal investment, insurance, banking, or other laws. By submitting a bid for the Bonds, the Purchaser represents that the sale of the Bonds in jurisdictions other than South Carolina will be made only under exemptions from registration or, wherever necessary, the Purchaser will register the Bonds in accordance with the securities laws of the jurisdiction in which the Bonds are offered or sold. The County agrees to cooperate with the Purchaser in any such registration at the Purchaser's written request and expense, but the County shall not be required to consent to service of process in any such jurisdiction.

**ADDITIONAL INFORMATION:** A Preliminary Official Statement in a form deemed final by the County has been posted electronically at [\_\_\_\_\_]. Additional copies of such information are available upon request to the County's Financial Advisor, George Pugh, Raymond James & Associates, Inc., by telephone at (912) 634-2824 or by e-mail to [george.pugh@raymondjames.com](mailto:george.pugh@raymondjames.com).

County Council of Colleton County, South Carolina



§ \_\_\_\_\_  
**COLLETON COUNTY, SOUTH CAROLINA**  
**General Obligation Bonds, Series \_\_\_\_\_**

**ISSUE PRICE CERTIFICATE**

The undersigned, on behalf of [NAME OF UNDERWRITER] (“[SHORT NAME OF UNDERWRITER]”), hereby certifies as set forth below with respect to the sale of the above-captioned obligations (the “Bonds”).

**1. Reasonably Expected Initial Offering Price.**

(a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by [SHORT NAME OF UNDERWRITER] are the prices listed in Schedule A (the “Expected Offering Prices”). The Expected Offering Prices are the prices for the Maturities of the Bonds used by [SHORT NAME OF UNDERWRITER] in formulating its bid to purchase the Bonds. Attached as Schedule B is a true and correct copy of the bid provided by [SHORT NAME OF UNDERWRITER] to purchase the Bonds.

(b) [SHORT NAME OF UNDERWRITER] was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by [SHORT NAME OF UNDERWRITER] constituted a firm offer to purchase the Bonds.

**2. Defined Terms.**

(a) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate Maturities.

(b) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(c) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is \_\_\_\_\_, \_\_\_\_.

(d) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution

agreement participating in the initial sale of the Bonds to the Public).

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents [SHORT NAME OF UNDERWRITER]'s interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by Colleton County, South Carolina (the "County") with respect to certain of the representations set forth in the Non-Arbitrage and Tax Certificate and with respect to compliance with the federal income tax rules affecting the Bonds, and by Howell Linkous & Nettles, LLC in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the County from time to time relating to the Bonds.

[UNDERWRITER]

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

Name: \_\_\_\_\_

Dated: \_\_\_\_\_, \_\_\_\_\_

**SCHEDULE A**  
**EXPECTED OFFERING PRICES**  
**(Attached)**

**SCHEDULE B**  
**COPY OF UNDERWRITER'S BID**  
**(Attached)**

EXHIBIT C

FORM OF NOTICE OF ENACTMENT

**NOTICE OF ENACTMENT OF ORDINANCE AUTHORISING ISSUANCE  
OF NOT TO EXCEED \$[\_\_\_\_\_] GENERAL OBLIGATION BONDS AND  
GENERAL OBLIGATION BOND ANTICIPATION NOTES OF COLLETON  
COUNTY, SOUTH CAROLINA**

Notice is hereby given that the County Council of Colleton County, South Carolina (the “County”) has enacted an Ordinance authorising the issuance of not to exceed at any one time outstanding \$[\_\_\_\_\_] General Obligation Bonds and General Obligation Bond Anticipation Notes of the County secured by a pledge of the full faith, credit, and taxing power of the County.

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

## EXHIBIT D

### FORM OF CONTINUING DISCLOSURE UNDERTAKING

#### CONTINUING DISCLOSURE UNDERTAKING

This Continuing Disclosure Undertaking (this “Disclosure Undertaking”) is executed and delivered this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Colleton County, South Carolina (the “Issuer”) in connection with the issuance of the Issuer’s \$ \_\_\_\_\_ General Obligation Bonds, Series \_\_\_\_\_ (the “Bonds”).

The Bonds are being issued pursuant to an ordinance enacted on \_\_\_\_\_, 2021 (the “Ordinance”), by the County Council of the Issuer authorizing the issuance of the Bonds. The Issuer covenants and agrees as follows:

Section 1. Purpose of the Disclosure Undertaking. This Disclosure Undertaking is being executed and delivered by the Issuer for the benefit of the holders and Beneficial Owners of the Bonds and in order to assist the Participating Underwriters in complying with the U.S. Securities and Exchange Commission (the “SEC”) Rule 15c2-12(b)(5).

Section 2. Definitions. In addition to the definitions set forth in the Ordinance or elsewhere in this Disclosure Undertaking, which apply to any capitalized terms used in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” means the annual report provided by the Issuer pursuant to, and as described in, Sections 3 and 4 of this Disclosure Undertaking.

“Beneficial Owner” means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

“Dissemination Agent” means an agent, if any, appointed in accordance with Section 7 hereof.

“EMMA” means the Electronic Municipal Market Access system described in SEC Release No. 34-59062 (or any successor electronic information system) and maintained by MSRB as the sole repository for the central filing of electronic disclosure pursuant to the Rule.

“Financial Obligation” as used in this Disclosure Undertaking is defined in the Rule, as may be amended, as a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as a security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term “Financial Obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

“Issuer” means Colleton County, South Carolina.

“Listed Events” means any of the events listed in Section 5(a) or (b) of this Disclosure Undertaking.

“MSRB” means the Municipal Securities Rulemaking Board or any other entity designated or authorized by the SEC to receive reports pursuant to the Rule. Unless otherwise designated by MSRB or the SEC, filings with the MSRB are to be made through EMMA.

“Official Statement” means the Official Statement dated \_\_\_\_\_, \_\_\_\_\_, prepared in connection with the Bonds.

“Participating Underwriter” means any of the original underwriters of the Bonds required to comply with the Rule in connection with the offering of the Bonds.

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

Section 3. Provision of Annual Reports. (a) The Issuer shall, not later than seven (7) months after the end of the Issuer’s fiscal year (which shall be June 30 of each year, so long as the Issuer’s fiscal year ends on June 30), commencing with the report for the fiscal year ended June 30, \_\_\_\_\_, provide to the MSRB an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Undertaking. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Undertaking; provided, however, that the audited financial statements of the Issuer for the fiscal year ended June 30, \_\_\_\_\_, and for each subsequent fiscal year may be submitted separately from the remainder of the Annual Report, and later than the date required for the filing of the Annual Report if they are not available by that date. If the Issuer’s fiscal year changes, it shall give notice of such change in the same manner as for a Listed Event under Section 5(a) hereof.

(b) The Annual Report shall be submitted to the MSRB either through a web-based electronic submission interface or through electronic computer-to-computer data connections with EMMA in accordance with the submission process, document format and configuration requirements established by the MSRB. The Annual Report shall also include all related information required by the MSRB to accurately identify: (i) the category of information being provided; (ii) the period covered by the Annual Report; (iii) the issues or specific securities to which the Annual Report is related (including CUSIP number, Issuer name, state, issue description/securities name, dated date, maturity date, and/or coupon rate); (iv) the name of any obligated person other than the Issuer; (v) the name and date of the document; and (vi) contact information for the Dissemination Agent or the Issuer’s submitter.

(c) If the Issuer is unable to provide to the MSRB an Annual Report by the date required in subsection (a) above, the Issuer shall, in a timely manner, send or cause to be sent to the MSRB, a notice in substantially the form attached hereto as Exhibit A.

(d) In the event that there is a Dissemination Agent, then not later than fifteen (15) business days prior to each due date the Issuer shall provide the Annual Report to the Dissemination Agent for distribution to the MSRB. In connection with this distribution of the Annual Report, the Dissemination Agent, if any, shall file a report with the Issuer certifying that the Annual Report has been provided pursuant to this Disclosure Undertaking, and stating the date it was provided to the MSRB.

Section 4. Contents of Annual Reports. The Annual Report shall contain or incorporate by reference the following:

(a) The Issuer’s audited financial statements for the fiscal year ended on the previous June 30, prepared in accordance with accounting principles generally accepted in the United States of America applicable to government entities from time to time by the Governmental Accounting Standards Board. If the Issuer’s audited financial statements are not available by the time the Annual Report is required to be provided to the MSRB pursuant to Section 3(a) hereof, the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the Official Statement, and the audited financial statements shall be provided to the MSRB in the same manner as the Annual Report when they become available;

(b) Certain annual financial information and operating data generally consistent with the information set forth in the following sections in the Official Statement:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The Annual Report may consist of one or more documents. Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer, which have been made available to the public on EMMA. The Issuer shall clearly identify each such other document so included by reference.

Section 5. Reporting of Significant Events. (a) The Issuer shall give or cause to be given notice of the occurrence of any of the following events with respect to the Bonds in a timely manner not later than ten business days after the occurrence of the event:

- (i) principal and interest payment delinquencies;
- (ii) non-payment related defaults, if material;



- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) substitution of credit or liquidity providers, or their failure to perform;
- (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices of determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) modifications to rights of security holders, if material;
- (viii) Bond calls, if material and tender offers;
- (ix) defeasances;
- (x) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) rating changes;
- (xii) bankruptcy, insolvency, receivership or similar event of any obligated person, which event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person;
- (xiii) the consummation of a merger, consolidation or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) appointment of a successor or additional trustee or the change of name of trustee, if material.
- (xv) incurrence of a Financial Obligation of the issuer or obligated person, if

material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the issuer or obligated person, any of which affect security holders, if material; and

(xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the Financial Obligation of the issuer or obligated person, any of which reflect financial difficulties.

Section 6. Format for Filing With the MSRB. All documents provided to the MSRB pursuant to this Disclosure Undertaking shall be submitted in electronic format and shall identify the Bonds by name and CUSIP number or shall be accompanied by such identifying information as described from time to time by the MSRB.

Section 7. Termination of Reporting Obligation. This Disclosure Undertaking shall remain in full force and effect until such time as all principal, redemption premiums, if any, and interest on the Bonds shall have been paid in full or the Bonds shall have otherwise been paid or legally defeased; provided, however, that if the Rule (or any successor provision) shall be amended, modified, or changed so that all or any part of the information currently required to be provided thereunder shall no longer be required to be provided thereunder, then such information shall no longer be required to be provided hereunder; and provided further that if and to the extent the Rule (or any successor provision), or any provision thereof, shall be declared by a court of competent and final jurisdiction to be, in whole or in part, invalid, unconstitutional, null and void, or otherwise inapplicable to the Bonds, then the information required to be provided hereunder, insofar as it was required to be provided by a provision of the Rule so declared, shall no longer be required to be provided hereunder. Upon any legal defeasance, the Issuer shall electronically file notice of such defeasance with the MSRB, and such notice shall state whether the Bonds have been defeased to maturity or to redemption and the timing of such maturity or redemption.

Section 8. Dissemination Agent. The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist in its carrying out its obligations under this Disclosure Undertaking, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the Issuer pursuant to this Disclosure Undertaking.

Section 9. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Undertaking, the Issuer may amend this Disclosure Undertaking, and any provision of this Disclosure Undertaking may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Sections 3(a), 4 or 5(a) hereof, it may only be made in connection with a change in circumstances that arises from a change in legal requirements or change in law;

(b) This Disclosure Undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds, after taking into account any amendments or

interpretations of the Rule, as well as any change in circumstances; and

(c) The amendment or waiver does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or Beneficial Owners of the Bonds.

In the event of any amendment or waiver of a provision of this Disclosure Undertaking, the Issuer shall describe such amendment in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the Issuer. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given by filing with the MSRB and (ii) the Annual Report for the year in which the change is made should present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

Section 10. Additional Information. Nothing in this Disclosure Undertaking shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Undertaking or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Undertaking. If the Issuer chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Undertaking, the Issuer shall have no obligation under this Disclosure Undertaking to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event or any other event required to be reported.

Section 11. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Undertaking, any holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking *mandamus* or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Undertaking; provided, however, that any such action may be instituted only in the Federal or State courts located in Charleston, South Carolina. A default under this Disclosure Undertaking shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Undertaking in the event of any failure of the Issuer to comply with this Disclosure Undertaking shall be an action to compel performance.

Section 12. Beneficiaries. This Disclosure Undertaking shall inure solely to the benefit of the Issuer, the Dissemination Agent, the Participating Underwriters and holders and Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity. This Disclosure Undertaking is not intended to create any monetary rights on behalf of any person.

COLLETON COUNTY, SOUTH CAROLINA

Date: \_\_\_\_\_, \_\_\_\_\_

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

Its: \_\_\_\_\_

NOTICE TO MUNICIPAL SECURITIES RULEMAKING BOARD  
OF FAILURE TO FILE ANNUAL REPORT

Issuer: Colleton County, South Carolina

Obligations: \$ \_\_\_\_\_ General Obligation Bonds, Series \_\_\_\_\_

Date of Issuance: \_\_\_\_\_, \_\_\_\_\_

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Ordinance enacted on \_\_\_\_\_, \_\_\_\_\_. The Issuer anticipates that the Annual Report will be filed by \_\_\_\_\_, \_\_\_\_\_.

COLLETON COUNTY, SOUTH CAROLINA

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_, \_\_\_\_\_

EXHIBIT E

FORM OF BOND ANTICIPATION NOTE

COLLETON COUNTY, SOUTH CAROLINA  
GENERAL OBLIGATION BOND ANTICIPATION NOTE  
SERIES \_\_\_\_

No. R-\_\_\_\_ \$ \_\_\_\_\_

MATURITY DATE ORIGINAL DATE OF ISSUE  
\_\_\_\_\_, \_\_\_\_ \_\_\_\_\_, \_\_\_\_

CUSIP: \_\_\_\_\_

REGISTERED OWNER: CEDE & Co.

PRINCIPAL AMOUNT: \_\_\_\_\_ and no/100 Dollars

COLLETON COUNTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina (the "Issuer"), FOR VALUE RECEIVED promises to pay to the Registered Owner set forth above, or registered assigns, the Principal Amount set forth above, on the Maturity Date set forth above, together with interest from the date hereof on such Principal Amount at the rate of \_\_\_\_ and \_\_/100 per centum (\_\_\_\_%) per annum, payable on \_\_\_\_\_.

THIS NOTE is one of an issue of bond anticipation notes (the "Notes") of like tenor and effect, except as to number, denomination, and registered owner, in the aggregate original principal amount of \$ \_\_\_\_\_, being issued pursuant to an ordinance enacted by the County Council (the "County Council") of the Issuer (the "Ordinance"), pursuant to and for the purposes authorized by Article X, Section 14, Paragraph 8 of the South Carolina Constitution and Title 11, Section 17 of the Code of Laws of South Carolina 1976, as amended, in anticipation of the receipt of the proceeds of general obligation bonds of the Issuer in the principal amount of not exceeding \$ \_\_\_\_\_ (the "Bonds"), to fund in order to obtain funds with which to [Describe project here.].

THE COUNTY COUNCIL have covenanted and agreed to issue and sell the Bonds, in an amount sufficient to retire the Notes, prior to the maturity thereof or to issue renewal or refunding bond anticipation notes in such a sufficient amount. The County Council expressly reserve the right to issue additional bond anticipation notes secured by a pledge of the proceeds of the Bonds on a parity with the pledge securing this Note so long as the total outstanding principal amount of notes secured by a pledge of the proceeds of the Bonds (including this Note) do not exceed \$ \_\_\_\_\_.

FOR THE PROMPT PAYMENT HEREOF, there are hereby pledged the proceeds to be derived from the sale of the Bonds to be issued by the Issuer or, if the Bonds are not issued prior to

the maturity of the Notes, from the sale of an issue of renewal or refunding bond anticipation notes, together with the full faith, credit, and taxing power of the Issuer.

[**THIS NOTE** is not subject to redemption prior to its stated maturity.]

**THE ORDINANCE** contains provisions defining terms; sets forth the terms and conditions upon which the covenants, agreements, and other obligations of the Issuer made therein may be discharged at or prior to the maturity of this Note 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 Note. Reference is hereby made to the Ordinance to all provisions of which any Registered Owner of this Note by the acceptance hereof thereby assents.

[**THIS NOTE** has been designated by the Issuer as a “Qualified Tax-Exempt Obligation” (“Bank Qualified”) pursuant to the provisions of Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, as amended.]

**THE PRINCIPAL AND INTEREST** on this Note, when due, shall be payable at the office of the Colleton County Treasurer (the “Paying Agent”), in Walterboro, South Carolina. This Note may be transferred only upon assignment duly executed by the Registered Owner. So long as any amount remains outstanding hereunder, there may be only one Registered Owner of this Note at any time. Any purported assignment in contravention of the foregoing requirements shall be, as to the Issuer, absolutely null and void. The person in whose name this Note 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 the Note 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 Issuer upon this Note 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 this Note against the Issuer. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in this Note as against a person (including the Registered Owner) other than the Issuer, as in the case where the Registered Owner is a trustee or nominee for two or more beneficial owners of an interest in this Note.

**THIS NOTE** shall not be entitled to any benefit 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.

**IT IS HEREBY CERTIFIED AND RECITED** that all acts, conditions, and things required by the Constitution and Laws of the State of South Carolina to exist, to happen, and to be performed, precedent to or in the issuance of this Note, exist, have happened, and have been done and performed in regular and due time, form, and manner, and the amount of this Note and the issue of which it is a part does not exceed any constitutional or statutory limitation thereon.

**IN WITNESS WHEREOF, COLLETON COUNTY, SOUTH CAROLINA**, has caused this Note to be signed in its name by the Chairman of Colleton County Council, by his manual signature, attested by the Clerk to Colleton County Council, by her manual signature, under the Seal of Colleton County, impressed hereon, and this Note to be originally dated the original date of issue set forth above.

**COLLETON COUNTY, SOUTH CAROLINA**

(SEAL)

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

ATTEST:

\_\_\_\_\_  
Clerk



**CERTIFICATE OF AUTHENTICATION**

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

\_\_\_\_\_,  
as Authenticating Agent

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

By \_\_\_\_\_  
Authorised Officer

The following abbreviations, when used in the inscription on the face of this note, 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 note, and does hereby irrevocably constitute and appoint \_\_\_\_\_ to transfer the said note 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 note in every particular, without alteration or enlargement or any change whatever.

Sponsor(s) : County Council  
 First Reading : March 5, 2024  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : April 2, 2024  
 Public Hearing : May 7, 2024  
 Third Reading : May 7, 2024  
 Effective Date : Immediately

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

**ORDINANCE NO. 24-O-04**

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

**[Authorizing the Acquisition of Certain Fire-Rescue Department Equipment and Vehicles and Other Equipment by Colleton County, South Carolina by Lease-Purchase Financing in the Amount of Not Exceeding \$3,000,000; the Execution and Delivery of Certain Instruments, Including a Lease-Purchase Agreement by Colleton County; and Other Matters Relating Thereto.]**

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

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

**WHEREAS**, County Council have determined that it is in the best interest of the County to acquire certain Fire-Rescue Department equipment and vehicles, and other equipment, as set forth in Schedule A attached hereto, to be financed by means of a lease-purchase arrangement or lease-purchase agreements pursuant to which all lease payments are made with respect to all Property so financed and secured by a security interest in such Property so financed; and

**WHEREAS**, County Council have determined that it is in the best interest of the County to solicit a proposal or proposals from one or more banks or other lending institutions for the lease-purchase financing; and

**WHEREAS**, County Council intend that the specific terms of such lease-purchase financing arrangement, including the principal amount to be financed, interest rate, term, and other financing terms, and the selection of the financial institution or institutions providing the financing, will be approved by the County Administrator, subject to the parameters set forth

herein, without further action of County Council, upon the advice of the Financial Advisor and counsel; and

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

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

Section 1. The County shall solicit a proposal or proposals from one or more banks or other lending institutions for the lease-purchase financing. The Finance Director, County Administrator, or either of them, is hereby authorized to negotiate with a bank or banks, or other lending institutions, to obtain such proposal or proposals. The County Administrator shall select a proposal deemed by him to be most responsive to the County’s needs and in the best interest of the County.

Section 2. The lease purchase of the Property set forth in Schedule A attached hereto by the County pursuant to the terms set forth in the Lease Purchase Agreement is hereby approved. The County Administrator is hereby authorized and directed to execute and deliver the Lease Purchase Agreement, in form and substance satisfactory to him upon the advice of counsel, his execution being conclusive evidence of his approval.

Section 3. The consummation of all transactions contemplated by the Lease Purchase Agreement are hereby approved.

Section 4. All property which may be acquired by the County pursuant to the Lease Purchase Agreement, or designated by the County as subject to the Lease Purchase Agreement, in addition to the Property set forth in Schedule A, if any, shall be identified and approved by the County Council by separate ordinance or resolution. The County Administrator is hereby authorized to approve, on behalf of the County, the specific terms of financing any particular Property, including the principal amount to be financed, interest rates, term, and other financing terms, and the selection of the financing institution or institutions providing the financing, as he deems in the best interest of Colleton County Government.

Section 5. The Chairman, the County Administrator, and all other appropriate officials and employees of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions contemplated by the Lease Purchase Agreement and the Purchase Contract.

Section 6. The County Administrator is hereby authorized to issue purchase orders, if necessary, for the order of equipment as provided by Schedule A.

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

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

Section 9. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereof.

Section 10. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

Attest:

Signed:

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Kaela Brinson  
Clerk to Council

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Steven D. Murdaugh, Chairman

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Approved as to Form  
Sean P. Thornton, County Attorney

Council Vote:  
Opposed:

Colleton County

Lease Purchase of 2024

Schedule A

16 - Lucas 3 Chest compression system

30 - Lifepak 100 (patient monitors)

1 - E-One HP75' Aerial Fire Truck

2 - Lifepak 15 Monitor/Defib

4 - KW T280 Ambulance Chassis

1 - Genie -S-85 boom lift

32 - 2024 Tempo Electric Golf Carts

Sponsor(s) : County Council  
First Reading : April 2, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : May 7, 2024  
Public Hearing : June 4, 2024  
Third Reading : June 4, 2024  
Effective Date : July 1, 2024

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

## ORDINANCE NO. 24-O-06

### 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, 2024 through June 30, 2025 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto.]**

#### WHEREAS:

1. Colleton County Council, pursuant to state statutes, is authorized and required to adopt an annual budget for all departments, offices, and agencies (hereinafter collectively termed offices) of the County Government; and
2. Pursuant to state statutes, total funds appropriated in fiscal year 2023-2024 for the above purposes do not exceed estimated revenues and funds available for expenditure in fiscal year 2023-2024.

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

#### **SECTION 1. APPROPRIATIONS**

**a. Procedures Compliance:** The fiscal year 2023-2024 County Budget for Colleton County South Carolina and the Colleton County School District local appropriations are hereby adopted, and detailed budget appropriation documentation attached hereto is incorporated herein by reference. The Colleton County Council certifies that it has complied with all state laws and regulations regarding readings, notices, and public hearings for mills levied herein, and that it will comply in the case of mill levies, which may be adjusted by resolution based on more current information at the time of final issuance of the levies and after the adoption of this ordinance.

**b. Levy Process:** In all cases, all property shall be taxed unless otherwise exempt from taxation pursuant to Title 12, South Carolina Code of Laws, 1976, as amended. The taxes shall be collected in the manner as provided for collection of taxes by Title 12, Chapter 45 of the South Carolina Code of Laws, 1976, as amended, and in accordance with procedures established in County enacting ordinances. All property taxes are due and payable between the thirtieth day of September through the fifteenth day of January after their assessment in each year. Before the tax bills are issued, the County Auditor shall provide to the County Administrator a reconciled summary by levy of all taxes billed, and the County Treasurer shall provide monthly an apportionment report with refunds (computer system printout) for all taxes collected. Additionally, the Finance Office shall be provided with “read only” access to tax computer modules for the purpose of report generation. Tax levy mill information shall be supplied to the County Auditor for purposes of preparing the tax books for Colleton County.

(1) Motor Vehicle Taxes: Taxes levied on motor vehicles shall be collected pursuant to the schedules and procedures as established by State Statute and nothing herein shall be deemed to extend or defer the time of payment for such motor vehicle taxes.

(2) Motor Vehicle Owner Responsibility for Taxes: No motor vehicle registered in the State of South Carolina and being the property of a person, a resident of the County, shall be operated on the streets and public ways of the County unless all the motor vehicle taxes and fees duly assessed against such vehicle shall have first been paid. In the event that any person violates the provisions of this Section, he shall be guilty of a misdemeanor and subject to the penalties prescribed in Title 46, 1976 South Carolina Code of Laws, as amended. Nothing in this section shall preclude the collection of taxes and fees upon such motor vehicle after the prosecution of the offender for failure to pay such tax.

**c. Appropriation Management:**

(1) Reallocation: Unless otherwise restricted by state law or specific limitation of accounting standards, all of the appropriations hereinafter and those in the budgetary detail incorporated herein by reference are subject to adjustment and reallocation by County Council by voice motion or resolution. Any amount appropriated in this Ordinance may be discontinued at any time by appropriate action of a majority of the County Council. Expenditures from the Council’s contingency in non-departmental shall typically be done by resolution or voice motion.

(2) Duplication: If any of the items, or portions thereof, for which funds are herein appropriated is taken over by the State or Federal government and appropriations therefrom be made by either or paid by either directly to a County Office, or if the same shall become available in any manner, then the amounts for said Office herein appropriated shall be reduced in the amount of said appropriation, direct payment, or other available funds or support.

(3) Direct Assistance: All agencies receiving direct assistance payments from the County shall be funded quarterly in arrears no more than twenty-five (25%) percent of their direct assistance line item except at the discretion of the County Administrator. The quarterly allotments shall be paid on the first schedule accounts payable check run of the month following the end of each quarter. The final 4<sup>th</sup> quarter funding may be withheld by the Finance Director pending the reconciliation of outstanding obligations between the County and the Agency receiving funding or in the case of grant irregularities. Agencies, boards, and commissions, which are partially funded by Colleton County Government, must provide annual audited financial statements to include a copy of the management letter and a copy of Title 2 U.S. Code of Federal Regulation Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards report, if applicable. State funded agencies must provide an annual report or a summary of local office-specific funding. Quarterly funding may be withheld pending the County’s receipt of an agency’s annual audited financial statements.

**d. Funds:** The following funds are hereby established for the purposes set forth with appropriations/budgeted amounts where applicable. Other funds may be delineated elsewhere:

<u>Fund</u>	<u>Fund Name</u>	<u>Appropriation</u>	<u>Millage</u>
100	County General Fund**	\$ 36,180,668	119.31
115	Capital Fund*	\$ 325,000	
120	Special Revenue Fund*	\$ 1,544,244	
121	State Aid to Library Fund*	\$ 100,000	
122	Colleton County Memorial Library Fund*	\$ 903,385	
124	IV-D Sheriff Unit Costs**	\$ 4,400	
125	Solicitor Special Revenue Fund*	\$ 0	
126	IV-D Clerk of Court – Unit Costs**	\$ 115,000	
127	IV-D Clerk of Court’s Fund – Incentives*	\$ 0	
128	Victim Witness Services Fund*	\$ 156,297	
130	County Debt Service Fund*	\$ 2,539,907	10.24
131	Fire Debt Service Fund*	\$ 3,000,668	22.66
134	Non-GOB Related Debt Service*	\$ 2,830,476	
135	Capital Project Sales Tax Debt Service Fund*	\$ 6,907,977	



141	Emergency Telephone Fund*	\$	304,278	
142	Infrastructure/Industrial Development Fund***	\$	260,000	
143	CPST Construction Fund*	\$	0	
144	CC 2015 \$5.4M GOB Proceeds*	\$	0	
146	Fire Bond \$6M 2018*	\$	0	
147	Fire Bond \$5M 2022*	\$	0	
150	American Rescue Plan*	\$	0	
152	Accommodations Tax Tourism Infrastructure*	\$	42,000	
153	County Hospitality Tax Fund*	\$	684,200	
155	County Accommodations Tax Fund*	\$	838,500	
156	Fire-Rescue Commission Operations Fund*	\$	14,690,595	37.56
204	Recreation Fund*	\$	1,791,646	
210	Road & Bridges Fund*	\$	2,493,744	
211	Solid Waste Fund*	\$	3,759,328	
303	CCSO Drug Enforcement Operations*	\$	0	
306	Sheriff's Special Revenue Fund*	\$	0	
308	Sheriff Federal Asset Fund*	\$	0	
446	Transportation Commission Fund*	\$	0	
457	School District Operating****	\$	XXXXX	116.42

\* At the close of the fiscal year, any unexpended monies within these funds and within all capital project funds shall be carried forward with the respective fund balance for the continued established use of that fund subject to appropriations, unless specifically authorized otherwise by ordinance or directed by State law

\*\*At the close of the fiscal year, any unexpended monies within these funds shall be turned over to the General Fund Balance.

\*\*\*Industrial or Infrastructure Development Fund appropriations are hereby amended to include the prior year Fund Balance and must be adjusted by the County Administrator to include all revenues received for economic development and any other revenues designated by County Council. Such funds shall require authorization of the County Administrator or his designee prior to obligation. At the close of the fiscal year, any unexpended monies within said funds shall be carried forward within the respective fund for continued economic development use.

**e. County General & Debt Service Funds:** The Colleton County Auditor is authorized and directed to levy upon all taxable property in Colleton County, South Carolina, and the Colleton County Treasurer is directed to collect, taxes sufficient to meet all County General Fund appropriations directed by this Ordinance, except as provided for by other revenue sources for the operation of the County Government for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025.

The Colleton County Auditor is authorized and directed to levy upon taxable property in Colleton County, South Carolina and the Colleton County Treasurer is directed to collect taxes in the amount of \$2,483,182 to meet the Debt Service appropriation (Fund 130). To further meet the Debt Service (Fund 130) appropriation provided by this Ordinance in (d) directly above, the sum of \$56,725 is hereby appropriated from various sources and shall be collected to make a total County Debt Service (Fund 130) appropriation of \$2,539,907.

Sufficient mills to support these tax levies can be established by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year, if anticipated to vary from what is set within this ordinance or if not set within this ordinance.

**f. School Operations and Debt Service Funds:**

\*\*\*\*To meet the appropriation provided by this Ordinance to cover School District Operating purposes, the Colleton County Auditor is authorized and directed to levy upon all taxable property in Colleton County, South Carolina, and the Colleton County Treasurer is directed to collect millage in the amount of 116.42. Any money generated by said levy shall be provided to the School District to cover operating costs. Millage may be adjusted by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year should Council deem that to be in the best interests of the County.

Pursuant to 59-71-150 of the South Carolina Code of Laws, 1976 as amended, the Colleton County Auditor shall levy and the Colleton County Treasurer shall collect a tax, without limit, upon all taxable property in Colleton County, South Carolina, sufficient to pay the principal and interest of School Debt and to create such sinking fund as may be necessary therefore as provided by the School District to the County Auditor. Any funds accumulated for the School Debt Fund, which exceed the amounts required as provided to the County Auditor by the School District shall be carried forward in a School Debt Service Fund and shall be subject to appropriation by County Council only for School Debt Service.

(1) Debt Service Reporting/Processing: During the budget process each fiscal year, the School District shall provide to the County Treasurer and the County Finance Director a bank certified amortization listing of outstanding bond obligations and projected debt obligations. The School District shall require managing banks to directly provide to the County Treasurer and the County Finance Director all notices of payments due.

(2) Funds Transfer Requirements: The Treasurer shall notify both the School District (in the case of School District funding) and the County Administrator (in all cases) within five (5) days of receiving notification of any cuts in State or other revenues, or upon discovering any evidence of shortfall or deficit, or in the case of a decision to delay funds transfers.

**g. Fire and Rescue District and Debt Service Funds:** To meet the appropriation provided by this Ordinance to cover Fire and Rescue District Operating (Fund 156), the Colleton County Auditor is authorized and directed to levy upon all taxable property located in the unincorporated areas of the County and in the Towns of Cottageville, Lodge, Smoaks, Williams, and the Colleton County Treasurer is directed to collect taxes of \$4,728,703 for Fire and Rescue District Operations (Fund 156). To further meet the Operating (Fund 156) appropriation provided by this Ordinance in (d) directly above, additional revenue from various sources in the amount of \$2,235,847 shall be collected. In addition, intergovernmental transfers in the amount of \$7,726,045 are also appropriated from Fund 100 and Fund 131 for transfer into Fund 156 upon requisition by the Finance Office to make a total Fire and Rescue District Operations appropriation of \$14,690,595

To meet the appropriation provided by this Ordinance to cover Fire and Rescue District Debt Service (Fund 131), the Colleton County Auditor is authorized and directed to levy upon all taxable property located in the unincorporated areas of the County and in the Towns of Cottageville, Lodge, Smoaks, Williams, and the City of Walterboro and the Colleton County Treasurer is directed to collect taxes of \$2,937,768 To further meet the Debt Service (Fund 131) appropriation provided by this Ordinance in (d) directly above, the sum of \$62,900 is hereby appropriated from various sources and shall be collected to make a total Fire and Rescue District Debt Service (Fund 131) appropriation of \$3,000,668.

Sufficient mills to support these tax levies can be established by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year, if anticipated to vary from what is set within this ordinance or if not set within this ordinance.

At the close of the fiscal year any unexpended or unobligated funds and any funds accumulated for the Fire and Rescue Operating (Fund 156) or Debt Service (Fund 131) Funds above the provided appropriation amounts or collected in prior years, shall be carried forward in the respective fund balance and shall be

subject to appropriation by County Council for Fire and Rescue Operations or Fire and Rescue Debt Service only.

**h. Emergency Telephone Fund:** To meet the appropriations provided by this Ordinance to cover the Emergency Telephone Fund, the \$1.00 E-911 subscriber billing fee per billed access line, up to 50 lines, and the tariff on wireless communication devices are hereby continued for this purpose. These E-911 fees will be accounted for in the E-911 Tariff Fund (Fund 141) to be expended in accordance with the 1976 South Carolina Code of Laws, Chapter 47, as amended, and Colleton County Ordinance 93-O-05. At the close of the fiscal year, any unexpended funds with any other funds collected in prior years shall be carried forward within this fund and shall be subject to appropriation by County Council.

**i. Roads & Bridges Maintenance Fund:** To meet the appropriation provided by this Ordinance for the Roads & Bridges Fund (Fund 210), a vehicle user fee of \$35.00 per vehicle is hereby continued for road and bridge maintenance and repair. To further meet the Fund 210 appropriation provided by this Ordinance, supplemental operating transfers from Fund 100 in the total amount of \$1,149,411, are hereby appropriated for transfer into Fund 210. The Roads and Bridges Fund 210 shall be a separate accounting fund with a corresponding Treasurer's bank account to administer this fund. Collection of delinquent vehicle user fees will be in accordance with the Colleton County Code of Ordinances, as amended, and annual budget ordinances.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to Roads & Bridges Department activities.

**j. Solid Waste Fund:** To meet the appropriation provided by this Ordinance for the Solid Waste Fund (Fund 211), a Solid Waste user fee of \$85 per residential unit County-wide, a commercial Municipal Solid Waste Disposal Fee of \$55 a ton and a Construction and Debris disposal rate of \$45 a ton is hereby established. To further meet the Fund 211 appropriation provided by this Ordinance, supplemental operating transfers in the total amount of \$887,200 is hereby appropriated from Fund 100 for transfer into Fund 211. Fund 211, the Solid Waste Fund, shall be a separate accounting fund with a corresponding Treasurer's bank account to administer it. Collection of delinquent Solid Waste user fees shall be conducted in accordance with the Colleton County Code of Ordinances, as amended, and annual budget ordinances.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year, all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to solid waste disposal including but not limited to the Landfill, Transfer Station, and Convenience Sites.

**k. Recreation Fund:** Rental and membership fees, concession stand revenues, sponsorships, golf course revenues, restaurant rental, donations, and program income generated by Recreation programs are hereby provided to meet the appropriation established in this Ordinance for the Recreation Fund (Fund 204). To further meet the Fund 204 appropriation provided by this Ordinance, supplemental operating transfers in the total amount of \$1,047,616 are hereby appropriated from Fund 100, Fund 153 and Fund 155 for transfer into Fund 204. Fund 204, the Recreation Fund, shall be a separate accounting fund with a corresponding Treasurer's bank account to administer it.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year, all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to Recreation Department needs.

**m. Hospitality Tax:** Revenue generated by the Hospitality Tax established by Ordinance 2000-O-28 is hereby designated to meet the appropriation provided by **Section 1. Appropriations, d. Funds**, of this Budget Ordinance for the Hospitality Tax Fund. Fund 153, County Hospitality Tax Fund shall be a separate accounting fund with corresponding Treasurer's bank account to administer it. Collection of delinquent Hospitality Taxes by the Treasurer shall be in accordance with the Colleton County Code of Ordinances, as amended. At the close of the fiscal year, any unexpended funds and collections shall be carried forward in the Hospitality Tax Fund balance for continued use as provided by the Colleton County Code of Ordinances, as amended, subject to appropriation by County Council.

**n. Accommodations Tax:** Revenue generated by the County Accommodations Tax established by Ordinance 2001-O-15 is hereby designated to meet the appropriation provided by **Section 1. Appropriations, d. Funds**, of this Budget Ordinance for the County Accommodations Tax Fund. Fund 155, the Accommodations Tax Fund, shall be a separate accounting fund with corresponding Treasurer's bank account to administer it. Collection of delinquent County Accommodations Taxes by the Treasurer shall be in accordance with the Colleton County Code of Ordinances, as amended. At the close of the fiscal year, any unexpended funds and collections shall be carried forward within this fund for continued use as provided by the Colleton County Code of Ordinances, as amended, subject to appropriation by County Council.

**o. Special Revenue Fund:** Payroll billing reimbursements from Pillars4Hope and Me-Trans (flight paramedics) are hereby provided to meet the appropriation established in this ordinance for the Special Revenue Fund (Fund 120). To further meet the Fund 120 appropriation provided by this ordinance, supplemental operating transfer in the amount of \$120,000 is hereby appropriated to cover excess cost associated with the after-school and summer feeding program.

**p. Major Funds Determination:** In accordance with Governmental Accounting Standards Board (GASB) 34 and other appropriate regulations requiring Government-wide Financial Statements, major funds will be determined annually at the end of the fiscal year during the audit process.

**q. Colleton County Transportation Committee:** The Legislative Delegation's Colleton County Transportation Committee (CTC) is responsible for the budgeting and monitoring of expenditures related to the State "C" fund's appropriated budget (Fund 446). The Colleton County Transportation Committee Funds are considered Capital Projects Fund under Governmental Accounting Standards Board (GASB) regulations though are not required to be appropriated by Council action.

The County Engineer is assigned by County Council the function of Clerk for the CTC. Assigned duties include responsibility for preparing CTC's minutes, authorizing invoice vouchers and requisitions for C-Funds, monitoring contracts approved by the CTC, monitoring CTC related expenses, requesting specific project accounts be set up in the County's financial management system in accordance with accounting standards, monitoring the account balances, preparing financial reports to the CTC, providing contract and transaction documentation to the County's Independent Auditors as requested, working with the Treasurer's Office to report reconciled cash balances to the CTC, preparing from records and CTC accounts the detail required for reporting expenditures, obligations, and other data which SCDOT, CTC, County Finance, independent auditors, or Council requests regularly. In addition, the County Engineer shall provide to the Finance Office annually by July 15<sup>th</sup> for the prior fiscal year and for inclusion in County record of roads, all CTC contractor certified costs and right-of-way information and documentation on the CTC's County road projects, listed by road and documenting the total improvement costs including the related engineering costs for each County road project.

Under a contractual agreement the CTC agrees to reimburse the County from “C” fund monies (Fund 446) on a standard hourly rate for engineering and management services by the County Engineer who is to be a certified Professional Engineer necessary for CTC operations. Colleton County agrees to cover certain ancillary expenses as contained herein.

**r. Grants Management:**

(1) Grant Fund Balances: Notwithstanding any other provisions of this ordinance, all unexpended balances in excess of \$1,000 from previous appropriations of state and federal grant funds, any State Accommodations Tax Funds not committed to the County General Fund, State Lottery Funds, and capital improvement or special project appropriations outstanding as of June 30<sup>th</sup> in the calendar year in which this budget ordinance is effective, shall be carried forward into the subsequent fiscal year budget appropriations. Any unexpended grant monies for grants which have had no spending for the current and prior fiscal years, are to be returned the grantor or transferred to the County General Fund. All grants are to be budgeted and accounted for in a special revenue fund and authorized local match transfers will be completed by the County Finance Director based on County Council’s acceptance of the grant.

(2) County Acceptance: The expenditure of funds for grant programs included in this budget shall not be authorized unless evidence that the respective grants have been approved by the grantor agency is provided to the County Administrator, and the grant has been accepted and funded by proper action of County Council. In all cases, total program expenditures shall be limited to the lesser of the total grant award(s), or the amount(s) designated in the current budget appropriations, as amended, or as approved by County Council Grant Resolutions. County Finance Director must be listed as a contact on all grant applications and awards; all correspondence must be copied to the County Finance Director.

(3) Budgeting: Grant funds requiring matching County funds not specifically budgeted shall be authorized by passage of Council Resolution approving the grant application and identifying matching expenditure funds from other previously appropriated funds. Grants not exceeding \$50,000 and requiring no new local match appropriation may be budgeted by the County Administrator or his designee. If the amount is greater than \$50,000, then the amount shall be budgeted by Council Resolution. The Finance Director is authorized to create the necessary general ledger accounts; the opening of bank accounts, when necessary, shall be executed by the County Treasurer in coordination with the Finance Director. When grant award payments are received, the Treasurer’s Office or County Offices shall provide the Finance Director with copies of all checks received for the reimbursement of grant expenditures and any other related documentation determined by the Finance Director as necessary to ensure audit compliance. All grant revenues shall be credited to the appropriate revenue line item as established by the Finance Director. Grant revenues will not be applied directly to expenditure line items. All grant disbursements shall be authorized only through the Finance Office unless State or Federal law specifically provides otherwise and the County is exempt from financial reporting on those funds at both the State and Federal levels. Positions approved by County Council and supported through Grant funding, particularly where grant funding periods do not follow the County fiscal year term, may not appear in Budget detail.

(4) Federal Reporting: In accordance with Federal Part 200 Uniform Reporting Requirements related to Federal grants, all County offices, Component Units and other pass-through Organizations must report the expenditures and provide copies of grant awards and any other grant related reports to the Finance Director. Prior to the disbursement of any funds, the Finance Office must be provided with all requested documents to verify the accuracy and validity of the requested grant funds disbursement. County offices, Component Units or other pass through Organizations that do not comply with this ordinance and any other published administrative procedures necessary for complete and timely reporting of grants such that the County incurs additional independent audit costs or loses grants funds will either have these costs deducted from the Office or Component Unit’s budget appropriations annually or will be forbidden to receive County sponsored grants or other funds until full recoupment has been made.

## **SECTION 2. FUND BALANCE MANAGEMENT**

**a. Compliant Fund Balance Policy:** Colleton County Council utilizes a compliant fund balance methodology based on the cash-flow needs of the County to maintain sufficient reserves in order to maintain County operations. End of year fund balance estimations and associated cash flow projections for all cash-discrete funds are developed annually in the budget process to maintain a minimum of 20% of annualized appropriations in operational funds to ensure routine operations remain uninterrupted and in sinking funds (debt service fund) balances as required to timely service all scheduled debt.

**b. Tax Anticipation Note Authority:** The County is hereby empowered to borrow in anticipation of tax or other revenues for County purposes any sum not exceeding the amount anticipated to be received from taxes and other revenues during the current or following fiscal year, and not only to pledge the taxes or other revenues anticipated in the current or succeeding fiscal year, but to pledge, also, the full faith and credit of Colleton County for the repayment of any sums so borrowed. Such sums shall be borrowed from any banking institution or lending agency and shall be payable at such time, upon such terms, and in such sums as may be negotiated between the County and the lender.

**c. Temporary Inter-Fund Loans:** Interfund cash transfers are prohibited except as noted elsewhere herein and where implementation of the budget and accounting conventions dictate. Should the Treasurer determine that a temporary inter-fund loan is required to support cash flow of any fund, the Treasurer must provide to the County Administrator documentation and a written requisition for the funds needed, to include a year-to-date, by month, cash flow analysis of the shortage, and the County Administrator is authorized to approve said short-term transfer and its reversal. Temporary inter-fund loans and transfers shall be reported to County Council.

## **SECTION 3. BUDGET YEAR END**

**a. Purchase Authority Cutoff:** The budget year shall expire on June 30 of this fiscal year. No monies shall be disbursed pursuant to this Ordinance unless such funds have been obligated (i.e. an order has been placed or a contract signed for the delivery of goods or services in accordance with County procurement procedures) prior to the close of the fiscal year, which is June 30th. The County Administrator will take action to preclude all purchase order activity except business required for expedient operations and emergencies after June 13th of the fiscal year; no capital purchases other than emergencies will be initiated after May 30th of the fiscal year without the express written approval of the County Administrator. In addition, all items must be received and invoiced June 30<sup>th</sup> or earlier, or the items will be deducted from the originating office's subsequent fiscal year budget.

**b. Purchase Order Liquidation:** All offices are responsible for providing documentation regarding outstanding obligations for this fiscal year to the Finance Department on or before June 13<sup>th</sup> to facilitate the proper accrual of outstanding obligations of the County or the obligation(s) may be deducted from the office's budget for the subsequent fiscal year.

**c. No Roll-Forward:** Budget line-item balances shall under limited circumstances roll forward at the end of this fiscal year into the next fiscal year's budget, except for capital project funds, bond funds and grant funds crossing the fiscal year or as otherwise specified or appropriated within this budget ordinance.

**d. Unexpended Funds:** At the close of this fiscal year, any unexpended funds shall be turned over to General Fund Balance unless the County Treasurer is otherwise directed herein or specifically restricted by other County ordinances, State or Federal Law, or grant terms.

## **SECTION 4. NATURE OF REVENUES, EXPENDITURES, AND CHART OF ACCOUNTS**

**a. Chart of Accounts:** Appropriation and expenditure of the funds outlined in Section 1 above shall be by object category in the County's central accounting system as listed below:

Personal Services – Salaries & Wages	1xxx
Personal Services – Employee Benefits	2xxx
Purchased Professional & Technical Services	3xxx
Purchased-Property Services	4xxx
Other Purchased Services	5xxx
Supplies	6xxx
Property – Fixed Asset Guidelines	7xxx
Other Objects	8xxx
Colleton Transportation Committee	9xxx

**b. Transfers Prohibited:** Unbudgeted transfers are prohibited except as approved herein and in accordance with generally accepted accounting principles.

**c. Overspending:** Any office, which overspends its straight-line spending levels for two consecutive months, shall be reviewed by the County Administrator, who may freeze position vacancies, capital expenditures, and funds transfers, and remove sufficient personnel from the County payroll to offset fully the impending budget overrun prior to the close of the fiscal year.

**d. Reallocation:**

(1) Funds: The Council may transfer any appropriations by resolution. The County Administrator or his designee may authorize individual transfers as needed not to exceed \$50,000. Each fund recipient Office Head must monitor expenditures daily and exercise caution to prevent over-expenditures. Primary responsibility for monitoring expenditures rests with each such Official individually. All requests for transfers from payroll accounts must be submitted in writing with detailed explanation to the County Administrator for consideration.

(2) Functions: The County Administrator, in consultation with County Council, is hereby authorized to transfer County Government functions and allocated appropriations among the various County divisions and offices in order to combine compatible employee positions and functions, eliminate duplicate work, gain performance efficiencies, or reduce overall operating costs of the County Government.

**SECTION 5. FIXED ASSETS**

**a. Reporting:** The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the useful life of the asset are not capitalized. The threshold for determining if an item is considered to be a fixed or capital asset is the value or the purchase price (whichever is higher) of \$5,000 or greater and the item must have a useful life of more than one year. Appropriate depreciation schedules are maintained on the straight-line basis over the estimated useful life of each asset in accordance with Generally Accepted Accounting Principles (GAAP). The estimated useful life is determined by guidelines developed by the State of South Carolina Office of Comptroller General, and in some cases, applicable Federal IRS regulations and/or Governmental Accounting Standards Board (GASB) 34 implementation guidelines. Fixed Asset and Capital reporting for the County is based on the following categories:

- Land
- Buildings and Improvements
- Infrastructure or Improvements Other Than Buildings
- Vehicles
- Furniture
- Machinery and Equipment

**b. Inventory Control:** Each County Office is responsible for verification of all of its items required to be listed in the Fixed Asset System maintained by County Finance and for providing paperwork/documentation to the Finance Department when the asset is received.

**c. Donated Assets:** Each County Office is responsible for verification of all items donated to that Department and required to be listed in the Fixed Asset System (valued at \$5,000 or more). Further each Office is responsible for providing paperwork/documentation to the Finance Department when such asset is received.

**d. Insurance Proceeds:** In order to comply with GASB regulations, all insurance payments will be processed by the County Finance Office and will be applied towards vehicle/equipment repairs when sufficient documentation/invoices are received from the department to justify the repair cost. If assets are considered impaired under GASB42 regulations and the impaired items will not be repaired or placed back into service, the insurance proceeds will be deposited into the Colleton Capital Fund 115 for future capital acquisitions of Colleton County unless the terms and conditions of the original funding source (Federal Asset Funds, grants, etc) require deposit of the insurance proceeds back to that particular funding source.

## **SECTION 6. RECEIPT, MANAGEMENT, AND REPORTING OF CASH:**

**a. Depositories option:** The Council by resolution may elect to designate the banks to be used as checking depositories of County Funds through a bid procedure.

**b. Timely deposit:** All service charges, fees, fines, reimbursements, grant funds etc. received by County Offices shall be deposited with the County Treasurer as soon as possible after collection. All County Offices that collect funds on a daily basis shall reconcile receipts to funds received and submit funds to the Treasurer's Office by the following business day in the format as prescribed by the County Treasurer. Offices collecting less than \$200 on any single day may delay one business day. This policy does not apply where State law specifically provides authority for other actions to a specific official.

**c. Bank Reconciliation:** The Treasurer will record the County's cash receipts in accordance with the Chart of Accounts as authorized by County Council and as amended by the Finance Director. On or before the 15<sup>th</sup> day of each month, the Treasurer will provide the County Administrator's designee, the Finance Director, with the prior month's bank reconciliation recap for the County and other banking information on which revenue entries into the general ledger are to be based. These reports will be in a format as prescribed by the Finance Director and must contain sufficient detail to fully identify revenue and cash transfers for audit and reporting purposes, in accordance with State Law and GASB regulations. The Treasurer is responsible for reconciling bank accounts maintained in the Treasurer's Office in order to properly record revenues to the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law, and for properly segregating funds in accordance with SC Law so as to avoid any commingling of cash at all times. The Treasurer's Office is also responsible for maintaining sufficient funds on hand to cover due to/from balances from various funds to the General Fund to cover interfund transfer liabilities created during the payroll and accounts payable processes and is responsible for completing timely the transfer of funds to reimburse the General Fund, and for documenting all cash transactions in detail as required by GASB and audit standards. Significant additional costs, if any, related to bookkeeping functions within the Treasurer's Office such as bank reconciliations, revenue accruals, reversal of revenue accruals, preparation of various audit schedules and the reconciliation of due to/from account balances related to interfund transfers and tax collection transfers will be identified and billed separately by the County's Independent Auditors from the general and actual audit costs of the County.

**d. Cash Accounting:** As is required by SC State law, the Treasurer shall report to the County Administrator's designee, the Finance Director, by the 15<sup>th</sup> of every month, the complete and full nature of all monies, as well as all investments, tax levy distributions, and other cash movements. Such reports shall be in the form prescribed by the Finance Director and the Treasurer shall make available copies of bank reconciliations of each of the County bank accounts, copies of the monthly bank statements, copies of any brokerage account statements, and any other Treasurer's Office records which the Finance Director requires to ensure that the County's books are balanced and that transactions have been properly recorded. In



addition, the County Treasurer's Office is responsible for annual external audit reporting of revenues to the State Comptroller's Office and for providing the Finance Office and External Auditors with sufficient data to convert revenues from the cash basis of accounting to the modified accrual basis of accounting in order to ensure legal and annual audit compliance with Governmental Accounting Standards Board (GASB) regulations, in particular GASB Statement No. 34 which requires revenue reporting on the modified accrual basis of accounting during the fiscal year and year-end conversion to accrual basis to produce Government-Wide Financial Statements. All monies collected by the Treasurer are designated for specific accounting funds established by this Ordinance and shall not be commingled. All interfund loans and transfers must be approved and executed in accordance with the provisions of this Ordinance.

**e. NSF Check Management:** All non-sufficient funds (NSF) checks related to the payment of vehicle or property taxes, which are returned to the Treasurer shall be handled timely and in accordance with State Law. Tax Receipts issued against the NSF check payment shall be voided in the County's Tax System the same day the NSF check is received, and a different receipt issued at a later date for any subsequent payment. If the funds are not redeemed in full by the taxpayer and the taxes become delinquent, that tax levy shall be immediately flagged as delinquent in the County's Tax System and, where appropriate under South Carolina Law, turned over to the Delinquent Tax Department for collection. The Treasurer is responsible for the proper handling of non-sufficient funds checks and for the proper reconciliation of NSF checks to the Colleton County Tax Levy Collection system and reports and for providing reconciled data to external auditors at the end of the fiscal year showing the proper handling of NSF checks received. All county offices will immediately void any receipts issued, so recording in any automated system tracking the payment or receipt, and proceed with collections of the amounts due and the NSF check charge established by the County. Additionally, no check may be "held" in any fashion at any time, to avoid NSF charges or receipt revocation.

**f. Investments:** All Funds clearly not needed for a period of ninety days or longer shall be invested by the Treasurer in accordance with SC Law in the highest yield, collateralized, interest bearing accounts, or County, State and United States short-term obligations, the SC LGIP, or any instruments specifically permitted by SC State Law, subject to maintaining sufficient cash balances to meet current and anticipated expenses and accruing obligations of the County. Interest earned by interest bearing accounts and investment income will be recorded to the applicable funds and reported monthly by the County Treasurer to the Finance Office for inclusion in the monthly financial reports. No funds will be invested in CD's whenever overnight investments are earning interest at a higher rate.

**g. Title IV-D (Child Support Enforcement) Federal Funds:** The County Administrator, Clerk of Court, and Sheriff are authorized to enter jointly into agreements with the South Carolina Department of Social Services for receipt of Title IV-D (Child Support Enforcement) Federal Funds. No single individual signature on these agreements will obligate the County to comply with the terms of the agreements in any manner or fashion.

**h. New and Unbudgeted Revenues:** In accordance with State Law, all non-budgeted revenues received during the year shall be routed through the Finance Office to be allocated to an appropriate revenue line item as determined and approved by the County Finance Director. If the dollar amount exceeds \$50,000, the budgeting of said funds will be established by Council Resolution, Ordinance or through the annual Budget Amendment Ordinance. The Finance Director will designate funds to the appropriate revenue line item and create corresponding expenditure line authorizations to enable expenditure by the designated office. Only under very limited circumstances, such as the refund for overpayment on a vendor account, reimbursements for travel, or short-term insurance claim settlements on replacements or repairs, will the Finance Director have the authority to approve the direct posting of income to an expenditure line item. (Additional grant procedures are referenced separately in this Ordinance.)

**i. Delinquent Tax Collections:** The Delinquent Tax Collector is responsible for reconciling monthly all bank accounts maintained by the Delinquent Tax Collector's Office in order to properly record revenues to

the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law, and for properly segregating funds in accordance with SC Law so as to avoid any commingling of cash at all times. Significant additional costs related to bookkeeping functions within the Delinquent Tax Collector's Office such as bank reconciliation's, revenue accruals, reversal of revenue accruals, preparation of various audit schedules and the reconciliation of delinquent tax collection transfers will be identified and billed separately by the County's Independent Auditors from the general and actual audit costs of the County. By the 15<sup>th</sup> of every month the Delinquent Tax Collector shall report to the County Administrator's designee, the Finance Director, the complete and full nature of all monies on hand, as well as all investments, tax levy distributions, and other cash transfers or movements, in the form determined by the Finance Director.

## **SECTION 7. DISBURSEMENT OF FUNDS**

**a. General:** All funds shall be disbursed only in accordance with appropriations herein, and in accordance with Colleton County Procurement Policies, Colleton County Financial Policies and Procedures, Colleton County Personnel Policy, Colleton County Administrative Directives and with state and federal laws and regulations. All continuing service contracts previously approved by County Council and within existing contract terms are hereby approved for vendor payment.

The County Administrator or his designee is authorized to approve Purchase Orders not to exceed the maximum amount defined by SC Code of Laws Title 11, Chapter 35 Section 11-35-1550 (1) for Small Purchases or budgeted State or GSA contracts and eligible purchases that meet or are less than the South Carolina State contract purchase amount for the current year. All purchasing limits described in the county purchasing code shall be increased by the Bureau of Labor Statistics Consumer Price Index from the date of the inception of the code in January 2003 to May 2023. The Administrator may authorize designees for approval of Purchase Orders at such lower amounts as he deems appropriate.

The maintenance and repair of county facilities by the County Facilities Department will be exempt from purchasing procedures in the same manner as bridges, highways, roads, vehicle and road equipment. This exemption would apply to all maintenance and repair of county facilities that do not exceed \$50,000.

**b. Warrant Required:** The Treasurer shall disburse all grant and other County funds only pursuant to a warrant from the Colleton County Administrator in accordance with South Carolina State Law and this ordinance. The County Finance Director shall have checks prepared for each item listed on the warrant. The listing on the warrant will include the name of the payee, the amount of the payment, and the date of the payment. The warrant will be signed by the County Administrator or his designee and the County Finance Director, directing the Treasurer to disburse County funds pursuant to the warrant in accordance with the list therein. The Treasurer or the Treasurer's designee will sign the Finance Office copy of the warrant certifying that sufficient funds are on deposit and available to issue the checks authorized by said warrant.

**c. Warrant and Check Processing:** The Treasurer shall deposit sufficient authorized monies timely in each respective account to cover expenses as contained in the warrants and to cover interfund (due to/from) liabilities created through the accounts payable and payroll processes. The Treasurer shall assign the custody of the check-signing device to the Finance Director or their designee to prepare checks for each item on the warrant. The warrant cover sheet shall be made in duplicate, the original being kept by the Treasurer and the copy being kept by the Finance Office as a matter of record.

**d. Payments to Vendors:** The Finance Office shall deliver checks in payment of County expenditures to vendors. Vendors shall be paid by either (1) Delivery of such check by U.S. Mail or comparable postal service to the vendor, (2) County issued procurement or other virtual payment card, (3) Automated Clearing

House (ACH) payment or (4) On a limited basis as in the case of many debt service payments, by wire transfer.

**e. Treasurer Refunds:** The Treasurer will maintain a refund account from which all property tax refunds shall be made. In addition, the Treasurer shall maintain sufficient records to provide detail regarding which taxing units should be charged for the refunds and make arrangement to recoup the funds appropriately as soon as possible.

**f. Debt Service Payments:** All County debt service fund payments shall be processed through the Finance Office by presentation of a warrant to the Treasurer for payment, which warrant should be initiated by the Treasurer if a payment notice is received in the Treasurer's Office. The County Treasurer is responsible for ensuring sufficient funds are on hand in appropriate accounts to maintain debt service requirements. The Treasurer is responsible for reporting the balance of debt service funds available to the County Administrator by the 15<sup>th</sup> of each month, to include any pending tax levy transfers.

**g. Payments to Employees:** The Finance Office shall process all approved payroll, travel advances and reimbursements of travel and other approved and appropriated operating expenses to County employees on a bi-weekly basis or other basis as approved by Administration. Each payment will be processed as a distinct payment amount that is included on the employee's payroll voucher. Travel advances and reimbursements of travel and other approved and appropriated operating expense amounts will not be subject to tax or other withholding except as otherwise noted in Section 9e.

## **SECTION 8. ANNUAL FISCAL REPORTING REQUIREMENTS**

**a. Boards, Commissions, Agencies, and Institutions:** All boards, commissions, agencies, and institutions receiving County funds shall make a full detailed annual fiscal report to the County Council at the end of the fiscal year. The County governing body, the County Administrator, or the Finance Office may require reports, estimates, and statistics from any County office as may be necessary in the preparation of annual budgets or supplemental appropriations. Prior year audits are required for acceptance of annual budget requests.

**b. Alcohol & Drug Abuse Commission:** In accordance with the Colleton County Code of Ordinances, as amended, the Alcohol & Drug Abuse Commission is considered a Component Unit of the County and shall be included in the Annual Audited Financial Statements of the County. In the case of the Alcohol and Drug Abuse Commission, Colleton County Council hereby directs the Finance Director to impose a 1% surcharge to the total outstanding payroll reimbursement due to the County, to be effective sixty (60) days after the date of the payroll billing submission from the County Finance Office to the Alcohol and Drug Abuse Commission. Any variances in the amount paid verses the actual billing related to payroll must be submitted in writing to the County Finance Director prior to the receipt of funds from the Alcohol and Drug Abuse Commission or the variance will be considered outstanding for the purposes of this Ordinance and the surcharge. This surcharge will be deducted from the Direct Aid line item on an ongoing basis, and in future budget years until paid in full.

**c. Solicitor's Office:** Pursuant to a Memorandum of Understanding between the Fourteenth Circuit Solicitor's Office and Colleton County, the County has agreed to process the Solicitor's Office payroll in accordance with the County's normal payroll procedure and to act as the insurance benefits administrator for the employees of that Office. All employees of the Office are considered political appointees and are not subject to the County's policies, rules, or procedures other than those directly related to the manner of payroll processing and benefits administration. Any interest collected on said monies shall be the property of the County and shall be used to offset the administrative costs associated with the processing of payroll and benefits administration.

**d. Library:** Colleton County Memorial Library is considered a component unit of the County and shall be included in annual audited financial statements of the County.

**e. Fire Rescue:** Colleton County Fire Rescue is considered a component unit of the County and shall be included in annual audited financial statements of the County

## **SECTION 9. COMPENSATION AND CLASSIFICATION PLAN AND PERSONNEL**

**a. General:** All County Departments, Offices, designated Agencies, and Component Units are included in the County Class and Compensation Plan administered by consultants. Neither the County Administrator nor any office head may establish or fund any new position without the knowledge and consent of County Council except that the County Administrator may approve temporary personnel based on County needs and available funding.

**b. Compensable Accruals:** When hourly employees who have accrued compensatory time leave County employment, they shall be paid for this time from the office's regular salary funds. The position the employee is vacating shall be frozen until the amount of money to be paid for the compensatory time of the terminating employee has been paid out of the budgeted funds in that Office. If sufficient funds are clearly available in the Office budget to offset the compensatory time expense and to cover future payrolls for the Office, the position need not be frozen. Neither accrued compensatory time nor any other form of leave may be used in conjunction with worker's compensation benefits except during the mandatory waiting period. In no event shall the aggregate total of compensation and annual leave payments at separation exceed the maximum legally accruable total of compensatory time. Unused holiday leave is not compensable at the time of separation.

**c. Maximum Carry-Over of Leave Accruals:** The maximum carry-over of vacation time and sick time calculations are based on a calendar year (December 31<sup>st</sup>) calculation date each year.

**d. Effective Date of Personnel Action Requests (PARs):** Personnel actions involving salary adjustments generally shall be effective the first day of the first pay period following approval by the County Administrator.

**e. General Pay Adjustments:** Pay adjustments for employees covered by S-1 and S-2 legislation as mandated by State law and adjustments based on position reevaluations by independent consultants or employment contract adjustments by Colleton County Council are included. In the case of rounding or other minor variances caused by calculation nuances subject to interpretation, the County Administrator shall be the final authority in determining the actual salary or hourly wage in accordance with and within appropriations of County Council. Employment agreements for an initial term of three years for all eligible staff, including all salary and benefits contained in the agreement are effective with the approval of this ordinance. All pay adjustments in this budget, unless specifically stated otherwise, are effective July 1, 2024 as processed and paid on July 19, 2024.

**f. Travel:** When employees are required to travel on official business, the County pays reasonable amounts for transportation, meals, and lodging in accordance with the County's Personnel Policies, Administrative Directives, and this ordinance. When an office has County Vehicles assigned to it or a County Pool Vehicle is available, employees should utilize a County Vehicle if this use does not impede County Operations. If the employee's personal vehicle is utilized with prior approval of the County Administrator, the employee shall be reimbursed at a rate of fifty-five (.55) cents per mile traveled. Meal expenses may not exceed \$44.00 per calendar day for in-state travel or \$58.00 for out-of-state travel. Per diem meal reimbursement is only provided when an overnight stay at the conference or business destination is required and the employee must provide the appropriate documentation to substantiate the business connection as outlined

in Section 12.4A(2) of the Colleton County Personnel Policy. County Policy provides for no per diem for any travel within the County, including no meal reimbursements within the County.

For a Law Enforcement employee transporting a prisoner, the employee will be reimbursed at per diem rates for his own meal at any food stop mandated by statute on behalf of the prisoner. In all other cases, Law Enforcement employees shall be required to follow the regular requirements for reimbursement of meal expenses provided for other County employees.

There is no provision for advance per diems to the individual for Hotel Reservations, Airline Tickets, Conference/Seminar registration costs or any other costs directly related to travel; all such costs will normally be paid directly to the vendor providing the service. Travel advances to the employee for meals shall not include per diem for the day of departure and return and for any partial days. Travel advances to employees will not be paid more than two weeks in advance and full accounting of the funds must be sent to the Finance no later than fifteen (15) days after the dates of travel or the advanced funds will be withheld from the employees next scheduled payroll check.

Requests for reimbursements must be presented within fifteen (15) days of return from the trip. Original, dated, detailed receipts must accompany all travel reimbursement requests; limited exceptions to this policy will be allowed as approved by the County Administrator or his designee when sufficient reason is provided, and the Department Head or Elected Official involved approves. Where exceptions are considered taxable income under IRS regulations, the reimbursed funds will be processed through the payroll system as taxable income. County Department Heads and Elected Officials shall have no authority to waive the requirement for receipt of original, dated, detailed receipts under this section except with written approval by the County Administrator or his designee. Under no circumstances shall the County reimburse any persons eligible for travel reimbursement by the County for alcoholic beverages, personal purchases of any kind not specifically authorized in the personnel policy, or any amounts for which appropriated funds are not available or where such reimbursement would be a violation of the State Ethics Laws and regulations.

**g. Credit Cards and Accounts:** The Colleton County Procurement office has a purchasing/procurement card program with established controls and procedures, credit cards which obligate Colleton County are expressly not permitted. Credit accounts in the name of the County must be forwarded to the County Finance Office which is responsible for establishing credit accounts with vendors upon written approval by the County Administrator or the Finance Director. The County Finance Department is also responsible for the control and monitoring of all credit accounts in the County's name, verification of goods received and reconciling of such credit purchases to invoices received. Accounts not established in accordance with this ordinance are the sole responsibility of the initiating person, and the County shall not be liable or obligated to make payment on behalf of the initiator or the person using the account.

**h. Assistance to Retirees:** Persons retiring after the effective date of this ordinance may be eligible to receive for this year only, up to 50% of the cost of their individual health/dental insurance purchased through the SC State health insurance program this year provided that:

- (1) The person is employed by Colleton County at the time of his/her retirement, is at least 62 years of age, and is covered at that time under Colleton County's health/dental insurance program; and
- (2) The employee had twenty years of qualifying, full-time employment with Colleton County prior to the retirement; and
- (3) The employee is retiring under the South Carolina Retirement System or the South Carolina Police Retirement System.
- (4) The specified Council appropriation made by and within this ordinance for said assistance is sufficient to fund the full 50% of all costs of all those eligible for and receiving assistance under this provision for this fiscal year. This retiree assistance is for this year only and remains subject to appropriation by County Council.

- (5) Any person, who retires from County employment meeting all the requirements except the age requirement, will be eligible for this funded percentage of cost assistance upon reaching the age of 62.

**i. County Attorney:** The County Attorney may represent all agencies, boards, and officials in Colleton County that are employees of the County and subject to the budgetary controls of the County Council. Said attorney shall not represent any other organization, agency, or individual in any matter coming before the County Council. Specialized counsel may be retained when such representation is deemed to be in the best interests of the County.

**j. Fire and Rescue:** Any volunteer response cost assistance program must be based on specific written procedures and criteria adopted by the Fire Commission and approved by the County Council. Appropriations for all medical and firefighting positions in Fire-Rescue are for dual-certified positions only. Non-dual-certified candidates with no prior service with Colleton County may be hired as PRN and underslotted in an open position for up to one year, during which time dual certification must be achieved to be eligible for retention and transfer into the regular position status.

**k. Family Medical Leave Act:** Personnel will be removed from the County payroll when the initial FMLA mandated leave period is exhausted, before the extension period begins.

**l. Drug Testing:** Any candidate selected for employment with Colleton County shall be drug tested prior to being placed on any payroll processed by the County. Failure to report for the initial drug test scheduled by Human Resources shall result in discontinuation of any further consideration of the candidate.

**m. Position Re-evaluations:** Department Heads and Elected Officials, who wish to submit positions within their department for evaluation for Council consideration during the next fiscal year's budget process, must complete and deliver to the Finance Director the job descriptions or Comprehensive Position Questionnaires no later than November 30<sup>th</sup> in order that the consultant's evaluation can be completed and recommendations presented to Council with the First Reading of the Budget Ordinance.

**n. Thirty-Year Service Recognition Awards:** As provided in the Personnel Policy Manual, any regular full-time employee who achieves thirty continuous years of service in Colleton County government shall receive a \$5,000 Service Recognition Award. All such awards shall be paid contingent upon budget appropriation, and such payment shall be scheduled for the first pay period following the employee's thirty-year anniversary.

**o. Election Commission Stipends:** In accordance with IRS regulations, Election Commission Stipends will be processed through the Colleton County Payroll System quarterly in arrears based on funding received from the South Carolina Elections Commission. The Colleton County Voter Registration/Elections Office must provide to County Human Resources and Finance a detailed quarterly list with the name, address, and term in office for each Election Commissioner appointed in accordance with Section 7-5-10 of the South Carolina Code of Laws, as amended. Each Commissioner must complete all required payroll-record paperwork through the County Human Resources Office, including forms for tax withholdings, retirement election, etc., before payments can be issued. In addition, prior to payment processing, the County Treasurer must validate receipt of stipend revenue from the State Elections Commission.

**p. Furlough:** In the event that the economic situation creates a revenue shortfall for the County, the County Administrator is hereby authorized to institute a furlough program in the manner and for the length of time, up to fifteen days, deemed to be in the best interest of the County. Funds from the payroll and benefits account line items unexpended as a result of such furlough may be transferred at the County Administrator's discretion to cover essential operations.

## **SECTION 10. INDEPENDENT AUDIT**

An independent annual audit of all financial records and transactions of the County shall be made by a Certified Public Accountant or firm of public accountants with no personal interest, direct or indirect in the fiscal affairs of the government of Colleton County or any of its officers. The County Council may, without requiring competitive bids, designate such accountant or firm. Unless included in the annual County audit, an annual audit of each county agency, board, bureau, or commission of Colleton County, funded in whole or in part by County funds, shall be made. Copies of the annual County audit shall be available on the County website and provided for Colleton County Administration and every member of the County governing body.

## **SECTION 11. FEES AND CHARGES**

**a. Disposition of Collections:** All taxes, fees, charges, and assessments not otherwise allocated specifically by this ordinance with the supporting detail incorporated herein by reference or by law shall be deposited in the Colleton County general fund with other general fund revenues. All such taxes, fees, charges, and assessments shall be appropriated and allocated by the Colleton County Council in the same manner as other general revenues. No such taxes, fees, charges, or assessments shall be paid to or shall accrue to the personal benefit of any officer or employee of Colleton County. Use of fees, fines, and charges to reimburse expenditure budget line items through deposit credits is prohibited. The following fees are hereby established and continued hereafter until otherwise discontinued by action of County Council by ordinance:

**b. Fee Changes:** The following fee changes are included in the respective fund appropriations.

- (1) Fund 210 Roads and Bridges driveway culvert installation fees are budgeted at the most recent State of South Carolina contracted cost plus applicable sales tax per foot for both concrete and plastic pipes.
- (2) Fund 100 Animal Control adoption fee for horses will increase from \$150 to \$450.

**c. Payment by Credit Card:** A Credit Card Convenience Charge of 2.35% is necessary to fully offset the costs to the County for credit card payments and processing, and is hereby directed to be assessed and collected by the County Treasurer in accordance with applicable State Laws, with all related collections and costs to be reported specifically to Finance to be included in the monthly financial reports.

**d. Museum and Recreation Department:** The Colleton County Museum, and Recreation Department are authorized to maintain cash drawers and petty cash accounts. An accounting of the monies in each account will be conducted on the last business day of each month and signed by the director or their designee attesting to the accuracy of the accounting. A copy will be forwarded to the Finance office no later than 5 calendar days of the month following. These accounts are subject to unannounced internal audits by the Finance Office, and its inclusion in the annual County external audit is required.

**e. Library Petty Cash Accounts:** The Colleton County Library is authorized to maintain an account for donations and petty cash of less than \$1,000. An accounting of the monies in this account, including a copy of the monthly bank reconciliation, is to be provided to the Finance Office by the 15<sup>th</sup> of each month for the prior month. This fund is subject to unannounced internal audits by the Finance Office, and its inclusion in the annual County external audit is required. The Library is responsible for the proper accounting and reconciliation of the bank account.

**f. Sheriff Federal Asset Accounts:** The Colleton County Sheriff's Office is authorized to maintain account(s) as required by Title 2 U.S. Code of Federal Regulations Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards for the accounting of Federal

Asset/Seizure Funds. An accounting of the monies in this account, including a copy of the monthly bank reconciliation, is to be provided to the Finance Office by the 15<sup>th</sup> of each month for the prior month. This accounting fund is subject to unannounced internal audits by External Auditors in order to ensure compliance with Federal A-133 reporting and for inclusion of this information in the annual County external audit report as required by law. Any additional audit charges related to Federal Asset account(s) will be billed separately to the Sheriff's Office.

**g. Fire and Rescue Fire Insurance Billing:** The Colleton County Fire Rescue Commission is authorized to complete and submit where applicable insurance company billings following a response to a structure fire, car fire, auto accident, extrication, establishment of Helicopter Landing Zone, HazMat response, medical first response and rescue in accordance with specific written procedures developed and adopted by the Fire Commission and approved by the County Council. Insurance payments received shall be utilized for provision of fire/rescue service.

**h. GIS/Map Copies:** Any surveyor whose business office is headquartered in Colleton County is eligible to receive free of charge any GIS Map copy (8 ½ x 11" or 11 x 17", color or black and white) as required in the performance of his work.

## **SECTION 12. DEBT COLLECTION**

**a. Setoff Debt:** Colleton County is hereby authorized to participate in the Setoff Debt Program through the South Carolina Association of Counties on an annual basis as approved by the Colleton County Administrator, who is authorized to execute all documentation and direct all designations of personnel participating as necessary.

**b. Solid Waste and Fire-Rescue Services:** County Council approval is required to write off any current debt related to Fire-Rescue Services in connection with the provision of ambulance services or to Solid Waste in connection with the provision of waste disposal. The County Administrator is authorized to write off debts which are no longer collectible under SC State Law due to related statute of limitations or judicial decision. The Solid Waste Director and Fire-Rescue Services Director are responsible for providing detailed debt status information to the Finance Director before June 30<sup>th</sup> each fiscal year for inclusion in the 3<sup>rd</sup> Reading of the Annual Budget Amendment Ordinance.

## **SECTION 13. EDISTO AREA FIRE SERVICES CONTRACT**

The Chairman of County Council is authorized to execute a contract, as appropriated herein, with the Town of Edisto Beach for the provision of fire protection services for those portions of Edisto Island falling within the unincorporated area of Colleton County or within the Town of Edisto Beach, subject to appropriations herein and/or in the annual budget of the Town of Edisto Beach and subject to the approval of the contract by the County Attorney.

## **SECTION 14. NO SOLICITATION ON COUNTY PROPERTY**

No vendors or solicitors may display, sell, or solicit for the purpose of selling to employees or the public any goods, wares, or services within County offices or on County property unless specifically authorized by County Council or in accordance with appropriately designated uses, as in the case of the Recreation Center, the Museum/Farmers Market, and the Edisto Beach Education and Civic Center facilities. No insurance agents, including representatives from agencies providing coverage through payroll deduction, may solicit from, sell to, visit, or contact County employees in any manner during work hours or in the work place. No vendors or solicitors may post or hand out within County offices or on County property to employees or the public any materials for the purpose of selling or soliciting any goods, wares, or services unless specifically authorized by County Council or in accordance with appropriate designated uses. Anyone found guilty of violating this Section shall be guilty of a misdemeanor and shall be subject to a fine



not to exceed \$500 per incident, or less than \$100 per incident. Such violators shall be ticketed by a Sheriff's Deputy or Code Enforcement Officer and tried in Magistrate's Court. Only open enrollment meetings schedule by Human Resources and authorized in writing shall be permitted, and such meetings shall be restricted to the time, place, and date indicated by the Human Resources Manager.

#### **SECTION 15. CONTRACTING AND FUNDS OR OTHER COMMITMENTS**

Except where otherwise designated by County Council, only the County Administrator (or the County Administrator's designee) may obligate the county in any manner through signature on contracts, purchase orders, or other such agreements or documents as an authorized agent.

#### **SECTION 16. AGRICULTURAL ASSESSMENT EXTENSION PROCESS – PRIVATE CITIZENS**

A fixed Agricultural Assessment Extension Policy for private citizens is hereby authorized. Any private citizen may apply for agricultural assessment for no more than two tax years prior to the then current tax year. Businesses, including partnerships, corporations, etc., are not eligible to receive consideration under this fixed policy, but must continue to make application to Council demonstrating to Council's satisfaction that the business had reasonable cause for not filing timely. The County Administrator shall administer the program with forms and procedures as necessary in accordance with South Carolina Law.

#### **SECTION 17. VEHICLES – OFFICIAL COUNTY FLEET RECORD**

An authorized list of all County-owned vehicles providing make, model, year, serial and tag numbers, and assigned department/office shall be established as the official County Fleet Record "CFR" and shall be approved by County Council Resolution. Only vehicles included in the official County Fleet Record shall be insured and maintained by the County. The approval by Administration shall be required to place any additional vehicles in the County Fleet Record. Without such authorization, no vehicle shall be added to the CFR or to the County's insurance policies except where a currently insured vehicle is being removed from same. County owned vehicles removed from the CFR and the insurance policies must be surplus, through Council resolution if county owned and placed for sale according to County Purchasing Policy.

#### **SECTION 18. JUROR PAY**

Citizens selected for Jury duty within the Colleton County Court System shall be paid a flat rate of \$20.00 per day for those days when appearance in Court is required. No mileage or other such payment shall be made.

#### **SECTION 19. FIRE-RESCUE, S.C. MEDICAID TRADING PARTNER AGREEMENT**

The County Administrator is authorized to execute the annual contract between South Carolina Department of Health and Human Services (SCDHHS) and Colleton County on behalf of the Fire-Rescue Commission to comply with HIPAA requirements for electronic billing.

#### **SECTION 20. ALTERATIONS TO COUNTY FACILITIES**

Any county owned or maintained facility, including facilities registered on the national register of historical places cannot be altered inside or outside without submitting a detailed alteration plan to the Facilities Management Department for their consideration and approval. Facility alteration plans that are approved by the Facilities Management Department would then require approval by Administration before being undertaken. Facility alterations include painting, adding and removing walls, replacement of flooring or other built-in structures, replacing or removing window coverings and any other changes that would alter the inside or outside appearance of the facility.

**SECTION 21. FLEXIBILITY PROVISIO**

Colleton County hereby provides that it may reduce its support to any outside direct assistance payments and/or State mandated programs or requirements by up to a percentage equal to the percentage of reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30 of the State Code of Laws, and in accordance with the State Flexibility Proviso.

**SECTION 22.**

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

**SECTION 23.**

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.

**SECTION 23.** At the time this was passed, the following Elected Officials were in office for Colleton County:

<b>Official</b>	<b>Seat</b>
Bubba Trippe	Council Seat at Large
Scott Biering	Council Seat #2 Eastern District
Phillip M. Taylor, Sr.	Council Seat #3 Eastern District
Steven D. Murdaugh	Council Seat #4 Western District
Joseph F. Flowers, MD	Council Seat #5 Western District
Jeff Slocum	Auditor
Richard Harvey	Coroner
Patricia Grant	Clerk of Court
Ceth Utsey	Probate Judge
Guerry Hill	Sheriff
Becky S. Hill	Treasurer

This Ordinance shall become effective on July 1, 2024.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:

OPPOSED:

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

Sponsor(s) : County Council  
First Reading : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : June 11, 2024  
Public Hearing : July 23, 2024  
Third Reading : July 23, 2024  
Effective Date : Immediately

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

## **ORDINANCE NO. 24-O-07**

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

**[AN ORDINANCE AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, (1) THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT, BY AND BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND A COMPANY KNOWN TO THE COUNTY AS PROJECT BOBCAT, AS SPONSOR, TO PROVIDE FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; (2) THE ENLARGEMENT OF THE BOUNDARIES OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK PREVIOUSLY CREATED BY COLLETON COUNTY AND HAMPTON COUNTY TO INCLUDE CERTAIN PROPERTY LOCATED IN COLLETON COUNTY, SOUTH CAROLINA NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY PROJECT BOBCAT, OR ONE OR MORE COMPANIES RELATED THERETO; AND (3) OTHER RELATED MATTERS.]**

Sponsor(s) : County Council  
First Reading : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : June 11, 2024  
Public Hearing : July 23, 2024  
Third Reading : July 23, 2024  
Effective Date : Immediately

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

**ORDINANCE NO. 24-O-08**

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

**[AN ORDINANCE AUTHORIZING THE COUNTY TO BORROW \$1,500,000 THROUGH THE USDA RURAL DEVELOPMENT LOAN PROGRAM FOR THE CONSTRUCTION OF A NEW FUEL FARM AND TWO T-HANGER UNITS AT THE LOWCOUNTRY REGIONAL AIRPORT.]**

Sponsor(s) : County Council  
Adopted : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 24-R-30**

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

**[A Resolution to Award the Contracts in Accordance with Request for Proposal FMD-18 for the Purchase and Installation of Emergency Equipment.]**

**WHEREAS:**

1. The County advertised Request for Proposals, FMD-18, for the purchase and installation of emergency equipment; and
2. Five bids were received, and four vendors, Dana Safety Supply, Inc., ProLogic ITS, LLC, Tricounty Upfitters and West Chatham Warning Devices, Inc., were able to provide discount pricing for all of the needed lighting and equipment; and
3. Staff requests that County Council approve the discount pricing as provided by Dana Safety Supply, Inc., ProLogic ITS, LLC, Tricounty Upfitters and West Chatham Warning Devices, Inc. and authorize the County Administrator to issue a purchasing agreement for service for four years with the option to renew said purchasing agreement for an additional four years following the initial term.

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

1. County Council hereby awards purchasing agreements in accordance with the pricing as provided by Dana Safety Supply, Inc., ProLogic ITS, LLC, Tricounty Upfitters, and West Chatham Warning Devices, Inc. and authorizes the County Administrator to issue a purchasing agreement for service for four years with the option to renew said purchasing agreement for an additional four years following the initial term.
2. The County Administrator is hereby authorized to execute the contracts on behalf of the County pending approval of same by the County Attorney.
3. The FY 24-25 Capital Fund provides funding for emergency equipment and lighting.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council  
Adopted : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 24-R-31**

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

**[To Reschedule the June County Council Meeting.]**

**WHEREAS:**

1. Due to scheduling issues related to budget public notice requirements, it is necessary to reschedule the June County Council Meeting; and
2. Staff recommends that County Council reschedule the June County Council meeting to June 18, 2024.

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

County Council hereby reschedules the June 2024 County Council Meeting to June 18, 2024.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## RESOLUTION NO. 24-R-32

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

**[IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF TITLE 12, CHAPTER 44 OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY A COMPANY KNOWN TO THE COUNTY AS PROJECT BOBCAT, ITS AFFILIATES AND RELATED ENTITIES, TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF AD VALOREM TAXES ARRANGEMENT WITH COLLETON COUNTY, SOUTH CAROLINA; PROVIDING FOR OTHER RELATED ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING SPECIAL SOURCE REVENUE CREDITS; AND OTHER MATTERS RELATED THERETO.]**

**WHEREAS**, Colleton County (the “County”) is a political subdivision of the State of South Carolina and as such has all powers granted to counties by the Constitution and the general law of this State; and

**WHEREAS**, the County, acting by and through its 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 “Act”) (i) to enter into agreements with qualifying companies to encourage investment in projects constituting economic development property through which the economic development of the State of South Carolina (the “State”) will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State; (ii) to covenant with such industry to accept certain fee payments in lieu of *ad valorem* taxes (“FILOT”) with respect to such investment; (iii) to grant credits against FILOT payments to qualifying companies to offset qualifying infrastructure related expenditures (“Special Source Revenue Credits”) pursuant to Sections 4-1-175, 4-29-68 and 12-44-70 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Infrastructure Credit Act”); and (iv) to make and execute contracts pursuant to Section 4-9-30 of the Code of Laws of South Carolina, 1976, as amended; and

**WHEREAS**, a company known to the County as Project Bobcat, as Sponsor, along with one or more existing, or to-be-formed or acquired subsidiaries, or affiliated or related entities and any Sponsor Affiliates that the Sponsor may designate and have the County approve in accordance with the Act (collectively, “Company”), contingent upon satisfaction of certain commitments made by and on behalf of the County, as set forth herein and to be further set forth in future agreements, and to the extent allowed by law, plans to expand its facilities in the County through the acquisition, lease, construction and purchase of certain land, buildings, furnishings, fixtures, apparatuses, and equipment (collectively, the “Project”), which will result in an investment in real and personal property of approximately \$150,000,000 in the County (“Investment”); and

**WHEREAS**, as an inducement for the Project, the Company requests and the County desires to provide certain incentives, including but not limited to, the following: (1) the incentive of a FILOT as authorized by the Act for a term of 30 years and having an assessment ratio of 6% with a fixed millage rate equal to the millage rate in effect at the Project site for all taxing entities on June 30, 2023, which the parties understand to be [357.69], the terms of which shall be further set forth in a fee-in-lieu of *ad valorem* taxes agreement between the County and the Company (“Fee Agreement”); (2) to provide an annual Special Source Revenue Credit, in an amount to be set forth in the Fee Agreement, against those FILOT payments made by the Company and any of the Sponsor Affiliates to the County for the Project; and (3) any other incentives that may be set forth in the Fee Agreement or other agreements by and between the County and the Company (collectively, the “Incentives”); and

**WHEREAS**, the parties recognize and acknowledge that the Company would not otherwise locate the Project in the County but for the delivery of the Incentives; and

**WHEREAS**, in accordance with Section 12-44-40 of the Act, and based on information provided by the Company, the County has determined that (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits, not otherwise adequately provided locally; (ii) the Project will not give rise to any pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

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

Section 1. **Project Identification for Purposes of the Act.** The County hereby identifies the Project as a “project” as contemplated by Section 12-44-40 of the Act.

Section 2. **Project Findings.** Based on information provided by the Company, the County hereby finds and affirms its determination that: (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; (ii) the Project will not give rise to any pecuniary liability of the County or incorporated municipality and or a charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

Section 3. **Authorization to Negotiate Incentives.** The County shall negotiate in good faith the Incentives and the agreements relating thereto, including but not limited to the Fee Agreement.

Section 4. **Past and Future Acts.** The County Council hereby authorizes the Chair of the County Council and other County staff, along with any designees and agents any of these officials deems necessary and proper in the name of and on behalf of the County (each an “Authorized Individual”), to take whatever further actions, and enter into whatever further agreements, as are allowed by law and as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Resolution and induce the Company to locate



the Project in the County, and authorizes and ratifies all actions previously undertaken by Authorized Individuals with respect to the Project and the actions contemplated by this Resolution.

Section 5. **Severability.** Should any part, provision, or term of this Resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Resolution or any part, provision or term thereof, all of which is hereby deemed separable.

Section 6. **Repealer Clause.** All orders, resolutions, or any parts of either, in conflict with this Resolution are, to the extent of that conflict, repealed. This Resolution is effective and remains in effect as of its adoption by the County Council.

*[Signature Page Follows]*

Resolved:

**COLLETON COUNTY, SOUTH CAROLINA**

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Steven D. Murdaugh, Chairman  
Colleton County Council

ATTEST:

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Kaela Brinson, Clerk to Council  
Colleton County, South Carolina

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## **RESOLUTION NO. 24-R-33**

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

**[To Officially Name the Conference Room in the Colleton County Board of Voter Registration and Elections Office located at 72 Bells Highway, as the “Lynette B. Fryar Conference Room.”]**

**WHEREAS:**

1. Lynette B. Fryar served on the Board of Voter Registration and Elections as both a member and as chairperson for nearly twenty years; and
2. Lynette B. Fryar spent many years as a dedicated public servant as administrative assistant at Clemson Extension, as victims’ advocate with the Colleton County Sheriff’s Department, and as an elected member of the Colleton County Board of Education; and
3. Lynette B. Fryar spent five decades in church and community service in Colleton County and as a volunteer with Youth Leadership Colleton, Backpack Buddies, HCA Hospital, American Cancer Society, Ruffin High School, the Vocational Center, and NAACP county branch; and
4. Lynette B. Fryar passed away April 16, 2021; and
5. Because of her many contributions to Colleton County, the citizens, and the Board of Voter Registration and Elections, the Board requests that the conference room in Colleton County Board of Voter Registration and Elections office be officially named the “Lynette B. Fryar Conference Room.”

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

1. The Colleton County Council hereby endorses the Board of Voter Registration and Elections recommendation that the Conference Room in the Colleton County Board of Voter Registration and Elections Office located at 72 Bells Highway, officially as the “Lynette B. Fryar” Conference Room.
2. The Board of Voter Registration and Elections Conference Room in the Colleton County Board of Voter Registration and Elections Office located at 72 Bells Highway is hereby named the “Lynette B. Fryar Conference Room.”

ATTEST:

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

SIGNED:

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-34**

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

**[A Resolution to Authorize the Waiver of Various Fees for the Summer 2024 Mission Serve Home Repair Program.]**

**WHEREAS:**

1. For several years now Mission Serve, formerly World Changers, has sponsored a volunteer-staffed home repair project in Colleton County working on homes in the unincorporated and incorporated areas of the County; and
2. The 2024 Program will have participants working to complete needed home repairs for low income, senior adults, and people with special needs; and
3. The organization is requesting that the Council authorize the waiving of building department and Solid Waste disposal fees for this project as has been done in the past.

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

1. All fees for required building permits obtained by Mission Serve for the project period in the summer 2024 are hereby waived.
2. All inspections required by the International Building Code will be provided free of charge.
3. All Solid Waste disposal fees for waste generated by the summer 2024 Mission Serve project, in an amount not to exceed 20 tons, are hereby waived.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council  
Adopted : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 24-R-35**

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

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

**WHEREAS:**

1. Colleton County Accommodations Tax Advisory Board has one cultural arts vacancy; and  
Applicant: Sarah Miller
2. Colleton County Commission of Alcohol and Drug Abuse has one vacancy; and  
Applicant: Roman Cunningham
3. Colleton County Board of Adjustments and Appeals has one HVAC vacancy; and  
Applicant: Joseph Prater
4. 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 (Cultural Arts): Sarah Miller

Colleton County Commission of Alcohol and Drug Abuse: Roman Cunningham

Colleton County Board of Adjustments and Appeals (HVAC): Joseph Prater

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : May 7, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 24-R-36**

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

**[A Resolution to Authorize Acceptance and Budgeting of Various Grants for FY 2023-2024.]**

**WHEREAS:**

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. Colleton County Animal Services, is the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY24 received from the South Carolina Department of Health and Environmental Services Hurricane Recovery Funds to be used for mosquito control in the amount of \$71,696.13.

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenues and expenditures in the following fund for the grant and unbudgeted revenue for FY24 as listed:
  - a. Fund 120 – Special Revenue Fund; South Carolina Department of Health and Environmental Services Hurricane Recovery Funds Grant; \$71,696.13 for mosquito control.
2. The above listed OPRs (Offices of Primary Responsibility) are responsible for preparing any external reports related to said funds, complying with grant terms and conditions, coordinating reimbursement requests with the Finance Department in addition to being the responsible parties for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY24 as requested for this grant/non-budgeted revenue received.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED: