

Charleston, SC  
June 16, 2011

A regular meeting of County Council of Charleston County was held on the 16<sup>th</sup> day of June, 2011 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

Present at the meeting were the following members of Council: Teddie E. Pryor, Sr., Chairman, who presided; Colleen Condon; Henry E. Darby;; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers and J. Elliott Summey. Council Member Anna B. Johnson was absent.

Also present were: Allen O'Neal, County Administrator and County Attorney Joe Dawson.

Council Member Darby gave the invocation. County Member Sass led in the pledge to the flag.

The Clerk reported that in compliance with the Freedom of Information Act, notice of meetings and agendas were furnished to all news media and persons requesting notification.

Mr. Summey moved approval of the minutes of County Council's meeting of, June 2, 2011, seconded by Mr. Sass, and carried.

Recognition  
A) Employee  
of the  
Quarter  
B) Mosquito  
Control  
Week

The Chairman announced that the Council was proud to recognize Charleston County employee of the quarter, Ms. Liz Powell. He said that Ms. Powell has been an employee of Charleston County since May 30, 2008, and that her award and recognition was based on her excellent customer service skills and willingness to go beyond the call of duty to make sure that the needs of citizens, employees and others are met.

Mr. Pryor asked County Administrator O'Neal to present the County's Award to Ms. Powell.

A report was read from the Finance Committee under date of June 16, 2011 that It considered the information furnished by County Administrator Allen O'Neal, and James Neal, Director of Public Works regarding County Council recognizing Charleston County Mosquito Control employees by proclaiming June 26-July 2, 2011 National Mosquito Control Awareness Week. It was stated that Mosquito Control Awareness Week calls attention to the importance of mosquito control in community life.

Committee recommended that County Council recognize Charleston County Mosquito Control employees by proclaiming June 26-July 2, 2011 as National Mosquito Control Awareness Week in Charleston County.

Ms. Condon moved approval of Committee recommendation, seconded by Mr. Summey, and carried.

The Chairman asked Mr. Jim Neal, Public Works Director to come forward with Ms. Donna Odom and Mike Huggins of Mosquito Control, and requested the Clerk to read the Resolution into the public record.

The Resolution is as follows:



### A RESOLUTION OF CHARLESTON COUNTY COUNCIL

**WHEREAS**, mosquito-borne diseases such as Malaria, Yellow Fever, Encephalitis, Dengue Fever, and Dog Heartworm, have historically been a source of human and animal suffering, illness, and even death in the United States and worldwide; **and**

**WHEREAS**, mosquitoes in excessive numbers can diminish enjoyment of the outdoors, public parks and playgrounds, impede outdoor work, decrease livestock productivity, and reduce property values; **and**

**WHEREAS**, mosquitoes can disperse or be transported long distances from their source and can be a public nuisance and health risk throughout the United States and worldwide; **and**

**WHEREAS**, since 1900, mosquito control professionals in the United States have recognized the need to develop and encourage effective and environmentally safe mosquito control activities in order to protect the health and welfare of the public, the environment and wildlife; **and**

**WHEREAS**, the American Mosquito Control Association (AMCA) was established on June 26, 1935, to provide a nationally organized network to help mosquito control professionals pursue these goals; **and**

**WHEREAS**, the AMCA continues to be an active partner in the Pesticide Environment Stewardship Program, working closely with the U. S. Environmental Protection Agency and the U. S. Department of Health and Human Services to reduce pesticide risk to humans, animals, and the environment while protecting them from mosquito-borne diseases and nuisance attacks; **and**

**WHEREAS**, Mosquito Control Awareness Week will increase the public's awareness of the activities of the various mosquito research and control agencies within the United States and highlight the educational programs currently available,

**NOW, THEREFORE, BE IT RESOLVED**, that **Charleston County Council**, does hereby proclaim the week of **June 26-July 2, 2011**, as

**NATIONAL MOSQUITO CONTROL AWARENESS WEEK**

in Charleston County, and calls upon citizens and civic organizations to acquaint themselves with the issues involved in providing our mosquito control and to recognize the contributions which mosquito control employees make every day to our health, safety, comfort, and quality of life.

**Teddie E. Pryor, Sr., Chairman**  
**June 7, 2011**

An Ordinance rezoning Planned Development 129 was given third reading by title only.

LINNEN  
PLACE  
A) ZREZ 3-  
11 10601  
B) ZPDA 3-  
11 10602

**AN ORDINANCE**

**REZONING THE REAL PROPERTY LOCATED AT 2615 LINNEN LANE, PARCEL IDENTIFICATION NUMBER 578-00-00-502 FROM THE LINNEN PLACE PLANNED DEVELOPMENT, (PD-129) DISTRICT TO THE SPECIAL MANAGEMENT 3 (S-3) DISTRICT.**

**WHEREAS**, the property identified as parcel identification number 578-00-00-502 is currently zoned The Linnen place Planned Development, (PD-129) District and

**WHEREAS**, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from Neighborhood Commercial District (CN) to Community Commercial District (CC) pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

**WHEREAS**, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and

**WHEREAS**, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

**NOW, THEREFORE, BE IT ORDAINED** by County Council of Charleston County, South Carolina in meeting duly assembled finds as follows:

#### **SECTION I. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

#### **SECTION II. REZONING OF PROPERTY**

The property identified as parcel identification number 578-00-00-502 IS hereby rezoned from the Linnen place Planned Development, (PD-129) District to the Special Management 3 (S-3) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

#### **SECTION III. SEVERABILITY**

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

#### **SECTION IV. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 16<sup>th</sup> day of June, 2011

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr.  
Chairman of County Council

ATTEST:

Beverly T. Craven  
Clerk to County Council

First Reading: May 17, 2011  
Second Reading: June 7, 2011  
Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance amending the text and map of properties within the Linen Place Planned Development (PD-129) was given third reading by title only.

**AN ORDINANCE**

**AMENDING THE LINNEN PLACE PLANNED DEVELOPMENT  
(PD-129) TEXT AND MAP OF PROPERTIES LOCATED WITHN THE LINNEN  
PLACE PLANNED DEVELOPMENT (PD-129)**

**WHEREAS**, the properties located at 2631 Lohr Dr.; 0 Shingleback Dr; 2717 Big Fire Ct; 2606 Lohr Dr; 2612 Lohr Dr; 2620 Lohr Dr; 1222 Korbel Cir/2628 Lohr Dr; 1216 Korbel Cir; 1210 Korbel Cir; 1204 Korbel Cir; 1205 Korbel Cir; 1211 Korbel Cir; 1217 Korbel Cir; 2634 Lohr Dr/1223 Korbel Cir; 2642 Lohr Dr; 2650 Lohr Dr; 2656 Lohr Dr; 2662 Lohr Dr; 2668 Lohr Dr; 2674 Lohr Dr; 2673 Lohr Dr; 2669 Lohr Dr; 2663 Lohr Dr; 2659 Lohr Dr; 2653 Lohr Dr; 2625 Lohr Dr; 2613 Lohr Dr; 2607 Lohr Dr; 0 Lohr Dr; 1252 Shingleback Dr/ 2680 Lohr Dr; 1228 Shingleback Dr; 1222 Shingleback Dr; 1216

Shingleback Dr; 1205 Shingleback Dr; 1213 Shingleback Dr; 1239 Shingleback Dr/2702 Big Fire Ct; 2708 Big Fire Ct; 2714 Big Fire Ct; 2720 Big Fire Ct; 2726 Big Fire Ct; 2725 Big Fire Ct; 2719 Big Fire Ct; 2713 Big Fire Ct; 2707 Big Fire Ct; 1251 Shingleback Dr/2701 Big Fire Ct; 1257 Shingleback Dr; 1263 Shingleback Dr; 1269 Shingleback Dr; 1275 Shingleback Dr; 1281 Shingleback Dr; 1288 Shingleback Dr; 1282 Shingleback Dr; 1276 Shingleback Dr; 1270 Shingleback Dr; 1264 Shingleback Dr/2679 Lohr Dr, respectively; identified as Tax Map Parcels 578-00-00-049; 578-00-00-050; 578-00-00-052; 578-00-00477; 578-00-00-478; 578-00-00-479; 578-00-00-480; 578-00-00-481; 578-00-00-482; 578-00-00-483; 578-00-00-484; 578-00-00-485; 578-00-00-486; 578-00-00-487; 578-00-00-488; 578-00-00-489; 578-00-00-490; 578-00-00-491; 578-00-00-492; 578-00-00-493; 578-00-00-494; 578-00-00-495; 578-00-00-496; 578-00-00-497; 578-00-00-498; 578-00-00-499; 578-00-00-500; 578-00-00-501; 578-00-00-503; 578-00-00-506; 578-00-00-507; 578-00-00-508; 578-00-00-509; 578-00-00-510; 578-00-00-511; 578-00-00-512; 578-00-00-513; 578-00-00-514; 578-00-00-515; 578-00-00-516; 578-00-00-517; 578-00-00-518; 578-00-00-519; 578-00-00-520; 578-00-00-521; 578-00-00-522; 578-00-00-523; 578-00-00-524; 578-00-00-525; 578-00-00-526; 578-00-00-527; 578-00-00-528; 578-00-00-529; 578-00-00-530; 578-00-00-531, respectively are currently zoned Planned Development Zoning District (PD-129); and

**WHEREAS**, the applicant requests to amend the Planned Development Zoning District (PD-129) and has submitted a complete application for PD Development Plan amendment approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

**WHEREAS**, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that County Council approve with conditions the proposed development plan with conditions, which recommendation is based on the Approval Criteria of Section 4.27.9.C.6 of the ZLDR; and

**WHEREAS**, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed PD Development Plan with conditions based on the Approval Criteria of Section 4.27.9.E.9 of Article 4.27 of the ZLDR;

**WHEREAS**, County Council has determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in Article 4.27 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan;
- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

**NOW, THEREFORE, BE IT ORDAINED** by County Council of Charleston County, South Carolina, in meeting duly assembled, finds as follows:

**SECTION I. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

**SECTION II. REZONING OF PROPERTIES**

A. Charleston County Council rezones the properties located 2631 Lohr Dr.; 0 Shingleback Dr; 2717 Big Fire Ct; 2606 Lohr Dr; 2612 Lohr Dr; 2620 Lohr Dr; 1222 Korbel Cir/2628 Lohr Dr; 1216 Korbel Cir; 1210 Korbel Cir; 1204 Korbel Cir; 1205 Korbel Cir; 1211 Korbel Cir; 1217 Korbel Cir; 2634 Lohr Dr/1223 Korbel Cir; 2642 Lohr Dr; 2650 Lohr Dr; 2656 Lohr Dr; 2662 Lohr Dr; 2668 Lohr Dr; 2674 Lohr Dr; 2673 Lohr Dr; 2669 Lohr Dr; 2663 Lohr Dr; 2659 Lohr Dr; 2653 Lohr Dr; 2625 Lohr Dr; 2613 Lohr Dr; 2607 Lohr Dr; 0 Lohr Dr; 1252 Shingleback Dr/ 2680 Lohr Dr; 1228 Shingleback Dr; 1222 Shingleback Dr; 1216 Shingleback Dr; 1205 Shingleback Dr; 1213 Shingleback Dr; 1239 Shingleback Dr/2702 Big Fire Ct; 2708 Big Fire Ct; 2714 Big Fire Ct; 2720 Big Fire Ct; 2726 Big Fire Ct; 2725 Big Fire Ct; 2719 Big Fire Ct; 2713 Big Fire Ct; 2707 Big Fire Ct; 1251 Shingleback Dr/2701 Big Fire Ct; 1257 Shingleback Dr; 1263 Shingleback Dr; 1269 Shingleback Dr; 1275 Shingleback Dr; 1281 Shingleback Dr; 1288 Shingleback Dr; 1282 Shingleback Dr; 1276 Shingleback Dr; 1270 Shingleback Dr; 1264 Shingleback Dr/2679 Lohr Dr, respectively; identified as Tax Map Parcels 578-00-00-049 ; 578-00-00-050; 578-00-00-052; 578-00-00477; 578-00-00-478; 578-00-00-479; 578-00-00-480; 578-00-00-481; 578-00-00-482; 578-00-00-483; 578-00-00-484; 578-00-00-485; 578-00-00-486; 578-00-00-487; 578-00-00-488; 578-00-00-489; 578-00-00-490; 578-00-00-491; 578-00-00-492; 578-00-00-493; 578-00-00-494; 578-00-00-495; 578-00-00-496; 578-00-00-497; 578-00-00-498; 578-00-00-499; 578-00-00-500; 578-00-00-501; 578-00-00-503; 578-00-00-506; 578-00-00-507; 578-00-00-508; 578-00-00-509; 578-00-00-510; 578-00-00-511; 578-00-00-512; 578-00-00-513; 578-00-00-514; 578-00-00-515; 578-00-00-516; 578-00-00-517; 578-00-00-518; 578-00-00-519; 578-00-00-520; 578-00-00-521; 578-00-00-522; 578-00-00-523; 578-00-00-524; 578-00-00-525; 578-00-00-526; 578-00-00-527; 578-00-00-528; 578-00-00-529; 578-00-00-530; 578-00-00-531 respectively from Planned Development (PD-129) to Planned Development (PD-129A); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for Linnen Place, Charleston County, South Carolina Dated February 2011", including the changes thereto and conditions, if any, approved by County Council as Planned Development 129A or PD-129A, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-129A must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Numbers 578-00-00-049 ; 578-00-00-050; 578-00-00-052; 578-00-00477; 578-00-00-478; 578-00-00-479; 578-00-00-480; 578-00-00-481; 578-00-00-482; 578-00-00-483; 578-00-00-484; 578-00-00-485; 578-00-00-486; 578-00-00-487; 578-00-00-488; 578-00-00-489; 578-00-00-490; 578-00-00-491; 578-00-00-492; 578-00-00-493; 578-00-00-494; 578-00-00-495; 578-00-00-496; 578-00-00-497; 578-00-00-498; 578-00-00-499; 578-00-00-500; 578-00-00-501; 578-00-00-503; 578-00-00-506; 578-00-00-507; 578-00-00-508; 578-00-00-509; 578-00-00-510; 578-00-00-511; 578-00-00-512; 578-00-00-513; 578-00-00-514; 578-00-00-515; 578-00-00-516; 578-00-00-517; 578-00-00-518; 578-00-00-519; 578-00-00-520; 578-00-00-521; 578-00-00-522; 578-00-00-523; 578-00-00-524; 578-00-00-525; 578-00-00-526; 578-00-00-527; 578-00-00-528; 578-00-00-529; 578-00-00-530; 578-00-00-531 is amended to PD-129A in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

### **SECTION III. SEVERABILITY**

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

### **SECTION IV. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 16<sup>th</sup> day of June 2011.

CHARLESTONCOUNTYCOUNCIL

Teddie E. Pryor, Sr.  
Chairman of County Council

ATTEST:

Beverly T. Craven  
Clerk to County Council

First Reading: May 17, 2011  
Second Reading: June 7, 2011  
Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent



Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance accepting the transfer of Municipal Elections by the Board of Elections and Voters Registration of Charleston County was given third reading by title only.

Town of  
Seabrook  
Island  
Elections

### **AN ORDINANCE**

#### **TO ACCEPT THE TRANSFER OF AUTHORITY TO THE BOARD OF ELECTIONS AND VOTERS REGISTRATION OF CHARLESTON COUNTY TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA.**

**WHEREAS**, Section 5-15-145 of the Code of Laws of South Carolina, 1976, as amended, allows for the transfer of some or all authority to conduct municipal elections to a county election commission; and

**WHEREAS**, by adoption of Town of Seabrook Island, SC, Ordinance No. 2011-03, Adopted April 26, 2011 (attached hereto as Exhibit "A"), the Governing Body of the Town of Seabrook Island has determined it to be in the best interests of its citizens that authority attendant to the holding of municipal elections of the Town of Seabrook Island be transferred to the Board of Elections and Voter Registration of Charleston County; and

**WHEREAS**, the Board of Elections and Voter Registration of Charleston County has agreed to accept the specified authority to conduct the municipal elections in accordance with Title 7 of the Code of Laws of South Carolina, 1976, as amended, unless otherwise specified by Title 5 of the Code of Laws of South Carolina, 1976, as amended, and will certify the results of each election to the Town of Seabrook Island immediately following the certification of the votes cast in each election; and

**WHEREAS**, Charleston County Council desires to enact an ordinance approving the transfer of authority to the Board of Elections and Voter Registration of Charleston County to conduct elections for the Town of Seabrook Island as set forth hereafter.

**NOW, THEREFORE, BE IT ENACTED** by the County Council of Charleston County, South Carolina, in meeting duly assembled, as follows:

#### **Section 1. Findings Incorporated**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance. In accordance with the authority devolved by Section 5-15-145 of the Code of Laws of South Carolina, 1976, as amended and pursuant to the terms of Town of Seabrook Island, SC, Ordinance No. 2011-03, Adopted April 26, 2011, Charleston County Council hereby accepts the transfer to the Board of Elections and Voter Registration of Charleston County of the authority to conduct elections for the Town of Seabrook Island. The authority here transferred includes, but is not limited to, publishing proper notices of elections, insuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing the absentee ballot precinct, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to insure that proper procedures and laws are being followed, and certifying the results of the election.

All elections so conducted by the Board of Elections and Voter Registration of Charleston County shall be in accordance with Title 7 of the Code of Laws of South Carolina, 1976, as amended, unless otherwise specified by Title 5 of the Code of Laws of South Carolina, 1976, as amended.

#### **Section 2. Reimbursement of Costs**

The Town of Seabrook Island shall reimburse the Board of Elections and Voter Registration of Charleston County for all costs incurred in providing ballots, advertising elections, printing costs, poll managers' compensation and other related additional expenses incurred in, or arising from, its conduct of municipal elections in the Town of Seabrook Island. Poll managers will be paid at the standard rate set by the South Carolina State Election Commission for all other elections.

#### **Section 3. Protest or Litigation**

In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the same shall be heard by the Board of Elections and Voter Registration of Charleston County. The Town of Seabrook Island shall pay all fees, costs, and expenses incurred in such protest or litigation.

#### **Section 4. Invoices**

The Board of Elections and Voter Registration of Charleston County shall provide invoices and/or other documentation to the Town of Seabrook Island of all such costs and expenses incurred in the conduct of the Town of Seabrook Island's municipal elections, protests, certification of results, litigation or other costs which may be incurred, and not specifically mentioned in this Ordinance.

#### **Section 5. Severability**

If any one or more of the provisions or portions provided in this Ordinance or its application to any circumstance should be determined by a court of competent jurisdiction to be contrary to law, or invalid for any reason, then such provision or

application of this Ordinance shall be deemed severable from the remaining provisions or applications provided in this Ordinance and the invalidity shall in no way affect the validity of the other provisions or applications of this Ordinance.

**Section 6. Effective Date of this Ordinance**

This Ordinance shall take effect upon successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for hereunder:

- (A) Adoption of this Ordinance accepting the authority being transferred hereunder, and
- (B) Submission to the United States Justice Department and subsequent receipt of pre-clearance for the transfer of authority for conducting municipal elections which would be effected hereunder.

**ADOPTED and APPROVED** in meeting duly assembled this 16<sup>th</sup> day of June, 2011

CHARLESTON COUNTY SOUTH CAROLINA

Teddie E. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

Beverly T. Craven  
Clerk to Charleston County Council

First Reading: June 2, 2011  
 Second Reading: June 7, 2011  
 Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

FY2012 Park  
& Recreation  
Commission  
Budget

An Ordinance approving the FY 2012 Park & Recreation Commission budget was given third reading by title only

**AN ORDINANCE  
APPROVING THE BUDGET AND DIRECTING  
THE AUDITOR OF CHARLESTON COUNTY  
TO LEVY THE NECESSARY MILLAGE AND  
THE TREASURER TO COLLECT TAXES  
FOR  
THE CHARLESTON COUNTY PARK AND RECREATION COMMISSION  
FOR FISCAL YEAR 2011-2012,  
AND AUTHORIZING THE ISSUANCE OF A  
TAX ANTICIPATION NOTE IN AN AMOUNT UP TO \$4,500,000**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named Charleston County Park and Recreation Commission, and

**WHEREAS**, the Charleston County Park and Recreation Commission has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund budget of the Charleston County Park and Recreation Commission in the amount of \$12,843,353 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 3.8 mills before adjustment for reassessment (not to exceed 3.7 mills after adjustment for reassessment) for operating expenditures for the Commission in the year 2011, and the Treasurer shall collect upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2011, and ending June 30, 2012.

The Auditor of Charleston County shall levy the necessary Millage, and the Treasurer shall collect upon all taxable property within the boundary of the district during the fiscal year beginning July 1, 2011, and ending June 30, 2012 a total not to exceed \$5,373,919 for the debt service for the district.

**Section 4.**

The \$2,095,516 difference between the \$12,843,353 in budgeted expenditures and the \$10,747,837 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said Commission for fiscal year 2012, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the Charleston County Park and Recreation Commission a sum or sums up to \$4,500,000 for the use of the aforementioned Commission and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned Special Purpose District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

**Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

**Section 7.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the Charleston County Park and Recreation Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the Charleston County Park and Recreation Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 8.**

All monies properly encumbered as of June 30, 2011, shall be added to the Charleston County Park and Recreation Commission's budget for Fiscal Year 2012. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Charleston County Park and Recreation Commission's governing body.

**Section 9.**

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2012 for the Commission.

**Section 10.**

The Charleston County Park and Recreation Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the Charleston County Park and Recreation Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 11.**

All monies designated by the Charleston County Park and Recreation Commission as of June 30, 2011, shall be added to the applicable organizational budget for Fiscal Year 2012. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 12.**

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

**Section 13.**

This Ordinance shall become effective upon Third Reading.

First Reading: June 2, 2011

Second Reading: June 7, 2011

Third Reading: June 16, 2011

The Chairman called for second reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

FY 2012  
Cooper River  
Park &  
Playground  
Budget

An Ordinance approving the FY 2012 budget for the Cooper River Park & Playground Commission was given third reading by title only

**AN ORDINANCE  
APPROVING THE BUDGET AND DIRECTING  
THE AUDITOR OF CHARLESTON COUNTY  
TO LEVY THE NECESSARY MILLAGE AND  
THE TREASURER TO COLLECT TAXES  
FOR  
THE COOPER RIVER PARK AND PLAYGROUND COMMISSION  
FOR FISCAL YEAR 2011-2012**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named Cooper River Park and Recreation Commission, and

**WHEREAS**, the Cooper River Park and Recreation Commission has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the Cooper River Park and Playground Commission in the amount of \$218,500 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 14.7 mills before adjustment for reassessment (not to exceed 14.3 mills after adjustment for reassessment) for operating expenditures of the Commission in the year 2011, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the Commission during the fiscal year beginning July 1, 2011, and ending June 30, 2012.

**Section 4.**

The \$63,000 difference between the \$218,500 in budgeted expenditures and the \$155,500 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 6.

**Section 6.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the Cooper River Park and Playground Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the Cooper River Park and Playground Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 7.**

All monies properly encumbered as of June 30, 2011, shall be added to the Cooper River Park and Playground Commission's budget for Fiscal Year 2012. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Cooper River Park and Playground Commission's governing body.

**Section 8.**

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2011 for the Commission.

**Section 9.**

The Cooper River Park and Playground Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the Cooper River Park and Playground Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 10.**

All monies designated by the Cooper River Park and Recreation Commission as of June 30, 2011, shall be added to the applicable organizational budget for Fiscal Year 2012. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 11.**

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

**Section 12.**

This Ordinance shall become effective upon Third Reading.



First Reading: June 2, 2011  
 Second Reading: June 7, 2011  
 Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- absent
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

FY 2012  
 James Island  
 PSD Budget

An Ordinance approving the FY 2012 budget for the James Island Public Service District was given third reading by title only.

**AN ORDINANCE  
 APPROVING THE BUDGET AND DIRECTING  
 THE AUDITOR OF CHARLESTON COUNTY  
 TO LEVY THE NECESSARY MILLAGE AND  
 THE TREASURER TO COLLECT TAXES  
 FOR**

**THE JAMES ISLAND PUBLIC SERVICE DISTRICT FOR FISCAL YEAR 2011-2012**

**WHEREAS**, Charleston County Council has budgetary authority over the above named James Island Public Service District, and

**WHEREAS**, the James Island Public Service District has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the James Island Public Service District in the amount of \$5,930,612 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 55.1 mills before adjustment for reassessment (not to exceed 53.5 mills after adjustment for reassessment) for operating expenditures for the District in the year 2011, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2011, and ending June 30, 2012.

The Auditor of Charleston County shall levy the necessary Millage, and the Treasurer shall collect upon all taxable property within the boundary of the district during the fiscal year beginning July 1, 2011, and ending June 30, 2012, a total not to exceed \$421,322 for the debt service for the district.

**Section 4.**

The \$418,135 difference between the \$5,930,612 in budgeted expenditures and the \$5,512,477 in budgeted ad valorem taxes will be used to sustain a balance of operating reserves.

**Section 5.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

**Section 6.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the James Island Public Service District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the James Island Public Service District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 7.**

All monies properly encumbered as of June 30, 2011, shall be added to the James Island Public Service District's budget for Fiscal Year 2012. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the James Island Public Service District's governing body.

**Section 8.**

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2012 for the District.

**Section 9.**

The James Island Public Service District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the James Island Public Service District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 10.**

All monies designated by James Island Public Service District as of June 30, 2011, shall be added to the applicable organizational budget for Fiscal Year 2012. These designated

monies may be expended only as set forth in their authorization by the District. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 11.**

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

**Section 12.**

This Ordinance shall become effective upon Third Reading.

First Reading: June 2, 2011  
Second Reading: June 7, 2011  
Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

- Ms. Condon - aye
- Mr. Darby - aye
- Ms. Johnson - absent
- Mr. Qualey - aye
- Mr. Rawl - aye
- Mr. Sass - aye
- Mr. Schweers - aye
- Mr. Summey - aye
- Mr. Pryor - aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received second reading approval.

An Ordinance approving the FY 2012 budget for the North Charleston District was given third reading by title only.

FY 2012  
North  
Charleston  
District  
Budget

**AN ORDINANCE  
APPROVING THE BUDGET AND DIRECTING  
THE AUDITOR OF CHARLESTON COUNTY  
TO LEVY THE NECESSARY MILLAGE AND  
THE TREASURER TO COLLECT TAXES  
FOR  
THE NORTH CHARLESTON DISTRICT  
FOR FISCAL YEAR 2011-2012**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named North Charleston District, and

**WHEREAS**, the North Charleston District has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the North Charleston District in the amount of \$1,269,601 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 90.7 mills before adjustment for reassessment (not to exceed 88.0 mills after adjustment for reassessment) for the operating expenditures of the District in the year 2011, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2011, and ending June 30, 2012.

**Section 4.**

The \$336,601 difference between the \$1,269,601 in budgeted expenditures and the \$933,000 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 7.

**Section 6.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the North Charleston District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the North Charleston District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 7.**

All monies properly encumbered as of June 30, 2011, shall be added to the North Charleston District's budget for Fiscal Year 2012. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the North Charleston District's governing body.

**Section 8.**

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2012 for the District.

**Section 9.**

The North Charleston District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the North Charleston District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 10.**

All monies designated by the North Charleston District Commission as of June 30, 2011, shall be added to the applicable organizational budget for Fiscal Year 2012. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 11.**

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

**Section 12.**

This Ordinance shall become effective upon Third Reading.

First Reading: June 2, 2011

Second Reading: June 7, 2011

Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received second reading approval.

FY 2012 St.  
Andrews  
Parish Parks  
& Playground  
Commission  
Budget

An Ordinance approving the FY 2012 budget for the St. Andrews Parish Park and Playground Commission was given third reading by title only.

**AN ORDINANCE  
APPROVING THE BUDGET AND DIRECTING  
THE AUDITOR OF CHARLESTON COUNTY  
TO LEVY THE NECESSARY MILLAGE AND  
THE TREASURER TO COLLECT TAXES  
FOR  
THE ST. ANDREW'S PARISH PARKS & PLAYGROUND COMMISSION  
FOR FISCAL YEAR 2011-2012,  
AND AUTHORIZING THE ISSUANCE OF A  
TAX ANTICIPATION NOTE IN THE AMOUNT UP TO \$400,000.**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named St. Andrew's Parish Parks and Playground Commission, and

**WHEREAS**, the St. Andrew's Parish Parks and Playground Commission has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the St. Andrew's Parish Parks and Playground Commission in the amount of \$2,019,994 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 17.9 mills before adjustment for reassessment (not to exceed 17.4 mills after adjustment for reassessment) for operating expenditures for the Commission in the year 2011, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the Commission during the fiscal year beginning July 1, 2011, and ending June 30, 2012.

**Section 4.**

The \$800,135 difference between the \$2,019,994 in budgeted expenditures and the \$1,219,859 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said Commission for Fiscal Year 2012, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the St. Andrew's Parish Parks and Playground Commission a sum or sums up to \$400,000 for the use of the aforementioned Commission and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned Commission; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

#### **Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

#### **Section 7.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the St. Andrew's Parish Parks and Playground Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the St. Andrew's Parish Parks and Playground Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

#### **Section 8.**

All monies properly encumbered as of June 30, 2011, shall be added to the St. Andrew's Parish Parks and Playground Commission's budget for Fiscal Year 2012. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the St. Andrew's Parish Parks and Playground Commission's governing body.

#### **Section 9.**

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2011 for the Commission.

#### **Section 10.**

The St. Andrew's Parish Parks and Playground Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the St. Andrew's Parish Parks and Playground Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 11.**

All monies designated by the St. Andrew's Parish Parks and Playground Commission as of June 30, 2011, shall be added to the applicable organizational budget for Fiscal Year 2012. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 12.**

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

**Section 13.**

This Ordinance shall become effective upon Third Reading.

First Reading: June 2, 2011

Second Reading: June 7, 2011

Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.



**AN ORDINANCE****APPROVING THE BUDGET AND DIRECTING  
THE AUDITOR OF CHARLESTON COUNTY  
TO LEVY THE NECESSARY MILLAGE AND  
THE TREASURER TO COLLECT TAXES  
FOR  
THE ST. JOHN'S FIRE DISTRICT  
FOR FISCAL YEAR 2011-2012,  
AND AUTHORIZING THE ISSUANCE OF A  
TAX ANTICIPATION NOTE IN THE AMOUNT UP TO \$1,000,000.**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named St. John's Fire District, and

**WHEREAS**, the St. John's Fire District has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the St. John's Fire District in the amount of \$10,065,530 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 20.8 mills before adjustment for reassessment (not to exceed 20.2 mills after adjustment for reassessment) for operating expenditures of the District in the year 2011, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2011, and ending June 30, 2012.

The Auditor of Charleston County shall levy the necessary Millage, and the Treasurer shall collect upon all taxable property within the boundary of the district during the fiscal year beginning July 1, 2011, and ending June 30, 2012 a total not to exceed \$1,391,788 for the debt service for the district.

**Section 4.**

The \$995,458 difference between the \$10,065,530 in budgeted expenditures and the \$9,069,072 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said District for Fiscal Year 2012, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the St. John's Fire District a sum or sums up to \$1,000,000 Dollars for the use of the aforementioned District and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

#### **Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

#### **Section 7.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the St. John's Fire District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the St. John's Fire District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

#### **Section 8.**

All monies properly encumbered as of June 30, 2011, shall be added to the St. John's Fire District's budget for Fiscal Year 2012. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the St. John's Fire District's governing body.

#### **Section 9.**

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2012 for the District.

#### **Section 10.**

The St. John's Fire District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the St. John's Fire District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 11.**

All monies designated by the St. John's Fire District's Commission as of June 30, 2011, shall be added to the applicable organizational budget for Fiscal Year 2012. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 12.**

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

**Section 13.**

This Ordinance shall become effective upon Third Reading.

First Reading: June 2, 2011

Second Reading: June 7, 2011

Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes, one (1) nay and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance approving the FY 2012 budget for the St. Paul's Fire District was given third reading by title only.

**APPROVING THE BUDGET AND DIRECTING  
THE AUDITOR OF CHARLESTON COUNTY  
TO LEVY THE NECESSARY MILLAGE AND  
THE TREASURER TO COLLECT TAXES  
FOR  
THE ST. PAUL'S FIRE DISTRICT  
FOR FISCAL YEAR 2011-2012,  
AND AUTHORIZING THE ISSUANCE OF A  
TAX ANTICIPATION NOTE IN THE AMOUNT UP TO \$1,500,000.**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named St. Paul's Fire District, and

**WHEREAS**, the St. Paul's Fire District has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the St. Paul's Fire District in the amount of \$4,464,526 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 46.2 mills before adjustment for reassessment for operating expenditures of the District in the year 2011, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2011, and ending June 30, 2012.

The Auditor of Charleston County shall levy the necessary Millage, and the Treasurer shall collect upon all taxable property within the boundary of the district during the fiscal year beginning July 1, 2011, and ending June 30, 2012 a total not to exceed \$269,193 for the debt service for the district.

**Section 4.**

The \$350,056 difference between the \$4,464,526 in budgeted expenditures and the \$4,114,470 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said District for fiscal year 2012, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston

County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the St. Paul's Fire District a sum or sums up to \$1,500,000 for the use of the aforementioned District and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

#### **Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

#### **Section 7.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the St. Paul's Fire District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the St. Paul's Fire District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

#### **Section 8.**

All monies properly encumbered as of June 30, 2011, shall be added to the St. Paul's Fire District's budget for fiscal year 2012. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the St. Paul's Fire District's governing body.

#### **Section 9.**

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of fiscal year 2012 for the District.

#### **Section 10.**

The St. Paul's Fire District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the St. Paul's Fire District for the limited purpose of

better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 11.**

All monies designated by the St. Paul’s Fire District Commission as of June 30, 2011, shall be added to the applicable organizational budget for Fiscal Year 2012. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 12.**

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

**Section 13.**

This Ordinance shall become effective upon Third Reading.

First Reading: June 2, 2011  
Second Reading: June 7, 2011  
Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes, one (1) nay and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance giving third reading to the Fiscal Year 2012 Charleston County Budget was read by title only.

FY 2012  
Charleston  
County  
Budget

**CHARLESTON COUNTY ORDINANCE**

**TO PROVIDE FOR THE LEVY OF TAXES FOR CORPORATE PURPOSES OF CHARLESTON COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, HEREINAFTER REFERRED TO AS FISCAL YEAR**

**2012; TO MAKE APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDS OF SAID COUNTY FOR SUCH PURPOSES; AND TO FURTHER PROVIDE FOR THE LEVY OF TAXES FOR CORPORATE PURPOSES OF CHARLESTON COUNTY INCLUDING THE AWENDAW CONSOLIDATED FIRE DISTRICT, EAST COOPER FIRE DISTRICT, NORTHERN CHARLESTON COUNTY FIRE DISTRICT, WEST ST. ANDREW'S FIRE DISTRICT, AND TRIDENT TECHNICAL COLLEGE FOR FISCAL YEAR 2012; TO PROVIDE FOR APPROPRIATIONS FROM SUCH SPECIAL FUNDS CREATED FOR THE PURPOSES OF THE AWENDAW CONSOLIDATED FIRE DISTRICT, EAST COOPER FIRE DISTRICT, NORTHERN CHARLESTON COUNTY FIRE DISTRICT, WEST ST. ANDREW'S FIRE DISTRICT, AND TRIDENT TECHNICAL COLLEGE IN ORDER TO SUPPLY THE NECESSARY FUNCTIONS OF SAID UNITS; TO PROVIDE FOR BUDGET CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR; TO MAKE PROVISIONS FOR THE FISCAL AFFAIRS OF SAID COUNTY; AND TO PROVIDE FOR THE ISSUANCE OF TAX ANTICIPATION NOTES IN AN AMOUNT UP TO \$25,000,000 FOR CHARLESTON COUNTY AND UP TO \$200,000 FOR AWENDAW CONSOLIDATED FIRE DISTRICT.**

BE IT ORDAINED by the County Council of Charleston County:

BE IT ORDAINED by the County Council of Charleston County:

SECTION 1: As set by County Council, the Charleston County Auditor shall levy in the year 2011 41.4 mills before adjustment for reassessment (not to exceed 40.2 mills after adjustment for reassessment) for General Fund Purposes.

The Charleston County Auditor shall levy the necessary millage in the year 2011, a total not to exceed \$18,025,000 for the debt service of the County.

Proceeds of the levy upon all taxable property in Charleston County shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in the appropriate funds of the said County together with all revenues and income accruing to the County of Charleston during the Fiscal Year 2012, and regardless of sources, shall be paid out from time to time by the said County Treasurer in accordance with the provisions of this ordinance and other appropriation ordinances hereafter passed by the County Council of Charleston, except welfare funds received by the Charleston County Department of Social Services from the State of South Carolina or the United States.

SECTION 2: There is hereby appropriated from the General, Debt Service, Proprietary, and Special Revenue Funds referred to in SECTION 1 hereof the following amounts of money for the following respective corporate purposes of Charleston County for and during the period beginning July 1, 2011, and ending June 30, 2012, to wit:

Organization Units:	General	Debt Service	Proprietary	Special Revenue
<b>COUNCIL AGENCIES</b>				
County Council	\$ 1,003,549	\$ -	\$ -	\$ -
Accommodations Tax - Local	-	-	-	10,140,890
Accommodations Tax - State	-	-	-	79,000
Internal Auditor	214,112	-	-	-
Legal	1,045,201	-	-	227,874
State Agencies	377,106	-	-	-
<b>ELECTED OFFICIALS</b>				
Auditor	2,010,059	-	-	-
Clerk of Court	3,310,724	-	-	1,055,000
Coroner	1,161,750	-	-	-
Legislative Delegation	179,755	-	-	-
Probate Courts	2,071,157	-	-	-
Register of Mesne Conveyance	1,794,065	-	-	-
Sheriff	56,824,325	-	-	970,761
Solicitor	4,997,578	-	-	2,481,554
Treasurer	1,596,685	-	-	-
<b>APPOINTED OFFICIALS</b>				
Elections and Voter Registration	1,551,953	-	-	-
Library	13,322,999	-	-	-
Master-In-Equity	571,866	-	-	-
Public Defender	2,832,489	-	-	4,447,717
Veterans Affairs	287,876	-	-	-
<b>ADMINISTRATOR</b>				
	786,243	-	-	-
Community Services	1,873,753	-	-	-
Consolidated Dispatch	5,603,832	-	1,685,000	-
Economic Development	-	-	-	1,240,083
Environmental Management	-	-	28,557,552	-
Human Resources	1,291,323	-	24,305,000	-
Nondepartmental	5,290,296	24,623,948	-	-
<b>DEPUTY COUNTY ADMINISTRATOR</b>				
	21,257	-	-	-
Public Works	8,885,068	-	-	3,746,043
Transportation Development	359,684	-	-	-
<b>ASST ADMINISTRATOR FINANCE</b>				
	460,442	-	-	-
Assessor	3,634,944	-	-	-
Budget	629,988	-	-	-
Finance	912,612	-	-	-
Revenue Collections	1,086,744	-	2,078,459	-
<b>ASST ADMIN GENERAL SERVICES</b>				
	349,241	-	-	-
Building Inspections	1,365,183	-	-	46,297
Facilities Management	12,503,976	-	-	-
Internal Services	-	-	15,198,453	-
Magistrates' Courts	4,539,312	-	-	99,772
Technology Services	11,307,667	-	5,498,409	-
Zoning/Planning	1,502,843	-	-	160,000
<b>ASST ADMIN HUMAN SERVICES</b>				
	378,708	-	-	-
Dept of Alcohol & Other Drug Abuse	-	-	10,255,815	-
Emergency Management	645,983	-	-	229,360
Emergency Medical Services	9,929,260	-	-	-
Procurement	806,487	-	1,800,000	-
Safety & Risk Management	1,763,034	-	4,627,320	-
<b>TOTAL</b>	<b>\$ 171,081,129</b>	<b>\$ 24,623,948</b>	<b>\$ 94,006,008</b>	<b>\$ 24,924,351</b>



SECTION 3: Unless covered by SECTION 14 of this ordinance, all of the foregoing appropriations are maximum and conditional, and are subject to reduction by action of County Council in the event that the County's revenues accruing to its General, Debt Service, Proprietary, Special Revenue Funds, as provided in SECTION 1 hereof, shall fail to be sufficient to pay the same, to the end that the cost of operation of the County government shall remain at all times within its income.

SECTION 4: The Charleston County Auditor is hereby authorized and directed to levy in the year 2011 29.9 mills before adjustment for reassessment (not to exceed 29.1 mills after adjustment for reassessment) on all of the taxable property in the area located within Charleston County known as the Awendaw Consolidated Fire District to be deposited in the Awendaw Consolidated Fire District Special Revenue Fund. Proceeds of the levy upon all taxable property located within the Awendaw Consolidated Fire District shall be collected by the Charleston County Treasurer as provided by the law for the collection of County ad valorem taxes, the proceeds thereof to be placed in separate fund to be held and administered by the County Treasurer, including all monies collected, earned, donated, proceeds of the tax anticipation borrowing or otherwise accruing from the operation of the Awendaw Consolidated Fire District. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 5: There is hereby appropriated \$2,338,768 from the funds referred to in SECTION 4 hereof and from such other funds as may be generated by the Awendaw Consolidated Fire District for the corporate purposes of the District for and during the period beginning July 1, 2011, and ending June 30, 2012. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the disbursement limitations embodied in SECTION 15 of this ordinance.

SECTION 6: The Charleston County Auditor is hereby authorized and directed to levy in the year 2011 18.7 mills before adjustment for reassessment on all of the taxable property in the area located within Charleston County known as the East Cooper Fire District to be deposited in the East Cooper Fire District Special Revenue Fund. Proceeds of the levy upon all taxable property in the area located within Charleston County known as the East Cooper Fire District shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in a separate fund to be held and administered by the County Treasurer, including all monies collected, earned, donated, or otherwise accruing from the operation of the East Cooper Fire District. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 7: There is hereby appropriated \$145,000 from the funds referred to in SECTION 6 hereof and from such other funds as may be generated by the East Cooper Fire District for the corporate purposes of the District for and during the period beginning July 1, 2011, and ending June 30, 2012. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the disbursement limitations embodied in SECTION 15 of this ordinance.

SECTION 8: The Charleston County Auditor is hereby authorized and directed to levy in the year 2011 12.3 mills before adjustment for reassessment (not to exceed 12.0 mills after adjustment for reassessment) on all of the taxable property in the area located within Charleston County known as the Northern Charleston County Fire District to be deposited in the Northern Charleston County Fire District Special Revenue Fund. Proceeds of the levy upon all taxable property in the area located within Charleston County known as the Northern Charleston County Fire District shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in a separate fund to be held and administered by the County Treasurer, including all monies collected, earned, donated, or otherwise accruing from the operation of the Northern Charleston County Fire District. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 9: There is hereby appropriated \$203,900 from the funds referred to in SECTION 8 hereof and from such other funds as may be generated by the Northern Charleston County Fire District for the corporate purposes of the District for and during the period beginning July 1, 2011, and ending June 30, 2012. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the disbursement limitations embodied in SECTION 15 of this ordinance.

SECTION 10: The Charleston County Auditor is hereby authorized and directed to levy in the year 2011 3.1 mills before adjustment for reassessment for baseline operations on all of the taxable property in the area located within Charleston County known as the West St. Andrew's Fire District to be deposited in the West St. Andrew's Fire District Special Revenue Fund.

The Charleston County Auditor shall levy the necessary millage in the year 2011, a total not to exceed \$4,637 for the Fiscal Year 2011 deficit of the West St. Andrew's Fire District.

Proceeds of the levy upon all taxable property in the area located within Charleston County known as the West St. Andrew's Fire District shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in a separate fund to be held and administered by the County Treasurer, including all monies collected, earned, donated, or otherwise accruing from the operation of the West St. Andrew's Fire District. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 11: There is hereby appropriated \$8,000 from the funds referred to in SECTION 10 hereof and from such other funds as may be generated by the West St. Andrew's Fire District for the corporate purposes of the District for and during the period beginning July 1, 2011, and ending June 30, 2012. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the disbursement limitations embodied in SECTION 15 of this ordinance.

SECTION 12: The Charleston County Auditor is hereby authorized and directed to levy in the year 2011 2.0 mills before adjustment for reassessment on all

taxable property in Charleston County to be deposited in the Trident Technical College Special Revenue Fund.

The Charleston County Auditor shall levy the necessary millage in the year 2011, a total not to exceed \$1,330,000 for the debt service of the Trident Technical College.

Proceeds of the levy upon all taxable property shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in separate funds to be held and administered by the County Treasurer. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 13: There is hereby appropriated \$5,739,913 from the funds referred to in SECTION 12 hereof and from such other funds as may be generated by the Trident Technical College for the operating purposes of the College for and during the period beginning July 1, 2011, and ending June 30, 2012. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the disbursement limitations embodied in SECTION 15 of this ordinance.

There is hereby appropriated \$1,330,000 from the funds referred to in SECTION 12 hereof and from such other funds as may be generated by the Trident Technical College for debt service of the College for and during the period beginning July 1, 2011, and ending June 30, 2012. The foregoing appropriation is for the operation of a Debt Service Fund and is subject to the expenditure limitations embodied in SECTION 14 of this ordinance.

SECTION 14: The Charleston County Approved Operating Budget, with the detail and the provisos as so stated in the Charleston County Budget Detail FY 2012 document, hereby incorporated by reference as part of this Ordinance as fully as if set forth verbatim herein, is hereby adopted as the detailed Budget for Charleston County.

SECTION 15: Anticipated revenues accruing to all Proprietary and Special Revenue Funds are stated in this Budget Ordinance. Should actual funding sources for any such fund be less than projected, the Administrator shall reduce budgeted disbursements attributable to said fund. Should actual funding sources be greater than projected in this Ordinance, the Administrator may revise budgeted disbursements or direct the increase to be held for future years' disbursements.

SECTION 16: All monies properly encumbered as of June 30, 2011, shall be added to the applicable organizational unit's budget for Fiscal Year 2012. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Administrator. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

SECTION 17: All monies designated by Council as of June 30, 2011, shall be added to the applicable organizational unit's budget for Fiscal Year 2012. These designated

monies may be expended only as set forth in their authorization by Council. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

SECTION 18: For the purpose of paying in cash for the foregoing and all other general ordinary County expenses for Fiscal Year 2012 as authorized by this ordinance or by any other appropriation ordinance hereafter passed in and for said fiscal year, the County

Treasurer for the said County of Charleston is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of the taxes herein levied, provided that all loans made from private persons, firms, or corporations shall be made only after three days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible, a sum or sums not exceeding in the aggregate \$25,000,000, for the use of the County of Charleston and a sum not exceeding in the aggregate \$200,000 for the use of the Awendaw Consolidated Fire District and the sum or sums so borrowed for the operation of the County of Charleston shall constitute a valid and prior claim against the said taxes herein levied and against the County of Charleston and the sum or sums so borrowed for the operation of the Awendaw Consolidated Fire District shall constitute a valid and prior claim only against the said taxes herein levied for the use of the Awendaw Consolidated Fire District; provided further that the said County Treasurer shall be authorized in his discretion to make any such loans from special fund or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, firms, or corporations as aforesaid; and provided further that if the net interest cost is less than eight (8) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting there from the amount of the premium offered if any, over and above the premium amount).

SECTION 19: Organization units are bound to the appropriated disbursements as defined in SECTION 2 and delineated in the FY2012 Approved Budget Detail document.

For "State Agencies" and "Outside Agencies" the organizational budgets are bound by" object code."

The County Administrator, or his designated representative, is hereby authorized to effect transfers between organizational units. The County Administrator is also authorized to further restrict budget transfers within major expenditure categories.

By resolution Council may affect transfers from Council's contingency to organizational units.

By amendment to this ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized elsewhere within this ordinance.

SECTION 20: In order that Council may be assured that monies appropriated to the agencies funded in "County Council" and "Local Accommodations Tax" in SECTION 2 of this Ordinance are properly expended for a public purpose, the above agencies receiving monies shall supply all documents and information required in the County policy for funding outside agencies, adopted August 22, 2006, as may be amended from time to time.

SECTION 21:

(a) Monies received from governmental grants shall accrue only to Special Revenue, Capital Projects, and Proprietary Funds as set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year and thereby not be stated in this Budget Ordinance, then, by passage of Council's resolution authorizing the grant application and expenditures, the necessary Special Revenue, Capital Projects, and Proprietary Funds shall be created to provide a mechanism for the expenditures of these monies.

(b) Funds derived from the sale of real property shall be placed in the Capital Proceeds Capital Projects Fund, and these funds shall be expended only for capital outlays after specific resolution of Council.

SECTION 22: A Rainy Day Fund is established to provide emergency funds for use in the event of a major calamity. This fund will be maintained at no less than four percent of General Fund disbursements. Expenditures from this fund shall be authorized by amending this Budget Ordinance.

At June 30, 2012, if the total revenue for General Fund purposes generated by current and delinquent ad valorem taxes and Local Option Sales Tax revenue is greater than \$113,402,500, then the first \$500,000 of excess shall be placed in Charleston County's Rainy Day Fund.

SECTION 23: Contracts necessary to expend monies appropriated in this budget when not specifically permitted by the Charleston County Procurement Code are hereby authorized and said contracts shall be approved by a Resolution of County Council. Awards of bids on capital items, when less than the amount specified in the Charleston County Approved Operating Budget, are hereby authorized and shall be purchased in accordance with the provisions of the Charleston County Procurement Code.

SECTION 24: The salaries or compensation shall be determined and paid in accordance with the provisions of the Personnel Policies and Procedures adopted by County Council. Travel and expense allowances shall be paid only upon proper documentation as prescribed by the County Administrator. The per diem rates adopted by the State of South Carolina and the mileage reimbursement rates adopted by the Internal Revenue Service shall apply.

SECTION 25: The classification and grades of all positions shown in the Charleston County Approved Operating Budget are only provisional and are subject to audit by the Human Resources Department to determine the appropriate grade and classification. .

SECTION 26: The County Administrator, or his designated representative, is hereby authorized to transfer positions (Full Time Equivalents - FTEs) among organizational units and fund types.

SECTION 27: If any provision of this ordinance or its applications to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

SECTION 28: This ordinance shall take effect following approval of third reading.

First Reading: June 2, 2011

Second Reading: June 7, 2011

Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes, one (1) nay and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

**FY 2012  
Solid Waste  
Budget**

An Ordinance establishing a FY 2012 Solid Waste budget for the Enviromental Management Department was given third reading by title only.

AN ORDINANCE

RELATING TO THE IMPOSITION OF ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES FOR THE DISPOSITION OF SOLID WASTE AND RECYCLING; PROVIDING FOR CLASSIFICATIONS OF REAL PROPERTY SUBJECT TO ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES; AND ESTABLISHING THE AMOUNT OF THE ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES.

BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL:

SECTION 1. Findings. It is hereby found and declared by Charleston County Council (the "County Council"), the governing body of Charleston County, South Carolina (the "County"):

1. On October 20, 1987, County Council adopted an ordinance entitled AN ORDINANCE RELATING TO THE DISPOSITION OF SOLID WASTE; PROVIDING FOR THE COLLECTION OF SUCH USER FEE; AND PROVIDING FOR AN EFFECTIVE DATE, (the "Solid Waste Ordinance"). A requirement of the Solid Waste Ordinance is that County Council each year adopt an ordinance relating to rates to be imposed during such year to pay certain costs associated with disposition of Solid Waste. County Council attempts to consider the rate ordinance at substantially the same time each year that it considers its budget ordinance inasmuch as the two ordinances each relate to the cost of providing basic services to the County's residents. County Council has adopted rate ordinances as contemplated by the Solid Waste Ordinance for each fiscal year since adoption of the Solid Waste Ordinance. Such rate ordinances related to, among other things, the imposition of annual disposal user fees for the disposition of solid waste, provided for classifications of real property subject to annual disposal user fees and establishing the amount and made appropriation of the annual disposal user fees. Such rate ordinances were adopted on September 20, 1988, August 22, 1989, October 2, 1990, June 18, 1991, June 2, 1992, June 15, 1993, June 7, 1994, June 6, 1995, June 4, 1996, June 3, 1997, June 2, 1998, June 1, 1999, June 6, 2000, June 5, 2001, June 4, 2002, June 3, 2003, June 1, 2004, June 6, 2005, June 6, 2006, June 5, 2007, June 3, 2008, June 2, 2009, and June 15, 2010. The Solid Waste Ordinance, the 1988 Ordinance, the 1989 Ordinance, the 1990 Ordinance, the 1991 Ordinance, the 1992 Ordinance, the 1993 Ordinance, the 1994 Ordinance, the 1995 Ordinance, the 1996 Ordinance, the 1997 Ordinance, the 1998 Ordinance, the 1999 Ordinance, the 2000 Ordinance, the 2001 Ordinance, the 2002 Ordinance, the 2003 Ordinance, the 2004 Ordinance, the 2005 Ordinance, the 2006 Ordinance, the 2007 Ordinance, the 2008 Ordinance, the 2009 Ordinance, and the 2010 Ordinance are herein referred to as the Ordinances.

2. In each of the Ordinances, County Council has made certain findings and declarations concerning the need for an adequate Solid Waste Disposal and Resource Recovery System (the "System") for the County, concerning the means of obtaining the use of such System, concerning the benefits that would accrue to property owners in the County from the existence of such a System, and concerning certain other matters set forth more fully in the Ordinances.

In each of the Ordinances, County Council has made specific reference to certain terms and conditions set forth in the Ordinances previously adopted but has not specifically set forth the provisions to which reference has been made. As a result, it has been necessary in the past to refer to each of the Ordinances for a complete understanding of all the terms and conditions relating to the County's Solid Waste Disposal and Resource Recovery System. In connection with adoption of the 1995 Ordinance, several citizens suggested that a single rate ordinance restating the relevant provisions of the Ordinances would be helpful to their understanding of the County's Solid Waste Disposal and Resource Recovery System. County Council determined to undertake such an effort in adopting the 1995 Ordinance which attempted to include many of the separate terms and conditions set forth in each of the Ordinances in order to cumulatively present the County's system of Solid Waste. In the interest of efficiency, County Council has determined to incorporate by reference the 1995 Ordinance rather than restate herein the terms and conditions which cumulatively present the County's

system of Solid Waste. In addition to incorporating by reference the 1995 Ordinance, it is the purpose of this Ordinance to take the action required on an annual basis by the Solid Waste Ordinance.

3. As stated in paragraph 2 of SECTION 5 of the Solid Waste Ordinance, as amended, County Council must adopt a Rate Ordinance establishing classifications and determining the Recycling and Disposal Fees to be imposed upon the Owners of occupied real property within the County. The purpose of this Ordinance is to meet the requirements of the Solid Waste Ordinance and the Ordinances.

SECTION 2. Definitions. The definitions contained in the Ordinances are incorporated herein by reference.

SECTION 3. Annual Solid Waste Recycling and Disposal Fees, Amendment of SECTION 20 of the Solid Waste Ordinance. As required by paragraph (1) of SECTION 5 of the Solid Waste Ordinance, and as further required by the Ordinance providing for the issuance of the 1994 User Fee Revenue Bonds, County Council is required annually to adopt a budget for the operation and maintenance of the Solid Waste Disposal and Resource Recovery System. Such budget is attached hereto as Exhibit A, which budget confirms the funds described in the Fiscal Year Beginning July 1, 2011 Budget Ordinance adopted by County Council substantially on a schedule consistent with adoption of this Ordinance, which funds are hereby appropriated for the purposes set forth in Exhibit A. In order to provide a portion of the sum reflected in the budget, County Council sets the following Annual Solid Waste Recycling and Disposal Fees.

1. Residential Properties -- the Annual Solid Waste Recycling and Disposal Fee for Residential Properties shall be as follows:

<u>Classification of Property</u>	<u>Annual Solid Waste Recycling and Disposal Fee</u>
Single Family Residence	\$99.00 each
Multi-family Unit	\$70.00 each

2. Non-Residential Properties -- the Annual Solid Waste Recycling and Disposal Fees for Non-Residential Properties shall be \$86.00 for all Non-Residential Properties which generate 0.5 cubic yards or less per week. The Annual Solid Waste Recycling and Disposal Fee for other Non-Residential Properties shall be the product of \$172.00 multiplied by the average number of cubic yards of non-compacted waste generated per week. Compacted waste shall be calculated at a ratio of four cubic yards of noncompacted waste for every one yard of compacted waste.

SECTION 4. Preparation of Annual Disposal User Fee Roll. The Solid Waste Ordinance provides that upon adoption by the County Council of the Rate Ordinance and not later than the date the County tax books are transmitted by the Auditor to the County pursuant to SECTION 12-39-140 of the Code, the Auditor shall cause to be prepared an Annual Disposal User Fee Roll. The information required to be included in



the Annual Disposal User Fee Roll shall conform to that maintained by the Auditor on the tax books with respect to real property within the County.

The Solid Waste Ordinance further provides that County Council shall cause to be published in a newspaper of general circulation in the County once each week for two consecutive weeks, notice that County Council on a specified date at a regular or special meeting will hear testimony as to the amount of any Annual Disposal User Fee. At such time as the Annual Disposal User Fee Roll is prepared, County Council will cause to be reviewed the Annual Disposal User Fee Roll prepared by the Auditor with respect to Residential Properties. County Council shall make such changes or additions as necessary to conform such roll with the Rate Ordinance. If upon the completion of such review, County Council shall be satisfied that the Annual Disposal User Fee Roll for Residential Properties has been prepared in conformity with the Rate Ordinance, it shall ratify and confirm such roll and certify the roll to the Treasurer and the Solid Waste User Fee Department, as appropriate, for collection.

County Council will also cause to be reviewed the Annual Disposal User Fee Roll for Non-Residential Properties prepared by the Revenue Collections Department. County Council shall make such changes or additions as necessary to conform such roll with the Rate Ordinance. If upon the completion of such review, County Council shall be satisfied that the Annual Disposal User Fee Roll for Non-Residential Properties has been prepared in conformity with the Rate Ordinance, it shall ratify and confirm such roll and certify the roll to the Revenue Collections Department for collection.

SECTION 5. Required Publications and Public Hearing. As required at SECTIONS 5 and 7 of the Solid Waste Ordinance, a public hearing shall be held prior to adoption of this Ordinance for the following purposes:

1. To adopt a budget for the operation and maintenance of the Solid Waste Disposal and Resource Recovery System.
2. To adopt a Rate Ordinance establishing classifications and determining the Annual Solid Waste Recycling and Disposal Fees.

As required by the last paragraph of SECTION 5 of the Solid Waste Ordinance, notice of the time, place and purpose of the public hearing was published once a week for two successive weeks prior to the public hearing, specifically May 23, 2011 and May 30, 2011. The form of such notice is attached hereto as Exhibit B.

As required by SECTION 7 of the Solid Waste Ordinance, "the County Council shall cause to be published in a newspaper of general circulation in the County once each week for two consecutive weeks, notice that the County Council on a specified date at a regular or special meeting will hear testimony as to the amount of any Annual Recycling and Disposal Fee." Such notice was supplied in the publication described in the preceding paragraph in order to afford County Council the opportunity to hear testimony as to the amount of the Annual Solid Waste Recycling and Disposal Fee. As stated above, the form of such notice is attached hereto as Exhibit B.

SECTION 6. Ratification and Confirmation of Annual Solid Waste Recycling and Disposal Fee. A public hearing has been held in connection with adoption of this Ordinance to enable County Council to hear comments and receive testimony regarding (1) the budget for the Solid Waste Disposal and Resource Recovery System and (2) the rates and classifications determining the Annual Solid Waste Recycling and Disposal Fees to be imposed upon the Owners of certain property within the County or collected by municipalities primarily located in the County. County Council hereby ratifies and confirms such Annual Solid Waste Recycling and Disposal Fee.

SECTION 7. Partial Invalidity. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall take effect upon third reading by County Council.

First Reading: June 2, 2011  
Second Reading: June 7, 2011  
Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes, and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance establishing a FY 2012 budget for the Transportation Management Department was given third reading by title only.

FY2012  
Transportation  
Sales Tax  
Budget

**CHARLESTON COUNTY ORDINANCE**

**TO ESTABLISH AND MAKE APPROPRIATIONS FOR FISCAL YEAR 2012 FROM THE TRANSPORTATION SALES TAX SPECIAL REVENUE FUND FOR PROJECTS AND PURPOSES PERMITTED BY LAW; TO PROVIDE FOR BUDGET CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, County Council, by Ordinance No. 1324, duly enacted on August 10, 2004 (the "Sales Tax Ordinance"), provided for the imposition of a ½ of one percent sales and use tax (the "Sales Tax") in Charleston County pursuant to the provisions of S.C. Code Section 4-37-10 et seq. (the "Act"), subject to the results of a referendum to be held on the imposition of the sales tax on November 2, 2004 (the "Referendum"); and

**WHEREAS**, the Referendum was approved by a majority of the qualified electors of the County, and

**WHEREAS**, pursuant to applicable law, rules and regulations, the sales tax will be collected starting May 1, 2005, and

**WHEREAS**, there is a need to provide funds for greenbelts, mass transit, administration and other transportation-related projects before the beginning of the next County fiscal year, and

**WHEREAS**, pursuant to the Sales Tax Ordinance, a budget for expenditures of sales and use tax revenues from this source must be approved by County Council,

NOW, THEREFORE, BE IT ORDAINED by the County Council of Charleston County:

County Council hereby adopts the above recitals as findings of fact.

SECTION 1: Revenues and income accruing to the County of Charleston during Fiscal Year 2012 from the proceeds of the Sales Tax shall be deposited into the Transportation Sales Tax Special Revenue Fund, and paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance.

SECTION 2: There is hereby appropriated from the Transportation Sales Tax Special Revenue Fund the following amounts for the following respective corporate purposes of Charleston County for and during the period beginning July 1, 2011, and ending June 30, 2012, to wit:

<u>Organization Units:</u>	<u>Mass Transit</u>	<u>Greenbelts</u>	<u>Transportation Related Projects</u>
CARTA	\$ 7,126,750	\$ -	\$ -
RTMA - Tri-County Link	355,000	-	-
ITN Charleston Trident	30,000	-	-
Greenbelts - Operating	-	190,845	-
MWDBE Program	-	-	300,871
Public Information Office	-	-	35,069
Roads Program	-	-	18,176,517
Debt Service	-	7,120,698	10,694,797
County Indirect Cost	10,000	5,000	160,000
<b>TOTAL</b>	<b>\$ 7,521,750</b>	<b>\$ 7,316,543</b>	<b>\$ 29,367,254</b>

SECTION 3: Unless covered by SECTION 5 or 6 of this ordinance, all of the foregoing appropriations are maximum and conditional, and are subject to reduction

by action of County Council in the event that the County's revenues accruing to its Transportation Sales Tax Special Revenue Fund shall fail to be sufficient to pay the same, to the end that the cost of operation of the county government shall remain at all times within its income.

SECTION 4: For internal County organizational units, the salaries or compensation of positions funded in whole or in part through this budget shall be determined and paid in accordance with the provisions of the Personnel Policies and Procedures adopted by County Council. Travel and expense allowances shall be paid only upon proper documentation as prescribed by the County Administrator. The per diem rates adopted by the State of South Carolina and the mileage reimbursement rates adopted by the Internal Revenue Service shall apply. Positions funded in whole or in part through this budget shall only be those in support of expenditures of funds authorized by the Act and the Sales Tax Ordinance. Positions not solely providing administrative support to projects and purposes under the Act and the Sales Tax Ordinance shall be funded in part from other sources.

SECTION 5: Anticipated revenues accruing to the Transportation Sales Tax Special Revenue Fund are stated in this Budget Ordinance. Should actual funding sources for said fund be less than projected, the Administrator shall reduce budgeted expenditures attributable to said fund. Should actual funding sources be greater than projected in this Ordinance, the Administrator may a) revise budgeted expenditures or b) direct the increase to be held for future years' expenditures. Any such actions shall be periodically reported to County Council.

SECTION 6: Internal County organizational units are bound to the appropriated disbursements as defined in SECTION 2 as delineated in the FY 2012 Approved Budget Detail document prepared in support of this ordinance.

The County Administrator, or his designated representative, is hereby authorized to effect transfers between County organizational units. By amendment to this ordinance, County Council may also adjust appropriations and make supplemental appropriations from the proceeds of the Sales Tax.

SECTION 7: Agencies outside the County which receive funds from the Transportation Sales Tax Special Revenue Fund shall enter into an intergovernmental agreement in a form approved by the County Administrator and County Attorney. Such agreements shall include, provisions set forth herein, as well as other provisions necessary or helpful in administering the distribution of funds hereunder pursuant to the Act, the Sales Tax Ordinance, and other applicable laws, rules, regulations and County policies.

SECTION 8: In order that Council may be assured that monies appropriated to the outside agencies funded from the proceeds of the Sales Tax are properly expended for projects and purposes permissible under the Act and the Sales Tax Ordinance, such agencies receiving funds shall submit requests for funding in accordance with procedures and schedules established by the County Administrator. Such procedures and schedules shall require, *inter alia*, a statement of the particular purpose(s) for which the money is intended to be spent. Except as specifically authorized by County Council, any outside agency or organization receiving an

appropriation of Sales Tax funds must provide to County Council an independent annual audit of such agency's or organization's financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

SECTION 9: Contracts necessary for County organizational units to expend monies appropriated in this budget when not specifically permitted by the Charleston County Procurement Code are hereby authorized and said contracts shall be approved by a resolution of County Council. Awards of bids are hereby authorized and shall be conducted in accordance with the provisions of the Charleston County Procurement Code.

SECTION 10: The Charleston County Administrator is hereby authorized to prepare and administer the detailed operating budget in support of and not inconsistent with the provisions of this ordinance as the detailed transportation sales tax budget for Charleston County.

SECTION 11: The classification and grades of all positions shown in the detailed budget are only provisional and are subject to audit by the Human Resources Department to recommend the appropriate grade and classification.

SECTION 12: The County Administrator, or his designated representative, is hereby authorized to transfer positions (Full Time Equivalents – FTEs) among organizational units and fund types.

SECTION 13: If any provision of this ordinance or its applications to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

SECTION 14: All provisions of the Charleston County Fiscal Year 2012 operating budget which are complementary hereto and not inconsistent herewith are hereby incorporated by reference and shall govern expenditures from the Transportation Sales Tax Special Revenue Fund.

SECTION 15: This ordinance shall be effective following approval of third reading.

First Reading: June 2, 2011

Second Reading: June 7, 2011

Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye

Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

2011 Bond Issuance  
A) Capital Improvements  
B) Transportation Sales Tax Bonds

An Ordinance authorizing the issuance of not exceeding \$56,100,000 was given third reading by title only.

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$56,100,000 GENERAL OBLIGATION REFUNDING AND CAPITAL IMPROVEMENT BONDS OF CHARLESTON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.

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

As an incident to the enactment of this Ordinance and the issuance of the bonds provided for herein, the County Council of Charleston County, South Carolina (the "County Council"), the governing body of Charleston 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 the County Bond Act (Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended) as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (collectively, the "Bond Act"), County Council is authorized to issue general obligation bonds of the County to defray the cost of any purpose for which the County might, under applicable constitutional provisions, issue bonds or levy taxes, and for any amount not exceeding the constitutional debt limit applicable to the County; 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 the County obtain funds for the purpose of (i) defraying a portion of the costs of acquisition and construction of nursing school facilities at Trident Technical College and (ii) defraying the costs of acquisition, construction, equipping, and furnishing of the Charleston County Law Enforcement Center (collectively, the "Series 2011 Projects") by the issuance of general obligation bonds; and

**WHEREAS**, County Council have determined that the costs of the Series 2011 Projects to be funded with the proceeds of bonds issued hereunder, including the costs of issuance thereof, is approximately \$30,000,000; and

**WHEREAS**, pursuant to the authorization of Article X, Section 14, paragraph 7(a) of the South Carolina Constitution, and subject to an eight percent (8%) constitutional debt limit, the County is authorized to incur general obligation indebtedness pursuant to the Bond Act; the assessed value of all taxable property in the County is \$2,949,755,090 for tax year 2010; the County has outstanding general obligation bonded indebtedness (as of June 30, 2010) in the amount of \$184,650,000 which counts against its 8% debt limit; consequently, the County may issue without an election an additional \$51,330,407 of general obligation bonds; and

**WHEREAS**, by virtue of the Refunding Act (Title 11, Chapter 15, Article 5 of the Code of Laws of South Carolina 1976, as amended), as amplified by Title 11, Chapter 21 of the Code of Laws of South Carolina 1976, as amended and as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (the Refunding Act, as so amended and continued, being hereinafter called the "Refunding Act"), the County is authorized to issue general obligation refunding bonds of the County for the purpose of paying, in whole or in part, sums due on general obligation bonds previously issued by the County; and

**WHEREAS**, the County has previously issued its General Obligation Bonds of 2007 (the "Series 2007 Bonds") that mature in the years 2018-2022, inclusive (all or any part thereof that are refunded by the bonds issued hereunder being collectively referred to herein as the "Refunded Bonds"); and

**WHEREAS**, the County Council have determined, upon the advice of Davenport & Company, LLC, the County's Financial Advisor, that a savings in the debt service payments of the Refunded Bonds can be achieved by issuing refunding bonds at this time and using the proceeds thereof (i) to advance refund all or a portion of the outstanding Refunded Bonds by calling them for redemption; and (ii) to pay costs of issuance of the refunding bonds; and

**NOW, THEREFORE**, on the basis of the foregoing authorizations and for the purposes set forth above, the County Council enact this Ordinance to effect the issuance and sale of not exceeding \$56,100,000 general obligation bonds of the County authorized by the Bond Act and the Refunding Act.

## **ARTICLE I**

### **DEFINITIONS AND INTERPRETATIONS**

#### **Section 1**    **Defined Terms.**

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

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

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

“Bond Act” shall mean Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended, as further amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.

“Bonds” shall mean the General Obligation Refunding and Capital Improvement Bonds of 2011 of the County authorized to be issued hereunder in the aggregate principal amount of not exceeding \$56,100,000.

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

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

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

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

“Chief Financial Officer” shall mean the Chief Financial Officer 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 Chief Financial Officer under this Ordinance.

“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 Disclosure Dissemination Agent Agreement 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 Charleston County, South Carolina.

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

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



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

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

“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.

“Escrow Agent” shall mean the escrow agent appointed pursuant to Section 1 of Article IX hereof to serve as escrow agent under the Escrow Deposit Agreement, and its successors and assigns there under.

“Escrow Deposit Agreement” shall mean the Escrow Deposit Agreement, between the County and Escrow Agent, established with respect to the Refunded Bonds, as amended from time to time.

“Financial Advisor” shall mean Davenport & Company, LLC, the financial advisor to the County.

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

“Interest Payment Date” shall mean any May 1 or November 1, commencing November 1, 2011.

“Letter of Representations” shall mean the Blanket Letter of Representations of the County to DTC dated December 15, 1995.

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

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

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

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

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

“Refunding Act” shall mean the Refunding Act (Title 11, Chapter 15, Article 5 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.

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

“Series 2007 Bonds” shall mean the General Obligation Bonds of 2007 of the County.

“Series 2011 Projects” shall mean (i) the acquisition and construction of nursing school facilities at Trident Technical College and (ii) the acquisition, construction, equipping, and furnishing of the Charleston County Law Enforcement Center, and other capital projects as designated by County Council from time to time.

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

## Section 2    General Rules of Interpretation.

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

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

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

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

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

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

## ARTICLE II

### ISSUANCE OF BONDS

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

(a) Pursuant to the provisions of the Bond Act and for the purposes of funding the costs of the Series 2011 Projects and paying costs of issuance of the Bonds, there shall be issued not exceeding \$30,000,000 of general obligation capital improvement bonds of the County; and pursuant to the provisions of the Refunding Act and for the purposes of refunding all or a portion of the Series 2007 Bonds and paying the costs of issuance of the Bonds, there shall be issued not exceeding \$26,100,000 of general obligation refunding bonds of the County. The Bonds shall be designated "General Obligation Refunding and Capital Improvement Bonds of 2011"; and may be issued in one or more series as designated by the Chairman. The Bonds shall be originally dated the Dated Date, shall be in fully-registered form, shall be in denominations of Five Thousand and no/100 Dollars (\$5,000.00) each or any integral multiple thereof, and may be numbered from R-1 upward.

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

(i) the Bonds shall bear interest at a true interest cost (TIC) not greater than 4.50% per annum.

(ii) The Bonds shall mature not later than November 1, 2031.

(iii) The Paying Agent, Authenticating Agent, and Bond Registrar shall be Wells Fargo Bank, N.A. (or an affiliate thereof) or such other institution as designated by the Chairman as in the best interest of the County.

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

(c) Partial Redemption of Bonds. In the event that only part of the principal amount of a Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of that Bond to the Paying Agent. Upon surrender of such Bond, the County shall execute and the

Authenticating Agent shall authenticate and deliver to the holder thereof, at the office of the Authenticating Agent, or send to such holder by registered mail at his request, risk, and expense, a new fully-executed Bond or Bonds, of authorized denominations equal in aggregate principal amount to, and of the same maturity and interest rate as, the unredeemed portion of the Bond surrendered.

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

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

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

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

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

(g) Effect of Deposit of Funds. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified,

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

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

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

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

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

### 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 Chief Financial Officer.

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 Regular 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 office on the date of the enactment of this Ordinance. The Bonds shall be executed in respect of any manual signature by the person or persons holding office when such Bonds are ready for delivery. The execution of the Bonds in this fashion shall be valid and effective notwithstanding changes in the personnel of any of the above offices subsequent to their execution.

(b) The Bonds shall bear a certificate of authentication, substantially in the form set forth in Exhibit A, duly executed by the Authenticating Agent. The

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

Section 8      Form of Bonds; Designation of Bond Registrar.

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

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

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

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

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

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

Section 10 Mutilated, Lost, or Stolen Bonds.

In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute and the Authenticating Agent may authenticate a new Bond of like date, maturity, interest rate, and denomination, as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Bonds, they shall first be surrendered to the Paying Agent, and in the case of any lost, stolen, or destroyed Bonds, there shall be first furnished to the County and the Paying Agent evidence of their loss, theft, or destruction satisfactory to the County and the Paying Agent, together with indemnity satisfactory to them; provided that in the case of a registered owner which is a bank or insurance company, the agreement of such bank or insurance company to indemnify the County and the Paying Agent shall be sufficient. In the event any such Bonds shall have matured, instead of issuing a duplicate Bond, the County may pay the same without surrender thereof. The County, the Paying Agent, and the Authenticating Agent, may charge the registered owner of such Bond with their reasonable fees and expenses to replace mutilated, lost, stolen, or destroyed Bonds.

Section 11 Exchange of Bonds.

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

Section 12 Regulations with Respect to Exchanges and Transfers.

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

Section 13 Temporary Bonds.

The Bonds may be initially issued in temporary form, exchangeable for definitive Bonds to be delivered as soon as practicable. The temporary Bonds may



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

Section 14 Book-Entry Only System for the Bonds.

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

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

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

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

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

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

### **ARTICLE III**

#### **SECURITY FOR BONDS**

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

For the payment of the principal of and interest on the Bonds as the same respectively mature, and for the creation of such Sinking Fund Account as may be necessary therefore, the full faith, credit, and taxing power, of the County are irrevocably pledged, and there shall be levied annually by the Auditor of Charleston County, and collected by the Treasurer of Charleston 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 therefore.

Section 2    Levy and Collection of Property Taxes.

The Auditor and Treasurer of Charleston 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 therefore.

**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)(b) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are approved by the Chairman. The Chairman is hereby expressly delegated the authority to approve the sale of the Bonds so long as they conform to all of the parameters set forth in Section 1 of Article II hereof. The sale of the Bonds shall be advertised as directed by the Chief Financial Officer in accordance with the Bond Act and the Refunding Act. The form of said Notice, and the conditions of sale, are substantially those set forth in Exhibit B attached hereto and made a part and parcel hereof. Bids for the purchase of the Bonds may be received in such form as determined by the Chief Financial Officer 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 Chairman 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 applied to defray the costs of issuing the Bonds.

(B) The proceeds necessary to refund all the Refunded Bonds as designated for refunding pursuant to Section 3 of this Article shall be deposited with the Escrow Agent and applied to the payment of

principal, interest, and redemption price of the Refunded Bonds in accordance with the Escrow Deposit Agreement.

(C) The remaining proceeds shall be applied by the County to fund costs of the Series 2011 Projects; provided, however, that if it becomes necessary in the judgment of County Council to expend such proceeds on other capital projects of the County, County Council, by resolution, may authorize and approve such other use of the proceeds of the Bonds.

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

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

Section 3     Designation of and Redemption of Refunded Bonds.

(a) Based upon the advice of the Financial Advisor, the Chairman shall designate those maturities and the principal amounts, if any, of the Series 2007 Bonds which have been determined to be in the best interest of the County to refund from the proceeds of the Bonds.

(b) The Chairman, upon the advice of the Financial Advisor, shall take all necessary action to call the Refunded Bonds so selected for prior redemption on the dates that are most advantageous to the County.

**ARTICLE V**

**TAX EXEMPTION OF BONDS**

Section 1     Exemption from State Taxes.

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

Section 2     Federal Tax Provisions.

The County Council hereby authorize the Chief Financial Officer to execute and deliver a tax regulatory agreement or certificate for the purpose of establishing

and maintaining the excludability of interest on the Bonds from the gross income of the recipients thereof for federal income tax purposes.

## **ARTICLE VI**

### **DEFEASANCE**

#### **Section 1**    **Release of Ordinance.**

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

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

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

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

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

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

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

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

Section 2     Deposit of Moneys.

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

Section 3     Notice of Release of Ordinance.

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

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

**ARTICLE VII**

**AMENDING AND SUPPLEMENTING OF ORDINANCE**

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

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

- (i) To make any changes or corrections in this Ordinance as to which the County Council shall have been advised by counsel that the same are verbal corrections or changes or are required for the purpose of curing and correcting any ambiguity or defective or inconsistent provision or omission or mistake or manifest error contained in this Ordinance, or to insert in this Ordinance such provisions clarifying matters or questions arising under this Ordinance as are necessary or desirable;
- (ii) To add additional covenants and agreements of the County for the purpose of further securing the payment of the Bonds;
- (iii) To surrender any right, power, or privilege reserved to or conferred upon the County by the terms of this Ordinance;
- (iv) To grant or confer upon the registered owners of the Bonds any additional rights, remedies, powers, authority, or security that lawfully may be granted to or conferred upon them; or
- (v) To make such additions, deletions, or modifications as may be necessary to assure compliance with section 148(f) of the Code relating to required rebate to the United States of America or otherwise as may be necessary to assure the exclusion from gross income of interest on the Bonds for purposes of federal income taxation.

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

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

(a) With the consent of the registered owners of not less than a majority in principal amount of the Bonds then outstanding the County Council from time to time and at any time may enact an ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, this Ordinance, or modifying or amending the rights or obligations of the County under this Ordinance, or modifying or amending in any

manner the rights of the registered owners of the Bonds then outstanding; provided, however, that without the specific consent of the registered owner of each such Bond which would be affected thereby, no supplemental ordinance amending or supplementing the provisions hereof shall: (i) change the fixed maturity date of any Bond or the dates for the payment of interest thereon or the terms of the redemption thereof, or reduce the principal amount of any Bond or the rate of interest thereon or the redemption price (or the redemption premium) payable upon the redemption or prepayment thereof; (ii) reduce the aforesaid percentage of Bonds, the registered owners of which are required to consent to any supplemental ordinance amending or supplementing the provisions of this Ordinance; or (iii) give to any Bond or Bonds any preference over any other Bond or Bonds secured hereby. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the registered owners of the Bonds of the enactment of any supplemental ordinance authorized by the provisions of Section 1 of this Article.

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

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

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



Section 4     Effectiveness of Supplemental Ordinance.

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

Section 5     Supplemental Ordinance Affecting Fiscal Agents.

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

**ARTICLE VIII**

**CONCERNING THE FISCAL AGENTS**

Section 1     Fiscal Agents; Appointment and Acceptance of Duties.

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

Section 2     Responsibilities of Fiscal Agents.

The recitals of fact contained herein and in the Bonds shall be taken as the statements of the County and no Fiscal Agent shall be deemed to assume any responsibility for the correctness of the same except in respect of the authentication certificate of the Authenticating Agent endorsed on the Bonds. No Fiscal Agent shall be deemed to make any representations as to the validity or sufficiency of this Ordinance or of any Bonds or as to the security afforded by this Ordinance, and no

Fiscal Agent shall incur any liability in respect thereof. No Fiscal Agent shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiscal Agent. No Fiscal Agent shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiscal Agent shall be liable in the performance of its duties hereunder except for its own negligence or willful misconduct.

Section 3     Evidence on Which Fiscal Agents May Act.

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

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

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

Section 4     Compensation.

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

Section 5    Certain Permitted Acts.

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

Section 6    Resignation of Any Fiscal Agent.

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

Section 7    Removal of Fiscal Agent.

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

Section 8    Appointment of Successor Fiscal Agents.

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

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

jurisdiction to appoint a successor. Said court may thereupon, after notice, if any, as the court may deem proper, appoint a successor.

Section 9    Transfer of Rights and Property to Successor.

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

Section 10    Merger or Consolidation.

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

Section 11    Adoption of Authentication.

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

in the name of the successor Authenticating Agent, and in all such cases such certificate shall be of full force and effect.

## ARTICLE IX

### MISCELLANEOUS

#### Section 1 Execution of Closing Documents and Certificates.

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

(b) There is hereby authorized an Escrow Deposit Agreement, in substantially the form attached hereto as Exhibit E, for use with the refunding of the Refunded Bonds designated pursuant to Section 3 of the Article IV hereof. The Chief Financial Officer of the County is hereby authorized and directed to execute and deliver the Escrow Deposit Agreement on behalf of the County, with any changes as he shall approve, upon the advice of the Financial Advisor or counsel, his execution being conclusive evidence of his approval. The Chairman is hereby authorized and directed to designate a bank or trust company to serve as Escrow Agent.

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

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

#### Section 3 Official Statement.

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

(b) The County Council hereby authorize the Official Statement of the County relating to the Bonds substantially in the form of the Preliminary Official Statement presented at this meeting, with any modifications as the Chief Financial Officer of the County, upon the advice of the Financial Advisor and bond counsel, approves; the Chief Financial Officer of the County is hereby authorized and directed to execute copies of the Official Statement and deliver them to the Original Purchaser of the Bonds, which execution and delivery shall be conclusive evidence of the

approval of any such modifications; and the County hereby authorize the use of the Official Statement and the information contained therein in connection with the public offering and sale of the Bonds.

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

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

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

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

Section 6     No Personal Liability.

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

Section 7     Effect of Saturdays, Sundays and Legal Holidays.

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

Section 8     Partial Invalidity.

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

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

Section 9     Continuing Disclosure Undertaking.

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

- |           |   |
|-----------|---|
| Council's | (i) An annual independent audit, within thirty days of the County receipt of the audit; and   |
| affecting | (ii) Event specific information within 30 days of an event adversely more than five percent of the aggregate of revenues of the County. |

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

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

Section 10 Law and Place of Enforcement of the Ordinance.

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

Section 11 Repeal of Inconsistent Ordinances and Resolutions.

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

Section 12 Notice of Enactment of Ordinance.

Upon enactment of this Ordinance, notice, substantially in the form attached hereto as Exhibit D, of the enactment of this Ordinance shall be published in *The Post and Courier*, a newspaper published in Charleston, South Carolina of general circulation in the County.

Section 13 Notice of Issuance of Advance Refunding Bonds.

Notice of the issuance of the Bonds to refund the Refunded Bonds shall be published once in a financial paper published in the City of New York, in form substantially as set forth in Exhibit F hereto after the issuance of the Bonds.

Section 14 Effective Date of this Ordinance.

This Ordinance shall become effective upon approval following third reading.

County Council of Charleston  
County, South Carolina

Teddie E. Pryor, Chairman



Attest:

Beverly T. Craven, Clerk  
County Council of Charleston  
County, South Carolina

First Reading: June 2, 2011  
Second Reading: June 7, 2011  
Public Hearing: June 16, 2011  
Third Reading: June 16, 2011

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval

An Ordinance authorizing the issuance of not exceeding \$247,650,000 was given third reading by title only.

#### AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$247,650,000 GENERAL OBLIGATION REFUNDING AND CAPITAL IMPROVEMENT TRANSPORTATION SALES TAX BONDS OF CHARLESTON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

**WHEREAS**, Title 4, Chapter 37 of the Code of Laws of South Carolina 1976, as amended (the "Transportation Facilities Financing Act"), authorizes counties to impose a sales and use tax for the purposes of funding the costs of highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects and facilities, subject to the results of a referendum, by the enactment of an ordinance pursuant to the Transportation Facilities Financing Act; and

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

**WHEREAS**, pursuant to the provisions of the Transportation Facilities Financing Act, the County Council enacted Ordinance No. 1324 ("Ordinance No. 1324") to provide for the imposition of a one-half of one percent sales and use tax (the "Transportation Sales Tax") in Charleston County for a period not to exceed 25 years from the date of imposition of the Transportation Sales Tax, to fund, at a maximum cost not to exceed \$1,303,360,000, the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by the County or jointly operated by the County and other governmental entities, and the costs of greenbelts (collectively, the "Original Referendum Projects"); and

**WHEREAS**, pursuant to the requirements of the Transportation Facilities Financing Act, a referendum was conducted on November 2, 2004 in Charleston County (the "Referendum") for the purpose of approving the Transportation Sales Tax to pay costs of the Original Referendum Projects; and

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

**WHEREAS**, there was submitted to and approved by the voters at the referendum conducted on November 7, 2006 (the "2006 Bond Referendum") the questions of (i) the issuance of not exceeding \$205,000,000 of general obligation bonds of the County, payable from the Transportation Sales Tax and maturing over a period ending not later than 2030, to fund the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage related thereto, including but not limited to certain specific projects named therein (collectively, the "2006 Road Projects") and (ii) the issuance of not exceeding \$95,000,000 of general obligation bonds of the County, payable from the Transportation Sales Tax and maturing over a period ending no later than 2030, to fund the costs of greenbelt projects; and

**WHEREAS**, the County issued \$150,000,000 General Obligation Transportation Sales Tax Bonds of 2007 in December 2007 (the "Series 2007 Bonds") pursuant to the authorization of the 2006 Bond Referendum, of which \$90,000,000 was applied to road projects prescribed in Ordinance No. 1324 and

\$60,000,000 was applied to greenbelt projects prescribed in Ordinance No. 1324; and

**WHEREAS**, County Council have now determined to fund costs of greenbelt projects (the "Greenbelt Projects") by the issuance of general obligation bonds in the amount of \$25,000,000, pursuant to the authorization of the 2006 Referendum; and

**WHEREAS**, County Council have now determined to fund costs of the design, acquisition, administrative, construction, and ancillary costs for road projects set forth on the attached Schedule 1 (the "Road Projects") (the Greenbelt Projects and the Road Projects are collectively referred to herein as the "Series 2011 Projects") by the issuance of general obligation bonds in the amount of \$142,000,000, pursuant to the authorization of the 2006 Bond Referendum and Ordinance No. 1324; and

**WHEREAS**, County Council have determined that the estimated total costs of the Series 2011 Projects, including the costs of issuance of the bonds authorized hereby, exceeds \$167,000,000; 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 the County proceed with the Series 2011 Projects at this time by raising a portion of the necessary funds for the Series 2011 Projects by the issuance of general obligation bonds payable from the proceeds of the Transportation Sales Tax; and

**WHEREAS**, by virtue of the County Bond Act (Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended) as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (collectively, the "Bond Act"), County Council are authorized to issue general obligation bonds of the County in such amounts as permitted under Article X, Section 14 of the South Carolina Constitution; and

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

**WHEREAS**, there is currently (i) \$163,000,000 of authorization remaining under the 2006 Referendum for the issuance by the County of general obligation bonds to fund the costs of the 2006 Road Projects and (ii) \$35,000,000 of authorization remaining under the 2006 Bond Referendum for the issuance by the County of general obligation bonds to fund the costs of greenbelt projects; and

**WHEREAS**, the County Council have determined that (i) the Road Projects are Original Referendum Projects and 2006 Road Projects and (ii) the Greenbelt Projects are Original Referendum Projects; and

**WHEREAS**, by virtue of the Refunding Act (Title 11, Chapter 15, Article 5 of the Code of Laws of South Carolina 1976, as amended), as amplified by Title 11, Chapter 21 of the Code of Laws of South Carolina 1976, as amended, and as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (the Refunding Act, as so amended and continued, being hereinafter called the “Refunding Act”), the County is authorized to issue general obligation refunding bonds of the County for the purpose of paying, in whole or in part, sums due on general obligation bonds previously issued by the County; and

**WHEREAS**, the County has previously issued its General Obligation Transportation Sales Tax Bonds of 2006 (the “Series 2006 Bonds”) that mature in the years 2016-2024, inclusive and its General Obligation Transportation Sales Tax Bonds of 2007 (the “Series 2007 Bonds”) that mature in the years 2018-2021, inclusive (all or any part of the Series 2006 Bonds or the Series 2007 Bonds that are refunded by the bonds issued hereunder being collectively referred to herein as the “Refunded Bonds”); and

**WHEREAS**, the County Council have determined, upon the advice of Davenport & Company, LLC, the County’s Financial Advisor, that a savings in the debt service payments of the Refunded Bonds can be achieved by issuing refunding bonds at this time and using the proceeds thereof (i) to advance refund all or a portion of the outstanding Refunded Bonds by calling them for redemption; and (ii) to pay costs of issuance of the refunding bonds;

**NOW, THEREFORE**, on the basis of the foregoing authorizations and for the purposes of defraying the costs of the Series 2011 Projects and refunding the Refunded Bonds, the County Council enact this Ordinance to effect the issuance and sale of not exceeding \$247,650,000 general obligation transportation sales tax bonds of the County authorized by the Bond Act and the Refunding Act.

## ARTICLE I

### DEFINITIONS AND INTERPRETATIONS

#### Section 1    Defined Terms.

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

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

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

“Bond Act” shall mean Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended, as further amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.

“Bonds” shall mean the General Obligation Refunding and Capital Improvement Transportation Sales Tax Bonds of 2011 of the County authorized to be issued hereunder in the aggregate principal amount of not exceeding \$247,650,000.

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

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

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

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

“Chief Financial Officer” shall mean the Chief Financial Officer 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 Chief Financial Officer under this Ordinance.

“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 Disclosure Dissemination Agent Agreement 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 Charleston County, South Carolina.

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

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

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

“Debt Service” shall mean the scheduled amount of interest and amortization of principal payable on the Bonds during the period of computation, excluding

amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

“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.

“Escrow Agent” shall mean the escrow agent appointed pursuant to Section 1 of Article IX hereof to serve as escrow agent under the Escrow Deposit Agreement, and its successors and assigns there under.

“Escrow Deposit Agreement” shall mean the Escrow Deposit Agreement, between the County and Escrow Agent, established with respect to the Refunded Bonds, as amended from time to time.

“Financial Advisor” shall mean Davenport & Co., LLC, the financial advisor to the County.

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

“Greenbelt Projects” shall mean those Original Referendum Projects consisting of greenbelts.

“Interest Payment Date” shall mean any May 1 or November 1, commencing November 1, 2011.

“Letter of Representations” shall mean the Blanket Letter of Representation of the County to DTC dated December 15, 1995.

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

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

“Ordinance No. 1324” shall mean Ordinance No. 1324 enacted by the County Council on August 10, 2004, as amended from time to time.

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

“Original Referendum Projects” shall mean the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by the County or jointly operated by the County and other governmental entities, and the costs of greenbelts.

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

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

“Referendum” shall mean the referendum conducted in Charleston County on November 2, 2004, pursuant to the provisions of the Transportation Facilities Financing Act.

“Refunding Act” shall mean the Refunding Act (Title 11, Chapter 15, Article 5 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.

“Road Projects” shall mean the Original Referendum Projects consisting of the design, acquisition, administrative, construction, and ancillary costs for road projects set forth on Schedule 1 to this Ordinance.

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

“Series 2006 Bonds” shall mean the General Obligation Transportation Sales Tax Bonds of 2006 of the County.

“Series 2007 Bonds” shall mean the General Obligation Transportation Sales Tax Bonds of 2007 of the County.

“Series 2011 Projects” shall mean, collectively, the Greenbelt Projects and the Road Projects.

“Sinking Fund Account” shall mean the sinking fund account established and held by the Treasurer of Charleston 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.

“Transportation Facilities Financing Act” shall mean Title 4, Chapter 37 of the Code of Laws of South Carolina 1976, as amended.

“Transportation Sales Tax” shall mean the one-half of one percent sales and use tax in Charleston County authorized to be imposed pursuant to Ordinance No. 1324 and the Referendum.

Section 2    General Rules of Interpretation.

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

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

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

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

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

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

## **ARTICLE II**

### **ISSUANCE OF BONDS**

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

(a) Pursuant to the provisions of the Bond Act and the Refunding Act and for the purposes of funding the costs of the Series 2011 Projects and paying costs of issuance of the Bonds, there shall be issued not exceeding One Hundred Sixty-Seven Million Dollars (\$167,000,000) of general obligation capital improvement bonds of the County; and pursuant to the provisions of the Refunding Act and for the purposes of refunding all or a portion of the Series 2006 Bonds and the Series 2007 Bonds and paying the costs of issuance of the Bonds, there shall be issued not exceeding \$80,650,000 of general obligation refunding bonds of the County. The Bonds shall be designated "General Obligation Refunding and Capital Improvement Transportation Sales Tax Bonds of 2011"; and may be issued in one or more series as designated by the Chairman. The Bonds shall be originally dated the Dated Date, shall be in fully-registered form, shall be in denominations of Five Thousand and no/100 Dollars (\$5,000.00) each or any integral multiple thereof, and may be numbered from R-1 upward.

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



(i) the Bonds shall not bear interest at a true interest cost (TIC) not greater than 4.50% per annum.

(ii) The Bonds shall mature not later than November 1, 2029.

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

(d) The Paying Agent, Authenticating Agent, and Bond Registrar shall be Wells Fargo Bank, N.A. (or an affiliate thereof) or such other institution as designated by the Chairman as in the best interest of the County.

Section 2    Redemption of Bonds.

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

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

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

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

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

- (A) the redemption date,
- (B) the redemption price,

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

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

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

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

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

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

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

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

### 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 Chief Financial Officer.

### 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 Regular 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 office on the date of the enactment of this Ordinance. The Bonds shall be executed in respect of any manual signature by the person or persons holding office when such Bonds are ready for delivery. The execution of the Bonds in this fashion shall be valid and effective notwithstanding changes in the personnel of any of the above offices subsequent to their execution.

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

Section 8      Form of Bonds; Designation of Bond Registrar.

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

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

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

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

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

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

Section 10     Mutilated, Lost, or Stolen Bonds.

In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute and the Authenticating Agent may authenticate a new Bond of like date, maturity, interest rate, and denomination, as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Bonds, they shall first be surrendered to the Paying Agent, and in the case of any lost, stolen, or destroyed Bonds, there shall be first furnished to the County and the Paying Agent evidence of their loss, theft, or destruction satisfactory to the County and the Paying Agent, together with indemnity satisfactory to them; provided that in the case of a registered owner which is a bank or insurance company, the agreement of such bank or insurance company to indemnify the County and the Paying Agent shall be sufficient. In the event any such Bonds shall have matured, instead of issuing a duplicate Bond, the County may pay the same without surrender thereof. The County, the Paying Agent, and the

Authenticating Agent, may charge the registered owner of such Bond with their reasonable fees and expenses to replace mutilated, lost, stolen, or destroyed Bonds.

Section 11 Exchange of Bonds.

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

Section 12 Regulations with Respect to Exchanges and Transfers.

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

Section 13 Temporary Bonds.

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

Section 14 Book-Entry Only System for the Bonds.

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

during the period of their application, supersede any contrary provisions of this Ordinance.

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

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

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

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

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

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

### **ARTICLE III**

#### **SECURITY FOR BONDS**

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

For the payment of the principal of and interest on the Bonds as the same respectively mature, and for the creation of such Sinking Fund Account as may be necessary therefore, the full faith, credit, and taxing power, of the County are irrevocably pledged, and, subject to the provisions of Section 3 of this Article III, there shall be levied annually by the Auditor of Charleston County, and collected by the Treasurer of Charleston 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 therefore.

##### **Section 2 Levy and Collection of Property Taxes.**

The Auditor and Treasurer of Charleston County, South Carolina, shall be notified of this issue of Bonds and directed, subject to the provisions of Section 3 of this Article III, to levy and collect, respectively, upon all taxable property in the County, an annual tax, without limit, sufficient to meet the payment of the principal of and interest on the Bonds, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefore.

##### **Section 3. Pledge of Transportation Sales Tax Revenues**

(a) The Bonds shall be payable from, and additionally secured by a pledge of, the net revenues raised by the Transportation Sales Tax. Upon receipt of the net revenues of the Transportation Sales Tax from the State Treasurer, the Treasurer of Charleston County shall deposit that portion of the net revenues as directed by annual budget of the County Council into the Sinking Fund Account established for the Bonds and shall maintain proper books and records for an accounting thereof. To



the extent the net revenues derived from the Transportation Sales Tax are or will be available and on deposit with the Treasurer of Charleston County prior to the due dates of Debt Service for any fiscal year, the County Council shall reduce the amount of taxes required to be levied and collected pursuant to Section 2 of this Article. Such net revenues received by the Treasurer of Charleston County from the State Treasurer from the Transportation Sales Tax shall be deposited in the Sinking Fund Account and on each payment date of the Bonds shall be applied to pay current Debt Service due on the Bonds. Pending such application, moneys held in such Account shall be invested by the Treasurer of Charleston County in accordance with law. All investment earnings shall be applied as directed by the County Council for the costs of Original Referendum Projects.

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

(c) The County has previously issued its Series 2006 Bonds and Series 2007 Bonds which are payable from and additionally secured by a pledge of the net revenues raised by the Transportation Sales Tax which ranks *pari passu* with the pledge securing the Bonds, and such Series 2006 Bonds and Series 2007 Bonds are secured equally and ratably by such pledge, without preference, priority, or distinction as to payment or security or otherwise (except as to maturity) of any of the Bonds authorized hereunder. The County Council expressly reserves the right to pledge net revenues derived from the Transportation Sales Tax to secure the payment of other obligations of the County, including other general obligation bonds, revenue bonds, notes, leases, or contract obligations, or similar contracts or evidences of indebtedness, and to apply such net revenues that are not required to pay current Debt Service on the Bonds to the costs of other Original Referendum Projects.

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

#### **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)(b) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are approved by the Chairman. The Chairman is hereby expressly delegated the authority to approve the sale of the Bonds so long as they conform to all of the parameters set forth in Section 1 of Article II hereof. The sale of the Bonds shall be advertised as directed by the Chief Financial Officer in accordance with the Bond Act and the Refunding Act. The form of said Notice, and the conditions of sale, are substantially those set forth in Exhibit B attached hereto and made a part and parcel hereof. Bids for the purchase of the Bonds may be received in such form as determined by the Chief Financial Officer 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 Chairman 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 applied to defray the costs of issuing the Bonds.

(B) The proceeds necessary to refund all the Refunded Bonds as designated for refunding pursuant to Section 3 of this Article shall be deposited with the Escrow Agent and applied to the payment of principal, interest, and redemption price of the Refunded Bonds in accordance with the Escrow Deposit Agreement.

(C) The remaining proceeds shall be applied (1) to pay costs of issuance of the Bonds and (2)(a) in the amount of not exceeding \$25,000,000 to fund costs of the Greenbelt Projects and (b) in the amount of not exceeding \$142,000,000 to fund costs of the Road Projects; provided, however, that if it becomes necessary in the judgment of County Council to expend such proceeds in different amounts or on other authorized Original Referendum Projects, County Council, by resolution, may authorize and approve such use of the proceeds of the Bonds.

(D) Any remaining proceeds of the Bonds, after their application to the purposes set forth in subparagraphs (A), (B), and (C)

above, together with investment earnings on the proceeds of the Bonds, shall be applied as directed by the County Council to defray costs of the other Original Referendum Projects.

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

Section 3    Designation of and Redemption of Refunded Bonds.

(a) Based upon the advice of the Financial Advisor, the Chairman shall designate those maturities and the principal amounts, if any, of the Series 2006 Bonds and the Series 2007 Bonds which have been determined to be in the best interest of the County to refund from the proceeds of the Bonds.

(b) The Chairman, upon the advice of the Financial Advisor, shall take all necessary action to call the Refunded Bonds so selected for prior redemption on the dates that are most advantageous to the County.

**ARTICLE V**

**TAX EXEMPTION OF BONDS**

Section 1    Exemption from State Taxes.

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

Section 2    Federal Tax Provisions.

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

**ARTICLE VI**

**DEFEASANCE**

Section 1    Release of Ordinance.

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

have been paid and discharged within the meaning of this Article in each of the following circumstances:

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

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

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

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

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

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

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

Section 2     Deposit of Moneys.

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

Section 3     Notice of Release of Ordinance.

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

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

**ARTICLE VII**

**AMENDING AND SUPPLEMENTING OF ORDINANCE**

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

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

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

Ordinance such provisions clarifying matters or questions arising under this Ordinance as are necessary or desirable;

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

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

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

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

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

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

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

registered owners of the Bonds of the enactment of any supplemental ordinance authorized by the provisions of Section 1 of this Article.

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

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

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

### Section 4 Effectiveness of Supplemental Ordinance.

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

this Ordinance subject in all respects to such modifications and amendments, and (c) all of the terms and conditions of any such supplemental ordinance shall be a part of the terms and conditions of the Bonds and of this Ordinance for any and all purposes.

Section 5     Supplemental Ordinance Affecting Fiscal Agents.

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

**ARTICLE VIII**

**CONCERNING THE FISCAL AGENTS**

Section 1     Fiscal Agents; Appointment and Acceptance of Duties.

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

Section 2     Responsibilities of Fiscal Agents.

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

Section 3     Evidence on Which Fiscal Agents May Act.

(a) Each Fiscal Agent, upon receipt of any notice, ordinance, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Ordinance, shall examine such



instrument to determine whether it conforms to the requirements of this Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiscal Agent may consult with counsel, who may or may not be of counsel to the County, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Ordinance in good faith and in accordance therewith.

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

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

#### Section 4 Compensation.

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

#### Section 5 Certain Permitted Acts.

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

#### Section 6 Resignation of Any Fiscal Agent.

Any Fiscal Agent may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving not less than sixty (60) days' written notice to the County and not less than thirty (30) days' written notice to the registered owners of the Bonds (as established by the Books of Registry) prior to the next

succeeding Interest Payment Date, and such resignation shall take effect upon the date specified in such notice unless a successor shall have been appointed previously by the County pursuant to Section 8 of this Article VIII, in which event such resignation shall take effect immediately upon the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 7     Removal of Fiscal Agent.

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

Section 8     Appointment of Successor Fiscal Agents.

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

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

Section 9     Transfer of Rights and Property to Successor.

Any successor Fiscal Agent appointed under this Ordinance shall execute, acknowledge, and deliver to its predecessor, and also to the County, an instrument accepting such appointment, and thereupon the successor, without any further act, deed, or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties, and obligations of the predecessor Fiscal Agent, with like effect as if originally named in that capacity; but the Fiscal Agent ceasing to act shall nevertheless, at the request of the County or at the written request of the successor Fiscal Agent, execute, acknowledge, and deliver, all instruments of conveyance and further assurance and do all things as may reasonably be required for more fully and certainly vesting and confirming in the successor Fiscal Agent all the right, title, and

interest, of the predecessor Fiscal Agent in and to any property held by it under this Ordinance, and shall pay over, assign, and deliver, to the successor Fiscal Agent any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance, or instrument in writing, from the County be required by such successor Fiscal Agent for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers, and duties, any and all such deeds, conveyances, and instruments in writing, shall, on request, and so far as may be authorized by law, be executed, acknowledged, and delivered, by the County. Each successor Fiscal Agent shall promptly notify the other Fiscal Agents, if any, of its appointment as Fiscal Agent.

Section 10    Merger or Consolidation.

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

Section 11    Adoption of Authentication.

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

**ARTICLE IX**

**MISCELLANEOUS**

Section 1    Execution of Closing Documents and Certificates.

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

(b) There is hereby authorized an Escrow Deposit Agreement, in substantially the form attached hereto as Exhibit E, for use with the refunding of the Refunded Bonds designated pursuant to Section 3 of Article IV hereof. The Chief Financial Officer of the County is hereby authorized and directed to execute and deliver the Escrow Deposit Agreement on behalf of the County, with any changes as he shall approve, upon the advice of the Financial Advisor or counsel, his execution being conclusive evidence of his approval. The Chairman is hereby authorized and directed to designate a bank or trust company to serve as Escrow Agent.

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

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

Section 3 Official Statement.

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

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

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

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

exclusive benefit of the County and the registered owners from time to time of the Bonds as herein and therein provided.

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

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

Section 6     No Personal Liability.

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

Section 7     Effect of Saturdays, Sundays and Legal Holidays.

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

Section 8     Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Ordinance on the part of the County or any Fiscal Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such

portions thereof, shall be deemed severable from the remaining covenants and agreements or portions thereof provided in this Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds, but the registered owners of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

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

#### Section 9 Continuing Disclosure Undertaking.

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

- (i) An annual independent audit, within thirty days of the County Council's receipt of the audit; and
- (ii) Event specific information within 30 days of an event adversely affecting more than five percent of the aggregate of revenues of the County.

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

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

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

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

Section 11    Repeal of Inconsistent Ordinances and Resolutions.

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

Section 12    Notice of Issuance of Advance Refunding Bonds.

Notice of the issuance of the Bonds to refund the Refunded Bonds shall be published once in a financial paper published in the City of New York, in form substantially as set forth in Exhibit E hereto after the issuance of the Bonds.

Section 13    Effective Date of this Ordinance.

This Ordinance shall become effective upon approval following third reading.

Teddie E. Pryor, Sr., Chairman,  
County Council of Charleston  
County, South Carolina

ATTEST:

Beverly T. Craven, Clerk,  
County Council of Charleston  
County, South Carolina

First Reading:        June 2, 2011  
Second Reading:     June 7, 2011  
Public Hearing:        June 16, 2011  
Third Reading:        June 16, 2011

**BCD Council  
of  
Governments**

A report was read from the Administration Policy/Rules Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Kristen Salisbury, Deputy Clerk of Council, regarding three vacancies on the Berkeley, Charleston, Dorchester Council of Governments. It was stated that an application for re-appointment was received from Rev. Dr. Robert Julius Reid, and applications for appointment were received from Linda P. Smoak and Guy F. Taylor, Jr. It was shown that one vacancy for a minority seat on the BCD Council of Government remains, and will be re-advertised.

Committee recommended that Council:

1. Re-appoint Rev. Dr. Julius Reid, Post Office Box 21177, Charleston, SC, 29413 to the Berkeley, Charleston, Dorchester Council of Governments for a term ending in January, 2013.
2. Appoint Linda P. Smoak, 1630 Bluewater Way, Charleston, SC, 29414 and Guy F. Taylor, Jr., 625 Ocean Blvd., Isle of Palms, SC, 29451 to the BCD Council of Governments for terms ending in January, 2013.

Mr. Summey moved approval of Committee recommendations, seconded by Mr. Sass, and carried.

Board of  
Assessment  
Appeals

A report was read from the Administration Policy/Rules Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Kristen Salisbury, Deputy Clerk of Council, regarding four vacancies on the Board of Assessment Appeals. It was shown that four applications for re-appointment or appointment were received.

Committee recommended that Council:

1. Re-appoint Lynn Carmody, 228 Molasses Lane, Mount Pleasant, SC, 29464 and David Wertan, 2020 Wappoo Hall Road, Charleston, SC, 29412 to the Charleston County Board of Assessment Appeals, for terms ending in June, 2014.
2. Appoint W. Joe Jacumin, Jr., 1573 Longview Road, Mount Pleasant, SC, 29464 and Thomas E. Lucy, III (Trey), 1521 Pine Island View, Mount Pleasant, SC, 29464, to the Charleston County Board of Assessment Appeals, for terms ending in June, 2014.

Mr. Summey moved approval of Committee recommendation, seconded by Mr. Qualey and carried.

Community  
Development  
Advisory  
Board

A report was read from the Administration Policy/Rules Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Kristen Salisbury, Deputy Clerk of Council, regarding a Community Based Representative vacancy on the Community Development Advisory Board. It was stated that the Community Development Advisory Committee provides policy guidance for and exercises oversight with respect to activities and services provided under the Housing and Community Development Act of 1974. It was further stated that the Committee consists of representatives from 9 local governments and 4 non government partners and makes recommendations to County Council on matters affecting the Consolidated Plan and other related matters as the common interest of the participating governments may dictate.

Committee recommended that Council appoint Michael Wayne Allen, 1546 Downing Street, Charleston, SC, 29407 to the Community Development Advisory Board as a Community Based Representative for a two year term ending in April 2013.



Mr. Summey moved approval of Committee recommendations, seconded by Ms. Condon, and carried.

A report was read from the Administration Policy/Rules Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, Ron Mitchum, Executive Director of the Berkeley, Charleston, Dorchester Council of Governments and Kristen Salisbury, Deputy Clerk of Council, regarding the need to fill three Trident Workforce Investment Private Sector appointments. It was stated that six applications for appointment were received from Jeff Messick, of Johnson Controls; Mark Mitchell, of Crowne Plaza and Gil Leatherwood of Leatherwood Electronics and applications for re-appointment were received from James Law of Coldwell Bank United; Priscillia Roper, of Charleston Marine Containers and Angelia Washington of Rhodia.

Committee recommended the appointment of Jeff Messick, and the re-appointment of James Law and Angelia Washington for terms ending June 30, 2014,

Mr. Summey moved approval of Committee recommendation, seconded by Mr. Pryor, and carried.

**Trident  
Workforce  
Investment  
Board  
A) Private  
Sector  
Seats  
B) Partner/  
Education  
Seats**

A report was read from the Administration Policy/Rules Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, Ron Mitchum, Executive Director of the Berkeley, Charleston, Dorchester Council of Governments and Kristen Salisbury, Deputy Clerk of Council, regarding three Partner/Education vacancies on the Trident Workforce Investment Board. It was shown that applications for appointment were received from three individuals, two Legislatively mandated partner seats and one legislatively mandated education seat.

Committee recommended that Council appoint Montez Martin and Arnold Collins as legislatively mandated partner seat appointees and Susan Friedrich as the legislatively mandated education seat on the Trident Workforce Investment Board for terms ending June 30, 2014.

Ms Condon moved approval of Committee recommendation, seconded by Mr. Rawl, and carried.

**Airport Area  
Infrastructure  
Improvements**

A report was read from the Economic Development Committee under date of June 16, 2011 t that it considered the information furnished by Allen O'Neal, County Administrator and Jim Armstrong, Director of Transportation Development, regarding project in connection with economic development activity near Charleston International Airport. It was shown that on November 17, 2008 Council directed Staff to develop a program and a study was performed and presented to Council that identified three phases of improvements with preliminary cost estimates to accommodate future traffic associated with the airport area. It was further shown that on April 6, 2010, Council approved the three phase airport area infrastructure improvement pan and to finance these improvements, approval was given to provide \$1 million from the FY 2011 actual allocations intersection improvement category; \$4 million from future allocations as

funds are needed and to submit an application to the South Carolina State Transportation Infrastructure Bank (SIB) to reimburse these expenses and provide the necessary additional funding, an estimated \$155 million total. It was stated that Davis & Floyd and Stantec, Inc. the two firms that conducted the initial study were contracted to provide design services for the 7 immediate intersection improvements, and during the design of these intersection improvements, significant cost savings from right of way acquisition have been identified providing funding flexibility to move forward with preliminary engineering of an additional phase of the approved airport area infrastructure improvement plan.

Committee recommended that Council authorize Staff to amend the contract with Davis & Floyd to provide preliminary engineering services for the next phase of the airport area infrastructure improvement plan and provide a report to recommend an alternative for further development.

Mr. Summey moved approval of Committee recommendations, seconded by Mr. Pryor, and carried.

**CONSENT  
AGENDA**

- A) Port Security Grant**
- B) Homeland Security Grant**
- C) Reverted Citizens Corps Grant**
- D) Citizens Corps Grant**
- E) Consolidated Dispatch**
- F) Grinder/Shredder**
- G) Marshfield Road**
- H) Dorchester Road Sidewalks**
- I) CTC FY 2011**
- J) Kiawah River**
- K) East Edisto Development**

The Chairman announced that the next item on Council's agenda was the Consent Agenda.

Ms. Condon moved approval of the Consent Agenda, seconded by Mr. Summey, and carried.

The Consent agenda is as follows:

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Jason R. Patno, Director of Emergency Management, regarding funding available from the U. S. Department of Homeland Security to protect the Nation's critical infrastructure. It was stated that the Charleston County Emergency Management Department is requesting approval to apply for grant funding in the amount of \$156,121, and if awarded the grant funding will be used to provide highly specialized training to the Maritime Incident Response Team (MIRT) and to outfit them with shipboard firefighting equipment.

Committee recommended that Council approve the Emergency Management Department's request to apply for grant funding in the amount of \$156,121 through the 2011 Port Security Grant Program, and if awarded use the grant funding to provide highly specialized training to MIRT members and to outfit them with shipboard firefighting equipment, and with the understanding that no matching funds are required and that no FTE's, vehicles or recurring cost are associated with the acceptance of the grant.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Jason R. Patno, Director of Emergency Management, regarding U. S. Homeland Security Grand Program Funding for local first response organization charged with providing assistance at a local level following an attack involving weapons of mass destruction.

It was shown that the Lowcountry Weapons of Mass Destruction Regional Response Team program is directed by the South Carolina Law Enforcement Division and coordinated by the Charleston County Emergency Management Department. It was stated that the Emergency Management Department is requesting \$145,000 in funding and if awarded the funding will be used to replace expendable items and calibrate equipment utilized by the Lowcountry Weapons of Mass Destruction Regional Response Team.

Committee recommended that Council approve the Emergency Management Department's request to apply for grant funding in the amount of \$145,000 through the 2011 U. S. Department of Homeland Security Grant Program under the 2011 Grant Program, with the understanding that no match is required and that there are no FTE's, vehicles or reoccurring costs associated with the acceptance of this grant, and the grant performance period has not yet been determined.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Jason R. Patno, Director of Emergency Management, regarding reverted 2008 U. S. Department of Homeland Security grant funding in the amount of \$11,135.00. It was stated that if the grant is approved, the funding will be used to support the County's Community Emergency Response Team (CERT) covering the cost associated with printing and binding of course materials as well as promotional items that include, but are not limited to pens, pencils, water bottles, etc.

Committee recommended that Council approve the Emergency Management Department's request to receive \$11,135 in grant funding through the U. S. Department of Homeland Security's Citizens Corps Program to support the Community Emergency response Team, with the understanding that no matching funds are required and no FTE's., vehicles, or reoccurring costs are associated with this grant and that the grant period has not yet been determined.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Jason R. Patno, Director of Emergency Management regarding U. S. Homeland Security's Citizen's Corps Program. It was stated that the Charleston County Emergency Management Department is requested funding in the amount of \$18,405. It was shown that if funding is approved, it will be used to support the County's Community Emergency Response Team (CERT) Program by covering the cost associated with printing and binding of course materials as well as promotional items that include, but are not limited to pens, pencils, water bottles, etc.

Committee recommended that Council approve the Emergency Management Department's request to apply for \$19,405 in grant funding through the U. S. Department of Homeland Security's Citizens' Corps Program to support the Community Emergency Response Team, with the understanding that no matching funds are required, and that there are no FTE's, vehicles or reoccurring costs associated with the acceptance of this grant and that the grant performance period has not yet been determined.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Jim Lake, Director of Consolidated 9-1-1 regarding plans to provide opportunities to those who may not have the means and identify potential candidates for open positions with the Charleston County Consolidated Dispatch Center. It was stated that the Consolidated Dispatch Center has worked in partnership with the Trident One Stop Career Center (TOSCC) to develop a strategy to reach applicants who truly want to work in the 9-1-1 profession, and the Consolidated Dispatch Center will conduct an Emergency Telecommunicator Certification (ETC) course for TOSCC clients. It was further stated that there is a \$25.00 cost for course materials and a \$15.00 cost for certification which is payable to the National Academies of Emergency Dispatch (NAED) and that by law the Trident One Stop Career Center cannot collect these funds.

Committee recommended that Council:

1. Approve Consolidated Dispatch to accept Workforce Investment Act (WIA) funds from Trident One Stop Career Center (TOSCC) clients in the amount of \$40.00 per client for participation in the Emergency Telecommunicator Certification courses taught by Consolidated Dispatch Center Trainers.
2. Approve Consolidated Dispatch to accept private funds from individuals in the amount of \$40.00 per individual for participation in the Emergency Telecommunicator Certification course taught by Consolidated Dispatch Center Trainers.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Procurement regarding sealed bids that were received for the purchase of one high speed grinder and one slow speed shredder.

Committee recommended that Council authorize award of bid for the purchase of one high speed grinder and one slow speed shredder to the lowest responsive and responsible bidder, Pioneer South Carolina in the amount of \$1,156,000,000, and with the understanding that equipment will be utilized by the Environmental Management Department's Compost Division at the Bees Ferry Landfill, and that funds are available in the Environmental Management's FY 11 budget.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding bids received for construction of approximately 500 feet of new roadway to connect Old Main Road to Hoggard Lane. It was shown that work shall include paving, drainage improvements, erosion and sedimentation control and traffic control during construction.

Committee recommended that Council authorize award of a contract for Marshfield Road Connector to Landscape Pavers, LLC, the lowest responsive and responsible bidder in the amount of \$105,888.00, with the understanding that funding is available through the Transportation Sales Tax.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding bids received for the Dorchester Road Sidewalk project. It was stated that this project shall include clearing, excavation, sub-grade preparation, grading, aggregate base, asphalt paving, concrete sidewalk installation, including driveways and handicap ramps, erosion and sedimentation control, maintenance of traffic during construction, roadway signage, pavement striping, and associated appurtenances.

Committee recommended that Council authorize award of a contract for Dorchester Road Sidewalk to AGS Specialty Contractors, Inc., the lowest responsive and responsible bidder in the amount of \$281,940.00, with the understanding that funding is available through the Transportation Sales Tax.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding bids received for the FY 2011 Resurfacing plan, which funds come from the CTC funds. It was stated that this project shall include traffic control, milling, surface preparation, asphalt, resurfacing, shoulder widening and grading, striping and associated appurtenances of various local and SCDOT paved roadways within the boundaries of Charleston County. It was further stated that the approximate total project length is 16.82 miles.

Committee recommended that Council, as agent for the Charleston County Transportation Committee (CTC) authorize award of a contract for the FY 2011 Resurfacing Plan to Banks Construction Co., Inc., the lowest responsive and responsible bidder, satisfying all specifications in the amount of \$3,125,661.60, with the understanding that funding is available through the State "C" Fund for road improvements.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of Zoning and Planning, regarding a development agreement with Kiawah River Plantation, LP, for the Kiawah River Plantation project on Johns Island. It was stated that the developer is interested in establishing a Tax Increment Financing (TIF) District in order to fund certain items of public infrastructure and has requested that the County to consider its request. Since the County has never approved a residential TIF district, management believes that expert consulting services are necessary in order to receive advice regarding the impacts and benefits of such a TIF. It was shown that the developer will pay the costs of the consultant through reimbursement to the county, and that the cost is currently estimated to not exceed 440,000. It was further shown that County Council's financial policies and procedures required that where funds are received from a third party that Council must approve the acceptance of the funds.

Committee recommended that Council accept the reimbursement of funds from Kiawah River Plantation, LP, or its affiliate(s) in the amount of \$40,000 to pay for consulting

services from MuniCap, Inc., and or other consultants, for the purpose of evaluating a proposed TIF district in the Kiawah River Plantation development, and with the understanding that the County Administrator is authorized to accept additional funds if the costs of services exceed \$40,000, or if additional services are deemed necessary.

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of Zoning and Planning, regarding the East Edisto Development Agreement Consultant.

Marjorie  
Amos-Frazier  
Pacesetter  
Award

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and the letter received from Hal W. Frampton, IV and Leslie Hayes co-Chairs of the West Ashley Democrats and sponsors of the Marjorie Amos-Frazier Pacesetter Award. It was stated that Mrs. Amos-Frazier, was the first African-American woman elected to Charleston County Council.

Committee recommended that Council approve the displaying of the plaque showing the annual award winners of the Marjorie Amos-Frazier Pacesetter Award for lasting civic and humanitarian contributions, in the rotunda of the Lonnie Hamilton, III Public Service Building.

Mr. Rawl moved approval of Committee recommendation, seconded by Ms. Condon, and carried. Mr. Schweers abstained.

DAODAS  
Charleston  
Center

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by the Charleston County Legal Department regarding the need for Council to furnish the South Carolina Department of Alcohol and other Drug Abuse Services with a clarifying Resolution concerning DAODAS and the Charleston Center.

Committee recommended that Council approve the requested Resolution affirming that the Charleston County "Charleston Center" is the trade name and is the same entity as the Charleston County Department of Alcohol and Other Drug Abuse Services.

Ms. Condon moved approval of Committee recommendation, seconded by Mr. Summey and carried.

The Resolution is as follows:

**A RESOLUTION  
AFFIRMING THAT THE CHARLESTON COUNTY  
"CHARLESTON CENTER" IS THE TRADE NAME AND IS THE SAME ENTITY AS  
THE CHARLESTON COUNTY DEPARTMENT OF ALCOHOL AND  
OTHER DRUG SERVICES**

**WHEREAS**, on November 2, 1993, Charleston County Council, established a county alcohol and other drug abuse department by Ordinance Number 908; and

**WHEREAS**, as a result of the Ordinance, the Charleston County Department of Alcohol and Other Drug Services was created as a department of the Charleston County government; and

**WHEREAS**, over time, the Charleston County Department of Alcohol and Other Drug Services has been commonly referred to and known as the "Charleston Center"; and

**WHEREAS**, Charleston County Council desires to resolve any confusion concerning whether the Charleston County Department of Alcohol and Other Drug Services and the "Charleston Center" are in fact the same entity with the "Charleston Center" being the department's trade name.

**NOW, THEREFORE BE IT RESOLVED**, that Charleston County Council reaffirms that the entity known as the Charleston Center is the same entity as the Charleston County Department of Alcohol and Other Drug Services.

Approved this 16<sup>th</sup> day of June, 2011.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman

Attest:

Beverly T. Craven  
Clerk of Council

**FY 2011  
Carry  
Forward  
Funds**

A report was read from the Finance Committee under date of June 16, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Mack Gile, Director of Budget, regarding designated funds for use in FY 2012. It was stated that recently the Government Accounting Standards Board passed guidance which requires County Council to designate ( or carry forward) funds for some purposes in order to spend the funds in FY 2012. The designation process continues the use of funds for the purposes originally intended by Council. It was further stated that the County has five areas for which Staff is recommending designations. They are: Summer Youth Program; Human Resources Consultant Services, Zoning/Planning Consultant Services, Detention Center, Illegal Alien Assistance funds, and Technology Services.

Committee recommended that Council designate funds to be added to the FY 2012 budget as follows:

1. Summer Youth Program in an amount not to exceed \$100,000
2. Human Resources consultant services in an amount not to exceed \$150,000
3. Zoning/Planning consultant services related to the East Edisto Development Agreement in an amount not to exceed \$175,000.
4. Detention Center Illegal Alien Assistance funds in an amount not to exceed \$411,727
5. Technology Services on-going projects in an amount not to exceed \$637,521

Mr. Summey moved approval of Committee recommendation, seconded by Mr. Rawl and carried.

The Chairman asked if any Member of the Audience wished to address Council.

There was no affirmative response.

The Chairman asked if any Member of Council wished to bring a matter before the Body.

Mr. Darby said that Council needs to thank the Chairman, Mr. O'Neal and Staff for the great work they did on another no tax increase budget.

Mr. Sass stated that he echoed Mr. Darby's statement

Mr. Rawl thanked Staff and said the budget went very smoothly due to Mr. O'Neal.

Mr. Summey thanked Mr. O'Neal for his service and said it was not easy working for nine people with large egos. He said Mr. O'Neal was a nice man.

Mr. Qualey said that his contact with Mr. O'Neal had been brief, but good.

The Chairman asked if Mr. O'Neal wanted to bring something before Council

Mr. O'Neal:

1. Said that arrangements are all in place for the U. S. House of Representatives Oversight Committee who will be meeting in Council's Chambers at noon tomorrow.
2. Stated that the Earthquake Drill held earlier in the day and been very successful.
3. Thanked Staff for all they did to bring to Council a "no tax increase" budget.

Deputy County Administrator, Kurt Taylor, advised Council Members that the last permit for the Bees Ferry Road had been received.



Mr. Taylor also advised that the Wesley Drive Project was nearing completion and that the ceremony would be held on July 6<sup>th</sup>.

Mr. Pryor thanked Council, Mr. O'Neal and Staff upon completion of a "No Tax Increase" budget, and said he would have thing to say about Mr. O'Neal's service when he would be leaving in January.

There being no further business to come before the Body, the Chairman declared the meeting to be adjourned.

Beverly T. Craven  
Clerk of Council