

**AN ORDINANCE
TO DISSOLVE THE AWENDAW CONSOLIDATED FIRE DISTRICT; TO
SIMULTANEOUSLY CREATE THE AWENDAW MCCLELLANVILLE
CONSOLIDATED FIRE PROTECTION DISTRICT; AND OTHER
MATTERS RELATING THERETO**

WHEREAS, the Awendaw Consolidated Fire District was created in 2005 by Ordinance Number 1369, to include the Awendaw Special Tax District; and

WHEREAS, the Awendaw Consolidated Fire District receives fire protection services through the Awendaw Fire Department, which is a department of Charleston County Government by virtue of Ordinance Number 510, enacted December 29, 1983; and

WHEREAS, Charleston County Council desires to expand the boundaries of the Awendaw Consolidated Fire District to include the areas located within the municipalities of the Town of Awendaw and the Town of McClellanville; and

WHEREAS, the Awendaw Consolidated Fire District provided fire services to the Town of Awendaw and the Town of McClellanville by contract, but for purposes of efficiency and financial stability, the Towns and County now wish to have the properties within the Towns be included within a newly created fire protection district; and

WHEREAS, the Town of Awendaw and Town of McClellanville have consented through resolutions adopted by their respective Town Councils to allow the new Awendaw McClellanville Consolidated Fire Protection District to include the entirety of the areas located within each of its municipal borders; and

WHEREAS, Charleston County Council wishes to dissolve the existing Awendaw Consolidated Fire District and to create a fire protection district pursuant to the authority of Title 4, Chapter 19, Section 4-19-20 et seq., Code of Laws of South Carolina, 1976, as amended, called the Awendaw McClellanville Consolidated Fire Protection District; and

NOW, THEREFORE, on the basis of the foregoing authorization and for the purposes set forth above, Charleston County Council enacts this Ordinance in a meeting duly assembled, as follows:

1. Findings.

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

2. Dissolution of Former Ordinances.

Charleston County Council dissolves and repeals Ordinance Number 510 and Ordinance Number 1369.

3. Authority to Establish a Fire Protection District.

Pursuant to the County Council's general police power to provide for the public health, safety and general welfare of residents of the County and to provide for fire protection services pursuant to the provisions of Title 4, Chapter 19, Section 4-19-20 et seq., Code of Laws of South Carolina, 1976, as amended, counties are empowered to establish, operate and maintain a system of fire protection through, *inter alia*, designating an area of the county where such services may be furnished.

4. Benefit of Consolidation.

The Awendaw McClellanville Consolidated Fire Protection District will benefit the public health, safety, and general welfare because it will provide for the consolidated fiscal and operational management of revenues and resources to provide fire protection services for the District.

5. Compliance with Statute.

Pursuant to South Carolina Code Section 4-19-20, Charleston County Council adopted a resolution dated May 20, 2013, directing that a public hearing be held on the question creating the Awendaw McClellanville Consolidated Fire Protection District. On June 11, 2013, at 6:30 P.M. a public hearing was held before County Council.

6. Establishment of Fire Protection District; Dissolution of Existing Districts.

Subject to the effective date herein, Charleston County Council acting within the authority granted by the Constitution, subject to the general laws of this State, exercises its power to adopt this Ordinance creating a fire protection district covering the service area defined herein, in order that fire protection services can be rendered, and operations throughout the service area be created, and revenues raised by appropriate measures to fund the installation and operation of such services.

It is intended that the fire protection district created herein shall be empowered to operate with the full powers and provide the full extent of fire protection services as such powers are now or hereafter may be defined by law, subject to decisions of Charleston County Council or its designees as to the scope of such fire protection services. The District shall operate as a department of county government, at the direction of the County Administrator or his designee(s). The District is authorized to operate under the name "the Awendaw McClellanville Consolidated Fire Protection District" and may display such operating name(s) and such insignia as are approved by the County Administrator.

Subject to the effective date herein, Council hereby dissolves and abolishes the existing Awendaw Consolidated Fire District and creates the Awendaw McClellanville

Consolidated Fire Protection District, succeeding to all rights, title and interests of the dissolved districts as set forth herein.

7. Service Area of the District.

The service area of the District shall include the municipal boundaries of the Town of Awendaw, the Town of McClellanville (as the municipal boundaries may be amended), and all of the unincorporated areas of Charleston County located east of the Cooper River and south of the South Santee River, except any area wholly contained within the Town of Mount Pleasant or located within the City of Isle of Palms, Town of Sullivan's Island, or those islands known as Goat Island, Bulls Island, Capers Island, and Dewees Island.

Only those unincorporated island and highland marshland areas which are accessible by an all-season roadway capable of supporting fire suppression vehicles or apparatus will be serviced. Service to other unincorporated island and highland marshland areas may be extended when financially and operationally feasible, as determined by County Council.

8. Financing Costs of Fire Protection Services.

There will be levied ad valorem taxes for the operation and maintenance of the District in an amount to be determined annually by Charleston County Council. County Council may also from time to time supplement the costs of equipping and operating the District from other funding sources.

Charleston County Council may in its sole discretion impose rates and charges for the operation and maintenance of the District, in addition to and/or in lieu of ad valorem taxes, if Council desires. In addition, County Council reserves the right to charge fees for fire protection services pursuant to S. C. Code Ann. Section 12-37-235 to properties exempt from taxation under S.C. Code Ann. Section 12-37-220.

County Council shall be empowered to issue general obligation bonds of the County, payable from an ad valorem taxes or fees levied within the District for the purpose of providing fire protection services in the District.

County Council shall charge the District for the costs associated with providing the administrative services identified herein as approved in District's annual appropriation.

9. Advisory Board - Created; Composition; Terms.

There is hereby created for the purpose of advising Charleston County Council of the nature and level of fire services to be provided in the Awendaw Consolidated Fire District an advisory board to be known as the Awendaw Consolidated Fire District Advisory Board. This board shall consist of nine members. Seven members of the board shall be residents of the district appointed by the Charleston County Council for terms of two years, or until their successors are duly appointed. One member shall be a resident

of the Town of McClellanville, appointed by the Town Council for a term of two years, or until his or her successor is duly appointed. One member shall be a resident of the Town of Awendaw, appointed by the Town Council for a term of two years, or until his or her successor is duly appointed. County Council may, by resolution, establish staggered terms for the members of the Advisory Board.

The advisory board shall adopt suitable bylaws, rules and regulations for its proper operation; provided however, that such bylaws, rules and regulations are not inconsistent with the general policy established by the Charleston County Council. The advisory board shall meet at such times and places as may be determined by the chairman and shall meet at least once each quarter.

Should a member appointed by County Council reside in a location which becomes annexed by the Town of McClellanville or the Town of Awendaw, the member shall continue to serve until his or her term expires or he or she chooses to resign. He or she may not serve thereafter unless appointed by the annexing town. Insofar as the District is intended to serve the unincorporated area, and the Towns of McClellanville and Awendaw, if a member of the board resides in a location which is annexed by the Town of Mount Pleasant, that member shall no longer be eligible to remain on the board, and the seat shall be vacated upon such annexation.

The Awendaw Consolidated Fire District Advisory Board ("Advisory Board") shall have the following powers and duties:

To confer with and advise the County Administrator and County Council on all matters relating to fire protection services within the Consolidated District and other fire districts where Consolidated District provides fire protection service at the discretion of County Council.

To collect data and information as to the type of fire protection services best suited to the Consolidated District.

To cooperate with the fire departments, fire boards and commissions in the County and with all and any other agencies and organizations within and without the County which the advisory commission may desire to cooperate with in the furtherance in the development of efficient fire protection for the Consolidated District.

To recommend to County Council for its consideration a budget setting the level of ad valorem taxes to be collected within the district during the fiscal year. The budget shall identify all anticipated sources of revenue and expenditures of the Consolidated District for the budget year. The fiscal year of the Consolidated District shall run from July 1 and run to June 30 each successive year.

To work together with the Fire Chief in preparing an annual budget for the Consolidated District.

To perform other such actions as are deemed necessary by the Advisory Board to promote and enhance fire protection within the Consolidated District.

10. Limitation of powers.

Except as may otherwise be provided by ordinance, the powers and duties of the Advisory Board are of an advisory nature only, and the Advisory Board shall not have

any powers or duties which would conflict with or supersede the powers and duties of the county council or of the County Administrator, or other county commissions or boards.

11. The County shall employ a Fire Chief who will be an employee of Charleston County and subject to the Charleston County Human Resources Policies and Procedures, along with all other employees of the Consolidated District.

The Fire Chief shall serve at the pleasure of the Administrator. The Fire Chief shall be responsible for the daily operations and administration of the Consolidated District. The Fire Chief shall employ, supervise, and be responsible for training all of the necessary fire protection personnel to insure that the equipment and resources of the Consolidated District are utilized in an efficient manner. The Fire Chief for the dissolved Awendaw Consolidated Fire District shall serve as the initial Fire Chief of the Consolidated District. The Fire Chief shall meet with the Advisory Commission once every six months, at a minimum, for consultation about the Consolidated District and status updates. The Fire Chief and the Advisory Committee shall work together to prepare an annual budget for the Consolidated District.

12. Contracts.

The County Administrator is empowered to enter into such contracts as are necessary or beneficial for the purposes of the Consolidated District. Any necessary or beneficial mutual aid or automatic aid agreements, and other agreements and lawful expenditures of funds beneficial to the purpose of the District are also hereby authorized.

13. Transfer of Rights and Interests; Contracts Ratified.

All assets, liabilities, contracts, choses in action, entitlements (including specifically, without limitation, all rights to payments from any municipality due now or to become due in the future, in connection with the annexation of any properties from the current or future districts), property, rights and responsibilities and property interests of whatever kind owned or held by the dissolved Awendaw Consolidated Fire District, or the County on its behalf, is hereby assigned to the new District, to pass instantaneously with no lapse in time upon the effective date and time of the creation of the District, which shall be as of 12:01 A.M. September 25, 2013.

All contracts in force in the former areas shall be and are hereby ratified for use of the District, if still in effect as of the effective date of the creation of the new District, and subject to their terms and to the authority of the County to amend and/or terminate them. The District shall assume all obligations and liabilities of, and all claims against, the district to be dissolved under said contracts as if the District were an original party to the contracts.

14. Effective Date of Ordinance; Effective Date of Dissolution of Districts and

Creation of District.

This Ordinance shall be effective upon approval following third reading of Charleston County Council. The dissolution of the Awendaw Consolidated Fire District shall occur simultaneously, with no lapse in time, upon the effective date and time of the creation of the new Awendaw McClellanville Consolidated Fire Protection District, which shall be as of 12:01 A.M. September 25, 2013. Until such time, the districts to be dissolved and consolidated shall continue to function in their separate respective capacities.

15. Severability; Partial Invalidity.

If any one or more of the covenants or agreements or provisions or portions thereof provided in this Ordinance should be determined by a court of competent jurisdiction to be contrary to law, then such covenant(s) or agreement(s) or provision(s) or portion(s) shall be deemed severable from the remaining covenants or agreements or provisions 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.

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 to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those 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.

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

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

ADOPTED and APPROVED in meeting duly assembled this 24th day of September, 2013.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____

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

ATTEST:

By: _____

Beverly T. Craven
Clerk to Charleston County Council

First Reading: September 5, 2013
Second Reading: September 10, 2013
Public Hearing: September 24, 2013
Third Reading: September 24, 2013

