

**AGENDA**  
**COLLETON COUNTY COUNCIL**  
**VIRTUAL REGULAR MEETING**  
**TUESDAY, OCTOBER 6, 2020**  
**6:00 P.M.**

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
  - a) Regular Meeting September 1, 2020
5. Awards and Recognitions
  - a) Proclamation – Domestic Violence Awareness Month
6. Appearances & Public Presentations
  - a) Customer Service Center & Harrelson Building Improvements – Johnny Stieglitz
7. Administrator’s Briefing
8. Old Business
  - a) 2<sup>nd</sup> Reading Ordinance 20-O-08, To Approve Designation of the Colleton County Planning Commission as the Official Planning Commission for the Town of Lodge
9. New Business
  - a) 1<sup>st</sup> Reading **By Title Only** Ordinance 20-O-09, To Ratify FY20 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto
  - b) Resolution 20-R-40, To Reschedule November County Council Meeting
  - c) Resolution 20-R-41, to Authorize Acceptance and Budgeting of Various Grants for FY 2020-2021
  - d) Resolution 20-R-42, To Approve the Membership Agreement between Colleton County and the Southern Carolina Alliance
  - e) Resolution 20-R-43, To Award the Contract for the Expansion and Renovation of the Mable T. Willis Boulevard Fire Station

- f) Resolution 20-R-44, To Award the Contract for the Magistrates Building Renovation Project
  - g) Resolution 20-R-45, To Authorize the Waiver of Various Fees for Colleton County Long Term Recovery Group Properties
  - h) Resolution 20-R-46, To Adopt A Continuing Budget For The Fiscal Year Beginning July 1, 2020, Due To The Covid-19 Pandemic, And To Authorize The Expenditure Of Funds
  - i) Resolution 20-R-47, To Provide For The Issuance And Sale Of A Not To Exceed \$585,000 General Obligation Bond Of Colleton County, South Carolina; To Provide For The Sale And Terms Thereof In Regard To The Agreement With Palmetto Railways Regarding The H&B Railroad; And Other Matters Relating Thereto
- 10. Council Time
  - 11. Executive Session - None
  - 12. Adjournment
  - 13. Informal Meeting of the Whole

### **COUNTY COUNCIL MEETING ON OCTOBER 6<sup>TH</sup>**

Colleton County Council will hold a regular meeting on Tuesday, October 6, 2020, at 6:00 pm. Due to the COVID-19 pandemic, County Council will be holding the meeting virtually and the public will be able to stream the meeting from a link on the County's home page or by going to **[www.colletoncounty.org/live](http://www.colletoncounty.org/live)**. Individuals who would like to participate in public comment can do so at **[www.colletoncounty.org/comment](http://www.colletoncounty.org/comment)**.

# PROCLAMATION

## DOMESTIC VIOLENCE AWARENESS MONTH OCTOBER 2020

**WHEREAS,** Domestic Violence Awareness Month calls attention to the fact that domestic violence is a public health issue that impacts our entire community; and

**WHEREAS,** It is unacceptable that 1 in 4 women and 1 in 33 men will experience domestic violence in their lifetime; and

**WHEREAS,** Domestic violence affects the entire family in which it occurs and leaves children with learned behaviors that are unhealthy and harmful to their development;

**WHEREAS,** Hopeful Horizons, our local Children's Advocacy, Domestic Violence and Rape Crisis Center assisted approximately 600 victims of domestic violence in 2019; and

**WHEREAS,** Hopeful Horizons' staff, board of directors and volunteers encourage every person to speak out against harmful attitudes and actions that lead to domestic violence; and

**WHEREAS,** we recognize that preventing domestic violence is possible by working together to increase education about healthy and unhealthy relationships, build awareness of the signs and dynamics of domestic violence and cultivate a trauma-informed community supportive of survivors and intolerant of violence and abuse.

**NOW, THEREFORE, BE IT PROCLAIMED,** by Colleton County Council, duly assembled, that the month of October 2020 is hereby declared:

### DOMESTIC VIOLENCE AWARENESS MONTH

and all citizens are urged to observe this month by becoming aware of the tragedy of domestic violence, supporting those who are working toward its end, and participating in community efforts to stop the violence.

Adopted this 6th day of October 2020.

ATTEST:

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Ruth Mayer, Clerk to Council

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Steven D. Murdaugh, Chairman

Sponsor(s)	: County Council	
First Reading	: September 1, 2020	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: October 6, 2020	
Public Hearing	: November 3, 2020	
Third Reading	: November 3, 2020	
Effective Date	: Immediately	

**ORDINANCE NO. 20-O-08**

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

**[To Approve Designation of the Colleton County Planning Commission as the Official Planning Commission for the Town of Lodge.]**

**WHEREAS:**

1. The Town of Lodge has requested and Colleton County Council has agreed that the authority and jurisdiction over planning, zoning, subdivision, floodplain, and building code regulations within the limits of the Town of Lodge shall be assumed by the County; and
2. S.C. Code 6-29-330(B) requires that the Town of Lodge designate by ordinance that the Colleton County Planning Commission is the Commission for the Town and that it shall perform all planning functions in the area of jurisdiction of the town, including revision of the comprehensive plan; and
3. The County Council is required to accept and approve this designation by ordinance.

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

1. The designation of the Colleton County Planning Commission as the Planning Commission for the Town of Lodge is hereby approved.
2. Provisions in other County Ordinances, Resolutions, policies or by-laws in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.
4. This Ordinance shall become effective November 3, 2020, subject to completion of the requirements set forth in the Agreement by and between Colleton County and the Town of Lodge governing the granting of the power and jurisdiction over planning,

zoning, subdivision, floodplain, and building code regulations within the limits of the Town of Lodge to Colleton County.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

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

Council Vote:  
Opposed:

Sponsor(s) : County Council  
First Reading : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : November 10, 2020  
Public Hearing : December 1, 2020  
Third Reading : December 1, 2020  
Effective Date : Immediately

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

**ORDINANCE NO. 20-O-09**

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

**[To Ratify FY20 Grant And Budget Resolutions And Related Appropriations For All Funds;  
To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other  
Matters Related Thereto.]**

Sponsor(s) : County Council  
Adopted : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 20-R-40**

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

**[To Reschedule November County Council Meeting.]**

**WHEREAS:**

1. The first Tuesday of November falls on election day; and
2. The Council deems it in the best interest for its citizens to change the meeting date to allow citizens time to vote.

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

County Council hereby reschedules the November 3, 2020 meeting to November 10, 2020

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 20-R-41**

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

**[A Resolution to Authorize Acceptance and Budgeting of Various Grants for FY 2020-2021.]**

**WHEREAS:**

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The Colleton County Capital Projects Department is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY21 received from the South Carolina Department of Commerce the Community Development Block Grant Program, as described below; and
3. The 14<sup>th</sup> Circuit Solicitor’s Office is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY21 received from the South Carolina Department of Commerce the Community Development Block Grant Program, as described below.

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenues and expenditures in the following funds for the grants and unbudgeted revenues for FY21 as listed:
  - a. Fund 120 – Special Revenue Fund; South Carolina Department of Commerce; \$363,000; Community Development Block Grant Program; Floyd Buckner Building Demolition; Grant #4-A-20-002; 10% match will be provided by insurance proceeds.
  - b. Fund 120 – Special Revenue Fund; South Carolina Office of the Attorney General Crime Victim Services Division, Sexual Assault Nurse Examiner Coordinator; Grant number 1V19069; \$55,758; match is included in Fund 125 – Solicitor’s Office Fund.
  - c. Fund 120 – Special Revenue Fund; South Carolina Office of the Attorney General Crime Victim Services Division, Special Victim’s Unit Prosecution Team; Grant number 1K20015; \$279,934; match is included in Fund 125 – Solicitor’s Office Fund.
  - d. Fund 120 – Special Revenue Fund; South Carolina Office of the Attorney General Crime Victim Services Division, Forensic Exam Program; Grant number 1V20003; \$90,853; match is included in Fund 125 – Solicitor’s Office Fund.
2. The above listed OPRs (Offices of Primary Responsibility) are responsible for preparing any external reports related to said funds, complying with grant terms and conditions, coordinating reimbursement requests with the Finance Department in addition to being the responsible parties for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY21 as requested for this grant/non-budgeted revenue received.



ATTEST:

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Ruth Mayer, Council Clerk

SIGNED:

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Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council  
Adopted : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 20-R-42**

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

**[A Resolution to Approve and Renew the Membership Agreement between Colleton County and the Southern Carolina Alliance.]**

**WHEREAS:**

1. The Membership Agreement between Colleton County and the Southern Carolina Alliance provides the County with a comprehensive economic development program, which includes, but is not limited to, industrial recruitment services, identify and support product development and enhancement strategies, identify, assist and support community development programs and work to enhance existing industry; and
2. County Council deems it to be in the best interest of the citizens of Colleton County to enter into this agreement.

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

1. County Council hereby approves and renews the Membership Agreement (included herein and by reference) between Colleton County and the Southern Carolina Alliance for a term of five years.
2. The County Administrator is hereby authorized to execute said Agreement pending approval by the County Attorney.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 20-R-43**

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

**[A Resolution to Award the Contract for the Expansion and Renovation of the Mable T. Willis Boulevard Fire Station.]**

**WHEREAS:**

1. The County advertised a Request for Bids, FR-25, for the expansion and renovation of the Mable T. Willis Boulevard Fire Station; and
2. Four bids were received;
3. IP Builders, Inc. meets all of the requirements of the bid and is the lowest bidder.

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

1. County Council hereby awards the contract in accordance with Bid FR-25 to IP Builders, Inc. for the expansion and renovation of the Mable T. Willis Boulevard Fire Station at cost of \$448,000.
2. The County Administrator is hereby authorized to execute a contract on behalf of the County pending approval of same by the County Attorney.
3. Funding for this construction shall come from Fire-Rescue Bond Fund 161.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 20-R-44**

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

**[A Resolution to Award the Contract for the Magistrates Building Renovation Project.]**

**WHEREAS:**

1. The County advertised a Request for Bids, CPST-6.01, for the renovation and expansion of the Magistrates Office Building, which is a Capital Projects Sales Tax project; and
2. Three bids were received; and
3. Mitchell Construction Company, Inc. meets all of the requirements of the bid and is the lowest bidder; and
4. Staff requests authorization to negotiate the contract for services with Mitchell Construction Company, Inc.

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

1. County Council hereby authorizes the County Administrator to negotiate the contract in accordance with Bid CPST-6.01 with Mitchell Construction Company, Inc. for the Magistrates Building Renovation project.
2. The County Administrator is hereby authorized to execute said contract on behalf of the County pending approval of same by the County Attorney.
3. Funding for this construction shall come from the Capital Projects Sales Tax Fund – Fund 143 in the amount of \$52,250.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 20-R-45**

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

**[A Resolution to Authorize the Waiver of Various Fees for Colleton County Long Term Recovery Group Properties.]**

**WHEREAS:**

1. The Colleton County Long Term Recovery Group was recently formed to help coordinate long term recoveries from natural disasters such as tornadoes, hurricanes, fires, earthquakes, etc. The group works in concert with Colleton County EMD and all municipalities within the County, as well as interested partners that include FEMA, State EMD, The Red Cross, Fuller Housing Group, and others; and
2. The group works to identify residents in need and connect them with applicable resources in order to continue progress toward full recovery; and
3. There are several houses that sustained significant damage from the April 13<sup>th</sup> Tornado, that are only now able to address this damage. The actions necessary will include demolition and removal of portions, if not all of a structure; and
4. The Colleton County Long Term Recovery Group has requested that Council waive the landfill fees for the disposal of the debris from this storm.

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

1. All fees related to the damage caused by the April 13<sup>th</sup> Tornado event for properties associated with the Colleton County Long Term Recovery Group are hereby waived.
2. All inspections required by the International Building Code will be provided free of charge.
3. All Solid Waste disposal fees for waste generated by Long Term Recovery Group projects, are hereby waived.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 20-R-46**

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

**[A RESOLUTION TO ADOPT A CONTINUING BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, DUE TO THE COVID-19 PANDEMIC, AND TO AUTHORIZE THE EXPENDITURE OF FUNDS.]**

**WHEREAS:**

It now appears that the fiscal year 2020-2021 budget of the State of South Carolina will likely not be approved by July 1, 2020, due to the impacts to the economy related to the COVID-19 pandemic. The South Carolina Board of Economic Advisors has forecasted major reductions to state and local government revenue streams as a result of COVID-19. Due to these conditions, Governor McMaster plans to call the State Legislature back in session in June of 2020 to approve a continuing resolution, through at least September, for time to calculate the impacts of the COVID-19 pandemic to state and local revenues. Therefore, Colleton County will likely not receive the necessary State revenue totals to the Counties from the State of South Carolina in time to calculate the millage rate and finalize a budget by July 1, 2020. The County has been informed by the State that these figures will likely not be received until at least September 2020 for FY 2020-2021.

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

**Section 1** – The budget amounts set forth and approved in the fiscal year 2020-2021 budget are hereby continued and the Administration, Elected Officials, and other Appointed positions of Colleton County are authorized to expend funds at the same level as the previous fiscal year. This in effect authorizes the County to operate based on our most recent budget information. The Continuation Budget will be based on the approved 2019-2020 budget with projected adjustments as reflected in the preliminary Colleton County Budget Ordinance for FY 2020-2021.

**Section 2** – No funds can be expended or obligated that exceed the previous year’s annual budget appropriation until a new budget is finally adopted. Expenditures mandated by State laws, rules or regulations are incorporated into this continuing budget and the Administration shall be permitted to expend funds necessary to meet State mandates.

**Section 3** – The Council originally passed a continuing budget resolution, Resolution No. 20-R-22 on April 21, 2020. Due to the South Carolina State House extending their continuing budget resolution until their January 2021 session, it is necessary for the Council to extend the continuing resolution for Colleton County’s FY 2020-2021. This resolution shall take effect from and after its passage and its provisions will be in force from July 1, 2020 to February 2, 2020 until the budget for fiscal year 2020-2021 is finally adopted, or when the State FY 2020-2021 budget is adopted.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
First Reading : October 6, 2020  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## RESOLUTION NO. 20-R-47

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

**[A RESOLUTION TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT TO EXCEED \$585,000 GENERAL OBLIGATION BOND OF COLLETON COUNTY, SOUTH CAROLINA; TO PROVIDE FOR THE SALE AND TERMS THEREOF IN REGARD TO THE AGREEMENT WITH PALMETTO RAILWAYS REGARDING THE H&B RAILROAD; AND OTHER MATTERS RELATING THERETO.]**

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

**WHEREAS**, Colleton County Intermodal Corporation (the "Corporation"), a South Carolina a non-profit corporation, was formed for the purpose of promoting the economic development of Colleton County, primarily by financing the costs of acquisition of the Hampton and Branchville Railroad (the "Project") so that it can be maintained in service; and to that purpose, the Corporation issued its Revenue Bonds (the "Corporation Bonds") pursuant to the terms of a Trust Indenture (the "Trust Indenture") between the Corporation and Regions Bank, as trustee (the "Trustee") for the purpose of financing the purchase of the Project; and

**WHEREAS**, the Corporation entered into a Loan and Security Agreement (the "Loan Agreement") with South Carolina Division of Public Railways d/b/a Palmetto Railways ("Palmetto Railways") pursuant to which the Corporation lent the proceeds derived from the sale of the Corporation Bonds (the "Loan") to Palmetto Railways and Palmetto Railways has applied the proceeds of the Loan to pay the costs of acquisition of the Project by Palmetto Railways; and

**WHEREAS**, Palmetto Railways agreed to repay the Loan solely from revenues derived from the operation of the Project (the "Gross Revenues") and to operate the Project pursuant to the terms of the Loan Agreement; and

**WHEREAS**, to assist the Corporation in financing the costs of the Project, the County entered into a Deposit and Reimbursement Agreement (the "Deposit and Reimbursement Agreement") with the Corporation whereby the County has agreed to reimburse any shortfalls in Gross Revenues to pay the Corporation Bonds, subject to non-appropriation in any fiscal year by the County Council; and

**WHEREAS**, the Corporation's rights under the Loan Agreement and Deposit and



Reimbursement Agreement were assigned to the Trustee as security for the payment of the Corporation Bonds; and

**WHEREAS**, the County Council have been advised by the Corporation that Gross Revenues are anticipated to be insufficient during the upcoming fiscal year to pay in full debt service due on the Corporation Bonds in such fiscal year, and consequently the Corporation has requested that the County Council appropriate sufficient funds during such fiscal year to cover the shortfall in Gross Revenues; 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 enacted a bond ordinance on November 3, 2015 (the "Bond Ordinance"), to authorize the issuance of general obligation bonds of the County from time to time, as necessary, to defray the obligations of the County under the Deposit and Reimbursement Agreement; and

**WHEREAS**, the County Council have now determined that it is in the best interest of the County, and necessary and proper for the general welfare of the County and its citizens, that this Supplemental Resolution be adopted in compliance with the terms of the Bond Ordinance to provide for the issuance of general obligation bonds for payment or reimbursement of the obligations of the County under the Deposit and Reimbursement Agreement during the current fiscal year; and

**WHEREAS**, by virtue of 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**, pursuant to the authorisation 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; the assessed value of all taxable property in the County is \$177,682,690 for the fiscal year ended June 30, 2019; the County currently has \$6,908,472 of outstanding general obligation indebtedness which counts against its constitutional debt limit; consequently, the County may incur without an election \$7,306,143 of general obligation indebtedness; and

**WHEREAS**, the County Council intend to delegate to the County Administrator complete authority on behalf of the County to take all action necessary or convenient to sell the bond authorized hereby at private sale to South State Bank or such other financial institution that he determines to be most advantageous to the County; and

**WHEREAS**, this resolution is intended to be a "Supplemental Resolution" within the meaning of that term under the Bond Ordinance;

**NOW, THEREFORE**, on the basis of the foregoing authorizations and for the purpose of raising the sum of not to exceed \$585,000 to be expended for the purposes set forth above, the County Council adopt this Supplemental Resolution to affect the issuance and sale of general obligation bonds of the County authorized by the Bond Act and the Bond Ordinance.

## ARTICLE I

### DEFINITIONS AND INTERPRETATIONS

#### Section 1      Defined Terms.

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

“Bond” shall mean the General Obligation Bond (Rail Line Project), Series 2020 of the County authorized to be issued hereunder in the aggregate principal amount of not to exceed \$585,000.

“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.

“Bond Ordinance” shall mean the Ordinance enacted on November 3, 2015, by the County Council, as from time to time amended and supplemented by one or more supplemental resolutions or ordinances enacted in accordance with the provisions thereof.

“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 Finance Director of the County or, in his absence, any other officer or employee of the County designated in writing by the County Administrator to perform the duties of the Chief Financial Officer under this Supplemental Resolution.

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

“Closing Date” shall mean the date that the Bonds are initially delivered to the Lender by the County.

“County” shall mean Colleton County, South Carolina.

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

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

“Interest Payment Date” shall mean such dates as are designated by the County Administrator as interest payment dates for the Bond.

“Lender” shall mean South State Bank or such other financial institution that is designated to purchase the Bond pursuant to Article II, Section 5 hereof.

“Principal Payment Date” shall mean such dates as are designated by the County Administrator as principal payment dates for the Bond.

“Supplemental Resolution” shall mean this Supplemental Resolution as from time to time amended and supplemented by one or more supplemental resolutions adopted in accordance with the provisions hereof.

## Section 2      General Rules of Interpretation.

For purposes of this Supplemental Resolution, 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 Supplemental Resolution 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 prepayment of the Bond do not include or connote the payment of the Bond at its stated maturity.

(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 Supplemental Resolution.

## ARTICLE II

### ISSUANCE OF BOND

Section 1      Authorisation of Bond; Approval of Maturity Date, Principal Amount, and Interest Rates.

(a) Pursuant to the provisions of the Bond Act and the Bond Ordinance and for the purposes of defraying the obligations of the County under the Deposit and Reimbursement Agreement during the current fiscal year, there shall be issued a not to exceed \$585,000 general obligation bond of the County (the "Bond"). The Bond shall be designated "General Obligation Bond (Rail Line Project)," with such series designation as is approved by the County Administrator. The Bond shall be dated as agreed upon between the County and the Lender, and shall be in fully-registered form.

(b) The Bond will be in such principal amount, bear interest at such rates, and will mature on the dates and in the amounts as are approved by the Chairman, upon the advice of Bond Counsel, provided that:

- (i) the Bond shall bear interest at a maximum interest rate not greater than 1.27%;
- (ii) The Bond shall mature not later than one (1) year after the Closing Date; and
- (iii) The principal amount of the Bond shall not exceed \$585,000.

(c) The Authenticating Agent, the Bond Registrar, and the Paying Agent for the Bond shall be the Colleton County Treasurer.

Section 2      Prepayment of Bond.

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

(b) Prepayment. The Bond may be subject to prepayment or redemption prior to its maturity, in whole or in part, upon the terms and on the dates and at the prepayment or redemption prices as approved by the County Administrator prior to the issuance of the Bond.

Section 3      Place of Payments and Payment Dates.

Principal and interest of the Bond, when due, shall be payable by Colleton County Treasurer as the Paying Agent at the office designated by the Lender on the Interest Payment Dates and Principal Payment Dates designated by the County Administrator.

Section 4      Levy and Collection of Property Taxes.

The Auditor and Treasurer of Colleton County, South Carolina, shall be notified of this Bond issue 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 Bond, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefor.

Section 5      Sale of Bonds.

The Bond shall be sold at private sale in accordance with Section 11-27-40(4) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are determined by the Chairman and the County Administrator, upon the advice of Bond Counsel, are most advantageous to the County. The Chairman and the County Administrator are fully authorized and empowered to take all further action as may be necessary and proper in order to select South State Bank or such other financial institution as they determine is most advantageous to the County to which to sell the Bond. Notice of the sale of the Bond in a private placement shall be published in accordance with Section 11-27-40(4) of the Code of Laws of South Carolina 1976, as amended. The form of said Notice is substantially that set forth in Exhibit A attached hereto and made a part and parcel hereof.

Section 6      Disposition of Proceeds of Sale of Bonds.

The proceeds derived from the sale of the Bond shall be applied as directed by the County Administrator (a) to fund Reimbursement Payments in accordance with the terms of the Deposit and Reimbursement Agreement or (b) to reimburse the County for making Reimbursement Payments in accordance with the terms of the Deposit and Reimbursement Agreement.

Section 7      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 Bond from the gross income of the recipients thereof for federal income tax purposes.

Section 8      Bank Qualified Designation.

Section 265(b)(3)(c)(i) of the Internal Revenue Code imposes a limit of \$10,000,000 of obligations that may be issued by the County during the current calendar year in order for the County to qualify as a “qualified small issuer” under that Section. The amount of not to exceed \$585,000.00 of original principal amount of the Bond is hereby designated by the County as a “qualified tax exempt obligation” under the \$10,000,000 limit for calendar year 2020.

## ARTICLE III

### MISCELLANEOUS

Section 1      Execution of Agreement and Closing Documents and Certificates.

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 such agreement or agreements with the Lender and all closing documents and certificates as may be necessary and proper in order to complete the issuance of the Bond and the action of such officers or any one or more of them in executing and delivering any documents, in the form as he or they shall approve, is hereby fully authorized.

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

In the absence of the Chairman, the vice chairman of the County Council is fully authorized to exercise all powers vested in the Chairman under this Supplemental Resolution. 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 Supplemental Resolution.

Section 3      Bond Ordinance Binding Upon Successors or Assigns of the County.

All the terms, provisions, conditions, covenants, warranties, and agreements contained in the Bond Ordinance and this Supplemental Resolution shall be binding upon the successors and assigns of the County and shall inure to the benefit of the Lender as the registered owner of the Bond.

Section 4      No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in the Bond Ordinance, this Supplemental Resolution, or the Bond, 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 the Bond Ordinance, this Supplemental Resolution, and the Bond 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 Lender as the registered owner of the Bond 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 adoption of this Supplemental Resolution and the execution of the Bond, and as a condition of, and as a part of the consideration for, the adoption of this Supplemental Resolution and the execution of the Bond, 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 Supplemental Resolution.

Section 5      Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Supplemental Resolution requires any action to be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina, the action shall be taken on the first secular or business day occurring thereafter. Whenever in this Supplemental Resolution 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, the time shall continue to run until midnight on the next succeeding secular or business day.

Section 6      Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Supplemental Resolution on the part of the County 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 Supplemental Resolution and the invalidity thereof shall in no way affect the validity of the other provisions of this Supplemental Resolution or of the Bond, but the registered owners of the Bond shall retain all the rights and benefits accorded to it hereunder and under any applicable provisions of law.

(b) If any provisions of this Supplemental Resolution 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 7      Continuing Disclosure Undertaking.

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

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

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

The only remedy for failure by the County Council to comply with the covenant in this Section shall

be an action for specific performance of this covenant. The County Council specifically reserve the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of the registered owner of the Bond.

Section 8      Law and Place of Enforcement of this Supplemental Resolution.

This Supplemental Resolution 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 Supplemental Resolution shall be instituted in a court of competent jurisdiction in said State.

Section 9      Repeal of Inconsistent Resolutions.

All resolutions of the County Council, and any part of any resolution, inconsistent with this Supplemental Resolution are hereby repealed to the extent of the inconsistency.

Section 10     Effective Date of this Supplemental Resolution.

This Supplemental Resolution shall become effective immediately upon its adoption without further notice.

Section 11     Amendments to Supplemental Resolution.

This Supplemental Resolution may be amended only with the prior written consent of the Lender.



ATTEST:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

SIGNED:

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

COUNCIL VOTE:  
OPPOSED: