
ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING (1) THE CONSOLIDATION OF BEREA PUBLIC SERVICE DISTRICT; GANTT FIRE, SEWER AND POLICE DISTRICT; MARIETTA WATER, FIRE, SANITATION, AND SEWER DISTRICT; PARKER SEWER AND FIRE SUB-DISTRICT; TAYLORS FIRE AND SEWER DISTRICT; AND WADE HAMPTON FIRE AND SEWER DISTRICT INTO METROPOLITAN SEWER SUBDISTRICT; (2) APPROVING A PLAN OF CONSOLIDATION IN CONNECTION THEREWITH; AND (3) OTHER MATTERS RELATED THERETO.

CONSOLIDATION ORDINANCE

_____, 2020

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NOW THEREFORE, BE IT ORDAINED, by the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), in meeting duly assembled:

ARTICLE 1

FINDINGS OF FACT

Section 1.1 Findings. The County Council makes the following findings of fact in connection with the enactment of this ordinance (this “*Consolidation Ordinance*”) and the consolidation of special purpose districts effected hereby (the “*Consolidation*”):

(a) Pursuant to the provisions of Title 6, Chapter 11, Article 3 (the “*SPD Boundary Laws*”) of the Code of Laws of South Carolina 1976, as amended (the “*S.C. Code*”), and specifically, Sections 6-11-420 and 430 of the SPD Boundary Laws, the County Council is empowered to, on its own motion, take action to enlarge, diminish, or consolidate any special purpose district lying within the County.

(b) Pursuant to the SPD Boundary Laws, the County Council has determined to take action to consolidate certain special purpose districts lying within the County: namely, to consolidate each of Berea Public Service District (“*Berea*”); Gantt Fire, Sewer and Police District (“*Gantt*”); Marietta Water, Fire, Sanitation, and Sewer District (“*Marietta*”); Parker Sewer and Fire Sub-District (“*Parker*”); Taylors Fire and Sewer District (“*Taylors*”); and Wade Hampton Fire and Sewer District (“*Wade Hampton*”) into Metropolitan Sewer Subdistrict (“*Metro*”). For the avoidance of doubt, it is the intent of the County Council that through the Consolidation, Metro will be reconstituted as further set forth in this Consolidation Ordinance, and, subject to Section 9.1 of this Consolidation Ordinance, the corporate existence of Berea, Gantt, Marietta, Parker, Taylors, and Wade Hampton (collectively, the “*Consolidated Districts*”) shall cease.

(c) The County has been provided the Capital Improvement Needs Study for Sanitary Sewer Collection System Renewal in Greenville County, which includes an assessment of the capital improvement needs for the renewal of the sewer collection systems within the County and the financial capability of the special purpose districts operating sewer collection systems within the County to undertake the identified capital investment. The County Council finds that the fractured nature of sewage collection services (“*Sewer Collection Service*”) throughout the unincorporated portions of the County and the intermingling of Sewer Collection Service and fire protection service (“*Fire Service*”) by the Consolidated Districts have given rise to a number of conditions that are detrimental to the health, safety, and wellbeing of the citizens of the County and the quality of the County’s waterways, and which may inhibit the economic development of the County, *viz*:

(i) The sewage collection systems (the “*Collection Systems*”) of the Consolidated Districts are in a state of disrepair and substantial capital investment is required to return the Collection Systems to an adequate and reasonable state of repair;

(ii) While the Consolidated Districts have made extensive investment in the infrastructure and equipment necessary to provide a high-level of Fire Service, they have failed to make a commensurate investment in the upkeep and maintenance of their sewer collection lines and other sewer infrastructure, resulting in the current state of disrepair;

(iii) The current condition of the Collection Systems permits excessive amounts of inflow and infiltration of stormwater runoff (“*Inflow and Infiltration*”), causing sanitary sewage overflows during rain events which, in turn, pollutes the property and waterways of the County, and results in noncompliance with EPA guidelines, the federal Clean Water Act and various provisions of South Carolina law;

(iv) The excessive amount of Inflow and Infiltration attributable to the Consolidated Districts has consumed much-needed capacity in the trunk lines, wastewater treatment facilities, and other sewer infrastructure within the County, resulting in development delays and moratoriums in specific areas of the County;

(v) Without substantial investment, the condition of the Collection Systems will deteriorate further, and the lack of wastewater capacity caused by excessive Inflow and Infiltration is likely to inhibit industrial, commercial, and residential growth and cause incalculable opportunity costs within large areas of the County;

(vi) The Consolidated Districts have failed to make significant capital investment in their Collection Systems and, given the current state of disrepair, the Consolidated Districts have demonstrated an unwillingness or inability to make and coordinate the now-substantial capital investments required to resolve the serious deficiencies in their Collection Systems and, if they were to do so, the required capital investment would place an outsized financial burden on the customers and taxpayers that they serve; and

(vii) The environmental and economic development consequences of the current state of disrepair of the Collection Systems impact the entirety of the County and its citizens and taxpayers, not just those of the Consolidated Districts.

(d) The County Council finds that the unification of the Collection Systems into Metro through the Consolidation presents the most efficient and effective means of providing Sewer Collection Service in the unincorporated portions of the County and that the Consolidation allows the County and the sewer customers and taxpayers in the unincorporated portions of the County to realize the following benefits: (i) unifying Sewer Collection Service under an entity, Metro, which possesses the financial capacity and technical ability to make the essential investment in the preventative and corrective repair, replacement and maintenance of the Collection Systems; (ii) reducing Inflow and Infiltration in order to maximize the capacity of

the County's wastewater collection and treatment systems and thereby reduce the investment needed to increase the capacity of sewer infrastructure, resulting in substantial savings; (iii) dispersing the cost of the essential capital investment in the Collection System across a greater number of sewer customers, reducing the burden on any small group of customers; (iv) improving the efficiency of Sewer Collection Service by eliminating redundancy and increasing economies of scale; (v) reducing sanitary sewer overflow events within the County and thereby improving the cleanliness of the County's waterways and protecting the health, safety, and wellbeing of the County's citizens; and (vi) achieving compliance with EPA guidelines, the federal Clean Water Act and various provisions of South Carolina law.

(e) The County Council has developed and will hereby approve a Plan of Consolidation of Sewer Collection Systems of the Consolidated Districts and Metro, effective as of July 1, 2021 (the "**Consolidation Plan**"), which is attached to this Consolidation Ordinance as **Exhibit A**. The Consolidation Plan is intended to provide guidance and direction to the elected and appointed officials, administration, and staff of the County, Metro, and the Consolidated Districts, as well as notice to the general public, creditors, and other persons affected by the Consolidation, regarding the process and outcomes of the Consolidation and mutual expectations of the County and Metro in connection therewith.

(f) Pursuant to a resolution adopted [], 2020, the Metropolitan Sewer Subdistrict Commission (the "**Metro Commission**") has approved the Consolidation Plan and agreed to act in good faith and use its best efforts to carry out the provisions of the Consolidation Plan.

(g) Upon the Effective Date (as defined in Section 10.2 hereof) of the Consolidation, the boundaries of Metro, as reconstituted, will consist of the current boundaries of Metro (the "**Metro Boundaries**") and, subject to Section 9.1 of this Consolidation Ordinance, the combined boundaries of each of the Consolidated Districts (collectively, the "**Consolidated District Boundaries**") and, together with the Metro Boundaries, the "**Reconstituted Metro Boundaries**"). The boundaries of Metro and each of the Consolidated Districts, as currently constituted, are shown on the map attached to this Consolidation Ordinance at **Exhibit B**. The Reconstituted Metro Boundaries are shown on the map attached to this Consolidation Ordinance at **Exhibit C**.

(h) Although the services of the Consolidated Districts may be described in different terms within their respective enabling acts, each of the Consolidated Districts possess the power to provide one or more of the following services: (i) "**Sewer Collection Service**," (ii) "**Water Service**," (iii) Fire Service (iv) "**Police Protection Service**," (v) "**Sanitation Service**," and (vi) "**Street Lighting Service**." Pursuant to Section 6-11-620 of the SPD Boundary Laws, upon the Consolidation, the Metro Commission shall continue to possess the power to provide Sewer Collection Service, and, subject to the preclusion of Metro providing certain services pursuant to this Consolidation Ordinance, the provisions of the SPD Boundary Laws, and other provisions of the S.C. Code, shall succeed to the powers of the Consolidated Districts to provide Water Service, Fire Service, Police Protection Service, Sanitation Service, and Street Lighting Service, within the Reconstituted Metro Boundaries.

(i) Although certain of the Consolidated Districts were initially empowered to own, operate, and maintain sewer mains and trunk lines and sewage treatment facilities (“**Sewer Disposal Service**”), this power was extinguished with respect to all Consolidated Districts by Act No. 745 of 1967 (“**Act No. 745**”) which transferred such powers to Renewable Water Resources (“**ReWa**”).

(j) In order to ensure that adequate Fire Service is provided within the boundaries of Berea, Gantt, Parker, Taylors, and Wade Hampton (collectively, the “**Fire/Sewer Districts**”) upon the Consolidation, the County Council has created fire service areas within each of their respective boundaries for Fire Service to be known respectively as the “Berea Fire Service Area,” “Gantt Fire Service Area,” “Parker Fire Service Area,” “Taylors Fire Service Area,” and “Wade Hampton Fire Service Area” (each a “**Fire Service Area**”) pursuant to the provisions of Title 4, Chapter 19 of the S.C. Code (the “**Fire Service Area Act**”), the creation of which will become effective as of the Effective Date. Pursuant to the Consolidation Plan, and in accordance with Section 4-19-10(b) of the Fire Service Area Act, the County and Metro have agreed that, by and through the Fire Service Areas, the County shall provide Fire Service within the boundaries of the Fire/Sewer Districts.

(k) Responsive to Section 6-11-435(B) of the SPD Boundary Laws, the County Council finds and determines that the Reconstituted Metro Boundaries will overlap the boundaries of certain other political subdivisions providing Water Service, Fire Service, Police Protection Service, Sanitation Service, and Street Lighting Service; namely:

(i) With respect to Sanitation Service, the Greater Greenville Sanitation District (the “**Greenville Sanitation District**”), which provides Sanitation Service within much of the Consolidated District Boundaries and the unincorporated areas of the County and other unincorporated areas of the County in which Sanitation Service is provided by any municipality within the County;

(ii) With respect to Fire Service, (1) the special purpose districts of Slater Marietta Fire District, North Greenville Fire District, Piedmont Park Fire District, Boiling Springs Fire District, Duncan Chapel Fire District, Donaldson Fire District, Piedmont Fire District, South Greenville Fire District, Clear Spring Fire District, Pelham Batesville Fire District, and Belmont Fire District; (2) the fire service areas of Mauldin Fire Service Area, the Simpsonville Fire Service Area, the Fountain Inn Fire Service Area, and the Greer Fire Service Area, wherein Fire Service is provided by each municipality, respectively, and (3) the County, which, with the consent and agreement of Metro, shall provide Fire Service within the boundaries of the Fire/Sewer Districts respectively through the creation of the Fire Service Areas;

(iii) With respect to Water Service, the City of Greenville acting by and through the Greenville Water System (“**Greenville Water**”), which provides Water Service throughout much of the Reconstituted Metro Boundaries and which, ultimately, with the

agreement and consent of Metro and, subject to final approval by Greenville Water, is expected to provide Water Service in Marietta;

(iv) With respect to Police Protection Service, the Greenville County Sheriff's Office (the "*Sheriff's Office*"), which provides Police Protection Service throughout the unincorporated areas of the County; and

(v) With respect to Street Lighting Service, by the County, which provides Street Lighting Service in certain portions of the unincorporated areas of the County.

(l) Water Service, Fire Service, Police Protection Service, Sanitation Service, and Street Lighting Service are provided by other political subdivisions within all or some portion of the Reconstituted Metro Boundaries. County Council finds that pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Fire Service, Police Protection Service, Sanitation Service, and Street Lighting Service, and upon the assumption of Water Service within the Marietta Boundaries, will be precluded from providing Water Service, within the Reconstituted Metro Boundaries and that such service arrangements are entirely consonant with the Consolidation Plan.

(m) Certain provisions of the Consolidation Plan regarding the satisfaction of bonded indebtedness, whether in the form of general obligation bonds or revenue bonds ("*Bonds*"), and lease-purchase obligations ("*Lease-Purchases*" and, together with Bonds, "*Financings*") of the Consolidated Districts are not prerequisites of the Consolidation pursuant to the SPD Boundary Laws but are considered by the County Council to be conditions precedent to the Consolidation becoming effective.

(n) Pursuant to the SPD Boundary Laws, by resolution adopted on November 3, 2020, the County Council ordered that a public hearing be held on the question of whether and to what extent the Consolidated Districts should be consolidated into Metro. Notice of the public hearing was published in a newspaper of general circulation in the County once a week for three successive weeks, on [], 2020, [], 2020, and [], 2020, and the public hearing was held on November 23, 2020. The public hearing was conducted publicly and both proponents and opponents of the Consolidation, as described more fully herein, were given the full opportunity to be heard.

(o) Subsequent to the holding of the public hearing, the County Council hereby finds and determines that the Consolidation should take place. Notice of this action of the County Council shall hereafter be published once a week for two successive weeks in a newspaper of general circulation within the County.

(p) Pursuant to Section 6-11-430 of the SPD Boundary Laws, the County Council has determined to take action to effect the Consolidation on its own motion and not in response to a petition of any of Metro or any of the Consolidated Districts.

[End of Article 1]

ARTICLE 2

BEREA CONSOLIDATION

Section 2.1 Current Powers and Boundaries. Berea was created by Act No. 848 of 1954 (as amended, the “*Berea Legislation*”). Berea is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Ordinance at **Exhibit B** (the “*Berea Boundaries*”). Under the Berea Legislation, Berea exercises the powers to provide Sewer Collection Service and Fire Service. Berea possesses but does not exercise the power to provide Sanitation Service, which is provided throughout most of the Berea Boundaries by the Greenville Sanitation District. While Berea was initially authorized to provide water distribution and related services, that power was eliminated by a subsequent amendment to the Berea Legislation. The power of Berea to provide Sewer Disposal Service was extinguished by Act No. 745 which transferred this power to ReWa.

Section 2.2 Consolidation of Berea and Metro. As of the Effective Date, Berea shall be consolidated into Metro such that Metro shall be reconstituted to possess all geographic boundaries, powers, property and assets, and debts and other liabilities of Berea, as further described in this Article and the Consolidation Plan, and Berea’s corporate existence shall cease.

Section 2.3 Boundaries. As of the Effective Date, the boundaries of Metro, as reconstituted, shall include the Berea Boundaries, as shown on the map attached hereto at **Exhibit C**.

Section 2.4 Powers.

(a) Pursuant to Section 6-11-620 of the SPD Boundary Laws, Metro shall succeed to all powers of Berea, and Metro may exercise such powers throughout the entirety of the Reconstituted Metro Boundaries; subject, however, to the remaining provisions of this Section precluding Metro from providing certain services connected with such powers.

(b) With respect to Sanitation Service, such service is provided within the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, by other overlapping political subdivisions, and therefore, pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Sanitation Service within any area of the Reconstituted Metro Boundaries.

(c) With respect to Fire Service, Metro and the County have agreed that the County shall provide Fire Service within the Berea Boundaries by and through the Berea Fire Service Area. Within the remainder of the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, Fire Service is provided by other overlapping political subdivisions. Pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Fire Service within any area of the Reconstituted Metro Boundaries.

Section 2.5 Assets. Pursuant to Section 6-11-620 of the SPD Boundary Laws, upon the Effective Date, by operation of law, Metro shall succeed in the ownership of all property and assets of Berea, including, without limitation, (1) all real property, real property improvements, easements, licenses, rights of way, and any other interest in real property of any type whatsoever; (2) all equipment, rolling stock, and other tangible personal property of any type whatsoever; (3) all documents, plans, customer accounts, and other documentation and records of any type whatsoever; and (4) all accounts, receivables, cash, securities, investments, customer deposits, funds, or financial assets of any type whatsoever.

Section 2.6 Tax and Fee Collections and Receivables. The County Treasurer of Greenville County (the “*County Treasurer*”) is hereby directed to apply all ad valorem taxes (“*Property Taxes*”) and service fees and charges (“*Service Fees*” and together with Property Taxes, “*Taxes and Fees*”) levied or imposed by Berea and collected and in the possession of the County Treasurer as of the Effective Date (“*Collected Taxes and Fees*”) and any such Taxes and Fees collected by the County Treasurer after the Effective Date (“*Receivable Taxes and Fees*”) as follows:

(a) All Collected and Receivable Taxes and Fees levied for operation and maintenance purposes shall be divided between Metro, which shall be paid those Collected and Receivable Taxes and Fees levied for Sewer Collection Service and the County, which shall retain those Collected and Receivable Taxes and Fees levied for Fire Service for the benefit of the Berea Fire Service Area, (i) on the basis of the purpose for which any such Taxes and Fees were levied or imposed, if any, or (ii) with respect to any Taxes and Fees that were not levied or imposed to fund a specific service, on the basis of the relative proportion that Berea has previously funded such services as shown in the most recently adopted budget of Berea.

(b) All Collected Taxes and Fees levied for the purpose of paying general obligation debt service shall be applied to the amounts necessary to redeem, defease, or otherwise satisfy the series of Bonds for which such Taxes and Fees were levied and imposed, whether such series of Bonds is satisfied by Metro or the County.

(c) All Receivable Taxes and Fees levied for the purpose of paying general obligation debt service shall be paid to Metro or retained by the County based upon the entity that satisfied such series of general obligation bonds.

[End of Article 2]

ARTICLE 3

GANTT CONSOLIDATION

Section 3.1 Current Powers and Boundaries. Gantt was created by Act No. 855 of 1954 (as amended, the “*Gantt Legislation*”). Gantt is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Ordinance at **Exhibit B** (the “*Gantt Boundaries*”). Under the Gantt Legislation, Gantt exercises the powers to provide Sewer Collection Service and Fire Service. Gantt possesses but does not exercise the powers to provide Sanitation Service, which is provided throughout portions of the Gantt Boundaries by Greenville Sanitation District, and Police Protection Service, which is provided throughout the Gantt Boundaries by the Sheriff’s Office. Gantt was initially empowered to provide water distribution and related services, although that power was eliminated by a subsequent amendment to the Gantt Legislation. The power of Gantt to provide Sewer Disposal Service was extinguished by Act No. 745, which transferred this power to ReWa.

Section 3.2 Consolidation of Gantt and Metro. As of the Effective Date, Gantt shall be consolidated into Metro, such that Metro shall be reconstituted to possess all geographic boundaries, powers, property and assets, and debts and other liabilities of Gantt, as further described in this Article and the Consolidation Plan, and Gantt’s corporate existence shall cease.

Section 3.3 Boundaries. As of the Effective Date, the boundaries of Metro, as reconstituted, shall include the Gantt Boundaries, as shown on the map attached hereto at **Exhibit C**.

Section 3.4 Powers.

(a) Pursuant to Section 6-11-620 of the SPD Boundary Laws, Metro shall succeed to all powers of Gantt, and Metro may exercise such powers throughout the entirety of the Reconstituted Metro Boundaries; subject, however, to the remaining provisions of this Section precluding Metro from providing certain services connected with such powers.

(b) With respect to Sanitation Service, such service is provided within the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, by other overlapping political subdivisions, and therefore, pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Sanitation Service within any area of the Reconstituted Metro Boundaries.

(c) With respect to Fire Service, Metro and the County have agreed that the County shall provide Fire Service within the Gantt Boundaries by and through the Gantt Fire Service Area. Within the remainder of the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, Fire Service is provided by other overlapping political subdivisions. Pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Fire Service within any area of the Reconstituted Metro Boundaries.

Section 3.5 Assets. Pursuant to Section 6-11-620 of the SPD Boundary Laws, upon the Effective Date, by operation of law, Metro shall succeed in the ownership of all property and assets of Gantt, including, without limitation, (1) all real property, real property improvements, easements, licenses, rights of way, and any other interest in real property of any type whatsoever; (2) all equipment, rolling stock, and other tangible personal property of any type whatsoever; (3) all documents, plans, customer accounts, and other documentation and records of any type whatsoever; and (4) all accounts, receivables, cash, securities, investments, customer deposits, funds, or financial assets of any type whatsoever.

Section 3.6 Tax and Fee Collections and Receivables. The County Treasurer is hereby directed to apply all Collected Taxes and Fees and Receivable Taxes and Fees levied or imposed by Gantt as follows:

(a) All Collected and Receivable Taxes and Fees levied for operation and maintenance purposes shall be divided between Metro, which shall be paid those Collected and Receivable Taxes and Fees levied for Sewer Collection Service and the County, which shall retain those Collected and Receivable Taxes and Fees levied for Fire Service for the benefit of the Gantt Fire Service Area, (i) on the basis of the purpose for which any such Taxes and Fees were levied or imposed, if any, or (ii) with respect to any Taxes and Fees that were not levied or imposed to fund a specific service, on the basis of the relative proportion that Gantt has previously funded such services as shown in the most recently adopted budget of Gantt.

(b) All Collected Taxes and Fees levied for the purpose of paying general obligation debt service shall be applied to the amounts necessary to redeem, defease, or otherwise satisfy the series of Bonds for which such Taxes and Fees were levied and imposed, whether such series of Bonds is satisfied by Metro or the County.

(c) All Receivable Taxes and Fees levied for the purpose of paying general obligation debt service shall be paid to Metro or retained by the County based upon the entity that satisfied such series of general obligation bonds.

[End of Article 3]

ARTICLE 4

MARIETTA CONSOLIDATION

Section 4.1 Current Powers and Boundaries. Marietta was created by Act. No. 989 of 1952 (as amended, the “*Marietta Legislation*”). Marietta is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Ordinance at **Exhibit B** (the “*Marietta Boundaries*”). Under the Marietta Legislation, Marietta exercises the powers to provide Water Service and Sewer Service. Marietta possesses but does not exercise the powers to provide Fire Service, which is provided throughout the Marietta Boundaries by Slater-Marietta Fire District, and the power to provide Sanitation Service, which is not currently provided within the Marietta Boundaries.

Section 4.2 Consolidation of Marietta and Metro. As of the Effective Date, Marietta shall be consolidated into Metro, such that Metro shall be reconstituted to possess all geographic boundaries, powers, property and assets, and debts and other liabilities of Marietta, as further described in this Article and the Consolidation Plan, and Marietta’s corporate existence shall cease.

Section 4.3 Boundaries. As of the Effective Date, the boundaries of Metro, as reconstituted, shall include the Marietta Boundaries, as shown on the map attached hereto at **Exhibit C**.

Section 4.4 Powers.

(a) Pursuant to Section 6-11-620 of the SPD Boundary Laws, Metro shall succeed to all powers of Marietta, and Metro may exercise such powers throughout the entirety of the Reconstituted Metro Boundaries; subject, however, to the remaining provisions of this Section precluding Metro from providing certain services connected with such powers.

(b) With respect to Sanitation Service, such service is provided within the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, by other overlapping political subdivisions, and therefore, pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Sanitation Service within any area of the Reconstituted Metro Boundaries.

(c) The County Council has effected the Consolidation with the acknowledgement that Water Service shall ultimately be provided within the Marietta Boundaries by Greenville Water; provided, however, the assumption by Greenville Water of Water Service within the Marietta Boundaries is subject to final approval by Greenville Water. Within the remainder of the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, Water Service is provided by other overlapping political subdivisions. Upon the assumption of Water Service within the Marietta Boundaries by Greenville Water, pursuant to

Section 6-11-435(B) of the SPD Boundary Laws, Metro shall be precluded from providing Water Service within any area of the Reconstituted Metro Boundaries.

Section 4.5 Assets. Pursuant to Section 6-11-620 of the SPD Boundary Laws, upon the Effective Date, by operation of law, Metro shall succeed in the ownership of all property and assets of Marietta, including, without limitation, (1) all real property, real property improvements, easements, licenses, rights of way, and any other interest in real property of any type whatsoever; (2) all equipment, rolling stock, and other tangible personal property of any type whatsoever; (3) all documents, plans, customer accounts, and other documentation and records of any type whatsoever; and (4) all accounts, receivables, cash, securities, investments, customer deposits, funds, or financial assets of any type whatsoever.

Section 4.6 Tax and Fee Collections and Receivables. The County Treasurer is hereby directed to apply all Collected Taxes and Fees and Receivable Taxes and Fees levied or imposed by Marietta as follows:

(a) All Collected and Receivable Taxes and Fees levied for operation and maintenance purposes shall be paid over to Metro for ultimate equitable distribution between Metro and the provider of Water Service within the Marietta Boundaries.

(b) All Collected Taxes and Fees levied for the purpose of paying general obligation debt service shall be applied to the amounts necessary to redeem, defease, or otherwise satisfy the series of Bonds for which such Taxes and Fees were levied and imposed.

(c) All Receivable Taxes and Fees levied for the purpose of paying general obligation debt service shall be paid to Metro.

[End of Article 4]

ARTICLE 5

PARKER CONSOLIDATION

Section 5.1 Current Powers and Boundaries. Parker was created by Act No. Act No. 1087 of 1934 (as amended, the “*Parker Legislation*”). Parker is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Ordinance at **Exhibit B** (the “*Parker Boundaries*”). Under the Parker Legislation, Parker exercises the powers to provide Sewer Collection Service and Fire Service. While Parker was initially empowered to provide Water Service, that power was eliminated by a subsequent amendment to the Parker Legislation.

Section 5.2 Consolidation of Parker and Metro. As of the Effective Date, Parker shall be consolidated into Metro, such that Metro shall be reconstituted to possess all geographic boundaries, powers, property and assets, and debts and other liabilities of Parker, as further described in this Article and the Consolidation Plan, and Parker’s corporate existence shall cease.

Section 5.3 Boundaries. As of the Effective Date, the boundaries of Metro, as reconstituted, shall include the Parker Boundaries, as shown on the map attached hereto at **Exhibit C**.

Section 5.4 Powers.

(a) Pursuant to Section 6-11-620 of the SPD Boundary Laws, Metro shall succeed to all powers of Parker, and Metro may exercise such powers throughout the entirety of the Reconstituted Metro Boundaries; subject, however, to the remaining provisions of this Section precluding Metro from providing certain services connected with such powers.

(b) With respect to Fire Service, Metro and the County have agreed that the County shall provide Fire Service within the Parker Boundaries by and through the Parker Fire Service Area. Within the remainder of the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, Fire Service is provided by other overlapping political subdivisions. Pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Fire Service within any area of the Reconstituted Metro Boundaries.

Section 5.5 Assets. Pursuant to Section 6-11-620 of the SPD Boundary Laws, upon the Effective Date, by operation of law, Metro shall succeed in the ownership of all property and assets of Parker, including, without limitation, (1) all real property, real property improvements, easements, licenses, rights of way, and any other interest in real property of any type whatsoever; (2) all equipment, rolling stock, and other tangible personal property of any type whatsoever; (3) all documents, plans, customer accounts, and other documentation and records of any type whatsoever; and (4) all accounts, receivables, cash, securities, investments, customer deposits, funds, or financial assets of any type whatsoever.

Section 5.6 Tax and Fee Collections and Receivables. The County Treasurer is hereby directed to apply all Collected Taxes and Fees and Receivable Taxes and Fees levied or imposed by Parker as follows:

(a) All Collected and Receivable Taxes and Fees levied for operation and maintenance purposes shall be divided between Metro, which shall be paid those Collected and Receivable Taxes and Fees levied for Sewer Collection Service and the County, which shall retain those Collected and Receivable Taxes and Fees levied for Fire Service for the benefit of the Parker Fire Service Area, (i) on the basis of the purpose for which any such Taxes and Fees were levied or imposed, if any, or (ii) with respect to any Taxes and Fees that were not levied or imposed to fund a specific service, on the basis of the relative proportion that Parker has previously funded such services as shown in the most recently adopted budget of Parker.

(b) All Collected Taxes and Fees levied for the purpose of paying general obligation debt service shall be applied to the amounts necessary to redeem, defease, or otherwise satisfy the series of Bonds for which such Taxes and Fees were levied and imposed, whether such series of Bonds is satisfied by Metro or the County.

(c) All Receivable Taxes and Fees levied for the purpose of paying general obligation debt service shall be paid to Metro or retained by the County based upon the entity that satisfied such series of general obligation bonds.

[End of Article 5]

ARTICLE 6

TAYLORS CONSOLIDATION

Section 6.1 Current Powers and Boundaries. Taylors was created by Act No. 1099 of 1958 (as amended, the “*Taylors Legislation*”). Taylors is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Ordinance at **Exhibit B** (the “*Taylors Boundaries*”). Under the Taylors Legislation, Taylors exercises the powers to provide Sewer Collection Service and Fire Service. Taylors possesses but does not exercise the powers to provide Sanitation Service, which is provided by the Greenville Sanitation District within most of the Taylors Boundaries, and Police Protection Service, which is provided throughout the Taylors Boundaries by the Sheriff’s Office. While Taylors was initially empowered to provide Water Service this power was eliminated by a subsequent amendment to the Taylors Legislation. The power of Taylors to provide Sewer Disposal Service was extinguished by Act No. 745, which transferred this power to ReWa.

Section 6.2 Consolidation of Taylors and Metro. As of the Effective Date, Taylors shall be consolidated into Metro, such that Metro shall be reconstituted to possess all geographic boundaries, powers, property and assets, and debts and other liabilities of Taylors, as further described in this Article and the Consolidation Plan, and Taylors’ corporate existence shall cease.

Section 6.3 Boundaries. As of the Effective Date, the boundaries of Metro, as reconstituted, shall include the Taylors Boundaries, as shown on the map attached hereto at **Exhibit C**.

Section 6.4 Powers.

(a) Pursuant to Section 6-11-620 of the SPD Boundary Laws, Metro shall succeed to all powers of Taylors, and Metro may exercise such powers throughout the entirety of the Reconstituted Metro Boundaries; subject, however, to the remaining provisions of this Section precluding Metro from providing certain services connected with such powers.

(b) With respect to Sanitation Service, such service is provided within the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, by other overlapping political subdivisions and, therefore, pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Sanitation Service within any area of the Reconstituted Metro Boundaries.

(c) With respect to Police Protection Service, such service is provided within the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, by other overlapping political subdivisions and, therefore, pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Police Protection Service within any area of the Reconstituted Metro Boundaries.

(d) With respect to Fire Service, Metro and the County have agreed that the County shall provide Fire Service within the Taylors Boundaries by and through the Taylors Fire Service Area. Within the remainder of the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, Fire Service is provided by other overlapping political subdivisions. Pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Fire Service within any area of the Reconstituted Metro Boundaries.

Section 6.5 Assets. Pursuant to Section 6-11-620 of the SPD Boundary Laws, upon the Effective Date, by operation of law, Metro shall succeed in the ownership of all property and assets of Taylors, including, without limitation, (1) all real property, real property improvements, easements, licenses, rights of way, and any other interest in real property of any type whatsoever; (2) all equipment, rolling stock, and other tangible personal property of any type whatsoever; (3) all documents, plans, customer accounts, and other documentation and records of any type whatsoever; and (4) all accounts, receivables, cash, securities, investments, customer deposits, funds, or financial assets of any type whatsoever.

Section 6.6 Tax and Fee Collections and Receivables. The County Treasurer is hereby directed to apply all Collected Taxes and Fees and Receivable Taxes and Fees levied or imposed by Taylors as follows:

(a) All Collected and Receivable Taxes and Fees levied for operation and maintenance purposes shall be divided between Metro, which shall be paid those Collected and Receivable Taxes and Fees levied for Sewer Collection Service and the County, which shall retain those Collected and Receivable Taxes and Fees levied for Fire Service for the benefit of the Taylors Fire Service Area, (i) on the basis of the purpose for which any such Taxes and Fees were levied or imposed, if any, or (ii) with respect to any Taxes and Fees that were not levied or imposed to fund a specific service, on the basis of the relative proportion that Taylors has previously funded such services as shown in the most recently adopted budget of Taylors.

(b) All Collected Taxes and Fees levied for the purpose of paying general obligation debt service shall be applied to the amounts necessary to redeem, defease, or otherwise satisfy the series of Bonds for which such Taxes and Fees were levied and imposed, whether such series of Bonds is satisfied by Metro or the County.

(c) All Receivable Taxes and Fees levied for the purpose of paying general obligation debt service shall be paid to Metro or retained by the County based upon the entity that satisfied such series of general obligation bonds.

[End of Article 6]

ARTICLE 7

WADE HAMPTON CONSOLIDATION

Section 7.1 Current Powers and Boundaries. Wade Hampton was created by Act No. 854 of 1954 (as amended, the “*Wade Hampton Legislation*”). Wade Hampton is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Ordinance at **Exhibit B** (the “*Wade Hampton Boundaries*”). Under the Wade Hampton Legislation, Wade Hampton exercises the powers to provide Sewer Collection Service and Fire Service. Wade Hampton possesses but does not exercise the powers to provide Sanitation Service, which is provided throughout most of the Wade Hampton Boundaries by the Greenville Sanitation District, Street Lighting Service, which, to the extent available, is made available within the Wade Hampton Boundaries by the County, and Police Protection Service, which is made available within the Wade Hampton Boundaries by the Sheriff’s Office. While Wade Hampton Legislation was initially empowered to provide Water Service, this power was eliminated by a subsequent amendment to the Wade Hampton Legislation. The power of Wade Hampton to provide Sewer Disposal Service was extinguished by Act No. 745 which transferred this power to ReWa.

Section 7.2 Consolidation of Wade Hampton and Metro. As of the Effective Date, Wade Hampton shall be consolidated into Metro, such that Metro shall be reconstituted to possess all geographic boundaries, powers, property and assets, and debts and other liabilities of Wade Hampton, as further described in this Article and the Consolidation Plan, and Wade Hampton’s corporate existence shall cease.

Section 7.3 Boundaries. As of the Effective Date, the boundaries of Metro, as reconstituted, shall include the Wade Hampton Boundaries, as shown on the map attached hereto at **Exhibit C**.

Section 7.4 Powers.

(a) Pursuant to Section 6-11-620 of the SPD Boundary Laws, Metro shall succeed to all powers of Wade Hampton, and Metro may exercise such powers throughout the entirety of the Reconstituted Metro Boundaries; subject, however, to the remaining provisions of this Section precluding Metro from providing certain services connected with such powers.

(b) With respect to Sanitation Service, such service is provided within the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, by other overlapping political subdivisions and, therefore, pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Sanitation Service within any area of the Reconstituted Metro Boundaries.

(c) With respect to Police Protection Service, such service is provided within the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, by other overlapping political subdivisions and, therefore, pursuant to Section 6-11-435(B) of the

SPD Boundary Laws, Metro is precluded from providing Police Protection Service within any area of the Reconstituted Metro Boundaries.

(d) With respect to Street Lighting Service, such service is provided within the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, by other overlapping political subdivisions and, therefore, pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Street Lighting Service within any area of the Reconstituted Metro Boundaries.

(e) With respect to Fire Service, Metro and the County have agreed that the County shall provide Fire Service within the Wade Hampton Boundaries by and through the Wade Hampton Fire Service Area. Within the remainder of the Reconstituted Metro Boundaries, as specified in Section 1.1(k) of this Consolidation Ordinance, Fire Service is provided by other overlapping political subdivisions. Pursuant to Section 6-11-435(B) of the SPD Boundary Laws, Metro is precluded from providing Fire Service within any area of the Reconstituted Metro Boundaries.

Section 7.5 Assets. Pursuant to Section 6-11-620 of the SPD Boundary Laws, upon the Effective Date, by operation of law, Metro shall succeed to the ownership of all property and assets of Wade Hampton, including, without limitation, (1) all real property, real property improvements, easements, licenses, rights of way, and any other interest in real property of any type whatsoever; (2) all equipment, rolling stock, and other tangible personal property of any type whatsoever; (3) all documents, plans, customer accounts, and other documentation and records of any type whatsoever; and (4) all accounts, receivables, cash, securities, investments, customer deposits, funds, or financial assets of any type whatsoever.

Section 7.6 Tax and Fee Collections and Receivables. The County Treasurer is hereby directed to apply all Collected Taxes and Fees and Receivable Taxes and Fees levied or imposed by Wade Hampton as follows:

(a) All Collected and Receivable Taxes and Fees levied for operation and maintenance purposes shall be divided between Metro, which shall be paid those Collected and Receivable Taxes and Fees levied for Sewer Collection Service and the County, which shall retain those Collected and Receivable Taxes and Fees levied for Fire Service for the benefit of the Wade Hampton Fire Service Area, (i) on the basis of the purpose for which any such Taxes and Fees were levied or imposed, if any, or (ii) with respect to any Taxes and Fees that were not levied or imposed to fund a specific service, on the basis of the relative proportion that Wade Hampton has previously funded such services as shown in the most recently adopted budget of Wade Hampton.

(b) All Collected Taxes and Fees levied for the purpose of paying general obligation debt service shall be applied to the amounts necessary to redeem, defease, or otherwise satisfy the series of Bonds for which such Taxes and Fees were levied and imposed, whether such series of Bonds is satisfied by Metro or the County.

(c) All Receivable Taxes and Fees levied for the purpose of paying general obligation debt service shall be paid to Metro or retained by the County based upon the entity that satisfied such series of general obligation bonds.

[End of Article 7]

ARTICLE 8

RECONSTITUTION OF METRO; CONSOLIDATION PLAN

Section 8.1 Metro Commission Reconstituted. By and through the Consolidation, the Metro Commission shall be reconstituted as the governing body of Metro and, subject to the limitations of Section 6-11-435(B) regarding the provision of services in areas where such services are provided by overlapping political subdivisions, and subject further to Section 9.1 of this Consolidation Ordinance regarding the severability of the consolidation of each of the Consolidated Districts, the Metro Commission, as reconstituted, shall constitute the new commission of the reconstituted Metro for the purposes of Section 6-11-620 and shall succeed to any and all powers of the governing bodies of the Consolidated Districts so consolidated. To the extent that the delivery of any service that any Consolidated District may be empowered to provide is not expressly provided for in this Consolidation Ordinance, for the avoidance of doubt, the County Council hereby finds and determines that all such services, with the exception of Sewer Collection Service, are provided within the Reconstituted Metro Boundaries, or some portion thereof, by overlapping political subdivisions and, therefore, pursuant to Section 6-11-435(B), Metro is precluded from providing any such service.

Section 8.2 Reconstituted Metro Boundaries. By and through the Consolidation, but subject to Section 9.1 of this Consolidation Ordinance regarding the severability of the consolidation of each of the Consolidated Districts, the Reconstituted Metro Boundaries shall include those areas shown on the map attached to this Consolidation Ordinance at **Exhibit C**. As of the Effective Date, the County Treasurer and the County Auditor of Greenville County are directed to make such entries in the records of the County as are necessary to establish the Reconstituted Metro Boundaries as the boundaries of Metro.

Section 8.3 Consolidation Plan. The Council hereby approves the Consolidation Plan, attached to this Consolidation Ordinance at **Exhibit A**. The County Administrator of the County (the “*County Administrator*”) is hereby authorized, with the advice of the County Attorney of the County (the “*County Attorney*”), to make such modifications to the Consolidation Plan as may be necessary, in the discretion of the County Administrator, to effect the Consolidation provided such modifications are not detrimental to the County or inconsistent with this Consolidation Ordinance. In the event that the provisions of this Consolidation Ordinance are modified for any reason, including to remove any Consolidated District from the Consolidation, the provisions of the Consolidation Plan may be additionally modified as necessary and the County Administrator, with the advice of the County Attorney, is authorized to conform the Consolidation Plan to reflect the modifications to this Consolidation Ordinance. The provisions of the Consolidation Plan may be superseded by agreements between the County, Metro, and any other affected entity.

[End of Article 8]

ARTICLE 9

SEVERABILITY AND AMENDMENT

Section 9.1 Severability of Consolidations. It is the intention of the County Council that the consolidation of each of the Consolidated Districts, as set forth in the applicable articles of this Consolidation Ordinance, be treated as separate and discreet consolidations under the provisions of the SPD Boundary Laws and are being taken together in concert to realize substantial benefits of economy, coordination, and service delivery. To the extent that the consolidation of any one or more of the Consolidated Districts is temporarily or permanently enjoined or held to be invalid by a court of competent jurisdiction any provision of this Consolidation Ordinance effecting such consolidation shall be severable from the remaining provisions of this Consolidation Ordinance and any such injunction or determination of invalidity shall not impair the implementation or validity of the Consolidation as to any Consolidated District that is not subject to such injunction or determination of invalidity.

Section 9.2 Severability of Provisions. It is the intention of the County Council that the individual provisions hereof, including those of the articles effecting the consolidation of each of the Consolidated Districts, be severable to the fullest extent permitted by law. To the extent that the enforcement or carrying out of any one or more provisions of this Consolidation Ordinance are enjoined or held by a court of competent jurisdiction to be invalid, such provision is severable from the remaining provisions of this Consolidation Ordinance and the remaining provisions hereof are to be construed, to the greatest extent possible, to allow for the balance of the Consolidation to be carried out.

Section 9.3 Amendment. Subject to Section 10.2 of this Consolidation Ordinance regarding the adjustment of the Effective Date, this Consolidation Ordinance may be amended by the enactment of a subsequent ordinance amending the individual provisions hereof or the articles hereof if necessary to remove any of the Consolidated Districts from the Consolidation prior to the Effective Date, and in such event, the remaining provisions of this Consolidation Ordinance shall be construed to allow for the Consolidation of any Consolidated District not removed from the Consolidation to be carried out.

[End of Article 9]

ARTICLE 10

MISCELLANEOUS

Section 10.1 Affirmation of Findings. It is hereby found and determined that each statement of fact set forth in this Consolidation Ordinance is in all respects true and correct.

Section 10.2 Effective Date. The Effective Date of the Consolidation shall be July 1, 2021. If necessary to allow sufficient time for the completion or accomplishment of any portion of the Consolidation Plan or other act, process, approval, or other action the County Council, with the receipt of legal advice, determines to be a legal prerequisite to the effectiveness of the Consolidation, the County Council may extend the Effective Date by resolution.

Section 10.3 Cooperation of Consolidated Districts. The implementation of the Consolidation by the Consolidated Districts, in accordance with the provisions of the SPD Boundary Laws and this Consolidation Ordinance, and the Consolidation Plan, is not subject to any consent or agreement by the Consolidated Districts and does not require the exercise of discretion on the part of the governing bodies, officials, or staff thereof, and is a right of the County Council conferred upon it by the General Assembly of the State by and through the SPD Boundary Laws. Any actions required of the governing bodies, officials, and staff of the Consolidated Districts pursuant to this Plan that are necessary in order to implement the Consolidation by the Effective Date are considered by the County Council to be absolute, certain, and imperative duties arising from the enactment of this Consolidation Ordinance and the approval by the County Council of the Consolidation and the Consolidation Plan. To the extent that the governing body, officials, or staff of any Consolidated District fails to timely take any action required under this Consolidation Ordinance or the Consolidation Plan, the County Attorney is hereby authorized to take such action as is necessary to enforce the rights of the County Council and the duties hereby by writ of mandamus. The County Attorney is further authorized to seek such records from the Consolidated District as are necessary or convenient to effect the Consolidation through the filing of requests under the South Carolina Freedom of Information Act.

Section 10.4 Further Action. The Chairman of County Council, the County Administrator, the County Attorney, and other officials and staff of the County are authorized, empowered, and directed to take such action as is necessary to implement the Consolidation in accordance with the provisions of this Consolidation Ordinance and the Consolidation Plan, including, to the extent necessary or convenient, to execute and deliver such certificates, instruments, applications, and other documents required to carry out the Consolidation.

Section 10.5 Notice to Consolidated Districts. As soon as is practicable after the third and final reading of this Consolidation Ordinance, a certified copy hereof shall forthwith be transmitted to the governing bodies of Metro, each of the Consolidated Districts, and Greenville Water to advise it of the action taken by the County Council.

Section 10.6 Notice of Action. Upon third and final reading of this Consolidation Ordinance, a notice of action, as required by Section 6-11-470 of the SPD Boundary Laws, substantially in the form that is attached hereto as **Exhibit D**, shall be published in *Greenville News* once a week for two successive weeks. A copy of this Consolidation Ordinance and the Consolidation Plan shall be kept on file with the Clerk to County Council and be made available upon request during normal business hours.

[End of Article 10]

ENACTED in meeting duly assembled this __ day of December 2020.

GREENVILLE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman of County Council

County Administrator

Attest:

Clerk to County Council

First Reading: _____, 2020

Second Reading: _____, 2020

Public Hearing: _____, 2020

Third Reading: _____, 2020

EXHIBIT A
Consolidation Plan

**PLAN OF CONSOLIDATION
OF SEWER COLLECTION SYSTEMS
of
BEREA PUBLIC SERVICE DISTRICT;
GANTT FIRE, SEWER AND POLICE DISTRICT;
MARIETTA WATER, FIRE, SANITATION, AND SEWER DISTRICT;
PARKER SEWER AND FIRE SUB-DISTRICT;
TAYLORS FIRE AND SEWER DISTRICT;
and
WADE HAMPTON FIRE AND SEWER DISTRICT
into
METROPOLITAN SEWER DISTRICT**

Adopted by the County Council of Greenville County: December __, 2020

Consented to by the Metropolitan Sewer Subdistrict Commission: December __, 2020

Dated: December __, 2020

Effective Date: July 1, 2021

This Plan of Consolidation, dated the [] day of December, 2020, sets forth the plan for the consolidation of Berea Public Service District; Gantt Fire, Sewer and Police District; Marietta Water, Fire, Sanitation, and Sewer District; Parker Sewer and Fire Sub-District; Taylors Fire and Sewer District; and Wade Hampton Fire and Sewer District (subject to the removal of any Consolidated District from the Consolidation, as discussed in Section XI of this Consolidation Plan) into Metropolitan Sewer District, which is to be reconstituted as described herein. Each term with initial capitals used herein and not otherwise defined has the meaning given to such term in the Index of Defined Terms attached hereto at **Appendix A**.

This Consolidation Plan has been approved by County Council and the Metro Commission as a working document to provide guidance and direction to the elected and appointed officials, administration, and staff of the County, Metro, and the Consolidated Districts, as well as notice to the general public, creditors, and other persons affected by the Consolidation regarding the process and outcomes of the Consolidation and mutual expectations of the County and Metro in connection therewith. This Consolidation Plan is not intended to bind the governing body of any entity affected by the Consolidation to take any action which may be required in order for the Consolidation to be effective, nor is this Consolidation Plan intended to comprehensively cover each and every action or undertaking that may be required therefor. The County Council and the Metro Commission have each committed themselves to working in good faith to diligently carry out the provisions of this Consolidation Plan.

I. Basis for County Action to Merge Special Purpose Districts

A. The County Council, the governing body of Greenville County, is empowered pursuant to the SPD Boundary Laws, “to enlarge, diminish or consolidate any existing special purpose district located within such county . . .” S.C. Code Ann. § 6-11-420.

B. The County Council may “on its own motion” take action authorized by the SPD Boundary Laws to enlarge, diminish or consolidate any special purpose district lying within the County. S.C. Code Ann. § 6-11-430. The validity of the SPD Boundary Laws and the exercise of these powers by county councils has been affirmed by the Supreme Court of South Carolina. *See, Berry v. Weeks*, 279 S.C. 543, 547 (1983); *Spartanburg Sanitary Sewer Dist. v. City of Spartanburg*, 283 S.C. 67, 81 (1984) (“[T]hrough this general law, counties now have the authority to enlarge, diminish or consolidate any special purpose districts within the county.”).

C. Upon consolidation, the governing body of the consolidated special purpose district “shall succeed to any and all powers enjoyed by any of the preexisting districts so consolidated. All districts modified pursuant to [the SPD Boundary Laws] shall assume all properties and liabilities of the antecedent district.” S.C. Code Ann. § 6-11-620.

D. The powers of the County Council under the SPD Boundary Laws are subject to certain limitations under the statutes and case law of the State:

(1) “A consolidated or enlarged special purpose district which results from action taken pursuant to [the SPD Boundary Laws] may not provide a governmental service to an area within its boundaries to which it has not previously provided such service if an overlapping political subdivision is authorized to provide that same service in the area and the area is situated within the boundaries of such overlapping political subdivision without the express authorization of the governing body of such overlapping political subdivision. The governing body of the county shall expressly provide by ordinance that the consolidated or enlarged special purpose district shall not provide a governmental service to an area within its boundaries within which an overlapping political subdivision is authorized to provide that same service.” S.C. Code Ann. § 6-11-435.

(2) “There cannot be at the same time, within the same territory, two distinct municipal corporations, exercising the same powers, jurisdiction, and privileges.” *Wagener v. Smith*, 221 S.C. 438, 445 (1952) (emphasis added).

E. In accordance with the authorities referenced above, County Council may, on its own initiative, take action to consolidate special purpose districts within the County, provided, that County Council’s action does not cause the resulting special purpose district to overlap other political subdivisions providing the same services provided by the resulting special purpose district. In the event of any such an overlap, County Council must ensure that adequate provision has been made to prevent the political subdivisions from providing the same services in any overlapping area.

F. Pursuant to the SPD Boundary Laws, by resolution adopted on November 3, 2020, the County Council ordered that a public hearing be held for the purpose of making a determination as to whether and to what extent the Consolidated Districts should be consolidated into Metro. Notice of the public hearing was published in a newspaper of general circulation in the County once a week for three successive weeks, on [], 2020, [], 2020, and [], 2020, and the public hearing was held on November 23, 2020. The public hearing was conducted publicly and both proponents and opponents of the Consolidation were given the full opportunity to be heard.

G. Subsequent to the holding of the public hearing, pursuant to the Consolidation Ordinance, dated [], 2020, the County Council approved the Consolidation and this Consolidation Plan. Pursuant to the Consolidation Ordinance, notice of the action of the County Council shall thereafter be published once a week for two successive weeks, on [], 2020, and [], 2020, in a newspaper of general circulation within the County. The Consolidation Ordinance sets forth findings of the County Council concerning the reasons for the Consolidation.

H. Pursuant to the Approval Resolution, dated [], 2020, the Metro Commission approved this Consolidation Plan.

II. Effective Date; Effect of Consolidation on the Affected Districts

A. Effective Date. Pursuant to the Consolidation Ordinance, the Consolidation shall be effective as of the Effective Date: July 1, 2021.

B. Delay of Effective Date. Pursuant to the Consolidation Ordinance, by resolution duly adopted, the County Council may delay the Effective Date to the extent necessary for the completion or accomplishment of any portion of this Consolidation Plan or other act, process, approval, or other undertaking that is a legal prerequisite to the effectiveness of the Consolidation.

C. Effect of Consolidation. On the Effective Date, the Consolidated Districts shall be consolidated into Metro, such that Metro shall be reconstituted as further set forth in the Consolidation Ordinance. By operation of law, on the Effective Date Metro shall succeed to the geographic boundaries; powers; interests in real and personal property, financial assets, and other assets; debts and other liabilities; and any other right, interest, or obligation of the Consolidated Districts, as is more specifically set forth herein. As of the Effective Date, the corporate existence of the Consolidated Districts shall cease.

D. Name. Upon consolidation, Metro shall continue to operate under the name legal name “Metropolitan Sewer Subdistrict” and continue to employ the trade name “MetroConnects.”

E. Governance.

(1) Upon consolidation, Metro shall continue to be governed by the Metro Commission, as reconstituted pursuant to the Consolidation Ordinance.

(2) Upon consolidation and the cessation of the corporate existence of the Consolidated Districts, the governing bodies thereof shall be dissolved by operation of law and cease to possess any corporate powers.

F. Boundaries. The Consolidated District Boundaries the Metro Boundaries within Greenville County are shown on a map attached to this Consolidation Plan as **Appendix B**. The boundaries of Metro within Greenville County, as reconstituted upon Consolidation, shall consist of the Reconstituted Metro Boundaries, which shall consist of the combined Consolidated District Boundaries and the Metro Boundaries, as shown on the map attached to this Consolidation Plan at **Appendix C**.

G. Removal of Anderson County Areas from Metro Boundaries. As of the date of this Consolidation Plan, the County Council of Anderson County, the governing body of Anderson County, South Carolina (“*Anderson County*”), has initiated the process to diminish the Metro Boundaries to the extent of removing any portion thereof within Anderson County in accordance with the provisions of the SPD Boundary Laws.

III. Current Powers and Boundaries of the Affected Districts and Entities

To ensure that the Consolidation is carried out in compliance with State law regarding the exercise of and taxation in connection with overlapping powers of political subdivisions, the County Council has undertaken to determine, to the best of its ability, the existing active and dormant powers of the Consolidated Districts, Metro, and other affected or overlapping political subdivisions, as follows:

A. Berea Public Service District. BerEA was created by Act No. 848 of 1954 (as amended, the “*Berea Legislation*”). BerEA is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Plan at **Appendix B** (the “*Berea Boundaries*”). Under the BerEA Legislation, BerEA exercises the powers to provide Sewer Collection Service and Fire Protection Service within the BerEA Boundaries. BerEA possesses but does not exercise the power to provide Sanitation Service, which is provided throughout most of the BerEA Boundaries by the Greater Greenville Sanitation District (the “*Greenville Sanitation District*”). While BerEA was initially authorized to provide water distribution and related services, that power was eliminated by a subsequent amendment to the BerEA Legislation. The power of BerEA to provide Sewer Disposal Service was extinguished by Act No. 745 which transferred this power to ReWa.

B. Gantt Fire, Sewer and Police District. Gantt was created by Act No. 855 of 1954 (as amended, the “*Gantt Legislation*”). Gantt is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Plan at **Appendix B** (the “*Gantt Boundaries*”). Under the Gantt Legislation, Gantt exercises the powers to provide Sewer Collection Service and Fire Protection Service. Gantt possesses but does not exercise the powers to provide Sanitation Service, which is provided throughout portions of the Gantt Boundaries by Greenville Sanitation District, and Police Protection Service, which is provided throughout the Gantt Boundaries by the Sheriff’s Office. Gantt was initially empowered to provide water distribution and related services, although that power was eliminated by a subsequent amendment to the Gantt Legislation. The power of Gantt to provide Sewer Disposal Service was extinguished by Act No. 745 which transferred this power to ReWa.

C. Marietta Water, Fire, Sanitation, and Sewer District. Marietta was created by Act. No. 989 of 1952 (as amended, the “*Marietta Legislation*”). Marietta is authorized to exercise its powers within its current boundaries, which are shown on the map attached to this Consolidation Plan at **Appendix B** (the “*Marietta Boundaries*”). Under the Marietta Legislation, Marietta exercises the powers to provide Water Service and Sewer Service. Marietta possesses but does not exercise the power to provide Fire Service, which is provided throughout the Marietta Boundaries by Slater-Marietta Fire District, and the power to provide Sanitation Service, which is not currently provided within the Marietta Boundaries.

D. Parker Sewer and Fire Sub-District. Parker was created by Act No. 1087 of 1934 (as amended, the “*Parker Legislation*”). Parker is authorized to exercise its powers within

its current boundaries which are shown on the map attached to this Consolidation Plan at **Appendix B** (the “*Parker Boundaries*”). Under the Parker Legislation, Parker exercises the powers to provide Sewer Collection Service and Fire Service. While Parker was initially empowered to provide Water Service, that power was eliminated by a subsequent amendment to the Parker Legislation.

E. Taylor's Fire and Sewer District. Taylor's was created by Act No. 1099 of 1958 (as amended, the “*Taylor's Legislation*”). Taylor's is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Plan at **Appendix B** (the “*Taylor's Boundaries*”). Under the Taylor's Legislation, Taylor's exercises the powers to provide Sewer Collection Service and Fire Service. Taylor's possesses but does not exercise the powers to provide Sanitation Service, which is provided by the Greenville Sanitation District within most of the Taylor's Boundaries, and Police Protection Service, which is provided throughout the Taylor's Boundaries by the Sheriff's Office. While Taylor's was initially empowered to provide Water Service this power was eliminated by a subsequent amendment to the Taylor's Legislation. The power of Taylor's to provide Sewer Disposal Service was extinguished by Act No. 745 which transferred this power to ReWa.

F. Wade Hampton Fire and Sewer District. Wade Hampton was created by Act No. 854 of 1954 (as amended, the “*Wade Hampton Legislation*”). Wade Hampton is authorized to exercise its powers within its current boundaries which are shown on the map attached to this Consolidation Plan at **Appendix B** (the “*Wade Hampton Boundaries*”). Under the Wade Hampton Legislation, Wade Hampton exercises the powers to provide Sewer Collection Service and Fire Service. Wade Hampton possesses but does not exercise the power to provide Sanitation Service, which is provided throughout most of the Wade Hampton Boundaries by the Greenville Sanitation District; Street Lighting Service, which, to the extent available, is made available within the Wade Hampton Boundaries by the County or individual communities; and Police Protection Service, which is made available within the Wade Hampton Boundaries by the Sheriff's Office. While the Wade Hampton Legislation initially empowered Wade Hampton to provide Water Service, this power was eliminated by a subsequent amendment to the Wade Hampton Legislation. The power of Wade Hampton to provide Sewer Disposal Service was extinguished by Act No. 745, which transferred this power to ReWa.

G. Metropolitan Sewer Subdistrict. Metro was created by Act No. 687 of 1969 (as amended, the “*Metro Legislation*”). Metro is authorized to exercise its powers within the Metro Boundaries which are shown on a map attached to this Consolidation Plan at **Appendix B**. Under the Metro Legislation, Metro is empowered and exercises the power to provide Sewer Collection Service and is expressly prohibited from providing Sewer Disposal Service.

H. Greenville Water. Greenville Water is the Commission of Public Works for the City of Greenville. As a municipal utility, Greenville Water is authorized pursuant to Section 5-7-60 of the S.C. Code to provide water service outside of the boundaries of the City of Greenville provided such areas are not within the designated service area of any other municipality or political subdivision.

IV. Powers of Metro Upon Consolidation

A. Consolidated Powers of Metro. Upon the Effective Date, Metro shall continue to possess those powers given to it under the Metro Legislation and the Constitution and general laws of the State, and shall additionally succeed to any and all powers possessed by the Consolidated Districts as of the Effective Date; provided, however, that Metro is precluded from exercising some such powers under provisions of the SPD Boundary Laws, other State statutes, and case law. Pursuant to the Consolidation Ordinance and the Approval Resolution, it is the intention of the County and Metro is that Metro shall ultimately provide Sewer Collection Service within the Reconstituted Metro Boundaries, and Metro has acknowledged and is in agreement with that intent.

B. Overlapping Providers of Governmental Services. The Reconstituted Metro Boundaries overlap the boundaries and service areas of other political subdivisions, consisting of special purpose districts, municipalities, and the County (including County-created fire service areas), providing Fire Service, Sanitation Service, Water Service, Street Lighting Service, and Police Protection Service. Pursuant to the Consolidation Ordinance, and in accordance with Section 6-11-435(B) of the SPD Boundary Laws, Metro shall not provide these services within the Reconstituted Metro Boundaries. Pursuant to the Approval Resolution, Metro has expressly acknowledged that, in order to comply with Section 6-11-435(B) of the SPD Boundary Laws, the holding of the Supreme Court in *Wagner v. Smith*, 221 S.C. 438, 445 (1952), and standards of good governance, the Consolidation is premised upon Metro ultimately providing only Sewer Collection Service. In compliance with the authority recited in this subsection, pursuant to the Approval Resolution, Metro has acknowledged that it has no intention of providing Fire Service, Sanitation Service, Street Lighting Service, and Police Protection Service. While Metro may initially contract for the provision of Water Service within the Marietta Boundaries, the intent of Metro and the County is that Water Service ultimately be provided by Greenville Water.

V. Fire Service Within the Consolidated Districts Upon Consolidation

A. Fire Service Areas. The County has enacted the Fire Service Area Ordinance establishing the Fire Service Areas within the respective boundaries for Fire Service of each of the Fire/Sewer Districts. The boundaries of the Fire Service Areas are coterminous with the respective boundaries of the Fire/Sewer Districts and shall provide Fire Service therein in lieu of Metro. The establishment of the Fire Service Areas is to be effective as of the Effective Date.

B. Governance. Pursuant to the Fire Service Area Ordinance, the County Council has determined that the Fire Service Area shall be governed by a Board of Fire Control, which shall consist of five members. The members of each respective Board shall initially be appointed by the County Council and, upon the expiration of their respective initial terms, the seats on the respective Boards are to thereafter be filled by an election conducted within the Fire Service Area.

C. Funding Fire Protection Service. It is the intent of the County to fund the operation and maintenance of Fire Service within the Fire Service Areas through the levy and collection of *ad valorem* taxes on all taxable property within each Fire Service Area, respectively. The County is authorized to issue general obligation bonds of the County, payable from an *ad valorem* tax levied within each respective Fire Service Area, in order to establish, maintain, and operate a fire protection system therein and to purchase the necessary fire-fighting equipment and to construct, acquire, and build the necessary fire stations and acquire sites for the stations therein.

D. Agreement by Metro. Pursuant to Section 4-19-10(b) of the Fire Service Area Act, the County may not designate an area of the County where it may furnish Fire Service if Fire Service is then being furnished by some other political subdivision. As discussed in Section IV(A) of this Consolidation Plan, as of the Effective Date, Metro shall have succeeded to the powers of the Fire/Sewer Districts to provide Fire Service within their boundaries; however, Metro, desiring not to become a provider of Fire Service, to the extent required under Section 4-19-19(b) of the Fire Service Area Act, has agreed that the County shall provide Fire Service within the boundaries of the Fire Service Areas and shall bear the cost of providing such Fire Service.

VI. Other Fire Service Providers Unaffected

It is the express intent of the County Council that all providers of Fire Service located wholly or in part within the County, other than the Fire/Sewer Districts, be unaffected by the Consolidation, and no provision of the Consolidation Ordinance, the Fire Service Area Ordinance, or this Consolidation Plan is to be construed as having any impact whatsoever on the boundaries, powers, or continued existence of any political subdivision providing Fire Service within the County other than the Fire/Sewer Districts.

VII. Water Service Within Marietta Upon Consolidation

Recognizing that the areas within the Boundaries of Marietta must be provided with adequate Water Service, subsequent to the Consolidation, it is the desire of the County and Metro that Greenville Water thereafter provide Water Service within the Marietta Boundaries. Provisions of this Consolidation Plan regarding Greenville Water providing Water Service within the Marietta Boundaries are statements of the intent of Metro and are subject to the approval and consent of Greenville Water.

VIII. Disposition of Property, Assets, and Receivables of Consolidated Districts

A. Ownership of Assets upon Consolidation. Pursuant to Section 6-11-620 of the SPD Boundary Laws, upon the Effective Date, by operation of law, Metro shall become the successor in interest to all property and assets of the Consolidated Districts, including, without limitation, all Tangible Assets and all Financial Assets of the Consolidated Districts.

B. Disposition of Tangible Assets After Consolidation.

(1) Metro and the County intend that the Tangible Assets of the Fire/Sewer Districts be equitably divided between Metro and the County based upon the predominant use of each Tangible Asset. On the Effective Date, or as soon thereafter as is practicable, Metro shall convey real property to the County by quitclaim deed and tangible personal property by bill of sale.

(2) Metro intends that the Tangible Assets of Marietta be equitably divided between Metro and Greenville Water based upon the predominant use of each Tangible Asset. On the Effective Date, or as soon thereafter as is practicable, with the agreement and consent of Greenville Water, Metro intends convey real property to Greenville Water by quitclaim deed and tangible personal property by bill of sale.

C. Disposition of Financial Assets.

(1) Metro and the County intend that the Financial Assets of the Fire/Sewer Districts be divided by agreement between Metro and the County, with any Financial Asset that is to be retained by Metro to be applied to satisfy any outstanding Sewer Service-related Financings of the Consolidated Districts, defray costs of Sewer Service-related capital needs within the Consolidated District Boundaries, or fund an adequate reserve for Metro, and any Financial Asset that is to be transferred or paid over to the County be applied, for the benefit of the Fire Service Area, to satisfy any outstanding Fire Service-related Financings of the Consolidated Districts, defray costs of Fire Service-related capital needs within the Fire Service Areas, or fund an adequate reserve for the Fire Service Area.

(2) Metro intends that the Financial Assets of Marietta be equitably divided between Metro and Greenville Water, with any Financial Asset that has been earmarked to fund Sewer Collection Service to be retained by Metro and any Financial Asset that has been earmarked to fund Water Service to be transferred or paid over to Greenville Water. Any Financial Asset that is not earmarked for a particular service is to be equitably divided between the Metro and the and Greenville Water on the basis of the level at which Marietta has funded Sewer Collection Service and Water Service in its most recently adopted budget.

D. Collected and Receivable Taxes and Fees of the Fire/Sewer Districts. Pursuant to the Consolidation Ordinance, the County Treasurer has been directed to apply all Collected and Receivable Taxes and Fees of the Fire/Sewer Districts as follows:

(1) To divide all Collected and Receivable Taxes and Fees levied for operation and maintenance purposes between Metro and the County, (i) on the basis of the purpose for which any such Taxes and Fees were levied or imposed, if any, with any Collected or Receivable Taxes and Fees levied or imposed for Sewer Collection Service

to the paid to Metro and any Taxes and Fees levied or imposed for Fire Service within any of the Fire/Sewer Districts to be retained by the County for the benefit of the applicable Fire Service Area, and (ii) with respect to any Taxes and Fees that were not levied or imposed to fund a specific service, on the basis of the level at which the applicable Fire/Sewer District has previously funded such services in its most recently adopted budget;

(2) To apply all Collected Taxes and Fees levied for the purpose of paying general obligation debt service of any Fire/Sewer District to the amounts necessary to redeem, defease, or otherwise satisfy the series of Bonds for which such Collected Taxes and Fees were levied and imposed, whether such series of Bonds is satisfied by Metro or the County on behalf of the respective Fire Service Area; and

(3) To apply all Receivable Taxes and Fees levied for the purpose of paying general obligation debt service of the Fire/Sewer Districts to Metro or the County, for the benefit of the respective Fire Service Area, based upon the entity that satisfied such series of general obligation bonds in reimbursement therefor.

E. Collected and Receivable Taxes and Fees of Marietta. Pursuant to the Consolidation Ordinance, upon the assumption of the Water Service within the Marietta Boundaries by Greenville Water, the County Treasurer has been directed to apply all Collected and Receivable Taxes and Fees of Marietta as follows:

(1) All Collected and Receivable Taxes and Fees levied for operation and maintenance purposes shall be paid over to Metro for ultimate equitable distribution between Metro and the provider of Water Service within the Marietta Boundaries;

(2) To apply all Collected Taxes and Fees levied for the purpose of paying general obligation debt service of Marietta to the amounts necessary to redeem, defease, or otherwise satisfy the series of Bonds for which such Collected Taxes and Fees were levied and imposed; and

(3) All Receivable Taxes and Fees levied for the purpose of paying general obligation debt service shall be paid to Metro.

F. Audit of Financial Records of Consolidated Districts. It is the intention of Metro to retain the services of an independent auditor to undertake an audit of the financial records of the Consolidated Districts upon the completion of the Consolidation in order to provide full financial transparency to the public and the County. Upon completion, Metro will make the results of the audit publicly available.

IX. Liabilities and Debt of the Consolidated Districts

A. Satisfaction of Liabilities. Pursuant to Section 6-11-620 of the SPD Boundary Laws and, as of the Effective Date, Metro shall assume all liabilities of the Consolidated

Districts; provided, however, that all of the rights of the creditors and all liens on any Tangible or Financial Asset of the Consolidated Districts shall be preserved unimpaired, limited in lien to the Tangible or Financial Asset affected by such lien. As of the Effective Date, all current bills, charges, and liabilities of the Consolidated Districts shall be first satisfied from the available funds of each such Consolidated District. Any remaining liabilities, other than Financings, shall be satisfied by either Metro, the County, or Greenville Water on the basis of the service with which the applicable liability is associated, whether Sewer Collection Service, Fire Service, or Water Service, or, with respect to any liability not associated with any particular service, on the basis of an equitable percentage agreed upon by the County and Metro or Greenville Water and Metro prior to the Effective Date.

B. Satisfaction of Outstanding Financings. It is the intent of Metro and the County that all Financings of the Consolidated Districts be paid, discharged, defeased, or otherwise satisfied on or before the Effective Date. It is the intent of Metro to satisfy any Financings that were incurred in connection with Sewer Collection Service and the County to satisfy any Financings that were incurred in connection with Fire Service. With respect to any Financing incurred in connection with both Sewer Collection Service and Fire Service, Metro and the County intend divide the costs necessary to satisfy such Financing on the basis of an equitable percentage agreed upon by the County and Metro prior to the Effective Date.

X. Employees

A. Sewer Collection Service Employees. It is the intention of Metro to offer employment to the current employees of the Consolidated Districts whose primary duties are associated with Sewer Collection Services; provided, however, this shall not be construed as an offer of employment and Metro may decide, on a case by case basis, whether to hire any employee.

B. Fire Service Employees. It is the intention of the County to offer employment to the current employees of the Fire/Sewer Districts whose primary duties are associated with Fire Service, including fire fighters; provided, however, this shall not be construed as an offer of employment and the County may decide, on a case by case basis, whether to hire any employee.

XI. Option of Consolidated Districts to Transfer Sewer System

A. Transfer of Sewer Collection Service. It is the present intent of the County Council that the Consolidated Districts be given the option of maintaining their current corporate existence for the purpose of providing Fire Service through the Transfer of Sewer Collection Service to Metro, provided that any such Consolidated District choosing to do so shall, prior to March 31, 2021, (1) pursuant to Section 6-11-435(B) of the SPD Boundary Laws, consent to the enlargement of the boundaries of Metro to overlap the boundaries of such Consolidated District and for Metro to serve as the provider of Sewer Collection Service within the boundaries thereof; (2) agree to convey their sewer collection system and sewer-related assets of such Consolidated District to Metro; (3) agree to cooperate with the County and Metro

in good faith to do all things necessary to effect the transfer of Sewer Collection Service within their boundaries to Metro.

B. Amendment of Consolidation Authorizations. In the event that any Consolidated District agrees to a Transfer of Sewer Collection Service to Metro, County Council's present intent is to consider an ordinance pursuant to the SPD Boundary Laws effecting (1) the enlargement of Metro's boundaries to overlap the affected Consolidated District, (2) the amendment of the Consolidation Ordinance to remove the applicable Consolidated District from the Consolidation, and (3) the amendment of this Consolidation Plan accordingly.

C. Financings. With respect to any Consolidated District agreeing to accept the Transfer of Sewer Collection Service, Metro's present intent is to pay such Consolidated District the amount necessary to discharge, defease, or otherwise satisfy any Financings, or portions of Financings, that were incurred by the affected Consolidated District for the purpose of providing Sewer Collection Service.

XII. Miscellaneous

A. Notice to Impacted Entities and Officials. A copy of this Consolidation Plan shall be provided to the Consolidated Districts, the County Treasurer, and the County Auditor of Greenville County.

B. Notice to Public. A copy of this Consolidation Plan shall be kept on file with the Clerk to County Council and be made available upon request during normal business hours.

C. Implementation. By action of the County Council and the Metro Commission, the officials of the County and Metro are directed to immediately take such action as is necessary to implement the Consolidation in accordance with the provisions of the Consolidation Ordinance and this Consolidation Plan, including, to the extent necessary or convenient, to execute and deliver such certificates, instruments, applications, and other documents required to carry out the Consolidation.

D. Cooperation of Consolidated Districts. As set forth in the Consolidation Ordinance, the implementation of the Consolidation by the Consolidated Districts, in accordance with the provisions of the SPD Boundary Laws and this Consolidation Plan, is not subject to any consent or agreement by the Consolidated Districts and does not involve the exercise of discretion on the part of the governing bodies, officials, or staff thereof, and should be understood as a law promulgated by County Council pursuant to the authority conferred upon it by the General Assembly of the State by and through the SPD Boundary Laws. Any actions required of the governing bodies, officials, and staff of the Consolidated Districts pursuant to the Consolidation Ordinance that are necessary in order to implement the Consolidation by the Effective Date are considered by the County Council to be absolute, certain, ministerial, and imperative duties arising from the enactment of this Consolidation

Ordinance and the approval by the County Council of the Consolidation and the Consolidation Plan. To the extent that the governing body, officials, or staff of any Consolidated District fails to timely take any action required under the Consolidation Ordinance or this Consolidation Plan, the County Attorney of the County (the “*County Attorney*”) is hereby authorized to take such action as is necessary to enforce the rights of the County Council and the duties hereby by any available remedy, including particularly by writ of mandamus. The County Attorney is further authorized to seek such records from the Consolidated District as are necessary or convenient to effect the Consolidation through the filing of requests under the South Carolina Freedom of Information Act.

E. Recording. If deemed necessary, a copy of this Consolidation Plan may be recorded in the office of the Register of Deeds of the County and in such other indexes and records as may be necessary in order to provide notice to interested parties of the conveyance of real and personal property and the assumption of debts and liabilities occurring as a consequence of the Consolidation and described herein, and in such event this Consolidation Plan may be placed in recordable form.

F. Severability.

(1) While substantial and important public policy goals will be realized through a simultaneous nonconsensual Consolidation, the County is mindful that such action may face court challenges and desires to have the Consolidation implemented to the maximum extent possible. Pursuant to the Consolidation Ordinance and the Approval Resolution, it is the intention of the County Council and the Metro Commission that, solely for the purposes of severability, the consolidation of each of the Consolidated Districts, as set forth in the articles of the Consolidation Ordinance, be treated as separate and discreet consolidations under the provisions of the SPD Boundary Laws, and the provisions of this Consolidation Plan shall be construed as applying separately and distinctly to the consolidation of each Consolidated District into Metro. To the extent that the consolidation of any one or more of the Consolidated Districts is enjoined or held to be invalid by a court of competent jurisdiction following any appellate review, the provisions of this Consolidation Plan impacting such consolidation shall be severable from the remaining provisions of this Consolidation Plan and any such injunction or determination of invalidity shall not impair the implementation or validity of the Consolidation as to any Consolidated District that is not such subject of such injunction or determination of invalidity.

(2) Pursuant to the Consolidation Ordinance and the Approval Resolution, it is the intention of the County Council and the Metro Commission that the individual provisions of this Consolidation Plan be severable. To the extent that the enforcement or carrying out of any one or more provisions of this Consolidation Plan are enjoined or held by a court of competent jurisdiction to be invalid, such provision is severable from the remaining provisions of this Consolidation Plan and the remaining provisions hereof

are to be construed, to the greatest extent possible, to allow for the Consolidation to be carried out

G. Amendment. Pursuant to the Consolidation Ordinance, the County Administrator of the County (the “*County Administrator*”) is authorized, with the advice of the County Attorney, to agree to such amendments to the Consolidation Plan as are, in the discretion of the County Administrator, necessary to effect the Consolidation and which are not detrimental to the County. In the event that the provisions of the Consolidation Ordinance are amended for any reason, including to remove any Consolidated District from the Consolidation, the provisions of this Consolidation Plan shall be additionally amended accordingly and the County Administrator, with the advice of the County Attorney, has been authorized to give final approval to any such amendment to this Consolidation Plan. The provisions of this Consolidation Plan may be superseded by agreements between the County, Metro, and any other affected entity.

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APPENDIX A

Index of Defined Terms

“**Act No. 745**” means Act No. 745 of the Acts and Joint Resolutions of the General Assembly of South Carolina for the year 1967, transferring the power to provide Sewage Treatment Service from certain of the Consolidated Districts to ReWa.

“**Approval Resolution**” means that resolution of the Metro Commission, dated [], 2020, approving and consenting to the Consolidation and the Consolidation Plan.

“**Berea**” means the Berea Public Service District, South Carolina.

“**Board**” means the respective Board of Fire Control of each of the Fire Service Areas, which shall provide for the administration of the applicable Fire Service Area pursuant to Section 4-19-20(4) of the S.C. Code.

“**Collected Taxes and Fees**” means those *ad valorem* property taxes and fees and charges levied or imposed by any of the Consolidated Districts and in the possession of the County Treasurer as of the Effective Date.

“**Consolidated District Boundaries**” means the combined boundaries of the Consolidated Districts, as shown on the map attached to the Consolidation Plan at **Appendix B**.

“**Consolidated Districts**” means the Berea, Gantt, Marietta, Parker, Taylors, and Wade Hampton, subject to the removal of one or more thereof from the Consolidation as discussed in Section XI of the Consolidation Plan.

“**Consolidation**” means the consolidation of the Consolidated Districts into Metro such that Metro shall be reconstituted in accordance with the provisions of the Consolidation Ordinance and this Consolidation Plan.

“**Consolidation Ordinance**” means that ordinance of the County Council, dated [], 2020, approving the Consolidation, as it may be amended by subsequent ordinance of the County Council from time to time.

“**Consolidation Plan**” means the Plan of Consolidation, dated [], 2020, as it may be amended or supplemented in accordance with the terms thereof from time to time.

“**County Council**” means the County Council of Greenville County.

“**County Treasurer**” means the County Treasurer of Greenville County.

“**Effective Date**” means July 1, 2021, the date upon which the Consolidation shall be effective, or such other date as may be approved by resolution of the County Council in accordance with the terms of the Consolidation Ordinance.

“**Financial Assets**” means all financial assets of the Consolidated Districts of any kind, including, without limitation, all accounts, receivables, cash, securities, investments, customer deposits, funds, or financial assets of any type whatsoever.

“**Financings**” means all (1) general obligation bonds and revenue bonds of the Consolidated Districts issued under Article X, Section 14 of the State Constitution, and (2) contracts that contemplate payments in more than one year in exchange for the use of an asset such as lease-purchase or installment-purchase arrangement of the Consolidated Districts.

“**Fire Service Area**” means any of the Fire Service Areas established pursuant to the Fire Service Area Ordinance to be known respectively as the Berea Fire Service Area, Gantt Fire Service Area, Parker Fire Service Area, Taylors Fire Service Area, and Wade Hampton Fire Service Area.

“**Fire Service**” means the power to establish, operate, and maintain a system of fire protection, or any similarly described power to provide for fire protection service possessed by any Consolidated District or any other political subdivision of the County.

“**Fire/Sewer Districts**” means Berea, Gantt, Parker, Taylors, and Wade Hampton.

“**Fire Service Area Act**” means the provisions of Title 4, Chapter 19 of the S.C. Code.

“**Fire Service Area Ordinance**” means that ordinance of the County Council, dated [], 2020, providing for the creation of the Fire Service Area, as it may be amended by subsequent ordinance of the County Council from time to time.

“**Gantt**” means the Gantt Fire, Sewer and Police District, South Carolina.

“**Greenville County**” or the “**County**” means Greenville County, South Carolina.

“**Greenville Sanitation District**” means the Greater Greenville Sanitation District, South Carolina.

“**Greenville Water**” means the Greenville Water System, the Commission of Public Works for the City of Greenville, South Carolina.

“**Marietta**” means the Marietta Water, Fire, Sanitation, and Sewer District, South Carolina.

“**Metro**” means the Metropolitan Sewer Subdistrict, South Carolina.

“**Metro Boundaries**” means the pre-Consolidation boundaries of Metro as shown on the map attached to the Consolidation Plan at **Appendix B**.

“**Metro Commission**” means the Metropolitan Sewer Subdistrict Commission, the governing body of Metro, and subsequent to the Consolidation, as reconstituted pursuant to the Consolidation Ordinance.

“**Parker**” means the Parker Sewer and Fire Sub-District, South Carolina.

“**Police Protection Service**” means the power to provide police protection service or any similarly-described power to provide police protection possessed by any Consolidated District, the County, or any other political subdivision in the County

“**Receivable Taxes and Fees**” means those *ad valorem* property taxes and fees and charges levied or imposed by the Consolidated Districts which are receivable as of the Effective Date.

“**Reconstituted Metro Boundaries**” means the boundaries and service area of Metro upon the Effective Date of the Consolidation, which shall consist of the combined Consolidated District Boundaries and the Metro Boundaries.

“**ReWa**” means Renewable Water Resources, South Carolina, formerly known as “Greenville County Sewer Authority,” the “Greater Greenville Sanitation District,” and “Western Carolina Regional Sewer Authority.”

“**S.C. Code**” means the Code of Laws of South Carolina 1976, as amended.

“**Sanitation Service**” means the power to establish, operate and maintain a system for the collection and disposal of garbage, or any similarly described power to provide for the collection and disposal of garbage possessed by any Consolidated District.

“**Sewer Collection Service**” means the power to acquire, build, construct, and maintain a system for the collection of sewage and to transmit such sewage to trunk lines and sewage treatment and disposal facilities, or any similarly-described power to provide for the collection and transmission of sewage possessed by Metro or any Consolidated District.

“**Sewer Disposal Service**” means the power to establish, extend, enlarge and maintain, conduct and operate sewer systems, sewer lines, sewer mains, and sewer plants, or any similarly-described power to provide for the transmission of sewage collected by other entities and the treatment and disposal or discharge thereof possessed by any Consolidated District or any other political subdivision in the County.

“**Sheriff’s Office**” means the Greenville County Sheriff’s Office.

“**SPD Boundary Laws**” means the provisions of Title 6, Chapter 11, Article 3 of the S.C. Code.

“**State**” means the State of South Carolina.

“Tangible Assets” means all tangible personal property of the Consolidated Districts, including, without limitation, (1) all real property, real property improvements, easements, licenses, rights of way, and any other interest in real property of any type whatsoever; (2) all equipment, rolling stock, and other tangible personal property of any type whatsoever; (3) all documents, records of customer accounts, electronic records, and other documentation and records of any type whatsoever.

“Taylors” means the Taylors Fire and Sewer District, South Carolina.

“Transfer of Sewer Collection Service” means the transfer of Sewer Collection Services from one or more of the Consolidated Districts to Metro as discussed in Section XI of the Consolidation Plan.

“Wade Hampton” means the Wade Hampton Fire and Sewer District, South Carolina.

“Water Service” means the power to construct, establish, enlarge, maintain, conduct and operate a water system or plant and to furnish an adequate supply of water, or any similarly-described power to provide water service possessed by any Consolidated District or any other political subdivision of the County.

APPENDIX B

**Pre-Consolidation Boundaries of
Metro and the Consolidated Districts**

[See Exhibit B of the Consolidation Ordinance to which this Consolidation Plan is attached]

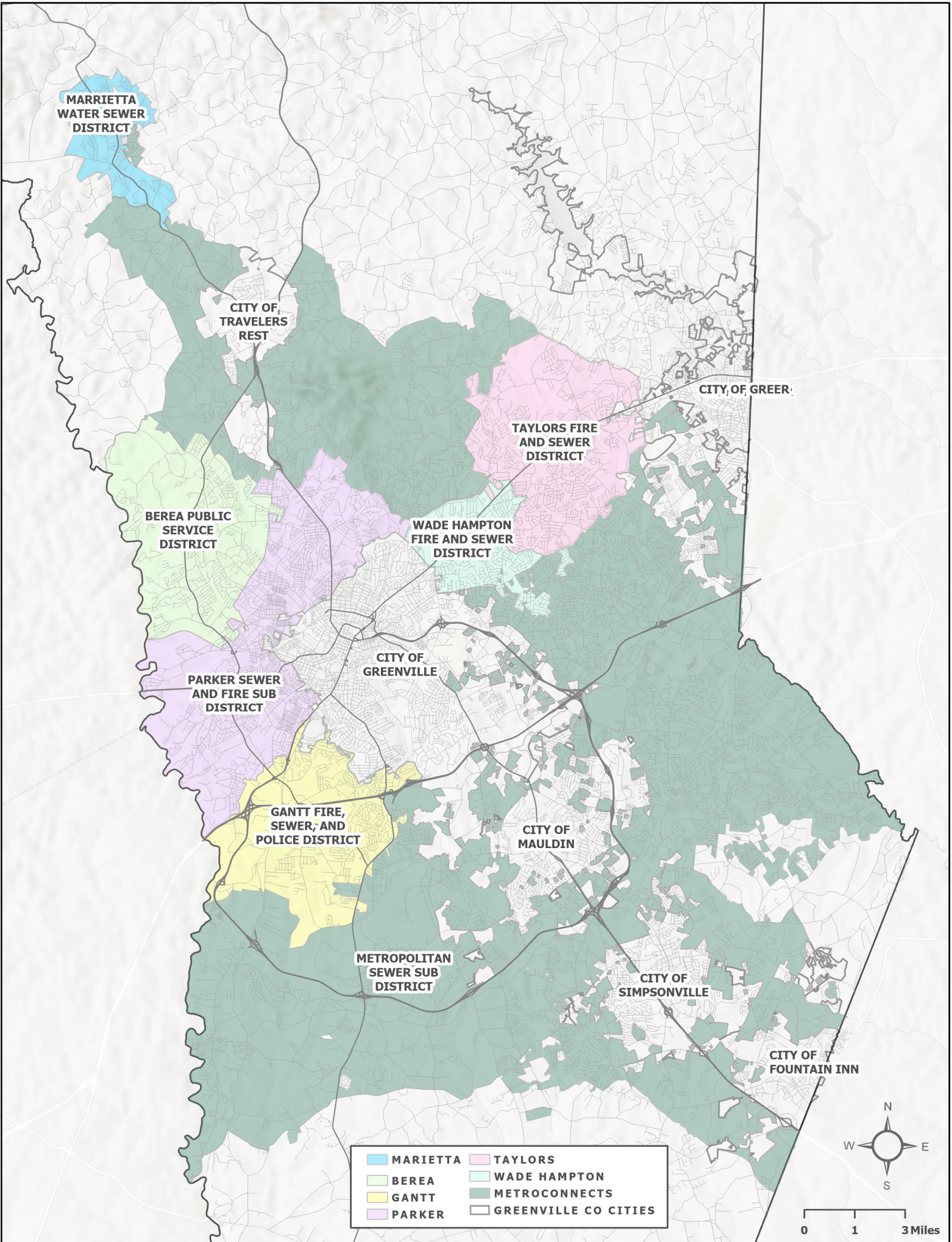
APPENDIX C

Reconstituted Metro Boundaries

[See Exhibit C of the Consolidation Ordinance to which this Consolidation Plan is attached]

EXHIBIT B

**Pre-Consolidation Boundaries of
Metro and the Consolidated Districts**



**MARRIETTA
WATER SEWER
DISTRICT**

**CITY OF
TRAVELERS
REST**

CITY OF GREER

**TAYLORS FIRE
AND SEWER
DISTRICT**

**BEREA PUBLIC
SERVICE
DISTRICT**

**WADE HAMPTON
FIRE AND SEWER
DISTRICT**

**PARKER SEWER
AND FIRE SUB
DISTRICT**

**CITY OF
GREENVILLE**

**GANTT FIRE,
SEWER, AND
POLICE DISTRICT**

**CITY OF
MAULDIN**

**METROPOLITAN
SEWER SUB
DISTRICT**

**CITY OF
SIMPSONVILLE**

**CITY OF
FOUNTAIN INN**

	MARIETTA		TAYLORS
	BEREA		WADE HAMPTON
	GANTT		METROCONNECTS
	PARKER		GREENVILLE CO CITIES



0 1 3 Miles

EXHIBIT C

Reconstituted Metro Boundaries

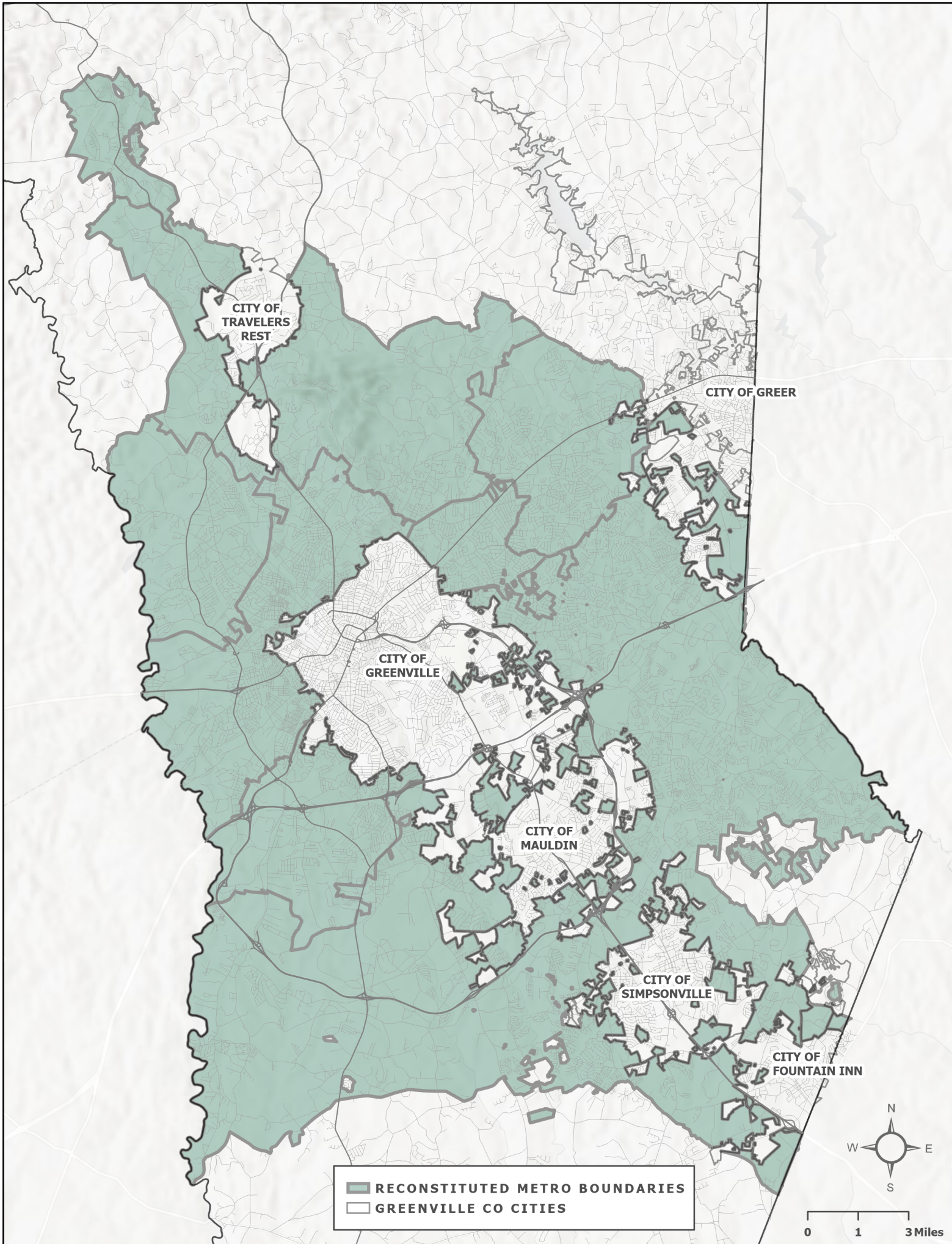


EXHIBIT D

Form of Notice of Action

NOTICE OF ACTION

Notice is hereby given pursuant to Section 6-11-470 of the Code of Laws of South Carolina 1976, as amended (the “*S.C. Code*”), as follows:

1. Following a public hearing held on November 23, 2020, on [___], 2020, the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), enacted Ordinance No. [___], entitled “AN ORDINANCE AUTHORIZING (1) THE CONSOLIDATION OF BEREHA PUBLIC SERVICE DISTRICT; GANTT FIRE, SEWER AND POLICE DISTRICT; MARIETTA WATER, FIRE, SANITATION, AND SEWER DISTRICT; PARKER SEWER AND FIRE SUB-DISTRICT; TAYLORS FIRE AND SEWER DISTRICT; AND WADE HAMPTON FIRE AND SEWER DISTRICT INTO METROPOLITAN SEWER SUBDISTRICT; (2) APPROVING A PLAN OF CONSOLIDATION IN CONNECTION THEREWITH; AND (3) OTHER MATTERS RELATED THERETO” (the “*Consolidation Ordinance*”).

2. As a result of this action, as of July 1, 2021 (the “*Effective Date*”) Bereha Public Service District (“*Bereha*”); Gantt Fire, Sewer and Police District (“*Gantt*”); Marietta Water, Fire, Sanitation, and Sewer District (“*Marietta*”); Parker Sewer And Fire Sub-District (“*Parker*”); Taylors Fire And Sewer District (“*Taylors*”); and Wade Hampton Fire And Sewer District (“*Wade Hampton*” and together with Bereha, Gantt, Marietta, Parker, Taylors, and Wade Hampton, the “*Consolidated Districts*”) will be consolidated into Metropolitan Sewer Subdistrict (“*Metro*”), such that Metro shall be reconstituted to include the existing boundaries of Metro and the boundaries of each of the Consolidated Districts (the “*Reconstituted Metro Boundaries*”). A map reflecting the boundaries of the Reconstituted Metro Boundaries has been placed on file with the Clerk to County Council and is available for review at the County’s offices during normal business hours.

3. The County Council has not authorized the issuance of general obligation bonds of Metro in connection with the consolidation effected by and through the Consolidation Ordinance.

4. The County Council has not made changes in the personal of the Metropolitan Sewer Subdistrict Commission (the “*Metro Commission*”). The Metro Commission, as reconstituted pursuant to the Consolidation Ordinance, shall constitute the new commission of the Metro for the purposes of Section 6-11-620 of the S.C. Code.

5. As of the Effective Date, the Metro shall provide Sewer Collection Services within the entirety of the Reconstituted Metro Boundaries. Pursuant to Section 6-11-470(B) of the S.C. Code, Metro shall be precluded from providing the following services in the following areas, which shall be provided by other political subdivisions situated therein:

(i) Metro will not provide Sanitation Service within the Reconstituted Metro Boundaries, to include the areas in which the Greater Greenville Sanitation District provides Sanitation Service and any unincorporated areas of the County in which Sanitation Service is provided by any municipality within the County;

(ii) Metro will not provide Fire Service within the Reconstituted Metro Boundaries, to include the areas within the boundaries of Berea, Gantt, Parker, Taylors, and Wade Hampton, wherein Fire Service shall be provided by the County through the creation of fire service areas within the respective boundaries of each, and the boundaries of the Slater Marietta Fire District, North Greenville Fire District Piedmont Park Fire District, Boiling Springs Fire District, Duncan Chapel Fire District, Donaldson Fire District, Piedmont Fire District, South Greenville Fire District, Clear Spring Fire District, Pelham Batesville Fire District, and Belmont Fire District, wherein Fire Service will continue to be provided by these special purpose districts, respectively, and the boundaries of the Mauldin Fire Service Area, the Simpsonville Fire Service Area, the Fountain Inn Fire Service Area, and the Greer Fire Service Area, wherein Fire Service will continue to be provided by each municipality, respectively;

(iii) Metro will not provide Water Service within the Reconstituted Metro Boundaries, wherein Water Service is provided by Greenville Water System;

(iv) Metro will not provide Police Protection Service within the Reconstituted Metro Boundaries wherein such service is provided by the Greenville County Sheriff's Office; and

(v) Metro will not provide Street Lighting Service within the Reconstituted Metro Boundaries wherein such service, to the extent available, is made available by the County.

6. The Consolidation shall be carried out in accordance with a Plan of Consolidation (the "***Consolidation Plan***"). The Consolidation Plan has been placed on file with the Clerk to County Council and is available for review at the County's offices during normal business hours.

7. Persons affected by the aforesaid action of the County Council may object to such action by following the procedures provided in Section 6-11-480 of the S.C. Code.

COUNTY COUNCIL OF GREENVILLE COUNTY

Publication Instructions:

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