

RESOLUTION NO. ____

A RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD ON THE QUESTION OF (1) REPEALING CERTAIN PROVISIONS OF ORDINANCE NO. 5248 CONSOLIDATING THE BEREHA PUBLIC SERVICE DISTRICT; GANTT FIRE, SEWER AND POLICE DISTRICT; MARIETTA WATER, FIRE, SANITATION, AND SEWER DISTRICT; AND WADE HAMPTON FIRE AND SEWER DISTRICT INTO METROPOLITAN SEWER SUBDISTRICT; AND (2) ENLARGING THE BOUNDARIES OF THE METROPOLITAN SEWER SUBDISTRICT WITHIN THE AREAS OF BEREHA, GANTT, MARIETTA, AND WADE HAMPTON; AND OTHER MATTERS RELATED THERETO.

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

Section 1 Findings. The County Council makes the following findings of fact in connection with the adoption of this resolution (this “*Resolution*”):

(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 or upon the petition of the commissions of the affected special purpose districts, take action to enlarge, diminish, or consolidate any special purpose district lying within the County.

(b) Pursuant to Ordinance No. 5248 of the County Council, enacted on December 15, 2020 (the “*Consolidation Ordinance*”), the County Council took action pursuant to the SPD Boundary Laws to consolidate certain special purpose districts lying within the County (the “*Consolidation*”): namely, to consolidate each of 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 collectively with Bereha, Gantt, Marietta, Parker, and Taylors, the “*Districts*”) into Metropolitan Sewer Subdistrict (“*Metro*”), and to reconstitute Metro, as further set forth in the Consolidation Ordinance, such that upon the effective date thereof (the “*Consolidation Effective Date*”) the corporate existence of Bereha, Gantt, Marietta, Parker, Taylors, and Wade Hampton should cease.

(c) In order to ensure that adequate fire protection service (“*Fire Service*”) is provided within the boundaries of Bereha, Gantt, Parker, Taylors, and Wade Hampton (collectively, the “*Fire/Sewer Districts*”) the County Council enacted Ordinance No. 5249, dated December 15, 2020 (the “*Fire Service Area Ordinance*”), pursuant to which the County

Council provided for the establishment of fire service areas within each of the respective boundaries for Fire Service of the Fire/Sewer Districts 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 establishment of which is to become effective as of the Effective Date.

(d) In connection with the Consolidation and the enactment of the Consolidation Ordinance, the County Council made certain findings regarding sewer collection service (“**Sewer Collection Service**”) and the unification of the sewer collection systems in the unincorporated portions of the County (the “**Collection Systems**”) under Metro. The County Council hereby affirms the findings of fact set forth in the Consolidation Ordinance, and further finds that the unification of Collection Systems may be effected, and such benefits may also be achieved, through the enlargement of the boundaries of Metro (the “**Metro Boundaries**”) to overlap the boundaries of one or more of the Districts, respectively (the “**Enlargement**”), whereby Metro, with the consent of any such District, could accept the conveyance of the Collection System of such District, operate and maintain such Collection System, and provide Sewer Collection Service to customers within the boundaries thereof.

(e) The County has received joint petitions (each a “**Petition**” and together the “**Petitions**”) from Metro and each of Berea, Gantt, Marietta, and Wade Hampton, respectively (collectively, the “**Enlargement Districts**”), each requesting that the County Council take proper action to (i) enlarge the boundaries of Metro to overlap the boundaries for sewer service of each of the Enlargement Districts, respectively; and (ii) amend the Consolidation Ordinance to withdraw each Enlargement District, respectively, from the Consolidation prior to the Consolidation Effective Date (the Consolidation, as so amended, the “**First Amended Consolidation**”).

(f) The County Council is informed that Metro and each of the Enlargement Districts entered into Intergovernmental Transfer Agreements (each a “**Transfer Agreement**”) which contain provisions pertaining to the conveyance of the Collection System and other sewer assets, the transfer of financial assets related to Sewer Collection Service, the satisfaction of bonded indebtedness and capital leases related to Sewer Collection Service or the Collection System, and other matters necessary to effect the Enlargement within each of the Enlargement Districts, including, where applicable, the employment of sewer-related employees of the Enlargement Districts.

(g) As provided in Section 6-11-435 of the SPD Boundary Laws:

A[n] . . . 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.

Responsive to the provisions of Section 6-11-435 of the SPD Boundary Laws, pursuant to the Transfer Agreements, each Enlargement District has expressly agreed that Metro will own, operate, and maintain the Collection System and provide Sewer Collection Services within the respective boundaries of each.

(h) By separate action, the County Council is considering certain amendments to the Fire Service Area Ordinance to repeal the provisions establishing the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area in order that Berea, Gantt, and Wade Hampton may continue to provide Fire Service within their respective boundaries for Fire Service.

(i) Acting upon the Petitions received from Metro and each of the Enlargement Districts, the County Council has determined to conduct a public hearing on the question of the Enlargement and the First Amended Consolidation in accordance with the provisions of Sections 6-11-430 and 440 of the SPD Boundary Laws.

Section 2 Nature and Effects of Consolidation.

(a) Nature of Changes to Impacted Special Purpose Districts. If the proposed action is taken:

(1) (i) the provisions of the Consolidation Ordinance pertaining to the consolidation of the Enlargement Districts into Metro shall be repealed, with the effect that the Enlargement Districts shall not be consolidated into Metro as of the Consolidation Effective Date; and (ii) as of the effective date of the Enlargement (the “*Enlargement Effective Date*”), the Metro Boundaries will be enlarged to overlap the boundaries for Sewer Collection Service of each of the Enlargement Districts; and

(2) the provisions of the Consolidation Ordinance consolidating the remaining Districts (together, the “*Consolidated Districts*”) into Metro (the “*First Amended Consolidation*”) shall remain in full force and effect.

(b) Description of the Boundaries of Metro as Reconstituted and Enlarged. If the proposed action is taken:

(1) as of the Enlargement Effective Date, the Metro Boundaries shall be enlarged to overlap those of each of the Enlargement Districts (as shown on the map attached to this Resolution at **Exhibit A**, the “*Enlarged Metro Boundaries*”); and

(2) as of the Consolidation Effective Date, the boundaries of Metro, as reconstituted, shall consist of the Enlarged Metro Boundaries, the combined boundaries for Sewer Collection Service of the Consolidated Districts, as shown on the map

attached to this Resolution at **Exhibit A**, and the existing Metro Boundaries, as shown on the map attached to this Resolution at **Exhibit A** (collectively, as shown on the map attached to this Resolution at **Exhibit B**, the “*Reconstituted Metro Boundaries*”).

(c) Functions to be Performed by Impacted Special Purpose Districts. If the proposed action is taken:

(1) as of the Enlargement Effective Date (i) Metro shall provide Sewer Collection Service within the Enlarged Metro Boundaries, and (ii) the Enlargement Districts shall continue to provide Fire Service, or in the case of Marietta, water service, within their respective boundaries; and

(2) as of the Consolidation Effective Date, (i) Metro shall provide Sewer Collection Service within the Reconstituted Metro Boundaries, and (ii) Pursuant to Section 4-19-10 of the South Carolina Code of Laws 1976, as amended, Ordinance No. 5249 of the County Council, as amended, and a resolution of the Metropolitan Sewer Subdistrict Commission, the County will provide Fire Service within the former boundaries of the Consolidated Districts by and through the Parker Fire Service Area and the Taylors Fire Service Area, respectively, and the joint exercise of such powers with Metro.

(d) Reasons for the Proposed Change. The County Council finds that the proposed actions will unify the Sewer Collection Systems within the unincorporated area of the County, which the County Council has determined is beneficial for the reasons set forth in Section 1(c) and (d) of the Consolidation Ordinance, and which the County Council has determined may be achieved through the Enlargement and the First Amended Consolidation.

(e) Proposed Improvements and Funding. There are no improvements that are anticipated to be required to integrate the sewer collection systems of Metro and the Consolidated Districts or that are otherwise required as a consequence of the Enlargement or the First Amended Consolidation. Substantial improvements are required to address the deficiencies of the Collection Systems, which are estimated to cost \$275 million over a period of twenty years. The cost of these improvements is expected to be paid through a combination of funds on hand, grants, and other funds from State and federal sources, and the issuance of revenue bonds.

(f) Issuance of Bonds. In order to effect the Enlargement and the First Amended Consolidation it will be necessary for Metro and the County to satisfy all outstanding bonded indebtedness and lease-purchase obligations (together, “*Financings*”) of the Districts. Metro has proposed to issue revenue bonds in an amount necessary to satisfy the Sewer Service-related Financings of the Districts, which are estimated to be outstanding in the amount of \$36 million, and the County has proposed to issue general obligation bonds of the Parker Fire Service Area and Taylors Fire Service Area, respectively, to satisfy the Fire Service-related Financings of Parker and Taylors, which are estimated to be outstanding in the aggregate

amount of \$3,621,000. The allocation of the amount of the Financings to be satisfied by Metro or the County may change based upon the purpose for which certain of the Financings were issued and the amount required to satisfy such financings as of the Enlargement Effective Date and the Consolidation Effective Date, respectively.

(g) Services Provided. Pursuant to Section 6-11-435 of the SPD Boundary Laws, as of the First Amended Consolidation, Metro is precluded from providing any service in any area of the Reconstituted Metro Boundaries which Metro has not previously provided if such service is provided by an overlapping political subdivision. Accordingly, Metro shall provide Sewer Collection Service within the Reconstituted Metro Boundaries and shall be precluded from providing Fire Service within the entirety of the Reconstituted Metro Boundaries, except within those areas encompassed by the Parker Fire Service Area and the Taylors Fire Service Area, wherein Metro has agreed that the County shall provide Fire Service through such Fire Service Areas pursuant to a joint exercise of power with Metro as authorized by Section 4-19-10(b) of the Code of Laws of South Carolina 1976, as amended.

Section 3 Order for Public Hearing.

(a) For the reasons set forth in subsections (c) and (d) of Section 1 of this Resolution, the County Council has determined that it is in the interest of the residents and property owners of the Districts and Metro, and the citizens and taxpayers of the County generally, for (1) the boundaries of Metro to be enlarged to overlap the boundaries for Sewer Collection Service of the Enlargement Districts, and (2) for the Consolidated Districts to remain consolidated into Metro. In connection with the County Council's consideration of the Enlargement and the First Amended Consolidation, and as required pursuant to Section 6-11-430 of the SPD Boundary Laws, the County Council hereby orders a public hearing (the "**Public Hearing**") to be held upon the question of the proposed action to effect the Enlargement and the First Amended Consolidation.

(b) The Public Hearing shall be held during a regular meeting of Greenville County Council in the Council Chambers at 301 University Ridge, Greenville, SC, on Tuesday, May 4, 2021, at 6:00 p.m. (or as soon thereafter as other hearings are concluded). A live-stream of the meeting will be available at www.greenvillecounty.org/livestream.aspx. The notice of the Public Hearing, the form of which is attached to this Resolution at **Exhibit C**, (the "**Notice of Public Hearing**"), shall provide instructions for those who wish to participate or view the Public Hearing. The Notice of Public Hearing shall be published once a week for three successive weeks in *The Greenville News*, which is a newspaper of general circulation in the County. The first publication of the Notice of Public Hearing shall not be less than sixteen days prior to the hearing date.

(c) The Public Hearing shall be conducted publicly on the date and at the place above stated and both proponents and opponents of the Enlargement and the First Amended Consolidation shall be given a full opportunity to be heard in person or by counsel.

(d) Following the Public Hearing, the County Council shall determine whether the Enlargement and the First Amended Consolidation shall be approved.

Section 4 Further Action. The Chairman of County Council, the County Administrator of the County, the County Attorney of the County (the “*County Attorney*”), and the Clerk to County Council (the “*Clerk*”) are hereby authorized, empowered, and directed to take all necessary action to provide for the holding of the Public Hearing in accordance with the provisions of the SPD Boundary Laws. The Clerk, with the advice of the County Attorney, is further authorized to approve of changes to the form of the Notice of Public Hearing as are necessary to comply with the provisions of the SPD Boundary Laws, the South Carolina Freedom of Information Act, or other South Carolina laws or County procedures.

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Done in meeting duly assembled this ___ day of _____ 2021.

GREENVILLE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman of County Council

County Administrator

Attest:

Clerk to County Council

EXHIBIT A

Metro, Consolidated District, and Enlargement District Boundaries

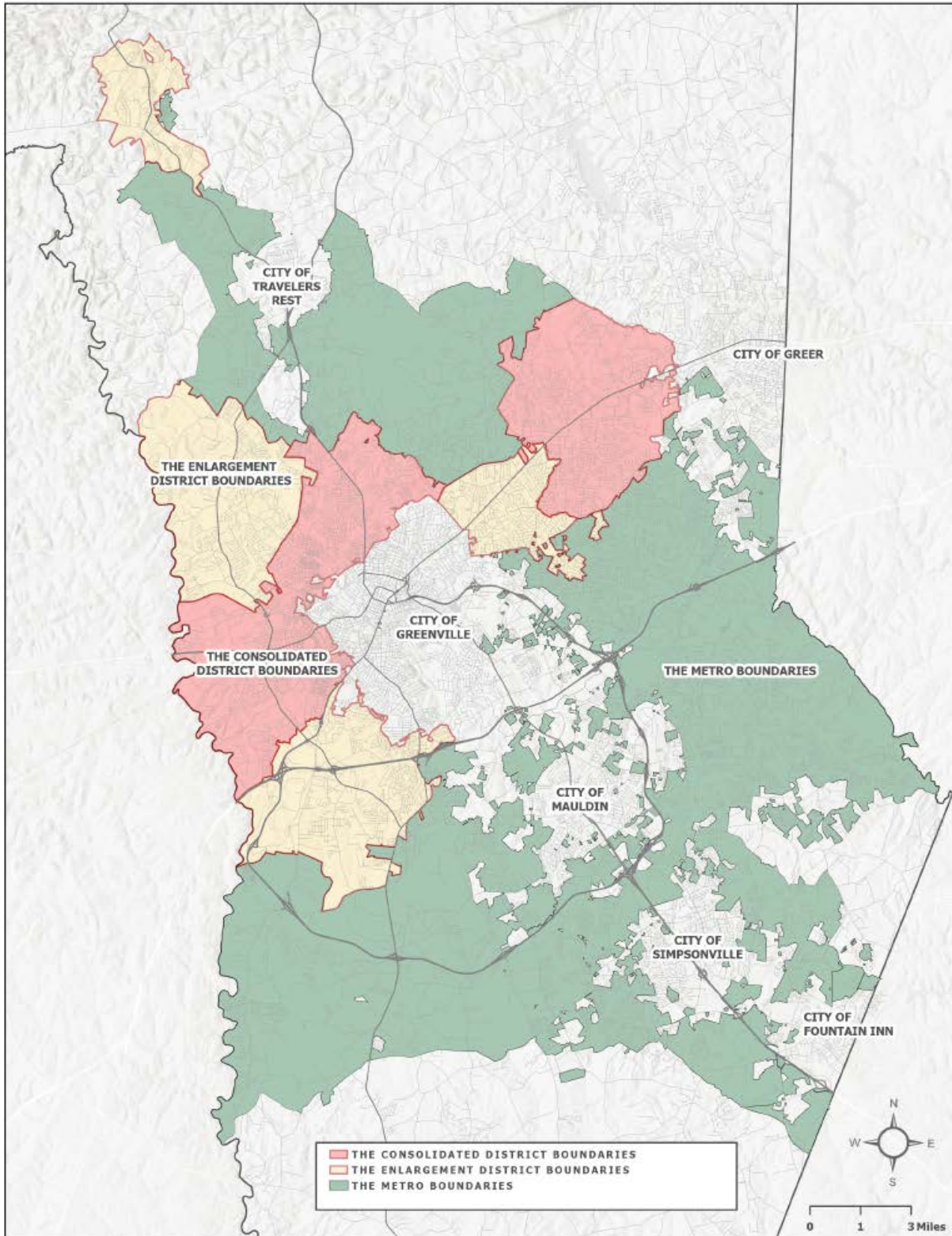


EXHIBIT B

Reconstituted Metro Boundaries

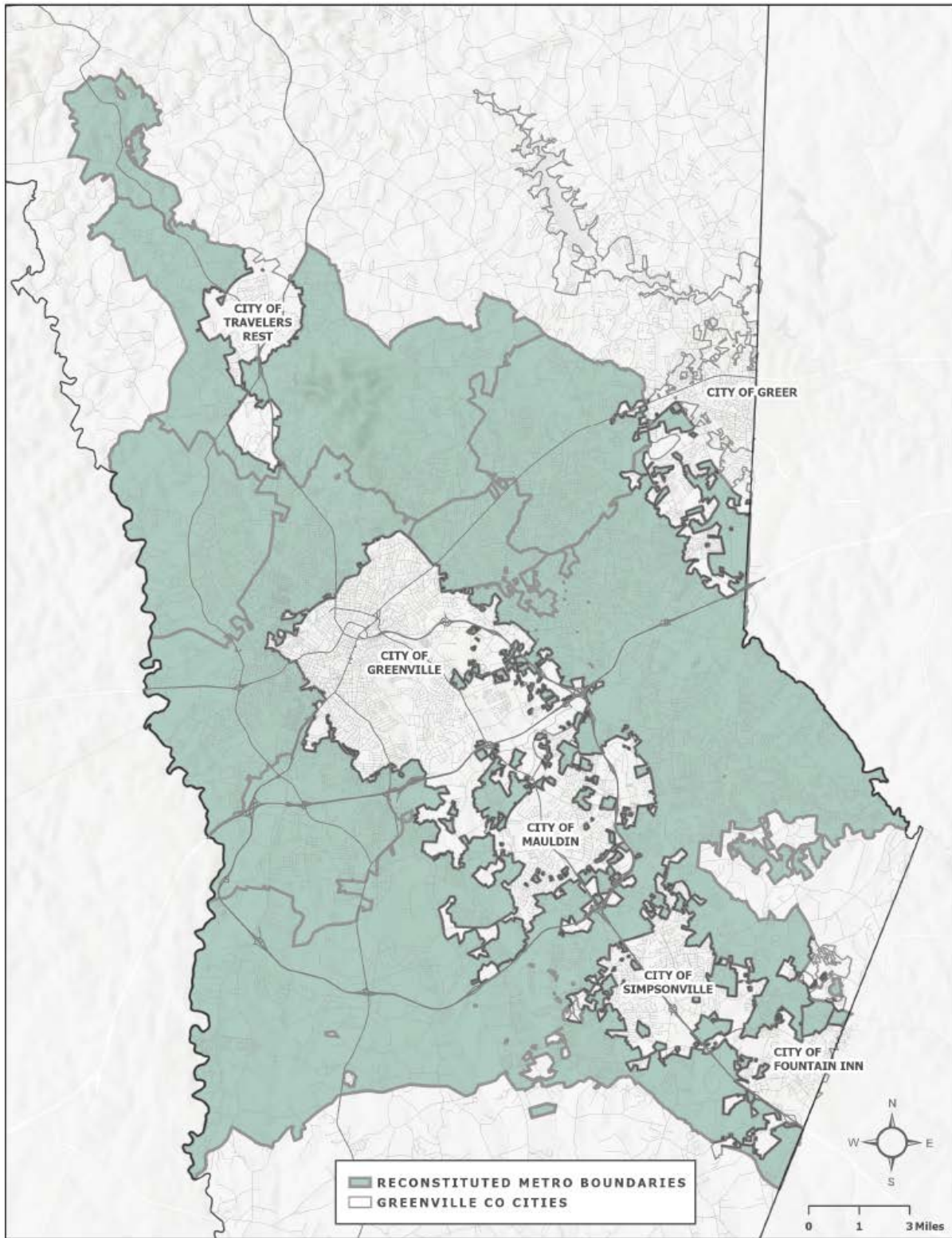


EXHIBIT C

Form of Notice of Public Hearing

NOTICE OF PUBLIC HEARING

The County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), has determined to consider an ordinance (1) enlarging the boundaries of Metropolitan Sewer Subdistrict (“*Metro*”) to overlap the boundaries for sewer service of Berea Public Service District (“*Berea*”); Gantt Fire, Sewer and Police District (“*Gantt*”); Marietta Water, Fire, Sanitation, and Sewer District (“*Marietta*”); and Wade Hampton Fire and Sewer District (“*Wade Hampton*,” and collectively with Berea, Gantt, and Marietta, the “*Enlargement Districts*”); and (2) amending Ordinance No. 5248 of the County Council, enacted on December 15, 2020 (the “*Consolidation Ordinance*”) to repeal certain provisions thereof to withdraw the Enlargement Districts from the consolidation of such special purpose districts into Metro, while leaving unaffected the consolidation of Parker Sewer and Fire Sub-District (“*Parker*”) and Taylors Fire and Sewer District (“*Taylors*,” and together with Parker, the “*Consolidated Districts*”) into (“*Metro*”). All such actions are proposed to be taken pursuant to the provisions of Title 6, Chapter 11, Article 3 of the Code of Laws of South Carolina 1976, as amended (the “*SPD Boundary Laws*”). As required by Section 6-11-440 of the SPD Boundary Laws, notice is hereby given of the following:

1. **Public Hearing.** The County Council has ordered that a public hearing be held on the question of the proposed action described above (the “*Public Hearing*”). The Public Hearing shall be held during the regular meeting of Greenville County Council in the Council Chambers at 301 University Ridge, Greenville, SC on Tuesday, May 4, 2021, at 6:00 p.m. (or as soon thereafter as other hearings are concluded). A live-stream of the meeting may be accessed at the following web address: www.greenvillecounty.org/livestream.aspx.

Anyone wishing to speak during this Public Hearing will need to email their name, address, email address, telephone number and position (in favor or opposed) to rmccaskill@greenvillecounty.org no later than 5:00 p.m. on Monday, May 3, 2021, in order to receive a Zoom invitation to speak at the Public Hearing. You may also register on-site to speak in-person at the Public Hearing during the 30 minutes prior to the start of the meeting. The Public Hearing shall be conducted publicly in the manner above stated and both proponents and opponents of the proposed action shall be given a full opportunity to be heard. Following the Public Hearing, the County Council shall determine whether to take the proposed action.

2. **Nature of Changes to Impacted Special Purpose Districts.** If the proposed action is taken:

(a) (i) the provisions of the Consolidation Ordinance pertaining to the consolidation of the Enlargement Districts into shall be repealed, with the effect that the Enlargement Districts shall not be consolidated into Metro; and (ii) as of the effective date of the Enlargement (the “**Enlargement Effective Date**”), the Metro Boundaries will be enlarged to overlap the boundaries for sewer service of each of the Enlargement Districts; and

(b) the provisions of the Consolidation Ordinance consolidating the Consolidated Districts into Metro (the “**First Amended Consolidation**”) shall remain in full force and effect and the First Amended Consolidation shall be carried out as of the effective date thereof (the “**Consolidation Effective Date**”).

3. Description of the Boundaries of Metro as Reconstituted and Enlarged. If the proposed action is taken:

(a) as of the Enlargement Effective Date, the Metro Boundaries shall be enlarged to overlap those of each of the Enlargement Districts (the “**Enlarged Metro Boundaries**”); and

(b) as of the Consolidation Effective Date, the boundaries of Metro, as reconstituted, shall consist of the combined Enlarged Metro Boundaries and those of the Consolidated Districts (the “**Reconstituted Metro Boundaries**”).

The Enlarged Metro Boundaries and the Reconstituted Metro Boundaries consist of those areas shown on a map placed on file with the Clerk to County Council and available for review at the County’s offices during normal business hours.

4. Functions to be Performed by Impacted Special Purpose Districts. If the proposed action is taken:

(a) as of the Enlargement Effective Date (i) Metro shall provide Sewer Collection Service within the Enlarged Metro Boundaries, and (ii) the Enlargement Districts shall continue to provide Fire Service, or in the case of Marietta, water service, within their respective boundaries; and

(b) as of the Consolidation Effective Date, (i) Metro shall provide Sewer Collection Service within the Reconstituted Metro Boundaries, and (ii) pursuant to Section 4-19-10 of the South Carolina Code of Laws 1976, as amended, Ordinance No. 5249 of the County Council, as amended, and a resolution of the Metropolitan Sewer Subdistrict Commission, the County will provide Fire Service within the former boundaries of the Consolidated Districts by and through the Parker Fire Service Area and the Taylors Fire Service Area, respectively, and the joint exercise of such powers with Metro.

5. Reasons for the Proposed Change. The County Council finds that the proposed actions will unify the Sewer Collection Systems within the unincorporated area of the County, which the County Council has determined is beneficial for the reasons set forth in Section 1(c) and (d) of the Consolidation Ordinance, and which the County Council has determined may be achieved through Enlargement and the First Amended Consolidation.

6. Proposed Improvements and Funding. There are no improvements that are anticipated to be required to integrate the sewer collection systems of Metro and the Consolidated Districts or that are otherwise required as a consequence of the Enlargement or the First Amended Consolidation. Substantial improvements are required to address the deficiencies of the sewer collection systems of the Districts, which are estimated to cost \$275 million over a period of twenty years. The cost of these improvements is expected to be paid through a combination of funds on hand, grants and other funds from State and federal sources, and the issuance of revenue bonds.

7. Issuance of Bonds. In order to effect the Enlargement and the First Amended Consolidation it will be necessary for Metro and the County to satisfy all outstanding bonded indebtedness and lease-purchase obligations (together, “*Financings*”) of the Districts. Metro has proposed to issue revenue bonds in an amount necessary to satisfy the Sewer Service-related Financings of the Districts, which are estimated to be outstanding in the amount of \$36 million, and the County has proposed to issue general obligation bonds of the Parker Fire Service Area and Taylors Fire Service Area, respectively, to satisfy the Fire Service-related Financings of the Consolidated Districts which are estimated to be outstanding in the aggregate amount of \$3,621,000. The allocation of the amount of the Financings to be satisfied by Metro or the County may change based upon the purpose for which certain of the Financings were issued and the amount required to satisfy such financings as of the Enlargement Effective Date and the Consolidation Effective Date, respectively.

8. Services Provided. Pursuant to Section 6-11-435 of the SPD Boundary Laws, as of the First Amended Consolidation, Metro is precluded from providing any service in any area of the Reconstituted Metro Boundaries which Metro has not previously provided if such service is provided by an overlapping political subdivision. Accordingly, Metro shall provide Sewer Collection Service within the Reconstituted Metro Boundaries and shall be precluded from providing Fire Service within the entirety of the Reconstituted Metro Boundaries, except within those areas encompassed by the Parker Fire Service Area and the Taylors Fire Service Area, wherein Metro has agreed that the County shall provide Fire Service through such Fire Service Areas pursuant to a joint exercise of power with Metro as authorized by Section 4-19-10(b) of the Code of Laws of South Carolina 1976, as amended.

COUNTY COUNCIL OF GREENVILLE COUNTY

Publication Instructions:

To be published once per week for three successive weeks in the Greenville News, with the first publication occurring at least 16 days prior to the date of the Public Hearing.