

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: August 16,2011  
COUNCIL MEETING TIME: 6:00 PM**

**ITEM TITLE [Brief Statement]:**

RESOLUTION NO. 2011-10 - RELATING TO THE DECLARATION OF INTENT BY OCONEE COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE EXECUTION AND DELIVERY OF A FEDERALLY TAX-EXEMPT LEASE PURCHASE AGREEMENT BY THE COUNTY.

**BACKGROUND DESCRIPTION:**

The fiscal year 2011-2012 budget includes approximately \$1,614,812 of capital expenditures to be financed with a capital lease. This resolution permits the County to use the capital lease proceed to reimburse capital expenditures incurred prior to the execution and delivery of the lease.

**SPECIAL CONSIDERATIONS OR CONCERNS [only if applicable]:**

**FINANCIAL IMPACT [Brief Statement]:**

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by : KB Finance

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: Yes / No

If yes, who is matching and how much:

Approved by : \_\_\_\_\_ Grants

**ATTACHMENTS**

**STAFF RECOMMENDATION [Brief Statement]:**

Approve resolution.

Submitted or Prepared By:

Approved for Submittal to Council:

Kendra Brown

Kendra Brown

T. Scott Moulder, County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

**STATE OF SOUTH CAROLINA  
OCONEE COUNTY  
RESOLUTION R2011-10**

RELATING TO THE DECLARATION OF INTENT BY OCONEE COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE EXECUTION AND DELIVERY OF A FEDERALLY TAX-EXEMPT LEASE PURCHASE AGREEMENT BY THE COUNTY.

WHEREAS, the Internal Revenue Service and U.S. Treasury Department have promulgated Section 1.150-2 of the Treasury Regulations (the "Regulations") that authorizes an issuer to reimburse itself for expenditures made with respect to projects prior to the issuance of tax-exempt obligations for such projects; and

WHEREAS, the Regulations require that the governing body of the political subdivision declare an official intent to reimburse an expenditure not later than sixty (60) days after the payment of the expenditure; and

WHEREAS, Oconee County, South Carolina (the "County"), anticipates incurring certain expenditures in an approximate amount of not exceeding \$1,700,000 (the "Expenditures") with respect to costs of acquisition of radio equipment and improvements, vehicles, technology equipment and software, and other equipment (the "Project"), prior to the execution and delivery of a tax-exempt lease-purchase agreement in the principal amount of not exceeding \$1,700,000 by the County for such purpose.

NOW, THEREFORE, BE IT RESOLVED by the County Council (the "Council") of the County:

Section 1. The Council hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Regulation § 1.150-2 to reimburse the County from the proceeds of federally tax-exempt obligation in the form of a lease-purchase agreement of the County, or other form of tax-exempt financing approved by County ordinance for the Project.

Section 2. The County understands that Expenditures which may be reimbursed are limited to Expenditures which are (a) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Regulation §1-150-2) under general federal income tax principles; or (2) certain de minimis or preliminary expenditures satisfying the requirements of Regulation §1.150-2(f).

Section 3. The source of funds for the Expenditures with respect to the Project will be the County's general fund.

Section 4. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures.

Section 5. This Resolution shall be in full force and effect from and after its adoption as provided by law. This Resolution shall be made available for inspection during normal business hours by the general public at the office of the County.

Adopted by the County Council of Oconee County, South Carolina, this 16<sup>th</sup> day of August, 2011.

OCONEE COUNTY, SOUTH CAROLINA

(SEAL)

By: \_\_\_\_\_  
Joel Thrift, Chairman,  
Oconee County Council

ATTEST:

\_\_\_\_\_  
Elizabeth G. Hulse, Clerk  
Oconee County Council

- iii. Evaluating Applications from Eligible OCCB Recipients for eligibility for grants and to participate in the program pursuant to Section VII;
- iv. Reviewing and ranking Applications from Eligible OCCB Recipients for grants and to participate in the program pursuant to the ranking system;
- v. Recommending the approval of certain Applications to County Council pursuant to Section VII;
- h. Establish additional guidelines and procedures, consistent with this ordinance, as necessary to implement this ordinance; and
- e. Submit an annual report to Oconee County Council concerning all matters addressed by this ordinance.

C. The County Administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the County. When and if deemed appropriate by the Board, the Board may seek County Council's approval to hire permanent staff, who will be County staff, reporting to the Administrator.

D. Operating expenses of the Bank may be paid out of the OCCB Fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by County Council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this Ordinance, Oconee County tax dollars shall not be used for the operation or purposes of the Bank.

## SECTION V: OCCB FUND.

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by County Council, called the Oconee County Conservation Bank Fund (the "OCCB Fund"). The OCCB Fund shall receive revenues as noted herein, and from the County according to one or more funding measures approved by Oconee County Council. ~~The Council acknowledges and agrees that County funding measures should be undertaken as soon as feasible, consistent with overall budget priorities of the County, in order to avoid escalating land costs and lost acquisition opportunities.~~

## SECTION VI: CRITERIA.

The Board shall use the following conservation criteria in developing a ranking system for Applications pursuant to Section IV.(B)(a)

- A. Environmental Sensitivity
  - a. Presence of wetlands
  - b. Frontage on USGS Blue Line Stream
  - c. Water quality classification of such stream by the South Carolina Department of Health and Environmental Control
  - d. Presence of Threatened/Endangered Species
  - e. Habitat Suitable for Threatened/Endangered Species
  - f. Habitat Suitable for Native Wildlife Species
  - g. Extent of Biological Diversity

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2011-16**

**AN ORDINANCE ESTABLISHING AN OCONEE COUNTY CONSERVATION BANK FOR THE PROTECTION OF LANDS WITH SIGNIFICANT NATURAL, CULTURAL AND/OR HISTORIC RESOURCES IN OCONEE COUNTY**

**WHEREAS**, no other county in South Carolina and few places in the United States have such an extraordinary array of natural, cultural and historic resources as Oconee County; and

**WHEREAS**, the lands and natural, cultural and historic resources of Oconee County provide economic benefits of incalculable value because they attract tourists and business to the County; and

**WHEREAS**, the natural resources of Oconee County, including its high quality soils and clean waters, are the foundation of the forestry and agricultural industries in the County; and

**WHEREAS**, many lands with significant natural, cultural and/or historic resources of Oconee County could be threatened by future development; and

**WHEREAS**, according to a growth projection study conducted by Dr. Craig Campbell and the Strom Thurmond Institute at Clemson University, the amount of developed land in Oconee County will increase from 13,900 acres in 1990 to 124, 139 acres in 2030 if current trends continue; and

**WHEREAS**, continued growth and development are essential to keep the economy strong and to provide good jobs for the citizens of Oconee County, but the patterns of such growth and development are causing the loss of significant lands and natural, cultural, and historic resources in the County; and

**WHEREAS**, the citizens of Oconee County have demonstrated their overwhelming support for conservation in the 2007 campaign to protect Stumphouse Mountain and Issaqueena Falls; and

**WHEREAS**, Oconee County itself must provide a significant and dedicated source of funding for the protection of lands with significant natural, cultural and/or historic resources through either fee simple acquisition or conservation easements; and

**WHEREAS**, without financial compensation, many otherwise willing landowners would not be able to permanently protect their properties with significant natural, cultural, and/or historic resources through either fee simple acquisition or conservation easements; and

**WHEREAS**, the Oconee County Comprehensive Plan states that it is one of the County's priorities to establish a county bank to fund land protection; and

**WHEREAS**, the South Carolina General Assembly enacted the South Carolina Conservation Bank in order to protect lands with significant natural, cultural and/or historic resources in South Carolina; and

**WHEREAS**, additional federal, state, local and private funding programs exist in order to provide financial incentives to protect lands with significant natural, cultural and/or historic resources; and

**WHEREAS**, in considering which projects to approve, these land protection programs ascribe great weight to the availability and commitment of funds from other sources; and

**WHEREAS**, a local source of funding through the Oconee County Conservation Bank would significantly improve the chances of receiving funding from the State Bank and from other federal and state programs and private donors for projects in the County; and

**WHEREAS**, in order to carry out these purposes, Oconee County Council desires to establish, fund, and administer an Oconee County Conservation Bank to acquire interests in land from willing sellers that meet certain criteria and to ensure the orderly development of the County.

**NOW, THEREFORE**, be it ordained by Oconee County Council, in meeting duly assembled and voting, with quorum present and acting by, through, and on behalf of Oconee County, a body politic and corporate and a political subdivision of the State of South Carolina, and upon third and final reading, the following:

**SECTION 1: ESTABLISHMENT OF BANK.**

There is hereby established the Oconee County Conservation Bank in order to protect lands with significant natural, cultural and/or historic resources in Oconee County that meet the criteria set forth in Section VI, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to eligible Recipients (as defined herein).

**SECTION II: DEFINITIONS.**

- A. "Application" means application to participate in the program addressed by this ordinance, including its grants.
- B. "Bank" or "OCCB" for purposes of this ordinance means the Oconee County Conservation Bank.
- C. "Board" means the governing board of the Bank.
- D. "Conservation Easement" means an interest in real property as defined by Chapter 8 of Title 27 South Carolina Code of Laws, the South Carolina Conservation Easement Act of 1991.
- E. "Council" or "County Council" means Oconee County Council.

- F. "County" means Oconee County, South Carolina.
- G. "Eligible OCCB Recipient" or "Recipient" means any of the following:
  - a. Oconee County;
  - b. A municipality in Oconee County;
  - c. An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;
  - d. A not-for-profit charitable corporation or trust authorized to do business in this State and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain interests in land for these purposes;
  - e. Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.
- H. "Interests in lands" means fee simple titles to lands or conservation easements on land.
- I. "Land" means real property, including highlands and wetlands of any description.

### **SECTION III: BOARD.**

- A. The Bank will be governed by a seven-member board ("Board") appointed by Oconee County Council in accordance with the following requirements:
  - a. Each Board member's primary residence shall be located in Oconee County; and
  - b. At least one of the appointed Board members shall be from each of the County Council Districts; and
  - c. At least one of the appointed Board members shall be a board member or executive officer of a charitable corporation or trust authorized to do business in this State that is one of the following: (i) actively engaged in the acquisition of interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or (ii) is organized for historic or cultural preservation purposes; or (iii) is an organization that represents hunting, fishing or outdoor recreation interests; and
  - d. At least one of the appointed Board members shall be an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
  - e. At least one Board member shall be actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or conservation easements; or (iii) the business of banking, finance or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.

- f. To the extent possible, all appointed board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.

B. The initial terms of the at-large Board members shall be for two years, the terms of the Board members from County Council District Numbers 1, 3 and 5 shall be for three (3) years, and the terms for the Board members from County Council District Numbers 2 and 4 shall be for four (4) years. Thereafter, all terms shall be for four (4) years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.

C. Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by County Council.

D. The Board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act, and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.

E. The Board shall meet at least three (3) times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.

#### **SECTION IV: BOARD DUTIES AND RESPONSIBILITIES.**

- A. The Board is authorized to:
  - a. Award grants from the OCCB Fund (defined herein) to “Eligible OCCB Recipients” for the purchase of land or interests in land that meet the criteria contained in Section VI; and
  - b. Apply for and receive funding for the OCCB Fund, for the Bank, from federal, state, private and other sources, to be used as provided in this ordinance; and
  - c. Receive charitable contributions and donations to the OCCB Fund, for the Bank, to be used as provided in this ordinance; and
  - d. Receive contributions to the OCCB Fund, for the Bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this ordinance.
- B. To carry out its functions, the Bank shall:
  - a. Operate a program which includes:
    - i. Developing a ranking system for Applications for program participation, including grants, pursuant to the criteria contained in Section VI;
    - ii. Receiving grant and participation Applications from Eligible OCCB Recipients pursuant to Section VII;

- iii. Evaluating Applications from Eligible OCCB Recipients for eligibility for grants and to participate in the program pursuant to Section VII;
- iv. Reviewing and ranking Applications from Eligible OCCB Recipients for grants and to participate in the program pursuant to the ranking system;
- v. Recommending the approval of certain Applications to County Council pursuant to Section VII;
- b. Establish additional guidelines and procedures, consistent with this ordinance, as necessary to implement this ordinance; and
- c. Submit an annual report to Oconee County Council concerning all matters addressed by this ordinance.

C. The County Administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the County. When and if deemed appropriate by the Board, the Board may seek County Council's approval to hire permanent staff, who will be County staff, reporting to the Administrator.

D. Operating expenses of the Bank may be paid out of the OCCB Fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by County Council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this Ordinance, Oconee County tax dollars shall not be used for the operation or purposes of the Bank.

**SECTION V: OCCB FUND.**

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by County Council, called the Oconee County Conservation Bank Fund (the "OCCB Fund"). The OCCB Fund shall receive revenues as noted herein, and from the County according to one or more funding measures approved by Oconee County Council.

**SECTION VI: CRITERIA.**

The Board shall use the following conservation criteria in developing a ranking system for Applications pursuant to Section IV.(B)(a)

- A. Environmental Sensitivity
  - a. Presence of wetlands
  - b. Frontage on USGS Blue Line Stream
  - c. Water quality classification of such stream by the South Carolina Department of Health and Environmental Control
  - d. Presence of Threatened/Endangered Species
  - e. Habitat Suitable for Threatened/Endangered Species
  - f. Habitat Suitable for Native Wildlife Species
  - g. Extent of Biological Diversity
  - h. Presence of Unique Geological/Natural Features
- B. Percentage of Property Sharing a Boundary with Protected Land
- C. Historic/Cultural Features

- a. Contains feature designated on the National Historic Register
- b. Contains feature eligible for the National Historic Register
- c. Contains Historic/Prehistoric Structures
- d. Contains Historic/Prehistoric Site or Location of a Historic Event
- D. Percentage of Property Containing Prime/Statewide Important Soil Types
- E. Extent of Active Farming on Property
- F. Extent of Public Visibility of Property
  - a. Visibility from public roads
  - b. Visibility from public land
- G. Scenic View from Property
- H. Extent of Public Access
- I. Location of Property
- J. Threat of Development
- K. Size of Property

The Board shall use the following financial criteria in developing the ranking system for Applications for participation in the program and grants pursuant to Section IV.(B)(a)

- A. Funding percentage of appraised fee simple or conservation easement value requested;
- B. Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, Eligible OCCB Recipients, and local governments, boards, and commissions;
- C. No matching funds or other contributions are required to receive grants from the OCCB Fund. However, the commitment of such other funds shall be a factor considered by the Board in its evaluation and recommendation of the applications.

## **SECTION VII: PROGRAM AND PROCEDURES.**

- A. Application
  - a. An Eligible OCCB Recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an Application in accordance with the rules and procedures established by the Board under and consistent with this ordinance;
  - b. Within 5 business days of the submittal of an Application to the OCCB, the Eligible OCCB Recipient must notify in writing all landowners adjacent to the subject property of the Application. Contiguous landowners and other interested parties may submit in writing to the Board their views in support of or in opposition to the Application.
  - c. Prior to the submission of its Application, the Eligible OCCB Recipient must notify in writing the owner of the land that is the subject of the Application of the following:
    - i. That interests in land purchased with OCCB funds result in a permanent conveyance of such interests in land from the landowner to the Eligible OCCB Recipient and its assigns; and

- ii. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and

The Application must contain an affirmation that the notice requirement of this subsection has been met, and the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.

- d. In each Application, the Eligible OCCB Recipient must provide information regarding how the proposal meets the criteria contained in Section VI.
  - e. For each grant Application the applicant shall specify:
    - i. The purpose of the Application;
    - ii. How the Application satisfies the criteria contained in Section VI;
    - iii. The uses to which the land will be put;
    - iv. The party responsible for managing and maintaining the land; and
    - v. The parties responsible for enforcing any conservation easement or other restrictions upon the land.
  - f. Where an Eligible OCCB Recipient seeks an OCCB grant to acquire fee title to land, the Eligible OCCB Recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its application. The Board, on a case by case basis, may require an Eligible OCCB Recipient acquiring fee title to land to place a conservation easement on such property to ensure its permanent protection.
  - g. Where an Eligible OCCB Recipient seeks an OCCB grant to acquire a conservation easement, the Eligible OCCB Recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its application. The Board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the application.
- B. Application Review**
- a. The Board shall accept three rounds of Applications per calendar year in accordance with the following deadlines: April 1<sup>st</sup>, August 1<sup>st</sup>, and November 1<sup>st</sup>.
  - b. The Board shall evaluate each Application according to the criteria contained in Section VI of this ordinance and recommend approval of Application and associated grants to County Council based on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.
  - c. The Board shall evaluate each Application and submit recommendations to County Council within sixty (60) days of each Application deadline referred to in Section VII.(B)(a). The recommendation of an Application may be for full approval, partial approval or disapproval.
  - d. In recommending the awarding of a grant from the OCCB Fund the Board shall set forth findings that indicate:

- i. How the Application meets the criteria set forth in Section VI;
  - ii. The purpose of the award and the use to which the land will be put;
  - iii. The party responsible for managing and maintaining the land;
  - iv. The party responsible for monitoring and enforcing any conservation easements or other restrictions upon the land;
  - v. How the parties designated in items (iii) and (iv) possess the expertise and financial resources to fulfill their obligations;
  - vi. The availability of funds in the OCCB Fund for the award;
  - vii. Any other findings or information relevant to the award.
- e. County Council shall take action on the Board's recommendations within thirty (30) days of the Board's submission thereof. The Council shall consider and vote on each recommendation individually. The Council shall accept the recommendation of the Board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB Fund for the award or (ii) at least a majority of the Council members present and voting vote to reject the recommendation. If the Board's recommendation for the award of a grant is approved by Council, the award shall be made and the transaction closed in accordance with Section VII.(C) of this ordinance.
- f. The Board may only authorize grants to purchase interests in lands at or below fair market value pursuant to a current (within three (3) months of grant approval by County Council), independent certified appraisal. The Board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.
- C. Grant Award
- a. The Board shall notify the Eligible OCCB Recipient of its recommendation and the action taken by County Council on the Application
  - b. If the Board recommends the Application in whole or in part and the recommendation is approved by County Council in accordance with Section VII.(B)(e) of this ordinance, the Eligible OCCB Recipient and the owner of the interest in the land identified in the application shall have a period of four (4) months from the date of the County Council's approval to decide whether to accept the award and close the transaction.
  - c. The Eligible OCCB Recipient shall submit the following required documents to the Board prior to closing the transaction:
    - i. A certified appraisal satisfying the requirements of Section VII.(B)(f);
    - ii. Oconee County and the Bank must be indemnified as to title in the amount of the grant, and this indemnification shall be secured by a title insurance policy acceptable to the Board and obtained by the grant recipient. The indemnification requirement as to title may be waived by the Board in extraordinary cases where insurable title is unobtainable, the risk of adverse claims are small, the land in question presents a particularly valuable conservation opportunity

- according to the criteria of Section VI, and the cost of the interest in land acquired reflects the lack of insurable title.
- iii. In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified environmental hazard assessment shall be conducted on lands before the disbursement of OCCB funds for the acquisition of all interest in such lands except as provided below in Section VII.(C)(c)(iv).
  - iv. An Application for such interest in land shall qualify as a small grant application if the amount requested is less than thirty thousand dollars (\$30,000) or 10% of the appraised fair market value of either the conservation easement or fee simple acquisition, whichever value is smaller. The environmental assessment required in Section VII.(C)(iii) shall be waived for applications for interest in land qualified as a small grant, as defined herein, unless specifically required on a case by case basis by the Board.
  - d. The Bank and Eligible OCCB Recipients receiving monies from the OCCB Fund shall retain all records of acquisition of interests in land with OCCB Funds including, but not limited to deeds, title documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental assessments, and closing documents.
  - e. The Board shall disburse OCCB Funds to Eligible OCCB Recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one (1) year after the Eligible OCCB Recipient and owner of the interest in land decide to accept the award unless the Board, for good cause shown, extends the deadline for a period not to exceed six (6) months.

#### **SECTION VIII: USE OF FUNDS.**

- A. Only Eligible OCCB Recipients may acquire interests in lands with OCCB funds.
- B. The Bank may purchase an interest in land on behalf of Oconee County subject to the criteria contained in Section VI.
- C. OCCB funds shall be used only by Eligible OCB Recipients for the acquisition of interests in land, including closing costs. "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs of performing the work and providing the documentation required under Section VII.(C)(c), attorneys' fees, and the cost of obtaining or updating surveys, but in no event shall more than \$ \_\_\_ in closing costs be paid per award. OCCB funds shall not be used to pay general operating expenses or endowment requests of Eligible OCCB Recipients, nor shall OCCB funds be used for the management or maintenance of acquired interests in land. OCCB funds shall be disbursed only at the closing of transactions in which an interest in land is acquired.
- D. All interests in land acquired with OCCB funds shall be held by the Eligible OCCB Recipient approved by the Board to acquire the interest in land; except that an interest in land obtained with OCCB funds may be assigned from one Eligible OCCB Recipient to another upon approval of the Board by majority vote.

E. The owner of the fee simple title to property upon which a conservation easement was purchased with OCCB funds, whether the original owner that conveyed the conservation easement or a successor-in-interest, may reacquire and thereby terminate or extinguish that conservation easement, whether in whole or in part, only by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, (ii) obtaining unanimous approval by the OCCB Board, (iii) obtaining unanimous approval by County Council, (iv) obtaining approval by the Oconee County Court of Common Pleas, and (v) making payment in cash of the current fair market value of the conservation easement, as determined by a certified appraisal.

F. If an Eligible OCCB Recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, (ii) obtaining unanimous approval by the OCCB Board, (iii) obtaining unanimous approval by County Council, (iv) obtaining approval by the Oconee County Court of Common Pleas, and (v) making payment in cash of the current fair market value of the protected land, as determined by a certified appraisal.

G. If any interests in lands that have been acquired by an Eligible OCCB Recipient with OCCB Funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to Section VIII.(E) and (F), the Eligible OCCB Recipient extinguishing, selling, transferring, assigning, alienating, or converting the interests in land shall replace them with the interests in land of substantially equal current fair market value, with any excess from the sale of the prior interests being used by contribution to the OCCB Fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth in Section VI. The Board shall verify that suitable replacement interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement interests in land must be credited to the OCCB Fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB Fund under this section in proportion equal to the contribution that OCCB Funds made to the original acquisition.

## **SECTION IX: EMINENT DOMAIN OR CONDEMNATION PROCEEDINGS.**

OCCB Funds may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

## **SECTION X: RECREATIONAL AND ECONOMIC USE.**

The provisions of this ordinance shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this State, upon lands for which interests in lands are obtained pursuant to this ordinance. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB Funds.

**SECTION XI: CONSERVATION EASEMENTS.**

When OCCB funds are used to purchase a conservation easement on land, the conservation easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the Eligible OCCB Recipient and its assigns which holds the conservation easement. If any inconsistencies or ambiguities arise between the provisions of this ordinance and the terms and conditions of the conservation easement purchased with OCCB Funds, the terms and conditions of the conservation easement shall prevail. The Eligible OCCB Recipient shall have sole responsibility for monitoring the property subject to the conservation easement and for enforcing the terms and conditions thereof.

**SECTION XI: HISTORIC PROPERTIES.**

The Board may authorize up to ten percent of the annual OCCB appropriation to acquire interests in land that qualify solely as a historic or cultural feature according to the criteria contained in Section VI.

**SECTION XII: EFFECTIVE DATE; SEVERABILITY.**

This ordinance shall take effect immediately upon third reading. If any provision of this ordinance or its application to any circumstances is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect the other provisions of this ordinance or the application thereof which shall be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are severable.

Ordained, in meeting duly assembled, this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
Elizabeth Hulse,  
Clerk to Oconee County Council

\_\_\_\_\_  
Joel Thrift  
Chairman, Oconee County Council

First Reading:                      July 19, 2011  
Second Reading:  
Public Hearing:  
Third & Final Reading:

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**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2011-17**

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$1,700,000 TO DEFRAY THE COST OF ACQUIRING VARIOUS EQUIPMENT AND IMPROVEMENTS; AND OTHER MATTERS RELATING THERETO.

Dated: \_\_\_\_\_, 2011

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BE IT RESOLVED BY THE COUNTY COUNCIL OF OCONEE COUNTY, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Findings and Determinations. The County Council (the "Council") of Oconee County, South Carolina (the "County"), hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended (the "Code"), the County operates under the Council-Administrator form of government and the Council constitutes the governing body of the County.

(b) Section 4-9-30 of the Code empowers all counties to acquire real property by purchase or gift; to lease, sell or otherwise dispose of real and personal property; to acquire tangible personal property and supplies; and to make and execute contracts.

(c) The County desires to enter into a lease-purchase or other agreement (the "Lease Agreement") with a bank or other financial institution selected by the Chairman or Vice-Chairman of County Council or the County Administrator for the purpose of financing the acquisition of some or all of the various items of equipment (the "Equipment") and improvements (the "Improvements" and, together with the Equipment, the "Projects") described in Exhibit A attached hereto.

(d) To the extent that the proceeds of the Lease Agreement are used to acquire and install the Equipment, such portion of the Agreement will not constitute a "financing agreement" and the Equipment will not constitute an "asset" as such terms are defined in Section 11-27-110 of the Code. To the extent that the proceeds of the Lease Agreement are used to defray the costs of the Improvements, such portion of the Agreement will constitute a "financing agreement" and the Improvements will constitute an "asset" as such terms are defined in Section 11-27-110 of the Code. Unless otherwise determined by the Chairman or Vice-Chairman of County Council or the County Administrator, the County anticipates applying approximately \$350,000 of the proceeds of the Lease Agreement to defray the costs of the Improvements. Thus, \$350,000 of the Lease Agreement (unless such amount is otherwise determined by the Chairman or Vice-Chairman of County Council or the County Administrator pursuant to Section 2 hereof) will initially be included when calculating the County's eight percent debt limit under Article X, Section 14 of the South Carolina Constitution (the "Debt Limit"). Principal payments under the terms of the Lease Agreement will be first applied to the principal balance of the Lease Agreement included in the County's Debt Limit until the cumulative amount of such principal payments equals the amount of proceeds of the Lease Agreement which were spent on the Improvements, and then to the remaining principal balance of the Agreement.

(e) The total assessed value as of June 30, 2011, of all taxable property in Oconee County, is \$515,752,985, of which \$1,150,337 is included as the 1987 assessed value for merchants' inventory. Eight percent (8%) of such sum is \$41,260,238. The outstanding indebtedness of the County which is included in the calculation of the County's Debt Limit is represented by the following bond issues:

(i) \$5,300,000 original principal amount General Obligation Bonds, Series

2010, dated September 2, 2010, and currently outstanding in the principal amount of \$4,480,000.

(ii) \$17,000,000 original principal amount General Obligation Bonds, Series 2011, dated June 16, 2011, and currently outstanding in the principal amount of \$17,000,000.

Thus, the County may incur \$19,780,238 of general obligation debt or principal balances under financing agreements (as defined in Section 11-27-110(a)(6) of the Code) within its Debt Limit.

(f) The Lease Agreement will be subject to annual appropriation by the County Council.

(g) It is in the best interest of the County to acquire the Projects by entering in to the Lease Agreement. The Lease Agreement will enable the County to purchase the Projects which will provide service necessary or useful to the operations of the County government.

Section 2. Approval of Lease/Purchase Financing; Authority to Determine Certain Matters Relating to the Lease/Purchase Financing. The Projects shall be acquired pursuant to a lease purchase financing which is hereby approved in a principal amount of not exceeding \$1,700,000. A Request for Proposals in substantially the form set forth as Exhibit B hereto shall be distributed to various banks and other financial institutions in the County and other areas as the Assistant County Administrator for Administrative Services and Finance determines. The County Council hereby authorizes to the Chairman or Vice-Chairman of County Council or the County Administrator the authority to: (a) determine the payment schedule under the Lease Agreement; (b) determine the date and time for receipt of bids under the Request for Proposals; (c) award the sale of the lease-purchase financing to the lowest responsible bidder (the "Bidder") therefor in accordance with the terms of the Request for Proposals; and (d) adjust the description and estimated costs of the Projects set forth in Exhibit A attached hereto.

Section 3. Approval of Lease Agreement. Without further authorization, the Chairman or Vice-Chairman of County Council or the County Administrator are authorized to approve the form, terms and provisions of the Lease Agreement proposed by the Bidder. The County Administrator is hereby authorized, empowered and directed to execute, acknowledge and deliver the Lease Agreement in the name and on behalf of the County. The Lease Agreement is to be in the form as shall be approved by the Chairman or Vice-Chairman of County Council or the County Administrator, the County Administrator's execution thereof to constitute conclusive evidence of such approval.

Section 4. Execution of Documents. The Chairman of County Council, Vice-Chairman of County Council, County Administrator, Assistant County Administrator for Administrative Services and Finance, and Clerk to County Council are fully empowered and authorized to take such further action and to execute and deliver such additional documents as may be reasonably requested by the Bidder to effect the delivery of the Lease Agreement in accordance with the terms and conditions therein set forth, and the transactions contemplated hereby and thereby, and the action of such officers in executing and delivering any of such documents, in such form as the County Administrator shall approve, is hereby fully authorized.

**Section 5. Federal Tax Covenant.** The County, as lessee, agrees and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest components of the lease payments under the Lease Agreement to become includable in the gross income for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "IRC") and regulations promulgated thereunder in effect on the date of original issuance of the Lease Agreement and that it will comply with all applicable provisions of Section 103 and Sections 141 through 150 of the IRC, and any regulations promulgated thereunder, to maintain the exclusion from gross income for federal income tax purposes of the interest portion of the lease payments under the Lease Agreement; and to that end the County shall:

- (a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Lease Agreement is outstanding;
- (b) establish such funds, make such calculations and pay such amounts in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the times and places required by the IRC.

The County will timely file Form 8038-G in accordance with the applicable regulations of the Internal Revenue Service.

**Section 6. Filings with Central Repository.** In compliance with Section 11-1-85 of the Code, the County covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the County, adversely affects more than five percent (5%) of the County's revenue or its tax base.

**Section 7. Severability.** All orders, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the execution of the Lease Agreement are, to the extent of such conflict, hereby repealed.

**Section 8. Effective Date.** This Ordinance shall be effective upon its enactment by the County Council for Oconee County, South Carolina.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2011.

OCONEE COUNTY, SOUTH CAROLINA

(SEAL)

\_\_\_\_\_  
Chairman, County Council  
Oconee County, South Carolina

ATTEST:

\_\_\_\_\_  
Clerk to County Council,  
Oconee County, South Carolina

Date of First Reading:	July 19, 2011
Date of Second Reading:	August 16, 2011
Date of Third Reading:	_____, 2011
Date of Public Hearing:	_____, 2011

Exhibit A

Projects

Description	Estimated Cost
Communications Tower	\$350,000
Radio Equipment Upgrade (Narrow Banding)	204,912
Emergency Response Units	120,000
Tri-Axle with Spreader Body	141,300
Skid Steer with Rubber Track	64,925
Mowing Tractors with side Mower	162,544
Vehicles	96,243
Information Technology Equipment (Hardware and Software)	245,000
Dump Truck	50,300
Oil Water Separator	34,560
3/4 Ton Truck	36,350
Roll-Off Truck	145,300

Exhibit B

Form of Request for Proposals

**REQUEST FOR PROPOSALS**

**Oconee County, South Carolina  
Not Exceeding \$1,700,000 Lease-Purchase Financing, 2011**

Response Due: \_\_\_\_\_, \_\_\_\_\_, 2011  
12:00 Noon, South Carolina Time

**NOT Bank Qualified**

Oconee County, South Carolina (the "County"), is requesting proposals from various banks and financial institutions for not exceeding \$1,700,000 tax-exempt lease-purchase financing to defray the costs of certain improvements and equipment as described herein.

PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY E-MAIL, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.

Mailed or Hand Delivered Bids: Each mailed or hand delivered proposal shall be enclosed in an envelope marked "Proposal for 2011 Lease Purchase Agreement" and should be mailed or delivered to:

Oconee County, South Carolina  
Attn: Scott Moulder, County Administrator  
415 South Pine Street  
Walhalla, SC 29691

Facsimile Bids: The County will accept the facsimile transmission of a proposal at the risk of the bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile transmission should be transmitted to the attention of Scott Moulder, ICMA-CM, County Administrator, Fax No. 864.638.4246.

E-Mail Bids: Electronic proposals may be e-mailed to the attention of Scott Moulder, E-mail address: smoulder@oconeesc.com.

Please note that this solicitation is also being sent to a number of other institutions as well and that the County reserves the right to select the proposal determined to be the most advantageous to the County. The selection process will be heavily weighted toward lowest financing costs. The County reserves the right to reject any or all bid proposals as well as negotiate with the lowest responsible bidder.

I. Terms and Conditions:

- (a) Amount to be Financed: Not exceeding \$1,700,000.
- (b) Payments: Five (5) approximately equal annual principal and interest payments under the Lease Agreement will be due and payable October 1, 2012 to and including October 1, 2016. Unless otherwise designated by a bidder, interest on the lease will be calculated based on a 360-day year comprising twelve 30-day months.
- (c) Guarantee of Interest Rate: The interest rate, costs and other terms of the bid submitted must be guaranteed from the date of your proposal to the closing date (expected to be approximately \_\_\_\_\_, 2011).
- (d) Projects: See attached Exhibit A.
- (e) Form of Lease-Purchase Agreement: A bidder's proposed form of lease agreement ("Lease Agreement") should be provided within three (3) business days of the award of the successful proposal.
- (f) Non-appropriation: A non-appropriation provision acceptable to the County must be included in the Lease Agreement.
- (g) Non-substitution: A non-substitution provision is not permitted to be included in the Lease Agreement.
- (h) Deficiency Judgment: No deficiency judgment can be assessed or imposed against the County nor will the full faith, credit and taxing power of the County be pledged to the payment of the Lease Agreement.
- (i) Title: Title to the property identified as "Communications Tower" in the attached Exhibit A will be in the name of the County. The lessor will not have a security interest in the Communications Tower. Title to the remaining equipment identified in the attached Exhibit A will be in the name of the County subject to the lessor's rights under the Lease Agreement.

- (j) Acquisition/Escrow Account: The County will require the successful bidder to transfer by Federal funds the full amount of this financing on the date of the closing. If a bidder requires that the Acquisition/Escrow Account be held by it or its designee, the bidder must so indicate in its proposal. Otherwise the County retains the right to designate a bank to act as custodian of the Acquisition/Escrow Account. The Acquisition/Escrow Account must be an interest bearing account. Interest earnings in the Acquisition/Escrow Account must accrue to the County. This Account will be structured to allow payments therefrom to be made (1) to the County to reimburse it for amounts previously expended on the projects; and (2) to the vendors of the projects for payment of the projects as directed by the County.
- (k) Costs of Issuance: All such costs relating to the preparation of the Lease Agreement and fees of special counsel will be paid by the County. Any fees and costs of the bidder to be paid by the County must be stated in the response to the Request for Proposals. The Lease Agreement must allow the County to pay its legal fees and costs related to execution and delivery of the Lease Agreement out of the proceeds of the Lease Agreement.
- (l) Insurance: The County is insured through the South Carolina Insurance Reserve Fund. The project property will be insured in a similar manner at face value. The lessor may be listed as a loss-payee, but may not be listed as an additional insured under the County's insurance coverage.
- (m) Not Bank Qualified: The County will NOT designate the Lease Agreement as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.
- (n) Closing: The County expects to accept the successful proposal on \_\_\_\_\_, 2011, and to close the transaction on or about \_\_\_\_\_, 2011.

II. Proposal Requirements.

- (a) The proposal must be in writing.
- (b) No response may be modified by a bidder after it has been submitted.
- (c) Proposals should include: the name, address, and telephone number of your institution; the primary contact; and identity of legal counsel, if any.

- (d) Proposals must be accompanied with a list of all requirements and conditions associated with the bid.
- (e) Proposals must indicate a single interest rate for the lease term and include an amortization schedule showing annual payment amounts for the term of the financing.
- (f) Proposals must provide full disclosure of all financing costs, including any closing, legal, and tax opinion charges.
- (g) Any prepayment penalty or other fee requirements should be detailed in the proposal.

### III. Evaluation of Proposals and Award.

After the proposals are received, they will be evaluated by the officials of the County based on various factors, including the interest rate, redemption terms, additional covenants and terms, if any, and other conditions set forth therein. The County reserves the right to reject any and all bids or to waive irregularities in any proposal. The County expects to accept the successful proposal by \_\_:00 p.m. on \_\_\_\_\_, 2011.

IV. Legal Opinion. The execution and delivery of the Lease Agreement is subject to the approving opinion of the McNair Law Firm, P.A., Special Counsel.

V. Tax Exemption and Other Tax Matters. The Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, imposes various restrictions, conditions and requirements relating to the excludability from gross income for federal income tax purposes of interest paid on obligations such as the Lease Agreement. The County will covenant to comply with certain covenants, restrictions, conditions and requirements designed to ensure that interest paid under the Lease Agreement will not become includable in gross income of the recipients thereof for federal income tax purposes. Failure to comply with these covenants could cause interest paid under the Lease Agreement to be included in gross income for federal income tax purposes retroactive to the date of issuance of the Lease Agreement.

The Code imposes an alternative minimum tax on a taxpayer's "alternative minimum taxable income" if the amount of such alternative minimum tax is greater than the amount of such taxpayer's regular income tax. The interest component of the Lease Agreement is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, such interest is taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on certain corporations.

The accrual or receipt of interest on the Lease Agreement may affect the federal income tax liability of the lessor. The extent of these other tax consequences will depend upon the recipient's particular tax status or other items of income or deduction. Purchasers of the Lease Agreement are advised to consult their tax advisors as to the tax consequences of purchasing or holding the Lease Agreement.

VI. Investment Letter. The lessor will be requested to execute a letter to the County in substantially the form submitted with this Request for Proposals.

VII. Additional Information.

If you should have any questions regarding the Request for Proposals, you should contact:

Scott Moulder, ICMA-CM  
Oconee County Administrator  
864.638.4244  
e-mail: smoulder@oconeesc.com

Kendra Brown, CPA, CGFO  
Assistant County Administrator for  
Administrative Services and Finance  
864.638.4235  
email: kbrown@oconeesc.com

Daniel R. McLeod, Jr.  
McNair Law Firm, P.A.  
864.271.4940  
email: dmcleod@mcnair.net

Michael W. Burns  
McNair Law Firm, P.A.  
864.271.4940  
email: mburns@mcnair.net

s/ \_\_\_\_\_  
Chairman of County Council,  
Oconee County, South Carolina

Dated: \_\_\_\_\_, 2011.

Exhibit A

Projects

<b>Description</b>	<b>Estimated Cost</b>
Communications Tower	\$350,000
Radio Equipment Upgrade (Narrow Banding)	204,912
Emergency Response Units	120,000
Tri-Axle with Spreader Body	141,300
Skid Steer with Rubber Track	64,925
Mowing Tractors with side Mower	162,544
Vehicles	96,243
Information Technology Equipment (Hardware and Software)	245,000
Dump Truck	50,300
Oil Water Separator	34,560
3/4 Ton Truck	36,350
Roll-Off Truck	145,300

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE NO. 2011-27**

**AN ORDINANCE AUTHORIZING THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA WORKLINK WORKFORCE INVESTMENT CORPORATION AS A SOUTH CAROLINA NONPROFIT CORPORATION TO SERVE AS THE LOCAL WORKFORCE INVESTMENT BOARD FOR THE WORKFORCE INVESTMENT AREA COMPRISED OF ANDERSON COUNTY, OCONEE COUNTY, AND PICKENS COUNTY, SOUTH CAROLINA THROUGH EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN SAID COUNTIES AND OTHER MATTERS RELATING THERETO.**

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: August 16, 2011  
COUNCIL MEETING TIME: 6:00 PM**

**ITEM TITLE [Brief Statement]:**

Award the purchase of (8) eight 2011 Ford Crown Victoria sedans, with pursuit packages, for the Oconee County Sheriff's Department, in the amount of \$185,440.00, to Vic Bailey Ford Inc. of Spartanburg, SC, per State Contract number 4400002965.

**BACKGROUND DESCRIPTION:**

The new sedans will replace high-mileage vehicles currently used in the Sheriff's fleet. The vehicles being replaced will be sold as surplus on GovDeals.com or replace older vehicles used in other County departments.

**SPECIAL CONSIDERATIONS OR CONCERNS [only if applicable]:**

**FINANCIAL IMPACT [Brief Statement]:**

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by:

 Finance

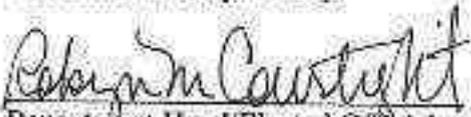
**ATTACHMENTS**

1. State contract coversheet
2. Vic Bailey Ford Quote

**STAFF RECOMMENDATION [Brief Statement]:**

Award the purchase of (8) eight 2011 Ford Crown Victoria sedans with pursuit packages for the Oconee County Sheriff's Department, in the amount of \$185,440.00, to Vic Bailey Ford of Spartanburg, SC, per State Contract number 4400002965.

Submitted or Prepared By:

  
Department Head/Elected Official

Approved for Submittal to Council:

  
T. Scott Moulder, County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

Gary Hodgin, Procurement Manager  
E-Mail: [ghodgin@mmo.sc.gov](mailto:ghodgin@mmo.sc.gov)  
Telephone: (803) 737-3410

Materials Management Office  
1201 Main St - Ste 600  
Columbia, SC 29201

Section: V  
Page: 5  
Date: 11/01/10

**SEDAN, FULL SIZE, REAR WHEEL DRIVE, PURSUIT PACKAGE,**  
**FLEX-FUEL**

**Contract No:** 4400002965      **Current Contract Term:** 11/01/10 – 10/31/11  
**Model:** Ford Crown Victoria      **Commodity Code:** 07105  
**Contractor:** Vic Bailey Ford Inc.      **Contact Person:**  
PO Box 3568  
Spartanburg, SC 29304      **E-Mail:** [dvetter@vicbailevauto.com](mailto:dvetter@vicbailevauto.com)  
**Telephone:** (800) 922-1365      **Fax:** (864) 594-6802  
**Delivery:** 60 Days ARO

<b>Base Price:</b> \$ 22,160
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**ADDS:**

Tow Package – (Standard State Specification)	\$ 246.00
2 Tone Paint (roof & hood 1 color, balance of vehicle another)	\$ 847.00
Tremco Police Anti-Theft Integrated System : (Tremco Phone # (617) 275-7692 - may be dealer installed)	\$ 104.00
Light Bracket Pre-Wired for Light Installation: Minimum of 8 stranded wires, 4 each 12 gauge, and 4 each 14 gauge. Wires shall extend approximately 18 inches above the roofline, and approximately 48 inches shall be left loose under the dash. The wires shall exit the roof along the vehicle centerline approximately 23 ¼ inches behind the top windshield molding, passing through a rubber grommet which shall prevent water leakage.	\$ 187.00
Roof Wiring Package for Light Bar	\$ 80.00

**DEDUCTS:**

Map Light (header mounted above windshield)	\$ 1
Spotlight, Pillar Mounted	\$ 144.00
Street Appearance Package	\$ 67.00
Cloth Front Bucket Seats w/ Vinyl Rear Bench Seat	\$ 114.00
Cloth Front Bucket Seats w/ Cloth Rear Bench Seat	\$ 160.00
HD Black Rubber Floor Covering in-lieu-of Carpet	\$ 94.00

\*\*\*\*\*

**NOTE:** AM/FM with single CD player is included in the base price on all models with the split bench front seat. Vehicles ordered with front bucket seats must add \$177 to upgrade to the AM/FM with single CD player.

**Click link below for an itemized listing of items included in the “Base Price”:**

**SEDAN, FULL SIZE, REAR WHEEL DRIVE, PURSUIT PACKAGE**

**Link to “Law Enforcement Vehicle Index”**

# Vic Bailey Ford Inc

David Vetter 864-585-3600 or 800-922-1365

## 2011 FORD CROWN VICTORIA POLICE INTERCEPTOR Marked Units w/ Remote Keyless and Cruise Control

2011 Ford Crown Victoria Police Interceptor Package	\$22,160.00
6-Way Power Driver's Seat	
Heavy Duty Vinyl Floor Covering	
ABS Brakes	
Cloth Front Bucket Seats w/ Vinyl Rear Bench Seat	
Driver's Side Spot Light	
Limited Slip Rear Axle	
Full Wheel Covers	
AM/FM Radio	
Remote Keyless Entry	
Cruise Control	
Floor Plan Interest and Ford End of Discount Adjustment	\$720.00
<b>TOTAL GOVERNMENT SALES PRICE:</b>	<b>\$22,880.00 (plus tax)</b>

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: August 16, 2011  
COUNCIL MEETING TIME: 6:00 PM**

**ITEM TITLE:**

- 1) Award ITB 11-01, Term Contract for Officer Uniforms for Sheriff, Animal Control and Detention, to Designlab, Inc of Greenville, SC; in the estimated amount of \$60,989.08.
- 2) Authorize the County Administrator to approve up to four additional one-year renewals and an allowable contract price increase/decrease based on the Consumer Price Index; provided the work is satisfactory and that the required funding is approved in each fiscal year's budget.

**BACKGROUND DESCRIPTION:**

On August 2, 2011, formal sealed bids were opened for officer uniforms. Twenty companies were originally notified of this bid opportunity. Four companies submitted bids, with DesignLab, Inc of Greenville, SC submitting the lowest responsive bid of \$60,989.08. Bid totals were calculated using estimated quantities of the items each using department requires. Actual item quantities ordered will vary depending upon the County's needs and fund availability.

The Sheriff's Office, Animal Control and Detention Center purchase officer uniforms on an as needed basis. These items include, but are not limited to; uniform trousers, cargo pants, shirts, jackets, rain gear, hats, traffic vests, gloves and belts. Combining items for the three departments into one bid allows the County to obtain improved pricing through higher volume discounting.

The term of this contract is for one year with the option to renew for four additional one-year periods.

**FINANCIAL IMPACT:**

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by: \_\_\_\_\_ Finance

**ATTACHMENTS**

- 1) Bid Tabulation

**STAFF RECOMMENDATION [Brief Statement]:**

- 1) Award ITB 11-01, Term Contract for Officer Uniforms for Sheriff, Animal Control and Detention, to Designlab, Inc of Greenville, SC; in the estimated amount of \$60,989.08.
- 2) Authorize the County Administrator to approve up to four additional one-year renewals and an allowable contract price increase/decrease based on the Consumer Price Index; provided the work is satisfactory and that the required funding is approved in each fiscal year's budget.

**Submitted or Prepared By:**

**Approved for Submittal to Council:**

\_\_\_\_\_  
Department Head/Elected Official

\_\_\_\_\_  
T. Scott Moulder, County Administrator



**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: August 16, 2011  
COUNCIL MEETING TIME: 6:00 PM**

**ITEM TITLE:**

- 1) Award ITB 11-01, Term Contract for Officer Uniforms for Sheriff, Animal Control and Detention, to Designlab, Inc of Greenville, SC; in the estimated amount of \$60,989.08.
- 2) Authorize the County Administrator to approve up to four additional one-year renewals and an allowable contract price increase/decrease based on the Consumer Price Index; provided the work is satisfactory and that the required funding is approved in each fiscal year's budget.

**BACKGROUND DESCRIPTION:**

On August 3, 2011, formal sealed bids were opened for officer uniforms. Twenty companies were originally notified of this bid opportunity. Four companies submitted bids, with DesignLab, Inc of Greenville, SC submitting the lowest responsive bid of \$60,989.08. Bid totals were calculated using estimated quantities of the items each using department requires. Actual item quantities ordered will vary depending upon the County's needs and fund availability.

The Sheriff's Office, Animal Control and Detention Center purchase officer uniforms on an as needed basis. These items include, but are not limited to; uniform trousers, cargo pants, shorts, jackets, rain gear, hats, traffic vests, gloves and belts. Combining items for the three departments into one bid allows the County to obtain improved pricing through higher volume discounting.

The term of this contract is for one year with the option to renew for four additional one-year periods.

**FINANCIAL IMPACT:**

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by: VP Finance

**ATTACHMENTS**

- 1) Bid Tabulation

**STAFF RECOMMENDATION [Brief Statement]:**

- 1) Award ITB 11-01, Term Contract for Officer Uniforms for Sheriff, Animal Control and Detention, to Designlab, Inc of Greenville, SC; in the estimated amount of \$60,989.08.
- 2) Authorize the County Administrator to approve up to four additional one-year renewals and an allowable contract price increase/decrease based on the Consumer Price Index; provided the work is satisfactory and that the required funding is approved in each fiscal year's budget.

Submitted or Prepared By:

  
Department Head/Elected Official

Approved for Submittal to Council:

T. Scott Moulder, County Administrator



**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 8-16, 2011  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

PRT Department recommends local ATAX advertising expenditure of \$2,910.00 to continue contract with Upcountry Brochure Service to display the brochure "Waterfalls of Upstate SC" in South Carolina and Northeast Georgia in an effort to promote tourism in Oconee County. The Waterfall brochure is the most requested piece of literature in all the brochure racks serviced by the Upcountry Brochure Service.

**BACKGROUND OR HISTORY:**

Upcountry Brochure Service has over 50 brochure racks in South Carolina and over 90 in Northeast Georgia. As the company places new racks, the brochures currently in contract also are added to that rack, so as the company grows, the brochure distribution grows as well. The racks are placed in hotels, tourist attractions, restaurants, etc. Upcountry Brochure service will keep the brochure racks stocked in all the service locations

**SPECIAL CONSIDERATIONS OR CONCERNS:**

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]  
If no, explain briefly: Single Source-Contract renewal-Tourism Brochure Service

**STAFF RECOMMENDATION:**

Staff recommends approval of an expenditure of up to \$2,910.00 to display the "Waterfalls of Upstate South Carolina" brochure through Upcountry Brochure Service to all their SC and GA locations. .

**FINANCIAL IMPACT:**

This project will not exceed \$2,910.00 with funds coming from the PRT Commission's 75% portion of the Local Accommodations Tax Fund, with no matching requirement and no impact to the general fund budget. Current fund balance in the 75% Local Accommodations tax is \$100,672.

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: No  
If yes, who is matching and how much:

**ATTACHMENTS**

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney      \_\_\_\_\_ Finance      \_\_\_\_\_ Grants      \_\_\_\_\_ Procurement

**Submitted or Prepared By:**

**Approved for Submittal to Council:**

**Phil Shirley – PRT Director  
Department Head/Elected Official**

\_\_\_\_\_  
**Scott Moulder-Oconee County Administrator**

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** August 16, 2011  
**COUNCIL MEETING TIME:** 6:00 PM

**ITEM TITLE:**

1. Approve Renewal No. 1 for ITB 09-29 for Printing and Mailing of All Type Tax Notices to Laser Print Plus of Columbia, SC in the amount of \$179,434.88. This renewal is for an increased amount for FY 2011-2012, due to County growth and the addition of the Assessor and Delinquent Tax Offices.
2. Authorize the County Administrator to approve the next three yearly renewals of this bid, provided that the required funding is approved in each fiscal year's budget.

**BACKGROUND DESCRIPTION:**

On June 15, 2010 County Council approved ITB 09-29 Printing and Mailing of All Type Tax Notices to Laser Print Plus of Columbia, SC, for an estimated amount not to exceed \$99,384.54 for one year, with an option to renew for four additional one-year periods and authorized the County Administrator to renew the bid for up to four one-year periods, provided their work is satisfactory. The pricing requested in the original bid was based on estimated quantities as follows: 75,000 Real Estate Tax Bills processed in October; 65,000 Personal Property Tax Bills processed annually, 5-6,000 per month; and 88,000 Receipts, Reassessment notices and Delinquent tax notices were NOT included in the original bid.

Due to County growth and the Assessor and Delinquent Tax Offices wanting to take advantage of the savings resulting from this bid, the amount requested for FY 11-12 is as follows:

Auditor: \$16,689.70 Printing and Mailing Real/Personal/Vehicle Tax Notices

Treasurer: \$92,549.76 Printing, Mailing Receipts and Postage (includes postage for the Auditor's office)

Assessor: \$28,222.80 Printing and Mailing Reassessment Notices

Delinquent Tax: \$41,972.62 Printing and Mailing Delinquent Notices (1<sup>st</sup> Notice and 2<sup>nd</sup> Certified Notice)

Total printing, mailing and postage for FY 2011-2012 is \$179,434.88.

**FINANCIAL IMPACT**

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by:  Finance

**ATTACHMENTS**

1. County Council Minutes from June 15, 2010 meeting
2. Spread Sheet showing breakdown per department and total
3. Original Bid Tab (submitted at June 15, 2010 Council Meeting)

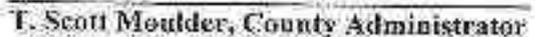
**STAFF RECOMMENDATION**

1. Approve Renewal No. 1 for ITB 09-29 for Printing and Mailing of All Type Tax Notices to Laser Print Plus of Columbia, SC in the amount of \$179,434.88. This renewal is for an increased amount for FY 2011-2012, due to County growth and the addition of the Assessor and Delinquent Tax Offices.
2. Authorize the County Administrator to approve the next three yearly renewals of this bid, provided that the required funding is approved in each fiscal year's budget.

Submitted or Prepared By:

  
Department Head/Elected Official

Approved for Submittal to Council

  
T. Scott Moulder, County Administrator

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*A calendar with due dates marked may be obtained from the Clerk to Council.*

Columbia, SC, in the amount of \$65,000.00 for the Phase II, Engineering Services portion of the C&D landfill expansion across Crooks Road noting that this amount includes a contingency of \$9,500.

**Bid 09-29 / \$99,384.54 / Printing & Mailing Tax Notices**

Mr. Moulder and Ms. Courtright addressed Council regarding this agenda item.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 3 – 0 to award Bid 09-29, Printing & Mailing of all types of tax notices to Laser Print Plus of Columbia SC, for an estimated amount not to exceed \$99384.54 for [1] one year with an option to renew for an additional four one year terms, and [2] authorize the County Administrator to execute the renewal contracts provided the company's work is satisfactory.

**Bid 09-32 / \$350,000 / Rock Quarry / Drilling and Blasting**

Mr. Moulder and Ms. Courtright addressed Council regarding this agenda item.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 3 – 0 to award Bid 09-32, Drilling & Blasting for the Oconee County Rock Quarry to Powderman Products, LLC for an estimated amount of \$350,000, for [1] a period of one year with the option for renewal for up to four one year terms, and [2] authorize the County Administrator to execute the renewal contracts provided the company's work is satisfactory.

**Oconee County Detention Center Roof Repair/Replacement / \$64,810.51**

Mr. Moulder and Ms. Courtright addressed Council regarding this agenda item.

Mr. Suarez arrived during discussion of this agenda item.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 4 – 0 to authorize J. Davis Construction of Westminster, SC, to perform design/build services to remove & replace the shingled roof on the Oconee County Detention Center and renovated Law Enforcement Center, for \$57,666.16 [with \$7,144.35 reserved for contingency], for a total of \$64,810.51 contingent upon the Administrator researching the possibility of replacing the flat roof portion with a hip roof focusing on cost and life of the roof.

**Change Order #1 to Purchase Order #47051 / \$1,300,000.00 / Additional Road Paving**

Mr. Moulder addressed Council noting that the contractor, Venesky Asphalt Paving & Grading of Easley, SC would not honor the pricing in the contract for this proposed change order, therefore, he was withdrawing his recommendation regarding this agenda item and asked that Council not consider the change order.

Council concurred with the Administrator's recommendation therefore this agenda item was removed from consideration.

**New PO / \$200,076.88 / Purchase of VoIP (Voice Over Internet Protocol) Equipment**

Mr. Moulder and Ms. Courtright addressed Council regarding this agenda item. It was noted that the IT Department is working with Cisco to determine the dollar amount that will be given for the trade-in equipment and that based on this fact, the total expenditure is likely to not exceed \$150,000.00.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 4 – 0 to award the purchase of VoIP Equipment to Pomeroy Technology Solutions of Hebron, KY, in the amount of \$200,076.88.

**Breakdown Per Department for ITB 09-29 Printing and Mailing of All Type Tax Notices**

<b>Auditor's Office</b>			
<b>Estimated Quantity</b>	<b>Description</b>	<b>Price Per Piece</b>	<b>Extended Price</b>
80,000	Printing Real/Personal Tax Notices (up from 75,000 in the bid)	\$0.1040	\$8,320.00
67,500	Printing Vehicle Tax Notices (up from 65,000 in the bid)	\$0.1100	\$7,425.00
			\$15,745.00
		<b>Sales Tax</b>	\$944.70
		<b>Total Auditor's Office</b>	<b>\$16,689.70</b>
<b>Treasurer's Office</b>			
<b>Estimated Quantity</b>	<b>Description</b>	<b>Price Per Piece</b>	<b>Extended Price</b>
106,400	Printing Receipts (up from 88,000 in the bid)	\$0.0900	\$9,576.00
106,400	Postage for Receipts (up from 88,000 in the bid)	\$0.2530	\$26,919.20
80,000	Postage for Real Estate Notices (up from 75,000 in the bid)	\$0.3650	\$29,200.00
72,000	Postage for VehicleTax Notices (up from 65,000 in the bid)	\$0.3650	\$26,280.00
		<b>Sub Total</b>	<b>\$91,975.20</b>
		<b>Sales Tax</b>	<b>\$574.56</b>
	<i>Note: The Treasurer's budget pays all the postage for the Auditors notices</i>	<b>Total Treasurer's Office</b>	<b>\$92,549.76</b>
<b>Assessor's Office -New Added to Contract FY 2011-2012</b>			
<b>Estimated Quantity</b>	<b>Description</b>	<b>Price Per Piece</b>	<b>Extended Price</b>
63,000	Printing for Reassessment Notices	\$0.1040	\$6,552.00
1	Set Up Fee for New Forms		\$150.00
63,000	Postage for Reassessment Notices	\$0.3350	\$21,105.00
		<b>Sub Total</b>	<b>\$27,807.00</b>
		<b>Sales Tax</b>	<b>\$415.80</b>
		<b>Total Assessors Office</b>	<b>\$28,222.80</b>
<b>Delinquent Tax Office - New Added to Contract FY 2011-2012</b>			
<b>Estimated Quantity</b>	<b>Description</b>	<b>Price Per Piece</b>	<b>Extended Price</b>
7,000	Printing Delinquent Notices (First Notice)	\$0.1100	\$770.00
1	Set Up Fee for New Forms		\$150.00
3,500	Printing Certified Delinquent Tax Notices (Second Notices)	\$0.8000	\$2,800.00
1	Set Up Fee for New Forms		\$150.00
7,000	Postage Delinquent Tax Notices (First Notice)	\$0.3650	\$2,555.00
3,500	Postage Certified Delinquent Tax Notices (Second Noitice)	\$10.0900	\$35,315.00
		<b>Sub Total</b>	<b>\$41,740.00</b>
		<b>Sales Tax</b>	<b>\$232.62</b>
		<b>Total Delinquent Tax</b>	<b>\$41,972.62</b>

<b>Grand Total for All Four Offices</b>	<b>\$179,434.88</b>
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Approved Budget (this covers amount for bid item)  
 013-909-42002 \$10,970.00  
 013-909-42002 \$51,150.00  
 013-909-42002 \$19,000.00

I hereby certify that to the best of my knowledge this  
 bid is an offer of best and lowest price.

Procurement Detail

Bidders		Columbia Business Forms		Datamata		Laser Print Plus		Manatron		NCP	
Address		Columbia, SC		Atlanta, GA		Columbia, SC		Portage, MI		Birmingham, AL	
Approx Qty	Description	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
75000	Real Estate Tax Bills	0.6074	45,180.00	0.4950	34,875.00	0.4340	32,580.00	0.5528	42,210.00	0.4300	32,250.00
85000	Personal Property Tax Bills	0.6350	26,325.00	0.4550	30,225.00	0.4970	28,705.00	0.5812	37,778.00	0.4550	28,575.00
88000	Receipts less than 500	0.5554	48,755.20	0.5180	45,584.00	0.3580	31,504.00	0.3902	30,537.80	0.5800	51,040.00
	Subtotal		134,260.20		110,684.00		93,789.00		140,549.80		112,865.00
	S. C. Sales Tax (8%)		8,058.81		6,641.94		5,625.54		6,432.98		6,771.90
	Grand Total		142,319.01		117,325.94		99,414.54		146,982.78		119,636.90

Bidders		Pinnacle Data		Triangle Systems		Accudata Mailing Solutions	
Address		Fondle, AL		Pittsburg, PA		Augusta, GA	
Approx Qty	Description	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
75000	Real Estate Tax Bills	0.4450	33,375.00	0.4600	34,500.00	0.4670	35,025.00
65000	Personal Property Tax Bills	0.4450	28,925.00	0.4650	30,225.00	0.4890	30,465.00
88000	Receipts less than 500	0.3600	31,680.00	0.3600	31,680.00	0.3650	32,120.00
	Subtotal		93,980.00		96,405.00		97,610.00
	S. C. Sales Tax (8%)		6,838.80		5,784.30		5,857.80
	Grand Total		100,818.80		102,189.30		103,467.80



# Oconee County Planning Department

415 S. Pine Street, Walhalla, SC 29691

Telephone: 864-638-4218  
Fax: 864-638-4168

Date: August 19, 2011

To: Chairman Thrift, Members of County Council, Mr. Moulder, and Ms. Hulise

From: Aaron Gadsby, Planning Department

Re: Planning Commission Yearly Report to County Council

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The Planning Commission is made up of seven members, one from each of the Council Districts and two at large positions. Current members serving on the Planning Commission are Mr. Ryan Honea (Chairman), Mr. Howard Moore (Vice-Chairman), Mrs. Andy Heller, Mrs. Gwen McPhail, Mr. Tommy Abbott, Mr. Bill Gilster, and Mr. David Lyle. The functions and duties of the Commission are to review and make recommendations to Council regarding the Comprehensive Plan, land development, zoning, and capital projects. The Commission also hears all administrative appeals, variance decisions, and special exceptions for the subdivision ordinance and road naming and addressing policy.

Between August 2010 and August 2011 the Commission has worked with the following issues:

- Flood Damage and Prevention Ordinance
- Updated the Road Naming and Addressing Policy
- Memorandum of Understanding with Duke Energy
- Planned Development and Traditional Rural Neighbors
- Capital Projects Review
- Major Development Standards
- Non-Residential Subdivision Standards
- Ongoing review of the Zoning Enabling Ordinance
- Recommended seven rezoning ordinances to Council

The Commission has also heard an appeal regarding the naming of a road, an addressing appeal, and a variance appeal to the subdivision ordinance.

Respectively Submitted

 <b>Boards &amp; Commissions</b>	Meeting Date to Appoint	Paul Corbell	Wayne McCall	Archie Barron	Joel Thrift	Reg Dexter	AT LARGE & OTHER APPOINTEES	
		District I	District II	District III	District IV	District V		
ACOS BOD	February 2012	Council Rep: CC CHAIR or designee [yearly]; 2 yr terms: Citizen Rep: Bob Winchester, Minority Rep: Bennie Cunningham						
Aeronautics Commission	March 2012	2012: Randy Renz	2012: Dan Suddeth	2012: Thomas Luke	2012: Wayne Rholetter	2014: Ronald Chiles	2014 At Large: Dan Schmidt	
Anderson-Ocoee Behavioral Health Services Commission	June 2011	2014: Steve Jenkins, Harold Alley, Wanda Long, Fred Hamilton, Joan Black, Jere DuBois; 2011: OPEN						
Building Codes Appeal Board	January 2014	2014: Roger Mize	2014: Neal Workman	2014: David Stokes	2014: Mike Willimon	2014: Harry Tillison		
Capital Project Advisory Cmte	May 2012	AT LARGE: John Rau, David Mead; PLANNING COMMISSION: Ryan Honea						
Economic Development Commission	November 2012	2012: Kim Alexander	2014: Harold Gibson	2012: Hank Field	2014: Sam Dickson	2014: Gene Blair		
Emergency Services Commission	February 2012	2015: Tom Stulz	2015: Doug Kelley	2015: Todd Williams	2012: Nick Williams	2012: Ronnie Williams		
Firemen's Insurance & Inspection Fund Board	August 2012	2009: Larry Harden, Dewitt Mize, Chris Smith, Richard Timms, Charles Bobby Williams						
Library Board	July 2013	2013: R. Daniel Day, John Adams, Frank Montague, Jody Gaulin, Vicki Miller, Carol Baumgarner, P. Ellis Hughes 2014: Lee Barrett, Biff Kennedy, Paul Johanson						
Parks, Recreation & Tourism Commission	June 2011	2013: Brian Greer, Jo Ann Blake, OPEN			2015: Mike Wallace, Dave Lavere, Erin McKergow & Rick Lacey			
Planning Commission	January 2012	2014: Andrea Haller	2012: Howard Moore	2014: William Gilster	2012: Tommy Abbott	2012: Ryan Honea	2014: Gwen McPhail 2012: John Lyle	
Zoning Board of Appeals	January 2012	2012: Gary Winters	2012: Sammy Lee	2012: Gary Littlefield	2015: Marty McKee	2015: Dick Hughes	At Large: 2012 Berry Nichols & Paul Reckert	
Infrastructure Advisory Commission	N/A	Council Rep - Econ. Dev. Director, Planning Director & Administrator - all members serve until replaced - no term limits specified						
Scenic Highway Committee	N/A	Council appoints two at large members - Allen D. Boggs & Nancy Basket / Members serve at will / no term length defined.						
Solid Waste Commission		County Attorney to repeal Ordinance - Commission abolished FY 07-08						
Water Board	N/A	Inactive Board w/o members - may appoint in future if needed						
Worklink Board	N/A	Worklink contacts Council w/ recommendations when seats open						
Assessment Appeals, Board of		N/A	N/A	N/A	N/A	N/A	Board Full	
Disabilities & Special Needs, Board of		N/A	N/A	N/A	N/A	N/A	Board Full	
Joint Regional Sewer Authority		Council will no longer appoint - Ocoee Joint Regional Sewer Authority [OJRSA]						
Keowee Fire Tax District Commission		All Members elected to 4-yr term in November General Election / 2 in 2008, 3 in 2010, etc;						

SEATS APPOINTED BY INDUSTRY NOT DISTRICT	PAST DUE APPOINTMENT
SEATS CO-TERMINUS W/ COUNCIL SEATS	OPEN SEAT for this current year.
Council appoints based on BOD recommendation	Council does not appoint this Board/Commission.



ALAN WILSON  
ATTORNEY GENERAL

July 1, 2011

Thomas Martin, Esquire  
Oconee County Attorney  
PO Box 11390  
Columbia, SC 29211

Dear Mr. Martin:

We received your letter requesting an opinion of this Office concerning dual office holding. You asked whether "a member of the Oconee County School Board, as a holder of an office of honor and profit, [can] also serve as a member of the Oconee County Parks, Recreation and Tourism Commission, as established by Oconee County Ordinance 2011-12." Our Office has addressed the question of whether school board members are considered officers for purposes of dual office holding. We have also examined the position of those serving on county parks, recreation and tourism commissions. This opinion will address those prior opinions to determine if a dual office holding violation exists in this instance.

#### Law/Analysis

Article XVII, Section 1A of the state Constitution provides that "no person may hold two offices of honor or profit at the same time ...," with exceptions specified for an officer in the militia, member of a lawfully and regularly organized fire department, constable, or a notary public. For this provision to be contravened, a person concurrently must hold two public offices which have duties involving an exercise of some portion of the sovereign power of the State. Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 (1907). "One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing, and not occasional or intermittent, is a public officer." Id., 58 S.E. 762, 763. Other relevant considerations are whether statutes, or other such authority, establish the position, prescribe its tenure, duties or salary, or require qualifications or an oath for the position. State v. Crenshaw, 274 S.C. 475, 266 S.E.2d 61 (1980).

This Office has advised on numerous occasions that one who serves on a county school board would be considered an officer for dual office holding purposes. Ops. S.C. Atty. Gen., September 3, 2010; December 12, 2007; June 16, 2006; January 29, 1997; July 31, 1992.

Mr. Martin  
Page 2  
July 1, 2011

Therefore, it is our opinion that serving as a member of the Oconee County School Board would constitute an office within the meaning of Article XVII, Section 1A of the South Carolina Constitution.

Attached to your request letter, you provided us with a copy of the Oconee County Ordinance creating the Oconee County Parks, Recreation and Tourism Commission ("the Commission"). This ordinance provides that the Commission shall consist of seven members, "selected and appointed by a majority vote of county council. . . . All members of the commission shall reside in the county . . . moving shall constitute a resignation by said member." Oconee County Ordinance No. 2011-12, Section 2-382. "No member may serve more than two full four-year terms consecutively." Oconee County Ordinance No. 2011-12, Section 2-383. The duties and responsibilities for the commission members are set forth as follows:

- (a) To **advise county council** on any matter affecting County Parks, Recreation and Tourism department . . .
- (b) To have the responsibilities and duties for tax advisory commissions . . . all acts of the commission recommending or involving the expenditure of funds and other matters shall be **subject to review and approval by county council**
- (c) To adopt guidelines for its duties and functions to fit the needs and time schedules of area . . . [including] requirements for application for funds generated by the accommodation tax.
- (d) To participate in the **recommendation** for formulation of the budget and budgetary appropriations affecting the areas of concern for this commission
- (e) To prepare and present plans and **recommendations** to the Director of Oconee County Parks, Recreation and Tourism in the area of its activity, with recommendations for the implementation of such plans.

Oconee County Ordinance No. 2011-12, Section 385 (emphasis added).

Additionally, "[e]ach member of the commission shall be paid the sum of one hundred dollars per year, plus actual expenses for out of County travel, at the County's approved travel and per diem rates as sole compensation and only as funds allow.

This Office acknowledges that some indicators of an office are present. For example, via an ordinance, the Oconee County Council proscribed a term and duties for the position as well as a method of compensation for members. However, we note there does not appear to be an oath requirement, nor do the duties proscribed indicate the Commission's ability to exercise sovereign power of the State.<sup>1</sup> Moreover, the provision explaining such duties indicates that the Commission is an advisory body. See, Oconee County Ordinance No. 2011-12, Section 385.

<sup>1</sup> Unlike the responsibilities given to the Commission pursuant to the Oconee County Ordinance 2011-12, section 385, our Office concluded that duties given to members of the Charleston County Parks and Recreation Commission involved the "exercise of the sovereign power of the State" and therefore "constituted an office for dual office

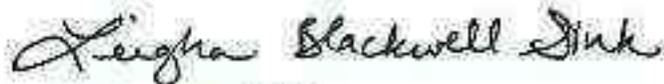
Mr. Martin  
Page 3  
July 1, 2011

Prior opinions of this Office concluded members of advisory bodies are not officers for dual office holding purposes because they are not deemed to exercise a portion of the sovereign power of the State. Ops. S.C. Atty. Gen., October 16, 2006 (Georgetown County Parks and Recreation Commission); June 1, 2006 (Education and Economic Development Act Regional Education Center Advisory Board); February 24, 2004 (Beaufort County Solid Waste and Recycling Board); January 15, 2003 (Town of Hilton Head Accommodations Tax Advisory Committee); February 27, 2001 (legal advisory board for the Department of Natural Resources); December 1, 2000 (drought response committee); December 14, 1987 (Children's Foster Care Review Board). Accordingly, we do not find membership on the Commission constitutes an office for purposes of dual office holding.

#### Conclusion

While one's service on the Oconee County School Board would be considered an office for dual office holding purposes, a position on the Oconee County Parks, Recreation and Tourism Commission would not be considered an office. Therefore, it is the opinion of this Office that an individual's simultaneous service in both positions would not violate the dual office prohibition contained in article XVII, section 1A of the South Carolina Constitution. See, Op. S.C. Atty. Gen., March 2, 1999.

Sincerely,



Leigha Blackwell Sink  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Deputy Attorney General

---

holding purposes." Members of the Charleston County Parks and Recreation Commission were empowered to "acquire land whereupon to establish county parks and operate such facilities; acquire and operate equipment; fix rates and charges for the use of its facilities; make contracts for construction and other services; issue revenue bonds and expend all funds received." Ops. S.C. Atty. Gen., January 27, 2004; January 29, 1997.

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: August 16, 2010  
COUNCIL MEETING TIME: 6:00 PM**

**ITEM TITLE [Brief Statement]:**

2011 Justice Assistance Grant Notification

**BACKGROUND DESCRIPTION:**

Oconee County Sheriff's Office received an allocation of \$25,210 from the US Department of Justice. The grant program requires that the grant application be made available for the County Council and the public to review and comment on the proposed use of the funds. The Sheriff's Office plans to use the funds from this program to purchase three in-car video systems and eight LED Blue Light Bars for vehicles.

**SPECIAL CONSIDERATIONS OR CONCERNS [only if applicable]:**

Comments should be directed to Captain Jenkins at 864-638-4117 or in writing to the Oconee County Sheriff's Office, 415 S. Pine Street Walhalla, SC 29691.

**FINANCIAL IMPACT [Brief Statement]:**

No match required for this grant.

**Approved by :    kb    Finance**

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: Not applicable.  
If yes, who is matching and how much:

**Approved by :    kb    Grants**

**ATTACHMENTS**

Application and public notice.

**STAFF RECOMMENDATION [Brief Statement]:**

No action needed.

**Submitted or Prepared By:**

**Kendra Brown**

\_\_\_\_\_  
Department Head/Elected Official

**Approved for Submittal to Council:**

\_\_\_\_\_  
T. Scott Moulder, County Administrator

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*A calendar with due dates marked may be obtained from the Clerk to Council.*

## **Public Notice**

The County of Oconee may receive \$25,210 from the Edward Byrne Memorial Justice Assistance Grant program, administered by the U.S. Bureau of Justice Assistance, Office of Justice Programs.

The purpose of this program is to assist local units of government in reducing crime and improving public safety through grants that increase resources available to law enforcement agencies. The Oconee County Sheriff's Office intends to use the funds, which do not require county match money, to purchase 3 in-car video systems and 8 LED Blue Light Bars.

If anyone wishes to make recommendations or comments about how these funds should be spent, please contact the Sheriff's Office in one of the following ways:

Call Captain Steve Jenkins at (864) 638-4117 or write to:

Captain Jenkins  
Oconee County Sheriff's Office  
415 S. Pine Street  
Walhalla, SC 29691

<b>APPLICATION FOR FEDERAL ASSISTANCE</b>	<b>2. DATE SUBMITTED</b> July 19, 2011	Applicant Identifier
<b>1. TYPE OF SUBMISSION</b> Application Non-Construction	<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier
<b>5. APPLICANT INFORMATION</b>		
<b>Legal Name</b> Oconee County	<b>Organizational Unit</b> Sheriff's Office	
<b>Address</b> 415 S. Pine Street Walhalla, South Carolina 29691-2145	<b>Name and telephone number of the person to be contacted on matters involving this application</b>  Brown, Kendra (864) 718-1070	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN)</b> 57-6000391	<b>7. TYPE OF APPLICANT</b> County	
<b>8. TYPE OF APPLICATION</b> New	<b>9. NAME OF FEDERAL AGENCY</b> Bureau of Justice Assistance	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE</b> NUMBER: 16.738 CFDA EDWARD BYRNE MEMORIAL JUSTICE TITLE: ASSISTANCE GRANT PROGRAM	<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT</b> Oconee County Law Enforcement Grant	
<b>12. AREAS AFFECTED BY PROJECT</b> Oconee County, South Carolina		
<b>13. PROPOSED PROJECT</b> Start Date: October 01, 2011 End Date: September 30, 2012	<b>14. CONGRESSIONAL DISTRICTS OF</b> a. Applicant b. Project SC03	
<b>15. ESTIMATED FUNDING</b>	<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
Federal	\$25,210	This preapplication/application was made available to the state
Applicant	\$0	
State	\$0	
Local	\$0	

Other	\$0	executive order 12372 process for review on 07/19/2011
Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
TOTAL	\$25,210	N
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

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BJA FY 11 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation 2011-45984-SC-DJ



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This form allows you to upload the Budget Detail Worksheet, Program Narrative and other Program attachments. Click the Attach button to continue.

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<a href="#">budget worksheet and budget narrative.xls</a>
<a href="#">Program narrative Edward Byrne.docm</a>
<a href="#">Abstract.docm</a>

Your files have been successfully attached, but the application has not been submitted to OJP. Please continue with your application.

## Budget Detail Worksheet

### Equipment

Item	Computation	Cost
Digital In-Car Video System	3 video systems @ \$4,250.00	\$ 12,750.00
	<b>SUB-TOTAL</b>	<b>\$ 12,750.00</b>

### Supplies

Item	Computation	Cost
LED Blue Light Bar	8 light bars @ \$1,557.50	\$ 12,460.00
	<b>SUB-TOTAL</b>	<b>\$ 12,460.00</b>

### BUDGET SUMMARY

Budget Category	Amount
Equipment	\$ 12,750.00
Supplies	\$ 12,460.00
	<b>TOTAL PROJECT COSTS</b>
	<b>\$ 25,210.00</b>
Federal Request	\$ 25,210.00
Non-Federal Amount	\$ -

## Budget Narrative

### Equipment Budget Narrative

DIGITAL IN-CAR VIDEO SYSTEM - In-car video systems are important for proper documentation. These systems are designed to have higher resolution, optimized data transmission and bandwidth conservation. In addition, these systems have ease of use and reliability.

### Supply Budget Narrative

LED BLUE LIGHT BAR - Lights maximize warning signals at 360-degrees and 90-degree off-axis.

## Oconee County, South Carolina

### Edward Byrne Memorial Justice Assistance Grant (JAG) Local Solicitation

#### Program Narrative

The agency receiving funding for the eligible unit of local government (Oconee County) will be the Oconee County Sheriff's Office. The County of Oconee has a population of approximately 70,390 persons (US Census estimate) and covers 625 square miles. It is located in the extreme northwest corner of South Carolina, bordering North Carolina and Georgia. Oconee County lies roughly equidistant between the major metropolitan areas of Atlanta, GA and Charlotte, NC. Interstate 85, a high volume traffic corridor between these two cities, traverses the southern end of the County. Oconee County has a large influx of visitors, especially during the summer months due to the attraction of lakes, rivers, parks, and national forests.

The Oconee County Sheriff's Office is the primary (and largest) law enforcement agency in Oconee County. There are eight five (85) sworn officers who protect unincorporated areas of the County and also provide assistance to municipal police agencies when requested. Deputies investigate a wide range of personal and property crimes, including murders, assaults, sexual batteries, robberies, burglaries, thefts and financial crimes. The enforcement of drug offenses is a top priority due to their cause and effect relationship with other crimes. The sale, distribution, and manufacture of methamphetamines has become a significant problem. Our officers are very active in drug interdiction on I-85, a major drug trafficking route between Atlanta, GA and Charlotte, NC. The presence of a major operational nuclear facility (Duke Power's Oconee Nuclear Station) in our County makes it a potential target for a terrorist act. The Sheriff's Office works very closely with the security team at the Station in training and emergency preparedness.

Considering the amount of money available and nature of our situation, the acquisition of equipment will be the most beneficial use of the funds. The Justice Assistance Grant will be used to procure equipment, technology, and material directly related to our basic law enforcement functions.

#### Project Objectives

- Protect the lives and property of all citizens and visitors to Oconee County.
- Enforce the laws of the State of South Carolina and ordinances of the County of Oconee in an honest, fair, and impartial manner.
- Attack the root causes of crime by working in partnership with individual citizens, neighborhoods, communities, and private organizations, schools and other public agencies to identify and solve problems which ultimately lead to crimes.

- Aggressively implement strategies to arrest persons who commit offenses that lead to more serious crimes and erode neighborhoods.
- Properly prepare criminal cases for successful prosecution.
- Actively help crime victims and witnesses in securing the protection and assistance they need.

### **Organization Capabilities and Competencies**

The Oconee County Sheriff's Department possesses a distinct set of organization capabilities and competencies.

- Focus on internal processes and systems to ensure Oconee County citizen needs are met
- Ensure employee skills and efforts are directed toward achieving departmental goals
- Create departmental-specific competencies that provide exceptional training and preparation of officers

These organizational capabilities and competencies ensure the Oconee County Sheriff's Department remains: 1.) responsive to changes in crime patterns and needs of the community; 2.) builds relationships in the community with citizens of all ages, and; 3.) provides a high quality level of service due to the design, development, and delivery of measures to protect and move the community forward in a positive and proactive manner.

Further, the capabilities and competency level of the Oconee County Sheriff's Department extends to proper fund management. The Oconee County Sheriff's Department will work with the Oconee County Finance Department to ensure full compliance with all measures of the Edward Byrne Memorial Justice Assistance Grant Formula Program. All proposed grant expenditures will be reviewed and approved by Finance staff prior to commitment of funds to ensure the grant policies are followed. All drawdowns will also be completed in a thorough careful manner. Further, Oconee County Finance Department will set the Edward Byrne Memorial Justice Assistance Grant up as a special revenue fund to ensure these funds are accounted for separately as they are restricted for specific purposes. This will ensure the funds are distinctly separate from all other general funds and all other grant funds.

### **Activities**

The Edward Byrne Memorial Justice Assistance Grant will be utilized to procure equipment, technology, and material directly related to our basic law enforcement functions. Our objectives (outlined above) for this project are to continue to preserve peace, prevent crime, apprehend criminals, protect life and property, recover stolen property, and enforce all State and County laws in a fair and impartial manner and to be consistent and humane to those in our custody and care. The equipment requested in the budget section of this grant will enable us to carry out and further these goals and objectives.

**Timeline/Project Plan**

The equipment and technology requested will be purchased over the first four quarters of the grant time frame. This will ensure that all personnel can be properly trained in the use of the equipment and that the equipment can be utilized by personnel as needed to continue meeting the objectives as outlined above.

**Performance Measures**

- Training on new equipment will be provided as needed
- All officers will document incidents/cases as appropriate and coordinate as needed with other agencies
- Expand coordination and cooperation among agencies

**Applicant Name:** Oconee County, South Carolina

**Project Title:** Edward Byrne Memorial

Justice Assistance Grant Formula Program: Local Solicitation – Oconee County Law Enforcement Grant

**Project Goals:**

- Protect the lives and property of all citizens and visitors to Oconee County.
- Enforce the laws of the State of South Carolina and ordinances of the County of Oconee in an honest, fair, and impartial manner.
- Attack the root causes of crime by working in partnership with individual citizens, neighborhoods, communities, and private organizations, schools and other public agencies to identify and solve problems which ultimately lead to crimes.
- Properly prepare criminal cases for successful prosecution.
- Actively help crime victims and witnesses in securing the protection and assistance they need.
- Aggressively pursue all available grant funding.
- Diligently strive to preserve jobs during these tough economic times.

**Strategies/Deliverables/Coordination Plans:**

The Edward Byrne Memorial Justice Assistance Grant will be utilized to procure equipment, technology, and material directly related to our basic law enforcement functions. This equipment will be used to help us continue to meet our law enforcement goals. Our goals (outlined above) for this project are to continue to preserve peace, prevent crime, apprehend criminals, protect life and property, recover stolen property, and enforce all State and County laws in a fair and impartial manner and to be consistent and humane to those in our custody and care. The equipment requested in the budget section of this grant will enable us to carry out these goals. Strategy for the project will remain current Oconee County Sheriff's Department protocol. All arrests/cases will be recorded, coordinated, and reported to outside cooperating agencies as required.