

9/9/08



**For Immediate Release
September 4, 2008**

Ken Sloan has been selected to fill the new position of Executive Director of the Oconee County Convention and Visitors Bureau (CVB). Sloan has been the owner of the Jocassee Outdoor Center since 2003 and the creator/owner of the Carolina Boat Club since 2005. In these roles, he has developed excellent experience attracting tourists to this area and he has developed many contacts with tourism professionals throughout South Carolina.

In addition to his tourism experience, Sloan has over 25 years of corporate technology experience. Fifteen of those years have been senior management experiences where he has provided innovative leadership in client management, project management, contract development, sales, and cost analysis. According to Alan Blackmon, Chairman of the Oconee Alliance, "These experiences should serve Mr. Sloan well as he leads this CVB start-up."

During the interviewing process, the search committee learned that Sloan has been very active in tourism initiatives. He has partnered with members of the staff of the South Carolina Parks, Recreation, and Tourism Department to reopen a pavilion at Devils Fork State Park. While expanding his businesses, he has developed strategic partnerships with local recreation and tourism businesses. Mr. Sloan served on the Greenville CVB Steering Committee that assisted with the development of their recently announced "Go Experience." He also served on the steering committee for the development of the website for Discover Upcountry. In addition, he has developed websites for his businesses. Finally, Mr. Sloan has established contacts with the leadership of the Heritage Corridor and has been serving as Chairman of the Oconee County Tourism Committee.

Mr. Sloan's ancestors moved into this area in the mid-1700s. Born in Houston, Texas, Sloan moved to Greer in 1985. Prior to that move, he had spent the summers on his grandparents' farm in Spartanburg County. It was during those summers that he developed a love for all the outdoor beauty and experiences that this area has to offer. He says that his passion for the area and tourism in general has grown over many years.

After the Oconee County Council voted to fund the CVB for three years, the search for a CVB Director went nationwide. Jim Gadd, Executive Director of the Oconee Alliance, said, "The search committee has always hoped that a local candidate with excellent credentials would emerge." Gadd further stated that the Selection Committee voted unanimously to offer the job to Sloan. Mr. Sloan accepted the Oconee Alliance offer and will report to work on September 8, 2008.

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Falling Waters Scenic Byway Action Plan

This project will be to compile and submit an application to the South Carolina Department of Transportation to seek State Scenic Byway designation for the Falling Waters Scenic Byway. A corridor management plan will also be written after the state Scenic Byway Committee concurs that the route has merit.

Objectives:

1. Protect and enhance the intrinsic qualities of the local area;
2. Promote awareness and a sense of stewardship for the resources along the byway;
3. Assist in the designation of the Southern Highroads Scenic Byway;
4. Assist in marketing the byway to a diverse public audience in to order stimulate local economies through sustainable ecotourism, and
5. Provide opportunities for alternative funding sources to assist with the management of the outstanding features along the byway.

Items needed for the State Byway Application:

1. Letters of support from local property owners, organizations, and municipalities
2. Written description of the byway and the potential benefits
3. List of outstanding features
4. GIS map of the byway
5. Photographs of the intrinsic qualities of the highway

The State Scenic Byway Application will be written and compiled by the US Forest Service with coordination and oversight from interested stake holders. A draft application is now available for review and will be submitted to the South Carolina State Scenic Highway Committee by the end of September.

The next step after the State Scenic Byway Committee concurs that the route has merit will be to organize a steering committee comprised of interested stake holders to set the direction and vision for the byway. The steering committee's first task will be to direct the writing of a corridor management plan (CMP). A CMP reflects the value the public places upon a particular resource, articulates a vision of the communities for a scenic byway, and represents a commitment to conserve and enhance its intrinsic qualities. A CMP is a working document; therefore, it will be continually reviewed and revised as new information arises. The corridor management plan will be written by the US Forest Service or a contractor with coordination and oversight from a steering committee comprised of interested stake holders. At present the Forest Service has a draft CMP but, after state designation we will have the ability to request funds to pay for a contractor to finalize the CMP as directed by the steering committee.

Letters of Support are being sought from the following organizations:

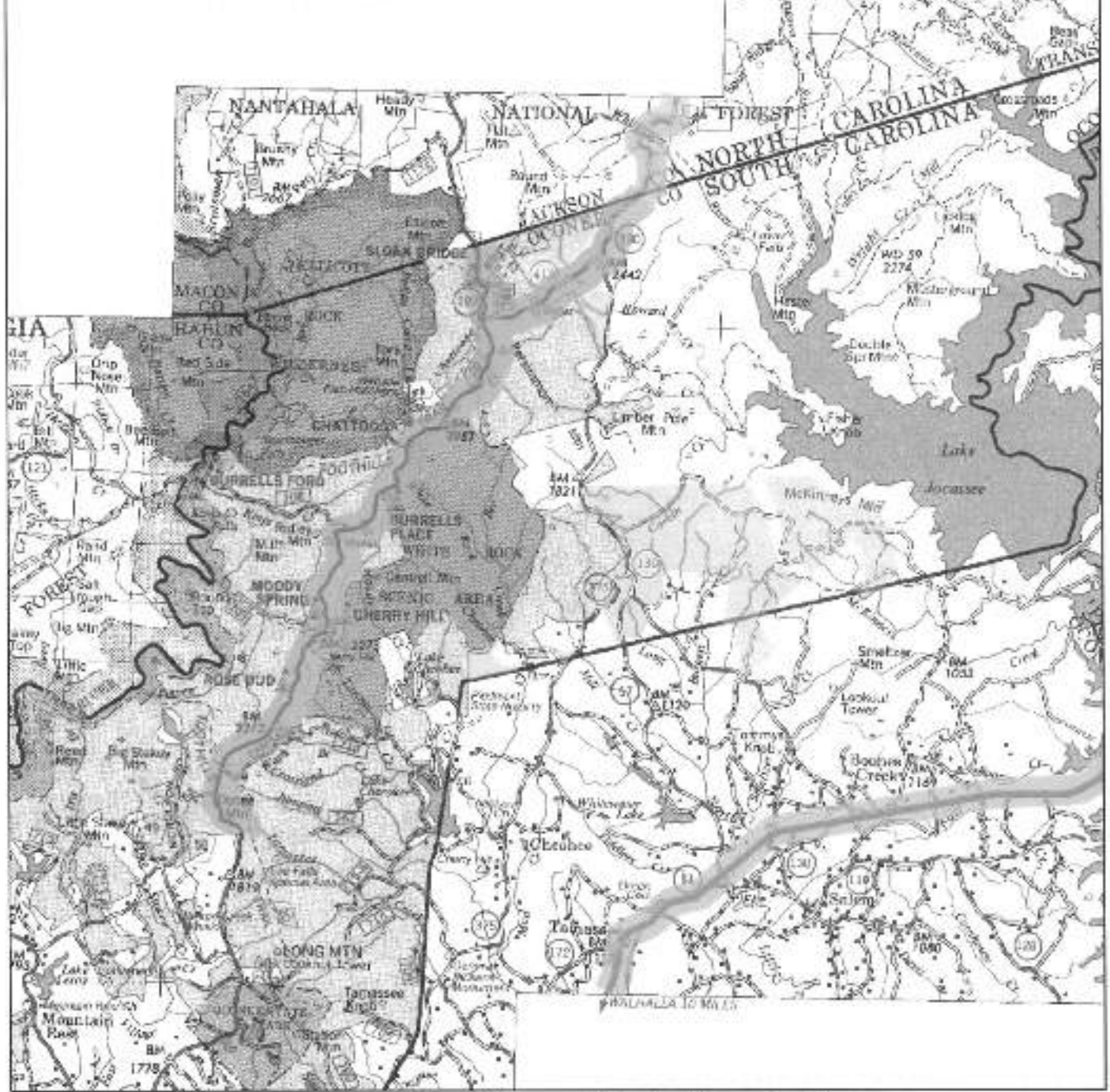
- Foothills Trail Conference
- Oconee County Council
- Southern Highroads

Walhalla Chamber of Commerce
Walhalla City Council
Duke Energy
Crescent Resources
South Carolina Native Plant Society – Upstate Chapter
Appalachian Regional Commission
Discover Upcountry Carolina Association

Decision Items

1. Is Oconee County willing to write a letter of support for this proposal?
2. Is Oconee County willing to be a co-applicant on the application that will be submitted to South Carolina DOT?
3. Is Oconee County willing to be on the scenic byway steering committee?
4. Are there other organizations that may be interested in supporting this project?

THURMOND BLDG. STAR ROUTE
 BIA, SC 29202 WALHALLA, SC 29691



Proposed Falling Waters State Scenic Byway

Legend

-  Existing Byways
-  Forest Service Land
-  Private Land
-  Proposed Falling Waters Scenic Byway



Proposed Falling Waters State Scenic byway



South Carolina

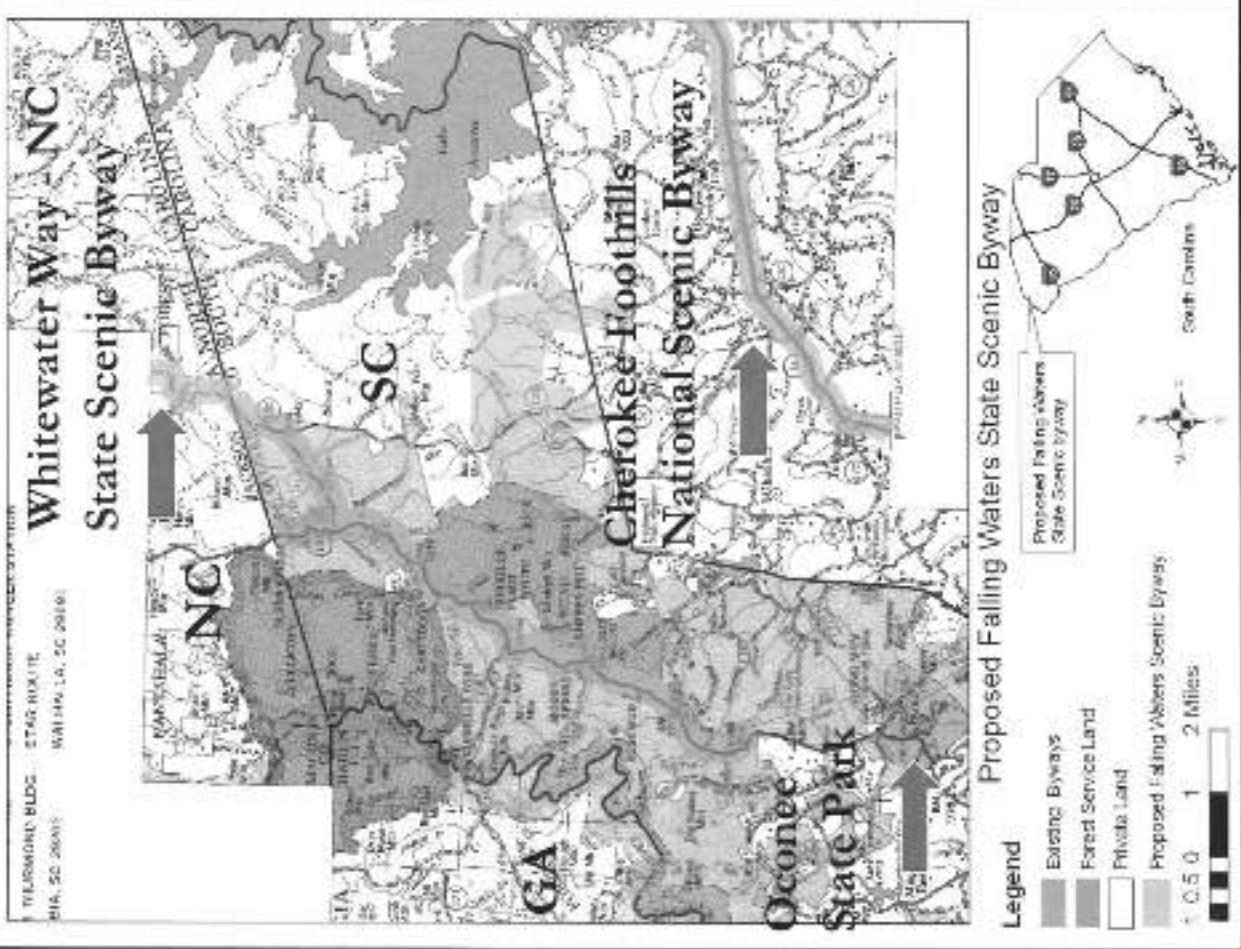


Proposed Falling Waters State Scenic Byway

Oconee County, South Carolina







▪ **Roads:** SC HWY 107, 413, & 130

▪ **Property owners:** US Forest Service, Duke Power, Crescent Resources, one private property owner



Proposed Falling Waters State Scenic Byway

History and Facts:

- Existing Oscar Wigginton Forest Service Scenic Byway on SC 107 & 413
- Seeking State Byway designation for the proposed Falling Waters State Scenic Byway on SC 107, 413, & 130
- SC HWY 413 and the overlook would retain the Oscar Wigginton name.
- Direct link to the Blue Ridge Parkway on scenic byways



Proposed Falling Waters State Scenic Byway

How will Oconee County Benefit?

- Diversify and stimulate local economy through sustainable ecotourism
- Work toward priorities listed in the Oconee County Resident Survey published in March 2008:

- ✓93.8% protect natural resources
- ✓91.2% protect parks and open space
- ✓90.5% conserve land
- ✓88.6% protect historic sites
- ✓68.6 % develop a waterfalls tour

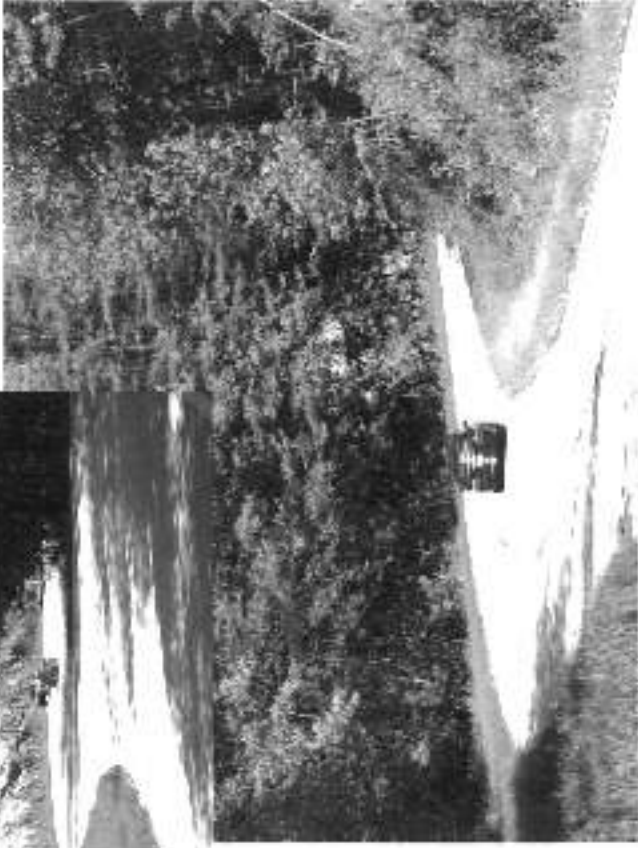


Proposed Falling Waters State Scenic Byway

Objectives

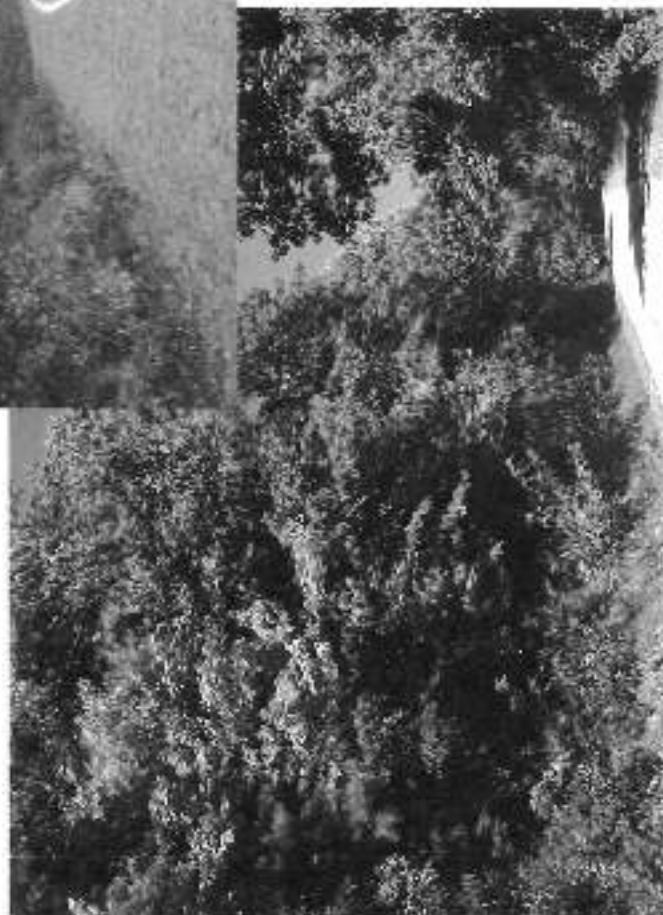
- Protect/Enhance byway qualities
- Promote stewardship
- Contribute to the completion of the Southern Highroads Scenic Byway
- Promote sustainable ecotourism
- Provide alternative funding sources to assist with byway management





Views along HWY 413 near the Wigginton Overlook





Typical views along HWY 107





HWY 413



HWY 107



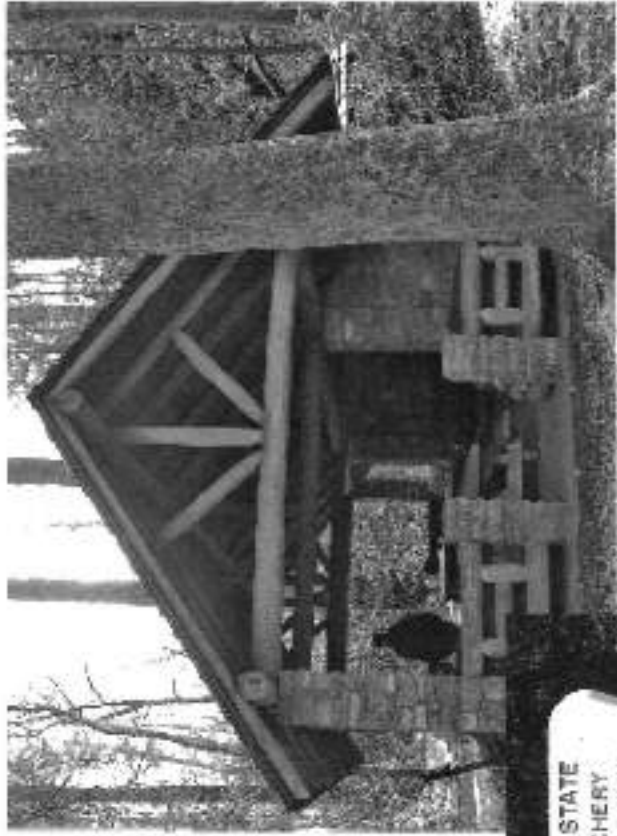
HWY 107

Fall color along HWY 107 and 413





Looking at the fish - Walhalla State Fish Hatchery



Picnic shelter built by the CCC



Fresh fallen snow on the trail through Chattooga Picnic area



Fishing on the East Fork of the Chattooga River

Chattooga Picnic and Walhalla State Fish Hatchery





Camping at Cherry Hill



Cherry Hill Recreation Area



Hiking in the Ellicott
Rock Wilderness Area



Wayside picnic area along the byway



Hiking along the Chattooga River near Burrell's Ford

Camping, hiking, and picnicing opportunities are plentiful along the byway





Entering the Ellicott Rock Wilderness Area



Camping in the Ellicott Rock Wilderness



Congressionally designated Chattooga Wild and Scenic River



Fishing in the Chattooga Wild and Scenic River

Recreation and solitude in the Ellicott Rock Wilderness





King Creek



Pigpen



Lick Log



Spoonauger



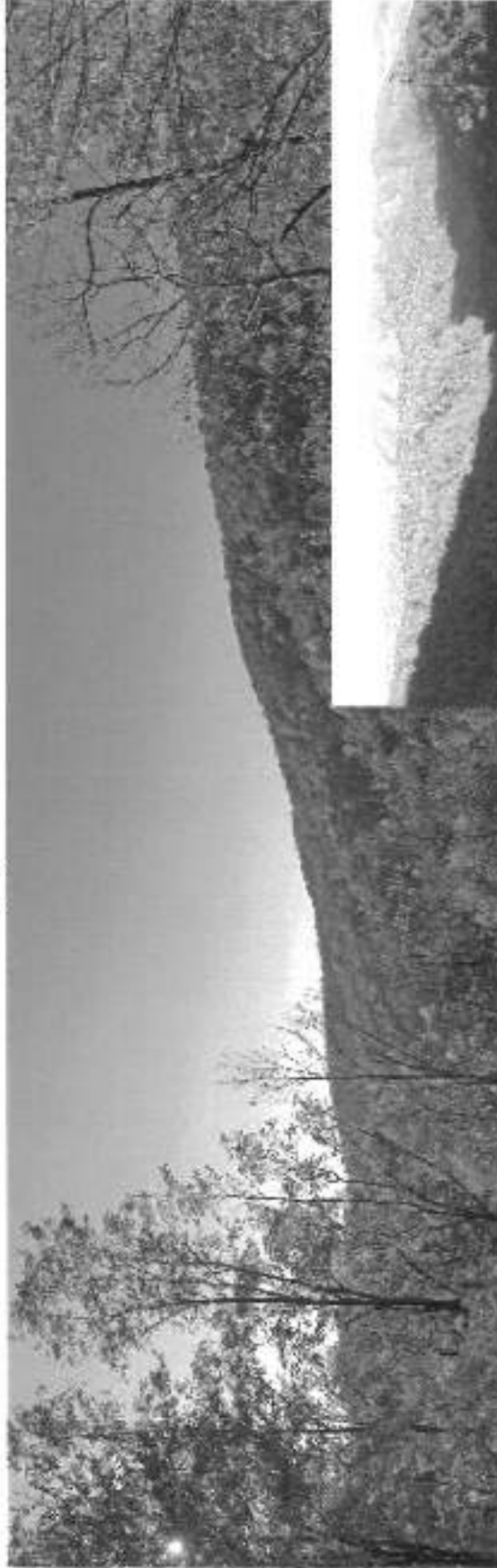
Big Bend

Waterfalls along the Byway





Wilmington Overlook on HWY 413 in winter



View of Georgia mountains from HWY 107



View of South Carolina mountains from HWY 130



Piedmont Overlook on HWY 107

Views along the byway





View of Lake Jocassee from the Wigginton overlook on HWY 413



Proposed Falling Waters State Scenic Byway

Process

- Submit Application to SC DOT
- Preliminary approval by State Scenic Highway Committee
- Form a steering committee with partners to oversee writing of the Corridor Management Plan (CMP)
- Final CMP approval by State Scenic Highway Committee
- Proposal is forwarded to the SC General Assembly for designation



Proposed Falling Waters State Scenic Byway

Current Support from:

- Foothills Trail Conference
- Palmetto Conservation Foundation
- Discover Upcountry Carolina - (co-applicant)
- Southern Highroads Association

Other groups we are working with:

- Walhalla Chamber of Commerce
- Duke Power
- Crescent Resources
- SC Native Plant Society – Upstate Chapter
- Private property owner
- City of Walhalla



Proposed Falling Waters State Scenic Byway

How can Oconee County help?

- Letter of support
- Consider being a co-applicant on the application that will be submitted to SC DOT
- Representative from Oconee County on the scenic byway steering committee (Planning Department; Parks and Recreation Department; Economic Development Department)



Questions?



**APPALACHIAN REGION
COMPREHENSIVE ECONOMIC
DEVELOPMENT STRATEGY**

2008 ANNUAL REPORT

OCONEE COUNTY ELEMENT

Full CEDS Committee

The Appalachian Council of Governments Board of Directors

Judy Gilstrap, Chair	Wallace Shaw, Vice- Chair
Ed Elliott	Senator William O'Dell
Michael Thompson	Larry Greer
Terence Roberts	Dennis Clarmunt
Gracie Floyd	Rep. Dennis Moss
James Batchler	Janie Wilson
Rev. JW Sanders	Rep. Glenn Hamilton
Butch Kirven	Joe Dill
Roy Reynolds	Diane Smock
Amy Ryberg Doyle	Rev. Grady Butler
Lottie Gibson	Rev. Grady Butler
Leola Robinson Simpson	Senator Thomas Alexander
Marion Lyles	Ernest Riley
Robert Gaillard	Bennie Cunningham
Rep. Rex Rice	G. Neil Smith
Tom Ponder	J. Connie Bowers
Tom Hendricks	Heyward McDonald
G. Ralph Davenport, Jr.	Dale Culbreth
O'Neal Mintz	Tom Foster
Robert Briggs	Kenneth Smith
Renee Cariveau	Lib Fleming
Elbert Tillerson, Sr.	Loretta Smith

**SC Appalachian Region
2008 CEDS Progress Report**

Oconee County Council - Submitted for Review and Endorsement

Marion Lyles, Chairman
Thomas Crumpton
George Blanchard
Mario Suarez
Frank Ables, Jr.

Oconee County Contacts

Warren Harris	Town of Salem
Robert Faires	City of Seneca
Nancy Goehle	City of Walhalla
David Smith	City of Westminster
Thomas Duncan	Town of West Union
Terry Pruitt	Pioneer Water
Robert Winchester	Oconee Joint Regional Sewer Authority
James Alexander	Oconee County Economic Development
Dale Surrent	Oconee County

Staff

Steve Pelissier, Executive Director
Chip Bentley, Planning Director
Jennifer Vissage, Regional Planner

What is CEDS?

The Comprehensive Economic Development Strategy hereafter referred to as "CEDS" is a compilation of the economic development efforts of communities in the Appalachian Region of South Carolina to assess and improve upon regional economic conditions.

The Economic Development Administration (EDA), a division of the US Department of Commerce states:

"A CEDS should promote economic development and opportunity, foster effective transportation access, enhance and protect the environmental, and balance resources through sound management of development. For the purpose of these guidelines, the term "region" refers to areas that have been defined economically, environmentally, or geographically as appropriate units for addressing economic development and related challenges.

The CEDS document should be short and easily accessible. The general public, governments decision makers, and business investors should be able to use it as a guide to understanding the regional economy and to taking action to improve it. The CES should take into account, and where appropriate, incorporate, other planning efforts in the community. Its quality should be judged by its usefulness as a guide to local decision making. There should be a continuing program of communication and outreach to encourage broad-based engagement and commitment of partners."

The CEDS document is mandated by the EDA to serve as a mechanism to guide economic development decisions for the Economic Development Districts (EDD) throughout the nation. The South Carolina Appalachian Council of Governments (SCACOG) is the designated EDD for the Appalachian Region that includes Oconee, Cherokee, Greenville, Oconee, Oconee, and Spartanburg Counties and the forty-two municipalities included in those counties.

It is the desire of the EDA, SCACOG, and the CEDS Strategy Committee to provide this document as the reference for economic conditions, development strategies, and projects throughout the six county region. The strategies and projects listed are used as a guide by EDA when making decision on funding for future projects. The CEDS however should not be considered a "stand-alone" document. The plan is a compilation of the many economic development efforts going on in the region and should be considered on tool of many to be used for economic development purposes.

Update Process

The SCACOG staff has monitored recommendations and the implementation of projects outlined in the CEDS plan since its initial adoption in August 2001 and the five year update in 2007. For the 2008 progress report, a project list has been compiled showing project timelines and costs based on previously submitted projects and new initiatives identified in a survey of local governments, special purpose districts, economic development agencies, and human services agencies. To ensure that the information contained in the plan is accurate and current, the individuals listed in this document were contacted and given the opportunity to provide feedback to be compiled and used to produce the CEDS plan. Each county is asked to endorse its respective strategy section by providing a letter of concurrence to the SCACOG, signed by the respective County Council Chair. These letters are included in the submittal of the annual progress report and update. Once all six counties have endorsed their sections of the CEDS update, it will be presented to the SCACOG Board of Directors, submitted to EDA and serve as the official CEDS plan for the Appalachian Region for the next year.

Development Strategies

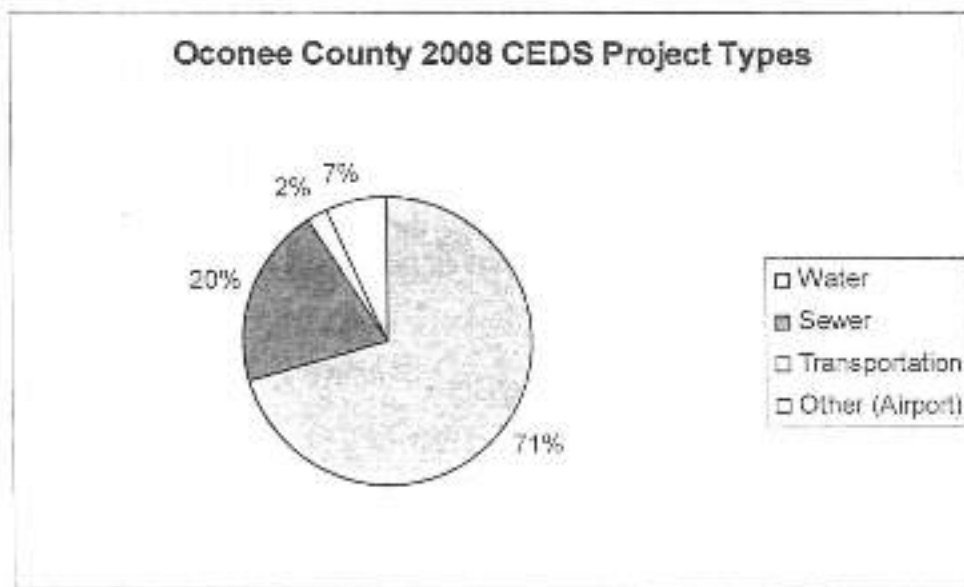
The six counties of the Appalachian Region of South Carolina have developed strategy sections for the CEDS plan that are detailed and comprehensive. Projects that have been completed since the plan was adopted have been identified, along with a list of projects scheduled to start in the next review year. Infrastructure continues to make up the majority of projects in the CEDS plan.

2008 Oconee County CEDS Projects

Oconee County, its municipalities, water and sewer districts, economic development agencies and other officials submitted forty-four (44) projects for the 2008 CEDS progress report. Of those, forty-three (43) were projects updated from last year and one was a new project. Forty-three (43) projects were included in the 2008 CEDS Progress Report.

Project Type	Number of Projects Included
Water	31 (72%)
Sewer	9 (21%)
Transportation	1 (2%)
Other (Airport)	3 (7%)

- Please note that some projects are listed as multiple project types.



Projects Completed in 2008:

- Three Projects
- Three Water Projects
- Totaling \$7,950,000

Projects Expected to be complete in 2009:

- Two Projects
- One Airport Project
- One Water Project
- Totaling \$7,600,000

Projects Expected to begin in 2009:

- Ten Projects
- One Transportation Project
- One Airport Project
- Six Sewer Projects
- Two Water Projects
- Totaling \$41,950,000

Project Status by Issue Area

Issue Area	Total	Completed in 2008/2009		Scheduled to Start in 2009		Not Started	
		#	%	#	%	#	%
Water	31	5	16%	2	6%	19	61%
Sewer	9	0	0%	6	66%	3	34%
Transportation	1	0	0%	1	50%	1	50%
Other (Airport)	3	1	33%	1	33%	1	34%

2008 Oconee County CEDS Updated Project List

(Updates & changes are in italic)

Projects to be Completed in 2008

County	Project Name	Project Description/Update	Timeline	Estimated Costs
City of Seneca	Storage Tank	Install 1 MG storage tank being located on the western end of the system near hospital <i>(in progress ;should be complete by December)</i>	2007-2012 <i>(2007-2008)</i>	\$2,200,000
City of Westminster	Pre Sediment Pong	New pond at water plant <i>(project complete)</i>	2007-2012 <i>(2007-2008)</i>	\$1,250,000
City of Westminster	Raw Water Intake	On Lake Hartwell <i>(project complete)</i>	2007-2012 <i>(2007-2008)</i>	\$4,500,000

Projects to be Completed in 2009

County	Project Name	Project Description/Update	Timeline	Estimated Costs
Oconee County Regional Airport	Runway Extension	Extend approach end of runway 600 ft to a new length of 5000 ft <i>(environmental in process; construction should be complete in 2009)</i>	2007-2009	\$4,100,000
City of Seneca	Water Plant Upgrade	Upgrade from 14 to 20 MGD <i>(under construction; should be complete by July 2009)</i>	2007-2012 <i>(2007-2009)</i>	\$3,500,000

Projects to Begin in 2009

County	Project Name	Project Description/Update	Timeline	Estimated Costs
Oconee County	Wells Highway Extension	Extend Wells hwy via Sheep Farm Rd to SC 28; improve & upgrade 3.5 miles of Sheep Farm Rd	2009-2010 <i>(2009-2012)</i>	\$7,200,000 <i>(\$9,500,000)</i>
Oconee County Regional Airport	New Hangars	Construct 20 new T-Hangars & 2 corporate hangars	2008-2009 <i>(2009-2011)</i>	\$1,400,000
Oconee County Regional Sewer Authority	Carson Road Relief	Inceptor pump station & force main to relieve the Hwy 123 & Hwy 76 area between Seneca & Clemson	2007-2012 <i>(2009-2013)</i>	\$800,000
Oconee County Regional Sewer Authority	Coneross Creek Wastewater Treatment Plant	Seepage receiving & processing facility to serve the rural citizen who are on septic tanks <i>(design is complete)</i>	2007-2012 <i>(2009-2012)</i>	\$800,000 <i>(\$850,000)</i>
Oconee County Regional Sewer Authority	Millbrook Pump Station Upgrade	Expansion & upgrade of the pump station due to commercial growth near Clemson	2007-2012 <i>(2009-2013)</i>	\$800,000
Oconee County Regional Sewer Authority	Ravenel Pump Station Upgrade	Upgrade & expansion of 3 Ravenel pump & force mains	2007-2012 <i>(2009-2013)</i>	\$2,000,000
Oconee County Regional Sewer Authority	Richland Pump Stations Upgrade	5 miles of gravity sewer to serve & eliminate 5 pumping stations	2007-2012 <i>(2009-2013)</i>	\$7,300,000
Oconee County Regional Sewer Authority	Southern Oconee Regional Sewer Project	Infrastructure for a sewer service to a 400 acre Industrial Park, SCDOT Welcome Center, & Commercial Property on I-85	2007-2012 <i>(2009-2015)</i>	\$15,000,000

County	Project Name	Project Description/Update	Timeline	Estimated Costs
Pioneer Rural Water District	Old Knox Bridge Rd Extensions	8900 LF of 12" water main	2009-2014	\$2,100,000
City of Seneca	Storage Tank	Install 1 MG storage tank being located on the northeast end of the system	2007-2012 (2009-2010)	\$2,200,000

Future Projects

County	Project Name	Project Description/Update	Timeline	Estimated Costs
Oconee County	I-85 Corridor Infrastructure	Provide water, sewer & other infrastructure needs for southern Oconee County & northern Anderson County	2007-2009 (2008-2012)	\$20,000,000 (\$25,000,000)
Oconee County Regional Airport	New Exit Taxiway	Add a new exit taxiway on the west end of runway	2009-2010 (2010-2011)	\$450,000
Oconee County Regional Sewer Authority	Martin Creek Sewer Project	Relief sewer with pump station, flow equalization system, speeds pump station upgrade & Perkins Creek gravity relief sewer (design is complete; waiting on DHEC approval)	2007-2012 (2008-2012)	\$8,600,000 (\$6,000,000)
Pioneer Rural Water District	Fair Play Area Supply	19000 ft of 8" transmission main along SC 243 east of Fair Play	2008-2012	\$1,600,000
Pioneer Rural Water District	Hwy 59 Supply Upgrade	32000 ft of 16" transmission line between Crossroads Tank & Fair Play & add third pump station	2008-2012	\$6,000,000

County	Project Name	Project Description/Update	Timeline	Estimated Costs
Pioneer Rural Water District	Seneca Delivery Upgrade	17000 ft of 16" & 12" transmission main between the Seneca meter & the Crossroads Tank	2008-2012	\$6,000,000
Pioneer Rural Water District	New Elevated Storage Tank	500,000 gallon tank of Hwy 59 near Commerce Park	2008-2012	\$1,600,000
Pioneer Rural Water District	Southeast System Improvements	24,500 ft of 8" transmission main along SC 243 east of Fair Play	2008-2012	\$4,000,000
Pioneer Rural Water District	Little Choestoean Rd Reinforcements	25300 LF of 8" water line	2008-2014	\$1,900,000
Pioneer Rural Water District	Retreat Rd Reinforcements	5900 LF 8" water	2007-2012	\$600,000
Pioneer Rural Water District	Rock Hill Rd Loop	11500 LF 6" water	2007-2012	\$80,000
Pioneer Rural Water District	Sitton Shoals Rd Loop	13700 LF 6" water	2007-2012	\$900,000
Pioneer Rural Water District	Snow Creek Road Loop	2400 LF 8" water	2007-2012	\$300,000
Pioneer Rural Water District	Spearman & Patterson Rd Reinforcements	10000 LF 8" water	2007-2012	\$700,000
Pioneer Rural Water District	Water System Upgrade	Extension of 16" main from Hwy 123 along Armstrong Rd & Hwy 24; 12" line along Hwy 11 from Armstrong to the boundary line	2007-2012	\$10,800,000
Town of Salem	Hwy 11 Corridor Connector/Hwy 130 Connector	New 8" connectors	2007-2012	\$750,215

County	Project Name	Project Description/Update	Timeline	Estimated Costs
Town of Salem	Hwy 11 Storage Facility & DAR Pump Station Upgrade	300,000 gallon ground storage facility, including an upgrade to the existing booster pump station	2007-2012	\$576,840
Town of Salem	North Basin Booster Pump Station	Will allow distribution of water from Salem to the north	2007-2012	\$3,168,000
Town of Salem	Transmission Main/Main Supply	12" ductile iron pipe installation from SC 130 to the storage tank	2007-2012	\$1,790,580
City of Seneca	New Water Plant	New water plant location on SC 130 near the Newry Dam on Lake Keowee with 5 MGD capacity	2007-2012	\$10,000,000
City of Seneca	Pump Station Upgrade	Upgrade and/or replace pump stations	2007-2012 (2008-2015)	\$500,000 (\$1,500,000)
City of Westminster	Bennett Road & Mountain Road North Loop	20" loop beginning at US 76 along Bennett Rd then to & along Mountain Rd to US 11 south to Drive Hill Rd	2007-2012	\$1,250,000
City of Westminster	Cobb Bridge Loop	8" beginning at US 76 then along Cobb Bridge Rd east ending on Rich Mountain line	2007-2012 (2008-2013)	\$290,000
City of Westminster	Coffee St Water Line & Booster Pump Station	10" water line along Coffee St beginning at US 76	2007-2012 (2008-2014)	\$530,000
City of Westminster	Elevated Tank	1 million gallon elevated tank at water plant	2007-2012 (2008-2014)	\$1,150,000
City of Westminster	Elevated Tank	500,000 gallon elevated tank at US 123 between US 76 & Tugaloo River	2007-2012 (2008-2015)	\$700,000
City of Westminster	Stephens County Interconnect	Along US 123 to existing 8" line at Madison Shores	2007-2012 (2008-2016)	\$540,000
City of Westminster	Walhalla Interconnect	Beginning at proposed Bennett Rd Loop, then along SC 183	2007-2012 (2008-2013)	\$1,000,000



South Carolina Association of Counties

L. Gregory Perrin, Jr., President
Richland County

Michael E. Cone
Executive Director

August 8, 2008

FOR IMMEDIATE RELEASE

**CONTACT: STUART MORGAN
PUBLIC INFORMATION DIRECTOR**

LEXINGTON COUNTY WINS SCAC'S 2008 J. MITCHELL GRAHAM MEMORIAL AWARD

Lexington County won the 2008 J. Mitchell Graham Memorial Award at the 41st Annual Conference of the South Carolina Association of Counties (SCAC) for its innovative jail overcrowding committee. The conference was held July 31 - Aug. 3.

"All counties are concerned about providing quality services at a reasonable cost," said Lead Judge Dennis Lambries when presented the J. Mitchell Graham Memorial Award on Saturday evening, Aug. 2. "With growth comes not only the need for additional capacity to provide these services, but also the need to provide these services at a cost that citizens can afford. Add to this the increased competition for funds needed to provide these services, and the problem becomes obvious—there is not enough money available without significantly increasing the tax burden. The solution also becomes obvious—use the talents of those whose day-to-day job is to provide the service. And that is exactly what Lexington County did."

Lexington County formed a committee of individuals and organizations that could make a difference and challenged them to find alternatives.

"Forming a committee is a common response to problems of this type," Lambries said. "However, by identifying individuals with the expertise, desire and commitment to solve this problem and by explaining the consequences if they did not find viable alternatives, Lexington County sustained the committee's focus and motivation to achieve its goals.

"As a result, the committee saved Lexington County approximately \$4 million, improved security, reduced the need for immediate new construction and improved employee morale," he added. "The committee continues to operate and focus on other issues related to jail overcrowding."

Each year during the J. Mitchell Graham Memorial Award Competition, county entries are grouped in the following categories: Counties with populations under 50,000; counties with populations between 50,000 and 125,000; and counties with populations greater than 125,000. Counties in all categories compete equally for the J. Mitchell Graham Memorial Award by making 10-minute presentations before a panel of judges during the competition. Counties also submit written entries that are reviewed by the panel of judges.

This year, the J. Mitchell Graham Memorial Award Competition was held on Thursday, July 31.

— Continued on Opposite Side (Page 2) —

**HONORABLE MENTIONS AWARDED TO ANDERSON COUNTY
(OVER 125,000 POP.), ORANGEBURG COUNTY (50,000 TO 125,000 POP.) AND
FAIRFIELD COUNTY (UNDER 50,000 POP.)**

Anderson, Orangeburg and Fairfield counties won Honorable Mentions.

In the largest category for counties with populations over 125,000, **Anderson County** won an Honorable Mention for its innovative Emergency Notification System (FAST BEAS).

"Having a plan in place to respond to man-made or natural events or potential disasters is one of the most important roles of government," Lambries said. "However, constant changes in communication technologies make accomplishing this more challenging. The use of reverse 9-1-1 systems and computerized signs along major highways has proven effective — to a point.

"But Anderson County has taken emergency communications with its citizens two steps ahead," he added. "The first step was creating a voluntary, automated notification system that provides an opportunity for citizens to request notification of emergencies on their cell phones. The second step was working with businesses throughout the county to allow privately-owned electronic billboards to be used as a supplement to highway information alert signs. These innovative uses of technology for public emergency alerts ensure that the public is kept informed."

In the category for counties with populations ranging from 50,000 to 125,000, **Orangeburg County** won an Honorable Mention for a community celebration at the Presidential Primary Debate.

"Few communities get the opportunity to host a nationally-televised event," Lambries said. "If they do, they often have little control over the activities. In this county's case, active participation was limited by the size of the venue to an audience of 800. Given security, national media and invited guests, community interest in the debate exceeded opportunities for participation.

"But Orangeburg County wanted to build on the excitement and interest generated by the national spotlight and use the event as a lesson in civic participation," he added. "By looking beyond the walls of a building, an additional 3,000 residents and students were able to actively participate in a once-in-a-lifetime national event. In addition to producing a sense of community pride, it allowed the county to showcase its commitment to community and economic development to a national audience."

In the category for counties with populations under 50,000, **Fairfield County** won an Honorable Mention for the Dutchman's Creek Pedestrian Bridge and Trail.

"Innovative, cost-effective and environmentally-friendly outcomes are often used to generate support for a project," Lambries said. "However, during implementation, the situation can change—making all three achievements difficult or even impossible. In this case, Fairfield County achieved all three objectives and its solution has been made available to other counties throughout the state.

"The county needed to provide safe access to recreational activities—without impacting the wildlife, water quality and other recreational activities that are also available in the area," he added. "The result was an innovative suspended walkway, attached to an existing bridge. Because this walkway does not enter the water, it has no impact upon either the river or boaters below. The walkway provides protection for pedestrians who use it for fishing or bird watching, and it respects the environment, connects communities and promotes recreation and tourism."

THE WESTERN PIEDMONT REGIONAL EMERGENCY MANAGEMENT TASK FORCE (ABBEVILLE, ANDERSON, GREENWOOD, OCONEE AND PICKENS COUNTIES) WINS BARRETT LAWRIEMORE MEMORIAL REGIONAL COOPERATION AWARD

The Western Piedmont Regional Emergency Management Task Force (Abbeville, Anderson, Greenwood, Oconee and Pickens counties) won the 2008 Barrett Lawrimore Memorial Regional Cooperation Award for implementing a Regional 800 MHz Radio System.

"Since the events of 9/11, the need for emergency responders to communicate with one another has become all the more obvious," Lambries said. "Throughout South Carolina, systems have been implemented to move toward the goal of interoperability. While there have been successful efforts, this group of counties was able to create a system (thanks to the S.C. Law Enforcement Division, which provided approximately \$2 million in Homeland Security grants as well as support) that allows all emergency responders in each of the five counties to communicate when and where necessary in responding to an emergency.

"By implementing a regional 800 MHz radio system," he added, "first responders throughout this region can coordinate rescue missions and other forms of response to various threats and emergencies. The project represents the complete interoperability framework of the task force and combines the power, resources and capabilities of multiple levels of government. By working together, members of the task force are able to address incidents, receive more training, gain greater access to equipment, and by working together, create a safer response environment."

ENTRIES RECOGNIZED FOR COMPETING IN THE J. MITCHELL GRAHAM MEMORIAL AWARD COMPETITION

Dennis Lambries, Assistant Director, Survey Research Lab, Institute for Public Service and Policy Research, University of South Carolina, was the lead judge for this year's entries. On Saturday morning, Aug. 2, during SCAC's Annual Conference, he presented plaques to representatives of each county that participated in this year's J. Mitchell Graham Memorial Competition.

Lambries briefly described all entries.

However, the following descriptions are provided only for those counties that did not win:

Aiken County—Saving Aiken County's Operations Recreation Association (ORA), a troubled recreational complex, required the assistance of many cooperating agencies and the determination to save an important property for continued public use. The county not only saved a significant natural resource, but also solved numerous problems and created many new and lasting relationships that will provide future benefits to county citizens.

Berkeley County—Berkeley County developed an innovative alternative to its tedious and lengthy budget process for elected officials. A new method of lump sum allocations, based upon historical spending, has eliminated budget disputes and allows elected officials to allocate funds within their particular areas of responsibility. The increased autonomy and fiscal responsibility afforded by the system has resulted in projected annual savings of over \$500,000.

Charleston County—The goal of the Charleston County Greenbelt Program, funded by a half-cent local option sales tax, is to conserve 40,000 acres for the protection of rural landscapes and the provision of urban parklands. The program, implemented in 2007, has already attained 24 percent of its goal by protecting 9,648 acres.

Colleton County—Colleton County's historic courthouse underwent much needed renovations. The county successfully retained the building's venerable exterior and classic Robert Mills architectural design, while con-

— Continued on Opposite Side (Page 4) —

structing a state-of-the-art, fully-functional courthouse. As a result, Colleton County's "architectural treasure" will continue to serve county residents for many generations to come.

Dorchester County—Leaders of fast-growing Dorchester County created a public-private partnership to manage growth. They successfully leveraged \$950,000 in private funds and land to provide EMS, fire, and sheriff protection to over 24,000 county residents.

Jasper County—Jasper County restored a cherished county landmark, the Jasper County Farmer's Market, and brought about a little "rattlin' change" to the community. This "green" project has helped the county reclaim its roots, sustain local agriculture, and provide new grower-to-consumer opportunities for area farmers and entrepreneurs.

Oconee County—Despite icy winter weather conditions on the day of the Republican presidential primary, Oconee County had a successful day at the polls. With advanced preparation and the activation of the Emergency Operations Center to coordinate multiple public and private emergency response groups, the county's Emergency Services Department was able to provide clear roads and safe polling precincts for voters.

Richland County—Richland County's 15-year journey to address the lack of a countywide fire service has improved its ability to save lives and property. As a result, the county now enjoys a countywide fire service ranked in the top 9 percent of the country. County citizens benefit not only from improved services, but also from reductions in insurance costs as a result of changes in the fire service rating.

**ENTRY RECOGNIZED FOR COMPETING IN THE
BARRETT LAWRIMORE MEMORIAL REGIONAL COOPERATION AWARD**

Again, the following description is provided only for the entry that did not win:

Three Rivers Solid Waste Authority—The Three Rivers Solid Waste Authority, a regional authority serving the counties of Aiken, Allendale, Bamberg, Barnwell, Calhoun, Edgefield, McCormick, Orangeburg and Saluda, developed a waste-to-energy project in Aiken County. Gas, composed of about 50 percent methane, is extracted from a Class III landfill, processed, and pumped to a local industry for its industrial boiler. The project included the installation of a landfill gas collection system, a compression and dehydration plant, a 15.8-mile pipeline, and industrial boiler modifications.

The J. Mitchell Graham Memorial Award, first presented in 1973, is named in honor of the late J. Mitchell Graham who served as a Charleston County council member for 18 years, including 10 years as chairman. He also served as 1969-70 SCAC President.

The Barrett Lawrimore Memorial Regional Cooperation Award is named in honor of the late Barrett Lawrimore, who was elected SCAC President in 2004 but died shortly afterward. First elected to Charleston County Council in 1992, Mr. Lawrimore was serving his third consecutive term on county council. He was elected Council Chairman in 1996 and reelected Council Chairman from 1997 to 2001 and in 2004.

The SCAC, chartered on June 22, 1967, is a nonprofit and nonpartisan organization whose membership includes all 46 counties in South Carolina. Governed by a 29-member board of directors selected each year by county officials at the association's annual conference, the SCAC is the only state organization representing county governments in the state.

The association provides a number of services, programs and activities to county governments and their officials, including: research and technical assistance; education and training; legal assistance; policy development, advocacy and legislative information; publications, including a magazine and newsletter; meetings and conferences; public information, including an annual directory and website; and financial services, including a self-funded workers' compensation pool and a property and liability pool.

2008 ACTS

THAT AFFECT COUNTIES

ACT NO. 173

R. 178, S. 94

EFFECTIVE DATE: FEBRUARY 4, 2008

This act amends §62-2-204, allowing a spouse to waive their rights to an elective share, homestead allowance and/or exempt property in probate estates either wholly or partially by written contract, agreement or waiver before or after marriage. The waiving party must sign the written document voluntarily after written disclosure by the other party of all financial and property obligations. Unless it provides to the contrary, a waiver of all rights in the property or estate is a waiver of all rights to elective share, homestead allowance, and exempt property. The Act applies to all waivers executed after February 4, 2008.

ACT NO. 176

R. 186, H. 3572

EFFECTIVE DATE: MAY 4, 2008

Act No. 176 adds Article 3 to Chapter 22 of Title 17 enacting the Traffic Education Program Act. Section 17-22-310 requires each solicitor to establish a traffic education program in their circuit for persons who commit traffic-related offenses that are punishable only by a fine and loss of four points or less. Although a traffic education program must be under the direct supervision and control of the solicitor, the solicitor may contract with a county or municipality to run the traffic education program. Section 17-22-320 states that a person may only be allowed in the program he has no points on his driving record and may not participate in a traffic education program more than once. Fees for the program are set forth in § 17-22-350 and require the payment of an application fee of \$140 and an additional \$140 fee to participate in the program. (\$280 total) The \$140 participation fee is to be retained by the agency administering the program. The application fee is to be transmitted to the county treasurer who shall remit 9.17% of the money for victim services. The remainder is remitted to the state treasurer for criminal justice agencies which traditionally receive an assessment from criminal fines and fees. Section 17-22-360 requires each governmental agency that administers a traffic education program to submit an annual report to the Prosecution Coordination

Commission providing the total number of participants by original traffic-related offenses, the total number of participants that successfully completed the traffic education program, the total amount of fees collected, and the total revenue remitted to the municipalities, counties, and the State Treasurer for the state's fiscal year. Section 17-22-370 requires each governmental agency that administers a traffic education program to submit to the Prosecution Coordination Commission necessary identifying information on each participant for the creation and maintenance of a list of participants in traffic education programs so that the commission can comply with the requirement that a person may not enroll in a traffic education program more than once.

ACT NO. 177

R. 184, H. 3131

EFFECTIVE DATE: FEBRUARY 7, 2008

This act amends § 56-3-2150 by allowing the Department of Motor Vehicles to issue special license plates to former members of county council and county coroners. The biennial fee for the plates is the same as the fee provided in §56-3-2020. Only one plate may be issued to the covered individual and must be issued or revalidated biennially for the regular registration and licensing period. The issued plate may be transferred to another vehicle of the same weight class owned by the same person upon application to the DMV.

ACT NO. ____

R. 192, S. 993

EFFECTIVE DATE: FEBRUARY 20, 2008

This Act is the Allendale County School District Bond - Property Tax Relief Act. The Act authorizes the Allendale County School Board to pass a resolution to put a referendum to voters to approve a local sales tax, not to exceed one percent for not longer than twenty-five years. The act is applicable only in Allendale County.

ACT NO. ____

R. 201, H. 4630

EFFECTIVE DATE: FEBRUARY 27, 2008

This joint resolution creates a new gang prevention study committee to continue the work of the gang study committee created in 2007. The committee will dissolve on or by January 31, 2010 upon issuing a report to the Governor, President Pro Tempore of the Senate, and the Speaker of the House.

ACT NO. 190

R. 202, S. 453

EFFECTIVE DATE: DECEMBER 31, 2008

Act No. 190 enacts the Financial Identity Fraud and Identity Theft Protection Act. Section 37-20-160 is added to allow a consumer to request a consumer reporting agency to put a security freeze on his consumer file. The security freeze can only be lifted at the request of the consumer. The security freeze does not apply to a governmental entity acting pursuant to a court order, warrant, subpoena, or administrative subpoena nor a local official authorized to investigate or collect delinquent amounts owed to a public entity. Section 37-20-180 requires privacy protections in the use of a person's social security number, including measures governing disposal of personal identifying information, prohibiting the use of personal identifying information on certain public documents, and allowing citizens to request expungement of social security numbers on previously recorded documents such as a mortgage. This section does not preclude the use and release of a person's social security number to do a background check or collect a debt, including a debt collected pursuant to the Setoff Debt Collection Act. It also does not preclude the use of a social security number or other personal identifying information as part of the maintenance and reporting of employment records.

Section 30-2-310 provides a uniform procedure for public bodies to dispose of computer equipment containing personal information and requires an agency that stores personal identifying information on a computer or someone doing business in this State that has a database containing personal identifying information to notify potential affected residents in the event of a computer security breach.

Under Section 30-2-330(A), a person preparing or filing a document to be recorded in the official records by the register of deeds or the clerk of court may not include an individual's social security number, driver's license, state identification, passport, checking or savings account, credit or debit card number, personal identification code, or passwords in the document, unless required by law or court order. Section 30-2-330(B) allows a consumer to request, at no charge, that such personal identifying information be redacted from an image or copy of an official record of a public document, such as a mortgage, on the register of deeds or clerk of court's public website.

Section 16-13-512(A)(1) and (3) states that any business or entity that accepts credit cards or debit cards must not print more than five digits of the credit card or debit card number and the expiration date. This does not apply to credit card or debit card numbers taken solely by handwriting or by an imprint or copy of the credit or debit card. Machines in use before January 1, 2005 have to come into compliance with this provision by December 31, 2011, while credit card machines put into use after January 1, 2005 have until December 31, 2009 to come into compliance in accordance with Section 16-13-512(D)(1) and (2).

Under the provisions of Section 1-11-490, beginning on July 1, 2009, all state agencies and political subdivisions must notify all affected individuals as soon as reasonably possible of a security breach in their database containing the individuals' personal identifying information. Notice may be given in writing, by facsimile, or by telephone.

ACT NO. 184

R. 203, S. 652

EFFECTIVE DATE: MARCH 31, 2008

This act amends § 12-37-250 by allowing a person to file an application for the Homestead Property Tax exemption with the county auditor by mail or the internet in those instances where the auditor has access to official records documenting the appropriate eligibility standard. This act applies for homestead exemption applications filed after 2007.

ACT NO. 185

R. 204, S. 668

EFFECTIVE DATE: MARCH 31, 2008

This act amends §40-11-360, exempting from the South Carolina Contractor's Licensing Act an owner constructing a farm building or storage building less than 5,000 square feet which will be used only for the holding of livestock or for storage.

ACT NO. ____

R. 209, S. 1075

EFFECTIVE DATE: APRIL 2, 2008

This legislation requires the Department of Education for this fiscal year, after fully funding the base student cost for all school districts, to use any Education Finance Act (EFA) funds unexpended to supplement the school districts that are negatively affected by the lack of revision of the 2007 Final Index of Taxpaying Ability. After the EFA funds are exhausted the Department of Education is to use the EFA reserve funds to supplement these school districts. School districts positively affected by the lack of revision of the Index of Taxpaying Ability are required to use the excess funds for nonrecurring expenditures.

ACT NO. ____

R. 210, S. 1099

EFFECTIVE DATE: APRIL 2, 2008

This act creates the Criminal Domestic Violence Study Committee. The committee, comprised of 5 Senate and 5 House members, will review and make recommendations

for changes to the state's domestic violence laws. The committee must submit a report to the General Assembly by December 31, 2008.

ACT NO. 191

R. 213, H. 3059

EFFECTIVE DATE: APRIL 2, 2008

This act amends § 16-17-725, making it unlawful for a person to misrepresent his identity to a law enforcement officer during a traffic stop or for the purpose of avoiding arrest or criminal charges.

ACT NO. 195

R. 218, H. 3789

EFFECTIVE DATE: MAY 1, 2008

Act No. 195 adds §§ 1-11-703, 1-11-705 and 1-11-707 to establish trust funds so that post employment benefits and the liabilities they create may be determined similar to the way pension fund liabilities are reported. This is to ensure compliance with the accounting standards of the Governmental Accounting Standards Board. The act specifically rejects the proposition that the provisions of the act give rise to any contract or other right of employees and retirees as to post employment benefits.

ACT NO. 189

R. 220, H. 4560

EFFECTIVE DATE: MARCH 31, 2008

This legislation adds § 56-1-2025 to allow the Governor to authorize the Department of Motor Vehicles to waive temporarily any requirements to operate a motor vehicle in this State. This temporary waiver must be for the sole purpose of facilitating the response of motor carriers providing humanitarian relief during a time of emergency officially declared by the President of the United States, the Governor of this State, or the chief executive of another state or jurisdiction.

ACT NO. ____

R. 224, H. 4830

EFFECTIVE DATE: JANUARY 1, 2009

This Joint Resolution provides that for applications filed in 2009 and 2010 the registration fee for the standard license plate issued to an automobile manufacturer for vehicles used in a benefit program for the manufacturer's employees or for testing, distribution, evaluation, and promotion, is \$726. Twenty dollars of the fee is credited to the general fund of the State and \$706 is to be remitted to the local government. This

legislation supplants § 56-3-2332 for years 2009 and 2010. That section provides that the registration fee for these plates is \$880, of which the state is to retain \$20.50 and the local government is to receive \$859.50.

ACT NO. 199

R. 225, S. 9

EFFECTIVE DATE: APRIL 16, 2008

Act No. 199 amends S. C. Code § 15-78-30(c) of the Tort Claims Act to include a court appointed representative of the State or its political subdivisions to the definition of an employee.

A second provision in the act amends S.C. Code § 20-7-110 to provide that when an attorney is appointed to be a guardian ad litem in a child abuse and neglect case, the court may not appoint legal counsel to represent the attorney guardian ad litem except in extraordinary circumstances.

ACT NO. 197

R. 227, S. 741

EFFECTIVE DATE: APRIL 15, 2008

This act amends §27-18-110 by reducing the dormancy period for unclaimed stock, bonds and other securities and interest to three years. After three years the holders of any unclaimed funds must transfer the funds to the State Treasurer's Office Unclaimed Property Office where they are held in trust until claimed by the proper owner of such funds.

ACT NO. 201

R. 234, H. 3496

EFFECTIVE DATE: FEBRUARY 10, 2009

Act 201 of 2008 is a comprehensive reform of DUI crimes and penalties. The Act authorizes increased penalties for a first and subsequent offenses and further authorizes increased penalties within an offense level based upon the level of blood alcohol concentration.

Section 56-5-2930 is amended to state that for a first offense DUI conviction the monetary fine is 400 dollars, or imprisonment for not less than 48 hours nor more than 30 days. In lieu of the 48 hour minimum sentence a court may impose 48 hours of community service. If the blood alcohol concentration (BAC) is .10 but less than .16, the fine increases to 500 dollars and imprisonment of 72 hours minimum to 30 days maximum. The minimum imprisonment may be served as 72 hours of community service. If the person's BAC is .16 or higher the fine increases to 1,000 dollars or

imprisonment of not less than 30 days nor more than 90 days. The court may impose community service of 30 days in lieu of the minimum sentence. First offense cases may be tried in magistrate's court and imprisonment or community service must be served at a time that when the convicted person is not working and does not interfere with his regular employment. A person sentenced to community service may petition the court to be allowed to perform his public service in his county of residence if he has been sentenced in a county where he does not reside.

For second offense DUI the section is amended to impose a monetary fine of not less than 2,000 dollars nor more than 5,000 may be imposed and imprisonment may be imposed for not less than 5 days nor more than 1 year. If the person's BAC is at least .10 but less than .16 that person must be punished with a fine of not less than 2,500 dollars nor more than 5,000 dollars and imprisonment for not less than 30 days nor more than 2 years. If the person's BAC is .16 or greater, that person must be punished by a fine of not less than 3,500 dollars nor more than 6,500 dollars and imprisonment of not less than 90 days nor more than 3 years. A fine imposed on any second offense conviction may not be suspended in an amount less than 1,100 dollars. There are no timing restrictions on the service of the sentence.

For third offense DUI the section is amended to impose a monetary fine of not less than 3,800 dollars nor more than 6,300 dollars and imprisonment for not less than 60 days nor more than 3 years may be imposed. If the person's BAC is .10 but less than .16, that person must be fined not less than 5,000 dollars nor more than 7,500 dollars and imprisoned for not less than 90 days nor more than 4 years. If the person's BAC is .16 or greater then the punishment must be a fine not less than 7,500 dollars nor more than 10,000 dollars and imprisonment for not less than 6 months nor more than 5 years.

The act amends §56-5-2953 regarding videotaping of the incident site and breath test site. The act requires that the required videotaping at the incident site must not begin later than the activation of the officer's blue lights, it must include any field sobriety tests administered, and include the arrest of the person and show the person being advised of his Miranda rights. The act prohibits an law enforcement officer charging a person with disobeying a police command for refusing to take a field sobriety test. The videotaping at the breath testing site must include the entire breath testing procedure with the person being advised that he is being recorded; must include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; and also include the arrested person's conduct during the required 20 minute pre-test waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period. The video recording of the incident site and breath test site are admissible in a criminal, administrative, or civil proceeding by any party to the action.

ACT No. 205

R. 236, S. 14

EFFECTIVE DATE: MAY 14, 2008

This act amends § 17-13-770 to allow minor children to accompany a parent in the voting booth.

ACT No. 206

R. 237, S. 71

EFFECTIVE DATE: MAY 14, 2009

This act amends §44-76-40(5) and provides an entity or individual immunity from civil liability related to the use of an automated external defibrillator if the entity or person using the device provided training in accordance with the guidelines of a national training organization by a person authorized to deliver the training course or curriculum and the training delivery was not grossly negligent. The act further amends §44-32-50 to require body piercing technicians must be at least 18 years old and possess a current Red Cross First Aid certification and Health Institute certification, or certification from a program that meets or exceeds the certification standards of the Red Cross or American Safety and Health Institute.

ACT No. 220

R. 239, S. 1039

EFFECTIVE DATE: FEBRUARY 10, 2009

This act amends §23-31-510, by prohibiting local government ordinances that restrict a landowner from discharging a firearm on his property to protect people or property, if the property is 25 acres or more in size. The Act contains an exception in §23-31-510(2), that allows existing ordinances that contain the 25 acre exception to remain valid or otherwise enforceable.

ACT No. ____

R. 245, H. 3279

EFFECTIVE DATE: MAY 14, 2008

This act creates a study committee to examine mass transit and human services transportation programs throughout the State, study the need to create a agency or commission to coordinate transportation issues, and to make recommendations to promote increased use of mass transit programs. The committee must submit a report to the Governor and each chamber of the General Assembly by March 13, 2010.

ACT NO. 210

R. 248, H. 3451

EFFECTIVE DATE: MAY 13, 2008

This act amends Chapter 6 of Title 30 of the SC Code related to filing and recording of documents by a County Register of Deeds and like offices. The act creates an Electronic Recording Committee composed of 7 members that will develop standards to allow filing and recording of real property documents and filing fees by electronic means. The act amends §30-6-30(a) and authorizes the recording of documents otherwise required to an original, be on paper, or other tangible medium to be recorded electronically. The act amends §30-6-30(b) and authorizes a document to be recorded with an electronic signature if a law would otherwise require as a condition of recording, that a document be signed. The act amends §30-6-30(c) and creates a system to allow for electronic signatures for notary acts and removes requirements for notary seals.

The act amends §30-6-40 by authorizing County Registers to receive, index, store, archive, transmit and to provide access to and for research and retrieval of documents and other related information by electronic means. A County Register may convert paper documents accepted into electronic means, and to convert into electronic form any documents and information recorded before the Register began to record electronic documents. Finally, the act amends §30-6-40(b)(7) by authorizing County Registers to accept electronically, fees authorized by law.

ACT NO. ____

R. 263, H. 4844

EFFECTIVE DATE: MAY 22, 2008

This Act amends Act No. 137 of 2007, the Dillon County Board of Education to enter into agreements totaling \$60 million to acquire, construct, renovate, repair, furnish, and equip school buildings and other facilities. A sales tax of up to 2%, subject to referendum approval, was allowed to be imposed to pay for the acquisitions. This legislation states that an agreement to acquire a school building cannot be entered into unless the Dillon County Board of Education projects that the revenues from the sales tax and the proceeds of any general obligation bonds and all other sources of revenue that are available to the Dillon County Board of Education are sufficient to pay the amounts owed under the agreement and all other agreements entered into pursuant to Act No. 137 of 2007.

ACT NO. 231

R. 271, S. 64

EFFECTIVE DATE: SEE BELOW

This legislation amends § 6-5-15 to rename a financial institution which may accept a deposit of funds by a local entity or the state a "qualified public depository."

Additionally, the act authorizes a qualified public depository, when handling local or state deposits which exceed the amount of insurance coverage provided by the FDIC, to secure these funds using the dedicated method or the pooling method. The local entity or the State Treasurer may require the use of the dedicated method. Section 1, which amends § 6-5-15 is effective January 1, 2009. The remainder of the act became effective May 22, 2008.

ACT NO. 232

R. 272, S. 880

EFFECTIVE DATE: MAY 21, 2008

Act No. 232 adds Article 14 to Chapter 1 of Title 56 to enact the South Carolina Commercial Drivers License Drug Testing Act. The Act requires employers to report to the DMV any employee with a CDL who either refuses to take a drug test or fails a drug test administered pursuant to the federal regulations. The legislation also amends § 56-1-2110 to state that a person with a positive drug or alcohol test is disqualified from driving a commercial motor vehicle until the person successfully completes an alcohol or drug program.

ACT NO. 234

R. 275, H. 3853

EFFECTIVE DATE: MAY 22, 2008

This act adds Chapter 35 to Title 56 providing that a commercial diesel vehicle can idle for no more than ten minutes in a sixty minute time period, and that a passenger bus can idle for no more than fifteen minutes in a sixty minute time period. Failure to comply is a nonmoving traffic violation. All contested citations for idling are held in magistrates court. If the citation is upheld, all of the normal assessments and surcharges are applicable.

ACT NO. 241

R. 282, S. 638

EFFECTIVE DATE: MAY 27, 2008

This act adds § 6-1-160 to enact the South Carolina Public Invocation Act. The legislation allows a public body by ordinance, resolution, or policy statement, to adopt a policy of permitting a public invocation before each meeting of the public body. The Attorney General is required to defend any deliberative public body against a facial challenge to the constitutionality of this act.

ACT NO. 243

R. 284, S. 1048

EFFECTIVE DATE: MAY 27, 2008

This act provides an exception to the Sunday alcohol sales prohibition contained in § 61-4-120 to allow the sale of wine on Sunday if the grapes are grown in this State, and are harvested, fermented, bottled, and sold at the same contiguous location, all applicable licensing and taxing requirements are met by the seller, and the local governing authority of the county passes an ordinance to allow the Sunday sale of wine under these conditions.

ACT NO. ____

R. 291, H. 4735

EFFECTIVE DATE: MAY 27, 2008

This act creates the South Carolina Educational Broadband Service Commission. The Commission shall establish a competitive process to obtain proposals from commercial entities for the leasing of the excess broadcast spectrum capacity of the Educational Broadband Services licenses held by SCETV. The Commission must consider the costs and benefits to the public of all methods of service, whether wireline, wireless or satellite technologies, available to deploy broadband services throughout the state. The Commission shall terminate six month after all agreements resulting from an approved proposal are finally executed, or no later than June 30, 2010.

ACT NO. 310

R. 293, H. 4800

EFFECTIVE DATE: JULY 1, 2008

The state general appropriations act generally contains a number of temporary and permanent statutory provisions which are referred to as "provisos." Part IA Provisos are actual monetary distributions. Temporary provisos are effective only for the fiscal year addressed in the budget act and appear in Part IB of the act, hence the label "Part I provisos" or "temporary provisos." Many Part I provisos are adopted every year as part of the budget process with little or no changes, others are truly temporary in nature and only appear for one of two years. Permanent statutory changes contained in the budget are incorporated into the Code of Laws and appear in Part II of the budget act. The General Assembly has not placed any Part II provisos in the budget since 2000. The effective date of all Part IB provisos are for the fiscal year in which the act has been passed, in this case, Fiscal Year 2008-2009.

Part IA:

The Local Government Fund was fully funded in accordance with § 6-27-30.

State employees were given a 1% pay increase. (See Proviso 80A.47)

The following are some of the IB provisos of interest to governmental entities in this year's appropriations act (Provisos which have an * are new or amended provisos):

Proviso 1.45: This proviso suspends for FY 2008-09 the requirements of § 59-21-1030, the local maintenance of effort requirement in the Education Improvement Act.*

Proviso 26.25: This proviso directs the Department of Social Services to provide a detailed report to the General Assembly on the status of the Child Support Enforcement System.

Proviso 37.18: This proviso directs the Department of Natural Resources (DNR) to use their appropriated funds for expenses associated with continuing discussions on creating an interstate compact between SC and Georgia concerning the Savannah River basin and to develop legislation for that purpose. The Department is to concurrently ensure that the State's positions in the Federal Energy Regulatory Commission relicensing procedures on the Yadkin/Pee Dee and Catawba Rivers are consistent with the State's positions on the Savannah River. DNR is to prepare a report on the expenditure of the funds by December 31, 2008.

Proviso 40.29: This proviso sets aside \$1.5 million of the Coordinating Council for Economic Development Funds for the "County Industrial Utility Infrastructure Grant Program." A county is eligible for a grant only if the county unemployment rate is 10.0% or higher for the most recent month as published by the SC Employment Security Commission. **This proviso was vetoed and the veto was sustained. ***

Proviso 40.34: This proviso states that the funds appropriated to the Division of Aeronautics for FAA grant matching may be used to match state and local aviation airport projects whether or not they have received FAA funding.

Proviso 40.36: This proviso states that application fees received by the Department of Commerce must be deposited within 5 business days from the Coordinating Council application approval date. Current policy requires checks to be deposited within 5 days of receipt.*

Proviso 51.32: This proviso is intended to provide funding to expand the capabilities of the Department of Corrections (DOC) to more expeditiously accept and process newly-sentenced inmates who are awaiting transfer from local jails. \$1.9 million was placed in the budget to expand the R&E centers at the Kirkland and MacDougall Housing Units. This proviso provides a permanent solution to DOC not accepting its prisoners from local jails in a timely manner and it recognizes that DOC must comply with its statutory obligations.

Proviso 65.10: This proviso directs the Department of Labor, Licensing and Regulation to utilize \$100,000 to contract with Clemson University's Department of Civil Engineering and The Citadel, in conjunction with the Home Builders Association, to establish a research project to determine the validity of wind and seismic residential building requirements as prescribed in the 2006 International Residential Code. A preliminary report is to be submitted to the Building Codes Council by June 30, 2009. The proviso requires the current SC Residential Building Code to remain in place until June 30, 2009. S. 530, the budget proviso codification act, adds § 6-9-135 which states that coastal counties and municipalities may adopt by reference or otherwise the provisions in the 2006 International Residential Code (IRC) necessary to prevent properties insured by the National Flood Insurance Program (NFIP) being retrograded to a lower class for purposes of the flood insurance premium discounts allowed jurisdictions participating in the NFIP's community rating system.*

Proviso 76.14: This proviso states that if the State Treasurer receives an audit report from a county that contains a significant finding related to court fines reports to the State Treasurers Office, the requirements of proviso 89.72 shall be followed if an amount due is specified. Proviso 89.72 is the assessment audit proviso, Proviso 72.75 last year. The requirements of 89.72 are as follows:

"If the error is determined to have been made by the county or municipal treasurer's office, the State Auditor shall notify the State Office of Victim Assistance for the crime victim portion and the chief administrator of the county or municipality of the findings and, if full payment has not been made by the county or municipality within ninety days of the audit notification, the State Treasurer is directed to adjust the authority's aid to subdivisions funding in an amount equal to the amount determined by the State Auditor to be the state's portion. . ."

If an amount due is not specified, proviso 76.14 authorizes the State Treasurer to withhold 25% of all state payments to the county until the estimated deficiency has been satisfied. Additionally, the proviso states that if a county is more than 90 days delinquent in remitting monthly court fines, the State Treasurer shall withhold 25% of state funding for that county until all monthly reports are current. After 90 days, the funds being held by the Treasurer's Office will be made available to the State Auditor to conduct an audit of the entity for determining an amount due, if any. *

Proviso 79.1: This proviso states that the amount of compensation for County Registration Board Members and County Election Commissioners is \$1500 per member and may not exceed the \$12,500 per county. If the number of appointments in a county exceeds eight members, compensation shall be reduced on a prorata basis in order to adhere to the \$12,500 per county limit. The funds are exempt from mandated budget reductions.

Proviso 79.7: This proviso requires of members of the County Board of Voter Registration and County Election Commission to receive a common curriculum on the duties and responsibilities of such boards and commissions. The proviso was amended

this year to require the State Election Commission to withhold the stipend of members if they do not complete the training and certification program or fail to complete at least one training course in a year. Additionally, the proviso requires the commission to make the courses available in various locations including the upstate, coastal, and midlands areas of the state.

Proviso 80A.33: This proviso creates the Grants Review Committee for the purpose of awarding competitive community grants to counties and municipalities. The committee consists of five members appointed by the Governor, the President Pro Tempore of the Senate, the Speaker of the House, the Chairman of the Finance Committee, and the Chairman of the Ways and Means Committee. The committee is to adopt guidelines for awarding the grants which must include priorities for funding, including, DHEC orders and consent decrees, the ability to match grant funds, and focus on community festivals. The proviso requires a signature of sponsorship on each application by a member of the General Assembly who represents the county or municipality applying for the grant or the signature of the Governor. Counties and municipalities are required to report annually on the expenditure of the funds received until the funds are expended and final financial reports must be received by the committee within ninety days of the completion of the project along with a description of the results achieved in the interest of the community.

Proviso 80A.45: This proviso directs the State CIO to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 MHZ radio system. Grant funds to county and city 800 MHZ systems to purchase equipment that supports interoperability with the Palmetto 800 MHZ system requires a two-for-one match at the local level.

Proviso 80A.47 Grants state employees a 1% pay increase.*

Proviso 89.25: The standard mileage reimbursement rate is increased from 44.5 cents to 50.5 cents.*

Proviso 90.11: This proviso adds a \$5 surcharge on all misdemeanor traffic tickets and non-moving violations. The revenue from the surcharge is for the Criminal Justice Academy. All court traffic tickets now have a 107.5% assessment, a \$25 surcharge for law enforcement funding, and a \$5 surcharge for the academy.*

ACT NO. ____

R. 294, H. 4801

EFFECTIVE DATE: SEE BELOW

This legislation expends monies available in the Capital Reserve Fund for FY 07-08. The bulk of the money (\$20 million) is spent towards school bus operations. The rest is spend to fund the General Election, destination specific grants, the "LightRail" communication

grid between the research universities, and hydrogen research grants. The resolution takes effect thirty days after the completion of the 2007-2008 fiscal year.

ACT NO. ____

R. 295, H. 4876

EFFECTIVE DATE: SEE BELOW

Sections 1 and 2 of this Act standardize Cost of Living adjustments (COLA) for the state employee and police officer retirement systems. Sections 9-1-1810 (state employee retirements) and 9-11-310 (police officer retirements) are amended to reflect a 2 percent guaranteed COLA if the rate of inflation is greater than 2%. If the rate of inflation is less than 2%, the COLA would be the actual rate of inflation. A .5 percent increase in the employer's contribution would be required to fund the PORS 2 percent guaranteed COLA. These sections take effect when the State Budget and Control Board has approved an assumed annual rate of return on the investments of the assets of the two retirement systems of at least 8% and determined that the increase in retirement benefits can be provided on a sound actuarial basis as required by the constitution. The remainder of the act brings the retirement system statutes into compliance with IRS regulations. Those sections took effect on June 4, 2008.

ACT NO. ____

R. 300, S. 463

EFFECTIVE DATE: MAY 29, 2008

This joint resolution proposes two amendments to the state constitution. Sections 1 and 2 propose an amendment to allow the funds of any trust fund established by the General Assembly for the funding of post employment benefits for state employees and public school teachers may be invested and reinvested in equity securities. Sections 3 and 4 propose an amendment to allow the funds of any trust fund of a political subdivision for the funding of post-employment benefits for its employees may be invested and reinvested in equity securities.

ACT NO. 264

R. 304, S. 955

EFFECTIVE DATE: JUNE 4, 2008

This act amends §1-1-10 related to the boundaries and jurisdiction of the state in relation to the neighboring states of Georgia and North Carolina. The Act amends references to naturally occurring landmarks previously used to mark the boundaries of the state and replaces them with references to permanent markers erected to delineate such boundaries.

ACT NO. 251

R. 306, S. 1011

EFFECTIVE DATE: JUNE 4, 2008

This act creates a joint citizens and legislative committee to study issues relating to children. The committee must submit annual report to the Governor and General Assembly. The committee sunsets on December 31, 2015 unless reauthorized by the General Assembly.

ACT NO. ____

R. 313, S. 1182

EFFECTIVE DATE: JUNE 4, 2008

This resolution creates a study committee to study the feasibility and benefits of the construction, operation, and maintenance of roads, streets, highways, bridges, and tunnels using public and private partnerships and ventures.

ACT NO. 267

R. 314, S. 1221

EFFECTIVE DATE: JUNE 4, 2008

Section 1 of this act amends Article 3, Chapter 3, Title 22 of the code by deleting sections that have been provided for by the South Carolina Rules of Magistrates Court (Sections 22-3-110 to 22-3-290 are deleted.) Section 2 amends § 5-7-12(a) to authorize a school resource officer to issue a courtesy summons to a student arrested for a misdemeanor offense. A bond hearing must be held for the student in magistrate court within twenty-four hours of the student's arrest.

ACT NO. 255

R. 320, H. 3058

EFFECTIVE DATE: JUNE 4, 2008

This legislation amends § 16-25-20 to enhance the penalty provisions for criminal domestic violence and allows a criminal domestic violence conviction in another state within the previous ten years to be considered a previous offense for purposes of determining the penalty for a subsequent conviction in this state.

ACT NO. 269

R. 321, H. 3326

EFFECTIVE DATE: JUNE 4, 2008

This act adds §23-23-120, authorizing, beginning July 1, 2007, law enforcement agencies to seek reimbursement, for costs of training, including salary, from another law enforcement agency that subsequently hires a law enforcement officer after completion of the mandatory training. The amounts subject to reimbursement is 100% of the cost of training, including any salary paid during the training period if the subsequent hiring agency hires that person within 1 year of the completion of the mandatory training. The amount of reimbursement is reduced to 50% of training cost, including salary paid during the period of training if the subsequent hiring agency hires the officer more than 1 year but less than two years from the date of completion of mandatory training. If the law enforcement officer is employed by more than one successive government entity within the two year period after the completion of the mandatory training, a government entity which reimbursed another entity for costs can seek reimbursement from the successive government entity employer for 100% of cost if within 1 year of training and 50% if 1 year but less than two years from training. A government entity, prior to seeking any other reimbursement, must first seek reimbursement from a subsequent hiring government. No officer shall be required to assume the responsibility of the repayment of these or other related costs by the employing agency. Any private agreements concerning reimbursement of training costs in existence on or before June 4, 2008 between a government entity and a law enforcement officer remains in effect. Section 23-23-120(H) prohibits promissory notes for repayment of training costs between agencies and officers after June 4, 2008.

ACT NO. 257

R. 324, H. 4065

EFFECTIVE DATE: JUNE 4, 2008

This act amends §62-1-302(d)(1) by adding the term "general" before "personal representative" relating to the jurisdiction of the probate court to hear formal proceedings for the probate of wills and the appointment of personal representatives.

ACT NO. 279

R. 326, H. 4363

EFFECTIVE DATE: OCTOBER 1, 2008

This legislation mainly involves technical clean-up language for the Office of Motor Vehicle Hearings in the Administrative Law Court and a rewrite of the statutes dealing with the denial of the issuance of a license by the Department of Motor Vehicle because a person is a habitual offender. However, two sections deal with recovered property possessed by the sheriff or the chief of police. Section 14 adds § 27-21-22 to state that

the sheriff or chief may sell recovered property not reclaimed at public auction. At least ten days prior to the sale, the property must be advertised by publication in a local newspaper of general circulation where the property will be sold. A notice by publication may contain multiple listings of property to be sold. Section 15 amends § 27-21-20 to require the sheriff or chief, upon recovering property and ascertaining ownership, to provide notice advising the owner that the property may be sold at auction pursuant to Section 27-21-22 if not reclaimed within sixty days of mailing of the notice. This notice must be sent by registered mail, return receipt requested within 15 days of recovery and knowledge of ownership. The notice must describe the property and include any identifying serial numbers if available.

ACT NO. 280

R. 327, H. 4400

EFFECTIVE DATE: JUNE 4, 2008

This act creates the South Carolina Illegal Immigration Reform Act. Chapter 14, Title 8 is added regarding unauthorized aliens and public employment. Section 8-14-20 requires all public employers to register and participate in the federal work authorization program to verify the employment authorization of all new employees by January 1, 2009. Additionally a public employer may not enter into a services contract with a business unless it agrees to verify the legal status in the US of all new hires through the Federal E-verify program or a valid South Carolina driver's license or identification card issued by the South Carolina Department of Motor Vehicle. Section 8-29-10 requires every agency or political subdivision of this State to verify the lawful presence in the United States of any alien eighteen years of age or older who has applied for state or local public benefits, or for federal public benefits, that are administered by an agency or a political subdivision.

Chapter 8 of Title 41 is added regarding illegal aliens and private employment. Section 41-8-20 requires all employers to verify the legal status in the US of all new hires through the Federal E-verify program or a valid South Carolina driver's license or identification card issued by the South Carolina Department of Motor Vehicles. Private employers with more than 100 employees must comply by July 1, 2009. All other employers must comply by July 1, 2010. The act provides that all employees in the state have an imputed employment license that is regulated by the South Carolina Department of Labor, Licensing & Regulation (LLR) in addition to any business licenses issued by local government. Failure to comply with the employment verification requirement may result in a civil penalty of up to \$1000 per violation and the revocation of any business license, including a local business license. All fines collected are retained by LLR.

Businesses that provide immigrations services must obtain a license issued by LLR in addition to local business licenses. Failure to comply may result in a civil penalty up to one thousand dollars and the revocation of all business licenses. This fine does not preempt or preclude additional civil and criminal penalties to include restitution to the

political subdivision. Additionally, if the person or entity is convicted of criminal activity in providing immigration services, they are jointly and severally liable for any loss suffered by an agency or political subdivision.

Finally, § 6-1-170 allows counties to enact ordinances or policies that exceed state law as long as they do not exceed federal law and are not in conflict with federal or state law.

ACT NO. 271

R. 329, H. 4601

EFFECTIVE DATE: JANUARY 1, 2009

This act amends §16-3-1620, and creates the Office of Victim Services Education and Certification within the Crime Victim's Ombudsman of the Office of the Governor. The office will provide oversight of training, education and certification of victim assistance programs, and approve training curricula for credit hours toward certification. The mandatory minimum training hours for initial certification of victim service providers may not exceed 15 hours, and total hours for continuing advocacy education may not exceed 12 hours annually. Section 16-3-1620(D)(4) provides that nothing in the Act shall prevent an entity or individual from seeking additional certification credits beyond the basic required hours.

ACT NO. 258

R. 331, H. 4713

EFFECTIVE DATE: JUNE 4, 2008

This act amends §25-11-80, related to requirements necessary to qualify for burial in a state veteran's cemetery. The act allows veterans honorably discharged from the armed forces to qualify for a plot in a veteran's cemetery if the veteran was a resident of the state, when they entered the armed services; when the veteran or an eligible family member died; or the veteran was a resident of the state for five years. Previously, the residency requirement was 20 years. In addition, the five year requirement may be waived if the Division of Veterans Affairs finds a compelling reason to do so.

ACT NO. 259

R. 334, H. 4921

EFFECTIVE DATE: JUNE 5, 2008

This Act amends §47-3-620 by increasing the criminal penalty for the torture, killing or injury of a police dog or horse from a misdemeanor to a felony. The Act also defines by statute that an animal for purposes of animal cruelty is any living vertebrate except a human being.

ACT NO. 260

R. 335, H. 4930

EFFECTIVE DATE: JUNE 4, 2008

This legislation enacts penalties for the theft and sale of 'nonferrous materials'. 'Nonferrous metals' are defined as metals not containing significant quantities of iron or steel, including copper wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, and stainless steel beer kegs or containers. Section 1 substantially rewrites § 16-17-680 which deals with the purchase of these metals by secondary metals recyclers. The section requires a secondary metals recycler to maintain a record containing the date of purchase, name and address of the seller, a photocopy of the seller's identification, the license plate number of the seller's motor vehicle, the seller's photograph, a description of the metals purchased, the amount paid for it, and a signed statement from the seller stating that he is the rightful owner or is entitled to sell the nonferrous metals being sold. All of these metals purchased and in the possession of a secondary metals recycler and all records required to be kept by this section must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies during regular business hours. Records must be maintained for two years. The section allows a law enforcement officer with reasonable cause to believe that any item of nonferrous metal in the possession of a secondary metals recycler has been stolen to place a 15 day hold on the processing or removal of the metal. A second 15 day hold may be issued by the officer. At the expiration of the hold period the recycler may process or remove the items. The section specifically preempts local ordinances and regulations governing the purchase or sale of nonferrous metals in any amount, except zoning or business license fees.

Section 2 of the legislation adds § 16-11-523, making it illegal to injure any real property, including any fixtures or improvements, for the purpose of obtaining nonferrous metals in any amount, and provide penalties for violations.

ACT NO. 283

R. 338, S. 88

EFFECTIVE DATE: JUNE 11, 2008

This act deals with parking violations. Sections 1, 2, and 3 amend §§ 14-1-206, 14-1-207, and 14-1-208 which place additional assessments on all fines in magistrates municipal, and general sessions courts. This assessment is directed to various state criminal justice agencies. The amendment states that these assessments do not apply to parking violations. Section 4 adds § 56-5-2600 to state that a local governing authority must give an individual 30 days to pay from the date of a parking citation before increasing the amount of the fine.

ACT NO. ____

R. 339, S. 144

EFFECTIVE DATE: JUNE 11, 2008

Creates the South Carolina Sentencing Reform Commission to review, study, and recommend legislation regarding sentencing guidelines for certain offenses, the parole system, and alternative sentencing procedures.

ACT NO. 296

R. 340, S. 218

EFFECTIVE DATE: JUNE 11, 2008

This act amends several provisions of the emergency management statutes. The act amends §25-9-410 by renaming the Southern Regional Emergency Compact as the Emergency Management Assistance Compact, and extending the number of states eligible for membership. The act amends §25-1-420 by renaming the SC Emergency Preparedness Division as the Emergency Management Division, and requires the division to establish an incident management system that incorporates the principles of the National Incident Management System (NIMS) that provides for mitigation, preparedness, response to, and recovery from all manmade and natural hazards. The act further amends §25-1-440(b), which grants the Governor certain responsibility under the Comprehensive Emergency Management System. The act adds requirements that the Governor include provisions for mitigation, preparedness, response and recovery in anticipated and actual emergency situations and develop an incident management system that establishes procedures for response and recovery operations at all levels of government from the municipality, special purpose district, through the county to the state. The act also amends §25-1-430, adding that the Governor, when an emergency has been declared, is authorized to exempt from established curfew times a business and its employees that sell commodities, and direct local law enforcement to assist and accommodate these businesses/employees in ensuring the commodities are available in coping with the emergency, and that by executive order, the Governor may authorize operators of solid waste disposal facility to extend their hours of operations to ensure the health, safety and welfare of the public.

ACT NO. 284

R. 341, S. 274

EFFECTIVE DATE: JUNE 11, 2008

This act adds Article 13, to Title 24, Chapter 21 granting the Department of Probation, Pardon and Parole the authority to develop and operate day reporting centers within the state. 'Day reporting center' is defined in § 21-24-1300 as a facility providing supervision of inmates or offenders placed on supervision, which includes, but is not limited to, mandatory reporting, program participation, drug testing, community service, and any

other conditions as determined by the Department of Corrections and the Department of Probation, Parole and Pardon Services. That section also delineates which inmates or offenders are excluded from being eligible to be placed at a day reporting center due to the severity of their crimes. Section 21-24-1320 outlines some of the conditions an inmate or offender must agree in order to be eligible and § 21-24-1330 sunsets the program after 12 months unless extended by the General Assembly.

R. 341 also adds a subsection (B) to § 22-5-110 which states that a person charged with any misdemeanor offense requiring a warrant signed by non-law enforcement personnel to ensure the arrest of a person must be given a courtesy summons.

This act requires implementation upon the appropriation of sufficient funds by the General Assembly.

ACT NO. 285

R. 342, S. 472

EFFECTIVE DATE: SEE BELOW

This act amends § 56-5-2941 to require that upon a second offense of DUI a person must have an ignition interlock device installed to prevent the driving of the motor vehicle if the person has consumed alcoholic beverages. The length of time that an interlock device is required to be affixed is two years for a second offense, three years for a third offense, and the remainder of the offender's life for a four or more DUI's. Costs of these devices are to be borne by the offender. In the case of an indigent offender the cost is to be paid by the Interlock Device Fund managed by the Department of Probation, Parole and Pardon Service. This section takes effect January 1, 2009. The legislation also amends § 56-5-4440 to state that a person may not operate a vehicle where an image display device is visible to the driver while operating the vehicle. This section became effective June 11, 2008.

ACT NO. 287

R. 345, S. 951

EFFECTIVE DATE: JUNE 11, 2008

Section 1 of this act amends § 12-33-245 to hold harmless state agencies and local entities which received mini-bottle tax revenues for alcohol education, prevention and other purposes. Section 2 amends § 61-6-20 to more thoroughly define 'Bona fide engaged primarily and substantially in the preparation and serving of meals' for the purposes of the ABC Act and to amend § 61-6-1610 which sets forth requirements for selling alcohol in these establishments to define 'Kitchen', 'Meal', and 'Primarily'. Section 3 establishes penalties for failing to remit the full amount of the excise tax imposed on the gross proceeds of the sale of each drink of alcoholic liquor sold for consumption in § 12-22-245.

ACT NO. 288

R. 348, S. 980

EFFECTIVE DATE: JUNE 11, 2008

This act amends §20-7-121, by authorizing a county providing the guardian ad litem services prior to the Act creating the statewide guardian ad litem program may continue to provide such services, provided the county guardian ad litem program is a member of the National Court Appointed Special Advocate Association. The act requires a county guardian ad litem program to comply with all state and federal laws, even if compliance with state or federal laws would result in the violation of a requirement for membership in the National Court Appointed Special Advocate Association.

ACT NO. ____

R. 352, S. 1106

EFFECTIVE DATE: JUNE 12, 2008

This act adds Chapter 27 to Title 7 in an effort to codify, utilizing a statewide bill, the numerous local acts which have been used to combine county registration and election boards. The act does not make substantive changes to the existing structure in any county.

ACT NO. 302

R. 358, S. 1158

EFFECTIVE DATE: JUNE 11, 2008

This act amends §49-29-230(9) to designate portions of the Catawba River as a scenic river. The designation relates to the portions of the river located between the Lake Wylie Dam and the South Carolina Highway 9 bridge crossing of the Catawba River.

ACT NO. ____

R. 359, S. 1171

EFFECTIVE DATE: JUNE 12, 2008

This act contains numerous different tax and economic development provisions. Section 1 of the legislation amends § 12-37-900 to grant a manufacturer a property tax exemption on personal property that has not been used for one year remaining at a manufacturing facility that has not been operational for one fiscal year. The personal property will become subject to property taxes when it becomes operational or after 4 years. A Manufacturer must continue to list the property and designate on the listing that the property is exempt.

Section 2 of this act amends § 12-6-3310 to specifically authorize limited liability companies (LLC's) not organized as a legal entity which is a taxpayer, a corporation, or other form of business entity to qualify for tax credits. The section then stipulates how LLC's are to apply the credits. The legislation deletes § 12-6-3410(J) and § 12-6-3520(E) which are rendered irrelevant with the amendment qualifying LLC's for tax credits. The corporate headquarters income tax requirements in § 12-6-3410 are amended to state that the 75 jobs required to be created to receive the credit must have an average cash compensation level of more than twice the state per capita income. Previously the 75 jobs were required to have a compensation level of more than 1½ times the state per capita income and the average cash compensation of all employees in the state was required to be twice the state per capita income. Section 12-10-30 in the Enterprise Zone Act is amended to define "significant business as a qualifying business making a significant capital investment as defined in § 12-44-30(7) [an investment of at least \$150 million and 125 new jobs or a \$400 million investment.] The fee in lieu of tax provisions are amended in §§ 12-44-30(7), 4-29-67(D)(4)(a), and 4-12-30(D)(4)(a) to state that if a single sponsor enters into a financing arrangement concerning all or part of a project the investment or financing of the property by a 3rd party is considered investment by the sponsor. This section makes several other changes to the fee in lieu of tax provisions, including, delineating what constitutes approval by a local governing body of the transfer of a fee agreement, authorizing aircraft to be included in a fee agreement, and authorizing a county to sell all or a portion of a business or industrial park. Finally, this section amends § 12-43-220(a) to drop the assessment ratio on manufacturing warehouse space from 10.5 percent to 6 percent, when it is used exclusively for warehousing and is separate from other areas of the plant.

Section 3 of the act adds Chapter 65 to Title 12 enacting the South Carolina Textiles Communities Revitalization Act. This act recodifies the existing Textile Communities Revitalization Act found in Chapter 32 of Title 6. The Act also substantially expands the types of industrial sites that are eligible for property or income tax credits. Previously, only an actual facility used in the manufacture of textiles was eligible for redevelopment credits. The revised Act greatly expands the definition of a facility to include "ancillary uses" meaning any facilities used to support textile manufacturing such as parking lots, employee dining facilities, distribution, administrative offices, and the like. Ancillary facilities must be located within 1,000 feet of the manufacturing facility. The act, in § 12-64-40(B)(1), amends the previous act by requiring a taxpayer intending to apply to receive a credit against local property taxes to file a "Notice of Intent to Redevelop" with the local taxing entity where the site is located before incurring their first rehabilitation expenses. Failure of the taxpayer to file the notice will result in qualification of only those expenses incurred after the notice is provided. A proposed rehabilitation of a textile mill site must be approved by the local governing body by a positive majority vote. The governing body of the municipality or county shall give notice to all affected local taxing entities in which the textile mill site is located of its intention to grant a credit against real property taxes for the textile mill site and the amount of estimated credit proposed to be granted based on the estimated rehabilitation expenses. If a local taxing entity does not file an objection to the tax credit with the municipality or county on or before the date of

the public hearing, the local taxing entity is considered to have consented to the tax credit. The amount of the credit is equal to 25% of the actual rehabilitation expenses made at the textile mill site times the local taxing entity ratio of each local taxing entity that has consented to the credit. The credit can be taken as a credit against up to seventy-five percent of the real property taxes due on the textile mill site each year for up to eight years.

Section 4 allows redevelopment fees remitted by the Department of Revenue to the redevelopment authority vested with authority to oversee the closed or realigned military installation to be remitted to the applicable redevelopment authority beyond January 1, 2015. Section 5 exempts for 10 years one-half of the paid admissions to a motorsports entertainment complex from the admissions license tax imposed pursuant to § 12-21-2420. Section 6 transfers the South Carolina Film Commission to the Department of Parks, Recreation and Tourism, and Section 7 amends the South Carolina Motion Picture Incentive Act to reflect this transfer.

Section 8 of the legislation amends § 12-43-350 requiring a tax bill to reflect the estimated value of the school operating expense homestead exemption. Section 9 amends § 12-37-714(2) to authorize a county, by ordinance, to change the amount of time a boat must be located in South Carolina to become taxable to 180 days in the aggregate.

ACT NO. ____

R. 360, S. 1172

EFFECTIVE DATE: JUNE 11, 2008

This legislation amends § 17-5-50 which details the filling of a vacancy in the office of coroner. The act provides that generally the Governor will fill the office by appointing a qualified replacement to serve until the next general election for the office of coroner or, if earlier, the next general election. The chief deputy of the coroner's office shall act as coroner until the vacancy is filled by the Governor's appointment. However, if a county coroner is suspended by the Governor, the chief magistrate shall act as coroner until the suspended coroner is reinstated or until a coroner is elected.

ACT NO. ____

R. 361, S. 1210

EFFECTIVE DATE: JUNE 11, 2008

This act amends §49-29-230(4) to designate portions of the Lynches River as a scenic river. The designation relates to the portions of the river from U.S. highway 15 near Bishopville to the eastern boundary of Lynches River State Park, and that portion form the boundary of the Lynches River County Park and the confluence of the Great Pee Dee River.

ACT NO. ____

R. 362, S. 1232

EFFECTIVE DATE: JUNE 12, 2008

This legislation adds Article 4 to Chapter 10 of Title 4, enacting the "Education Capital Improvement Sales and Use Tax." Section 4-10-420 authorizes a 1% sales and use tax within a county for specific capital improvements for a school district or districts. The revenues may be shared with higher education for capital improvements on campuses. This section also states that this sales tax may not be imposed in a county in which there is currently imposed or scheduled to be imposed a local sales and use tax for public school capital improvements authorized pursuant to a local law. Section 4-10-425 states that the tax may be imposed in the county upon the adoption of a resolution by the school district board and a favorable referendum result. The tax may last for up to 15 years and the referendum may only be conducted in even-numbered years at the time of the general election. Section 4-10-435 states that the tax may not be placed on unprepared food. Section 4-10-450 allows the tax to be reimposed. Section 4-10-470 limits the tax to only those counties which have collected at least seven million dollars in state accommodations taxes.

ACT NO. ____

R. 368, H. 3008

EFFECTIVE DATE: JUNE 12, 2008

Section 1 of this act deals with property tax consequences of donated property being held by charitable organization for investment purposes. Section 12-37-220(B)(16) grants a property tax exemption to religious or charitable associations when the property is used by it primarily for the holding of its meetings and no profit or benefit is gained by any private stockholder or individual. Also exempted by this section is property owned by these associations when the property is acquired for the purpose of building or renovating residential structures on it for not-for-profit sale to economically disadvantaged persons. This legislation amends § 12-37-220(B)(16) to extend that exemption to property owned by a religious or charitable association that also is a 501(C)(3) organization when the property is either being held for future use of holding meetings or is being held for investment purposes and not being rented or leased for a purpose unrelated to the exempt purposes of the organization. This new exemption may last for no more than three consecutive property tax years on property donated to the organization. If the organization purchases property which receives this exemption and then the property is sold without ever having been put to exempt use, the property is subject to property tax for the year of sale to which must be added a recapture amount equal to the property tax that would have been due on the real property for not more than the four preceding years in which the real property received the exemption.

Section 2 of this act amends § 12-6-3310 to specifically authorize limited liability companies(LLC's) not organized as a legal entity which is a taxpayer, a corporation, or

other form of business entity to qualify for tax credits. The section then stipulates how LLC's are to apply the credits. The legislation deletes § 12-6-3410(J) and § 12-6-3520(E) which are rendered irrelevant with the amendment qualifying LLC's for tax credits. The corporate headquarters income tax requirements in § 12-6-3410 are amended to state that the 75 jobs required to be created to receive the credit must have an average cash compensation level of more than twice the state per capita income. Previously the 75 jobs were required to have a compensation level of more than 1½ times the state per capita income and the average cash compensation of all employees in the state was required to be twice the state per capita income. Section 12-10-30 in the Enterprise Zone Act is amended to define "significant business as a qualifying business making a significant capital investment as defined in § 12-44-30(7) [an investment of at least \$150 million and 125 new jobs or a \$400 million investment.] The fee in lieu of tax provisions are amended in §§ 12-44-30(7), 4-29-67(D)(4)(a), and 4-12-30(D)(4)(a) to state that if a single sponsor enters into a financing arrangement concerning all or part of a project the investment or financing of the property by a 3rd party is considered investment by the sponsor. The items in Section 2 also passed in R. 351, S. 1171.

ACT NO. _____

R. 370, H. 3159

EFFECTIVE DATE: JUNE 11, 2008

This act adds §10-1-168, and authorizes state and local governments entities, including schools, to display documents relating to the establishment of the foundations of American law and government. A public entity is authorized to post the following in a display in a public building: The Ten commandments; The Magna Carta; The Mayflower Compact; The Declaration of Independence; The Star-Spangled Banner; The Bill of Rights of the US Constitution; The Preamble to the South Carolina Constitution; the national motto 'In God We Trust'; the image of Lady Justice; The Lord's Prayer; The Emancipation Proclamation; and Martin Luther King Jr.'s 'I Have a Dream' Speech. all documents which are included in display must be posted on paper not less than 11 x 14 inches in dimension and must be framed in identically styled frames. One document may not be displayed more prominently than another. The Attorney General's Office will prepare a statement of applicable constitutional law, and upon request, make that statement available to public entities. the Attorney General shall update this statement to reflect changes made in the law.

ACT NO. _____

R. 373, H. 3478

EFFECTIVE DATE: JUNE 11, 2008

This act makes modifications to several portions of the child support payment code. The act amends §20-7-851 by creating the State Disbursement Unit to be operated by the SC Department of Social Services (DSS), or a contractor directly responsible to DSS, for the collection and disbursement of all child, spousal or child & spousal support payments.

The act also amends §20-7-1140(A) by requiring that when a support order or income withholding order issued in another state is registered, the registering tribunal must notify the non registering party. Notice must be given by first class, certified, or registered mail, or by any means of personal service authorized by law. The act further amends §20-7-1315(B) by adding a subsection (4), which requires any person who is not required to pay a support order by wage withholding or through the family court, and is determined to be delinquent in an amount equal to three months or more in payments must be enrolled for wage withholding to begin immediately, and payments must be made through the State Disbursement Unit. Finally, the act provides that copies of support payment records certified by DSS or a County Clerk of Court shall, without further proof, be admissible as evidence in a dispute concerning support payments.

ACT NO. ____

R. 375, H. 3852

EFFECTIVE DATE: JUNE 11, 2008

This act revises the emergency powers of DHEC during a state of emergency in § 44-4-530 and makes a violation of a DHEC quarantine or isolation order a felony.

ACT NO. ____

R. 376, H. 3880

EFFECTIVE DATE: JUNE 11, 2008

This act amends several portions of the Brownfields Voluntary Cleanup Program. The Act amends §44-56-720(3) by adding petroleum or petroleum products to the list of elements that are defined contaminants for purposes of state CERCLA actions. The act provides for liability protections for nonresponsible parties who voluntarily agree to undertake the expansion, redevelopment and/or the return to use of contaminated property, including covenants not to sue, third-party liability protection, and contribution protection. Section 2 of the act amends §12-6-3550 to create a credit against taxes due for the costs of voluntary contracts entered into by a nonresponsible party.

ACT NO. ____

R. 377, H. 3975

EFFECTIVE DATE: JUNE 11, 2008

This act allows a county to postpone reassessment for one additional year.

ACT NO. 292

R. 379, H. 4067

EFFECTIVE DATE: JUNE 11, 2008

This act amends §12-24-10(B), and exempts a deed transferring real property from a trust to a trust distributee upon the trust settlor's death pursuant to the trust terms from deed recording fee.

ACT NO. ____

R. 380, H. 4312

EFFECTIVE DATE: JUNE 11, 2008

This act amends §62-5-106, by directing that a guardianship, conservatorship, or other protective order of an incapacitated person does not automatically terminate only because the ward or protected person reaches the age of majority or other benchmark age. The Act further amends §62-5-504, related to health care powers of attorneys, giving the person holding power of attorney the same rights of access to the patient in a health care facility that a member of the patient's immediate family would otherwise have.

ACT NO. 304

R. 381, H. 4334

EFFECTIVE DATE: JUNE 11, 2008

This act amends § 44-61-80 to require a criminal background check before employment as an EMT or upon renewal of an EMT license.

ACT NO. ____

R. 385, H. 4470

EFFECTIVE DATE: SEE BELOW

This act is intended to incentivize the installation of sprinkler systems.
Section 1 adds § 58-5-390 to limit the tap fee for installation of a sprinkler system to the actual cost associated with the waterline to the system.
Section 2 adds § 12-6-3622 to state that a taxpayer who installs a fire sprinkler system not required by law to be installed is eligible for a credit against real property taxes levied equal to 25% of the direct expenses incurred by the taxpayer if the local taxing entity has consented to the tax credit. If the local entity consents then the taxpayer is also eligible for income tax credit equal to the amount of the credit against real property taxes.
Section 3 amends 12-37-3130 to state that installed fire sprinkler systems, which were not required by law to be installed do not constitute an addition or improvement which would add to the value of the property for property tax purposes.
Section 4 adds § 10-1-80 to state that neither the Fire Marshal nor a governing body of a county or municipality shall enforce that portion of either the International Fire Code or a

nationally recognized fire code that prohibits natural cut trees from being located in places of worship.

Section 5 amends § 12-37-220(B) to exempt from property taxes installed fire sprinkler systems, which were not required by law to be installed, until an assessable transfer of interest occurs.

Sections 2, 3, and 5 apply for taxable years beginning after 2007. Sections 1 and 4 became effective June 25, 2008.

ACT No. ____

R. 386, H. 4743

EFFECTIVE DATE: JUNE 25, 2008

This act amends §§ 31-6-30(6) and 31-7-30(7) to allow publicly and privately-owned affordable housing to be the focus of a tax increment financing (TIF) district. The act also amends § 6-11-1220(a) to allow certain rural water districts to construct and operate sewage systems within the district. Section 6-13-15 is added to set forth the allowed service area and rates for a rural water district wishing to construct and operate a sewage system.

ACT No. ____

R. 388, H. 4764

EFFECTIVE DATE: JUNE 11, 2008

This act revises several provisions in Chapter 23, Title 50 regarding the operation, titling, and numbering of boats. Of particular interest is § 50-23-20, which is amended to require any watercraft or outboard motor, used in this State to be titled by DNR. An owner of a watercraft or outboard motor must notify the department within thirty days if ownership is transferred to another person, entity, or transferred out of state or otherwise disposed.

ACT No. ____

R. 393, H. 4816

EFFECTIVE DATE: JUNE 11, 2008

This act amends the Lexington County School District Property Tax Relief Act (Act No. 378 of 2004) to state that prior to excess funds being utilized to offset other property tax liabilities, an amount equal to the credit that would have applied against the property tax liability for school operations imposed on an owner-occupied residence prior to those residents being exempted, is allowed as a credit to be applied proportionately against all nonschool-related property tax otherwise due on the residence. This act applies for property tax years beginning after 2007.

ACT NO. 308

R. 394, H. 4847

EFFECTIVE DATE: JUNE 12, 2008

This act amends §56-5-5810 by adding county and municipal code enforcement officers to the definition of those persons authorized to tag and order the removal of derelict or abandoned vehicles.

ACT NO. ____

R. 396, H. 5001

EFFECTIVE DATE: JUNE 11, 2008

This legislation adds § 16-25-125 to create a criminal offense of trespass against a perpetrator of domestic violence for entering the grounds of a structure of a domestic violence shelter. Sections 16-3-1770, 16-25-120 and 20-4-60 are amended to require reference to the offense of trespass for entering the grounds of a structure of a domestic violence shelter in a restraining order or order of protection.

ACT NO. 309

R. 397, H. 5009

EFFECTIVE DATE: JUNE 11, 2008

This act amends § 40-80-20 to provide that no person may volunteer or be hired as a firefighter, or perform firefighting duties who has been convicted of, plead guilty, or pled nolo contendere to arson within the last 10 years.

ACT NO. ____

R. 402, S. 530

EFFECTIVE DATE: JULY 1, 2009

This legislation is the Budget Proviso Codification Act. South Carolina Senate Rule 10 requires the Senate Finance Committee to report out an annual Proviso Codification Bill by the first Tuesday in March. The Proviso Codification Bill is supposed to permanently codify temporary provisos which have been in the final version of a previous General Appropriations Bills. Much of this act reflects temporary provisos which have been repeated passed in the budget over several years. Some of these codified items are:

Proviso 46.6 which contained authorization for worthless check units within the solicitors office is codified in Article 3, Chapter 22, Title 17.

Proviso 46.7 which added a \$100 surcharge on drug offenses is codified in § 14-1-213.

Proviso 66.7 which is intended to prevent the abuse of license tag transfers is codified by amending § 56-3-1290 to state that subsequent transfers of a license plate to the same vehicle may not be processed without a paid tax receipt based upon the value of the vehicle to which the plate is being transferred.

Section 22-3-330 is added to place an assessment of \$25 on all summons and complaint filings in magistrates court and an assessment equal to \$10 on all other civil filings in magistrates court, except for restraining orders. The fees must be collected by the magistrates court and forwarded monthly to the county treasurer and remitted in turn by the county treasurer to the State Treasurer for allocation to the judicial department. This codifies Proviso 89.73.

The additional \$50 filing fee for filing a complaint contained in Proviso 90.3 is codified by amending § 14-1-204.

The court fine assessment audits contained in Proviso 89.72 are codified in § 14-1-210.

Sections 14-1-206, 14-1-207 and 14-1-208 are all amended to reflect the 107.5% assessment on court fines currently being imposed pursuant to Provisos 47.11, 49.20 and 76.5.

Proviso 53.19 which authorizes the Department of Juvenile Justice to impose a \$50 per diem for housing local government juveniles is codified by amending § 20-7-8005.

The \$25 surcharge on all traffic tickets (Proviso 90.2) is codified by adding § 14-1-212.

ACT NO. ____

R. 403, S. 577

EFFECTIVE DATE: JUNE 25, 2008

Section 1 of this act amends § 22-3-3560 to increase the allowable fine and imprisonment to \$1000 or 60 days if an assault and battery is against a sports official or coach when they are actively participating in an event. Section 2 adds § 17-15-90 to state that a person released on bond who wilfully fails to appear will be required to pay a fine to \$5000 if released on a felony charge and \$1000 if released on a misdemeanor-charge. The act also amends § 38-53-50 to require a fee of \$20 to be paid to the clerk of court for the filing of a motion for a surety to be relived on a bond for "good cause". Section 4 amends § 38-53-70 to require the court to make available for pickup by the surety a true copy of a bench warrant within seven days of its issuance at the clerk of court's office. The amount of time a surety has to surrender the defendant after issuance of the bench warrant is increased to 90 days. Section 5 amends § 22-5-100 to state that person charged with any misdemeanor offense requiring a warrant signed by a nonlaw enforcement personnel to ensure the arrest of a person must be given a courtesy summons.

ACT NO. ____

R. 409, H. 3033

EFFECTIVE DATE: JUNE 16, 2008

This act adds § 29-3-345 to create a procedure for the filing of recision of an erroneous mortgage satisfaction. There is a twenty-four hour waiting period for the document of recision to become effective as a safe harbor for the innocent buyer who comes in with a deed of title during the time period between the recording of the erroneous satisfaction and the recording of the document of recision.

ACT NO. ____

R. 410, H. 3094

EFFECTIVE DATE: JUNE 15, 2008

This act amends Article 7 of Chapter 3 of Title 23. Specifically, the act amends §23-3-535(B) to prohibit a registered sex offender from residing within 1,000 feet of a school, daycare facility, children's recreational facility, park, or public playground. Persons impacted by this act are those persons who has been convicted of any of the following offenses and subsequently required to registered on a sex offender registry: criminal sexual conduct with a minor, first or second degree; assault with attempt to commit criminal sexual conduct with a minor, or kidnaping a person under the age of 18. The act provides exceptions for any person whose residence was established within 1,00 feet of any of the above named places prior to the effective date of the act, or a listed facility is established within 1,000 of a sex offender's established residence, or the sex offender resides in a detention facility, homeless shelter, DSS or DHEC licensed treatment facility or group home, or mental health facility that is within 1,000 feet of any listed facility. The act amends §23-3-535(D) to require local law enforcement to notify a sex offender, upon registration or at any other time, of a violation of the residence requirement and provide that person with a list of areas in which the offender may not reside. The offender is required to vacate a residence within 30 days if in violation of this act. The act amends §23-3-535(F)(1) by requiring that a school district, at the beginning of each school year must provide the names and addresses of every sex offender who resides within 1,000 of a school bus stop to the parents or guardian of a student embarking or disembarking at that school bus stop. The district may provide a hyperlink to the sex offender registry website on the school district's website for the purposes of gathering this information. Local law enforcement must check with the school district to determine if the district has complied with the notice requirement, and notify a district that is in violation.

ACT NO. ____

R. 414, H. 3623

EFFECTIVE DATE: JUNE 16, 2008

This legislation makes numerous technical changes to the code to reflect that the South Carolina Criminal Justice Academy is a separate state agency from the Department of Public Safety.

ACT NO. ____

R. 416, H. 3812

EFFECTIVE DATE: JUNE 25, 2008

This legislation amends § 6-1-320 to allow two additional millage cap limitation exceptions. Section 6-1-320(B)(6) would allow a local government to exceed the millage cap (upon a 2/3 vote) to purchase undeveloped real property near an operating United States military base if the property has been identified as suitable for residential development but would constitute undesirable residential encroachment upon a United States military base. Section 6-1-320(B)(7) would allow a local government in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state forest land may exceed the millage cap to purchase capital equipment and make expenditures related to the installation, operation, and purchase of the capital equipment.

ACT NO. ____

R. 421, H. 4554

EFFECTIVE DATE: JUNE 25, 2008

This act amends § 6-1-315 to state that a county or municipality may not impose a fee upon real estate licensees, except upon the broker-in-charge at the place where the real estate licensee maintains a principal or branch office. Additionally the legislation states that a county or municipality may not impose fee upon the gross proceeds of an auctioneer for the first three auctions conducted by the auctioneer in the county or municipality, unless the auctioneer maintains a principal or branch office in the county or municipality. Section 5-7-30, regarding municipal business licenses, is amended to state that if a person pays a business license tax to a county or to another municipality where the income is earned, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other jurisdiction.

ACT NO. ____

R. 422, H. 4745

EFFECTIVE DATE: JUNE 17, 2008

The South Carolina Residential Improvement District Act (RID Act) codified as Chapter 35 of Title 6 in the Code of Laws creates a new mechanism for financing infrastructure associated with development. This mechanism is similar to the County Public Works Improvement Act found in Chapter 35 of Title 4 of the Code of Laws. The RID Act allows an owner or group of owners to reach an agreement with a county or municipality to issue municipal bonds for infrastructure to be repaid through assessments levied on the land within the boundaries of the district.

One difference between the RID Act and the County Public Works Improvement Act is that the district may be comprised of non-contiguous parcels and the improvements do not have to be physically located within the boundaries of the district so long as the improvements primarily or substantially benefit the property owners of the district.

ACT NO. ____

R. 424, H. 4754

EFFECTIVE DATE: JUNE 16, 2008

This act adds § 6-11-2027 to allow a special purpose district that only provides recreational services to voluntarily dissolve and transfer its authority to the county. The SPD must hold a public hearing prior to adopting a resolution and further requires that a 2/3 majority of the SPD board, the county governing body, and the county legislative delegation approve the dissolution. The section sunsets December 31, 2008.

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South Carolina Association of Counties

Belinda D. Copeland, President
Darlington County

Michael B. Cone
Executive Director

February 13, 2007

MEMORANDUM

From: SCAC Staff

To: County Council Members
County Chief Administrative Officers
County Attorneys
County Financial Directors
County Personnel Directors
County Treasurers

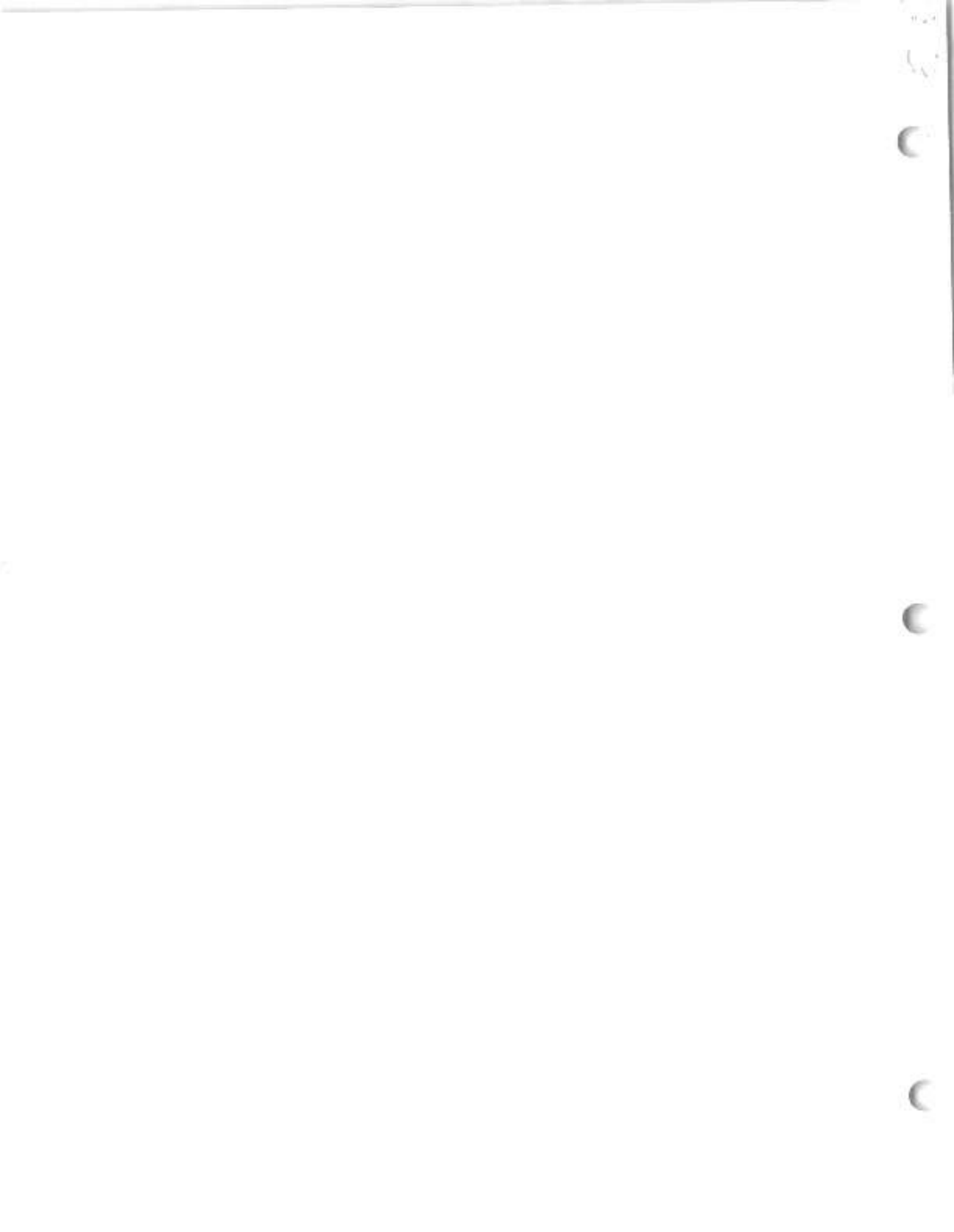
Re: Funding GASB 45 Liabilities: SCAC Trust to be established

In June 2004, the Governmental Accounting Standards Board published a new accounting standard, GASB 45, which will become effective for all state and local governments between now and December, 2008, depending on the size of the entity. This new standard will require earlier recognition of governmental liabilities for post employment non-pension benefits or "Other Post Employment Benefits" (OPEB). The term, "OPEB," generally refers to post retirement health and dental plans. The potential is for GASB 45 to degrade the a county's credit rating unless or until these obligations are fully funded. The unfunded obligations will count as a debt owed by the county on the county's balance sheet.

The overwhelming majority of counties fund, in whole or in part, the employer's portion and some fund the employee's portion of the premium payable as a retiree under the State Health Plan. Historically, these premium payments have been made out of current assets on a pay-as-you-go basis. GASB 45 will require these obligations to be funded each year, as the OPEB are "earned" by county employees. On January 9, 2007, the State's OPEB Study Committee issued its report on how the State will deal with its GASB 45 obligations. Significantly, local governments will not be allowed to participate in the State's program, as currently proposed.

The solution to the GASB 45 problem is to put sufficient funds into an irrevocable trust that is dedicated to the funding OPEB obligations. To set up such a trust requires governments to incur significant legal expense, to identify and retain actuarial services over the life of their trusts and to retain qualified trustees to invest the assets of their trusts. Having seen the complexity of the problem facing counties, the Association of Counties is in the process of forming a trust that can be used by counties to meet their GASB 45 funding obligations. SCAC will inform you of any educational seminars that may be held on dealing with the GASB 45 issue. If you have questions or have interest in the SCAC program, please do not hesitate to contact Clif Scott at 803-922-6081 or by email at clif@scac.state.sc.us.

cc: Board of Directors





South Carolina Association of Counties

Belinda D. Copeland, President
Darlington County

Michael E. Cone
Executive Director

March 16, 2007

MEMORANDUM

From: SCAC Staff

To: County Council Members
County Chief Administrative Officers
County Attorneys
County Financial Directors
County Personnel Directors
County Treasurers

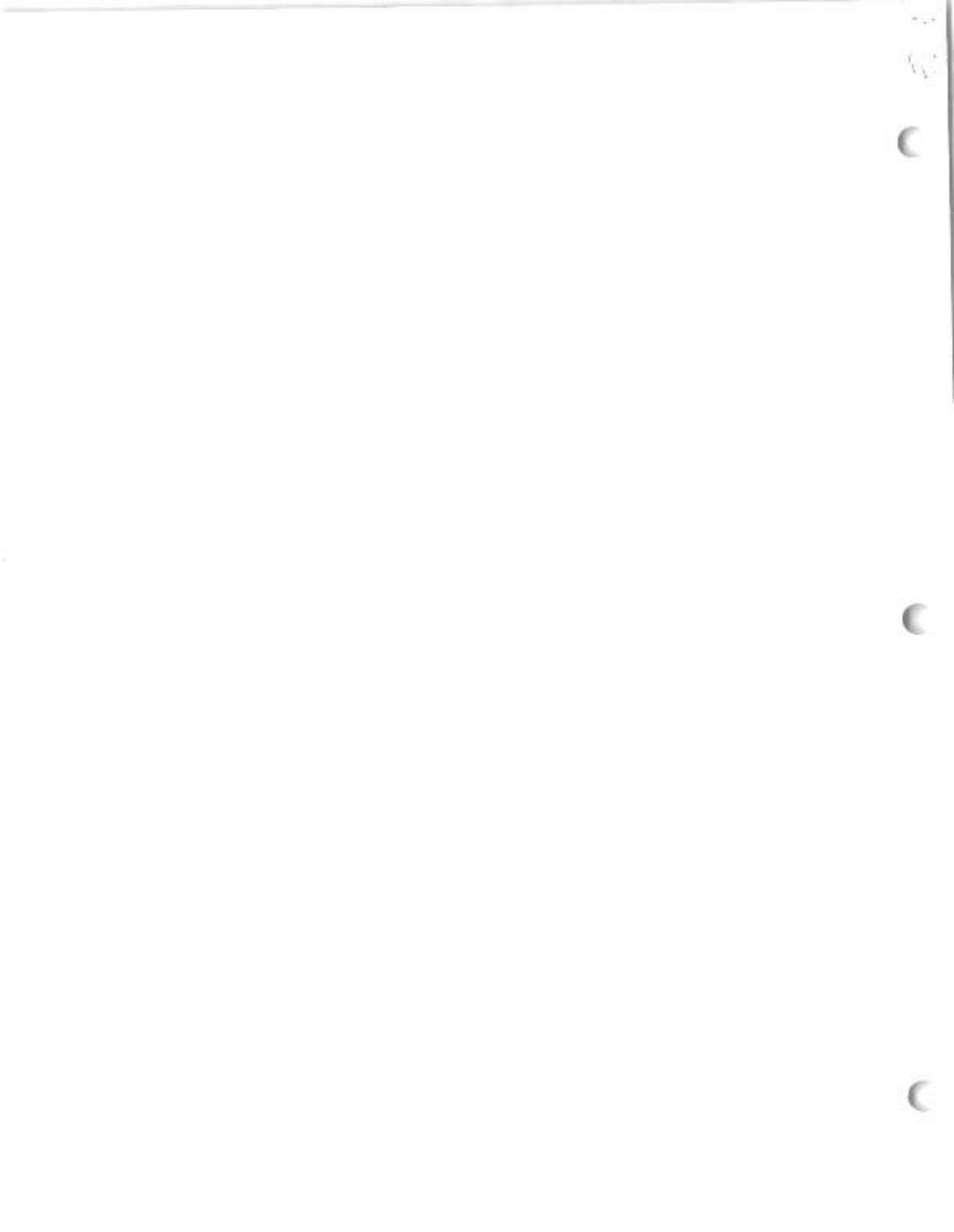
Re: Funding GASB 45 Liabilities: Second Memo in a Series

The Association of Counties continues to move ahead with plans to create a trust to assist counties pre-fund their GASB 45 obligations. Haynesworth Sinkler Boyd, PA, is doing the research and drafting on the legal documents necessary to create the Trust. SCAC has identified an actuarial firm to assist each county in determining its individual GASB 45 liability and is currently negotiating a contract with that firm. We expect the contract with the actuaries to be signed by the end of the month. Additionally, we are working with the House and Senate to amend a pending bill to allow local governments to invest GASB 45 funds through the State's Other Post Employee Benefits (OPEB) fund. This amendment would insure that local governments receive the most favorable interest rate available, which would in turn reduce their GASB 45 liability as much as possible.

The Haynesworth firm is sponsoring a financial seminar for local governments next month, which will go a long way toward explaining GASB 45. SCAC staff will participate in GASB 45 portion of the seminar. The seminar will be held on April 19-20 in Spartanburg and repeated on April 30-May 1 in Charleston. The first evening will be primarily social, with the conference getting started early the second day (the GASB 45 information will be presented between 8:45 and 10:45). Your county should already have been contacted; if not, give us a call.

Apparently, a number of private firms are contacting counties with programs to deal with GASB 45. SCAC would caution against moving too quickly on GASB 45. GASB 45 does not require that the funds be set aside; but if they are set aside, they must be set aside in a way that would preclude the governmental entity from ever accessing these funds again – this means that the actions taken must be taken deliberately and without haste or a feeling of urgency. Additionally, there is no GASB 45-specific reason to abandon the county's current retiree health benefit plan, such as the State Health Plan. You can be assured that SCAC intends to take its time to make sure that our GASB 45 trust is done right the first time. The first memo in this series is dated February 13, 2007; if you did not receive a copy or if you have questions about SCAC's program, please do not hesitate to contact Cliff Scott at 800-922-6081 or by email at cjsf@scac.state.sc.us.

cc: Board of Directors





South Carolina Association of Counties

BeJinda D. Copeland, President
Darlington County

Michael B. Ginn
Executive Director

April 23, 2007

MEMORANDUM

From: SCAC Staff

To: County Council Members County Financial Directors
County Chief Administrative Officers County Personnel Directors
County Attorneys County Treasurers

Re: Funding GASB 45 Liabilities: Third Memo in a Series

This past week, Haynesworth Sinkler Boyd and others sponsored the first Palmetto Public Finance Forum at the Marriott at Renaissance Park Hotel in Spartanburg. The first two hours were devoted exclusively to GASB 45 and the problems it poses for local governments. The seminar was very well done and counties that did not attend should make plans to attend a second presentation of the same seminar on April 30 - May 1 at the Double Tree Guest Suites - Historic District in Charleston.

The most pressing problem for South Carolina counties under GASB 45 is that they must have an actuarial study done to determine their unfunded OPEB liability. Periodically, these studies will need to be updated. When the initial study is due depends upon the amount of revenues received by the county in 1999. Those counties whose revenues exceeded \$100 million in 1999 became subject to the GASB 45 reporting procedures effective July 1, 2007. Those counties will have until the end of the year to publish their study, or sooner if they issue bonds. Most other counties (whose 1999 revenues were between \$10 million and \$100 million) become subject to GASB 45 reporting the following year (beginning July 1, 2008). Those counties with 1999 revenues less than \$10 million become subject to GASB 45 reporting beginning July 1, 2009.

To assist counties with their reporting requirements, SCAC has selected Gabriel Roeder Smith (GRS), the same firm that was used by the State to determine its OPEB liability. Under SCAC's agreement with GRS, counties will contract directly with GRS at a substantially discounted rate. When the final details are worked out, presumably by the middle of May, counties will be able to contact GRS through the SCAC website and get their actuarial studies started.

This is the third memo in a series on GASB 45. The previous memos can be found at <http://www.sccounties.org/Other%20Helpful%20Information.htm>. If you have questions regarding SCAC's GASB 45/OPEB program, please do not hesitate to contact Cliff Scott at (800) 922-6081 or by e-mail at cliff@scac.state.sc.us.

cc: Board of Directors





South Carolina Association of Counties

K. G. "Rusty" Smith, Jr., President
Florence County

Michael B. Core
Executive Director

September 7, 2007

MEMORANDUM

From: SCAC Staff

To: County Council Members
County Chief Administrative Officers
County Attorneys
County Financial Directors
County Personnel Directors
County Treasurers

Re: Funding GASB 45 Liabilities: Fourth Memo in a Series

The long promised direct link to Gabriel Roeder Smith (GRS) is now in operation at <https://my.gabrielroeder.com/Portal/Default.aspx?alias=my.gabrielroeder.com/portal/scac> or on the SCAC website, www.sccounties.org. This link will enable counties to exchange necessary information online with GRS and to obtain an actuarial study, as required by GASB 45.

The actuarial study is the only requirement under GASB 45, although it is envisioned that the vast majority of governmental entities, nationwide, will choose to pre-fund their Other Post Employment Benefit (OPEB) liabilities. Failure to pre-fund OPEB liabilities will be noted on the entity's audited financial statements and, some believe, could lead to lower bond ratings. In order to get the benefits of pre-funding, entities will have to set aside their OPEB funds in some mechanism that makes the funds untouchable for any other purpose, such as creation of a trust.

The staff is currently working with two law firms, one national and one local, to draft the documents necessary to create a trust to collect, manage and invest the funds for counties that participate. The national firm, Kilpatrick & Stockton, will ensure compliance with the federal tax code and the local one, Haynesworth Sinkler Boyd, will ensure compliance with state law. Additionally, we have confirmed that the City of Charleston has filed its declaratory judgment action, which, if successful, would allow investment of local government OPEB funds in equity investments without a constitutional amendment. The holding in this case may affect the language of our trust documents; consequently, we are not in a hurry to get them drafted. We will continue to keep you posted as things develop.

This is the fourth memo in a series on GASB 45. The previous memos can be found at <http://www.sccounties.org/Other%20Helpful%20Information.htm>. If you have questions regarding SCAC's GASB 45/OPEB program, please do not hesitate to contact Cliff Scott at 800-922-6081 or by e-mail at cliff@scac.state.sc.us.

cc: Board of Directors





South Carolina Association of Counties

K. G. "Rusty" Smith, Jr., President
Florence County

Michael B. Cone
Executive Director

April 10, 2008

MEMORANDUM

From: SCAC Staff

To: County Council Members
County Chief Administrative Officers
County Attorneys
County Financial Directors
County Personnel Directors
County Treasurers

Re: Funding GASB 45 Liabilities: Fifth Memo in a Series

It has been seven months since SCAC's last GASB 45 memo. We made it clear in the second memo, dated March 16, 2007, that we would be taking a go-slow approach to make sure we got it right the first time. In the interim, we have made slow but steady progress; but, there hadn't been enough progress to date to justify a separate memo. Now, there is. Yesterday, SCAC invited five counties to participate in the first organizational meeting for the Trust. This first meeting focused primarily on whether counties were prepared to invest the staggering sums necessary to fund OPEB liabilities, to discuss alternative strategies to funding OPEB and to discuss strategies for reducing the Actuarial Accrued Liabilities (AAL). The next meeting will focus on language in the Trust Agreement, which has been completed by our tax law firm and needs to be reviewed by our local attorneys. We are still on track to have the Trust in place by June 30th.

Initial modeling done by the staff concluded that the total AAL for all counties could be as high as \$2.4 billion, based on the state's AAL and the number of county employees, compared to state employees. Last week, SCAC conducted a survey of counties who had done an actuarial study with 28 counties responding, seven of which had a completed study. Based on these seven counties, it appears that the total AAL for all counties may be in the range of \$500 to 650 million, a much more manageable figure.

It is critical that counties have access to the stock market in order to reduce their AAL. Last year, a declaratory judgment action was filed, as original jurisdiction in the Supreme Court, that would allow trust funds formed by local governments to invest in stocks, based on current law. The case was heard February 5th, but to date, it has not been ruled on by the Court. Also, a joint resolution, S. 463, would place a constitutional amendment on the ballot this November to allow the state to invest its OPEB funds in equity investments (stocks). The bill has been amended to allow local governments to invest OPEB funds in stocks, as well. S. 463 has passed both chambers, having passed the House on Tuesday. There was an amendment added in the House of a technical nature that was supported by SCAC. No problems are expected in the Senate, and the bill should pass. If the bill and the referendum both pass, implementing legislation will be needed next year before such investments will be allowed.

This memo will be posted on the SCAC website in the OPEB/GASB 45 section, along with the other memos. If you have questions about SCAC's program, please do not hesitate to contact Cliff Scott at 1-800-922-6081 or via e-mail to cliff@scac.state.sc.us.

cc: Board of Directors

1919 Thurmond Mall • P.O. Box 8207 • Columbia, SC 29202-8207

Phone: (803) 252-7255 • Fax: (803) 252-0379 • E-mail: scac@scac.state.sc.us • Website: <http://www.sccounties.org>

Building Stronger Counties for Tomorrow





South Carolina Association of Counties

K. G. "Rusty" Smith, Jr., President
Florence County

Michael B. Cone
Executive Director

June 30, 2008

MEMORANDUM

From: SCAC Staff

To: County Council Members
County Chief Administrative Officers
County Attorneys

County Financial Directors
County Personnel Directors
County Treasurers

Re: Funding GASB 45 Liabilities: Sixth Memo in a Series

The Trust is ready to go! In the initial memo in this series, dated February 17, 2007, SCAC announced that it would sponsor an OPEB trust for its member counties. In the second memo, dated March 16, 2007, we expressed our intention to adopt a deliberate approach and not attempt to rush into a trust agreement. We were mindful that our largest counties may need a trust agreement to be available by the end of the fiscal year, and the staff adopted June 30, 2008, as an unofficial goal. This past Wednesday, June 25th, the finishing touches were completed on the Trust Agreement, the document that will establish the Trust, and the Intergovernmental Agreement that each county will execute to become a member.

The Association relied on two law firms to assist in drafting a trust agreement that would meet two requirements that were often in conflict. Kilpatrick & Stockton, a Washington, D.C. tax firm, ensured that the Trust would be tax exempt and Haynsworth Sinkler Boyd provided advice on South Carolina law, particularly regarding protection from creditors and irrevocability of the Trust assets. On Wednesday, ten of the counties that had expressed the greatest interest in the Trust met with the staff to go over the provisions of the Trust Agreement and Intergovernmental Agreement and to discuss OPEB in general.

Looking ahead, a Constitutional amendment will be on the ballot in November that would allow OPEB trusts to invest in the stocks. If the amendment passes, which is expected, enabling legislation will have to pass before the investments can be made. Finally, the State is sponsoring a meeting in July that will look into funding mechanisms for OPEB pools, and the staff will send a representative. We will provide additional information when it becomes available.

This memo will be posted on the SCAC website in the OPEB/GASB 45 section, along with the other memos. If you have questions about SCAC's program, please do not hesitate to contact Cliff Scott at 800-922-6081 or via e-mail at cliff@scac.state.sc.us.

cc: Board of Directors





South Carolina Association of Counties

L. Gregory Pearce, Jr., President
Richland County

Michael B. Cone
Executive Director

August 20, 2008

MEMORANDUM

From: SCAC Staff

To: County Council Members
County Chief Administrative Officers
County Attorneys
County Financial Directors
County Personnel Directors
County Treasurers

Re: Funding GASB 45 Liabilities: Seventh Memo in a Series

On Monday, August 18, the Supreme Court filed its opinion in the case of Wilson v. South Carolina ORBIT. The decision of the Court has received a good deal of media attention and the staff felt it would be helpful to advise counties of the impact of the decision, given that SCAC is sponsoring a similar OPEB Trust, the South Carolina Counties Other Post Employment Benefits Trust (SCCOPEBT). The Wilson case was a declaratory judgment action filed by an employee of the City of Charleston to establish that the trust set up by the Municipal Association (SCORBIT) could invest in stocks, even before the constitution could be amended. SCAC was asked by MASC to join in the lawsuit, on behalf of SCCOPEBT, but declined to do so.

SCORBIT was formed earlier than SCCOPEBT, because of the difference in the start dates for budget years (January as opposed to June) for counties and some municipalities. Whereas SCORBIT was formed in 2007, SCCOPEBT was not even available until late June of 2008. The latter trust adopted a "go-slow" approach to avoid mistakes that could be magnified by creating a flawed irrevocable trust. SCORBIT was such a mistake that SCAC was trying to avoid.

SCORBIT was set up to invest its assets in the stock market from the beginning, based upon a theory designed to side step the constitutional provision prohibiting such investments. The Supreme Court not only determined that the investment of municipal money in the trust was unconstitutional; it also ruled that the trust, itself, was unconstitutional. The Court ruled that SCORBIT must be disbanded and the funds returned to its members. Because SCCOPEBT was organized with the intention that funds would only be invested in bonds until the constitution is amended, SCCOPEBT will not have the same problem as SCORBIT. The constitutional amendment will be on the ballot in November.

This memo will be posted on the SCAC website in the OPEB/GASB 45 section, along with the other GASB 45 memos. If you have questions about SCAC's program, please do not hesitate to contact Cliff Scott at 1-800-922-6081 or via e-mail to cliff@scac.state.sc.us.

cc: Board of Directors



**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2008-13**

AN ORDINANCE AMENDING ORDINANCE 98-10, AN ORDINANCE THAT IS THE BUILDING CODE ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA.

WHEREAS, Ordinance 98-10 adopted a number of building codes to be applicable in Oconee County, South Carolina, and

WHEREAS, in order for Oconee County to be in compliance with South Carolina Code Section 6-9-50(a), Ordinance 98-10 must be updated in accordance with South Carolina law; and

NOW, THEREFORE, BE IT ORDAINED by Oconee County Council, duly assembled and with quorum present, the following:

I. Article II: REGULATORY CODES is hereby amended in its entirety to read as follows:

Article II: REGULATORY CODES as of July 1, 2008, the following codes are hereby adopted.

1. 2006 International Building Code with modifications, no appendixes;
2. 2006 International Fire Code with modifications, no appendixes;
3. 2006 International Plumbing Code, no appendixes;
4. 2006 International Mechanical Code, no appendixes;
5. 2006 International Energy Conservation Code, no appendixes;
6. 2003 International Residential Code with modifications, no appendixes; and
7. 2006 International Fuel Gas Code with modifications, no appendixes.

Oconee County Council hereby adopts the Administrative Procedures of Chapter 1 of the International Codes with the following changes or additions:

1. International Building Code, Section 105.2 "Work exempt from permit. Building:" Add: 14. Signs not over 75 square feet.
2. International Residential Code, Section 105.2 "Work exempt from permit" Building: 1. One story detached accessory structures, provided the floor area does not exceed 200 square feet." Substitute: 400 square feet.

In addition, Oconee County hereby adopts the following codes effective July 1, 2008:

1. 2006 International Existing Building Code;
2. 2006 International Performance Code for Buildings and Facilities;
3. 2005 National Electric Code;
4. 2006 International Property Maintenance Code with the following changes:
 - a. Section: 302.4 Weeds and Section 302.8 Motor vehicles, delete without substitution.
 - b. Section 303.2 "Swimming Pool Enclosure: Private swimming pools, hot

- c. tubs and spas, containing water more than 24 inches in depth" substitute 48 inches for 24 inches.

REGULATORY CODES as of July 1, 2009, the following code is hereby adopted.

1. 2006 International Residential Code with modification, no appendixes.

II. Section 3.03 of Ordinance 98-10 is hereby amended in its entirety. Section 3.03 shall read as follows:

Section 3.03 Fee Schedule

All Buildings and Mechanical Trades \$10,000.00 or less - \$50.00

All Buildings and Mechanical Trade \$10,000.00 and up - \$50.00 for the first \$10,000.00 plus \$4.00 for each additional thousand or fraction thereof

Farm Exempt Structures - \$50.00

Manufactured Home Permits

Set-up Permit (includes County Decal) - \$100.00

Decal Only - \$20.00

Manufactured Home Detitle Fee

Inspection Fee - \$40.00

Manufactured Home Moving Permit Fee - \$20.00

Moving Permits (structures other than Manufactured Homes) - \$50.00

Demolition Inspection Fee - \$50.00

Swimming Pools – Inspection Fees

Commercial Pools - \$500.00

Single Family Residence Pools - \$100.00

Signs: Less than 75 square feet, No fee

75 square feet to 200 square feet - \$100

Greater than 200 square feet - \$300.00 per sign face

Commercial Plan Review Fee, 1/2 of building permit fee

Penalty Fees, Where work for which a permit is required by this Ordinance is started prior to obtaining said permit, the applicable fee shall be doubled

Re-inspection Fee - A \$50.00 fee shall be charged if an inspection is scheduled and the work is not ready when the inspector arrives

Stop Work Order Fee - A \$50.00 fee shall be charged if the inspector issues a stop work order

III. Section 3.04 of Ordinance 98-10 is hereby amended in its entirety. Section 3.04 shall now read as follows:

Section 3.04 Violations and Penalties

The violation of any of the codes or regulations adopted pursuant to the provisions of this ordinance is hereby declared a misdemeanor, and any person violating such regulations shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred (\$500.00) dollars, or imprisonment of not more than thirty (30) days, or both. Each day such violation shall continue shall be deemed a separate offense. In case of any alleged violation of this ordinance the building official, any other appropriate authority of Oconee County, or any other person or entity who would be damaged by such violation, may apply for injunctive relief, mandamus or other appropriate proceedings to prevent, correct, or abate such violation.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
George C. Blanchard, Chairman of County Council
Oconee County, South Carolina

ATTEST:

By: _____
Elizabeth G. Hulse, Clerk to County Council
Oconee County, South Carolina

First Reading: June 3, 2008
Second Reading: July 15, 2008
Public Hearing: August 5, 2008
Third Reading: September 9, 2008



AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: September 9, 2008
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

Project Boomer;
Ordinance No. 2008-16
Resolution No. 2008-13 with Inducement Agreement

BACKGROUND OR HISTORY:

Project Boomer is requesting the extension of a FILOT and the addition of an Infrastructure Credit of 15% for 10 years on the new investment of at least \$10.0M.

SPECIAL CONSIDERATIONS OR CONCERNS:

This company has invested at least \$9.0M of prior committed \$13.0M FILOT Agreement. This request will hopefully allow them to capture a new project that will bring another \$10.0-M investment and the possible creation of 50+ jobs.

STAFF RECOMMENDATION:

Approve the FILOT extension and the Infrastructure Credit requested.

FINANCIAL IMPACT:

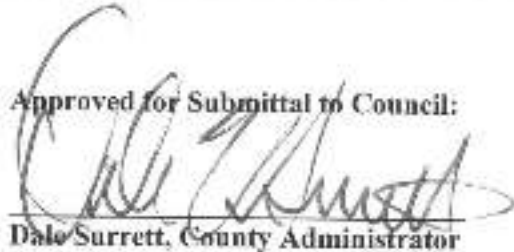
Preliminary estimates indicate the new investment will bring approximately \$1.17M in fees to the County over the next 20 years. Although new jobs are not required to approve a FILOT agreement this investment could bring the creation of 50 plus jobs that will earn approximately \$14.85/hr or \$32,670 annually. These 50 jobs would add \$1,633,500 in new wages to the County each year.

ATTACHMENTS

Submitted or Prepared By:

James W. Alexander
Department Head/Elected Official

Approved for Submittal to Council:


Dale Surratt, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Grants

C: Clerk to Council

Agenda Items Summary to be submitted to Administrator for review / approval no later than close of business on Wednesday prior to a Council meeting.



STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE NO. 2008-16

AN ORDINANCE BY OCONEE COUNTY, SOUTH CAROLINA, AUTHORIZING AN INFRASTRUCTURE TAX CREDIT (PROJECT BOOMER); THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE AFORESAID INFRASTRUCTURE TAX CREDIT AND APPROVAL OF THE AMENDMENT AND EXTENSION OF THE FEE AGREEMENT DATED AS OF DECEMBER 1, 2007, INCLUDING CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Oconee County, South Carolina (the "County") acting by and through its County Council is empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, Title 4, Chapter 1 and Chapter 29 and Title 12, Chapter 44, as amended, (jointly the "Act") to acquire, own, pay for, lease and dispose of infrastructure in order to enhance the economic development of the State of South Carolina (the "State") by inducing manufacturing and commercial enterprises to locate or expand in and remain in the State, and thus utilize and employ the manpower, agricultural products and natural resources of the State; and

WHEREAS, the County is authorized by Sections 4-1-175 and 4-29-68 of the Act to grant an infrastructure tax credit, which is a credit solely against payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution for the purpose of defraying a portion of the cost of designing, acquiring, constructing, improving or expanding infrastructure in order to enhance the economic development of the County, capitalized interest on the infrastructure tax credit (as described in the Act) and the costs of issuance of said credit; and

WHEREAS, the Project Boomer (the "Company") and the County entered into a fee agreement dated as of December 1, 2007 (the "Fee Agreement") by which the Company agreed to invest not less than \$13,000,000; and

WHEREAS, in accordance with the provisions of an Inducement Agreement dated September 9, 2008, by and between the Company and the County, the Company has determined that it desires to expand its manufacturing facility (the "Project"), which facility will include certain infrastructure to be owned, leased or used by the Company and to be located on the real property described in *Exhibit A* attached hereto (the "Infrastructure"); and

WHEREAS, the Company has the opportunity to invest in and expand its facility (the "Facility") in the County by an investment additional to that agreed to in the Fee Agreement of not less than \$10,000,000 and desires the County to amend the Fee Agreement and provide for an additional five (5) years to invest in the project as provided in Section 12-44-30(13) of the Act (the "Amended Fee Agreement"); and



WHEREAS, the Company is requesting an additional five (5) year extension in order to continue the investment in and expansion of the Facility in the County,

WHEREAS, having determined that the Project will provide public benefits incident to conducting industrial operations, and in order to implement the public purposes enumerated in the Act and in furtherance thereof to assist the Company in acquiring and maintaining an industrial facility within the State, the County has agreed to authorize an infrastructure tax credit (the "Infrastructure Credit") which Infrastructure Credit will be used to defray costs of the Company in acquiring and constructing the Infrastructure portion of the Project, and, in connection therewith, to make the Infrastructure portion of the Project available to the Company under and pursuant to the terms of an infrastructure credit agreement to be contained in the Amended Fee Agreement; and

WHEREAS, the Infrastructure Credit is to be authorized under and pursuant to the provisions of the Act and to be credited solely against the Fee Payments otherwise due, the Infrastructure Credit is granted to offset a portion of the costs incurred by the Company in connection with the acquisition and construction of the Infrastructure; and

WHEREAS, it has been determined that the estimated amount necessary to finance that portion of the cost of the Infrastructure to be defrayed and expenses incidental thereto requires that an Infrastructure Credit equivalent to Fifteen 15% percent of the Fee Payments for the Project be authorized for each of the first ten (10) years for which Fee Payments are made pursuant to the Amended Fee Agreement; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Amended Fee Agreement by and between the County and the Company which the County proposes to execute and deliver; and

WHEREAS, it appears that the Amended Fee Agreement above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended,

NOW, THEREFORE, BE IT ORDAINED by Oconee County, South Carolina, as follows:

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State by assisting the Company to locate an industrial facility in the State, the assistance by the County to Company, in the acquisition by construction or purchase of the Infrastructure, through an Infrastructure Credit, is hereby authorized, ratified and approved.

Section 2. The County agrees to the additional five (5) year extension so that the Company may continue to invest not less than \$10,000,000 in addition to the investment pursuant to the Fee Agreement and expand their facilities in the County pursuant to the terms of the Amended Fee Agreement.



Section 3. Pursuant to the authority of the Act, there is hereby authorized to be issued, and granted, an Infrastructure Credit of the County in the amount equal to Fifteen (15%) percent of the Fee Payments for the Project for each of the first ten (10) years of payments in lieu of tax for the Project, for the purpose of defraying the cost of the Infrastructure, so as to induce the Company to locate a facility in the County.

Section 4. The Chairman of the County Council is hereby authorized, empowered and directed to execute and deliver the Amended Fee Agreement. The Clerk to the County Council is hereby authorized and directed to affix the corporate seal of the County to the Amended Fee Agreement and to attest the same. The Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes, insertions and omissions therein as do not impose liability upon the County and as shall be approved by the Chairman of the County Council executing the same, with the advice of counsel, said execution to constitute conclusive evidence of such approval.

Section 5. The Infrastructure Credit shall be chargeable solely against the Fee Payments for the Project. The Infrastructure Credit does not and shall never constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Such limitation shall be plainly stated on the face of the Amended Fee Agreement. Nothing in this Ordinance or the Amended Fee Agreement shall be construed as an obligation or commitment by the County to expend any of its funds other than the Infrastructure Credit against the Fee Payments for the Project.

Section 6. The Amended Fee Agreement shall be executed in the name of the County with the manual or facsimile signatures of the Chairman of the County Council and shall be attested by the manual or facsimile signature of the Clerk to the County Council of the County. In case the officers whose signature shall appear on the Amended Fee Agreement shall cease to be such officers before the delivery of the Amended Fee Agreement, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until delivery.

Section 7. The Chairman of the County Council and the Clerk of the County Council and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 8. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.



Section 9. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Passed and approved this ____ day of October, 2008.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
George C. Blanchard, Chairman of County Council
Oconee County, South Carolina

ATTEST:

By: _____
Elizabeth G. Hulse, Clerk to County Council
Oconee County, South Carolina

First Reading: September 9, 2008

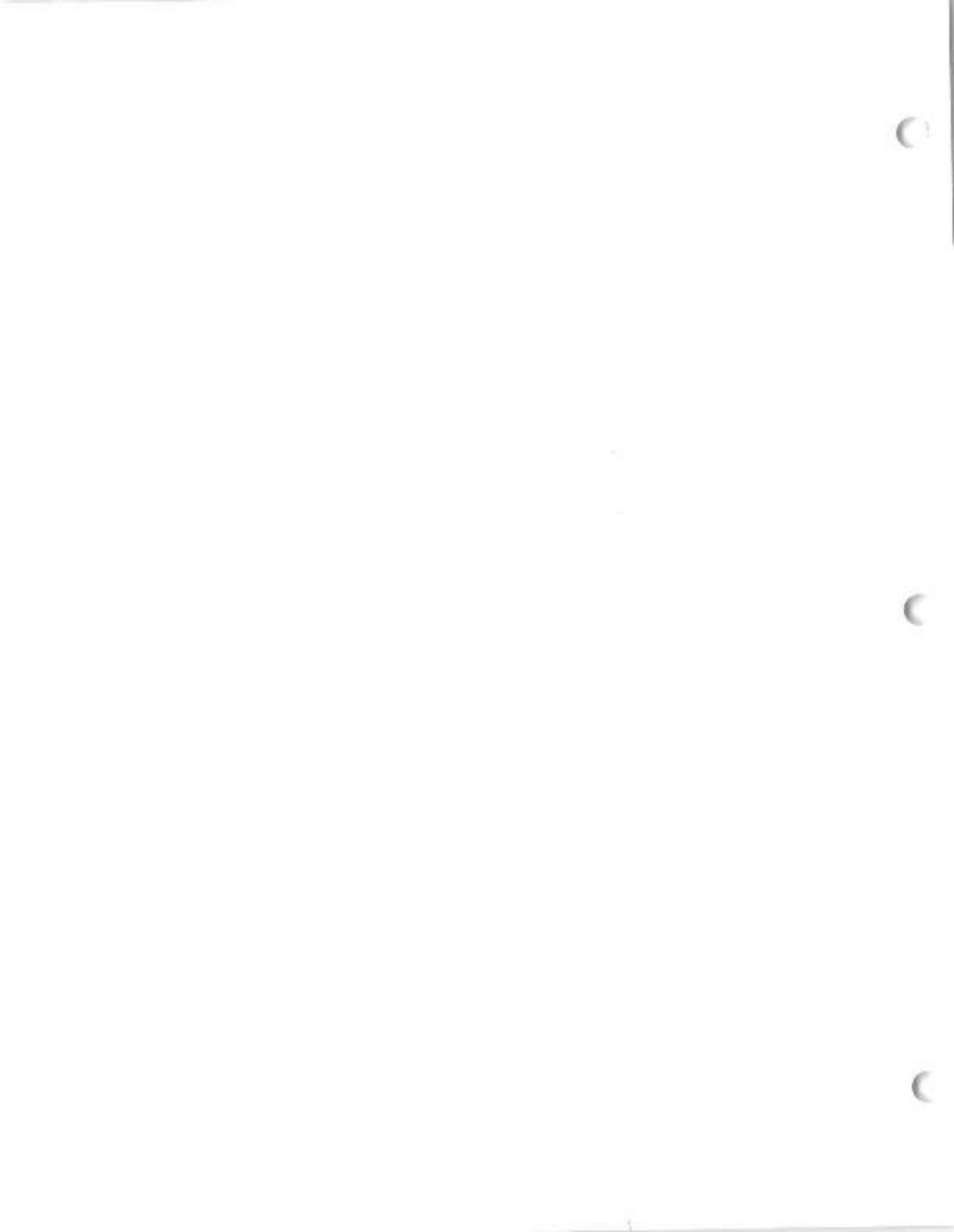
Second Reading:

Public Hearing:

Third Reading:



EXHIBIT "A"
DESCRIPTION OF LAND



**STATE OF SOUTH CAROLINA
OCONEE COUNTY
RESOLUTION NO. 2008-13**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT BOOMER WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL PROVIDE AN INFRASTRUCTURE TAX CREDIT AND APPROVAL OF THE AMENDMENT TO THE FEE AGREEMENT DATED AS OF DECEMBER 1, 2007 TO PROJECT BOOMER

WHEREAS, Oconee County, South Carolina (the "County"), acting by and through its County Council (the "County Council") is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 and Chapter 29 and Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, or cause to be acquired by the industry properties and to enter into agreements with any industry inducing the industry to construct, operate, maintain and improve such property; to enter into or allow financing agreements or tax credit agreements with respect to such projects; and, to accept any grants for such infrastructure through which powers the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, Project Boomer (the "Company"), has requested the County to participate in executing an Inducement Agreement, (Project Boomer) pursuant to the Act for the purpose of inducing the Company to expand its existing facility, for the purpose of a manufacturing facility that will manufacture automotive parts and products (the "Project"), all as more fully set forth in the Inducement Agreement attached hereto; and

WHEREAS, the County and Williamsburg County, South Carolina ("Williamsburg County") have entered into a Joint County Industrial and Business Park Agreement, as amended from time to time (the "Park Agreement"); and

WHEREAS, the Company has requested the County to extend the existing multi-county industrial park with Williamsburg County, South Carolina (the "Park") with Pickens County pursuant to the provisions of Section 4-1-170 of the Act.

WHEREAS, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or

incorporated municipality or a charge against the general credit or taxing power of either; and that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion of the Project within the County and State is of paramount importance and that the benefits of the Project will be greater than the costs; and

WHEREAS, the Company has requested the County to provide an infrastructure tax credit (hereinafter referred to as the "Infrastructure Credit") pursuant to Section 4-1-175 and Section 4-29-68 of the Act for the purpose of acquiring or enhancing the infrastructure for the Project all as more fully set forth in the Inducement Agreement attached hereto; and

WHEREAS, on December 1, 2007, the County and the Company entered into a Fee Agreement (the "Fee Agreement") to provide fee in lieu of tax payments to the Company pursuant to the Act and the Company agreed to invest not less than \$13,000,000; and

WHEREAS, the Company desires to amend the Fee Agreement to provide that the right of the Company to invest pursuant to the Fee Agreement be extended for an additional five (5) years as allowed pursuant to the terms of Section 12-44-30(13) (the "Amended Fee Agreement"), and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a "project" as that term is defined in the Act and that the Project would subscribe the purposes of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the County Council as follows:

Section 1. Pursuant to the authority of the Act and for the purpose of providing infrastructure to the Project, there is hereby authorized to be issued an Infrastructure Credit to provide infrastructure funds to facilitate the Project and to extend the time for investment in the Project. The final determination of the amount of the Infrastructure Credit is to be determined pursuant to Section 1.1 (e) of the Inducement Agreement. The Infrastructure Credit will be payable exclusively from payments in lieu of tax the County receives and retains from the fee in lieu of tax due from the Project as the Project will be located in a joint county industrial park existing between the County and Williamsburg County. The Infrastructure Credit shall not constitute a general obligation or indebtedness of the County nor a pledge of the full faith and credit or the taxing power of the County.

Section 2. The provisions, terms and conditions of the Infrastructure Credit agreement to be entered into by and between the County and the Company shall be contained in the Amended Fee Agreement, and the form, details, and maturity provisions, if any, of the Amended Fee Agreement shall be prescribed by subsequent ordinance of the County Council.

Section 3. The County will amend the Park with Pickens County dated January 16, 2007 by adding the Project site commencing effective July 25, 2014.

Section 4. The Chairman of County Council is hereby authorized and directed to execute the Inducement Agreement attached hereto in the name of and on behalf of the County, and the Clerk of the County Council is hereby authorized and directed to attest the same; and the Chairman of County Council is hereby further authorized and directed to deliver said executed Inducement Agreement to the Company.

Section 5. Prior to the execution of the Amended Fee Agreement and the provision of the Infrastructure Credit, the County Council will comply with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

Section 6. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution shall take effect and be in full force from and after its passage by the County Council.

Section 7. It is the intention of the County Council that this resolution shall constitute an official action on the part of the County relating to the inducement of the Project.

Done in meeting duly assembled this 9th day of September 2008.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
George C. Blanchard, Chairman of County Council
Oconee County, South Carolina

ATTEST:

By: _____
Elizabeth G. Hulse, Clerk to County Council
Oconee County, South Carolina



**STATE OF SOUTH CAROLINA
OCONEE COUNTY
RESOLUTION NO. 2008-13**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT BOOMER WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL PROVIDE AN INFRASTRUCTURE TAX CREDIT AND APPROVAL OF THE AMENDMENT TO THE FEE AGREEMENT DATED AS OF DECEMBER 1, 2007 TO PROJECT BOOMER

WHEREAS, Oconee County, South Carolina (the "County"), acting by and through its County Council (the "County Council") is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 and Chapter 29 and Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, or cause to be acquired by the industry properties and to enter into agreements with any industry inducing the industry to construct, operate, maintain and improve such property; to enter into or allow financing agreements or tax credit agreements with respect to such projects; and, to accept any grants for such infrastructure through which powers the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, Project Boomer (the "Company"), has requested the County to participate in executing an Inducement Agreement, (Project Boomer) pursuant to the Act for the purpose of inducing the Company to expand its existing facility, for the purpose of a manufacturing facility that will manufacture automotive parts and products (the "Project"), all as more fully set forth in the Inducement Agreement attached hereto; and

WHEREAS, the County and Williamsburg County, South Carolina ("Williamsburg County") have entered into a Joint County Industrial and Business Park Agreement, as amended from time to time (the "Park Agreement"); and

WHEREAS, the Company has requested the County to extend the existing multi-county industrial park with Williamsburg County, South Carolina (the "Park") with Pickens County pursuant to the provisions of Section 4-1-170 of the Act.

WHEREAS, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or



incorporated municipality or a charge against the general credit or taxing power of either; and that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion of the Project within the County and State is of paramount importance and that the benefits of the Project will be greater than the costs; and

WHEREAS, the Company has requested the County to provide an infrastructure tax credit (hereinafter referred to as the "Infrastructure Credit") pursuant to Section 4-1-175 and Section 4-29-68 of the Act for the purpose of acquiring or enhancing the infrastructure for the Project all as more fully set forth in the Inducement Agreement attached hereto; and

WHEREAS, on December 1, 2007, the County and the Company entered into a Fee Agreement (the "Fee Agreement") to provide fee in lieu of tax payments to the Company pursuant to the Act and the Company agreed to invest not less than \$13,000,000; and

WHEREAS, the Company desires to amend the Fee Agreement to provide that the right of the Company to invest pursuant to the Fee Agreement be extended for an additional five (5) years as allowed pursuant to the terms of Section 12-44-30(13) (the "Amended Fee Agreement"), and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the County Council as follows:

Section 1. Pursuant to the authority of the Act and for the purpose of providing infrastructure to the Project, there is hereby authorized to be issued an Infrastructure Credit to provide infrastructure funds to facilitate the Project and to extend the time for investment in the Project. The final determination of the amount of the Infrastructure Credit is to be determined pursuant to Section 1.1 (e) of the Inducement Agreement. The Infrastructure Credit will be payable exclusively from payments in lieu of tax the County receives and retains from the fee in lieu of tax due from the Project as the Project will be located in a joint county industrial park existing between the County and Williamsburg County. The Infrastructure Credit shall not constitute a general obligation or indebtedness of the County nor a pledge of the full faith and credit or the taxing power of the County.

Section 2. The provisions, terms and conditions of the Infrastructure Credit agreement to be entered into by and between the County and the Company shall be contained in the Amended Fee Agreement, and the form, details, and maturity provisions, if any, of the Amended Fee Agreement shall be prescribed by subsequent ordinance of the County Council.

Section 3. The County will amend the Park with Pickens County dated January 16, 2007 by adding the Project site commencing effective July 25, 2014.



Section 4. The Chairman of County Council is hereby authorized and directed to execute the Inducement Agreement attached hereto in the name of and on behalf of the County, and the Clerk of the County Council is hereby authorized and directed to attest the same; and the Chairman of County Council is hereby further authorized and directed to deliver said executed Inducement Agreement to the Company.

Section 5. Prior to the execution of the Amended Fee Agreement and the provision of the Infrastructure Credit, the County Council will comply with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

Section 6. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution shall take effect and be in full force from and after its passage by the County Council.

Section 7. It is the intention of the County Council that this resolution shall constitute an official action on the part of the County relating to the inducement of the Project.

Done in meeting duly assembled this 9th day of September 2008.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
George C. Blanchard, Chairman of County Council
Oconee County, South Carolina

ATTEST:

By: _____
Elizabeth G. Hulse, Clerk to County Council
Oconee County, South Carolina



**INDUCEMENT AGREEMENT
AND MILLAGE RATE AGREEMENT**

THIS INDUCEMENT AGREEMENT made and entered into by and between Oconee County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina (jointly hereinafter the "County") and Project Boomer (the "Company").

WITNESSETH:

ARTICLE I

RECITATION OF FACTS

Section 1.1. As a means of setting forth the matters of mutual inducement which have resulted in the making and entering into of this Agreement, the following statements of fact are herewith recited:

- (a) The County is authorized and empowered by the provisions of Title 4, Chapter 1 and Chapter 29 and Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (the "Act") to induce the Company to acquire, enlarge, improve, expand, equip, furnish, own, lease, and dispose of properties through which the industrial and economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing new industries to locate in the State and by encouraging industries now located in the State to expand their investments and thus utilize and employ manpower and other resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally.
- (b) The Company desires that the County (i) extend its right to invest in that certain fee agreement (the "Fee Agreement") dated as of December 1, 2007, wherein the Company agreed to invest not less than Thirteen Million Dollars (\$13,000,000) by the maximum five (5) year period permitted pursuant to Section 12-44-30(13) of the Act by amending the Fee Agreement; and (ii) extend the existing multi-county industrial park with Williamsburg County, South Carolina (the "Park") with Pickens County pursuant to the provisions of Section 4-1-170 of the Act.
- (c) The Company is considering the expansion of its facilities and capabilities to be used for manufacturing of automotive parts and products (the "Project") in the County. The Project will involve an investment of at least Ten Million Dollars (\$10,000,000) in addition to the investment in the Fee Agreement.
- (d) The Company will enter into an Amended Fee Agreement which will contain an infrastructure credit agreement as provided in Section 1.1(f) hereinbelow, by and between the Company and the County (the "Amended Fee Agreement").



(e) The County has given due consideration to the economic development impact of the Project, and that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion of the Project within the County and State is of paramount importance and that the benefits of the Project will be greater than the costs; and, has agreed to effect the issuance and delivery of this Agreement, pursuant to the Act, and on the terms and conditions hereafter set forth.

(f) The County will provide an infrastructure credit against payments in lieu of taxes as defined in Section 4-1-175 of the Act (the "Infrastructure Credit") in an annual amount equal to Fifteen percent (15%) of the payments in lieu of taxes allocated to the County taxing entities pursuant to the County and Williamsburg County, South Carolina Joint County Industrial and Business Park Agreement, as amended from time to time (the "Park Agreement") from the first ten (10) years of fee in lieu of tax payments on the Project pursuant to the Park Agreement. The adoption of ordinances and procedures for the provision of the Infrastructure Credit to the Company shall conform to the provisions of the Act and the Home Rule Act.

ARTICLE II

UNDERTAKINGS ON THE PART OF THE COUNTY

The County agrees as follows:

Section 2.1. The Company will maintain the Project and will (i) keep the Project insured against loss or damage or perils generally insured against by industries or businesses similar to the Company and will carry public liability insurance covering personal injury, death or property damage with respect to the Project; or (ii) self-insure with respect to such risks in the same manner as it does with respect to similar property owned by the Company; or (iii) maintain a combination of insurance coverage and self-insurance as to such risks.

The Amended Fee Agreement shall provide that, in the performance of the agreements contained therein on the part of the County, any obligations the County may incur for the payment of money shall not create a pecuniary liability of the County nor create a general obligation on its part or by the State or any incorporated municipality.



Section 2.2. Upon the request of the Company, the County will permit the planning, design, acquisition, construction and carrying out of the Project to commence prior to the execution and delivery of the Amended Fee Agreement.

Section 2.3. Oconee County Council agrees that this constitutes an agreement providing the Company with the Infrastructure Credit.

Section 2.4. (a) Oconee County Council does hereby agree, subject to the requirements of Section 4-1-175 of the Act and the Home Rule Act, to undertake the preparation and adoption of an ordinance authorizing the provision of the Infrastructure Credit which shall be made available to pay or reimburse the payment of a portion of or all of the costs of the infrastructure improvements for the Project and the extension of five (5) years pursuant to the Amended Fee Agreement. The amount of the Infrastructure Credit will be limited such that the total amount of credit over the life of the Infrastructure Credit will be Fifteen (15%) percent of the fee-in-lieu of tax payments retained by the County taxing entities during the first ten years of fee in lieu of tax payments pursuant to the Amended Fee Agreement. The Infrastructure Credit will be payable exclusively from payments the County receives and retains from the Company in lieu of taxes under the Amended Fee Agreement. The Infrastructure Credit shall not constitute a general obligation of indebtedness of the County nor a pledge of the full faith and credit or the taxing power of the County. Provided, for so long as the Amended Fee Agreement remains in full force and effect, the Infrastructure Credit shall be paid solely by setoff by the Company against fee in lieu of tax payments due under the Amended Fee Agreement.

(b) The County will amend the Park with Pickens County dated January 16, 2007 by adding the Project site commencing effective July 25, 2014.

(c) The undertakings of the County hereunder are contingent upon the Company providing the County with such further evidence as may be satisfactory to the County as to compliance with all applicable statutes and regulations.

ARTICLE III

UNDERTAKINGS ON THE PART OF THE COMPANY

Section 3.1. Prior to execution of the Amended Fee Agreement and subsequent to this Agreement, the Company may advance any acquisition or construction funds required in connection with the planning, design, acquisition, construction and carrying out of the Project including any infrastructure.

Section 3.2. The County will have no obligation to assist the Company in finding a bank and the Company may endeavor to finance the Project to the extent required to finance the cost of the acquisition and installation of the Project and the costs of the transaction.



Section 3.3. If the Project proceeds as contemplated, the Company further agrees as follows:

- (a) To acquire, or cause to be acquired, title to the assets constituting the Project;
- (b) To indemnify, defend, and hold the County harmless from all pecuniary liability and to reimburse it for all expenses to which it might be put in the fulfillment of its obligations under this Agreement and in the implementation of its terms and provisions;
- (c) To apply for, and use its best efforts to obtain, all permits, licenses, authorizations and approvals required by all governmental authorities in connection with the acquisition, construction, operation and use of the Project;
- (d) To indemnify, defend and hold the County and the individual directors, officers, agents and employees thereof harmless against any claim or loss or damage to property or any injury or death of any person or persons occurring in connection with the planning, design, acquisition, construction, leasing and carrying out of the Project. The Company also agrees to reimburse or otherwise pay, on behalf of the County, any and all expenses not hereinbefore mentioned incurred by the County in connection with the Project. This indemnity shall be superseded by a similar indemnity in the Amended Fee Agreement;
- (e) To invest not less than Ten Million Dollars (\$10,000,000) in the Project in addition to the investment made pursuant to the Fee Agreement.

ARTICLE IV

GENERAL PROVISIONS

Section 4.1. All commitments of the County under Article II hereof are subject to all of the provisions of the Act and the Home Rule Act, including, without limitation, the condition that nothing contained in this Agreement shall constitute or give rise to a pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing powers of either.

Section 4.2. All commitments of the County and the Company hereunder are subject to the condition that the County and the Company agree on mutually acceptable terms and conditions of all documents, the execution and delivery of which are contemplated by the provisions hereof.

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Section 4.3. If for any reason this Agreement is not executed and delivered by the Company on or before December 31, 2008 the provisions of this Agreement shall be cancelled and neither party shall have any rights against the other and no third parties shall have any rights against either party except:

(a) The Company will pay the County for all expenses which have been authorized by the Company and incurred by the County in connection with the planning, design, acquisition, construction and carrying out of the Project and for all expenses incurred by the County in connection with the authorization and approval of the Amended Fee Agreement or this Agreement;

(b) The Company will pay the out-of-pocket expenses of officers, agents and employees of the County and counsel for the County incurred in connection with the Project and the execution of the Amended Fee Agreement, and will pay fees for legal services related to the Project and the execution of the Amended Fee Agreement.

Section 4.4. The parties understand that the Company may choose not to proceed with the Project, in which event this Agreement shall be cancelled and, subject to parties' obligations described in Section 4.3, neither party shall have any further rights against the other, and no third party shall have any rights against either party.

Section 4.5. To the maximum extent allowable under the Act the Company may, without the prior consent of the County, assign (including, without limitation, absolute, collateral, and other Assignments) all or a part of its rights and/or obligations under this Inducement Agreement, the Amended Fee Agreement, or any other agreement related hereto or thereto, to one or more other entities which are "Related Parties" within the meaning of the Internal Revenue Code without adversely affecting the benefits to the Company or its assignees pursuant to any such agreement or the Act.



IN WITNESS WHEREOF, the parties hereto, each after due authorization, have executed this Inducement Agreement on the respective dates indicated below.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
George C. Blanchard, Chairman of County Council
Oconee County, South Carolina

ATTEST:

By: _____
Elizabeth G. Hulse, Clerk to County Council
Oconee County, South Carolina

Dated: September 9, 2008



(PROJECT BOOMER)

By: _____

Its:

Date: _____



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: September 9, 2008
COUNCIL MEETING TIME: 7:00 PM**

ITEM TITLE OR DESCRIPTION:

Project Boomer
Ordinance No. 2008-17 Amending Ordinance No. 2006-027.

BACKGROUND OR HISTORY:

Project Boomer is requesting the extension of a FILOT and the addition of an Infrastructure Credit of 15% for 10 years on the new investment of at least \$10.0M. To ensure we encourage Project Boomer to locate this project in Oconee County we need to place this project in a permitted Multi-County Park.

SPECIAL CONSIDERATIONS OR CONCERNS:

This company has invested at least \$9.0M of prior committed \$13.0M FILOT Agreement. This request will hopefully allow them to capture a new project that will bring another \$10.0+M investment and the possible creation of 50+ jobs.

STAFF RECOMMENDATION:

Approve the Ordinance Amendment allowing Project Boomer to be part of the Multi-County Park Agreement with Pickens County.

FINANCIAL IMPACT:

Preliminary estimates indicate the new investment will bring approximately \$1.17M in fees to the County over the next 20 years. Although new jobs are not required to approve a FILOT agreement this investment could bring the creation of 50 plus jobs that will earn approximately \$14.85/hr or \$32,670 annually. These 50 jobs would add \$1,633,500 in new wages to the County each year.

ATTACHMENTS

Submitted or Prepared By:

James W. Alexander
Department Head/Elected Official

Approved for Submittal to Council:


Dale Surratt, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Grants

C: Clerk to Council

Agenda Items Summary to be submitted to Administrator for review / approval no later than close of business on Wednesday prior to a Council meeting.



STATE OF SOUTH CAROLINA
OCONEE COUNTY COUNCIL
ORDINANCE NO. 2008-17

AN ORDINANCE TO AMEND ORDINANCE NO. 2006-027 RELATING
TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS
COUNTIES SO AS TO ENLARGE THE PARK.

WHEREAS, pursuant to Ordinance No. 2006-027 enacted on December 5, 2006 by Oconee County Council, Oconee County entered into an Agreement for Development of Joint County Industrial and Business Park dated as of January 16, 2007 with Pickens County (the "Original Agreement") (hereinafter referred to as the "Park Agreement"); and

WHEREAS, pursuant to Section 3 of the Park Agreement, the boundaries of the park created therein (the "Park") may be enlarged pursuant to ordinances of the respective County Councils of Pickens County and Oconee County; and

WHEREAS, it is now desired that the boundaries of the Park be enlarged;

NOW, THEREFORE, be it ordained by Oconee County Council that the Park Agreement is hereby and shall be amended to include the property in Oconee County described in the schedule attached to this Ordinance (as such description may be hereafter refined), and that the Chairman of Oconee County Council is hereby authorized to execute and deliver any desired amendments to the Park Agreement necessary to accomplish the within enlargement.

DONE in meeting duly assembled this ____ day of _____, 2008.

OCONEE COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
George C. Blanchard Chairman, County Council
Oconee County, South Carolina

ATTEST:

By: _____
Elizabeth G. Hulse, Clerk to County Council
Oconee County, South Carolina

First Reading: September 9, 2008
Second Reading:
Public Hearing:
Third Reading:

C

C

C

Addition to Exhibit A (Oconee County)
To
Agreement for Development of Joint County
Industrial Park dated as of January 16, 2007
Between Oconee County and Pickens County

Tract 2

Project Boomer
Land description to be supplied



Technology Assessment

Statement Of Work

8/19/2008



VC3

Assess | Improve | Manage

SOW_OCCONEE_COUNTY_TECHNOLOGY_ASSESSMENT_08.15.08

This document will serve as the Statement of Work for the described scope in the subsequent sections. The document will outline the work involved and level of investment for Oconee County to achieve the stated business requirements.





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1. VC3 OVERVIEW

Combining years of IT and business experience, VC3 was formed in 1994 by information professionals who sought to provide high quality IT services to both the private and public sectors. Since its inception, VC3's focus has been to help clients find economically efficient paths to better leverage information technology.

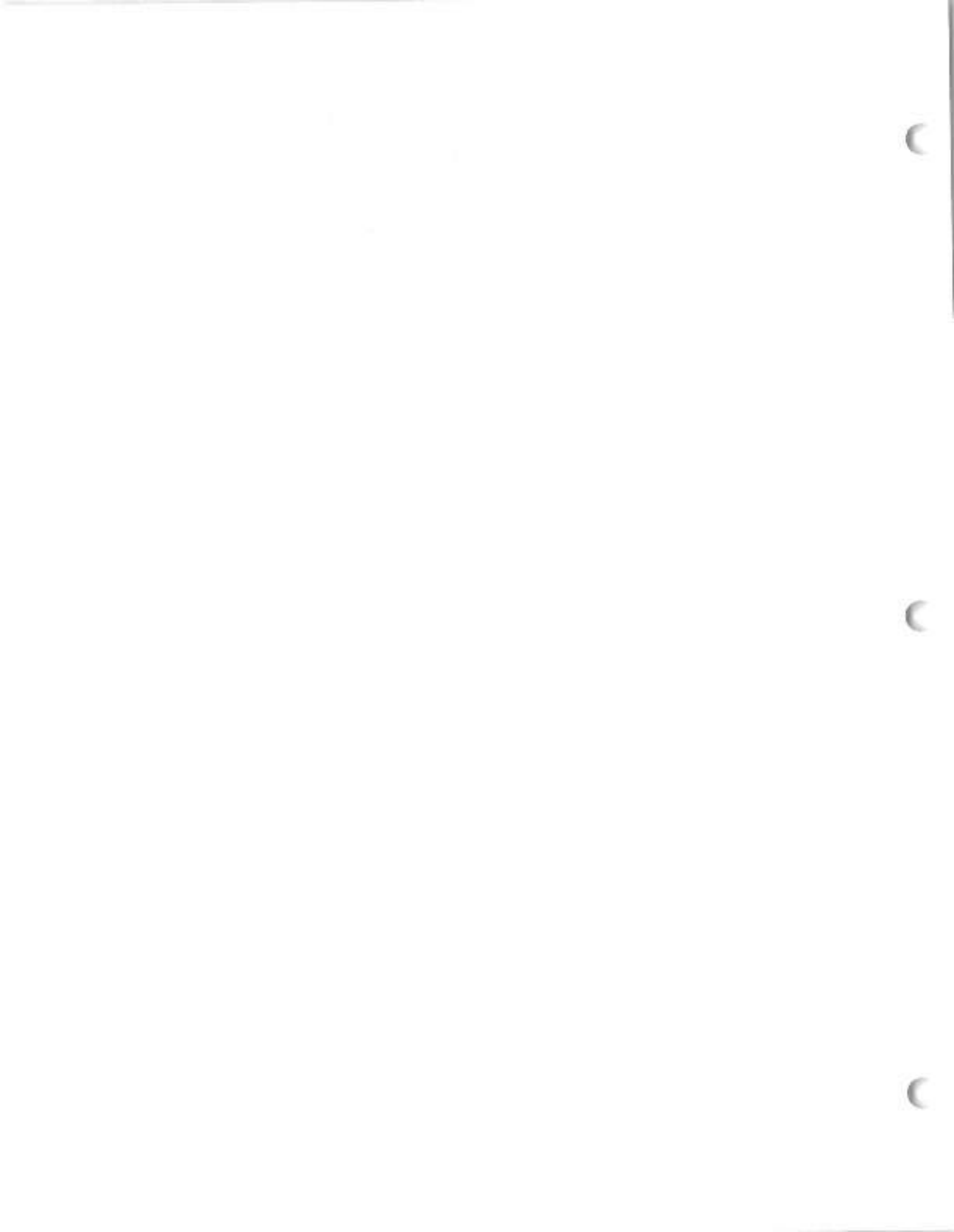
Today, VC3 is a growing company with a wide range of services including:

- Internet/Intranet & Data Center Services
- Web and Application Development Services
- Computer & Network Support
- Network Design, Configuration & Optimization
- Technology Assessments
- Security Audits

VC3 is firmly committed to the development of applications using Microsoft's .Net framework. With the release of this framework, Microsoft has taken a significant step forward in providing developers with the tools and development environment needed to quickly and cost effectively provide custom applications to customers that not only meet the needs of customers the needs of customers now, but that can be easily modified as those needs change in the future.

VC3 also offers a complete suite of hosted e-government solutions for small and medium-sized local governments, web content management solutions used by both the public and private sectors, and web-based solutions for educational institutions. Through its success in supplying these services, VC3 has established a strong reputation for expertise and reliability among its clients. The foundation of our solid, long-term client relationships is a strong desire to learn about our customer's business and listen to their needs. Most importantly, VC3 knows that its customer's success ensures its own success.

More information about VC3 is available on the web at www.vc3.com.





2. SUMMARY OF SCOPE OF SERVICES

The following outlines the products and services that VC3 will deliver to Oconee County during the requested Technology Assessment. VC3 will provide the consulting, system engineering and project management necessary to implement the requirements that the Customer has defined for this project.

The Customer has requested VC3 Inc. provide a Technology Assessment to evaluate and document the existing IT infrastructure. The Assessment is required to determine the status, topology, data connectivity, stability, and general readiness of the existing network systems. Data collection will begin at the County Administration office in Walhalla, SC. The assessment will provide the foundation on which recommendations will be made to enable the existing network to run in a reliable and cost effective manner, and on which other applications could be configured successfully. Upon completion of the assessment, VC3 will make recommendations, taking into consideration the goals and growth plans of Customer. The assessment will give Customer a better understanding of the existing network environment and provide a foundation on which other assessments (security, disaster recovery, software, etc.) could be more realistically evaluated.

3. PROJECT OBJECTIVES

A. DESCRIPTION AND SCOPE

The primary deliverable of the assessment is a document detailing the current state of the infrastructure, a list of recommended improvements, and a proposed timeline.

VC3 will perform the following actions in creating the final assessment document:

- i. Provide project management specifically for the following aspects of the project:
 - a. Act as a single point of escalation for Customer.
 - b. Coordination of all on-site activities with Customer's point of contact.
 - c. Gather and review all documentation from project team.
 - d. Coordination of System Engineering services for this Statement of Work.
 - e. Review and administer the Project Change Control Procedure with Customer.
 - f. Verify completion of site documentation deliverables identified below.
- ii. VC3 will interview twenty key people for up to 1 hour (each). In performing these interviews, VC3 aims to determine what is happening within the organization, what each department's IT needs are, and how they regard the current IT services being provided. Interviews are important for several reasons: First, the interviews provide a key insight into the effectiveness of current IT services. Next, they provide a listing of the current projects planned and already taking place within the organization. Finally, the interviews allow us to get a first-hand look at the environment. The resulting information is critical for determining the recommendations and timeline presented in the final document.

C

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C



- iii. **Client PC (up to 500):**
 - a. **Hardware Audit:** VC3 visits Customer-owned PCs or Laptops and catalogs the current hardware setup. VC3 then takes the data and combines it into an Excel spreadsheet. This provides Customer with a current listing of hardware, which can be useful, both for reporting, as well as for insurance pricing. Additionally, this provides VC3 with the necessary information to recommend a specific PC replacement cycle.
 - b. **Software Audit:** The software audit allows us to list the software with each Customer-owned PC or Laptop machines in the Hardware Audit spreadsheet. This allows the Customer to determine whether they are in compliance with software licensing terms.
- iv. **Server Audit (up to 40):** VC3 will audit Windows and UNIX-based servers and catalog the current hardware setup. VC3 then takes the data and combines it into an Excel spreadsheet. This provides Customer with a current listing of hardware, which can be useful, both for reporting as well as for insurance pricing. This also allows VC3 to determine if the present systems are sufficient to efficiently handle present and future services, and make recommendations thereof.
- v. **Network (up to 50):** (Routers, Hubs, Switches, Firewalls, Wireless Access Points) VC3 audits each network device and determines functionality. VC3 will provide a Network Diagram with IP addressing of all network infrastructure devices in the network.
- vi. **Other:** During the allowed hours, VC3 will investigate existing back up strategy and equipment, Internet access strategy, VPN strategy (Virtual Private network), and Spam/Spyware strategy, and Blackberry/Treo Strategy and make "Best-in-Class" recommendations for each.

B. PROJECT TIMELINE

VC3 will provide a more detailed timeline and project plan after the Project kickoff meeting.

C. CUSTOMER RESPONSIBILITIES

The Customer Responsibilities are as follows:

- a. Customer shall provide a primary point of contact to the VC3 Project Manager.
- b. Customer is responsible for providing access for VC3 to sites that are owned / controlled by third parties.
- c. Customer will be asked to sign Customer Acceptance sign-off as concurrence of site completion for each site where VC3 has provided Services under this SOW.
- d. All relevant information and documentation must be provided to VC3 at least ten (10) business days in advance of any milestones agreed upon by VC3 and Customer.





D. ASSUMPTIONS

- i. VC3 performs assessments between the hours of 8:00 a.m. and 5:00 p.m. EST, Monday through Friday, excluding observed Federal holidays. VC3 OH hours are defined as anything other than these hours.
- ii. Remote access to Customer environment may be needed in order to gather data.
- iii. Customer may be asked to provide user information that is required to implement this Statement of Work.

E. CHANGE ORDER REQUEST

Any services provided by VC3 to the Customer outside the scope of work outlined in this proposal will result in a Change Order Request form or a separate Statement of Work. If the requested Change Order results in an increase or decrease in the cost of or time required for completion of the work, VC3 will notify Customer thereof and the adjustments will be reflected in the Change Order form. The Change Order form will not become effective unless and until it is agreed to and signed by the Customer and VC3.

F. ACCEPTANCE TESTING

A Customer sign-off document will be requested at the time of acceptance to indicate the completion of the assessment.

G. PROJECT BOUNDARIES

The following areas are out of scope for this Project. Should any of these services be desired, VC3 can provide the services surrounding these tasks on an hourly basis or in a separate Statement of Work.

- i. This SOW does not include assessing any other sites except those listed in this SOW.
- ii. Work to be performed does not include any other services except those explicitly defined and stated in this SOW.





4. PROJECT COSTS AND TERMS

VC3 will perform the services outlined in the project overview section of this document at a total cost of **\$58,959.48**.

- a. Services will be invoiced in accordance with the milestone invoice schedule ("MIS"), Table A, set forth at the completion of the Project plan. Invoices may contain multiple milestones.
- b. Customer agrees the Milestone Invoice schedule (MIS) will supersede any itemization of milestones or services in customer's purchase order provided that the total invoice amounts for milestones or services in the MIS does not exceed the total amount of customer's purchase order.
- c. Any change to the MIS will be managed through the change management procedures specified in this SOW.
- d. Payment shall be due thirty (30) days from date of invoice.
- e. All stated prices are exclusive of any taxes, fees, and duties or other amounts, however designated, and including without limitation value added and withholding taxes which are levied or based upon such charges, or upon this SOW (other than taxes based on the net income of partner). Any taxes related to services purchased or licensed pursuant to this SOW shall be paid by customer or customer shall present an exemption certificate acceptable to the taxing authorities. Applicable taxes shall be billed as a separate item on the invoice.
- f. More than one VC3 employee may work on the project at any given time. Hours include both time worked on site as well as time expected to be worked remotely.
- g. Any services provided by VC3 to the Customer outside the scope of work outlined in this proposal will result in a change order or a separate Statement of Work.
- h. A Customer sign-off document will be requested prior to the Customer being invoiced.
- i. Services and pricing are valid through September 19, 2008.





Milestone Billing	Milestone Description	Invoice Amount
1. Contract Sign-off	50% Services	\$29,479.74
3. Project Complete	50% Services	\$29,479.74
Total:		\$58,959.48

Table A - Milestone Billing for Services

VC3		Oconee County	
By:		By:	
Name:		Name:	
Title:		Title:	
Date:		Date:	



Norton & Ballenger, P.A.
ATTORNEYS AT LAW

POST OFFICE BOX 490
30 SHORT STREET
WALHALLA, SC 29691

TELEPHONE (864) 638-2930
FACSIMILE (864) 638-2922

BRADLEY A. NORTON

KAREN E. BALLENGER

MEMORANDUM

Attorney Client Privilege

Date: August 13, 2008

To: Dale Surrett, County Administrator
Oconee County Council

From: Bradley A. Norton
County Attorney
and
Sheila Wald
Risk Manager

Issue: Insurance Reserve Fund vs. South Carolina Counties Property and
Liability Trust

Cost:

The cost for insurance with the Insurance Reserve Fund (IRF) for 2008 – 2009 is five hundred seventy-seven thousand six hundred forty-five and 92/100 (\$577,645.92) dollars. This includes additional endorsements of seven thousand eight hundred seventy and 43/100 (\$7,870.43) dollars. The South Carolina Counties Property and Liability Trust (SCCPLT) has given the County a quote of five hundred eighteen thousand thirty-two (\$518,032.00) dollars. The annual premiums for insurance under the IRF have increased over the past eight years, but a



Deductible:

The IRF has a five hundred (\$500.00) dollar deductible on auto collision coverage and on inland marine coverage. There is no deductible on liability claims. The SCCPLT has a one thousand (\$1,000.00) dollar deductible on all property, including auto comprehensive and collision. In other words, whenever there is a claim, the County will have to pay one thousand (\$1,000.00) dollars.

Co-Insurance:

The SCCPLT policy does not have a co-insurance penalty. In addition, the SCCPLT does not charge for small additions such as new automobiles and equipment during the year. However, these items would result in increased premiums the following year. In addition, the SCCPLT does not audit the County's property.

The IRF has 80% co-insurance penalty. What this means is that the County is penalized in the event of a loss when the property damaged or lost is insured for less than 80% of its replacement value at the time of the loss. This has not been a problem for the County in the past because the IRF does an annual audit of the items that are insured. The audit helps the County insure the property at the proper replacement value. Consequently, we have never had a co-insurance problem. The IRF also charges premiums when we add vehicles and equipment to our insurance policy throughout the year. This gives the County a better idea of what the premium will be the following year. Not having County property audited on an annual basis could result in the County saving money on premiums or losing money on premiums, depending on the value of the property insured. For example, if the County is not audited and we are insuring property for substantially more than the replacement value, we will be paying more in premiums than we



1
2



3
4



would need to. Similarly, if the replacement value of property we are insuring is substantially more than its insured value, the County could save money on premiums.

Pre-Paid Legal:

The SCCPLT only offers fifteen thousand (\$15,000.00) dollars of annual coverage on pre-paid legal. The IRF policy includes fifteen thousand (\$15,000.00) dollars of pre-paid, but we generally purchase additional pre-paid legal coverage in the amount of eighty-five thousand (\$85,000.00) dollars for a total of a hundred thousand (\$100,000.00) dollars. This comes in handy when the County gets sued in a matter that is not covered by the insured's policy. For example, during the Ann Hughes case, the County recovered over eighty-seven thousand (\$87,000.00) dollars in attorney fees from the IRF.

Policy Comparisons:

A review of both the IRF policy and the SCCPLT policy seem to provide the same of coverage for the County. The biggest difference comes in the various exclusions to coverage. Although the IRF policy does include a variety of exclusions, those exclusions are fairly straight forward. In the past, the IRF has generally only excluded coverage when a County employee is accused of criminal or deliberate unlawful behavior. The SCCPLT policy includes a variety of exclusions to all the items that they provide coverage for. The exclusions in the policies were obviously written by lawyers in an effort to produce work for other lawyers in litigating issues concerning exclusions. In other words, the IRF policy is substantially more user friendly. However, in contacting other Counties that are insured under the SCCPLT, we have not heard that the trust deliberately denies coverage on a regular basis or tries to use the confusion in the exclusions to avoid paying claims.



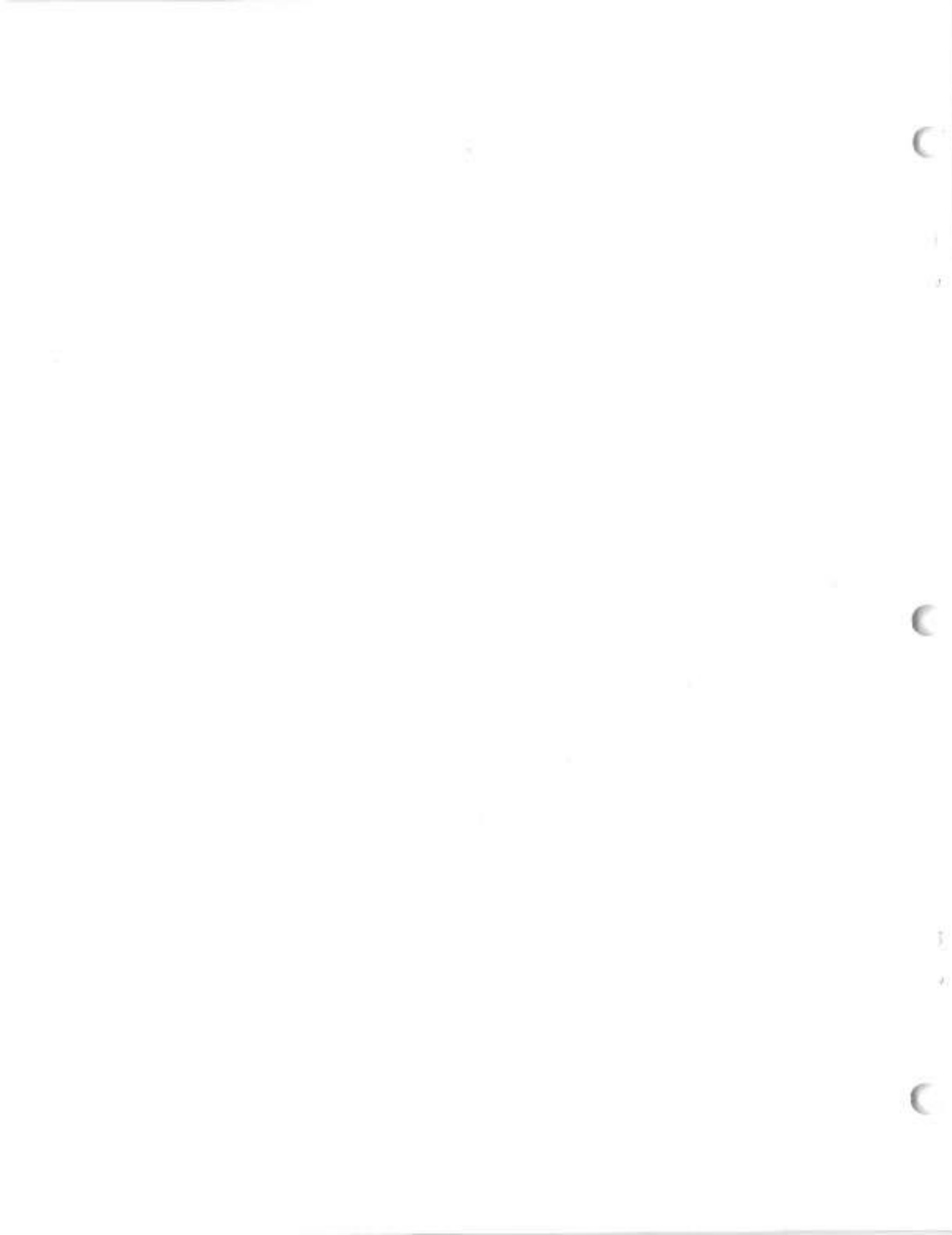
Choice of Attorneys:

The IRF has a list of attorneys throughout the State to whom they assign cases. The County normally makes a specific request for a specific lawyer when we get sued and the IRF has always complied with that request if that attorney is on the approved list. The one exception was Tom Bright, who recently joined a firm that had a number of lawsuits against IRF clients. The County was notified when Mr. Bright joined the firm that we would no longer be able to have cases assigned to Mr. Bright. Mr. Bright has represented the County on a number of employment type matters. In general liability cases, the County generally requests Victor McDade of Doyle, ORourke, McDade and Tate in Anderson, South Carolina to represent us. Mr. McDade has represented the County on a variety of different cases and has a good feel for the County and what juries are likely to do in Oconee County. He also has a good relationship with a number of County employees.

It is unknown how the SCCPLT assigns attorneys to represent their insured. Currently, Mr. McDade is not on the list of approved attorneys for the trust, but if the County feels strongly about this, this might be an item to negotiate with the trust prior to entering into any sort of contract with them. A representative of one County did say that he has had difficulties with the assignment of lawyers by the SCCPLT. He also said that some of the Trust's claim representatives are difficult to deal with and have not been responsive to that County's needs. He would not recommend SCCPLT.

Administration:

Filing claims with the IRF is very easy. It is unknown how this would change with the SCCPLT.




**Oconee County, South Carolina
Proposed Millage Rates for Fiscal Year 2008-2009**

	Incorporated Mills	Unincorporated Mills
I. County		
County Operations	64.1	64.1
Emergency Services		2.9
Economic Development	1.0	1.0
Bridges/Culverts	1.0	1.0
 County Bonds:		
Court House	1.8	1.8
2002 GO Bond	1.6	1.8
 Total County	 69.5	 72.4
II. School		
School Operations	110.5	110.5
 School Bonds:		
1998 School	0.8	0.8
2001 School	2.5	2.5
03 Refunding	2.3	2.3
04 Refunding	3.2	3.2
2005 School	2.6	2.6
2006 School	0.9	0.9
2007 School	3.7	3.7
2008 School	15.0	15.0
 Total School	 141.5	 141.5
III. Tri-County Technical College		
Tri County Operations	2.1	2.1
Tri County Bonds	0.7	0.7
 Total Tri County Tech.	 2.8	 2.8
 Grand Total County Mills	 213.8	 216.7

Proposed By County Auditor


Linda R. Nix
Oconee County Auditor

Approved by Oconee County Council
9-Sep-08


George Blanchard
Council Chairman

2000

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: Sept. 9, 2008
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

2008-2009 millage recommendations for Oconee County.

BACKGROUND OR HISTORY:

This is done on an annual basis to project revenue for county operations, county bonds, school operations and school bonds.

SPECIAL CONSIDERATIONS OR CONCERNS:

N/A

STAFF RECOMMENDATION:

The approval of millage in order for tax calculations to be made and tax notices prepared and mailed in a timely manner.

FINANCIAL IMPACT:

If millage is not set, there will be no revenue to fund the 2008-2009 county and school budgets that has been set by county council.

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No

If yes, who is matching and how much:

ATTACHMENTS

* To be passed out at council meeting *

Submitted or Prepared By:

Linda R. Nix

Department Head/Elected Official

Approved for Submittal to Council:

Chad Surratt

Date Surratt, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Grants

C: Clerk to Council

PL will not
sign off w/out
backup info.

Agenda Items Summary to be submitted to Council no later than close of business on Wednesday prior to a Council meeting.



Oconee County, South Carolina
Proposed Millage Rates for Fiscal Year 2008-2009

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Proposed By County Auditor

Approved by Oconee County Council
9-Sep-08

Linda R. Nix
Oconee County Auditor

George Blanchard
Council Chairman



**Oconee County, South Carolina
Proposed Millage Rates for Fiscal Year 2008-2009**

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Tri County Bonds	0.7	0.7
 Total Tri County Tech.	2.8	2.8
 Grand Total County Mills	213.8	216.7
 Additional Mills to be Levied		
 Salem	31.0	
Seneca	52.3	
Walhalla	84.0	
West Union	40.3	
Westminster	90.7	
 Keowee Fire	13.5	





Oconee County Auditor
Linda R. Nix

415 S. Pine Street, Walhalla, SC 29691
Telephone 864-638-4158 Fax 864-718-1015

September 9, 2008

Oconee County Council Members
415 South Pine Street
Walhalla, SC 29691

RE: 2008-2009 Tax Levies

Dear Honorable Council Members:

In compliance with the Oconee County Budget Ordinance 2008-06 I recommend the proposed millage for the fiscal year 2008-2009 for the County and School operating budgets of Oconee County.

Also in accordance with 4-15-150 and 59-71-150 of the Code of Laws of South Carolina, I have included information regarding the millage that the Treasurer and I have set for County and School Debt Obligation. A breakdown of the levies is provided to you on the attached form.

Although there are as yet still certain manufacturing and utilities (Duke Energy) for which final confirmation has not been received, we feel that the net assessed values underlying these computations are conservative, and that the budget will be adequately funded.

I respectfully request that you adopt the millage rates as recommended.

Sincerely,

Linda R. Nix
Oconee County Auditor

CC: Mr. Dale Surratt, County Administrator



9-9-08 OCONEE COUNTY ASSESSMENTS FOR MILLAGE CALCULATION FOR 2008-2009

REAL ESTATE	290,785,290
ROLLBACK	500,000
BOAT/MOTOR	4,886,950
AIRCRAFT	284,980
337	1,248,110
537	5,342,690
637 & FILOT	32,500,000
737 & 837	143,484,700
BMW/MTR CARRIER	2,647,375
LOCK IN	1,876,270
VEHICLES	34,000,000
IND ABATEMENT	46,000,000
<small>2008 OCONEE COUNTY ONLY</small>	
TOTAL SCHOOL ASMT	517,456,365
MINUS UNCOLLECTABLES (3%)	15,523,690
TOTAL SCHOOL	501,932,675
TOTAL COUNTY ASMT	471,456,366
MINUS UNCOLLECTABLES (3%)	14,143,691
TOTAL COUNTY	457,312,675



**Oconee County, South Carolina
Proposed Millage Rates for Fiscal Year 2008-2009**

	Incorporated Mills	Unincorporated Mills
I. County		
County Operations	63.4	63.4
Emergency Services		2.9
Economic Development	1.0	1.0
Bridges/Culverts	1.0	1.0
 County Bonds:		
Court House	1.8	1.8
2002 GO Bond	1.6	1.6
 Total County	68.8	71.7
 II. School		
School Operations	110.5	110.5
 School Bonds:		
1998 School	0.8	0.8
2001 School	2.5	2.5
03 Refunding	2.3	2.3
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Seneca	52.3	
Walhalla	84.0	
West Union	40.3	
Westminster	90.7	
 Keowee Fire	13.5	



Memo

To: Oconee County Council Members
From: Linda R. Nix, Oconee County Auditor
CC: Dale Surrett, Oconee County Administrator
Date: 9/9/2008
Re: Keowee Fire District Millage

I am listing the final assessments for Keowee Fire District below. Based on final assessments on real estate and personal property it will take 13.5 mills to cover their expected revenues from ad valorem taxes.

Boats/Motors	885,290
Aircraft	3,280
County assessed businesses	80,600
State assessed businesses	101,290
Utilities	9,880
Real Estate	39,341,120
Rollback Real Estate	171,420
Vehicles	2,394,670
Total	42,987,550



Oconee County, South Carolina
Proposed Millage Rates for Fiscal Year 2008-2009

	Incorporated Mills	Unincorporated Mills
I. County		
County Operations	63.4	63.4
Emergency Services		2.9
Economic Development	1.0	1.0
Bridges/Culverts	1.0	1.0
 County Bonds:		
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Proposed By County Auditor



Linda R. Nix
Oconee County Auditor

Approved by Oconee County Council
9-Sep-08

George Blanchard
Council Chairman



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 9, 2008
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

Award the purchase of two (2) 2009 Ford Focus vehicles in the amount of \$25,816 to Benson Ford Mercury of Greer, SC per State Contract 07-S7319-A12721 for Vehicle Maintenance Department

BACKGROUND OR HISTORY:

BID SOLICITATION HISTORY:

A local Ford dealer was contacted to determine if local vendors could meet or beat State Contract pricing. After review of the SC State Contract pricing, the local dealer stated they are not able to meet or beat State Contract pricing for the Ford Focus.

SPECIAL CONSIDERATIONS OR CONCERNS:

STAFF RECOMMENDATION:

Award to Benson Ford Mercury of Greer, SC in the amount of \$25,816.00 for the purchase of two (2) 2009 Ford Focus vehicles per South Carolina State Contract 07-S7319-A12721 (see attached SC State Contract).

FINANCIAL IMPACT:

For FY 08-09, County Council approved \$24,000 plus transfer of \$1,816 for a total of \$25,816 (budget code 010-721-50870) for the purchase of two small vehicles.

ATTACHMENTS

- 1. State Contract

Submitted or Prepared By:


Department Head/Elected Official

Approved for Submittal to Council:


Dale Surrett, County Administrator

Reviewed By/ Initials:

_____ County Attorney

pd Finance

N/A Grants

C: Clerk to Council

Agenda Items Summary to be submitted to Administrator for review / approval no later than close of business on Wednesday prior to a Council meeting.



SEDAN, COMPACT, 4 DOOR

Contract No: 07-S7319-A12721

Current Contract Term: 11/01/2007 - 10/31/2008

Model: Ford Focus

Commodity Code: 0700610100

Contractor: Benson Ford Mercury
PO Box 649
Easley, SC 29641

Contact Person: Pete Dawley

Email: group3race@aol.com

Telephone: (864) 855-5383

Fax: (864) 855-6512

Base Price: \$ 11,889

Delivery: 60 to 90 Days ARO

\$ 11,889.00

719.00 ABS brake system

12,608.00

300.00 SE brake sys

ADDS:

Tilt-Steering (Code# _____)

12,908.00

\$ STD

X 2

DEDUCTS:

\$ 25,816.00

Power Door Locks (Code# _____)

\$ STD

Power Windows (Code# _____)

\$ STD

Cruise Control (Code# 50T _____)

\$ 188

Auxiliary Switch - standard state spec. (Code# INCL _____)

\$ 145

Click link below for an itemized listing of items included in the "Base Price":

SEDAN, COMPACT, 4 DOOR

[Link Back to "Sedan Index"](#)



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 9, 2008
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

Award the purchase of four (4) 2009 Ford Rangers in the amount of \$45,240 to Vic Bailey Ford of Spartanburg, SC per State Contract 07-S7328-A12750 for the Assessor's Office.

BACKGROUND OR HISTORY:

BID SOLICITATION HISTORY:

A local Ford dealer was contacted to determine if local vendors could meet or beat State Contract pricing. After review of the SC State Contract, the local dealer stated they are not able to meet or beat SC State Contract pricing for the Ford Rangers.

SPECIAL CONSIDERATIONS OR CONCERNS:

STAFF RECOMMENDATION:

Award to Vic Bailey Ford of Spartanburg, SC in the amount of \$45,240.00 for the purchase of four (4) 2009 Ford Ranger vehicles per South Carolina State Contract 07-S7328-A12750 (see attached State Contract).

FINANCIAL IMPACT:

For FY 08-09, County Council approved \$48,000 (budget code 010-301-50870) for the purchase of four vehicles.

ATTACHMENTS

1. State Contract

Submitted or Prepared By:


Tronda G. Spearman

Department Head/Elected Official

Approved for Submittal to Council:


Dale Surratt

County Administrator

Reviewed By/ Initials:

____ County Attorney

pel Finance

N/A Grants

C: Clerk to Council

Agenda Items Summary to be submitted to Administrator for review / approval no later than close of business on Wednesday prior to a Council meeting.

1998

1999



TRUCK, PICK-UP, COMPACT, 4X2, REGULAR CAB, 4 CYL.

Contract No: 07-S7328-A12750

Current Contract Term: 11/04/06- 10/31/2007

Model: Ford Ranger

Commodity Code: 0704810100

Contractor: Vic Bailey Ford Inc.
 PO Box 3568
 Spartanburg, SC 29304

Contact Person: David M Vetter

E-Mail: dvetter@vicbailevauto.com

Telephone: (864) 585-3600 ext: 267

Fax: (864) 594-6802

Base Price: \$ 9,615.00

Delivery: 75 Days ARO

ADDS:

Additional Payload 1620 lbs capacity	\$ 108.00	
Long Bed (Model - R10 w/118"WB)	\$ 1,193.00	
Larger Engine 3.0L CID Liter	\$ 388.00	
4 - Wheel Drive (Model - R11)	\$ 3,722.00	
Extended Cab. (Model - R14)	\$ 1,395.00	
Total Adds (post to bid schedule worksheet)	\$ 6,806.00	

DEDUCTS:

Five Speed Manual OD Transmission	\$ 720.00	\$ 9,615.00
Cruise Control	\$ 277.00	1,395.00 extended cab
Total Deducts (post to Bid Schedule worksheet)	\$ 997.00	11,010.00
		300.00 =c Sales Tax
		11,310.00
		24

\$ 45,240.00

Click link below to review the bid offer submitted by the contractor (includes list of "Base Price Items"):

TRUCK, PICK-UP, COMPACT, 4X2, REGULAR CAB, 4 CYL.

[BACK TO "PICK-UP INDEX"](#)



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 9, 2008

COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

Award the purchase of two (2) 2009 Ford F-250's in the amount of \$51,148.00 to Vic Baily Ford of Spartanburg, SC per State Contract 07-S73128-A12801 for Oconee County Emergency Services.

BACKGROUND OR HISTORY:

BID SOLICITATION HISTORY:

A local Ford dealer was contacted to determine if local vendors could meet or beat State Contract pricing. After review of the SC State Contract pricing, the local dealer stated they were not able to meet or beat SC State Contract pricing for the F-250's.

SPECIAL CONSIDERATIONS OR CONCERNS:

STAFF RECOMMENDATION:

Award to Vic Baily Ford of Spartanburg, SC in the amount of \$51,148.00 for the purchase of two (2) 2009 Ford F-250's, per South Carolina State Contract 07-S73128-A12801 (see attached State Contract)

FINANCIAL IMPACT:

For FY 08-09, County Council approved \$60,000.00 for the purchase of two (2) replacement rescue squad vehicles at \$30,000.00 each (budget code 010-107-50870)

ATTACHMENTS

1. State Contract
2. Spread sheet for totals w/add ons

Submitted or Prepared By:


Department Head/Elected Official


Approved for Submittal to Council:


Dale Surrent, County Administrator

Reviewed By/ Initials:

_____ County Attorney

 Finance

 Grants

C: Clerk to Council

Agenda Items Summary to be submitted to Administrator for review / approval no later than close of business on Wednesday prior to a Council meeting.



TRUCK, PICK-UP, ¾ TON, 4X2, CREW CAB, 8' BODY

Contract No: 07-S7328-A12801

Current Contract Term: 12/12/06- 10/31/2007

Model: Ford F-250

Commodity Code: 0704810100

Contractor: Vic Bailey Ford Inc.
PO Box 3568
Spartanburg, SC 29304

Contact Person: David Vetter

E-Mail: dvetter@vicbailevauto.com

Fax: (864) 594-6801

Telephone: (864) 585-3600

Delivery: 120 Days ARO

Base Price: \$ 19,038.00

SEE SPREAD SHEET FOR
ADD ONS

.....
ADDS:

Floor Mats with Carpet Flooring	\$ 150.00
Larger GVWR Package <u>10,200</u> GVWR	\$ 884.00
Larger Axle Ratio (specify Ratio <u>4.10</u>)	\$ NO CHARGE
Posi-Traction or Limited Slip (Rear Axle)	\$ 273.00
Larger Engine <u>6.8</u> Liters (Gas)	\$ 547.00
Tow Package (standard state spec.)	\$ 35.00
Total Adds (post to bid schedule worksheet)	\$ 2,089.00

DEDUCTS:

Manual Transmission <u>6</u> Speed	\$ 1,074.00
Step - Entry / Egress (enter "NR" if step up is ≤ 19")	\$ 65.00
Total Deducts (post to Bid Schedule worksheet)	\$ 1,139.00

Click link below to review the bid offer submitted by the contractor (includes list of "Base Price Items"):

TRUCK, PICK-UP, ¾ TON, 4X2, CREW CAB, 8' BODY

[BACK TO PICK-UP INDEX](#)



F-250's for Oconee County Emergency Services

Base Price	\$19,038.00
Add on's	
4x4	\$3,187.00
4x4 off road package	\$211.00
Skid plate package	\$94.00
Tow command integrated trailer brake controller	\$216.00
Spray-In Bedliner	\$425.00
9000 lb Warn Winch & Grille Guard	\$1,678.00
4-Corner Flashing Lights	\$425.00
Sub Total	\$6,236.00
Sales Tax	\$300.00
Total Per Vehicle	\$25,574.00
Total for 2 Vehicles	\$51,148.00

C

C

C

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 9/9/08
COUNCIL MEETING TIME: 6:00 pm**

ITEM TITLE OR DESCRIPTION:

Authorize submittal of application for Emergency Medical Services Community Grant-in Aid Program.

BACKGROUND OR HISTORY:

Oconee County has been a recipient of the state-provided EMS Grant-in-Aid Program over the last several years. This grant provides funds for EMS equipment and training needs.

An Oconee County Council local match is **NOT** required. **Oconee Medical Center (OMC) provides the match.** This grant comes through the County's Grants Administrator for monitoring purposes only.

SPECIAL CONSIDERATIONS OR CONCERNS:

The funds available to Oconee Medical Center's EMS in this State DHEC Grant-in-Aid program will allow the Hospital to purchase much needed equipment, such as a power stretcher and communication radios.

STAFF RECOMMENDATION:

Authorize Oconee Medical Center EMS to apply for the state EMS Grant-in-Aid program as described above.

FINANCIAL IMPACT:

EMS Grant-in-Aid request = \$21,327.36

Local Cash Match (**PAID by OMC**) = \$1,241.27

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes

If yes, who is matching and how much: An Oconee County Council local match is **NOT** required. Oconee Medical Center pays the match. This grant comes through the County's Grants Administrator for monitoring purposes only.

ATTACHMENTS:

Submitted or Prepared By:
Veronda Holcombe-Lewis

Approved for Submittal to Council:

Dale Surrett, County Administrator

Reviewed By/ Initials:

_____ County Attorney

 _____ Finance

_____ Other

C: Clerk to Council



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 9/9/08
COUNCIL MEETING TIME: 6:00 PM**

ITEM TITLE OR DESCRIPTION:

American Library Association Visions of the Universe Grant

BACKGROUND OR HISTORY:

The American Library Association, Space Telescope Science Institute, and the Smithsonian Astrophysical Observatory are sponsoring a national tour of the "Visions of the Universe: Four Centuries of Discovery," a traveling exhibition to mark the International Year of Astronomy in 2009. Public libraries have been invited to apply to host the exhibit. Special invitations have been extended to libraries in small towns and rural areas where citizens have limited access to NASA resources.

SPECIAL CONSIDERATIONS OR CONCERNS:

The Oconee County Library is excited to have the opportunity to apply for a chance to host the Visions of the Universe exhibit. As part of the Library's program they will partner with the Clemson Area Amateur Astronomers Club, local scientists/scholars, and sponsor various astronomy events for local schools and patrons of the library.

STAFF RECOMMENDATION:

Approval for Oconee County Library staff to apply for the Visions of the Universe Grant.

FINANCIAL IMPACT:

No match is required.

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: N/A

If yes, who is matching and how much: N/A

ATTACHMENTS

Submitted or Prepared By:

Veronda Holcombe-Lewis

Department Head/Elected Official

Approved for Submission to Council:

Dale Surrett, County Administrator

Reviewed By/ Initials:

_____ County Attorney

 Finance

_____ Grants

C: Clerk to Council

Agenda Items Summary to be submitted to Administrator for review / approval no later than close of business on Wednesday prior to a Council meeting.

Page 1

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 9/9/08
COUNCIL MEETING TIME: 6:00 p.m.**

ITEM TITLE OR DESCRIPTION:

South Carolina Community Development Block Grant Program

BACKGROUND OR HISTORY:

Oconee County was awarded a Community Development Block Grant for economic opportunities in December 2007 that will make education and workforce development programs more accessible. This program will support construction of a Workforce Center, affiliated primarily with Tri-County Technical College. The focus at this facility will be making workplace skills training more accessible to residents.

This project includes the construction of a new workforce facility located at the Hamilton Career Center on three acres of land. This 4,618 ft² facility will include:

- (2) Classrooms (500 ft², or 20 students per classroom)
- Welding shop (750 ft², higher ceilings, warehouse type space)
- Machine shop (750 ft², higher ceilings, warehouse type space)
- (2) Offices (144 ft² per office)
- Storage space (100 ft²)
- Lobby (400 ft² or seating for six)
- Restrooms (400 ft² total)
- Mechanical/electrical/data (150 ft²)
- Circulation space (25% or 924 ft²)

The purpose of this workforce community project is to provide an education to the citizens of Oconee County toward a trade or certification of a skilled labor. Specifically, certificates will be offered in:

- Computer Aided Design (CAD)
- Geographic Information Systems (GIS)
- Utility Service
- Mechanical Maintenance
- Industrial Maintenance
- Manufacturing Management Technology
- Basic Machining and Math and Print Reading (CNC)
- Metal Working (CNC and CAD/CAM/CNC)
- Quality Assurance (3 certificates)
- Welding (MIG, TIG, Gas, and Arc Welding)
- GED

Tri-County Tech will be responsible for providing the curriculum and teachers to operate the classes in the building once it is complete.

SPECIAL CONSIDERATIONS OR CONCERNS:

The County must own the land the Workforce Center is built on. The proposed 3 acres for the Workforce Center campus will be transferred from the School District of Oconee County to Oconee County. The grant requires a governmental entity to hold title to the property.

The Appalachian Council of Governments estimates the cost of the survey will run about \$1,000.00.

However, the South Carolina Department of Commerce has denied a request to utilize grant funds for acquisition of the property.



STAFF RECOMMENDATION FOR COUNCIL ACTION:

It is recommended that Oconee County provide the needed funds to complete the survey work. The survey is estimated to cost about \$1,000.00.

Please note that the South Carolina Department of Commerce has committed \$986,364.00 to this project. Tri-County Technical College has committed \$98,636.00 in local matching funds, plus an additional commitment of \$50,000.00 for furniture and other improvements to the facility.

It is requested that Council provide direction regarding the survey of property for the Workforce Development Center. If approved, please detail the funding source to be utilized.

FINANCIAL IMPACT:

Funds are needed to complete a survey of the property to be transferred from the School District to Oconee County. The estimated cost for the survey is about \$1,000.00.

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes.

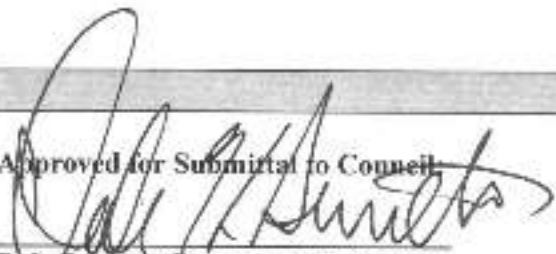
If yes, who is matching and how much: Tri-County Technical College provided the match to this grant. They have committed \$98,636 in local matching funds, plus an additional commitment of \$50,000 for furniture and other improvement to the facility.

ATTACHMENTS:

Submitted or Prepared By:
Veronda Holcombe-Lewis

Department Head/Elected Official

Approved for Submittal to Council:



Dale Surratt, County Administrator

Reviewed By/ Initials:

_____ County Attorney

 Finance

_____ Other

C: Clerk to Council



AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 9-9-08
COUNCIL MEETING TIME: 6:00 P.M.

ITEM TITLE OR DESCRIPTION:

RFP 08-01 ISO Fire Protection Study for Oconee County Emergency Services

Award RFP 08-01 to Mizelle, Hodges and Associates, Inc of Atlanta, GA in the amount of \$28,500.00 for an ISO Fire Protection Study.

BACKGROUND OR HISTORY:

On August 26, 2008 formal sealed bids were opened for the ISO Fire Study. Six (6) companies were originally notified of this bid opportunity, with three (3) companies submitting bids. A selection committee consisting of some of the Oconee County Emergency Services Commission and staff was assembled to review the proposals. After review of the proposals it is the committee's recommendation that Mizelle, Hodges and Associates, Inc of Atlanta, GA best meets the criteria published in the RFP.

STAFF RECOMMENDATION:

Staff recommends award of RFP 08-01 to Mizelle, Hodges and Associates, Inc of Atlanta, GA in the amount of \$28,500.00. (SEE ATTACHED BID TAB)

FINANCIAL IMPACT:

In FY 07-08 \$40,000.00 was approved for the ISO Study, which was rolled to FY 08-09. (Budget Code 010-107-30025)

ATTACHMENTS:

1. Bid Tab

Submitted or Prepared By:

Rodney Baudette
Department Head/Elected Official

Approved for Submittal to Council:


Dale Surratt, County Administrator

Reviewed By/ Initials:

_____ County Attorney

pel Finance _____ Grants

C: Clerk to Council



Approved Budget Ordinance amount for bid item 5 40,000.00
 Budget Code 010-107-30025

I hereby certify that to the best of my knowledge
 this tabulation of bids is correct.

Tronda C. Spearman
 Procurement Director

Bidders	Mizelle, Hodges & Associates	Patrick Conroy Consulting	TriData Division	
Address	Ranson, WV & Atlanta GA	Seattle, WA	Arlington, Va	
Proposal Submitted	Yes	Yes	Yes	
ISO Study	\$28,500.00	\$37,220.00	\$59,989.00	
Time of Delivery	December 31, 2008	December 19, 2008	90 days	
Committee Ranking	1	3	2	





Boards & Commissions

Aeronautics Commission	Meeting Date to Appear	George Blanchard District I	Tommy Crumpton District II	Mario Suarez District III	Marion Lyles District IV	Frank Ables District V	Delegation Office	Other
Anderson-Oconee Behavioral Health Services Commission	January 2012	2012: Paul Mack	2012: Dan Suddeth	2012: Thomas Luke	2012: Wayne Rholetter	2012: Fred Golden	2012: Robert Edwards	
ATAX Committee	May 2011	2011: Harold Alley, Wanda Long, Joan Black, Jere DuBois, Fred Hamilton, Billie Welsh, Robert Blessingame						
Arts & Historical Commission	March 2010	2010: Rick Beithae	2012: Luther Lyle	2010: Al Robinson	2012: Barbara Walters	2012: Henry Richardson	2010: Joanne Blake, Barbara Laughter, Doyle Burton	At Large: Jenny Bagwell & Stan Dubose
Assessment Appeals, Board of		N/A	N/A	N/A	N/A	N/A	Board Full	
Building Codes Appeal Board	June 2009	Not by District, by Industry 2009: Geri McSwain, Ginger Pope ***						
Disabilities & Special Needs, Board of	January 2011	2011: Roger Mize	2011: Neal Workman	2011: Sam Shaw	2011: Vinson Smith	2011: Forrest Fuller		
Economic Development Commission	November 2008	2012: Kim Alexander	2010: Harold Gibson	Hank Field	2010: Sam Dickson	2010: Buddy G. Herring		
Emergency Services Commission	January 2011	2011: Roger Garst	2009: Jess Nevell	2011: Jay Heatherington	2009: Nick Williams	2009: Tim Grant	Terms co-terminus w/ council members term	
Firemen's Insurance & Inspection Fund Board	August 2009	2009: Larry Harden, Dewitt Mize, Chris Smith, Richard Timms, Charles Bobby Williams						
Infrastructure Advisory Commission **	N/A	OC Appt 3: Economic Development Director + two - at present = Art Holbrooks/Planning, Dale Surreit/Administrator [B. Norton attends in an advisory role]						
Keowee Fire Tax District Commission		All Members elected to 4-yr term in November General Election / 2 in 2008, 3 in 2010, etc.						
Library Board	July 2009	2009: John Adams, Carol Baumgartner, Frank Montague, Jody Gaulin, Raymond Morrison, Biff Kennedy, Vicki Miller, Paul Johanson, Hector Torres [5-4 yr terms, 4=2 yr terms]						
Parks, Recreation & Tourism Commission	November 2010	2010: Erin McKergow	2012: Dwight Addis	2010: Wayne Frady	2010: Milled Supervisor	2010: John Carter	2010: Belina George	
Planning Commission	April 2009	2008: William Nelson	2009: Randy Abbott	2009: Bill Ewalt	2011: Tommy Abbott	2009: Ryan Honea	2009: Rex Ramsay / Howard Moore	
SC ACOG Board	N/A	N/A	N/A	N/A	N/A	N/A	2010: G. Blanchard	
Sewer Commission		Council will no longer appoint - Oconee Joint Regional Sewer Authority [OJRSA]						
Water Board	N/A	Inactive Board w/o members - may appoint in future if needed.						
Zoning Board of Appeals	January 2012	2012: Gary Winters	2012: Sammy Lee	2012: Gary Littlefield	2012: Clark Wilmont	2012: Eric Molin	At Large: 2012 Barry Nichols & Paul Reckert	

** Infrastructure Advisory Commission members serve until replaced

*** Ginger Pope is leaving effective 9/1/08. Recommendation from Ms. Pope & Mr. Shirley: Ms. Lucinda Becker/The Red Door in Seneca

Council does not appoint this Board/Commission

OPEN SEAT for this Board/Commission in current yr.

PAST DUE APPOINTMENT for Board/Commission



Beth Hulse

From: Dale Surrett
Sent: Tuesday, September 02, 2008 10:02 AM
To: Beth Hulse
Subject: FW: Off Road Diesel

Beth,

Please use this e-mail as background for an "Off road diesel" information item under the Administrator's report.

DS

From: Tronda Spearman
Sent: Tuesday, September 02, 2008 9:22 AM
To: Dale Surrett
Subject: RE: Off Road Diesel

That is correct. I didn't mention that it is now \$25,000.00 or more per quarter.

Sorry

Tronda

From: Dale Surrett
Sent: Tuesday, September 02, 2008 9:21 AM
To: Tronda Spearman
Subject: RE: Off Road Diesel

I thought the issue was that it is over 25K?

DS



117



From: Tronda Spearman
Sent: Tuesday, September 02, 2008 8:31 AM
To: Dale Surrett
Subject: Off Road Diesel

Just a reminder to advise County Council about Off Road Diesel for the Road Department. In the past the quarterly cost was under \$15000.00 now with the fuel prices increasing daily the amount has risen above the \$15,000.00 and will have to be put out in a sealed bid which we are working on now. The road department cannot function without the off road diesel therefore we will issue a purchase order for September in hopes we have good response on the sealed bid.

Thanks

Tronda C. Spearman
Oconee County Procurement
415 South Pine Street
Walhalla, SC 29691
Phone: (864) 638-4141
Fax: (864) 638-4142





FOR YOUR INFORMATION ONLY

SEPTEMBER 9, 2008



DEPARTMENT HEAD RETIREMENT
ACKNOWLEDGEMENT POLICY FOR COUNCIL

For a Department Head with a minimum of 15 years of continuous services [as a Department Head], Council will do the following:

1. Council will allow Chambers to be used for a Retirement Drop In [if needed].
2. Council will designate up to \$400 [contingency account] to be spent for party supplies, food and beverages for the Drop In.
3. Council will designate up to \$100 [contingency account] to be spent for an appropriate Retirement Gift from Council.
4. Council will invite the retiree to attend Council to receive a Resolution in their honor.

For a Department Head with less than 15 years of continuous services [as a Department Head], Council will do the following:

1. Council will allow Chambers to be used for a Retirement Drop In [if needed].
2. Council will not designate funds be spent for party supplies, food and beverages or a gift for the Drop In. The employees wishing to do a party would be financially responsible for all aspects of the Drop In.

Approved:



George Blanchard, Chairman



2





Oconee County
Council Office



Oconee County
Administrative Offices
415 South Pine Street
Wahalla, SC 29691

Phone: 864 710 1023
Fax: 864 716 1024

E-mail
bhulse@oconeesc.com

George C. Blanchard
Chairman
District I

Thomas S. Crumpton
District II

Mario Suarez
District III

Marion E. Lyles
District IV

H. Frank Ables, Jr.
District V

MEMORANDUM

TO: County Council Members
Dale Surrett, County Administrator
Brad Norton, County Attorney

DATE: September 3, 2008

RE: **OCONEE COUNTY COUNCIL ABSTENTION FORM**

Gentlemen;

Enclosed please find a copy of a new form that I will begin using effective September 9, 2008. This form will formally document any vote in which a council member does not take place and has a place for the council members signature.

I will prepare the form during the meeting and have you sign as necessary in the future.

Thanks.







OCONEE COUNTY COUNCIL ABSTENTION FORM

Council Member Name: _____

[Please Print]

Council Member Signature: _____

Meeting Date: _____

Item for Discussion/Vote: _____

Reason for Absention: _____ I was not present for original meeting/discussion

_____ I have a personal/familial interest in the issue.

_____ Other: _____

Elizabeth G. Hulse
Clerk to Council

[This form to be filed as part of the permanent record of the meeting.]



THOMAS C. ALEXANDER
SENATOR, OCENEE AND PICKENS COUNTIES

HOME ADDRESS
500 CLEVELAND DRIVE
WALHALLA, SC 29691
PHONE: (864) 638-4123
FAX: (864) 638-2992
TELEVISION: (864) 638-4247



SENATORIAL DISTRICT NO. 1

SENATE ADDRESS
SUITE 402 BRUNETTE BLDG.
P. O. BOX 148
COLUMBIA, SC 29202
(803) 224-6200
EMAIL: [TG@LEGIS.STATE.SC.US](mailto:tg@legis.state.sc.us)

August 18, 2008

Mr. Dale Surret
Oconee County Administrator
415 South Pine Street
Walhalla, South Carolina 29691

Dear Mr. Surret,

Congratulations on receiving a grant from the South Carolina Department of Commerce's Aeronautics Commission in the amount of \$53,437 for the Oconee County Regional Airport.

I am pleased to support the Oconee County Regional Airport's efforts and to help make this grant possible. This funding for Runway 7/25 line-of-sight improvements will help maintain and improve the overall safety of our local airport.

Appreciate all you do for Oconee County and our citizens. Please continue to keep me informed on matters of concern.

With warmest regards,

A handwritten signature in cursive script that reads "Thomas".

THOMAS C. ALEXANDER

TCA/egm

cc: Kevin Short, Director OC Regional Airport

Bash,
cc in AB.
Handwritten initials or a signature, possibly "ON", written in cursive.



Key Findings Report

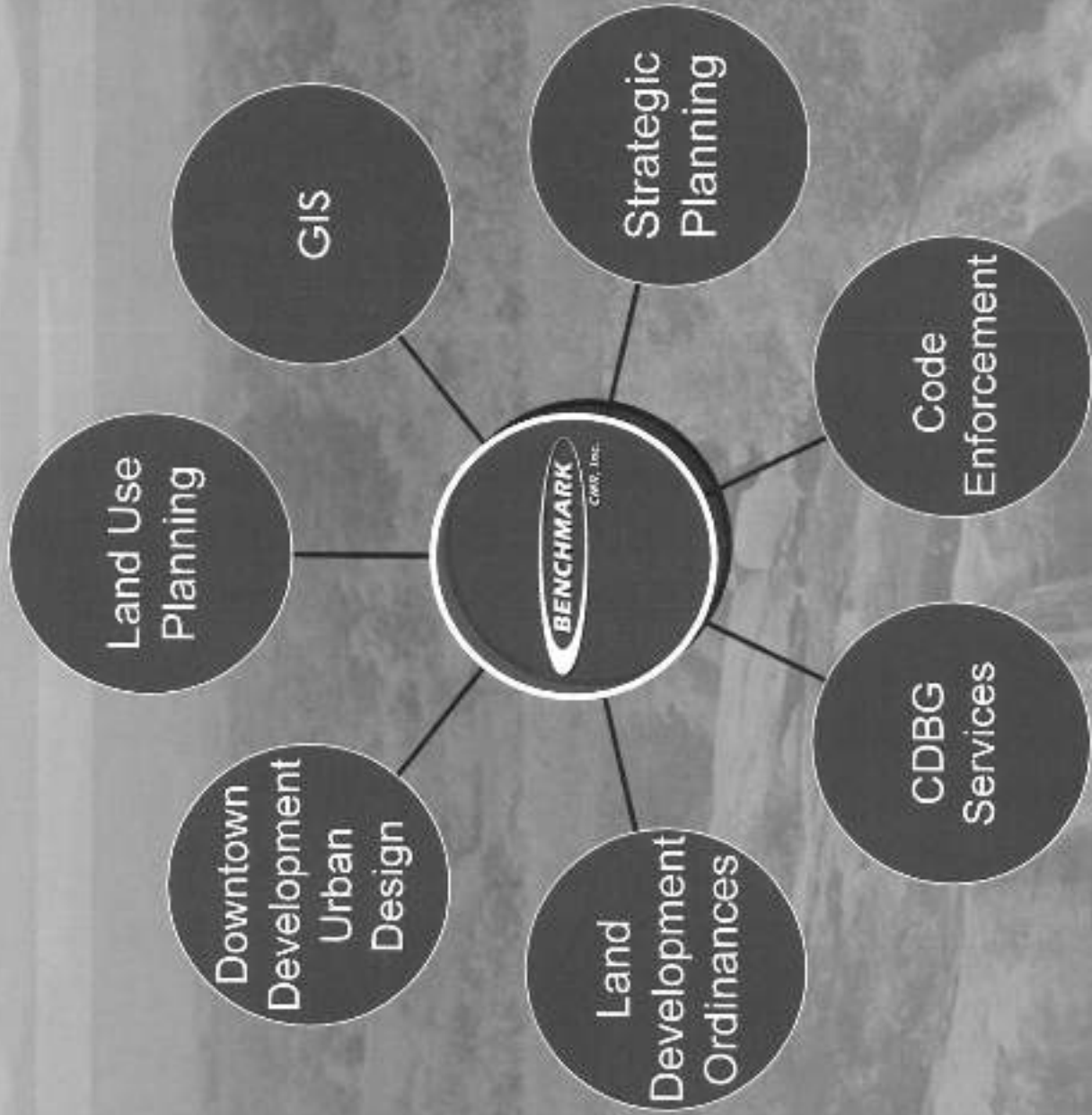
Zoning Enabling Ordinance
Oconee County, South Carolina



September 8, 2008



Overview





Ordinances Last 3 Years

- Aynor, SC
- Colleton County, SC
- Iredell County, NC
- Currituck County, NC
- Wilson County, NC
- Forest City, NC
- Randleman, NC
- Raeford, NC
- Butner, NC
- China Grove, NC
- Jacksonville, NC
- Polk County, NC
- Hoke County, NC
- Henderson County, NC
- Town of Troutman, NC
- Whispering Pines, NC



CMP, Inc.
1.800.222.2013 • www.benchmarkcmp.com



Project Team

- Jason Epley, AICP, CPM
 - Director of Special Projects
- Richard Smith
 - Director of Consulting Services



1.800.333.7444 • www.benchmarkcmt.com



Introduction

- Oconee Background
 - Current Development Trends
- Current Enabling Ordinance Process
 - March 2007 – County Council charges Planning Commission with creating a zoning program
 - September 18, 2007 – County Council took first reading on current draft of the ZEO
 - November 19, 2007 – Planning Commission referred draft back to County Council
 - January 29, 2008 – Joint workshop between County Council and Planning Commission
 - April 15, 2008 – County Council held a public hearing on the ZEO



ZEO Key Issues and Recommendations

- Overall organization and key elements of the ordinance
- Zoning Districts and Uses
- Amendment and Rezoning Procedures



1800561232 | WWW.BENCHMARKGROUP.COM



Overall Organization

- *Addition of Administration & Enforcement Sections*
- *District Standards*
- *Definitions*
- *Text, Map and Ordinance Amendments*



Zoning Districts & Uses

- *Base Zoning Districts*
 - Control Free District: CFD (Former “un-zoned” district)
 - Conservation District: CD
 - Agricultural District: AD
 - Traditional Rural District: TRD
 - Residential District: RD
 - Lake Residential District: LRD
 - Community Commercial District: CCD
 - Highway Commercial District: HCD
 - Industrial District: ID



Zoning Districts & Uses

- *Overlay Districts*
 - I-85 (current Employment Overlay)
 - Maintain
 - Lake Overlay Districts
 - Protect and preserve the quality of the lakes
 - Maintain basic requirements



Amendment & Zoning Procedures

- Initial Zoning Methods
 - Small Area Initiated
 - Citizen Initiated/Planning District Method (as proposed)
 - County Initiated
- Post Initial Zoning Method
 - Property Owner Initiated
 - County Initiated



CWR, Inc.
1.800.846.2018 - www.benchmarkcwr.com



Amendment & Zoning Procedures

- Initial Zoning Methods
 - Small Area Initiated
 - Minimum – 200 acres
 - Minimum for existing subdivisions – 50 acres
 - Property Owner Petition – 60%
 - Citizen Initiated/Planning Districts
 - Maintain
 - 15% of registered voters recommended
 - County Initiated
 - County Owned land
 - Land Adjoining County owned land



CWR, Inc.
11800 ALDERS • WOODBRIDGE, VA 22191



Amendment & Zoning Procedures

- Post Initial Zoning Method
 - Property Owner Initiated
 - Once an area changes from “control free” to a “zoned” area
 - Process as prescribed by State Law
 - County Initiated



CMR, Inc.
1.800.845.7473 | www.benchmarkcmr.com



Overall Strategies for the Future

- Existing Land Use Map as Model
 - Zoning based on the existing land use map
 - Predictable long term land use patterns of county would be maintained
 - Notice provided to adjacent land owners of any future changes
- Existing Land Use Map as Base for Citizen Initiated Zoning
 - Starting point for determining appropriate zoning districts



CWR, INC.
1.800.761.1925 • www.benchmarkcwr.com





Discussion

BENCHMARK

CMR, Inc.

1-800-941-4433 • www.benchmarkcmr.com



Key Findings Report

Zoning Enabling Ordinance
Oconee County, South Carolina



September 8, 2008



1.665.200.3035 • WWW.BENCHMARKCWR.COM



KEY FINDINGS REPORT – DRAFT ZONING ENABLING ORDINANCE
OCONEE COUNTY, SOUTH CAROLINA
SEPTEMBER 8, 2008

1 Section One: Introduction

Balancing the need to preserve rural character and protect private property rights is a struggle that many rural communities find themselves working through as rural agricultural areas experience growth, especially residential growth. Oconee County, South Carolina is a place that is still very rural in many parts of the county, with a growing residential population seeking the natural beauty and surroundings offered by the county. The county also has the opportunity and promise of future commercial and industrial growth in the southern portion of the county near I-85.

In an attempt to further address the growth concerns, Oconee County has made plans and adopted many ordinances to help guide the growth that has come to the county. However, many land use issues have arisen over the last five years that have led to the development of a Zoning Enabling Ordinance that provides direction for land use, density, height and other such aspects of the use of land.

The proposed Zoning Enabling Ordinance (also known as the "ZEO") has received review and input from the Planning Commission and the County Council has held an initial reading and public hearing. Specifically, the steps completed prior to August of 2008 by the county included the following:

- March 2007 – County Council charges Planning Commission with creating a zoning program
- September 18, 2007 – County Council first reading on current draft of the ZEO
- November 19, 2007 – Planning Commission referred draft back to County Council
- January 29, 2008 – Joint workshop between County Council and Planning Commission
- April 15, 2008 – County Council held a public hearing on the ZEO

In order to provide direction on next steps in the preparation of the final draft Zoning Enabling Ordinance, the County hired a planning consulting firm, Benchmark CMR, Inc. on August 4, 2008 to provide technical assistance in reviewing the current ordinances and plans – providing recommendations to Oconee County on moving forward with the Zoning Enabling Ordinance.

2 Section Two: The Consultant Team Process to Date

The process utilized by the consultant to provide recommendations on how to move forward has included the steps outlined below.

- Initial meeting with planning staff (August 13)
 - Consultant Team obtained necessary background information, reports, plans and land use documents.



- Planning Commissioner Interviews (August 20)
 - Consultant Team met with Planning Commissioners in groups of two to learn about Oconee County and the current Zoning Enabling Ordinance Proposal.
- Background Research – Key Findings Report (August 21 – September 8)
 - Consultant prepared a key findings report summarizing key issues and recommendations on next steps
- Presentation of Key Findings Report to Planning Commission (September 8)
 - Consultant to present key findings report for discussion with Planning Commission
- Next Steps for Consultant Team
 - Consultant to prepare a final report and presentation as determined (October)

3 Section Three: Zoning Enabling Ordinance Key Issues and Recommendations

After meeting with county staff, planning commission members and conducting background research, the consultant team has identified three key areas that should be addressed in moving forward with the zoning enabling ordinance as currently proposed.

The initial issues identified include:

- Overall organization and key elements of the ordinance
- Zoning Districts and Uses
- Amendment and Rezoning Procedures

3.1 Overall organization and key elements of the Zoning Enabling Ordinance

In establishing the zoning enabling ordinance several items will need to be included in the current text prior to adoption. The basic layout of the current ordinance is appropriate; however, several sections will need to be added and some additions are suggested as indicated below.

3.1.1 Addition of Administration & Enforcement Sections

Details regarding the roles of Oconee Officials, Staff and Boards in the day-to-day activities and reviews of plans and enforcement should be clearly outlined and described in the ordinance.

3.1.2 District Standards

The ordinance should include land uses and standards in all proposed districts even though the county as a whole is being considered an "un-zoned" zone. As citizens may desire to pursue citizen initiated zoning, they will need established choices for what they determine they want to be rezoned to. Therefore standards in the proposed districts will be necessary in the final draft of the Zoning Enabling Ordinance.



3.1.3 Definitions

The proposed ordinance will need additional definitions to clarify all terms and words in the proposed ordinance. Examples include defining land uses and other technical terms that are not currently included.

3.1.4 Text, Map and Ordinance Amendments

Currently, the amendment process is covered in several different sections. The consultant team recommends combining all amendment procedures into a separate section that contains all options for ordinance amendments to the ordinance text and maps – including a rezoning.

3.2 Zoning Enabling Ordinance Districts and Uses

Currently, the Zoning Enabling Ordinance recommends an “un-zoned” district, place holders for various uses ranging from Agriculture to Residential and Commercial and overlay districts. The un-zoned district and other place holder districts can be referred to as “base” zoning districts. The team has recommended districts and standards as outlined below.

3.2.1 Base Zoning Districts

The current proposal is to establish an “un-zoned” district for the entire county. The team recommends renaming this “un-zoned” district to “control free” district as utilized in several rural counties pursuing similar courses of action. The “control free” district may be a more accurate description of what the district actually entails. As Oconee moves ahead and considers the zoning enabling ordinance the team recommends the eight base zoning districts below. The team recommends including “multi-family” as a special use in proposed residential districts instead of a separate district. The team also recommends creating a highway commercial district and community commercial district to distinguish between higher intensity uses that would be located along major highways and lower intensity uses that would be located in the more rural parts of the county. Proposed land uses and standards for each district listed are outlined in detail within the appendix of this report.

BASE ZONING DISTRICTS

- Control Free District: CFD (Former “un-zoned” district)
- Conservation District: CD
- Agricultural District: AD
- Traditional Rural District: TRD
- Residential District: RD
- Lake Residential District: LRD
- Community Commercial District: CCD
- Highway Commercial District: HCD
- Industrial District: ID



3.2.2 Overlay Districts

In addition to the base zoning districts, overlays are currently proposed for two specific areas, I-85 and an area around Lakes Keowee and Jocassee. Overlay districts are additional standards that “overlay” the base zoning district. Overlay districts are not separate zoning districts.

3.3.2.1 I-85 Overlay Districts (currently proposed as Employment Opportunity Overlay)

In the initial interviews, Planning Commission members expressed support and recognized the need to have overlay districts within the I-85 area to promote quality commercial and industrial development. The consultant team recommends maintaining the current proposals for the overlays in the I-85 area.

3.3.2.2 Lake Overlay District

Most all Commission members agreed protection around the lake was a good idea – stating water quality issues more so than appearance issues. Many cited concerns that property owners have invested in the area as a way to fund their retirement or as a way to provide for future family needs. Concerns included limiting how property could be developed, which may impact the return on investment dramatically by limiting the number and type of units that can be built around the lake.

The consultant team recommends maintaining the overlay district as presented to protect the lake as a natural resource. The overlay does not prevent development around the lake; although, it would strictly limit the height, and density of the development. It would also require vegetative buffering, which will help maintain and improve the water quality of the lake. The team believes the original 1,300’ contour line covered most all areas that would be of potential concern regarding the natural beauty of the lake and protecting the water quality from increased run-off from densely developed properties. However, the overlay zone distance could be left as “to be determined” if standards are developed that incorporate potential run-off concerns from possible development.

Special Note: In its current state, the Lake Overlay district does not specify the types of uses that are allowed. Therefore any proposed use, as long as it met the criteria proposed, could be established within the overlay. The base zoning district would be the “control free” district.



3.3 Zoning Enabling Ordinance Amendment and Rezoning Procedures

One of the key elements of the proposed enabling ordinance is the "Citizen Initiated Process," which seeks to place any future zoning of property in the hands of the citizens versus a purely legislative action by the government. This method of zoning has been utilized in South Carolina and other parts of the country through many different means. The consultant team has identified several key amendment and rezoning processes that are recommended in addition to the Citizen Initiated Process as proposed. If the enabling ordinance is adopted, flexibility will be needed as areas become zoned over time and as individual property owners may desire changes.

We recommend the following methods:

- Initial Zoning Methods
 - Small Area Initiated
 - Citizen Initiated/Planning District Method (as proposed)
 - County Initiated
- Post Initial Zoning Method
 - Property Owner Initiated
 - County Initiated

3.3.1 Initial Zoning Methods

All initial zoning once the Zoning Enabling Ordinance is adopted should be citizen initiated as expressed by residents throughout the process of developing the current zoning enabling ordinance. The consultant team recommends two methods for citizen initiated initial zoning and a method to cover property influencing county owned facilities that may need zoning to help maintain the land use around areas where the county has invested significant amounts of tax dollars in establishing uses such as an industrial park, school, recreation area or other such uses.

3.3.1.1 Small Area Initiated

The consultant team recommends this option in addition to the proposed Citizen Initiated process. Small Areas and existing platted subdivisions within the proposed Planning Districts may desire zoning for their land and have no interest in introducing zoning to an entire Planning District.

A common practice in rural counties not desiring county-wide zoning is to allow "small area" initial zoning. Examples range from minimum small area acreage of 40 acres up to a minimum of 640 acres or one square mile.

The team recommends a small area option be established as an option for initial zoning similar to the following:



- Minimum acreage required for the small area: 200 acres
- OR
- Minimum acreage require for a platted subdivision: 50 acres
- Property Owner Petition: At least 60% of property owners within a defined small area would petition County Council for initial zoning of their area, much like the Citizen Initiated zoning that is currently proposed.

3.3.1.2 Citizen Initiated/Planning District Method (as currently presented)

The consultant team recommends that the current version of citizen initiated process be maintained. The only recommendation the consultant team would suggest is a 15% minimum of registered voters as petitioners verses the possible 30%, which may be cumbersome and extremely difficult to ever obtain. The 15% minimum of registered voters complies with existing South Carolina Statutes and code that requires 15% of registered voters for initiating a referendum for the entire county.

3.3.1.3 County Initiated

The county may find the need in the future to zone land it owns or land that adjoins land owned by the county for industrial park use and other such public lands and uses to protect the investment of Oconee County citizens. In addition, extreme development conditions that may threaten the health, safety and general welfare of Oconee County residents may warrant the use of this method by the County Council.

The consultant team recommends the county would properly advertise and hold public hearings in accordance with State Law.

3.3.2 Property Owner Initiated Rezoning

Once an area becomes a "zoned" area through a citizen initiated process and is no longer "control free," an individual property owner may desire to have his/her property rezoned. The team does not recommend this method for initial zoning due to the large numbers of requests to rezone property from control free to the district of their choice. This process would also avoid any concerns regarding "spot zoning."

The team recommends that a "control free" district can only be amended or rezoned initially through the small area method or planning district/citizen initiated method. Once an area becomes initially zoned, a process needs to be in place for an individual property owner to request a rezoning in accordance with State Law.



Through this brief process the consultant team has made some observations through the background research, interviews, and review of the current proposals, ordinances and plans. Earlier this year, a map was produced for Oconee County depicting existing land use in a very accurate, parcel by parcel basis.

During interviews with the Planning Commission, the observation was made by the members that the existing land use map of the county reflected their impression of how the land use patterns in the county should continue in the foreseeable future. In the northwestern area, most land is primarily owned by public entities (such as Clemson University, the State of South Carolina, and the Federal Government), the south central area is mostly agricultural, areas around the lakes are primarily residential communities, other areas of the county are low density residential, while areas of concentrated commercial and industrial uses are located near major highways and intersections throughout the county.

4.1 Existing Land Use Map as a Model for County-wide Zoning Districts

In the near future, the consultant team recommends consideration of county-wide zoning based on the existing land use patterns. By zoning the county based on existing land use, basic patterns of development within Oconee County would be preserved. Property owners would have the assurance and predictability of land use around them as the county faces growth pressures. If a property owner wants to change their zoning, they could request a rezoning, which would provide notice to surrounding property owners that land use around them may change.

4.2 Utilizing the Existing Land Use Map

The consultant team recommends utilizing the existing land use map as the base or starting point for the Planning District (citizen initiated) zoning approach. The existing land use patterns are identified in manner on the existing land use map to enable quick translation into an appropriate zoning district.

