

RESOLUTION NO. ____

A RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD ON THE QUESTION OF THE CONSOLIDATION OF BERA PUBLIC SERVICE DISTRICT; GANTT FIRE, SEWER AND POLICE DISTRICT; MARIETTA WATER, FIRE, SANITATION, AND SEWER DISTRICT; PARKER SEWER AND FIRE SUB-DISTRICT; TAYLORS FIRE AND SEWER DISTRICT; AND WADE HAMPTON FIRE AND SEWER DISTRICT INTO METROPOLITAN SEWER SUBDISTRICT; AND OTHER MATTERS RELATING THERETO.

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

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

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

(b) Pursuant to the SPD Boundary Laws, the County Council has determined, on its own motion, to consider the consolidation (as further described herein, the “*Consolidation*”) of certain special purpose districts situated within the County: namely, to consolidate each of Berea Public Service District (“*Berea*”); Gantt Fire, Sewer and Police District (“*Gantt*”); Marietta Water, Fire, Sanitation, and Sewer District (“*Marietta*”); Parker Sewer and Fire Sub-District (“*Parker*”); Taylors Fire and Sewer District (“*Taylors*”); and Wade Hampton Fire and Sewer District (“*Wade Hampton*,” and collectively with Berea, Gantt, Marietta, Parker, Taylors, and Wade Hampton, the “*Consolidated Districts*”) into Metropolitan Sewer Subdistrict (“*Metro*”).

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

wellbeing of the citizens of the County and the quality of the County's waterways, and which may inhibit the economic development of the County, *viz*:

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

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

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

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

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

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

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

(d) The County Council finds that the unification of the Collection Systems into Metro through the Consolidation presents the most efficient and effective means of providing Sewer Collection Service in the unincorporated portions of the County and that the Consolidation allows the County and the sewer customers and taxpayers in the unincorporated

portions of the County to realize the following benefits: (i) unifying Sewer Collection Service under an entity, Metro, which possesses the financial capacity and technical ability to make the essential investment in the preventative and corrective repair, replacement and maintenance of the Collection Systems; (ii) reducing Inflow and Infiltration in order to maximize the capacity of the County's wastewater collection and treatment systems reduce the investment needed to increase the capacity of sewer infrastructure, resulting in substantial savings; (iii) dispersing the cost of the essential capital investment in the Collection System across a greater number of sewer customers, reducing the burden on any small group of customers; (iv) improving the efficiency of Sewer Collection Service by eliminating redundancy and increasing economies of scale; (v) reducing sanitary sewer overflow events within the County and thereby improving the cleanliness of the County's waterways and protecting the health, safety, and wellbeing of the County's citizens; and (vi) achieving compliance with EPA guidelines, the federal Clean Water Act and various provisions of South Carolina law.

(e) Being minded to consider the Consolidation for the reasons set forth in subsections (c) and (d) of this Section, the County Council has determined to conduct a public hearing on the question of the Consolidation in accordance with the provisions of Sections 6-11-430 and 440 of the SPD Boundary Laws.

Section 2 Nature and Effects of Consolidation.

(a) Nature of Changes to Impacted Special Purpose Districts. If approved, as of the effective date of the Consolidation, by operation of law, (i) Metro and the Metropolitan Sewer Subdistrict Commission would be reconstituted and would succeed to (1) any and all powers of the governing bodies of the Consolidated Districts, (2) any and all interests in all real and personal property and other assets of the Consolidated Districts, and (3) all liabilities and obligations of the Consolidated Districts, and (ii) the governing bodies of the Consolidated Districts would be dissolved and the corporate existence of the Consolidated Districts would cease.

(b) Description of the Boundaries of Metro as Reconstituted. If approved, as of the effective date of the Consolidation, the boundaries of Metro, as reconstituted, would consist of the combined current boundaries of Metro and those of the Consolidated Districts (the "***Reconstituted Metro Boundaries***"). The Reconstituted Metro Boundaries consist of those areas shown on the map attached to this Resolution at **Exhibit A**.

(c) Functions to be Performed by Metro as Reconstituted. Metro shall provide Sewer Collection Service within the Reconstituted Metro Boundaries. By separate action, the County Council is considering the establishment of the Berea Fire Service Area, Gantt Fire Service Area, Parker Fire Service Area, Taylors Fire Service Area, and Wade Hampton Fire Service Area (the "***Fire Service Areas***") within the respective current boundaries of Berea, Gantt, Parker, Taylors, and Wade Hampton (collectively, the "***Fire/Sewer Districts***"), respectively, through which the County would provide Fire Service therein. Subject to final

approval of Greenville Water System (“*Greenville Water*”), water service within the current boundaries of Marietta shall be provided by Greenville Water.

(d) Reasons for the Proposed Change. The County Council is minded to consider the Consolidation for the reasons set forth in subsections (c) and (d) of Section 1 of this Resolution.

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

(f) Issuance of Bonds. In order to effect the Consolidation it will be necessary for Metro and the County to satisfy all outstanding bonded indebtedness and lease-purchase obligations (together, “*Financings*”) of the Consolidated Districts. Metro has proposed to issue revenue bonds in an amount necessary to satisfy the Sewer Service-related Financings of the Consolidated Districts, which are estimated to be outstanding in the amount of \$26,400,000, and the County has proposed to issue general obligation bonds of the respective Fire Service Areas, which may be created within the current boundaries of the Fire/Sewer Districts, to satisfy the Fire Service-related Financings of the Fire/Sewer Districts, which are estimated to be outstanding in the aggregate amount of \$5,125,000. The allocation of the amount of the Financings to be satisfied by Metro or the County may change based upon the purpose for which certain of the Financings were issued.

(g) Services Provided. Pursuant to Section 6-11-435 of the SPD Boundary Laws, as of the Consolidation, Metro is precluded from providing any service in any area of the Reconstituted Metro Boundaries, which Metro has not previously provided if such service is provided by an overlapping political subdivision. Accordingly, Metro shall provide Sewer Collection Service within the Reconstituted Metro Boundaries and shall be precluded from providing Fire Service. Upon the assumption of water service within the former boundaries of Marietta by Greenville Water, Metro shall additionally be precluded from providing water service within the Reconstituted Metro Boundaries.

Section 3 Order for Public Hearing.

(a) For the reasons set forth in subsections (c) and (d) of Section 1 of this Resolution, the County Council has determined that it may be in the interest of the residents and property owners of the Consolidated Districts and Metro, and the citizens and taxpayers of the County generally, for the Consolidated Districts to be consolidated into Metro. In connection with the County Council’s consideration of the Consolidation, and as required pursuant to Section 6-11-430 of the SPD Boundary Laws, the County Council hereby orders a public

hearing (the “**Public Hearing**”) to be held upon the questions of the approval of the Consolidation.

(b) The Public Hearing shall be held on November 23, 2020, at 4:00 p.m., via a Zoom electronic meeting. The notice of the Public Hearing, the form of which is attached to this Resolution at **Exhibit B**, (the “**Notice of Public Hearing**”), shall provide instructions for those who wish to participate or view the Public Hearing. The Notice of Public Hearing shall be published once a week for three successive weeks in *The Greenville News*, which is a newspaper of general circulation in the County. The first publication of the Notice of Public Hearing shall not be less than sixteen days prior to the hearing date.

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

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

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

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Done in meeting duly assembled this 3rd day of November 2020.

GREENVILLE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman of County Council

County Administrator

Attest:

Clerk to County Council

EXHIBIT A

Proposed Reconstituted Metro Boundaries

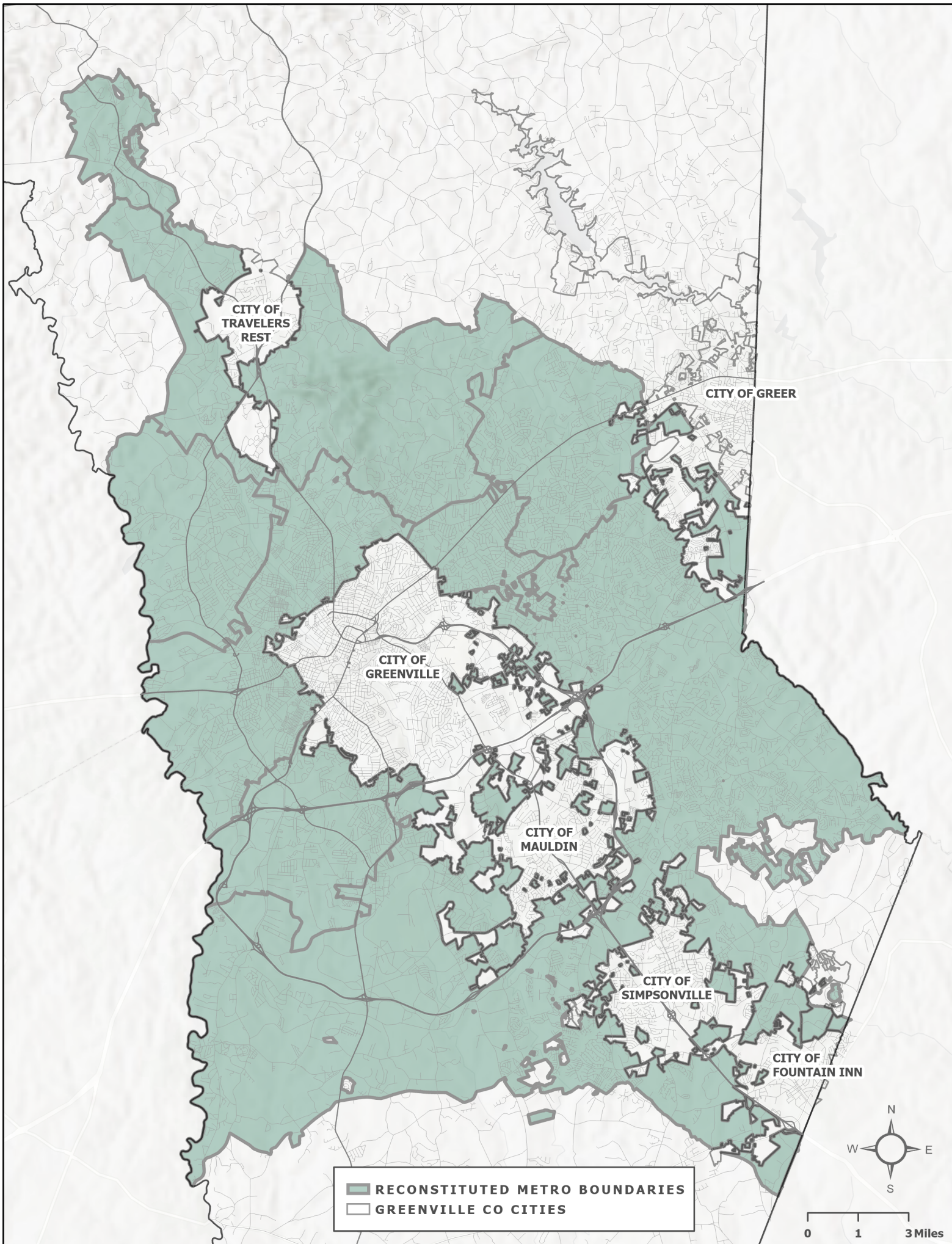


EXHIBIT B

Form of Notice of Public Hearing

NOTICE OF PUBLIC HEARING

The County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), has determined, on its own motion, to consider the consolidation (the “*Consolidation*”) of certain special purpose districts situated within the County: namely, to consolidate each of Berea Public Service District (“*Berea*”); Gantt Fire, Sewer and Police District (“*Gantt*”); Marietta Water, Fire, Sanitation, and Sewer District (“*Marietta*”); Parker Sewer and Fire Sub-District (“*Parker*”); Taylors Fire and Sewer District (“*Taylors*”); and Wade Hampton Fire and Sewer District (“*Wade Hampton*,” and together with Berea, Gantt, Marietta, Parker, Taylors, and Wade Hampton, the “*Consolidated Districts*”) into Metropolitan Sewer Subdistrict (“*Metro*”) pursuant to the provisions of Title 6, Chapter 11, Article 3 of the Code of Laws of South Carolina 1976, as amended (the “*SPD Boundary Laws*”). As required by Section 6-11-440 of the SPD Boundary Laws, notice is hereby given of the following:

1. **Public Hearing.** The County Council has ordered that a public hearing be held on the question of the Consolidation (the “*Public Hearing*”). The Public Hearing shall be held via a Zoom electronic meeting on November 23, 2020, at 4:00 p.m., the live-stream of which may be accessed at the following web address: www.greenvillecounty.org/livestream.aspx. Anyone wishing to speak at the Public Hearing must register at the following web address, which may also be accessed from the County’s website: www.greenvillecounty.org/apps/Citizencomments. Registration for the Public Hearing will begin at 9:00 a.m., Friday, November 13, 2020, at which time the preceding web address shall become accessible, until 5:00 p.m., Sunday, November 22, 2020. The Public Hearing shall be conducted publicly in the manner above stated and both proponents and opponents of the Consolidation shall be given a full opportunity to be heard. Following the Public Hearing, the County Council shall determine whether the Consolidation shall be approved.

2. **Nature of Changes to Impacted Special Purpose Districts.** If approved, as of the effective date of the Consolidation, by operation of law, (i) Metro and the Metropolitan Sewer Subdistrict Commission would be reconstituted and would succeed to (1) any and all powers of the governing bodies of the Consolidated Districts, (2) any and all interests in all real and personal property and other assets of the Consolidated Districts, and (3) all liabilities and obligations of the Consolidated Districts; and (ii) the governing bodies of the Consolidated Districts would be dissolved and the corporate existence of the Consolidated Districts would cease.

3. **Description of the Boundaries of Metro as Reconstituted.** If approved, as of the effective date of the Consolidation, the boundaries of Metro, as reconstituted, would consist of

the combined current boundaries of Metro and those of the Consolidated Districts (the “**Reconstituted Metro Boundaries**”). The Reconstituted Metro Boundaries are shown on a map placed on file with the Clerk to County Council and available for review at the County’s offices during normal business hours.

4. Functions to be Performed by Metro as Reconstituted. Metro shall provide Sewer Collection Service within the Reconstituted Metro Boundaries. By separate action, the County Council is considering the establishment of the Berea Fire Service Area, Gantt Fire Service Area, Parker Fire Service Area, Taylors Fire Service Area, and Wade Hampton Fire Service Area (the “**Fire Service Areas**”) within the respective current boundaries of Berea, Gantt, Parker, Taylors, and Wade Hampton (collectively, the “**Fire/Sewer Districts**”), through which the County would provide Fire Service therein. Subject to final approval of Greenville Water System (“**Greenville Water**”), the County intends that water service be provided within the current boundaries of Marietta by Greenville Water.

5. Reasons for the Proposed Change.

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

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

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

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

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

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

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

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

(b) The County Council has found that the unification of the Collection Systems into Metro through the Consolidation presents the most efficient and effective means of providing Sewer Collection Service in the unincorporated portions of the County and that the Consolidation allows the County and the sewer customers and taxpayers in the unincorporated portions of the County to realize the following benefits: (i) unifying Sewer Collection Service under an entity, Metro, which possesses the financial capacity and technical ability to make the essential investment in the preventative and corrective repair, replacement and maintenance of the Collection Systems; (ii) reducing Inflow and Infiltration in order to maximize the capacity of the County's wastewater collection and treatment systems reduce the investment needed to increase the capacity of sewer infrastructure, resulting in substantial savings; (iii) dispersing the cost of the essential capital investment in the Collection System across a greater number of sewer customers, reducing the burden on any small group of customers; (iv) improving the efficiency of Sewer Collection Service by eliminating redundancy and increasing economies of scale; (v) reducing sanitary sewer overflow events within the County and thereby improving the cleanliness of the County's waterways and protecting the health, safety, and wellbeing of the County's citizens; and (vi) achieving compliance with EPA guidelines, the federal Clean Water Act and various provisions of South Carolina law.

6. Proposed Improvements and Funding. There are no improvements that are anticipated to be required to integrate the sewer collection systems of Metro and the Consolidated Districts or that are otherwise required as a consequence of the Consolidation. Substantial improvements are required to address the deficiencies of the Consolidated Systems,

which are estimated to cost \$275 million over a period of twenty years. The cost of these improvements is expected to be paid through a combination of funds on hand, grants and other funds from State and federal sources, and the issuance of revenue bonds.

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8. Services Provided. Pursuant to Section 6-11-435 of the SPD Boundary Laws, as of the Consolidation, Metro is precluded from providing any service in any area of the Reconstituted Metro Boundaries, which Metro has not previously provided if such service is provided by an overlapping political subdivision. Accordingly, Metro shall provide Sewer Collection Service within the Reconstituted Metro Boundaries and shall be precluded from providing Fire Service. Upon the assumption of water service within the former boundaries of Marietta by Greenville Water, Metro shall additionally be precluded from providing water service within the Reconstituted Metro Boundaries.

COUNTY COUNCIL OF GREENVILLE COUNTY

Publication Instructions:

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