

RESOLUTION NO. ____

CALLING FOR PUBLIC HEARINGS TO BE HELD ON THE QUESTIONS OF (1) REPEALING THE CONSOLIDATION OF PARKER SEWER AND FIRE SUBDISTRICT (“*PARKER*”) AND TAYLORS FIRE AND SEWER DISTRICT (“*TAYLORS*”) INTO THE METROPOLITAN SEWER SUBDISTRICT (“*METRO*”) AND ENLARGING THE BOUNDARIES OF METRO TO OVERLAP THE BOUNDARIES OF PARKER AND TAYLORS; (2) REPEALING THE CREATION OF THE PARKER FIRE SERVICE AREA; AND (3) REPEALING THE CREATION OF THE TAYLORS FIRE SERVICE AREA.

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

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

(a) County Council is informed that Metro and each of Parker and Taylors (collectively, the “*Districts*”) have entered into Intergovernmental Transfer Agreements (each a “*Transfer Agreement*”) that call for the transfer of sewer collection services from the Districts to Metro, including conveying assets, satisfying outstanding bond indebtedness, and making offers of employment to sewer-related employees of the Districts.

(b) County Council has received joint petitions (each a “*Petition*” and together the “*Petitions*”) from Metro and each of the Districts requesting that County Council enact an ordinance (the “*Ordinance*”) to (i) enlarge the Metro Boundaries to overlap Parker and Taylors; (ii) repeal the consolidation of Parker and Taylors into Metro; and (iii) repeal the creation of the Parker Fire Service Area and the Taylors Fire Service Area.

(c) 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, County Council is empowered to, on its own motion or upon the petition of the commissions of the affected special purpose districts, take action to enlarge, diminish, or consolidate any special purpose district lying within the County.

(d) Pursuant to Ordinance No. 5248 of the County Council, enacted on December 15, 2020 (the “*Consolidation Ordinance*”), as amended by Ordinance No. 5283 of the County Council, enacted on May 18, 2021, the County Council took action pursuant to the SPD Boundary Laws to (i) consolidate the Districts into Metro and to reconstitute Metro as further set forth therein (generally, the “*First Amended Consolidation*”); and (ii) enlarge the

boundaries of Metro to overlap the boundaries for sewer service of Berea Public Service District; Gantt Fire, Sewer and Police District; Marietta Water, Fire, Sanitation, and Sewer District; and Wade Hampton Fire and Sewer District.

(e) The current boundaries of Metro (the “*Metro Boundaries*”) and the boundaries of each of the Districts (the “*District Boundaries*”) are shown on the map attached to this Ordinance at **Exhibit A**.

(f) In order to ensure that adequate fire service is provided within the District Boundaries, the County Council also enacted Ordinance No. 5249, dated December 15, 2020 (the “*Fire Service Area Ordinance*”), as repealed in part by Ordinance No. 5284, enacted by the County Council on May 18, 2021, pursuant to which the County Council provided for the establishment of fire service areas within each of the respective boundaries of the Districts to be known respectively as the “Parker Fire Service Area” and the “Taylors Fire Service Area” (each a “*Fire Service Area*”) pursuant to Title 4, Chapter 19 of the S.C. Code.

(g) In connection with the enactment of the Consolidation Ordinance, the County Council made certain findings regarding sewer collection service (“*Sewer Collection Service*”) and the unification of the sewer collection systems in the unincorporated portions of the County (the “*Collection Systems*”) under Metro. The County Council hereby affirms the findings of fact set forth in the Consolidation Ordinance, and further finds that the unification of Collection Systems may be effected and the benefits thereof may also be achieved through the further enlargement of the Metro Boundaries to overlap the District Boundaries (generally, the “*Boundary Enlargement*”), whereby Metro, with the consent of each District, may accept the conveyance of the Collection System of each District, operate and maintain such Collection Systems, and provide Sewer Collection Service to customers within the boundaries thereof. In such event, the benefits of the Consolidation may be achieved while the Districts may remain in place to provide fire protection service (“*Fire Service*”) within their respective boundaries.

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

A[n] . . . enlarged special purpose district which results from action taken pursuant to [the SPD Boundary Laws] may not provide a governmental service to an area within its boundaries to which it has not previously provided such service if an overlapping political subdivision is authorized to provide that same service in the area and the area is situated within the boundaries of such overlapping political subdivision without the express authorization of the governing body of such overlapping political subdivision.

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

(i) Acting upon the Petitions, the County Council has determined to conduct public hearings on the questions of the enactment of the Ordinance to (i) repeal of the provisions of the Consolidation Ordinance; and (ii) approve the Boundary Enlargement in accordance with the provisions of Sections 6-11-430 and 440 of the SPD Boundary Laws, such that upon the effective date of the Ordinance (the “*Effective Date*”) the boundaries of Metro, as enlarged, shall be those shown on the map attached to this Resolution at **Exhibit B** (the “*Enlarged Metro Boundaries*”).

(j) Pursuant to the Ordinance, the County Council is also considering repealing the remaining provisions of the Fire Service Area Ordinance establishing the Parker Fire Service Area and the Taylors Fire Service Area as of the Effective Date in order that Parker and Taylors may continue to provide Fire Service within their respective boundaries. The boundaries of the Fire Service Areas, as established by the Fire Service Area Ordinance, are shown on the map attached to this Resolution at **Exhibit C**.

Section 2 Nature and Effects of Proposed Action.

(a) Nature of Changes to Impacted Special Purpose Districts. If the proposed action is taken: (i) the provisions of the Consolidation Ordinance pertaining to the consolidation of the Districts into Metro shall be repealed, with the effect that the Districts shall not be consolidated into Metro; and (ii) as of the Effective Date, the Metro Boundaries will be enlarged to overlap the boundaries of each of the Districts, as such District Boundaries are shown on the map attached to this Resolution at **Exhibit A**.

(b) Description of the Boundaries of Metro as Enlarged. If the proposed action is taken, as of the Effective Date, the Metro Boundaries shall be enlarged, as shown on the map of the Enlarged Metro Boundaries attached to this Resolution at **Exhibit B**.

(c) Functions to be Performed by Impacted Special Purpose Districts. If the proposed action is taken, as of the Effective Date (i) Metro shall provide Sewer Collection Service within the Enlarged Metro Boundaries; and (ii) the Districts shall continue to provide Fire Service within their respective District Boundaries.

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

(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 Boundary Enlargement. Substantial improvements are required to address the deficiencies of the Collection Systems, which are estimated to cost \$162 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 Boundary Enlargement it will be necessary for Metro to satisfy all outstanding bonded indebtedness of the Districts related to their Collection Systems and the provision of Sewer Collection Service (together, “*Financings*”). Metro has proposed to issue revenue bonds in an amount necessary to satisfy the Financings, which are estimated to be outstanding in the amount of \$26 million.

(g) Services Provided. Pursuant to Section 6-11-435 of the SPD Boundary Laws, by and through the Transfer Agreements, as set forth in the Petitions, the Districts have consented to Metro owning and operating the Collection Systems within their respective District Boundaries and providing Sewer Collection Service therein, which shall commence as of the Effective Date. The Districts shall continue to provide Fire Service within their respective District Boundaries and shall retain all other powers granted to the Districts by their establishing legislation and the general laws contained in the S.C. Code.

Section 3 Order for Public Hearings.

(a) For the reasons set forth in subsection (g) of Section 1 of this Resolution, the County Council has determined that it is in the interest of the residents and property owners of the Districts and Metro, and the citizens and taxpayers of the County generally, (i) for the boundaries of Metro to be enlarged to overlap the District Boundaries; (ii) to repeal the provisions of the Consolidation Ordinance as may be necessary to withdraw the Districts from the First Amended Consolidation; and (iii) to repeal the remaining provisions of the Fire Service Area Ordinances providing for the establishment of the Fire Service Areas.

(b) In connection with the County Council’s consideration of the Boundary Enlargement, and as required pursuant to Section 6-11-430 of the SPD Boundary Laws, the County Council hereby orders a public hearing to be held upon the question of the proposed action to effect the Boundary Enlargement and the repeal of the provisions of the Consolidation Ordinance as may be necessary to withdraw the Districts from the First Amended Consolidation.

(c) In connection with the County Council’s consideration of the repeal of the remaining provisions of the Fire Service Area Ordinance, and as required pursuant to Section 4-9-30(5)(e) of the S.C. Code, the County Council hereby orders public hearings to be held upon the question of the repeal of the provisions of the Fire Service Area Ordinance establishing each of the Fire Service Areas.

(d) The public hearings ordered by subsections (b) and (c) of this Section 3 (the “*Public Hearings*”) shall be held during a regular meeting of Greenville County Council in the Council Chambers at 301 University Ridge, Greenville, SC, on Tuesday, April 19, 2022, at 6:00 p.m. (or as soon thereafter as other hearings are concluded). The notices of the Public

Hearings, the forms of which are attached to this Resolution at **Exhibits D** and **E**, respectively (each a “*Notice of Public Hearing*”), shall provide instructions for those who wish to participate in the Public Hearings. Each 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 Notices of Public Hearing shall not be less than sixteen days prior to the hearing date.

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

(f) Following the Public Hearings, the County Council shall determine whether and to what extent the proposed actions shall be taken.

Section 4 Further Action. The Chairman of County Council, the County Administrator of the County, the County Attorney of the County (the “*County Attorney*”), and the Clerk to County Council (the “*Clerk*”) are hereby authorized, empowered, and directed to take all necessary action to provide for the holding of the Public Hearings in accordance with the applicable provisions of the S.C. Code. The Clerk, with the advice of the County Attorney, is further authorized to approve of changes to the forms of the Notices of Public Hearing as are necessary to comply with the provisions of the S.C. Code, including those of the South Carolina Freedom of Information Act, and any applicable County procedures.

[Remainder of Page Left Blank]

Done in meeting duly assembled this 15th day of March 2022.

GREENVILLE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman of County Council

County Administrator

Attest:

Clerk to County Council

EXHIBIT A

Pre-Enlargement Boundaries Metro and the District Boundaries

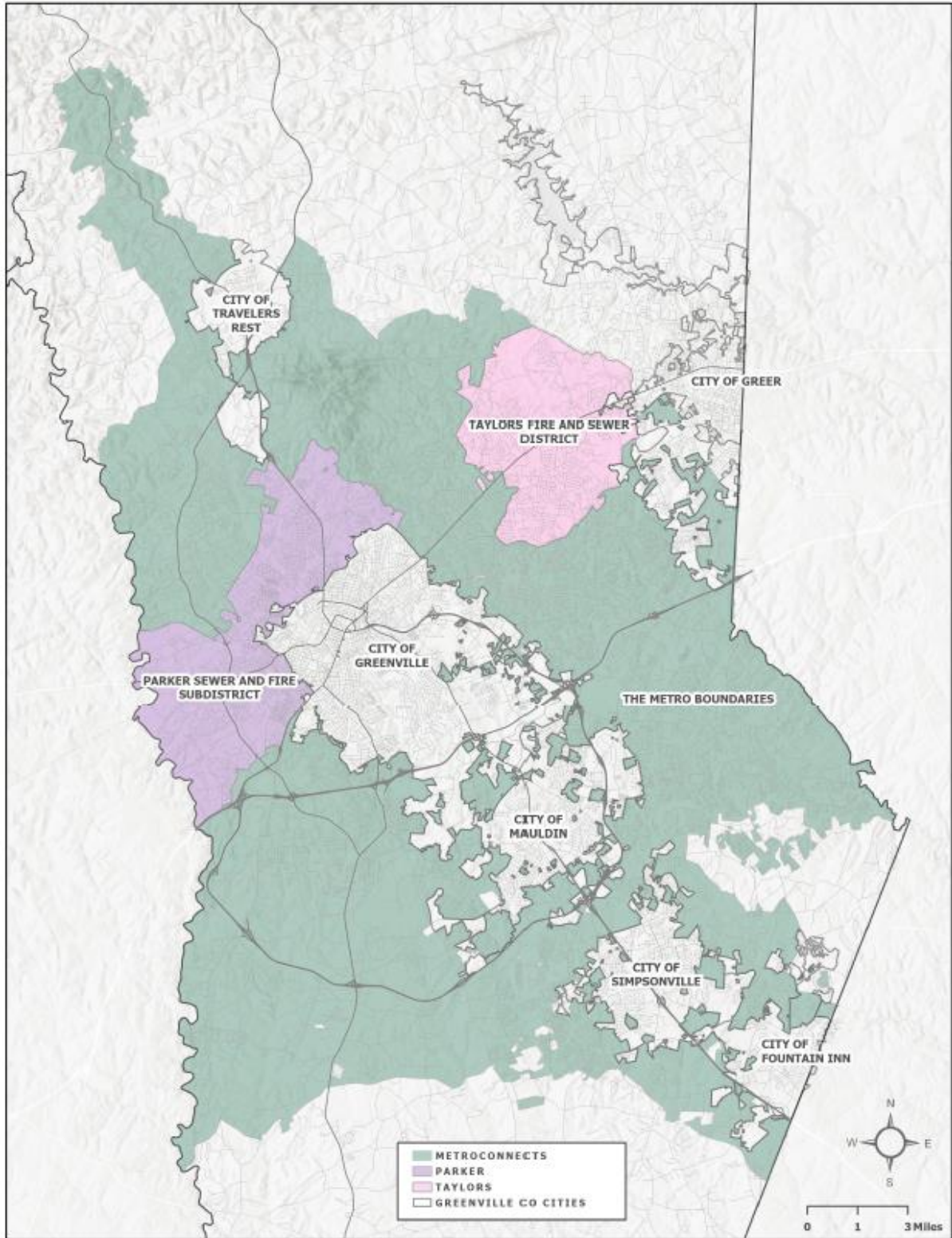


EXHIBIT B

Enlarged Metro Boundaries

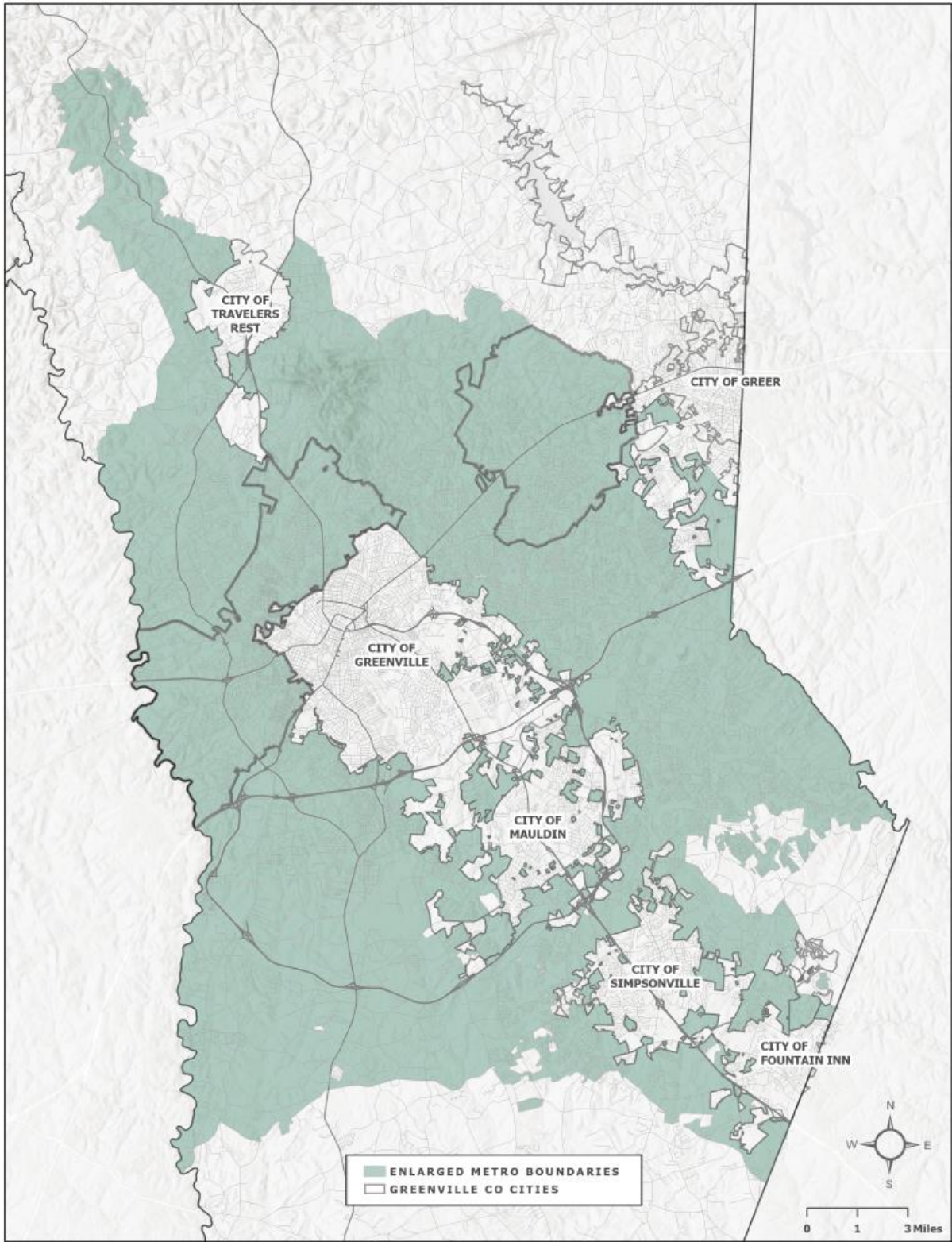


EXHIBIT C

Boundaries of the Fire Service Areas

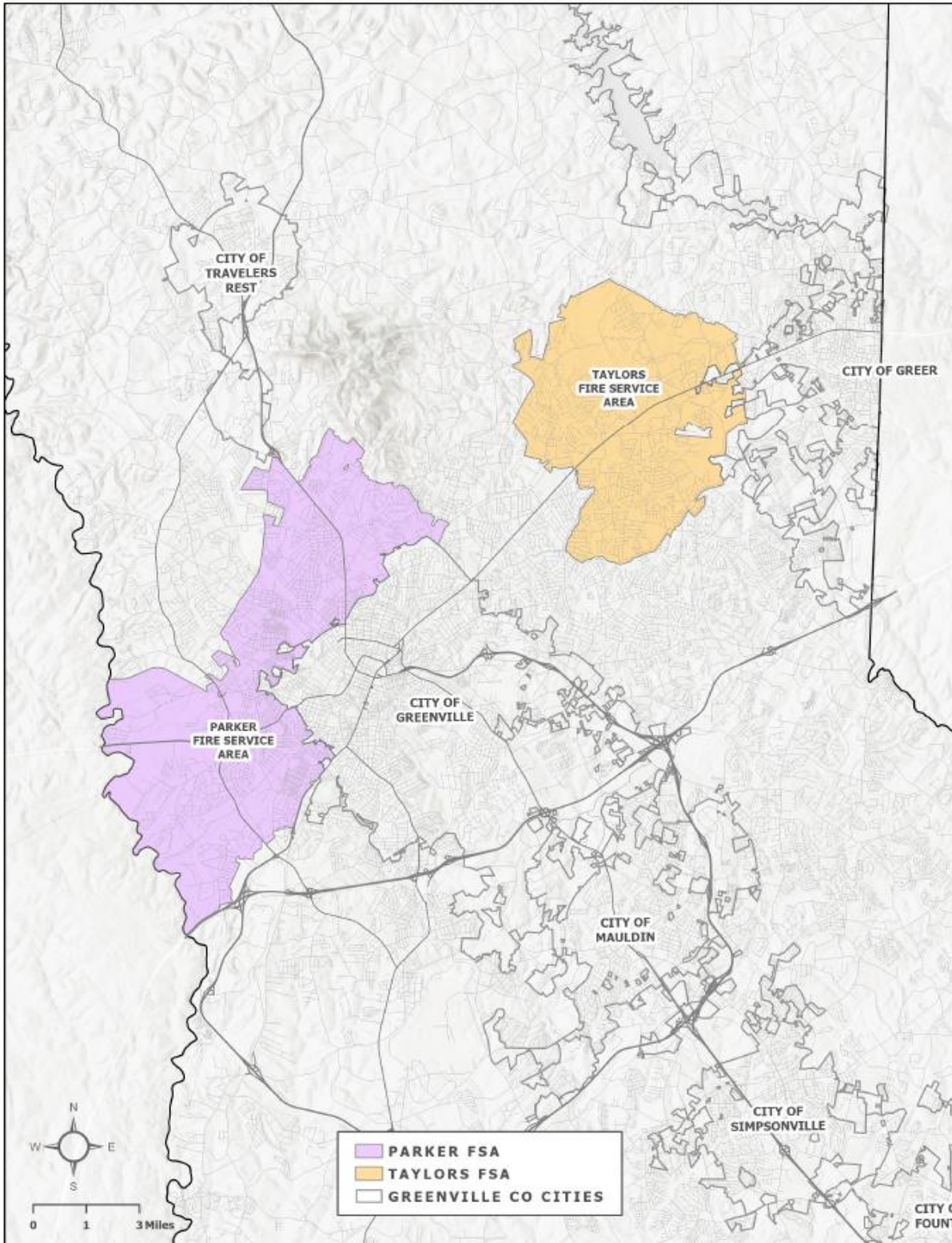


EXHIBIT D

Form of Notice of Public Hearing re Boundary Enlargement

NOTICE OF PUBLIC HEARING

By resolution adopted March 15, 2022, the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), has determined to consider an ordinance (i) enlarging the boundaries of Metropolitan Sewer Subdistrict (“*Metro*”) to overlap the boundaries of Parker Sewer and Fire Sub-District (“*Parker*”) and the Taylors Fire and Sewer District (“*Taylors*” and together with Parker, the “*Districts*”); and (ii) amending Ordinance No. 5248 of the County Council, enacted on December 15, 2020 (the “*Consolidation Ordinance*”), as amended by Ordinance No. 5283 of the County Council, enacted on May 18, 2021, to repeal certain provisions thereof to withdraw the Districts from the consolidation of such special purpose districts into Metro. All such actions are proposed to be taken pursuant to the provisions of Title 6, Chapter 11, Article 3 of the Code of Laws of South Carolina 1976, as amended (the “*SPD Boundary Laws*”). As required by Section 6-11-440 of the SPD Boundary Laws, notice is hereby given of the following:

1. **Public Hearing.** The County Council has ordered that a public hearing be held on the question of the proposed action described above (the “*Public Hearing*”). The Public Hearing shall be held during the regular meeting of Greenville County Council in the Council Chambers at 301 University Ridge, Greenville, SC on Tuesday, April 19, 2022, at 6:00 p.m. (or as soon thereafter as other hearings are concluded). Anyone wishing to speak during this Public Hearing will need to register on-site to speak in-person at the Public Hearing during the 30 minutes prior to the start of the meeting. The Public Hearing shall be conducted publicly in the manner above-stated and both proponents and opponents of the proposed action shall be given a full opportunity to be heard. Following the Public Hearing, the County Council shall determine whether to take the proposed action.

2. **Nature of Changes to Impacted Special Purpose Districts.** If the proposed action is taken: (i) the provisions of the Consolidation Ordinance pertaining to the consolidation of the Districts into Metro shall be repealed, with the effect that the Districts shall not be consolidated into Metro; and (ii) as of the effective date of the Ordinance (the “*Effective Date*”), the Metro Boundaries will be enlarged to overlap the boundaries of each of the Districts.

3. **Description of the Boundaries of Metro as Reconstituted and Enlarged.** If the proposed action is taken the boundaries of Metro shall consist of those areas shown on a map placed on file with the Clerk to County Council and available for review at the County’s offices during normal business hours (the “*Enlarged Metro Boundaries*”).

4. Functions to be Performed by Impacted Special Purpose Districts. If the proposed action is taken, as of the Effective Date (i) Metro shall provide Sewer Collection Service within the Enlarged Metro Boundaries, and (ii) the Districts shall continue to provide Fire Service within their respective District Boundaries.

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

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 Boundary Enlargement. Substantial improvements are required to address the deficiencies of the Collection Systems, which are estimated to cost \$162 million over a period of twenty years. The cost of these improvements is expected to be paid through a combination of funds on hand, grants and other funds from State and federal sources, and the issuance of revenue bonds.

7. Issuance of Bonds. In order to effect the Boundary Enlargement it will be necessary for Metro to satisfy all outstanding bonded indebtedness of the Districts related to their Collection Systems and the provision of Sewer Collection Service (together, “*Financings*”). Metro has proposed to issue revenue bonds in an amount necessary to satisfy the *Financings*, which are estimated to be outstanding in the amount of \$26 million.

8. Services Provided. Pursuant to Section 6-11-435 of the SPD Boundary Laws, by and through certain Intergovernmental Transfer Agreements by and between Metro and each of the Districts, and as set forth in the joint petitions received by the County Council from Metro and each of the Districts, the Districts have consented to Metro owning and operating the Collection Systems within their respective District Boundaries and providing Sewer Collection Service therein, which shall commence as of the Effective Date. The Districts shall continue to provide Fire Service within their respective District Boundaries and shall retain all other powers granted to the Districts by their establishing legislation and the general laws contained in the S.C. Code.

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.

EXHIBIT E

**Form of Notices of Public Hearing for the Repeal
of the Fire Service Area Ordinance**

A PUBLIC HEARING SHALL BE HELD ON THE QUESTION REPEALING ORDINANCE NO. 5249 OF THE COUNTY COUNCIL, AS PARTIALLY REPEALED BY ORDINANCE NO. 5284, ESTABLISHING THE [NAME] FIRE SERVICE AREA.

By resolution adopted March 15, 2022, the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), determined to consider repealing Ordinance No. 5249 of the County Council, dated December 15, 2020, as repealed in part by Ordinance No. 5284, enacted by the County Council on May 18, 2021 (as partially repealed, the “*Fire Service Area Ordinance*”), establishing the “[NAME] Fire Service Area” (the “*Fire Service Area*”) pursuant to the provisions of Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended (the “*Fire Service Area Act*”). As required by Section 4-9-30(5)(e) of the Code of Laws of South Carolina 1976, as amended, and the Fire Service Area Act, you are advised of the following:

1. Public Hearing. The County Council has ordered that a public hearing be held on the proposed action described above (the “*Public Hearing*”). The Public Hearing shall be held during the regular meeting of Greenville County Council in the Council Chambers at 301 University Ridge, Greenville, SC on Tuesday, April 19, 2022, at 6:00 p.m., (or as soon thereafter as other hearings are concluded). Anyone wishing to speak during this Public Hearing will need to register on-site to speak in-person at the Public Hearing during the 30 minutes prior to the start of the meeting. The Public Hearing shall be conducted publicly in the manner above-stated and both proponents and opponents of the proposed action shall be given a full opportunity to be heard. Following the Public Hearing, the County Council shall determine whether to take the proposed action.

2. Effect of Proposed Action. If the proposed action is taken, the provisions of the Fire Service Area Ordinance establishing the Fire Service Area will be repealed and the Fire Service Area shall not be established. A map of the boundaries of the Fire Service Area has been placed on file with the Clerk to County Council and is available for review at the County’s offices during normal business hours.

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.