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**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE (1) ENLARGING THE BOUNDARIES OF THE METROPOLITAN SEWER SUBDISTRICT TO OVERLAP THE BOUNDARIES OF THE PARKER SEWER AND FIRE SUBDISTRICT AND TAYLORS FIRE AND SEWER DISTRICT; (2) REPEALING CERTAIN PROVISIONS OF ORDINANCE NO. 5248, AS AMENDED BY ORDINANCE NO. 5283, PERTAINING TO THE CONSOLIDATION OF PARKER AND TAYLORS INTO METRO; (3) REPEALING THE PROVISIONS OF ORDINANCE NO. 5249, AS AMENDED BY ORDINANCE NO. 5284, PERTAINING TO THE ESTABLISHMENT OF FIRE SERVICE AREAS WITHIN THE AREAS OF PARKER AND TAYLORS; AND (4) OTHER MATTERS RELATED THERETO.**

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**May 3, 2022**

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

## **ARTICLE 1**

### **FINDINGS OF FACT**

**Section 1.1 Findings.** The County Council makes the following findings of fact in connection with the enactment of this ordinance (this “*Ordinance*”):

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

(b) Pursuant to Ordinance No. 5248 of the County Council, enacted December 15, 2020 (the “*Consolidation Ordinance*”), as amended by Ordinance No. 5283 of the County Council, enacted on May 18, 2021 (the “*Boundary Enlargement Ordinance*”), the County Council took action pursuant to the SPD Boundary Laws to (i) consolidate the Parker Sewer and Fire Sub-District (“*Parker*”) and the Taylors Fire and Sewer District (“*Taylors*” and together with Parker, the “*Districts*”) into Metropolitan Sewer Subdistrict (“*Metro*”) and to reconstitute Metro as further set forth therein (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.

(c) 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**.

(d) In order to ensure that adequate fire service is provided within the boundaries of the Districts, 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 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 the provisions of Title 4, Chapter 19 of the S.C. Code. The boundaries of each Fire Service Area are shown on the map attached to this Resolution at **Exhibit B**.

(e) 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.

(f) In separate actions; namely, Civil Action No. 2020-CP-23-05132 and Civil Action No. 2021-CP-23-00081 (the “*Civil Actions*”), the Districts have challenged the validity of the Consolidation Ordinance and the Fire Service Area Ordinance. The County and Metro have entered into separate consent orders with Taylors and Parker, respectively (together, the “*Consent Orders*”), pursuant to which the parties have agreed to terms upon which the Districts will withdraw from the Civil Actions, including, among other obligations of the parties, the negotiation and execution of Intergovernmental Transfer Agreements (each a “*Transfer Agreement*”) between Metro and each of the Districts relating to the transfer of the Collection Systems and other sewer assets of the Districts to Metro.

(g) The County Council is informed that Metro and each of the Districts have entered into Transfer Agreements which contain provisions pertaining to the conveyance of the Collection Systems and other sewer assets, the transfer of financial assets related to Sewer Collection Service, the satisfaction of bonded indebtedness related to Sewer Collection Service and the Collection Systems, making offers of employment to sewer-related employees of the Districts, and other matters necessary to effect the transfer of the Districts’ Collection Systems to Metro and the Boundary Enlargement within each of the Districts.

(h) The County has received joint petitions (each a “*Petition*” and together the “*Petitions*”) from Metro and each of Districts respectively requesting that the County Council take proper action to (i) enlarge the Metro Boundaries to overlap the District Boundaries; (ii) repeal the provisions of the Consolidation Ordinance as may be necessary to withdraw the Districts from the First Amended Consolidation; and (iii) repeal the remaining provisions of the Fire Service Area Ordinance providing for the establishment of the Fire Service Areas.

(i) 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 its Collection System and provide Sewer Collection Services within their respective boundaries. Pursuant to the SPD Boundary Laws, the County Council has determined to take the actions requested by the Petitions.

(j) Pursuant to the Consolidation Ordinances, the County Council approved the First Amended Consolidation Plan, dated May 18, 2021 (the “**First Amended Consolidation Plan**”), providing notice to Metro, the Districts, and the public of certain matters involving the Consolidation, the establishment of the Fire Service Areas, and the provision of services by the affected entities. Given that the matters involving the transfer of the Districts’ Collection Systems and the provision of Sewer Collection Service are fully provided for in the Consent Orders and the Transfer Agreements, the County Council has determined to repeal the First Amended Consolidation Plan.

(k) Pursuant to this Ordinance, upon the Effective Date (as defined in Section 6.2 hereof), the Metro Boundaries, as enlarged, will consist of the current Metro Boundaries and, subject to Section 5.1 of this Boundary Enlargement Ordinance, the areas within the District Boundaries, which are shown on the map attached to this Ordinance at **Exhibit C** (the “**Enlarged Metro Boundaries**”).

(l) Pursuant to the SPD Boundary Laws, by resolution adopted on March 15, 2022 (the “**Resolution**”), the County Council ordered that a public hearing be held on the questions of whether and to what extent (i) the Metro Boundaries should be enlarged to overlap those of the Districts and (ii) the provisions of the Consolidation Ordinance should be repealed to withdraw the Districts from the First Amended Consolidation. Notice of the public hearing was published in *The Greenville News*, a newspaper of general circulation in the County, once a week for three successive weeks, on March [\*\*], 2022, March [\*\*], 2022, and March [\*\*], 2022, and the public hearing was held on April 19, 2022. The public hearing was conducted publicly and both proponents and opponents of the proposed actions were given the full opportunity to be heard.

(m) Pursuant to Section 4-9-30(5)(e) of the S.C. Code, by the Resolution the County Council ordered that public hearings be held on the question of the repeal of the provisions of the Fire Service Area Ordinances, including those establishing the Fire Service Areas. Notices of the public hearings on such questions were published in *The Greenville News*, a newspaper of general circulation in the County, once a week for three successive weeks, on March [\*\*], 2022, March [\*\*], 2022, and March [\*\*], 2022, and the public hearings were held on April 19, 2022. The public hearings were conducted publicly and both proponents and opponents of the proposed actions were given the full opportunity to be heard.

(m) Subsequent to the holding of the public hearings described above, the County Council hereby finds and determines that (i) the Boundary Enlargement should take place and the Consolidation Ordinance should be amended to repeal those provisions as necessary to withdraw the Districts from the First Amended Consolidation; and (ii) the remaining provisions of the Fire Service Area Ordinance, including those establishing the Fire Service Areas, should be repealed. Notice of the action of the County Council pertaining to the Boundary Enlargement shall hereafter be published once a week for two successive weeks in *The Greenville News*, a newspaper of general circulation within the County.

[End of Article 1]

## ARTICLE 2

### EFFECT OF THIS ORDINANCE UPON PRIOR ORDINANCES

**Section 2.1 Repeal of Consolidation Ordinance.** As of the Effective Date, the County Council hereby repeals the remaining provisions of the Consolidation Ordinance with the express intent of withdrawing the Districts from the First Amended Consolidation.

**Section 2.2 Amendments to and Effects Upon the Boundary Enlargement Ordinance.**

(a) As of the Effective Date, the County Council hereby repeals Article 7 of the Boundary Enlargement Ordinance pertaining to the approval of the First Amended Consolidation Plan with the express intent of repealing the same.

(b) Articles 3, 4, 5, and 6 of the Boundary Enlargement Ordinance pertaining to the enlargement of the boundaries of Metro, as then constituted, 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 shall remain in full force and effect and are unaffected by the provisions of this Ordinance and the amendments enacted hereby. The County Council reaffirms the findings of facts set forth at Article 1 of the Boundary Enlargement Ordinance, including those reaffirming certain findings set forth in the Consolidation Ordinance, as such findings are applicable to the Boundary Enlargement. The remaining provisions of the Boundary Enlargement Ordinance, as it has been amended hereby, shall continue to apply, *mutatis mutandis*, to the Boundary Enlargement enacted hereby.

**Section 2.3 Repeal of Fire Service Area Ordinance.** As of the Effective Date, the remaining provisions of the Fire Service Area Ordinance, including those establishing the Fire Service Areas, are hereby repealed.

**Section 2.4 Effective Date of Consolidation Ordinance.** Pursuant to the Consent Orders, County Council hereby amends the effective date of the Consolidation Ordinance only with respect to Parker and Taylors, respectively, to be the date on which the Greenville County Circuit Court approves the Consent Orders.

[End of Article 2]

## ARTICLE 3

### PARKER BOUNDARY ENLARGEMENT

**Section 3.1 Enlargement of Boundaries.** The boundaries of Parker, as established by Act No. Act No. 1087 of 1934 and as subsequently amended by special legislation or action of County Council (the “*Parker Legislation*”), are shown on the map attached to this Ordinance at **Exhibit A** (the “*Parker Boundaries*”). As of the Effective Date, the boundaries of Metro are hereby enlarged to include the area within the Parker Boundaries.

**Section 3.2 Powers.**

(a) As set forth in the Petition submitted by Metro and Parker, and pursuant to the Transfer Agreement by and between such parties, Metro shall provide Sewer Collection Service in the area of the Parker Boundaries and Parker shall no longer provide such service.

(b) Pursuant to the Parker Legislation, Parker shall continue to provide Fire Service and exercise those other powers granted to Parker pursuant to the Parker Legislation and the general laws contained in the S.C. Code within the Parker Boundaries.

[End of Article 3]



## ARTICLE 4

### TAYLOR BOUNDARY ENLARGEMENT

**Section 4.1 Enlargement of Boundaries.** The boundaries of Taylors, as established by Act No. 1099 of 1958, and as subsequently amended by special legislation or action of County Council (the “*Taylors Legislation*”), are shown on the map attached to this Ordinance at **Exhibit A** (the “*Taylors Boundaries*”). As of the Effective Date, the boundaries of Metro shall be enlarged to include the area within the Taylors Boundaries.

**Section 4.2 Powers.**

(a) As set forth in the Petition submitted by Metro and Taylors, and pursuant to the Transfer Agreement by and between such parties, Metro shall provide Sewer Collection Service in the area of the Taylors Boundaries and Taylors shall no longer provide such service.

(b) Pursuant to the Taylors Legislation, Taylors shall continue to provide Fire Service and exercise those other powers granted to Taylors pursuant to the Taylors Legislation and the general laws contained in the S.C. Code within the Taylors Boundaries.

[End of Article 4]

## ARTICLE 5

### SEVERABILITY

**Section 5.1 Severability of Consolidations.** It is the intention of the County Council that the Boundary Enlargement within the areas of the District Boundaries, as set forth in the applicable Articles of this Ordinance, be treated as separate and discreet boundary enlargements under the provisions of the SPD Boundary Laws, which are being taken together in concert to realize substantial benefits of economy, coordination, and service delivery. To the extent that the Boundary Enlargement within the area of the boundaries of either of the Districts is temporarily or permanently enjoined or held to be invalid by a court of competent jurisdiction any provision of this Ordinance effecting such enlargement shall be severable from the remaining provisions of this Ordinance and any such injunction or determination of invalidity shall not impair the implementation or validity of the Boundary Enlargement within the area of the boundaries of any District that is not subject to such injunction or determination of invalidity.

**Section 5.2 Severability of Provisions.** It is the intention of the County Council that the individual provisions hereof, including those of the articles effecting the Boundary Enlargement within the area of the District Boundaries, be severable to the fullest extent permitted by law. To the extent that the enforcement or carrying out of any one or more provisions of this Ordinance are enjoined or held by a court of competent jurisdiction to be invalid, such provision is severable from the remaining provisions of this Ordinance and the remaining provisions hereof are to be construed, to the greatest extent possible, to allow for the balance of the Boundary Enlargement to be carried out.

[End of Article 5]

## ARTICLE 6

### MISCELLANEOUS

**Section 6.1 Affirmation of Findings.** It is hereby found and determined that each statement of fact set forth in this Ordinance is in all respects true and correct.

**Section 6.2 Boundary Enlargement Effective Date.** The effective date of the provisions of this ordinance, including those provisions amending or repealing the provisions of prior ordinances and those effecting the Boundary Enlargement, shall be effective as of July 1, 2022 (the “*Effective Date*”). If necessary to allow sufficient time for the completion or accomplishment of any provision or obligation of the parties to the Consent Orders or the Transfer Agreements, or other act, process, approval, or other action the County Council, with the receipt of legal advice, determines to be a legal prerequisite to the effectiveness of the Boundary Enlargement, the County Council may extend the Effective Date by resolution.

**Section 6.3 Further Action.** The Chairman of County Council, the County Administrator, the County Attorney, and other officials and staff of the County are authorized, empowered, and directed to take such action as is necessary to implement the Boundary Enlargement in accordance with the provisions of this Ordinance, including, to the extent necessary or convenient, to execute and deliver such certificates, instruments, applications, and other documents required to carry out the Boundary Enlargement.

**Section 6.4 Notice to Affected Districts.** As soon as is practicable after the third and final reading of this Boundary Enlargement Ordinance, a certified copy hereof shall forthwith be transmitted to the governing bodies of Metro and each of the Districts to advise each entity of the action taken by the County Council.

**Section 6.5 Notice of Action.** Upon third and final reading of this Ordinance, a notice of action, as required by Section 6-11-470 of the SPD Boundary Laws, substantially in the form that is attached hereto as **Exhibit D**, shall be published in *The Greenville News*, a newspaper of general circulation within the County, once a week for two successive weeks. A copy of this Ordinance shall be kept on file with the Clerk to County Council and be made available upon request during normal business hours.

[End of Article 6]

**ENACTED** in meeting duly assembled this 3rd day of May 2022.

**GREENVILLE COUNTY, SOUTH CAROLINA**

(SEAL)

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Chairman of County Council

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County Administrator

Attest:

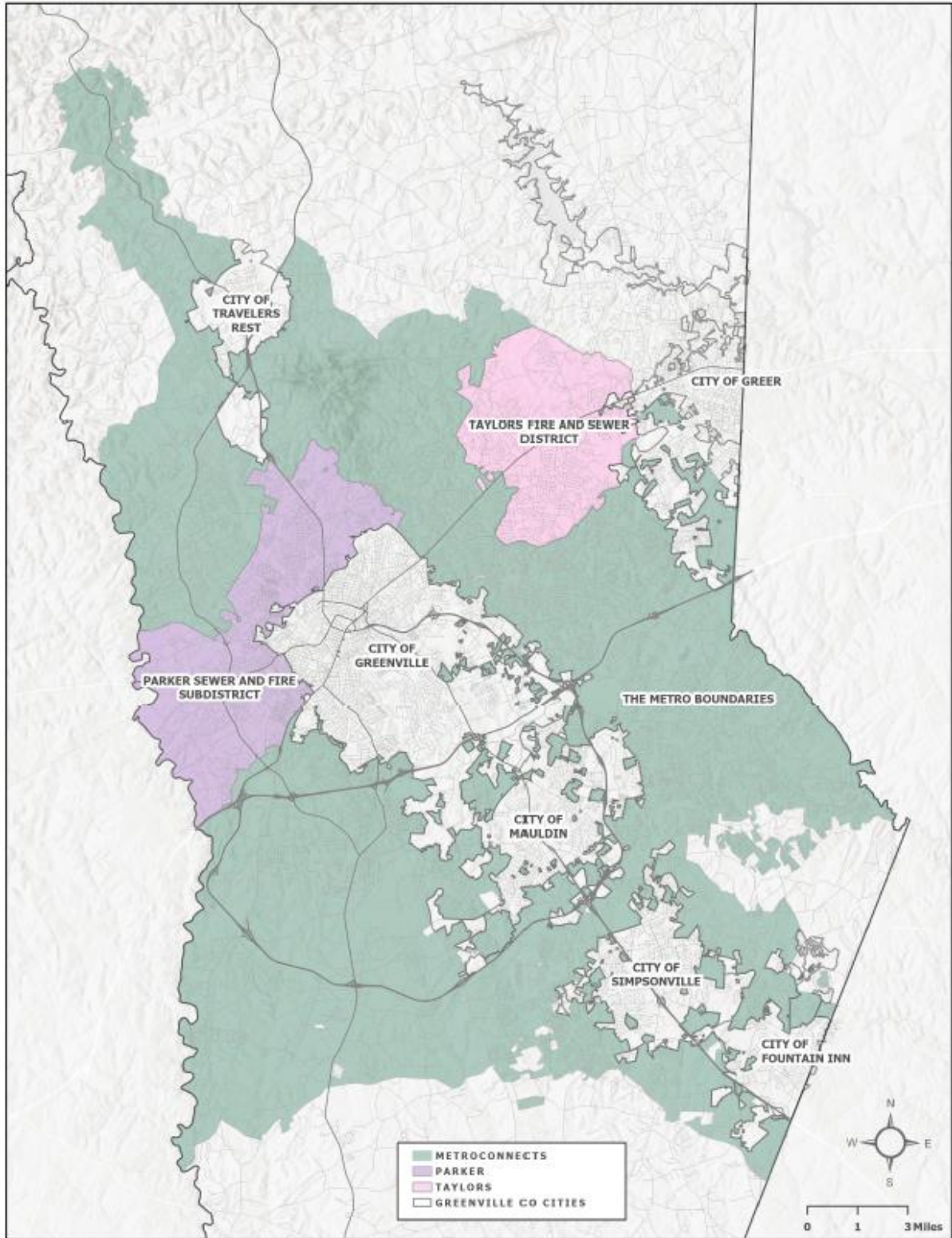
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Clerk to County Council

First Reading:        March 15, 2022  
Public Hearing:        April 19, 2022  
Second Reading:      April 19, 2022  
Third Reading:        May 3, 2022

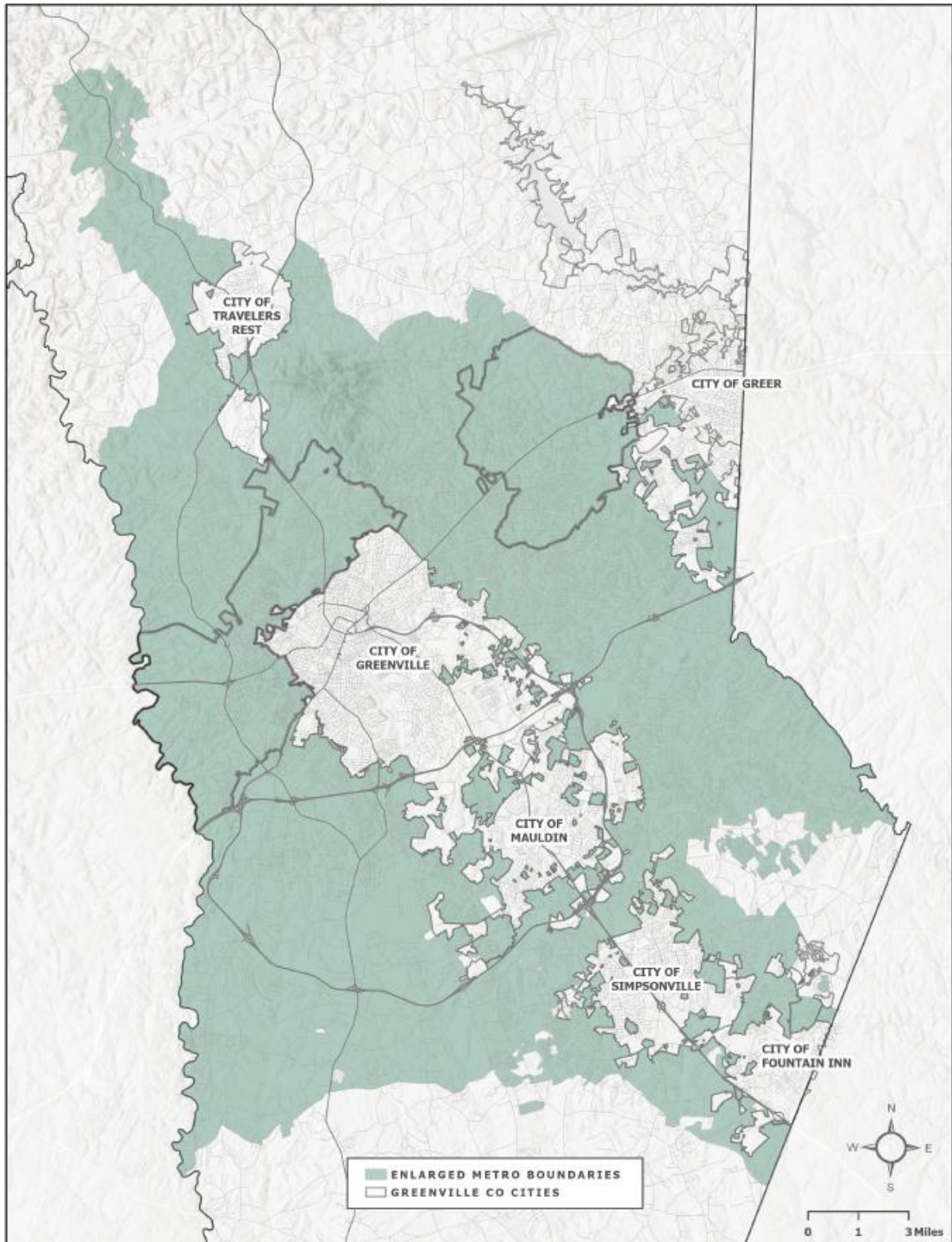
**EXHIBIT A**

**Pre-Enlargement Boundaries Metro and the District Boundaries**



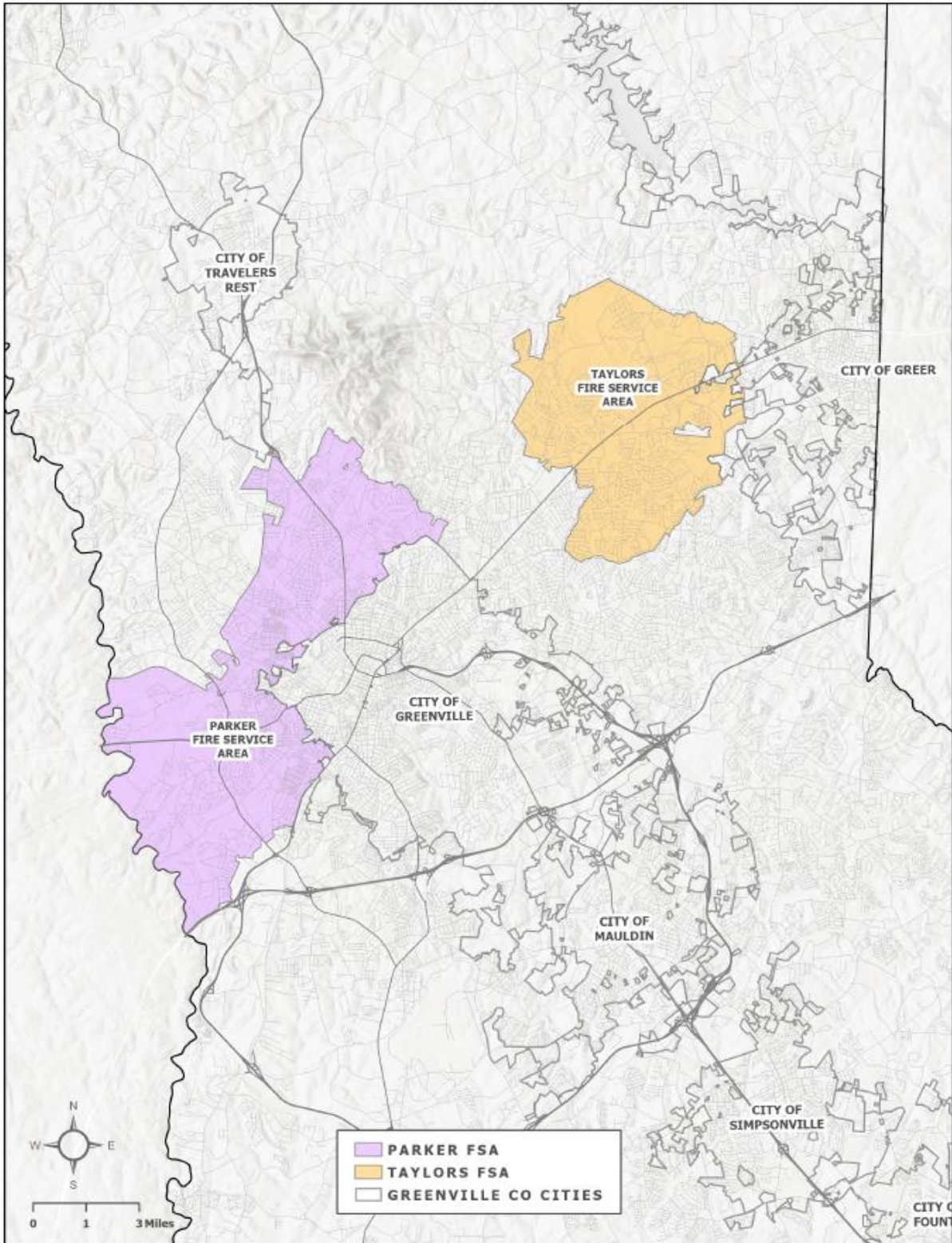
**EXHIBIT B**

**Enlarged Metro Boundaries**



# EXHIBIT C

## Boundaries of the Fire Service Areas



## EXHIBIT D

### Form of Notice of Action

#### NOTICE OF ACTION

Notice is hereby given pursuant to Section 6-11-470 of the Code of Laws of South Carolina 1976, as amended (the “*S.C. Code*”), as follows:

1. Following a public hearing held on April 19, 2022, the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), enacted Ordinance No. [\_\_\_], entitled “AN ORDINANCE (1) ENLARGING THE BOUNDARIES OF THE METROPOLITAN SEWER SUBDISTRICT TO OVERLAP THE BOUNDARIES OF THE PARKER SEWER AND FIRE SUBDISTRICT AND TAYLORS FIRE AND SEWER DISTRICT; (2) REPEALING CERTAIN PROVISIONS OF ORDINANCE NO. 5248, AS AMENDED BY ORDINANCE NO. 5283, PERTAINING TO THE CONSOLIDATION OF PARKER AND TAYLORS INTO METRO; (3) REPEALING THE PROVISIONS OF ORDINANCE NO. 5249, AS AMENDED BY ORDINANCE NO. 5284, PERTAINING TO THE ESTABLISHMENT OF FIRE SERVICE AREAS WITHIN THE AREAS OF PARKER AND TAYLORS; AND (4) OTHER MATTERS RELATED THERETO” (the “*Ordinance*”), dated May 3, 2022.

2. As a result of this action, as of July 1, 2022 (the “*Effective Date*”), the boundaries of the Metropolitan Sewer Subdistrict (“*Metro*”) shall be enlarged to include the areas within the current boundaries of Parker Sewer and Fire Sub-District and Taylors Fire and Sewer District (together, the “*Districts*”) such that the boundaries of Metro will overlap those of the Districts within such areas (the “*Enlarged Metro Boundaries*”). A map showing the Enlarged Metro Boundaries 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.

3. The County Council has not authorized the issuance of general obligation bonds of Metro in connection with the enlargement of its boundaries.

4. The County Council has not determined that changes in the personnel of the Metropolitan Sewer Subdistrict Commission (the “*Metro Commission*”) are necessary in connection with the enlargement of Metro’s boundaries and has not made any changes to the Commission pursuant to the Ordinance; however, Metro has petitioned the County Council to increase the size of the Commission by two members pursuant to Section 6-11-335 of the S.C. Code.

5. As of the Effective Date:

(i) Metro shall provide sewer collection service within the entirety of the Enlarged Metro Boundaries; and



(ii) The Districts shall continue to provide fire protection service within the respective boundaries thereof.

7. Persons affected by the aforesaid action of the County Council may object to such action by following the procedures provided in Section 6-11-480 of the S.C. Code.

COUNTY COUNCIL OF GREENVILLE COUNTY

*Publication Instructions: to be published once per week for two successive weeks in The Greenville News.*