

RESOLUTION NO. _____

A RESOLUTION ORDERING A PUBLIC HEARING ON THE QUESTION OF THE ENLARGEMENT OF THE TERRITORY OF THE 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 (“*Greenville 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, and specifically, Sections 6-11-420 and 430 of the SPD Boundary Laws, special purpose districts may petition the county council of a county in which the district is located requesting that the county council take action to enlarge, diminish, or consolidate such special purpose district. Upon the receipt of such a petition, the county council shall order a public hearing to be held for the purpose of making a determination as to whether and to what extent such special purpose district shall be enlarged, diminished, or consolidated.

(b) As provided in Section 6-11-435(B) 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.

(c) Metropolitan Sewer Subdistrict, South Carolina (“*Metropolitan*”) is a special purpose district created pursuant to Act No. 687 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1969, as amended (the “*Enabling Act*”). The current boundaries of Metropolitan (the “*Metropolitan Boundaries*”) within the County are shown on the map included as **Attachment 1** to the hereinafter defined Petition, which is attached hereto at **Exhibit A**. Metropolitan is authorized pursuant to the Enabling Act to provide sewer collection services (“*Sewer Collection Service*”) within the Metropolitan Boundaries.

(d) The City of Travelers Rest, South Carolina (“*Travelers Rest*”) owns and operates a system of approximately 29 miles of sewer collection lines, along with manholes, pump stations, and other appurtenances (the “*City Sewer System*”), providing Sewer Collection

Services to customers within the municipal boundaries of Travelers Rest (the “**City Boundaries**”), which are shown on the map included as **Attachment 1** to the Petition, which is attached hereto at **Exhibit A**.

(e) Metropolitan and Travelers Rest have negotiated an Intergovernmental Transfer Agreement (the “**Transfer Agreement**”), pursuant to which Metropolitan and Travelers Rest have determined that Metropolitan is better suited to operate, maintain, and rehabilitate the City Sewer System over a long-term period due to economies of scale resulting from its greater size, and have further agreed that the City Sewer System shall be transferred to Metropolitan to be owned, operated, and maintained as a part of the Metropolitan’s sewer collection system, with the customers now and hereafter connected thereto to be customers of Metropolitan.

(f) Pursuant to Section 10 of the Transfer Agreement, in accordance with Section 6-11-435(B) of the SPD Boundary Laws, Travelers Rest has “expressly authorize[d] Metropolitan to own, operate and maintain the City Sewer System and provide Sewer Collection Services within the City Boundaries.”

(g) The County has received a petition of the Metropolitan Sewer Subdistrict Commission, which is attached to this Resolution at **Exhibit A** (the “**Petition**”), requesting that the County Council take proper action to enlarge the Metropolitan Boundaries to overlap the City Boundaries to permit Metropolitan to provide Sewer Collection Service therein. Metropolitan requests that the enlargement of the Metropolitan Boundaries, as requested hereby, be made effective as of March 1, 2023 (the “**Effective Date**”).

(h) Being minded to consider the enlargement of the Metropolitan Boundaries for the reasons set forth in subsection (g) of this Section, the County Council has determined to order a public hearing on such question.

Section 2 Nature and Effects of Proposed Action.

(a) *Nature of Changes to Metropolitan.* If the proposed action is taken, as of the Effective Date, the Metropolitan Boundaries will be enlarged to overlap the City Boundaries. The resulting boundaries of Metropolitan (the “**Enlarged Metropolitan Boundaries**”) are shown on the map attached as **Attachment 1** to the Petition, which is attached hereto at **Exhibit A**.

(b) *Description of the Boundaries of Metropolitan, as Enlarged.* If the proposed action is taken, as of the Effective Date, the Metropolitan Boundaries shall be enlarged, as shown on the map attached as **Attachment 1** to the Petition, which is attached hereto at **Exhibit A**.

(c) *Functions to be Performed by Metropolitan.* If the proposed action is taken, as of the Effective Date Metropolitan will provide Sewer Collection Service within the Enlarged Metropolitan Boundaries.

(d) *Reasons for the Proposed Change.* The proposed action is necessary to permit Metropolitan to provide Sewer Collection Service within the City Boundaries and to own, operate, and maintain the City Sewer System, as requested and consented to by Travelers Rest through the Transfer Agreement.

(e) *Proposed Improvements and Funding.* There are no improvements that are anticipated to be required to integrate the City Sewer System into Metropolitan’s sewer collection systems or that are otherwise required as a consequence of the enlargement of the Metropolitan Boundaries.

(f) *Issuance of Bonds.* No bonds are proposed to be issued immediately following the enlargement of the Metropolitan Boundaries.

Section 3 Order for Public Hearing. 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 on the question of the enlargement of the Metropolitan Boundaries. The Public Hearing shall be held during a regular meeting of Greenville County Council in the Council Chambers at 301 University Ridge, Greenville, South Carolina, on Tuesday, December 6, 2022, at 6:00 p.m. (or as soon thereafter as other hearings are concluded). The notices 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 in 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. The Public Hearing shall be conducted publicly at the time and place above stated and both proponents and opponents of the proposed action shall be given a full opportunity to be heard in person or by counsel. Following the Public Hearing, the County Council shall determine by ordinance whether the Metropolitan Boundaries shall be enlarged.

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 Hearing in accordance with the applicable provisions of South Carolina law. 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 South Carolina law, including those of the South Carolina Freedom of Information Act, and any applicable County procedures.

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

GREENVILLE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman of County Council

County Administrator

Attest:

Clerk to County Council

EXHIBIT A

Petition

EXHIBIT B

Form of Notice of Public Hearing

NOTICE OF PUBLIC HEARING

By resolution adopted November 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 authorizing the enlargement the boundaries of Metropolitan Sewer Subdistrict, South Carolina (“*Metropolitan*”) to overlap the municipal boundaries of the City of Travelers Rest, South Carolina (“*Travelers Rest*”). 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, South Carolina, on Tuesday, December 6, 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 by ordinance whether to take the proposed action.

2. ***Nature of Changes to Metropolitan.*** If the proposed action is taken, as of the proposed effective date of March 1, 2023 (the “*Effective Date*”), the boundaries of Metropolitan (the “*Metropolitan Boundaries*”) will be enlarged to overlap the municipal boundaries of Travelers Rest (the “*City Boundaries*”). Maps showing the current Metropolitan Boundaries and City Boundaries and the proposed resulting boundaries of Metropolitan (the “*Enlarged Metropolitan Boundaries*”) have been placed on file with the Clerk to County Council (the “*Clerk*”) and are available for review at the County’s offices during normal business hours.

3. ***Description of the Boundaries of Metropolitan, as Enlarged.*** If the proposed action is taken, the boundaries of Metropolitan shall consist of the Enlarged Metropolitan Boundaries, which are those areas shown on a map placed on file with the Clerk and available for review at the County’s offices during normal business hours.

4. ***Functions to be Performed by Metropolitan.*** If the proposed action is taken, as of the Effective Date, Metropolitan will provide Sewer Collection Service within the Enlarged Metropolitan Boundaries.

5. *Reasons for the Proposed Change.* The proposed action is necessary to permit Metropolitan to provide sewer collection service within the City Boundaries and to own, operate, and maintain the Travelers Rest’s sewer collection system (the “*City Sewer System*”), as requested and consented to by Travelers Rest.

6. *Proposed Improvements and Funding.* There are no improvements that are anticipated to be required to integrate the City Sewer System into Metropolitan’s sewer collection systems or that are otherwise required as a consequence of the enlargement of the Metropolitan Boundaries.

7. *Issuance of Bonds.* No bonds are proposed to be issued immediately following the enlargement of the Metropolitan Boundaries.

COUNTY COUNCIL OF GREENVILLE COUNTY

Publication Instructions:

To be published once per week for three successive weeks (November 18, November 25, and December 2) in The Greenville News, with the first publication occurring at least 16 days prior to the date of the Public Hearing.