

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING AND APPROVING THE EXPANSION OF THE METROPOLITAN SEWER SUBDISTRICT COMMISSION BY TWO SEATS; RECOMMENDING THE APPOINTMENT OF CERTAIN INDIVIDUALS TO FILL SUCH ADDITIONAL SEATS; 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) Metropolitan Sewer Subdistrict, South Carolina (“*Metro*”) is a special purpose district duly organized and existing under the laws of the State of South Carolina as established 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 (collectively, the “*Metro Legislation*”). Metro is located wholly within the County and was established for the purpose of providing sewer collection service (“*Sewer Service*”) within its boundaries.

(b) Pursuant to the Metro Legislation, Metro is governed by the Metropolitan Sewer Subdistrict Commission (the “*Metro Commission*”) which consists of five members who are appointed by the Governor for four-year terms upon the recommendation of the County Council. The Metro Commission consists of three seats with terms expiring on November 30, 2022, and two seats with terms expiring on November 30, 2024.

(c) Section 6-11-335 of the Code of Laws of South Carolina 1976, as amended (“*Section 6-11-335*”), provides that when the membership of the governing board of a special purpose district, such as the Metro Commission, is “appointed by or upon the recommendation of the [county council],” such governing body may seek to increase its membership by petitioning the county council therefor.

(d) Pursuant to Section 6-11-335(G), additional members shall be appointed in the same manner as the other members of the governing body, with one half of such additional members serving for initial terms of the same length as those of other members, and the other half of such additional members serving an initial term of one-half the length of such terms.

(e) Pursuant to Ordinance No. 5248 of the County Council, enacted December 15, 2020, as amended by Ordinance No. 5283 of the County Council, enacted on May 18, 2021, the boundaries of Metro were enlarged 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. The Metro Commission and the Parker Sewer and Fire Sub-District Commission and the Taylors Sewer and Fire District Commission

(together with the Metro Commission (the “*Commissions*”), respectively, have petitioned County Council to further enlarge the boundaries of Metro (the “*Second Boundary Enlargement*”) to overlap those of the Parker Sewer and Fire Sub-District (“*Parker*”) and the Taylors Sewer and Fire District (“*Taylors*”), which enlargement the Commissions have requested be effective as of July 1, 2022.

(f) The Metro Commission submitted a petition pursuant to Section 6-11-335 (the “*Petition*”) for approval of the expansion of the Metro Commission to include two additional members to ensure that the customers within the areas that have been added to the boundaries of Metro are adequately represented on the Metro Commission. In accordance with Section 6-11-335(G), in order to maintain consistency in the ending date of terms of the Metro Commission, while ensuring that such expansion coincides with the effective date of the Second Boundary Enlargement, the Metro Commission has further requested that the seat for the first additional member (“*Seat Six*”) have an initial term that runs from July 1, 2022, through November 30, 2026, and that the seat for the second additional member (“*Seat Seven*”) have an initial term that runs from July 1, 2022, through November 30, 2024.

(g) In accordance with Consent Orders entered into by and among the County, Metro, and Parker and Taylors, respectively, these parties have agreed that the County Council shall recommend the appointment of Mr. Randy Drew, a resident of Parker, as the initial appointee to fill Seat Six, and Mr. Tony A. Shultz, a resident of Taylors, as the initial appointee to fill Seat Seven, with such appointments to be effective as of July 1, 2022.

(h) In order to allow the appointments to Seats Six and Seven to be finalized in conjunction with the effective date of the First Boundary Enlargement, the County Council has determined to take affirmative action to authorize the expansion of the Metro Commission, in accordance with the Petition, in lieu of allowing the expansion to be approved by the inaction of County Council pursuant to Section 6-11-335(D).

Section 2 Approval of Expansion of Metro Commission. Pursuant to the provisions of the Section 6-11-335, it is hereby ordered that seats for two additional members shall be added to the Metro Commission. Seat Six shall have an initial term that runs from July 1, 2022, through November 30, 2026, and Seat Seven shall have an initial term that runs from July 1, 2022, through November 30, 2024.

Section 3 Appointment of New Members. County Council hereby recommends that the Governor appoint Mr. Randy Drew as the initial appointee to fill Seat Six of the Commission and Mr. Tony A. Shultz as the initial appointee to fill Seat Seven of the Commission [with such appointments to be conditioned upon the final approval of the ordinance of County Council enlarging the boundaries of Metro to overlap those of Parker and Taylors]. The County Council hereby suspends the applicability of the Greenville County Council Policy for Board and Commission Appointments with respect to the set forth herein due to the special circumstances described in the recitals above.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

DONE IN REGULAR MEETING THIS ___ DAY OF _____, 2022.

Willis H. Meadows, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator