

RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE

Kit Smith, Chair Mike Montgomery Paul Livingston Joseph McEachern Valerie Hutchinson
District 5 District 8 District 4 District 7 District 9

*April 25, 2006
6:00 PM*

**Richland County Council Chambers
County Administration Building
2020 Hampton Street**

Call to Order

Approval of Minutes – March 28, 2006: Regular Session Meeting [Pages 3 – 5]

Adoption of Agenda

Presentations

- A. Capital Needs at the Richland County Judicial Center:**
Hon. Jean Toal, Chief Justice of the Supreme Court of South Carolina
Mr. Frank Knowlton, President of the Richland County Bar

I. Items for Action

- A. Ordinance Restructuring the Public Works Department**
[Pages 6 – 12]
- B. Sale of County Property at 401 Powell Road**
[Pages 13 – 16]
- C. Extension of Contract with PayTel Communication Inmate Telephone Systems**
[Pages 17 – 18]
- D. Legal Department Budget Amendment**
[Pages 19 – 22]
- E. Sheriff's Request: Budget Amendment to Appropriate SRO Funds**
[Pages 23 – 26]

- F. Contract to Hire Wilbur Smith Associates as Project Manager for the Richland County Wholesale Portion of the South Carolina State Farmers' Market Project**
[Pages 27 – 29]
- G. Ordinance Authorizing the Sale and Issuance of \$5,200,000 Hospitality Tax Special Obligation Bond Anticipation Note**
[Pages 30 – 38]
- H. Criteria for the Distribution of Undesignated Hospitality Tax Funds**
[Pages 39 – 43]

II. Items for Discussion / Information

- A. Hiring of an Economic Development Official for Richland County**
[Page 44 – 50]

III. Items Pending Analysis

- A. Funding for Redevelopment of the Olympia Neighborhood**
- B. Business Service Center Ordinance**

Adjournment

Staffed by: Joe Cronin

MINUTES OF



**RICHLAND COUNTY COUNCIL
ADMINISTRATION AND FINANCE COMMITTEE
TUESDAY, MARCH 28, 2006
6:00 P.M.**

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT

Chair: Kit Smith
Member: Paul Livingston
Member: Joseph McEachern
Member: Valerie Hutchinson
Member: Mike Montgomery

ALSO PRESENT: Bernice G. Scott, Joyce Dickerson, Damon Jeter, Milton Pope, Michielle Cannon-Finch, Tony McDonald, Joe Cronin, Roxanne Matthews, Larry Smith, Amelia Linder, Sherry Wright-Moore, John Hixson, Daniel Driggers, Audrey Shifflett, Dwight Hanna, Anna Almeida, Stephany Snowden, Jennifer Dowden, Rodolfo Callwood, Michelle Onley

CALL TO ORDER

The meeting started at approximately 6:00 p.m.

APPROVAL OF MINUTES

February 28, 2005 (Regular Session) – Mr. Livingston moved, seconded by Ms. Hutchinson to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Smith stated that an ordinance restructuring the Public Works Department needed to be added to the agenda.

Mr. Montgomery moved, seconded by Ms. Hutchinson, to add the ordinance to the agenda. The vote was in favor, but it was later ruled that it would take unanimous consent for the ordinance to be added to the agenda.

Mr. Montgomery moved, seconded by Ms. Hutchinson, to adopt the agenda. The vote in favor was unanimous.

ITEMS FOR ACTION

Adoption of Fair Housing Resolution for 2006 – Mr. Montgomery moved, seconded by Mr. Livingston, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Public Hearing and Resolution in Support of JEDA Bond Issue for Eau Claire Cooperative Health Centers, Inc. (ECCHC) —Mr. Montgomery moved, seconded by Mr. Livingston, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Ordinance Authorizing the Issuance and Sale of General Obligation Bonds to fund Improvements in the Olympia Neighborhood – A discussion took place.

Ms. Hutchinson moved, seconded by Mr. McEachern, to hold this item in committee. The vote in favor was unanimous.

Ordinance Authorizing a Quit-Claim Deed to Hendricks Commercial Properties, LLC for a Certain Portion of an Abandoned Right-of-Way Known as Oakdale Street – Ms. Hutchinson moved, seconded by Mr. Livingston, to forward this item to Council with a recommendation for approval and to reformulate the policy in reference to the quit-claim deeds. The vote in favor was unanimous.

Ordinance Authorizing a Quit-Claim Deed to ASW Land Partnership for a Certain Portion of an Abandoned Right-of-Way Known as Oakdale Street – Ms. Hutchinson moved, seconded by Mr. Livingston, to forward this item to Council with a recommendation for approval and to reformulate the policy in reference to the quit-claim deeds. The vote in favor was unanimous.

Funding Request: Columbia City Jazz Dance Company – Mr. Livingston moved to forward this item to Council without a recommendation for approval. The motion died for lack of a second.

A discussion took place.

Mr. Montgomery moved, seconded by Ms. Hutchinson, to table this item. A discussion took place. The vote was in favor.

Richland County Council
Administration and Finance Committee
March 28, 2006
Page Three

Funding Request: Riverbanks Zoo Tram Unit – Ms. Hutchinson moved to forward this item to Council with a recommendation for approval. The motion died for lack of a second.

A discussion took place.

Mr. Montgomery moved, seconded by Mr. McEachern, to table this item and take it up during the budget process. The vote was in favor.

ITEMS FOR DISCUSSION/INFORMATION

Demographic Pay Information: Dwight Hanna, Director of Human Resources – This item was received as information. Ms. Dickerson requested the specific details regarding the differences in the pay brackets.

Overview of State of South Carolina Grant Opportunities: Audrey Shifflett, Grants Manager – Ms. Shifflett gave a brief overview of the three grants that the County intends to apply for. The three grants are: \$75,000 request for mosquito control assistance, \$100,000 request to help with the installation of ethanol fuel capabilities for the County fleet, and \$25,000 request to start a financial scholarship program for business owners to enroll in the Fast Track program offered by Midlands Technical College.

Ms. Smith suggested teaming up with other local governments in making grant applications, especially in regard to the ethanol and scholarship program.

Financial Advisor Update – Mr. Pope gave an update on this process.

ITEMS PENDING ANALYSIS

Business Service Center Ordinance – This item is still being analyzed.

ADJOURNMENT – The meeting adjourned at approximately 6:49.

Submitted by,

Kit Smith, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject: Ordinance Restructuring the Public Works Department

A. Purpose

The County Council is requested to approve an ordinance that will restructure the Department of Public Works by reducing the number of divisions from seven to three, and by creating the position of Assistant Director.

B. Background / Discussion

Currently the Department of Public Works includes the following seven major divisions, with each division operating somewhat independently: Administration, Engineering, Central Garage, Facilities & Grounds, Roads & Drainage, Solid Waste & Recycling, and Stormwater Management (see attached organization chart). Although this arrangement has worked well during the past several years, it gives the Director a very broad span of control by having to manage seven divisions, and it fails to establish a natural second-in-command.

The Public Works Department is one of the County's top four departments in terms of size of budget and number of employees, with a combined budget of more than \$27 million and more than 150 employees. The operations of the Department become even more complex when considering the fact that the various existing divisions are funded from various sources, i.e. the Solid Waste Division operates as an enterprise fund and is funded by a combination of fees and tax millage, the Roads & Drainage Division is funded solely by the Road Maintenance Fee, the Stormwater Management Division is funded by a separate tax millage, and the remainder of the divisions are funded under the County's General Fund.

The proposed restructuring is intended to group the existing seven independent divisions into three general categories, with similar divisions being grouped together (see attached organization chart). The first category will group together the internal support services, i.e., Administration, Facilities & Grounds, and Fleet Management. These functions will be overseen by the Assistant Public Works Director. The Assistant Director will also be in charge of the entire Department in the absence of the Director. This is the only new position being requested under the restructuring plan, and will be created by the reclassification of an existing position (Public Works Analyst) that is funded but vacant.

The second category will include Roads & Drainage and Stormwater Management, and will be headed by the County Engineer. These two divisions and the County Engineer have closely related functions and need to work closely together as their duties often overlap; therefore, it is natural to group the three together.

The third and final category will include Solid Waste and Recycling, and will be structured in much the same way as it exists today.

In summary, the proposed restructuring will decrease the Director's span of control to a more manageable three major divisions, and will put in place a second-in-command (Assistant Director) to assume the management of the overall department in the Director's absence.

C. Financial Impact

The proposed restructuring will group existing divisions together that have similar or related responsibilities, offering better opportunities for coordination among the divisions. With the exception of the Assistant Director, no new positions or divisions are being created.

The restructuring will be budget neutral in that the only additional cost, that of the Assistant Director position, will be funded from existing dollars, including the appropriated salary of the position that is being reclassified. No additional funding is required.

D. Alternatives

The following alternatives exist with respect to the proposed restructuring:

1. Approve the restructuring of the Public Works Department, as outlined above.
2. Approve an alternative restructuring plan for the Department.
3. Do not restructure the Department and leave the operations as they exist today.

E. Recommendation

It is recommended that the Council approve alternative 1, which will authorize the restructuring of the Department as outlined in the summary above.

Recommended by: Tony McDonald **Department:** Administration **Date:** 3/22/06

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/14/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Approval is based on the financial impact section that states no additional funding required.

Legal

Reviewed by: Amelia Linder

Date: 4/14/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: All alternatives appear to be legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 4/14/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that the Council approve alternative 1, which will authorize the restructuring of the Department as outlined in the summary above.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-06HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; BY AMENDING DIVISION 2. PUBLIC WORKS, SECTIONS 2-194; AND BY DELETING SECTION 2-196 IN ITS ENTIRETY; SO AS TO CLARIFY THE RESPONSIBILITIES OF THE PUBLIC WORKS DEPARTMENT.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 2. Public Works; Section 2-194; Responsibilities/powers/duties; is hereby amended to read as follows:

Sec. 2-194. Responsibilities; powers; duties.

(a) The director of public works shall be responsible for the custody, security and maintenance of public works and physical properties of the County and shall be responsible to and under the supervision of the county administrator in the performance of his/her duties.

(b) The public works department shall be responsible for the following:

- (1) The coordination of all department-level administrative support, including personnel management, safety, training, standardization, finance, budget, payroll, material management, procurement, and geographic information services (GIS).
- (2) The provision of engineering services in support of County operations and infrastructure development, including the management and coordination of capital improvement projects.
- (3) The management, maintenance, and improvement of all County real property, including facilities and grounds; the management of facility related capital improvement projects; and the coordination of utilities usage on behalf of the County.
- (4) The maintenance and improvement of the County road network and drainage infrastructure.
- (5) The provision of residential collection of municipal solid waste (MSW) and recyclable materials within the unincorporated County; the provision of limited construction & demolition (C&D) landfill services; the management

of the Solid Waste stream within the County; and the promotion of cost-effective recycling.

(6) The provision of fleet management and maintenance services; and the management of fueling sites to support the County vehicle and equipment fleet.

(7) The provision of stormwater management services in support of positive public drainage and "receiving water" quality.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 2. Public Works; Section 2-196; Departmental Divisions; is hereby deleted in its entirety and shall hereafter read as follows:

Sec. 2-196. Reserved.

SECTION III. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2006.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2006











Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

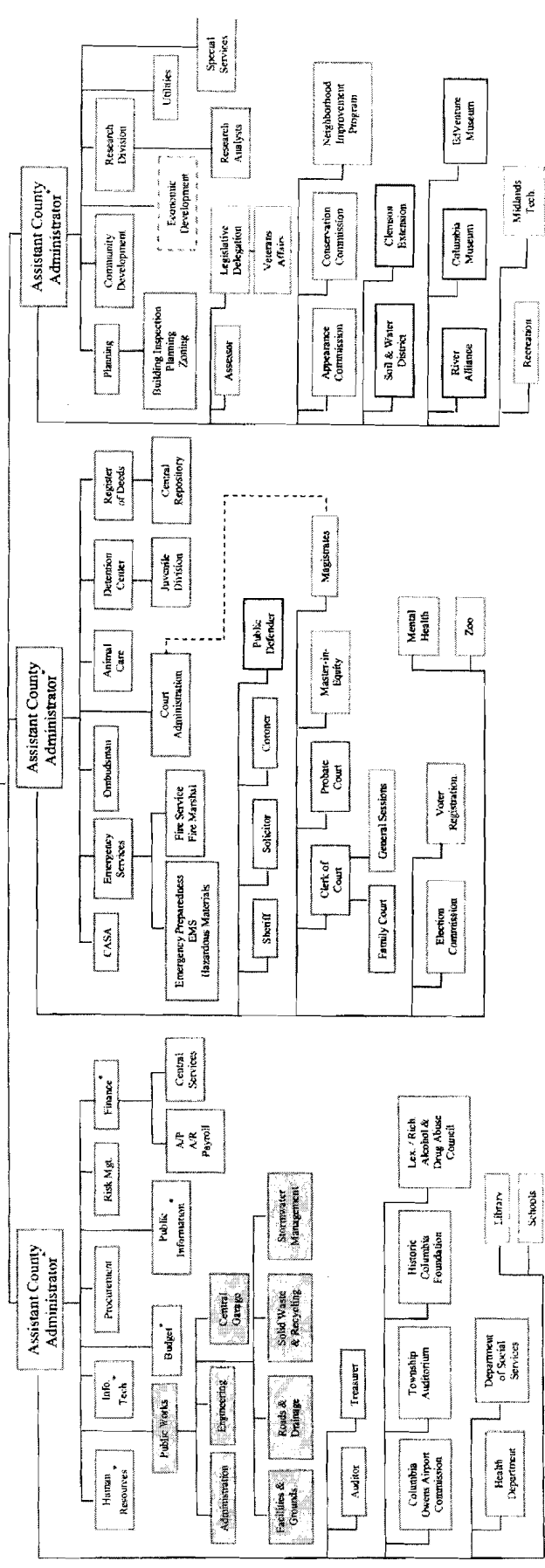
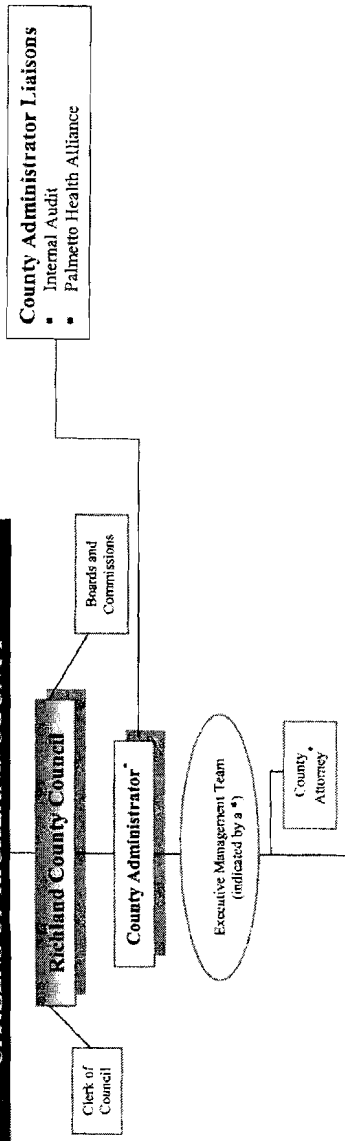
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No Opinion Rendered As To Content

Organizational Chart

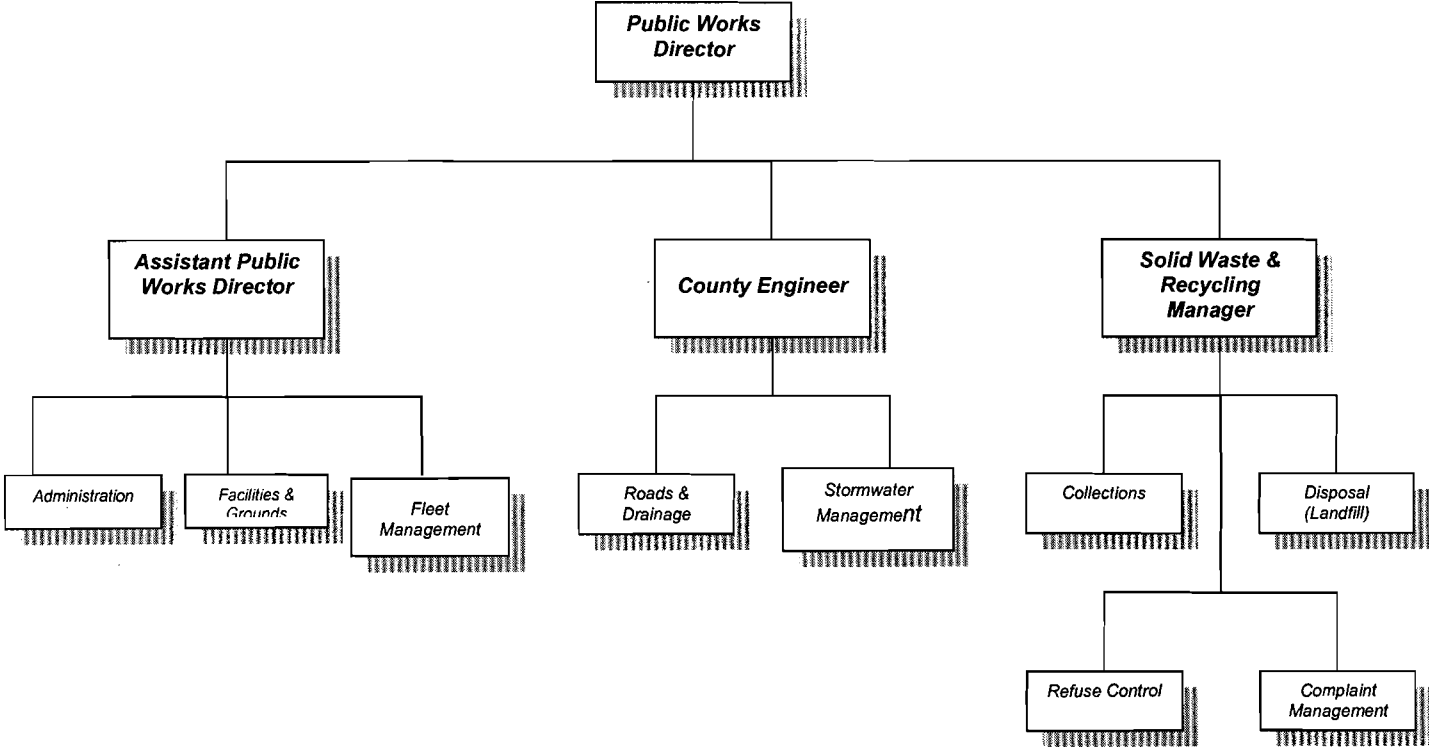
Legend (all receive County funding)

-  Elected by citizens
-  Appointed by County Administrator
-  Appointed by the County Council
-  Directed by a separate Board but a County department
-  Directed by a separate Board and not a County department
-  County department
-  Appointed by the Legislature or Governor
-  Function, but not a County department
-  Local office of State agency
-  Millage agency

CITIZENS OF RICHLAND COUNTY



**Department of Public Works
Reorganization
February 2006**



Richland County Council Information Document

Subject: Sale of County Property at 401 Powell Road

A. Purpose

The purpose of this request is to seek the Council's approval to sell property located to the south of 401 Powell Road.

B. Background / Discussion

In October 1997, the underground storage tank (UST) was removed from the Sheriff's substation at 401 Powell Road. The UST Closure Assessment Report submitted to the South Carolina Department of Health and Environmental Control (DHEC) on December 1, 1997, revealed that a release of gasoline products and contamination of the groundwater at the site had occurred.

Richland County proceeded with the required environmental studies in order to determine the extent of the contamination. The studies involved the installation of monitoring wells on the County-owned property and the adjacent private property. The adjacent property owner at this time was Mr. Jim Phillips of Tripoint Development Company.

After contamination was found on the substation property and the adjacent property, Richland County purchased the property from Mr. Phillips in 2000. In an agreement between Richland County and Mr. Phillips, Richland County agreed to sell the property, in total, back to Mr. Phillips provided the remediation was completed within three years. The selling price was to be the amount the County originally paid, which was \$293,457.43. If mitigation were to extend beyond three years, Mr. Phillips would be given right of first refusal on the property.

The contamination on both properties qualified for the State Underground Petroleum Environmental Response Bank (SUPERB) Act for compensation of eligible costs. After many discussions between Richland County and DHEC, a Corrective Action Plan (CAP) was submitted by a consultant selected by DHEC through a competitive bid process. The CAP was approved and implemented.

All remedial work on the property has been completed and final verification sent to DHEC on November 8, 2005 indicating that COCs (Chemicals of Concern) were reduced by 99.999% based on revised Site-Specific Target Levels (SSTLs) and by 99.986% based on the original SSTLs.

A letter from DHEC dated November 23, 2005, stated that "the Department (DHEC) concurs that" the consultant "has met the requirements for achieving the Site-Specific Target Levels at the facility. Therefore in accordance with the Specifications for Corrective Action," the consultant "is to proceed with the disassembly and removal of the remediation system, all associated remedial items and the abandonment of all wells."

The consultant submitted the Project Closure Documentation to DHEC on February 16, 2006, indicating that “all corrective action system components were removed from the site.” The monitoring wells, injection wells, and the extraction wells were abandoned by grouting in-place with neat cement.” This work was completed by December 30, 2005.

Mr. Phillips has recently contacted the County expressing an interest in purchasing approximately one-half acre of the original seven plus acre tract. The offer is contingent on the following terms:

1. Richland County’s receipt of final remediation approval from DHEC. The County has received this approval.
2. The County Planning Department’s approval of Tripoint Development’s sketch plan to construct five patio homes on the purchased land.
3. The final acreage to be determined by the Planning Department based on the minimum acreage required for the proposed development.
4. Purchase price of \$20,000.

C. Financial Impact

Sale of the property would generate \$20,000 in revenue for the County.

D. Alternatives

The following alternatives exist with respect to the offer to purchase the property:

1. Approve the sale of the property for the amount offered.
2. Authorize the staff to negotiate the sales price.
3. Do not sell the property.

E. Recommendation

It is recommended that the Council authorize the staff to negotiate a sales price for the property and bring back a contract for sale.

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/17/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 4/20/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: All of the alternatives appear to be legally sufficient; therefore, this request is at the discretion of Council.

Administration

Reviewed by: Tony McDonald

Date: 4/20/06

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that the Council authorize the staff to negotiate a sales price for the property and bring back a contract for sale. It is further recommended that Council authorize staff to market the remaining 6.5 acres as available for sale.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-06HR

AN ORDINANCE AUTHORIZING DEED TO TRIPOINT DEVELOPMENT COMPANY FOR A CERTAIN PARCEL OF LAND LOCATED AT THE SW INTERSECTION OF POWELL ROAD AND TWIN EAGLES DRIVE, COLUMBIA, SOUTH CAROLINA (APPROXIMATELY .5 ACRE), A PORTION OF RICHLAND COUNTY TMS # 14500-02-37.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to TRIPOINT DEVELOPMENT COMPANY for certain real property located at the SW intersection of Powell Road and Twin Eagles Drive, Columbia, South Carolina, as more specifically described in the attached Deed (approximately .5 acre, a portion of Richland County TMS # 14500-02-37), which is attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2006.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2006.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third reading:

Richland County Council Request of Action

Subject: Extension of Contract with PayTel Communication Inmate Telephone Systems

A. Purpose

County Council is requested to approve a two-year extension on the current contact for Paytel Communication Inmate Telephone systems. The current contract is due to expire June 07.

B. Background / Discussion

The extension is sought for the following:

First, the Detention Center has built a new addition, and the current vendor will have to wire and install approximately 40 telephones in the new phase. The will modify the current contact with vendor.

Second, the Richland County Sheriff's Department has asked us to modify the current system to give them access to the inmate telephone system. This requires an upgrade of the current system requiring additional equipment and software. The system will be networked to the RCSD. The modification includes a server to archive records. The current system only allows 30 days of recording on site. After 30 days, PayTel Communication maintains the information at their service center in Greenville, SC. When the information is need it is not readily available, and may take days or weeks for the information to be sent back to the RCSD or ASGDC. Normally when this information is needed, it is critical and time sensitive.

The company will but putting a financial investment into upgrading, and expanding the current inmate telephone system. In order to offset the cost, the company has asked for a two-year extension to recoup their expenditure.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the request for a two-year extension for PayTel Communication.
2. Do not approve

E. Recommendation

Recommend Council to approve the two-year extension for PayTel Communication:
Alternative #1.

Recommended by: Ronaldo Myers, Director Department: Detention Center Date:
4/4/06

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 4/14/06
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Based on the Detention Center Director
recommendation and financial investment required.

Procurement

Reviewed by: Rodolfo Callwood Date: 4/14/06
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder Date: 4/14/06
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope Date: 4/14/06
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval...

Richland County Council Request of Action

Subject: Legal Department Budget Amendment (FY 2005-2006)

A. Purpose

County Council is requested to approve an amendment to the Legal Department FY 2005-2006 budget in the amount of \$100,000.00 for the purpose of paying unbudgeted legal fees and litigation costs.

B. Background / Discussion

Richland County has been named as a party in a number of unanticipated lawsuits, the costs of which have been significantly in excess of what reasonably was budgeted for this fiscal year. The most noteworthy cases or matters impacting upon the Legal Department budget at present include *Columbia Venture et al. vs. FEMA et al.*, *Davis vs. The Richland County Council* (C/A No. 05-CP-40-3340), *The Recreation Commission of Richland County vs. The Richland County Council et al.* (C/A No. 05-CP-40-3845), Alvin S. Glenn Detention Center “inmate lawsuits” (personal injury, death, conditions of confinement), *Samuel D. Berkheimer et al. vs. Richland County* (C/A No. 03-CP-40-4790), issues surrounding the unanticipated departure of the County Administrator, *Whitaker Container vs. Richland County and Robert Banks* (C/A No. 05-CP-40-6648), and development of the County’s Solid Waste Plan.

Based on the above unanticipated matters and assignment decisions that directly impacted upon the Legal Department’s budget, it is conservatively believed that the Legal Department will need a \$100,000.00 increase in its FY 2005-2006 budget to satisfy the above costly matters.

Legal first raised concerns about the substantial outside fee and cost invoices in a memorandum dated December 22, 2004, from the County Attorney to the former County Administrator.

Further background on specific lawsuits and legal matters is set forth in the Attorney-Client privileged memorandum dated March 24, 2005, from Legal to Administration, available to Council for review in executive session as authorized by the Freedom of Information Act.

C. Financial Impact

This will impact the County’s overall budget to the extent of the amount requested if approved. However, total cost savings may obtain from the prompt use of legal resources vis-à-vis risk and liability management.

D. Alternatives

1. Approve the request to amend the Legal Department budget, thereby funding the County’s ability to reduce risk and liability through litigation management.

2. Do not approve the request.

E. Recommendation

It is recommended that Council approve the request.

Recommended by: Larry C. Smith **Department:** Legal **Date:** April 7, 2006

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 4/14/06
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Approval would require a budget amendment and the identification of a funding source (ie – fund balance)

Legal

Reviewed by: Bradley T. Farrar Date: April 11, 2006
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope Date: April 21, 2006
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: I recommend approval. Further the County Attorney will provide a matrix of all pending cases and a summary status of each pending legal matter to the County Administrator. This matrix can be used as a risk management tool to determine the liability exposure for the County at any given time. The matrix will be housed in the County's Central Repository system to provide secure and confidential access for authorized personnel.

Lastly the County Administrator in conjunction with the County Attorney will develop an internal administrative process to strengthen the overview and management of all contract legal work.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 14-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO ADD ONE HUNDRED THOUSAND DOLLARS (\$100,000) TO INCREASE THE LEGAL DEPARTMENT'S BUDGET FOR THE PURPOSE OF PAYING LEGAL FEES AND LITIGATION COSTS.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. That the amount of One Hundred Thousand Dollars (\$100,000) be appropriated to the FY 2005-2006 General Fund Annual Budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$108,200,624
Appropriation of unrestricted General Fund Balance:	<u>100,000</u>
Total General Fund Revenue as Amended:	\$108,300,624

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$108,200,624
Increase in Legal Department's Budget:	<u>100,000</u>
Total General Fund Expenditures as Amended:	\$108,300,624

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE _____ DAY

OF _____, 2006

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content

- First Reading:
- Second Reading:
- Public Hearing:
- Third Reading:

Richland County Council Request of Action

Subject: Budget Amendment to Appropriate SRO Funds

A. Purpose

Due to a change in the accounting methodology, County Council is requested to approve a Budget Amendment to allow the appropriation of funds received for School Resource Officers. The change has been reviewed with and accepted by the Sheriff's Department. Funds have been received in the amount of \$219,736 from School Districts 1, 2, Richland/Lexington 5 and Heathwood Hall to cover the incidental costs of providing School Resource Officers. The amendment would increase the appropriation to the Sheriff's Department budget allowing the funds to be used to cover the cost of the SRO program.

B. Background / Discussion

The Sheriff's Department has contracted with each of the above school districts and expects to collect \$573,704 collectively, from the School Districts, which are intended to share the costs of providing School Resource Officers. Previously funds received were handled as a reimbursement of cost to the department. However by changing the accounting method all funds received will be recognized as revenue to the County and all expenditures will be included in the budget. After discussing with the Sheriff's Department to determine the appropriate account it is requested that the following line items be included in the amendment to offset the costs incurred by this program;

- Line Item 2010.5221.1 (Radio Service) \$49,248
Provides for 800mhz radio usage by SRO's.

- Line Item 2010.5262 (Beepers and Cell Phones) \$57,888
Provides for Nextel usage on campus and communications between schools without tying up radio circuits.

- Line Item 2010.5244 (Uniforms and Equipment) \$42,600
Each Deputy is provided a replacement uniform each year
As well as replacement of depleted equipment.

- Line Item 2010.5264 (Employee Training) \$70,000
Provides for SRO re-certification, DARE re-certification
And D.A.R.E training.

Inclusion of these funds into the budget will allow the Sheriff to continue normal law enforcement operations without a drain on his resources, and continue to provide critical security for our schools.

C. Financial Impact

Line Item 2010.5221.1	\$ 49,248
Line Item 2010.5262	\$57,888
Line Item 2010.5244	\$42,600
Line Item 2010.5264	\$70,000
Total	\$219,736

There will be no additional financial impact other than the appropriation of revenue received.

D. Alternatives

1. Approve the budget amendment as requested.
2. Approve the budget amendment but identify other funding sources.
3. Do not approve the budget amendment. This alternative may cause the Sheriff’s Department to defer other duties and obligations to continue the program.

E. Recommendation

Finance recommends that Council approve the request as written.

Recommended by: Daniel Driggers **Department:** Finance Director **Date:** 9/14/2005

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/14/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 4/19/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: On September 27, 2005, the A&F Committee forwarded this same budget request to a special called A&F meeting, which was held on October 3, 2005. The Committee then forwarded it to full Council (without a recommendation). On October 4, 2005, County Council gave the attached ordinance first reading. However, on October 18, 2005, County Council unanimously “tabled” this item. Therefore, this request is not properly before the A&F Committee, as the issue is currently pending at Council level.

Administration

Reviewed by: Tony McDonald

Date: 4/20/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Now that the Sheriff’s Department and Finance Department have agreed on an effective means of budgeting and accounting for the SRO funds, it is recommended that this item be reconsidered for action by the full Council and that, upon reconsideration, the Council give second reading approval to the proposed ordinance.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-05HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE TWO HUNDRED NINETEEN THOUSAND SEVEN HUNDRED THIRTY-SIX DOLLARS (\$219,736) TO COVER THE GENERAL FUND REVENUE SHORTFALL.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. That the amount of Two Hundred Nineteen Thousand Seven Hundred Thirty-Six Dollars (\$219,736.00) be appropriated to the FY 2005-2006 Sheriff's Department budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$107,250,788
Appropriation of General Fund unrestricted Fund Balance:	<u>219,736</u>
Total General Fund Revenue As Amended:	\$107,470,524

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$107,250,788
Add to Sheriff Department Radio Service:	49,248
Add to Sheriff Department Beepers and Cell Phones:	57,888
Add to Sheriff Department Uniforms and Equipment:	42,600
Add to Sheriff Department Employee Training:	<u>70,000</u>
Total General Fund Expenditures As Amended:	\$107,470,524

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content

First Reading: October 4, 2005
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject: Contract to hire Wilbur Smith Associates as Project Manager for the Richland County Wholesale Portion of the South Carolina State Farmers' Market Project

A. Purpose

County Council is requested to approve Wilbur Smith Associates as Project Manager on behalf of Richland County for the County's wholesale portion of the South Carolina State Farmers' Market project.

B. Background / Discussion

As prescribed in the MOU between the State and Richland County, approximately 50 acres of the 196-acre new farmers' market site is owned by Richland County for the purpose of certain wholesale operations. The County has agreed to subdivide the wholesale portion of the market and make suitable parcels to select vendors pursuant to mutually agreeable vendor financing arrangements. At this time, Richland County has obtained formal and binding relocation commitments from five vendors to locate operations within this 50-acre tract.

Richland County will fund the design and construction of the wholesale facilities through the issuance of County revenue bonds. To finance these bonds, Richland County will charge the wholesale vendor tenants negotiated lease fees/installment rates for the facilities provided by the County. Once the bonds have matured, the County intends to transfer ownership of the facilities to respective vendors for nominal fees, at which point the vendors will be responsible for subsequent County property taxes. The financing aspect of this project will occur in the last quarter of this year, after the RFP is complete and a better understanding of the types and complexity of the wholesale facilities is gauged.

In July 2005, the South Carolina Department of Agriculture selected Wilbur Smith Associates (WSA) to provide architecture and engineering services on their behalf for their portion of the South Carolina State Farmers' Market.

As the preliminary step for implementing development of the 50-acre site, as well as for the design/construction of the site facilities, staff proposes to retain Wilbur Smith Associates under an existing on-call engineering services contract to provide various engineering and planning services within the following technical areas:

- Master Planning of the 50 acres including use for current 5 vendors identified and potential growth areas.
- Development of an RFP solicitation for a design-build team to construct the five buildings for the County and the 5 vendors.
- Professional services, including construction management and owner's representation during the design-build process, through construction and into implementation.

The County has been informed that construction of the wholesale facilities must begin no later than October 2006 in order to maintain the currently proposed farmers' market opening

date of January 2008. To achieve this end, staff proposes Wilbur Smith Associates as Project Manager on behalf of Richland County for the County's wholesale portion of the South Carolina State Farmers' Market project. WSA has the necessary expertise and appropriate staff to handle this very demanding, full-time project. WSA is a natural fit for this project, having worked with the State on its portion of the market, and therefore having the desired background and knowledge of the project itself, as well as familiarity with all involved parties, including the wholesale vendors. The State is very receptive of the County's hiring WSA as project manager for its portion of the market. The partnership between the State, County, and Wilbur Smith Associates will provide a smooth RFP, construction, and management process.

C. Financial Impact

A preliminary proposal from Wilbur Smith Associates in the amount of \$166,450 has been received. This proposal includes the scope of services for the aforementioned various engineering and planning services. Procurement has informed Administration they will negotiate this proposal; however, it should be noted that according to Procurement staff, this cost estimate is well within the normal range for a project of this scope and magnitude.

The cost of project management services provided by WSA will be rolled into the bond, which includes monies for the construction of the wholesale facilities.

D. Alternatives

1. Approve the request to hire Wilbur Smith Associates as Project Manager on behalf of Richland County for the County's wholesale portion of the South Carolina State Farmers' Market project.
2. Do not approve Wilbur Smith Associates as Project Manager for the farmers' market project. Approve another firm as Project Manager. This process would require numerous weeks, which would jeopardize the completion of this project according to the proposed schedule. This alternative is not recommended.
3. Do not hire a Project Manager for the farmers' market project. This would require Richland County staff to manage all aspects of this project. This alternative is not recommended.

E. Recommendation

It is recommended that Council approve the request to hire Wilbur Smith Associates as Project Manager on behalf of Richland County for its wholesale portion of the South Carolina State Farmers' Market project.

Recommended by: Roxanne Matthews **Department:** Administration **Date:** April 19, 2006

F. Reviews

Procurement

Reviewed by: Rodolfo A. Callwood

Date: 4-19-2006

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope

Date: April 20, 2006

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Administration recommends Council approve the request to hire Wilbur Smith Associates as Project Manager on behalf of Richland County for its wholesale portion of the South Carolina State Farmers' Market. WSA has the appropriate full-time staff and expertise required for a project of this magnitude. The cost of these Project Manager services can be rolled into the bond, which includes monies for the construction of the wholesale facilities.

Richland County Council Request of Action

Subject: An Ordinance Authorizing the Sale and Issuance of \$5,200,000 Hospitality Tax Special Obligation Bond Anticipation Note

A. Purpose

The County Council is requested to approve the issuance of a Bond Anticipation Note to refund the 2005 Bond Anticipation Note issued to purchase the Farmers' Market property.

B. Background / Discussion

In 2005, with the final decision having been made to purchase the property on which the new Farmers' Market will eventually reside, a Bond Anticipation Note (BAN) was issued in the amount of \$5.2 million for the property purchase. The 2005 BAN will mature in July 2006. The County's bond attorney has suggested rolling the 2005 BAN for up to an additional year by issuing a 2006 BAN which will mature no later than July 2007.

The year extension of the BAN will give the County additional time to determine if other Hospitality Tax bonds will be issued (for such projects as the Township and the recreation complex), and, if so, all can be issued together, along with the Farmers' Market bonds, to save issuance costs.

C. Financial Impact

All issuance and interest costs will be included in the BAN; therefore, no additional funding is being requested.

D. Alternatives

The following alternatives should be considered:

1. Approve the request to issue the 2006 BAN, which will be used to pay off the 2005 BAN and give the County up to an additional year to incorporate other projects into the Hospitality Tax bonds, once they are issued.
2. Do not approve the request to issue the 2006 BAN and issue the Hospitality Tax bonds now.

E. Recommendation

It is recommended that the Council approve alternative 1, i.e., approve the request to issue the 2006 BAN.

Recommended by: Tony McDonald **Department:** Administration **Date:** 4/17/06

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/18/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

Legal

Reviewed by: Amelia Linder

Date: 4/19/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This request appears to be at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 4/20/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that the Council approve alternative 1, i.e., approve the request to issue the 2006 BAN. This alternative will give the County up to a year to determine if additional projects should be incorporated into the Hospitality Tax bonds.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-06HR

AN ORDINANCE AUTHORIZING THE SALE AND ISSUANCE OF A NOT EXCEEDING \$5,200,000 HOSPITALITY TAX SPECIAL OBLIGATION BOND ANTICIPATION NOTE, SERIES 2006, OF RICHLAND COUNTY, SOUTH CAROLINA; PROVIDING FOR THE FORM AND DETAILS OF THE NOTE; PROVIDING FOR THE PAYMENT OF THE NOTE; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section 1. Definitions. The terms defined in this Section for all purposes of this Ordinance shall have the respective meanings as set forth in this Section. The term:

“2005 Hospitality Tax Special Obligation Bond Anticipation Note” shall be the \$5,000,000 Hospitality Tax Special Obligation Bond Anticipation Note, Series 2005, issued by the County on July 29, 2005.

“County” means Richland County, South Carolina.

“Code” means the Internal Revenue Code of 1986, as amended, from time to time, or any successor internal revenue laws of the United States enacted by the Congress of the United States in replacement thereof. References to the Code and sections of the Code include relevant applicable regulations, temporary regulations and proposed regulations thereunder and any successor provisions to those sections, regulations, temporary regulations or proposed regulations.

“Council” means the County Council of Richland County, South Carolina.

“Hospitality Tax” means the local Hospitality Tax imposed by the County pursuant to South Carolina Code Sections 6-1-700 to 6-1-770 and the Hospitality Tax Ordinance, which fee is equal to two percent (2%) on the gross proceeds derived from the sale of prepared meals and beverages for immediate consumption within the unincorporated area of the County.

“Hospitality Tax Special Obligation Bond Anticipation Note” shall be the not exceeding \$5,200,000 Hospitality Tax Special Obligation Bond Anticipation Note, Series 2006 authorized herein.

“Hospitality Tax Ordinance” means Ordinance No. 025-03HR enacted by the County Council on May 6, 2003, which imposed the Hospitality Tax.

“Ordinance” means this Ordinance of the County.

“South Carolina Code” shall mean South Carolina Code of Laws 1976 as amended.

Section 2. Findings and Determinations. The Council hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended, the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) Pursuant to the authorization granted by the General Assembly to counties in Sections 6-1-700 to 6-1-770 of the South Carolina Code (collectively, the "Act"), the County Council imposed the Hospitality Tax.

(c) It is a well established principle of South Carolina law that the use of a particular word is not determinative of its characterization. Jackson v. Breeland, 88 S.E. 128, 103 S.C. 184 (1915). As set forth in Brown v. County of Horry, 417 S.E.2d 565, 308 S.C. 180 (1992), the factors that are of paramount importance to the analysis of whether a charge constitutes a "tax" or a "fee" are the following: (1) the purpose behind its imposition; (2) the intended portion of the community that will be charged; and (3) the dedication of the sums so collected to the purpose for which it is charged. The Council finds that its actions in (1) imposing the Hospitality Tax; and (2) segregating the collections received from such fees in order that such sums be utilized according to the Act meet the test enunciated in Brown such that the charges imposed pursuant to the provisions of the Hospitality Tax Ordinance constitute fees.

(d) A vibrant tourism industry fosters and enhances the economic growth and well being of a community and its residents. Tourism has been and continues to be a growing industry for the County. The State Farmer's Market at Columbia will be a major tourist attraction located within the County.

(e) The new State Farmer's Market at Columbia will be a premier attraction, drawing visitors and tourists to its many and varied shopping opportunities. Additionally, the State Farmer's Market at Columbia will be an excellent venue for numerous activities and special events, all of which will contribute to its use as a tourist-related facility.

(f) Pursuant to the Act and Ordinance No. 036-05HR enacted by the County on June 7, 2005, the County issued the 2005 Hospitality Tax Special Obligation Bond Anticipation Note on July 29, 2005, the proceeds of which were used to defray the cost of: (i) the acquisition of property for use as the State Farmer's Market at Columbia; and (ii) the costs of issuance including professional fees.

(g) There is a need to issue the Hospitality Tax Special Obligation Bond Anticipation Note to pay at maturity the principal of and accrued interest on the 2005 Hospitality Tax Special Obligation Bond Anticipation Note and to pay costs of issuance of the Hospitality Tax Special Obligation Bond Anticipation Note.

(h) The Hospitality Tax may be used only for the purposes stated in Section 6-1-730 of the South Carolina Code. The Hospitality Tax constitutes an "enterprise charge" within the meaning of Section 11-27-110(A)(4) of the South Carolina Code and the Hospitality Tax Special Obligation Bond Anticipation note constitutes an "enterprise financing agreement" within the meaning of Section 11-27-110(A)(5) of the South Carolina Code and as such the Hospitality Tax Special Obligation Bond Anticipation Note shall not be included within the County's constitutional debt limitation.

(i) The Council finds that the proceeds of the Hospitality Tax Special Obligation Bond Anticipation Note authorized by this Ordinance, as well as the Hospitality Tax pledged in connection therewith, will be used for a public purpose and that the execution and delivery of the Hospitality Tax Special Obligation Bond Anticipation Note as well as all related documents is necessary and in the best interest of the County.

(j) For the purposes set forth in Paragraph (g) above, it is necessary and in the best interest of the County to issue the Hospitality Tax Special Obligation Bond Anticipation Note authorized by this Ordinance. Such transaction will serve a proper public and corporate purpose of the County.

Section 3. Authorization and Details of Hospitality Tax Special Obligation Bond Anticipation Note. There is hereby authorized to be issued the Hospitality Tax Special Obligation Bond Anticipation Note in fully-registered form payable to the named payee as may be designated by the purchaser thereof. The Hospitality Tax Special Obligation Bond Anticipation Note shall be offered for sale at one time. The Council hereby delegates to the County Administrator the authority to offer the Hospitality Tax Special Obligation Bond Anticipation Note for sale at such time as he deems to be in the best interest of the County. The County Administrator may arrange the sale of the Hospitality Tax Special Obligation Bond Anticipation Note by negotiation or may cause the Hospitality Tax Special Obligation Bond Anticipation Note to be advertised and bids received therefor. If so advertised, a Notice of Sale may be prescribed and distributed as deemed advisable. The County further delegates to the County Administrator the authority to receive responses on behalf of the County and the authority to award the sale of the Hospitality Tax Special Obligation Bond Anticipation Note to the bank offering to purchase the Hospitality Tax Special Obligation Bond Anticipation Note at the lowest net interest cost to the County provided the interest rate on the Hospitality Tax Special Obligation Bond Anticipation Note shall not exceed 6%. After the sale of the Hospitality Tax Special Obligation Bond Anticipation Note, the County Administrator shall submit a written report to the Council setting forth the results of the sale of the Hospitality Tax Special Obligation Bond Anticipation Note.

The Hospitality Tax Special Obligation Bond Anticipation Note issued in fully-registered form shall be registered as to both principal and interest; shall be dated as of the date of delivery; shall mature not later than one (1) year from the date thereof; and shall not be subject to penalty if paid prior to maturity.

Both the principal of and interest on the Hospitality Tax Special Obligation Bond Anticipation Note shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts at a bank or trust company organized under the laws of the State of South Carolina or the laws of the United States of America.

The Hospitality Tax Special Obligation Bond Anticipation Note shall be executed in the name of the County with the facsimile signature of the Chairman of County Council attested by the facsimile signature of the Clerk of the County Council under the seal of the County to be imprinted, impressed or reproduced thereon.

The Hospitality Tax Special Obligation Bond Anticipation Note in fully-registered form shall be issued in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 4. Security. The County Council irrevocably obligates and binds the County to effect the issuance of a sufficient amount of hospitality tax special obligation bonds prior to the stated maturity of the Hospitality Tax Special Obligation Bond Anticipation Note. At the time of issuance of the hospitality tax special obligation bonds, the County will enact an ordinance setting forth the details thereof.

Section 5. Pledge of Hospitality Tax. As additional security for its obligation to make payments pursuant to the Hospitality Tax Special Obligation Bond Anticipation Note, the County hereby pledges the Hospitality Tax to the extent necessary to make all required payments under the Hospitality Tax Special Obligation Bond Anticipation Note.

Section 6. Tax Covenants. The County covenants that no use of the proceeds of the sale of the Hospitality Fee Special Obligation Bond Anticipation Note shall be made which, if such use had been reasonably expected on the date of issue of such Hospitality Fee Special Obligation Bond Anticipation Note would have caused the Hospitality Fee Special Obligation Bond Anticipation Note to be “arbitrage bonds”, as defined in Section 148 of the Internal Revenue Code of 1986 (the “IRC”), and to that end the County hereby shall:

(a) Comply with the applicable provisions of Section 103 and Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as any of the Hospitality Fee Special Obligation Bond Anticipation Note is outstanding;

(b) Establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States;

(c) Make such reports of such information at the times and places required by the IRC; and

(d) Not take any action which will, or fail to take any action which failure will, cause interest on the Hospitality Fee Special Obligation Bond Anticipation Note to become includable in the gross income of the bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Hospitality Fee Special Obligation Bond Anticipation Note.

Section 7. Deposit and Use of Proceeds. The proceeds derived from the sale of the Hospitality Tax Special Obligation Bond Anticipation Note shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended for the purposes authorized herein.

Section 8. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Hospitality Fee Special Obligation Bond Anticipation Note: Chairman of the County Council, Interim County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel in connection with the issuance of the Hospitality Fee Special Obligation Bond Anticipation Note.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

[Signature page to follow]

Enacted this ____ day of _____, 2006.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Anthony G. Mizzell, Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2006:

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

Date of First Reading: _____, 2006

Date of Second Reading: _____, 2006

Date of Third Reading: _____, 2006

(FORM OF NOTE)

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
RICHLAND COUNTY
HOSPITALITY TAX SPECIAL OBLIGATION
BOND ANTICIPATION NOTE, 2006

_____, 2005

\$ _____

KNOW ALL MEN BY THESE PRESENTS that Richland County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the order of _____ in _____, South Carolina (the "Purchaser"), or its registered assigns, the principal sum of _____ Dollars (\$ _____), on _____, 2006 (unless this note shall be prepaid at an earlier date). This Note shall bear interest on the principal amounts from its date at the rate of _____% per annum.

Both the principal of and interest on this note are payable upon presentation and surrender of this note at the principal office of the Purchaser, in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

[The County shall have the right to prepay the principal of or interest on this note, or both, in whole or in part, from time to time, without penalty.]

This Note is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina and an ordinance duly enacted on _____, 2006 (the "Ordinance"), by the County Council, in anticipation of the issuance of a hospitality tax special obligation bond (the "Bond") to be issued by the County.

This note is payable, both as to principal and interest, from the proceeds of the Bond. This note is a special obligation of the County, and there is hereby pledged to the payment of the principal hereof and interest hereon the proceeds of the Bond. As additional security for its obligation to make payments hereon, the County hereby pledges the Hospitality Tax to the extent necessary to make all required payments hereunder.

This note has been initially registered in the name of the Purchaser as to principal and interest at the office of the County on registry books to be kept for such purpose, such registration to be noted hereon. After such registration, the principal of and interest on this note shall be payable only to the registered owner hereof. No transfer shall be valid unless made on such books by the registered owner, or by its legal representative, and similarly noted on this note.

This note and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise. It should be noted, however, that Section 12-11-20, Code of Laws of South Carolina, 1976, as amended, imposes upon every bank engaged in business in the

State of South Carolina a fee or franchise tax computed on the entire net income of such bank which would include any interest paid on this Note to any such bank.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen, and to be performed precedent to or in the issuance of this note exist, have happened and have been done and performed in regular and due time, form and manner as required by law, and that the County has irrevocably obligated itself to issue and sell, prior to the stated maturity hereof, the Bond in anticipation of which this note is issued.

In witness whereof, Richland County, South Carolina, has caused this note to be executed in its name by the manual or facsimile signature of the Chairman of the County Council and attested by the manual or facsimile signature of the Clerk to Council under the seal of the County and this note to be dated the _____ day of _____, 2006.

COUNTY OF RICHLAND, SOUTH CAROLINA

Chairman, Richland County Council

(SEAL)

ATTEST:

Clerk to Council

Richland County Council Request of Action

Subject: Criteria for the Distribution of Undesignated Hospitality Tax Funds

A. Purpose

At the April 18, 2006 Regular Session Council Meeting, Mr. Livingston made a motion during the motion period to develop criteria for the distribution of any undesignated Hospitality Tax funds after the budget process has occurred.

B. Background / Discussion

Under the current Hospitality Tax County Promotions allocation process, agencies are invited to submit grant proposals for Hospitality Tax funding. The availability of these grants is advertised in *The State* newspaper, as well as online at www.rcgov.us. Also, agencies previously submitting grant applications are mailed information regarding the next year's grants process.

Grant applications are received, and are reviewed and ranked by the five-member Council-appointed Hospitality Tax Advisory Committee. The recommendations from this committee are presented to Council during the budget process. Council has the ultimate authority as to how these Hospitality Tax monies are distributed.

Oftentimes, unexpected events and programs will arise during the year after the budget process has occurred. Many times, these events are special opportunities that were not expected during the appropriate time frame in which to submit a grant application. However, these events are deserving of consideration.

For this purpose, Council allocated \$35,000 in undesignated Hospitality Tax monies to fund events that come about during the year after the budget process has occurred.

Mr. Livingston has requested criteria for the disbursement of these undesignated funds. The proposed criteria and request form are attached.

Council may choose to adapt this proposal to be used with other funding sources such as Accommodations Tax and Discretionary Grants.

C. Financial Impact

The request itself for undesignated funding criteria doesn't carry with it any financial impact.

D. Alternatives

1. Approve the attached proposal for disbursement of undesignated Hospitality Tax funds after the budget process.

2. Do not approve the attached proposal for disbursement of undesignated Hospitality Tax funds after the budget process.
3. Modify the attached proposal for disbursement of undesignated Hospitality Tax funds after the budget process.

E. Recommendation

While Administration created the attached criteria and request form, a Council member made the recommendation. Therefore, this decision is at Council's discretion.

Recommended by: Paul Livingston, Richland County Council

Date: April 18, 2006

Criteria for Distribution of Undesignated Hospitality Tax Funds

By definition, undesignated funds offer the greatest flexibility, which allows the expenditure of these funds to occur via a less formal, arduous process.

However, in order to “even the playing field” between organizations that comply with the Hospitality Tax grants application process, and those who request funding during the year, criteria for distribution of these funds are being recommended. These criteria will ensure compliance (the nature of the event must comply with prescribed Hospitality Tax expenditures) and accountability (no application must currently be completed for these mid-year disbursements, but some form of accountability should be instituted).

Criteria to be considered:

1. **Economic Impact:** This should incorporate the number of non-residents (tourists), as well as residents projected to attend the event. This number could include participants, spectators, support teams, etc. This number should incorporate the length of their stay and their estimated daily expenditure at dining establishments in unincorporated Richland County.
2. **Media Impact:** By properly promoting this event, awareness of unincorporated Richland County as a tourism destination will occur. The County should be promoted in event materials, signage, advertisements, etc. The event should enhance the County’s status and profile.
3. **Private Sector / Governmental Participation:** Joint funding and participation from the private sector and other governmental entities is desired. A willing investment on the part of other entities signifies the organization has “done its homework” in securing funds, and the event is more than likely deemed quite worthy if funding sources are wide and varied.
4. **Calendar:** Special consideration should be given to an event if it occurs during the tourism “off-season” (fall and winter). Many events compete for dollars during the spring and summer months; an event occurring in winter, for example, is much more attractive than an event staged during the “high season.”
5. **Location:** Events occurring in unincorporated Richland County are much more favorable than those occurring within city limits. A visitor is more than likely going to patronize a dining facility close to the event site. With the event taking place in an unincorporated area of the county, the visitor is thereby more than likely going to patronize a dining facility in the unincorporated area of the County, thereby contributing to the Hospitality Tax fund.
6. **Event Frequency:** The County should look favorably upon disbursing undesignated Hospitality Tax funds to non-recurring events. If the event occurs every spring, for

example, the organizers should apply via the grants application process, for this process is widely known and publicized. Undesignated Hospitality Tax funds should be spent on one-time special opportunities that surface rather unexpectedly.

Any organization requesting Hospitality Tax funds after the grants application process should be required to complete a funds request form, which Council will review, thereby determining funding applicability. The suggested form is attached.

**RICHLAND COUNTY
HOSPITALITY TAX UNDESIGNATED FUNDS REQUEST**

Submit **12 copies** of application to: Richland County Administration, Attn: Joe Cronin,
P.O. Box 192, Columbia, SC 29202 Phone: (803) 576-2066.
Attach letter from Secretary of State confirming non-profit status. Backup / Working Sheets may be attached.

DATE:

DATE(S) OF EVENT:

AMOUNT REQUESTED:

TOTAL PROJECT COST:

PROJECT NAME:

ORGANIZATION:

CONTACT NAME:

TITLE:

CONTACT PHONE:

E-MAIL:

EVENT LOCATION:

GENERAL DESCRIPTION OF PROJECT: _____

ECONOMIC IMPACT: Specify number of residents / non-residents (tourists) who will be attending this event: Residents: _____ Non-Residents (tourists): _____
Average length of stay for non-residents: _____ Estimated daily expenditure for residents and non-residents at unincorporated dining establishments: _____

MEDIA IMPACT: Specify advertising methods to promote event: _____ TV _____ Newspaper
_____ Internet / Email Other: _____
Will Richland County be given ad space, signage, etc. in event materials? _____ If yes, please explain: _____

PRIVATE SECTOR / GOVERNMENTAL PARTICIPATION: Specify organizations / entities contributing funds to this event:

Name of Organization / Governmental Entity

Amount Contributed

Signature of Executive Director

Signature of Board of Directors

Richland County Council Item for Discussion/Information

Subject: Hiring of an Economic Development Officer for Richland County

Purpose

During the Council meeting of April 4, 2006, Councilman Joe McEachern made a motion to discuss, at the April 25, 2006 A&F Committee meeting, the possibility of hiring an economic development official. The information below is included to assist Council in their deliberation of Mr. McEachern's request.

Background

In general, economic development officials are responsible for promoting the recruitment, retention, and expansion of new and existing industry in an effort to grow and diversify the tax base while bringing new jobs to the community. Richland County is one of only a handful of counties in South Carolina that does not have any county staff dedicated solely to economic development.

Currently, Richland County "outsources" its economic development activities to the Central SC Alliance. The Alliance is a public-private partnership that engages in the recruitment of capital investment and jobs to the twelve-county midlands region. In the current budget year, the county has allocated \$72,000 to the Alliance for these activities.

When compared to other jurisdictions in the Central SC Alliance, Richland County is the only jurisdiction without a dedicated economic development official or team. The cities of Columbia and Sumter, as well as Fairfield (Vacant), Kershaw, Lexington, McCormick and Saluda Counties each have an Economic Development Office/Department and at least one staff person. In Lee County, an Executive Director oversees the Lee County Economic Development Alliance, while Calhoun, Clarendon, Newberry, Orangeburg, and Sumter each have an Economic Development Board or Commission.

A question can be raised as to whether the absence of an Economic Development Official places Richland County at a competitive disadvantage compared to other jurisdictions in the region. A brief survey of development activities in the Central SC region during the past ten years (discussed below) indicates that this is generally not the case.

Survey of Economic Development Activities

According to data published on the Central SC Alliance website (www.centralsc.com), the Alliance participated in 231 publicly announced projects in the twelve-county region between the years 1996 and 2005. These activities resulted in over \$4.6 billion in investment and 31,127 new jobs created throughout the region. Because Richland County does not have a dedicated Economic Development Official, it can be questioned whether the county has received its fair share of investment and job creation over this ten year period.

According to the most recent U.S. Census (2000), the twelve-county region is home to a population of 942,073 and a labor force of 470,335. Richland County, with a population of 320,677 and a labor force numbering 170,704, represents 34% of the region's population, and 36.3% of its labor force. These figures can be compared to investment and job creation statistics over the ten-year period to see whether Richland County has gotten a proportionate share.

Dollars Invested in Richland County and the Central SC Region, 1996-2005

Year	Dollars Invested in Richland County	Total Dollars Invested in Central SC Region	Percent of Regional Investment Made in Richland County
1996	\$168,350,000	\$290,850,000	57.9%
1997	\$120,600,000	\$342,980,000	35.2%
1998	\$300,700,000	\$642,144,000	46.8%
1999	\$316,679,000	\$756,204,000	41.9%
2000	\$208,139,000	\$681,589,000	30.5%
2001	\$42,000,000	\$450,500,000	9.3%
2002	\$11,700,000	\$230,300,000	5.1%
2003	\$89,000,000	\$141,000,000	63.1%
2004	\$200,880,000	\$548,495,929	36.6%
2005	\$99,350,000	\$583,973,000	17.0%
Total	\$1,557,398,000	\$4,668,035,929	33.4%

Jobs Created in Richland County and the Central SC Region, 1996-2005

Year	Jobs Created in Richland County	Total Jobs Created in Central SC Region	Percent of Regional Jobs Created in Richland County
1996	2,871	3,809	75.4%
1997	1,588	2,846	55.8%
1998	1,641	3,111	52.7%
1999	1,984	4,645	42.7%
2000	5,385	7,137	75.5%
2001	485	2,442	19.9%
2002	320	942	34.0%
2003	564	1,219	46.3%
2004	420	2,276	18.5%
2005	985	2,700	36.5%
Total	16,243	31,127	52.2%

From the charts above, we see that the county's share of job creation and investment can vary dramatically on an annual basis. However, when averaged over the ten-year period, we can also see that 33.4% of all dollars invested throughout the region, and 52.2% of all jobs created, were within Richland County. It is also worth noting that of the 231 publicly announced economic development projects the Alliance was involved in, a total of 86, or 36.2%, were within Richland County (See attachment for project list.) Comparing these proportions to the population and labor force distributions mentioned above, it is evident that Richland County is indeed receiving its fair share of projects and dollar investment, as well

as a disproportionate number of jobs created, despite the fact that that it lacks an economic development official.

Financial Impact

If Council is to consider hiring an Economic Development Official in the upcoming budget year, the following financial considerations must be taken into account:

Salary and Benefits: Data from the SCAC 2005 Wage Report lists the average salary range for an Economic Development Director (in the largest counties) between \$59,588 and \$88,674. The lowest reported range was \$47,416 to \$70,815 in Spartanburg County, and the highest was \$66,000 to \$105,600 in Berkeley County. In neighboring Lexington County, the salary ranges from \$64,323 to \$90,053. If adopted, the actual salary for an Economic Development Official would depend on the goal and duties of the position as set forth by County Council and the Administrator. (These estimates do **not** include benefits.) Currently, the county pays \$72,000 per year to the Central SC Alliance for these services. After benefits and equipment are included, it is likely that the county would spend at least this much, if not more, in hiring an Economic Development Official.

Travel: Depending on the duties of the position, an economic development official may also require a large budget for travel and transportation. Economic development officials are often charged with visiting prospective investors, both at home and abroad (which may require frequent nationwide and international travel to places such as Europe, Asia, or Latin America.) Duties may also warrant a vehicle with which to transport prospects to potential sites, as well as for visiting representatives from existing industries. In FY 2006, the City of Columbia allocated \$14,500 for travel (for 2 to 3 traveling staff members), training and development. While the city does not provide a vehicle to the department, it does supplement the salary of Economic Development staff with a transportation allowance. As the county’s economic development contractor, a large portion of these costs are currently being absorbed by the Central SC Alliance as part of its \$72,000 annual allocation from the county.

Estimated First Year Costs for Hiring an Economic Development Official

	<u>Central SC Alliance</u>	<u>Richland County ED Official</u>
Salary	Included in contract amount	\$59,588 (Average Starting)
Benefits	Included in contract amount	\$9,982
Travel & Training	Included in contract amount	\$10,000
Office & Equipment	Included in contract amount	\$10,000
*Vehicle	Included in contract amount	\$15,000
*Fuel & Maintenance	Included in contract amount	\$3,000
Total Cost	\$72,000	\$107,570

Recommendation

While this decision to hire an Economic Development Official is entirely up to Council, the numbers indicate that Richland County is getting its “fair share” of investment and job

creation despite the fact that it does not have a full-time Economic Development Official. The County's return on its annual \$72,000 investment with the Central SC Alliance is excellent, as evidenced in the aforementioned data. It is the recommendation of Administration that the hiring of an Economic Development Official is not warranted at this time, however, the activities of the Alliance should continue to be monitored on an ongoing basis to ensure that Richland County is maintaining its fair share of economic investment and job creation.

Economic Development Projects, 1996-2005

Company Name	Type	Investment	Jobs	Product/Service
1996				
Laserform & Machine Company	Expansion	\$500,000	5	Laser Fabrication Metalworking
Providence Hospital	Expansion	\$25,000,000	200	Hospital
Thermal Engineering Corporation	Expansion	\$750,000	25	
Bose Corporation	Expansion	\$15,000,000	400	New line, plastic injection molding
IKON	Expansion	\$10,000,000	250	Computer Services
Boozer Lumber	Expansion	\$4,900,000	124	Trusses
Dana Corporation	Expansion	\$20,400,000	37	Constant Velocity Joints
State Record Company, Inc.	Expansion	\$1,000,000	100	Business Services
APAC	New	\$14,300,000	1,000	Customer Service Center
American Koyo Corporation of US	Expansion	\$66,000,000	100	Wheel hub bearing units
Blue Cross & Blue Shield of SC	Expansion	\$8,600,000	600	Insurance
Kline Iron & Steel	Expansion	\$1,900,000	30	Fabricated Structured Steel
1997				
AS America	New	\$300,000	21	Fire & Rescue Equipment
Dynotronics	New		10	Metalworking for Exercise Equipment
Kal Kan	New	\$32,000,000	110	Pet Food
Select Comfort	New	\$3,000,000	200	Beds, Sleep System Ensembles
American Italian Pasta Company	Expansion	\$45,000,000	45	Dried Pasta Goods
Plasti-Line, Inc.	Expansion	\$5,000,000	115	Signs and Advertising Specialties
Knurr, USA Inc.	Expansion	\$300,000	2	Racks, Industrial Furniture
Midlands Mfg.	Expansion		40	Medical Equipment
PMSC	Expansion	\$35,000,000	1,000	Software
Hueck Foils	Expansion		45	Foil Packaging
1998				
Spirax-Sarco, Inc.	New	\$36,000,000	300	Steam Specialty Equipment
FN Manufacturing	Expansion	\$5,000,000	100	Firearms
Huron Tech, Inc.	New	\$40,000,000	60	Organic Chemicals
Casco Papers	New	\$20,000,000	100	Impregnated Papers
Intel Corp.	New	\$3,000,000	64	Hardware Design
Consolidated Systems	Expansion	\$36,000,000	45	Metal Building Materials
John Deere	Expansion	\$2,000,000	20	Chain Saw Blades
Blue Cross Blue Shield	Expansion	\$40,000,000	250	Health Insurance
Patterson Fan Co.	Expansion	\$500,000	12	Blowers & Fans
Bose Corp.	Expansion	\$3,700,000	300	Order Processing & Customer Service Center
SCT Utility Systems, Inc.	Expansion	\$10,500,000	200	Software for Utility Industry
Lamson & Sessions	New	\$14,000,000	150	Distribution Center
Schmalbach-Lubeca	New	\$90,000,000	40	Plastic Bottles
1999				
SCT Utility Systems, Inc.	Expansion	\$29,000,000	700	Utility Software
Bell Atlantic Mobile	New	\$10,600,000	500	Customer Service Center
Strategic Resource Company	Expansion	\$8,500,000	136	Claims Processing
Carolinas Pipeline Project	New	\$14,000,000	0	Construct Natural Gas Pipeline
Siemens Diesel Systems Tech.	New	\$110,000,000	434	Diesel Fuel Injectors
American Cast Iron Pipe Co.	New	\$33,700,000	50	Spiral-Welded Steel Pipe
Carolina Phone Company	New	\$70,000,000	0	Wireless Telephone Service
Carolina Ceramics	Expansion	\$8,000,000	25	Brick

Modine Manufacturing	Expansion	\$5,300,000	63	Oil Coolers
CSR Hydro Conduit	Expansion	\$7,500,000	15	Reinforced Concrete Pipe, Elliptical Pipe
SMI Owen	Expansion	\$8,500,000	0	Steel Processing
KMC Telecom	New	\$11,579,000	61	30 Mile Fiber Optic Loop and Switching Station

2000

Blue Cross Blue Shield (phase I)	Expansion	\$15,000,000	600	Insurance Services
Blue Cross Blue Shield (phase II)	Expansion	\$67,050,000	3000	Insurance Services
Conita Technologies	Expansion		80	Web Development, Internet Solutions
Renaissance Interactive Holding Corp	Expansion	\$16,000,000	0	Software
Agilera	Expansion	\$30,000,000	150	Data Operations Center
Virtual Growth	New	\$12,000,000	350	Web-based Accounting
Hueck Foils	Expansion	\$8,000,000	15	Foil for Packaging
Sysco Corp.	New	\$40,000,000	600	Grocery Distributor
Square D	Expansion	\$3,289,000	80	Industrial Electrical Controls
Crowson-Stone	Expansion	\$6,800,000	10	Printing
Verizon	Expansion	\$10,000,000	500	Customer Service

2001

ALD Thermal Treatment	New	\$27,000,000	85	Heat Treat
Blue Cross Blue Shield	Expansion	\$15,000,000	400	Insurance

2002

FinnChem	New	\$4,700,000	40	Sodium Chlorate for Paper Industry
Plasti-Line	Expansion	\$1,000,000	200	Signs, ATM Equipment
Laser Form and Machine	Expansion		15	Laser Cutting and Metal Forming
ThermoBurr	New	\$2,000,000	15	Deburring & Cleaning Metal
Quality Beverage	New	\$4,000,000	50	Soft Drink Distribution

2003

Trane	New	\$30,000,000	440	Copper & Brass Coil for HVAC
Buck Technik	Expansion	\$4,000,000	35	Screens for Catalytic Converters
American Italian Pasta Co.	Expansion	\$10,000,000	10	Food Products
Patterson Dental	New	\$10,000,000	29	Warehouse & Distribution Dental Products
Westinghouse Electric	Expansion	\$35,000,000	50	Nuclear Fuel Assemblies

2004

Companion Professional Services, LLC	Expansion	\$1,180,000	40	Software Programming
Siemens	New	\$26,000,000	120	Research and Development / Headquarters
Rioux Vision	Expansion	\$3,500,000	20	Wireless Computer Systems
RC McEntire Co.	Expansion	\$26,500,000	200	Food Processing / Distribution
Holopack International	Expansion	\$18,700,000	40	Pharmaceutical Packaging
International Paper	Expansion	\$125,000,000	0	Fine Paper

2005

Carolina Ceramics	Expansion	\$11,000,000	20	Brick & Structural Clay Tile
Hueck Foils	Expansion	\$750,000	10	Laminated Aluminum Foil
Trumbull Services	New	\$4,000,000	300	Insurance Services
Select Comfort	Expansion	\$1,000,000	30	Sleep Systems
Square D	Expansion	\$2,600,000	95	Industrial Circuit Electrical Panels
Verizon Wireless	Expansion		250	Customer Care Center
Vulcan Materials	Expansion	\$41,000,000	0	Mining
FN Manufacturing	Expansion	\$10,000,000	100	Winchester Rifles
Metso Minerals	New	\$9,000,000	180	Crushing & Screening Equipment
Siemens	Expansion	\$20,000,000	0	Diesel Fuel Injectors

Totals

Total Dollars Invested in Richland County, 1996 to 2005:	\$1,557,398,000
Average Dollars Invested Per Project:	\$19,467,475
Total Jobs Created in Richland County, 1996 to 2005:	16,243
Average Number of Jobs Created Per Project:	189
Total Number of Projects in Richland Co., 1996 to 2005:	86
Projects Involving the Recruitment of New Industry:	29
Projects Involving the Expansion of Existing Industry:	57