

STATE OF SOUTH CAROLINA)

ORDINANCE NUMBER 09-20

COUNTY OF DORCHESTER)

**AN ORDINANCE OF DORCHESTER COUNTY
CONCERNING ACQUISITION OF THE PUBLIC SEWER SYSTEM
ASSETS OF THE TOWN OF ST. GEORGE**

WHEREAS, pursuant to Article VIII, Section 16 of the Constitution of the State of South Carolina, **Section 4-9-30** of the Code of Laws of South Carolina, and a favorable referendum vote of the electors of the County, the County is duly authorized and empowered to acquire, construct, operate, maintain, improve, and extend facilities for the treatment and disposal of sewage and other waste, and to sell sewer service within the County; and

WHEREAS, under those authorities, the County operates a public sewer system that currently serves approximately 20,000 customers; and

WHEREAS, pursuant to Article VIII, Section 16 of the Constitution of the State of South Carolina, and a favorable referendum vote of its electors, the Town of St. George (the "Town") operates a municipal water and sewer utility that is duly authorized and empowered to acquire, construct, operate, maintain, improve, and extend facilities for the treatment and disposal of sewage and other waste, and to sell sewer service within the municipal boundaries; and

WHEREAS, under those authorities, the Town of St. George (the "Town") operates a public sewage collection and treatment system which provides sewage collection and treatment service to approximately 868 customers within and around its municipal boundaries; and

WHEREAS, both the County and the Town have determined that it would be in the best interests of both systems, their customers, and the residents of the Town and of the County to negotiate the transfer of the sewer system operated by the Town to the County (the "Transfer"), thereby consolidating those assets into sewer system that can be operated on an integrated basis by the County, and such Transfer has been approved by Opinion No. 26680 issued by the South Carolina Supreme Court on June 29, 2009.

NOW THEREFORE, BE IT ORDAINED by the County Council of Dorchester County:

1. **Recitals.** Each finding or statement of fact set forth in the recitals hereto has been carefully examined and has been found to be in all respects true and correct.

2. **Acquisition of the System.** That to promote the efficient and orderly development of sewer service within the incorporated and unincorporated areas of the County, and the health and welfare of its citizens, the County Administrator is authorized to enter into an

agreement to purchase the waste water treatment system of the Town of St. George (the "System") for a purchase price not to exceed \$1,900,000 dollars, said agreement to be substantially in the form of the agreement attached hereto as **Attachment A**, including the exhibits therefore but with such amendments, changes and additions as the County Administrator may determine to be necessary or appropriate to consummate the transaction.

3. **Grants to Assist in Acquisition.** That the County Administrator is hereby authorized to take all action that shall be necessary or convenient to obtain a grant or grants from the Upper Dorchester County Economic Development Fund to assist in payment of the purchase price of the waste water treatment system of the Town of St. George and to hire consultants, advisors, engineers and other experts to assist in the review and inspection of the System and in the consummation of the purchase.

4. **Tax Exempt Borrowing.** The County intends to issue tax exempt debt in an amount not to exceed \$900,000 to finance the cost of this transaction and intends to include in amounts borrowed costs and expenses incurred before the issuance of the tax exempt debt.

5. **Other Powers and Authorities.** The County Administrator is hereby granted all such powers and authority as may be necessary and appropriate to negotiate and execute such documents and to take such other acts as may be needed to finalize the acquisition of the System and to consummate the transactions contemplated by this ordinance.

Approved and adopted on this 2nd day of November, 2009.



Jamie Feltner, Chairman
Dorchester County Council

ATTEST:



Sandy W. Lawley, Clerk of Council

First Reading: 7-7-08
Second Reading: 7-21-08
Third Reading: 11-2-09