



Richland County
TRANSPORTATION PENNY

Transportation Penny Advisory Committee Meeting

Monday, June 17, 5:00pm
2020 Hampton Street, 4th Floor Conference Room

Agenda

- 1. Call to Order:** Hayes Mizell, Chairman
- 2. Approval of Rules and Procedures for the Conduct of Business**
(Pages 2 - 9)
- 3. Transportation Penny Update from Staff**
 - **Bonds / BAN (Proposed Ordinance: Pages 10 – 21)**
 - **Transportation Penny Director**
 - **Neighborhood Improvement Transportation Penny Items**
(Pages 22 – 24)
- 4. Discussion of Communication Process and Possible Mission Statement**
- 5. Reminder - Next Meeting: Monday, July 15, 2013 at 5:00pm**
- 6. Adjourn**

**RICHLAND COUNTY, SOUTH CAROLINA
TRANSPORTATION PENNY ADVISORY COMMITTEE
RULES OF PROCEDURE**

ARTICLE I - ORGANIZATION

Section 1 – Membership

The Transportation Penny Advisory Committee shall consist of fifteen members. The members shall be appointed by Richland County (7 members), City of Columbia (3 members), Town of Arcadia Lakes (1 member), Town of Blythewood (1 member), Town of Eastover (1 member), City of Forest Acres (1 member), and the Town of Irmo (1 member). The initial appointments shall be staggered, as per Attachment A. Each member appointed thereafter shall serve a five year term.

Members shall not serve more than two (2) consecutive terms; provided, however, that upon service of two (2) consecutive terms a member may be eligible for reappointment after one day of non- service. Notwithstanding any other provision, members may continue to serve until such time as an advertisement has appeared in the local newspaper and a successor has been duly appointed.

Richland County Council Chairman shall appoint two Council members to serve as Honorary Members. Such members shall have the right to speak at any meeting, but shall not have the right to make a motion nor vote on any item and shall not be counted for purposes of a quorum.

Section 2 – Officers

The officers of the Committee shall be a Chairman, Vice-Chairman, and Secretary elected for one-year terms at the first meeting of the Commission each calendar year.

Section 3 – Chairman

The Chairman shall be a voting member of the Committee and shall:

- a) Call meetings of the Committee;
- b) Preside at meetings and hearings;
- c) Act as spokesperson for the Committee;
- d) Sign documents for the Committee; and

- e) Represent the Committee before County Council to address any concerns or questions that the Council may have. In the event that the Chair cannot attend a required County Council meeting, the Vice-Chair shall attend in his/her stead.
- f) Perform other duties as determined by the Committee and County Council.

Section 4 – Vice-Chairman

The Vice-Chairman shall exercise the duties of the Chairman in the absence, disability, or disqualification of the Chairman. In the absence of the Chairman and Vice-Chairman, an acting Chairman shall be appointed by the members present.

Section 5 – Secretary

The Secretary shall coordinate with the Administration, Public Information Office, and the Clerk to Council to ensure that:

- a) Adequate public notice of the meetings is provided;
- b) Proper public record of the meetings is made;
- c) Minutes of the meetings are produced in a timely manner; and
- d) Other such duties as may be periodically requested by the Committee are completed.

Section 6 – Removal of Officers

Commission officers may be removed for cause from office prior to the expiration of their term by the political entity appointing such member.

ARTICLE II – FUNCTIONS, DUTIES, AND POWERS

Section 1 – Authority

The Transportation Penny Advisory Committee shall have such powers, duties, and responsibilities as proscribed by the Richland County Council.

Section 2 – Functions, Duties, and Power

The function of the Committee is to review, comment on, and provide recommendations on the Transportation Penny to Richland County Council. The Committee shall have the powers and duties proscribed by the Richland County Council, as follows:

- a) The Committee shall provide a recommendation on any modification to the projects list not consistent with the generic description of the project(s) (ie, the addition of new projects not

currently on the projects list; etc.). Any modifications to the projects list consistent with the generic description of the project(s) shall not require a recommendation of the TPAC (ie, minor revisions to a project on the projects list not impacting the overall scope of the project).

- b) The Committee shall recommend any reordering of the prioritization (if applicable) of the projects list.
- c) The Committee shall provide quarterly reports to each respective jurisdiction from which they are appointed.
- d) The Committee will review the proposed Scope of Services for the Request for Proposals (RFP) for the Program Management Team and make recommendations as needed.
- e) The Committee will make recommendations for a financial review of the Transportation Penny as needed. (Note: A financial audit will be undertaken annually.)
- f) The Committee is authorized to make recommendations to the CMRTA Board, and to any other governing body with regards to the Transportation Penny.
- g) The Committee shall perform all other additional duties as assigned by the Richland County Council.

ARTICLE III – MEETINGS

Section 1 – Time and Place

The Committee shall meet on the third Monday of each month. An annual schedule of regular meetings shall be adopted, published, and posted on the Richland County Calendar as soon as practicable after the first meeting of each calendar year. Such annual schedule shall be mailed to: 1) anyone who has requested notice, 2) the local news media, and 3) other news media that have requested notice. Special called meetings may be called by the Chairman, with the concurrence of at least two members, upon 24 hours' notice, posted and transmitted to all members and local news media. Meetings shall be held at the time and place stated in the notices, unless a room conflict occurs, and shall be open to the public. If a room conflict occurs, the new place of the meeting will be clearly identified for interested parties.

Section 2 – Agenda

The Chairman shall work with the Transportation Director to create an Agenda prior to each meeting. Such Agenda shall include, at a minimum, any items directed to the Committee from County Council. The Agenda shall be forwarded to Secretary and the Clerk of Council for publication and dissemination to the Committee and the public.

Section 3 – Quorum

A quorum of the Committee shall consist of eight (8) members. A quorum shall be present before any business requiring a vote, other than rescheduling the meeting, is conducted.

Section 4 – Rules of Order

Robert’s Rules of Order shall govern the conduct of meetings, except as otherwise provided by these “Rules of Procedure”.

Section 5 – Voting

- a) A member must be present to vote.
- b) Each member shall vote on every motion, unless recused as described in Section 6, below.
- c) All actions requiring a vote by the Committee shall require a majority vote. A vote on a motion resulting in a “tie-vote” shall mean that the motion fails.

Section 6 – Conflict of Interest

Pursuant to the requirements of Section 8-13-700 of the South Carolina Code of Laws, each member who is required to take an action, or make a decision, that affects an economic interest of herself/himself, a member of his/her immediate family, an individual with whom he/she is associated, or a business with whom she/he is associated shall recuse himself/herself by notifying the Chairman and asking that the Chairman note the recusal in the minutes of the meeting.

Section 7 – Freedom of Information Act

The Committee is a public body as defined by Section 30-4-20(a) of the South Carolina Code of Laws (Freedom of Information Act) and shall conform to the requirements thereof.

Section 8 – Procedure for Discussion

The following procedure shall be employed during the Committee meeting:

- a) The Chairman shall have the right to limit discussion on any agenda item, except that reasonable opportunity should be provided to all wishing to speak and that redundant comments should be minimized;

- b) Any citizen wishing to speak before the Committee shall sign in before the meeting, providing name, address, and item on the Agenda on which he/she would like to speak. Citizens may only speak on an item on the Agenda and shall be limited to two minutes per person;
- c) When the Commission discussion has concluded, the Chairman or a Committee member may call the question and the vote shall be taken in public.

Section 9 – Executive Sessions

Subject to the requirements described below, the Committee may choose to go into an executive session, i.e., a private meeting off the public record:

- a) Pursuant to the requirements of Section 30-4-70 (2) of the South Carolina Code of Laws, any such executive session shall be limited to:
 - 1) Receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim, or other matters covered by the attorney-client privilege; or
 - b) Before going into executive session, the Committee shall vote to go into session in public. If the vote is positive, the Chairman shall announce the specific purpose of the executive session.
 - c) No action shall be taken in executive session, except to adjourn and return to public session.
 - d) Committee members shall not commit to any course of action nor poll the members regarding a proposed action while in executive session.

Section 10 – Attendance

If a Committee member misses 50% of the Committee meetings within one calendar year, the Chairman shall notify the County Council Chairman in writing, of such absences. The County Council Chair shall notify the appropriate appointing party. Section 2-328 of the Richland County Code of Ordinances shall not apply to this Committee as it is not wholly appointed by the Richland County Council.

Section 11 – Minutes

- a) The Clerk of Council shall record all meetings of the Committee on audio-tape that shall be preserved, at a minimum, until Committee final action is taken on all matters presented and any relevant reconsideration period has elapsed.

b) The Secretary, with the assistance of the Clerk of Council, shall prepare minutes of each meeting for approval by the Committee at the next regular meeting.

ARTICLE IV – RULES ADOPTION & AMENDMENT

Section 1 – Adoption

These rules were adopted by vote of a majority of the members of the Transportation Penny Advisory Committee at a regular public meeting on _____ and are effective immediately.

Section 2 – Amendment

These Rules may only be amended at a regular meeting of the Committee by a majority vote of the members of the Committee.

Attachment A

TRANSPORTATION PENNY ADVISORY COMMITTEE

MEMBERS

ARCADIA LAKES

ROBERT E. WILLIAMS, JR.

BLYTHEWOOD

BILL WISEMAN

COLUMBIA

**TODD AVANT
DETREVILLE (TREVOR) FRANK BOWERS III
VIRGINIA SANDERS**

EASTOVER

JAMES FABER

FOREST ACRES

CAROL KOSOSKI

IRMO

BOB BROWN

RICHLAND COUNTY

**ELISE BIDWELL
JENNIFER D. BISHOP
NATALIE C. BRITT
DERRICK E. HUGGINS
JAMES T. MCLAWHORN
MELVIN HAYES MIZELL
DOROTHY A. SUMTER**

Ex Officio:

Councilman Norman Jackson

Councilman Paul Livingston

ENTITY	YEARS OF TERM	NAMES
RICHLAND COUNTY	3	BRITT BISHOP
	4	MIZELL MCLAWHORN SUMTER
	5	BIDWELL HUGGINS
COLUMBIA	3	AVANT
	4	BOWERS
	5	SANDERS
ARCADIA LAKES	3	WILLIAMS
BLYTHEWOOD	4	WISEMAN
EASTOVER	4	FABER
FOREST ACRES	4	KOSOSKI
IRMO	5	BROWN

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

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$250,000,000 GENERAL OBLIGATION BONDS AND \$50,000,000 GENERAL OBLIGATION BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN ONE OR MORE YEARS, WITH APPROPRIATE SERIES DESIGNATIONS, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BOND AND THE NOTES; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS AND THE NOTES; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE NOTES AND 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. Findings and Determinations. The County Council (the “County Council”) of Richland County, South Carolina (the “County”), 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) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law. Such debt must be incurred for a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property of such county.

(c) Pursuant to Title 4, Chapter 15 of the Code (the same being and hereinafter referred to as the “County Bond Act”), the governing bodies of the several counties of the State may each issue general obligation bonds to defray the cost of any authorized purpose and for any amount not exceeding their applicable constitutional limit.

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended, provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the

requirement therefor) and the remaining provisions of the County Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(e) Pursuant to Ordinance No. 039-12HR and the provisions of Title 4, Chapter 37, Code of Laws of South Carolina, 1976, as amended a referendum (the “Referendum”) was held in the County on November 6, 2012, in which the following questions were submitted to the qualified electors of the County:

QUESTION 1

I approve a special sales and use tax in the amount of one percent (1%) to be imposed in Richland County, South Carolina (the “County”) for not more than twenty-two (22) years, or until a total of \$1,070,000,000 in sales tax revenue has been collected, whichever occurs first. The sales tax revenue will be used to pay the costs of administrative expenses and the following projects:

Project 1: Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements.
Amount: \$656,020,644

Project 2: Continued operation of mass transit services provided by Central Midlands Regional Transit Authority including implementation of near, mid and long-term service improvements.
Amount: \$300,991,000

Project 3: Improvements to pedestrian sidewalks, bike paths, intersections and greenways.
Amount: \$80,888,356

YES

NO

QUESTION 2

I approve the issuance of not exceeding \$450,000,000 of general obligation bonds of Richland County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed twenty-two (22) years, to fund projects from among the categories described in Question 1 above.

YES

NO

The Referendum was duly conducted and a majority of the qualified electors of the County voted in favor of the imposition of the sales and use tax (the “Sales and Use Tax”) and the issuance of the general obligation bonds.

(f) Pursuant to Section 4-37-30 of the Code of Laws of South Carolina, 1976, as amended, and Ordinance No. 039-12HR and the successful results of the Referendum, the Sales and Use Tax was imposed in the County on May 1, 2013.

(g) Pursuant to the Referendum question, after deducting administrative expenses and the amount of \$300,991,000 committed to the continued operation of mass transit services, the total of \$736,909,000 or 71% of the proceeds of the Sales and Use Tax is available for debt service on the Notes and the Bonds (the "Available Revenue").

(h) Article X, Section 14 of the Constitution further provides that general obligation bond anticipation notes may be issued in anticipation of the proceeds of general obligation bonds which may lawfully be issued under such terms and conditions that the General Assembly may prescribe by law.

(i) Pursuant to the provisions of Title 11, Chapter 17 of the Code of Laws of South Carolina, 1976, as amended ("Title 11, Chapter 17"), any county, whenever authorized by general or special law to issue bonds, may, pending the sale and issuance thereof, borrow in anticipation of the receipt of the proceeds of the bonds. Such provisions also provide that if any approval be necessary prior to the issuance of bonds by the county, the county must obtain the same approval prior to the issuance of temporary financing provided therein.

(j) Pursuant to a Resolution adopted by the County Council on November 13, 2012, the County has adopted Written Procedures Related to Tax-Exempt Debt.

(k) It is in the best interest of the County for the County Council to provide for the issuance and sale of general obligation bonds in an amount of not to exceed \$250,000,000 to fund the projects approved in the Referendum; to retire any outstanding bond anticipations note, and to pay costs of issuance of the bonds.

(l) Pending the issuance and sale of general obligation bonds, it is necessary and in the best interest of the County for the County Council to provide for the issuance and sale of general obligation bond anticipation notes in an amount of not to exceed \$50,000,000 for the purposes of funding the projects approved in the Referendum; and to pay costs of issuance of the bond anticipation notes.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$250,000,000 aggregate principal amount of general obligation bonds of the County to be designated "\$ (amount issued) General Obligation Bonds, (appropriate series designation), of Richland County, South Carolina" (the "Bonds") for the purpose of retiring any outstanding bond anticipation notes, to fund the projects approved in the Referendum, and to pay costs of issuance of the Bonds.

The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding

principal amount of Bonds maturing each year; shall be numbered from R-1 upward, respectively; shall bear interest from their date payable at such times as hereafter designated by the Administrator of the County (the "Administrator") at such rate or rates as may be determined by the Administrator at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Administrator; provided, however, the Administrator is directed to structure the repayment of the Bonds so as to insure that all debt service on the Bonds can be paid in full from Available Revenues.

Both the principal of and interest on the Bonds 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.

SECTION 3. Authorization and Details of Notes. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$50,000,000 aggregate principal amount of general obligation bond anticipation notes of the County, in one or more series, in one or more years, with appropriate series designations, to be designated "(amount issued) General Obligation Bond Anticipation Notes, (appropriate series designation) of Richland County, South Carolina"(the "Notes") to fund the projects approved in the Referendum, and to pay costs of issuance of the Notes.

The Notes shall be issued as fully registered Notes registerable as to principal and interest; shall be dated as of their date of delivery to the initial purchaser(s) thereof; shall bear interest from their dated date payable at maturity at such rate or rates as may be determined by the County Council at the time of sale thereof.

Both the principal of and interest on the Notes 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.

SECTION 4. Approval by County Council; Delegation of Authority Relating to the Bonds. County Council shall by written resolution approve the issuance and sale of each series of bonds. Subject to County Council's approval, County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority with respect to each Series of Bonds: (a) to determine the par amount of Bonds; (b) to determine maturity dates of the Bonds and the respective principal amounts maturing on such dates; (c) to determine the interest payment dates of the Bonds; (d) to determine redemption provisions, if any, for the Bonds; (e) the date and time of sale of the Bonds; (f) to receive bids on behalf of the County Council; and (g) to award the sale of the Bonds to the lowest bidders therefor in accordance with the terms of the Notices of Sale for each series of Bonds.

After the sale of each series of Bonds, the Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of each series of Bonds.

SECTION 5. Delegation of Authority Relating to the Notes. The County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority: (a) to determine the par amount of the Notes; (b) to determine the maturity date of the Notes; (c) to determine redemption provisions, if any, for the Notes; (d) the date and time of sale of the Notes; (e) to receive bids on behalf of the County Council; and (g) to award the sale of the Notes to the lowest bidders therefor in accordance with the terms of the Notice of Sale for the Notes.

After the sale of the Notes , the Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of the Notes.

SECTION 6. Registration, Transfer and Exchange of Bonds and Notes. The County shall cause books (herein referred to as the “registry books”) to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds and Notes. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds and Notes under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond and Note shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully-registered Bonds, Bonds, Note or Notes, of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bonds or Notes surrendered in exchange for a new registered Bond and Note pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond and Note shall be registered upon the registry books as the absolute owner of such Bond and Note, whether such Bond and Note shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and Note and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. For every such transfer of Bonds and Notes, the County or the Registrar/Paying Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer, and, except as otherwise provided herein, may charge a sum sufficient to pay the cost of preparing each Bond and Note issued upon such transfer, which sum or sums shall be paid by the person requesting such transfer or by the County as a condition precedent to the exercise of the privilege of making such transfer. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 7. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 8. Mutilation, Loss, Theft or Destruction of Bonds or Notes. In case any Bond or Note shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond or Note of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond or Note, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond or Note issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or Note or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond or Note in lieu of which such duplicate Bond or Note is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond or Note shall be borne by the applicant therefor.

SECTION 9. Execution of Bonds and Notes. The Bonds and Notes shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds or Notes may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds or Notes in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds or Notes shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond and Note shall bear a certificate of authentication manually executed by the Registrar.

SECTION 10. Form of Bonds and Notes. The Bonds and Notes shall be in substantially the form attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by reference.

SECTION 11. Security for Bonds. A sufficient amount of the Available Revenue received by the County from the Sales and Use Tax is pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may

be necessary therefor (the “Pledged Revenues”). Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Only in the event there are insufficient Available Revenues from the Sales and Use Tax available to pay debt service on the Bonds, there shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 12. Security for Notes. The Notes shall constitute general obligations of the County and the proceeds of the Bonds are irrevocably pledged to the payment of the Notes. Additionally, the Pledged Revenues received by the County from the Sales and Use Tax are pledged, as well as the full faith, credit and taxing power of the County.

SECTION 13. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) Such Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) Payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably set aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”);

- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions; and
- (d) a defeasance obligation as defined in Section 6-5-10 of the S.C. Code as such as may be amended from time to time.

(c) Such Bond or Bonds shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

SECTION 14. Exemption from State Taxes. Both the principal of and interest on the Notes and the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code, 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.

SECTION 15. Eligible Securities. The Bonds and Notes initially issued (the “Initial Notes” or the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds or Notes of the same maturity or any integral multiple of \$5,000.

The Initial Bonds or Notes shall be issued in fully-registered form, one Bond or Note for each of the maturities of the Bonds or Notes, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Notes or Initial Bonds becomes due, the Paying Agent, on behalf of the County, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or Notes or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds or Notes, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds or Notes of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bond or Notes might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds or Notes by mailing an appropriate notice to

DTC, upon receipt by the County of the Initial Notes or Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds or Notes in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds or Notes will be issued as one single fully-registered Bond or Note and not issued through the book-entry system.

SECTION 16. Sale of Bonds and Notes, Form of Notice of Sale. The Bonds and Notes shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit C and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State of South Carolina or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale.

SECTION 17. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds and Notes, respectively, together with the Notice of Sale. The County Council authorizes the Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds and Notes, respectively, so that it may be provided to the purchaser of the Bonds and Notes.

SECTION 18. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of an annual independent audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, event specific information of an event which adversely affects more than five (5%) percent of the tax revenues of the County or the County's tax base.

SECTION 19. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the “Rule”) the County covenants and agrees for the benefit of the holders from time to time of the Bonds and Notes to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit D to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Ordinance.

SECTION 20. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds 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 from time to time and made use of by the County Council as follows:

(a) Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the Code;

(b) A portion will be used to retire any outstanding Notes; and

(b) The balance of the proceeds shall be applied for the costs of the Referendum-approved projects and the costs and expenses of issuing the Bonds.

The proceeds derived from the sale of the Notes 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 from time to time and made use of by the County Council as follows:

(a) Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the Code; and

(b) The balance of the proceeds shall be applied for the purposes set forth in this Ordinance including defraying the costs and expenses of issuing the Notes.

SECTION 21. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds, the Notes and this Ordinance, such notice in substantially the form attached hereto as Exhibit E, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 22. Reimbursement of Certain Expenditures. The County Council hereby declares that this Ordinance shall constitute its declaration of official intent pursuant to Treasury Regulation § 1.150-2 to reimburse the County from the proceeds of the Bonds and Notes for expenditures with respect to the Project (the "Expenditures"). The County anticipates incurring Expenditures with respect to the capital improvements prior to the issuance by the County of the Bonds for such purposes. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one (1) year. The source of funds for the Expenditures with respect to the Project will be the County's general reserve funds or other legally-available funds.

SECTION 23. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds and Notes that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders or Noteholders 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 Bonds and Notes. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds and Notes shall be made which, if such use had been reasonably expected on the date of issue of the Bonds and Notes would have caused the Bonds or

Notes to be “arbitrage bonds,” as defined in Section 148 of the IRC, and to that end the County hereby shall:

- (a) comply with the applicable provisions of Sections 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are 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; and
- (c) make such reports of such information at the time and places required by the IRC.

SECTION 24. 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 Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A., The Law Office of Ernest W. Cromartie III, LLC, and The Rutherford Law Firm, LLC as co-bond counsel and Southwest Securities, Inc., as Financial Advisor in connection with the issuance of the Notes and the Bonds. The County Attorney’s office shall select co-disclosure counsel for each of the Notes and the Bonds and shall require co-bond counsel and co-disclosure counsel to participate in a mentoring program which shall allow local small minority law firms to gain experience and capacity in legal issues relating to the issuance of general obligation bonds and the transportation bonds in particular. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Notes and 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.

Enacted this ____ day of _____, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Kelvin Washington, Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2013:

Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:
Date of Second Reading:
Date of Public Hearing:
Date of Third Reading:

**Transportation Penny Funding Recommendations - Neighborhood Improvement
Transportation Projects
Prepared by: Planning Department
May 17, 2013**

The following list represents the Planning Department's initial proposal for selecting and prioritizing the Neighborhood Master Plans transportation-related projects for use of the Penny. It assumes \$63M budgeted for \$91M total needs across eight (8) Master Plans.

The following factors were considered in recommending the following project list and prioritization

- economic development impact
- ease of implementation
- quick to complete
- eligible for common grants (thinking the Penny funding could be used as a match)
- number of people benefiting from the improvements
- order of Master Plan adoption
 1. Southeast
 2. Broad River Neighborhoods
 3. Decker Blvd.
 4. Candlewood
 5. Crane Creek
 6. Trenholm Acres
 7. Broad River Corridor

SOUTHEAST RICHLAND

Major Streetscape Design	Garners Ferry West/East	\$5,731,000.00
New Road Construction	Rabbit Run Connector	\$ 965,000.00
	Total	\$6,696,000.00
	Total for Entire List	\$9,033,000.00
	Percent	74%

BROAD RIVER NEIGHBORHOODS

Neighborhood Sidewalk Design	Brewer/Clement/Hart/Pearl/Wellesley	\$378,000.00
New Pedestrian Pathway	To Riverwalk	\$462,000.00
Streetscape Design	Gibson/McRae/River	\$767,000.00
	Total	\$1,607,000.00
	Total for Entire List	\$1,607,000.00
	Percent	100%

DECKER BLVD.

Decker Blvd. Streetscape-UNDERGROUND	Trenholm to O'Neil	\$3,187,000.00
Decker Blvd.	O'Neil Court to Brookfield	\$4,183,000.00

Streetscape- UNDERGROUND		
Decker Blvd. Streetscape	Brookfield to Castle Pinkney	\$ 927,000.00
Decker Blvd. Streetscape	Castle Pinkney to Percival	\$ 817,000.00
Intersection Improvements	Trenholm/O'Neil/Brookfield/Faraway/Percival	\$ 817,000.00
Brookfield Streetscape	Alternative 2	\$ 880,000.00
Priority Sidewalk	Brookfield/Faraway/Boundary/Hunt Club	\$1,175,000.00
Pedestrian Connector	Chatsworth to RNE HS/Carriage House to Decker/Trenholm to Decker	\$ 357,000.00
	Total	\$12,343,000.00
	Total for Entire List	\$19,576,000.00
	Percent	63%

CANDLEWOOD

Streetscape Design "B"	Glennshannon/Alameda/Arcola/Athena/Cane Brake Circle/Cane Brake Drive/Cinderella/Colchester/Concourse/Greensprings/Harrington/Humble/Inway/Parliament/Reseda/Seton/Sommerset/Splendor/Vega	\$1,850,000.00
	Total	\$1,850,000.00
	Total for Entire List	\$4,101,000.00
	Percent	45%

CRANE CREEK

Major Streetscape Design	Monticello Road/Fairfield Road	\$1,753,000.00
Minor Streetscape Design	Crane Church/Blue Ridge Terrace/Heyward Brockington	\$4,845,000.00
Neighborhood Sidewalk Design	Lincolnshire North Drive/Dakota/Remaining streets	\$1,245,000.00
New Pedestrian Pathways	Crane Creek Main/Crane Church to Blue Ridge/Heyward Brockington to Crane Creek/Lincolnshire to Crane Creek/East of Monticello/Forrest Heights Elem.	\$6,542,000.00
	Total Identified	\$13,854,000.00
	Total for Entire List	\$21,473,000.00
	Percent	65%

TRENHOLM ACRES/NEWCASTLE

Streetscape Design "A"	Parklane/Two Notch/Fontaine	\$2,611,000.00
------------------------	-----------------------------	----------------

Streetscape Design "B"	Shakespeare only	\$ 772,000.00
Streetscape Design "C"	Nancy	\$ 316,000.00
Streetscape Design "D"	Claudia/Humphrey/Sprott/Warner/Westmore	\$1,108,000.00
Streetscape Design "E"	Portion of all remaining streets	\$1,619,477.00*
	Total	\$6,957,477.00
	Total for Entire List	\$8,597,000.00
	Percent	81%

*Streetscape Design "E" total estimate is \$3,267,000.00 for 56 streets; what is proposed is the difference of all other projects and full \$63M. Thus, only 50% of this item is funded.

BROAD RIVER CORRIDOR

Greystone Blvd. Urban Center Corridor	Greystone Blvd. from intersection of Greystone and Broad River Rd	\$1,019,531.00
Broad River Bride/Greystone Blvd. Connection	Broad River Bridge to Riverhill Circle	\$1,232,647.00
Dutch Square/Greystone Blvd. Connection	Projects B-G	\$7,135,539.00
Dutch Square/Bush River Rd. Urban Center	Projects L-N	\$2,437,803.00
St. Andrews Corridor	Projects O-R	\$3,688,325.00
St. Andrews/Dutch Square Connection	Projects H-K	\$4,178,678.00
	Total	\$19,692,523.00
	Total for Entire List	\$28,273,254.00
	Percent	70%

GRAND TOTAL NEIGHBORHOOD IMPROVEMENT PROJECTS - \$63,000,000.00