

AGENDA  
FLORENCE COUNTY COUNCIL WORKSESSION  
CONFERENCE ROOM, ROOM 802  
180 NORTH IRBY STREET  
FLORENCE, SOUTH CAROLINA  
TUESDAY, FEBRUARY 11, 2014  
7:30 a.m.

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*Chairman James T. Schofield (Council District 8),  
Councilman Waymon Mumford, Vice-Chairman (Council District 7)  
Councilman Mitchell Kirby, Secretary-Chaplain (Council District 4)  
Councilman Russell W. Culberson (Council District 6)  
Councilman Alphonso Bradley (Council District 3)  
Councilman Roger M. Poston (Council District 2)  
Councilman Kent C. Caudle (Council District 5)  
Councilman Willard Dorriety, Jr. (Council District 9)  
Councilman Jason M. Springs (Council District 1)*

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- I. **CALL TO ORDER**
  
- II. **DISCUSSION OF MOTOROLA CONTRACT/RADIO SYSTEM UPGRADE** [1]
  
- III. **DISCUSSION OF STEVENS AND WILKINSON ARCHITECTS' CONTRACT FOR SCHEMATIC DESIGN AND DESIGN DEVELOPMENT OF THE NEW FLORENCE COUNTY COURTHOUSE** [3]
  
- IV. **RFP PANEL APPOINTMENT** [9]  
Appoint A Council Member To Serve On The Program Management Services – Capital Project Sales Tax II RFP Panel.
  
- V. **DISCUSSION OF FIRE SERVICES AND PROPOSED ORDINANCES NO 17-2013/14 AND NO. 18-2013/14** [10 & 16]
  
- VI. **OTHER BUSINESS**
  
- VII. **ADJOURN**

# FLORENCE COUNTY COUNCIL WORKSESSION

February 11, 2014

**AGENDA ITEM:** Reports to Council

**DEPARTMENT:** Administration

**ISSUE UNDER CONSIDERATION:**

Discussion of the Motorola Contract/Radio System Upgrades.

**ATTACHMENTS:**

Copy of Resolution No. 20-2013/14 approved by Council at its November 21, 2013 regular meeting.

Sponsor(s)/Department : County Council  
Adopted : November 21, 2013  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 20-2013/14**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**(Authorizing The County Administrator And County Attorney To Negotiate And Execute A Contract/Lease Agreement Between Florence County And Motorola Solutions, Inc. For The Necessary Upgrades/Enhancements To The County's Current 800 MHz Radio System.)**

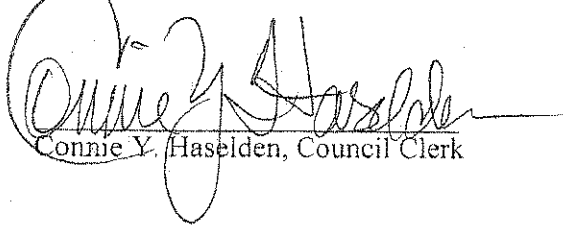
**WHEREAS:**

1. Florence County Council has determined that a true and very real need exists for the acquisition of equipment for the upgrade/enhancement of the County's current 800 MHz radio system; and
2. Council has determined it is in its best interest to enter into a Lease with Motorola Solutions, Inc. for the acquisition of such equipment and/or other personal property.

**NOW THEREFORE BE IT RESOLVED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:**

Council Hereby Authorizes The County Administrator And County Attorney To Negotiate And Execute A Contract/Lease Agreement Between Florence County And Motorola Solutions, Inc. For The Necessary Upgrades/Enhancements To The County's Current 800 Mhz Radio System.

ATTEST:

  
\_\_\_\_\_  
Connie Y. Haselden, Council Clerk

SIGNED:

  
\_\_\_\_\_  
James T. Schofield, Chairman

COUNCIL VOTE: *approved*  
OPPOSED:   
ABSENT:

# FLORENCE COUNTY COUNCIL WORKSESSION

February 11, 2014

**AGENDA ITEM:** Reports to Council

**DEPARTMENT:** Administration

**ISSUE UNDER CONSIDERATION:**

Discussion of the Stevens and Wilkinson Architects' Contract for Schematic Design and Design Development Of The New Florence County Courthouse.

**ATTACHMENTS:**

Professional Services and Fee Proposal from Stevens and Wilkinson.

1501 Main St. Columbia, SC 29201  
Post Office Drawer 7 Columbia, SC 29202  
T 803.765.0320 F 803.254.6209  
www.stevens-wilkinson.com

December 12, 2013

Mr. K. G. Rusty Smith, Jr.  
County Administrator  
Florence County  
180 North Irby Street  
MSC-G  
Florence, SC 29501

RE: Professional Services & Fee Proposal  
New Florence County Courthouse

Dear Mr. Smith:

In response to your request, Stevens & Wilkinson SC, Inc. is delighted to offer this proposal letter in an attempt to summarize the key elements which would be expanded in more detail in a formal Owner-Architect Agreement for the Schematic Design and Design Development Phases.

### Program Assumptions

The project is the construction of a new judicial center to be located across North Irby Street from the present County Complex Building. It is anticipated that the new Courthouse will have approximately 120,000 square feet (gross) and a construction budget of about \$30 million. This is envisioned to have six courtrooms with appropriate support spaces. The Probation and Juvenile Justice Departments will have an area in the new building, which may serve as an internal expansion strategy, should the need arise to replace them with more courtroom space.

### Scope of Services

Architectural and engineering Basic Services for this project include the normal A&E services defined in the Standard Form of Agreement Between Owner and Architect, AIA Document B101-2007, with mutually agreed to modifications. Special consultant services include those not found under the Basic Services category.

### Special Consultant Design Services

The following are considered special consultants needed for courthouse design and are in addition to the Basic Services of an architect-engineer:

Judicial Planning Consulting and Programming  
Civil Engineering  
Landscape Architecture  
Interior Design  
Security Design  
Audio-Visual Consulting  
Detailed Cost Estimating

**Project Team**

|                              |  |
|------------------------------|--|
| Stevens & Wilkinson SC, Inc. | Architect-of-Record                        |
| Goforth Brown Associates     | Local, Consulting Architect                |
| Stevens & Wilkinson SC, Inc. | Structural Engineering                     |
| Stevens & Wilkinson SC, Inc. | Mechanical & Plumbing Engineering          |
| Stevens & Wilkinson SC, Inc. | Electrical Engineering                     |
| Stevens & Wilkinson SC, Inc. | Fire Protection Engineering                |
| Justice Planning Associates  | Judicial Programming & Planning Consultant |
| Stevens & Wilkinson SC, Inc. | Civil Engineering                          |
| Stevens & Wilkinson SC, Inc. | Landscape Architecture                     |
| Stevens & Wilkinson SC, Inc. | Interior Design                            |
| Stevens & Wilkinson SC, Inc. | Security Design                            |
| Stevens & Wilkinson SC, Inc. | Audio-Visual Consultant                    |

**Topographic Survey and Geotechnical Report**

S&W will obtain proposals from qualified surveyors and professional geotechnical firms, and make recommendations for the Owner to engage same directly. The contractual terms for these consultants and the Owner are not within the Owner-Architect Agreement.

**Phases**

The following is a sequence of phases for this project:

Determine the preferred scenario from the Strategic Planning Report  
Complete the sequential Programming Phase for this scenario  
Schematic Design Phase  
Solicitation and Selection of Construction Manager at Risk  
Design Development Phase

Authorization to Proceed into Construction Documents and Construction Phases will come at a later date.

Mr. K. G. Rusty Smith, Jr.  
December 12, 2013  
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### Compensation

For normal professional services described, a professional fee for Basic Services of 6.5% times estimated construction is proposed.

The breakdown of the total fee is as follows:

|                         |              |
|-------------------------|--------------|
| Schematic Design        | 18%          |
| Design Development      | 20%          |
| Construction Documents  | 36% *        |
| Bidding                 | 04% *        |
| Contract Administration | <u>22%</u> * |
|                         | 100%         |

\*These phases will come later and are not a part of this proposal letter.

For Special Consultants (excluding Judicial Planning), a professional fee of 2.0% times estimated construction cost is proposed.

The breakdown of the total fee is as follows:

|                         |              |
|-------------------------|--------------|
| Schematic Design        | 18%          |
| Design Development      | 20%          |
| Construction Documents  | 36% *        |
| Bidding                 | 04% *        |
| Contract Administration | <u>22%</u> * |
|                         | 100%         |

\*These phases will come later and are not a part of this proposal letter.

For the Programming Phase of Judicial Planning, a lump sum of \$60,000 is proposed.

Reimbursable expenses will be invoiced at 1.1 times the actual cost of the expenses incurred on behalf of the project.

### Project & Delivery Method

Although there are several acceptable delivery methods for construction, we endorse the Construction Manager at Risk (CM-R) process. By selecting the builder earlier in the process, the Architect and the Contractor start communicating much earlier in the process, and the Owner-Architect-Contractor team can avoid unnecessary surprises on bid day. We also feel that this allows the Owner to select a competent constructor and to do so based on qualifications.

Mr. K. G. Rusty Smith, Jr.  
December 12, 2013  
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Schedule

For the various phases of this proposal letter and those phases that may follow, the approximate schedule should be as follows:

|                        |           |
|------------------------|-----------|
| Complete Programming   | 3 Months  |
| Schematic Design       | 3 Months  |
| Design Development     | 3 Months  |
| Construction Documents | 5 Months  |
| Construction           | 20 Months |

If you are in agreement with the general terms of this proposal, I will prepare an Owner-Architect Agreement which more fully describes the terms and conditions of the scope of work.

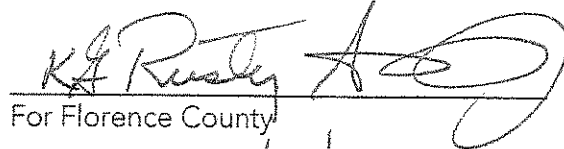
Our team enthusiastically looks forward to our collaboration with you on this project and welcomes an opportunity to discuss any additional concepts or thoughts that you may have regarding this proposal.

Sincerely,



T. Ashby Gressette, AIA  
Stevens & Wilkinson SC, Inc.  
President

Authorization to Proceed:

  
For Florence County

12/31/13  
Date



1501 Main St. Columbia, SC 29201  
 Post Office Drawer 7 Columbia, SC 29202  
 T 803.765.0320 F 803.254.6209  
 www.stevens-wilkinson.com

ATTACHMENT  
 12/12/13

PROPOSED FLORENCE COUNTY COURTHOUSE

Compensation Example:

|              |  |           |
|--------------|--|-----------|
| \$30 Million | Estimated Construction Cost  |           |
| 6.5%         | Basic Services Architect-Engineer  |           |
| 2.0%         | Special Consultants  |           |
|              | Programming Phase  | \$ 60,000 |
|              | Schematic Design Phase:  |           |
|              | Basic Services 18% x 6.5% x \$30 Million                                   | \$351,000 |
|              | Special Consultants 18% x 2.0% x \$30 Million                              | \$108,000 |
|              | Design Development Phase:  |           |
|              | Basic Services 20% x 6.5% x \$30 Million                                   | \$390,000 |
|              | Special Consultants 20% x 2.0% x \$30 Million                              | \$120,000 |
|              | Estimated Reimbursables through Schematic Design<br>and Design Development | \$ 36,000 |

# FLORENCE COUNTY COUNCIL WORKSESSION

February 11, 2014

**AGENDA ITEM:** Reports to Council

**DEPARTMENT:** Procurement Department

**ISSUE UNDER CONSIDERATION:**

Request the appointment of a Council member to serve on the Program Management Services-Capital Project Sales Tax II RFP panel.

# FLORENCE COUNTY COUNCIL WORKSESSION

February 11, 2014

**AGENDA ITEM:** Ordinance No. 17-2013/14

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

An Ordinance Dissolving Pursuant To Section 4-9-30(5)(E) Of The Code Of Laws Of South Carolina, 1976, As Amended, The Sardis-Timmons ville Rural Fire Protection District, And Dissolving The Johnsonville Rural Fire District, The Howe Springs Fire District, The Hannah-Salem-Friendfield Fire District, The West Florence Rural Fire District, And The Windy Hill/Olanta Rural Fire District, All Incident To The Establishment Of The Florence County Fire Protection District As A Special Tax Fire District Under Article 19 Of Title 4 Of The Code Of Laws Of South Carolina, 1976, As Amended, Providing For The Conditions With Respect To Said Dissolution, And Other Matters Related Thereto.

**ATTACHMENTS:**

Copy Of Proposed Ordinance No. 17-2013/14

|                              |   |                      |                                  |
|------------------------------|---|----------------------|----------------------------------|
| Sponsor(s)                   | : | Fire/Rescue Services |                                  |
| First Reading                | : |                      | I, _____,                        |
| Committee Referral           | : |                      | Council Clerk, certify that this |
| Committee Consideration Date | : |                      | Ordinance was advertised for     |
| Committee Recommendation     | : |                      | Public Hearing on _____.         |
| Second Reading               | : |                      |                                  |
| Public Hearing               | : |                      |                                  |
| Third Reading                | : |                      |                                  |
| Effective Date               | : |                      |                                  |

**ORDINANCE NO. 17-2013/14**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**(An Ordinance Dissolving Pursuant To Section 4-9-30(5)(E) Of The Code Of Laws Of South Carolina, 1976, As Amended, The Sardis-Timmons ville Rural Fire Protection District, And Dissolving The Johnsonville Rural Fire District, The Howe Springs Fire District, The Hannah-Salem-Friendfield Fire District, The West Florence Rural Fire District, And The Windy Hill/Olanta Rural Fire District, All Incident To The Establishment Of The Florence County Fire Protection District As A Special Tax Fire District Under Article 19 Of Title 4 Of The Code Of Laws Of South Carolina, 1976, As Amended, Providing For The Conditions With Respect To Said Dissolution, And Other Matters Related Thereto.)**

**WHEREAS:**

1. Pursuant to the authorizations contained in Section 4-9-30 of the Code of Laws of South Carolina, 1976, as amended (the "Code"), Florence County, South Carolina (the "County"), acting by and through its County Council ("Council"), created the Sardis-Timmons ville Rural Fire Protection District (the "Sardis-Timmons ville District") by Ordinance 18-81/82 enacted on December 10, 1982 (the "Sardis-Timmons ville Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Sardis-Timmons ville Ordinance; and
2. Pursuant to the authorizations contained in Section 4-19-10, *et seq* of the Code, the County, acting by and through Council, created the Howe Springs Fire District (the "Howe Springs District") by Ordinance 11-87/88 enacted on October 1, 1987 and amended by Ordinance 14-94/95 enacted on February 2, 1995 (as amended, the "Howe Springs Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Howe Springs Ordinance; and
3. Pursuant to the authorizations contained in Section 4-19-10, *et seq* of the Code, the County, acting by and through Council, created the Hannah-Salem-Friendfield Fire District (the "Hannah-Salem-Friendfield District") by Ordinance 25-92/93 enacted on May 6, 1993 and amended by Ordinance 18-2001/02 enacted on August 9, 2001 (as amended, the "Hannah-Salem-Friendfield Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Hannah-Salem-Friendfield Ordinance; and
4. Pursuant to the authorizations contained in Section 4-19-10, *et seq* of the Code, the County, acting by and through Council, created the Windy Hill/Olanta Rural Fire District (the "Windy Hill/Olanta District") and the West Florence Rural Fire District (the "West Florence District") by Ordinance 31-2006/07 enacted on April 5, 2007 (the "Windy Hill/Olanta-West Florence Ordinance") for the provision of fire service within two unincorporated areas of the County designated in the Windy Hill/Olanta-West Florence Ordinance; and

5. Pursuant to the authorizations contained in Section 4-19-10, *et seq* of the Code, the County, acting by and through Council, created the Johnsonville Rural Fire District (the "Johnsonville District") by Ordinance 18-2010/11 enacted on May 19, 2011 (the "Johnsonville District Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Johnsonville District Ordinance; and
6. The Sardis-Timmonsville District, the Howe Springs District, the Hannah-Salem-Friendfield District, the West Florence District, the Windy Hill/Olanta District, and the Johnsonville District may be collectively referred to hereafter as the "Existing Fire Districts"; and
7. Council has undertaken a study of the efficiency and effectiveness of the financing of fire protection service through the Existing Districts and has determined that it will be in the best interests of the County and the residents of the Existing Districts to dissolve each of the Existing Districts and create a new, single County Fire Protection District, to be designated the Florence County Fire Protection District, which will encompass all of the areas contained in the Existing Districts as well as additional area contained within the municipal limits of the Town of Pamplico; and
8. Section 4-9-30(5)(e) of the Code provides that a special tax district created pursuant to the provisions of Section 4-9-30 of the Code may be dissolved by ordinance of Council after a duly noticed public hearing, and special tax fire districts created under Section 4-19-10 of the Code may be dissolved by Council using the same procedure set forth therein for the creation of such districts; and
9. Council has duly noticed by publications run once a week for three (3) successive weeks in the *Morning News* a public hearing which was held on January \_\_, 2014 concerning the dissolution of the Existing Fire Districts pursuant to Sections 4-9-20(5)(e) and 4-19-20(2) of the Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL, SOUTH CAROLINA DULY ASSEMBLED THAT:**

Section 1.01

Pursuant to said 4-9-30(5)(e) of the Code and the provisions of Section 4-19-10, *et seq.*, the Existing Districts are dissolved as Special Tax Fire Districts, such dissolutions to become effective upon the creation and establishment of the Florence County Fire Protection District by Ordinance No. 18-2013/14 of Council ("Ordinance No. 17-2013/14") pursuant to Chapter 19 of Title 4 of the Code and following the expiration of the period for filing challenges to the adoption of this Ordinance and Ordinance No. 18-2013/14 pursuant to Section 4-19-20(6) of the Code.

Section 1.02

Any person affected by the action of Council in adopting this Ordinance may, by action de novo instituted in the Court of Common Pleas for Florence County, within twenty (20) days following the last publication of the notice of action taken, but not afterwards, challenge this action of Council. The notice of action taken shall be published once a week for two (2) successive weeks in the *Morning News* following adoption of this Ordinance in substantially the form attached hereto.

Section 1.03

All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this ordinance shall take effect and be in full force from and after the creation and establishment of the Florence County Fire Protection District by ordinance of Council pursuant to Chapter 19 of Title 4 of the Code.

ATTEST:

SIGNED:

\_\_\_\_\_  
Connie Y. Haselden, Council Clerk

\_\_\_\_\_  
James T. Schofield, Chairman

\_\_\_\_\_  
Approved as to Form and Content  
D. Malloy McEachin, Jr., County Attorney

COUNCIL VOTE:  
OPPOSED:  
ABSENT:

DRAFT

NOTICE OF ACTION TAKEN  
BY THE FLORENCE COUNTY COUNCIL CONCERNING THE DISSOLUTION OF THE SARDIS-  
TIMMONSVILLE RURAL FIRE PROTECTION DISTRICT, THE JOHNSONVILLE RURAL FIRE  
DISTRICT, THE HOWE SPRINGS FIRE DISTRICT, THE HANNAH-SALEM FRIENDFIELD FIRE  
DISTRICT, THE WEST FLORENCE RURAL FIRE DISTRICT, AND THE WINDY HILL/OLANTA  
RURAL FIRE DISTRICT IN FLORENCE COUNTY, SOUTH CAROLINA

Pursuant to the provisions of Sections 4-9-30(5)(E) and 4-19-10 et seq. of the Code of Laws of South Carolina, 1976, as amended (together, the "Enabling Act"), the Florence County Council ("Council") conducted a public hearing in the County Council Chambers, Florence County, South Carolina, on \_\_\_\_\_, 201\_\_ at \_\_\_\_\_ on the question of the dissolution of the Sardis-Timmons-ville Rural Fire Protection District, the Johnsonville Rural Fire District, the Howe Springs Fire District, the Hannah-Salem Friendfield Fire District, the West Florence Rural Fire District, and the Windy Hill/Olanta Rural Fire District (collectively, the "Districts").

Following the aforesaid public hearing, Council did on the \_\_\_ day of \_\_\_\_\_, 2014 give third and final reading to an Ordinance entitled "An Ordinance Dissolving Pursuant To Section 4-9-30(5)(E) Of The Code Of Laws Of South Carolina, 1976, As Amended, The Sardis-Timmons-ville Rural Fire Protection District As A Special Tax Fire District Created Pursuant To Section 4-9-30 Of The Code Of Laws Of South Carolina, 1976, As Amended, And Dissolving The Johnsonville Rural Fire District, The Howe Springs Fire District, The Hannah-Salem Friendfield Fire District, The West Florence Rural Fire District, And The Windy Hill/Olanta Rural Fire District, All Incident To The Establishment Of The Florence County Fire Protection District As A Special Tax Fire District Under Article 19 Of Title 4 Of The Code Of Laws Of South Carolina, 1976, As Amended, Providing For The Conditions With Respect To Said Dissolution, And Other Matters Related Thereto" (the "Ordinance").

The Ordinance authorizes the dissolution of the Districts which comprised, embraced, and consisted of the area contained within the boundaries of the Sardis-Timmons-ville Rural Fire Protection District, the Howe Springs Fire District, the Hannah-Salem-Friendfield Fire District, the Windy Hill/Olanta Rural Fire District, the West Florence Rural Fire District, and the Johnsonville Rural Fire District.

Pursuant to the provisions of the Enabling Act, the Council shall be authorized to levy ad valorem taxes within the area of the District to the extent necessary to defray the cost of constructing and equipping fire protection facilities within the District and to pay for maintenance and operation of such fire protection system. The Council shall be further authorized to issue general obligation bonds of Florence County, payable from ad valorem taxes levied within the District, for the purpose of providing fire protection therein.

Notice of this Action is being published once a week for two successive weeks in the *Morning News*.

Any person affected by this action of the Florence County Council may, by action de novo instituted in the Court of Common Pleas for Florence County, within twenty (20) days following the last publication of this Notice, but not afterwards, challenge this action of the Florence County Council.

FLORENCE COUNTY COUNCIL

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

I, the undersigned, Clerk to Florence County Council, South Carolina ("County Council"), **DO HEREBY CERTIFY:**

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by County Council on \_\_\_\_\_, 2014. The Ordinance was read at three public meetings of County Council on three separate days, \_\_\_\_\_, 2014, \_\_\_\_\_, 2014, and \_\_\_\_\_, 2014. An interval of at least seven days occurred between each reading of the Ordinance. At each such meeting, a quorum of County Council was present and remained present throughout the meeting.

The meetings held on \_\_\_\_\_, 2013, \_\_\_\_\_, 2014, and \_\_\_\_\_, 2014 were regular meetings of County Council, for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act").

The original of the Ordinance is duly entered in the permanent records of the County, in my custody as Clerk.

The Ordinance is now of full force and effect, and has not been modified, amended or repealed.

**IN WITNESS WHEREOF**, I have hereunto set my Hand and the Seal of Florence County, South Carolina, this \_\_\_\_ day of \_\_\_\_\_, 2014.

(SEAL)

DRAFT

\_\_\_\_\_  
Clerk to Florence County Council,  
South Carolina



# FLORENCE COUNTY COUNCIL WORKSESSION

February 11, 2014

**AGENDA ITEM:** Ordinance No. 18-2013/14

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

An Ordinance To Create And Establish The Florence County Fire Protection District In Florence County, South Carolina Pursuant To Title 4, Chapter 19 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And The Imposition Of Rates And Charges For The Operation And Maintenance Thereof, To Authorize The Issuance Of General Obligation Bonds On Behalf Of The District From Time To Time, And Other Matters Relating Thereto.

**ATTACHMENTS:**

1. Copy Of Proposed Ordinance No. 18-2013/14
2. Blackline version of Ordinance No. 18-2013/14 indicating changes/revisions

|                              |   |                      |                                  |
|------------------------------|---|----------------------|----------------------------------|
| Sponsor(s)                   | : | Fire/Rescue Services |                                  |
| First Reading                | : |                      | I, _____,                        |
| Committee Referral           | : |                      | Council Clerk, certify that this |
| Committee Consideration Date | : |                      | Ordinance was advertised for     |
| Committee Recommendation     | : |                      | Public Hearing on _____,         |
| Public Hearing               | : |                      | _____, and _____.                |
| Second Reading               | : |                      |                                  |
| Third Reading                | : |                      |                                  |
| Effective Date               | : |                      |                                  |

**ORDINANCE NO. 18-2013/14**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**(An Ordinance To Create And Establish The Florence County Fire Protection District In Florence County, South Carolina Pursuant To Title 4, Chapter 19 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And The Imposition Of Rates And Charges For The Operation And Maintenance Thereof, To Authorize The Issuance Of General Obligation Bonds On Behalf Of The District From Time To Time, And Other Matters Relating Thereto.)**

**WHEREAS:**

1. Pursuant to the provisions of Chapter 19 of Title 4 of the Code of Laws of South Carolina, 1976, as amended (the "Code"), the Florence County Council (the "Council"), the governing body of Florence County, South Carolina (the "County"), is empowered to establish, operate and maintain a system of fire protection facilities within designated areas of the County in order to provide the residents and property owners who reside and own property located within the designated areas with fire protection services.
  
2. Certain unincorporated areas of the County have previously been designated and established as special tax fire districts under the provisions of Chapter 9 and Chapter 19 of Title 4, as the case may be, of the Code, which special tax fire districts include the following:
  - (a) The Sardis-Timmons ville Rural Fire Protection District (the "Sardis-Timmons ville District") created by Ordinance 18-81/82 enacted on December 10, 1982 (the "Sardis-Timmons ville Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Sardis-Timmons ville Ordinance; and
  - (b) The Howe Springs Fire District (the "Howe Springs District") created by Ordinance 11-87/88 enacted on October 1, 1987 and amended by Ordinance 14-94/95 enacted on February 2, 1995 (as amended, the "Howe Springs Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Howe Springs Ordinance; and
  - (c) The Hannah-Salem-Friendfield Fire District (the "Hannah-Salem-Friendfield District") created by Ordinance 25-92/93 enacted on May 6, 1993 and amended by Ordinance 18-2001/02 enacted on August 9, 2001 ( as amended, the "Hannah-Salem-Friendfield Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Hannah-Salem-Friendfield Ordinance; and
  - (d) The Windy Hill/Olanta Rural Fire District (the "Windy Hill/Olanta District") and the West Florence Rural Fire District (the "West Florence District") created by Ordinance 31-2006/07 enacted on April 5, 2007 (the "Windy Hill/Olanta-

West Florence Ordinance”) for the provision of fire service within two unincorporated areas of the County designated in the Windy Hill/Olanta-West Florence Ordinance; and

- (e) The Johnsonville Rural Fire District (the “Johnsonville District”) created by Ordinance 18-2010/11 enacted on May 19, 2011 (the “Johnsonville District Ordinance”) for the provision of fire service within an unincorporated area of the County designated in the Johnsonville District Ordinance

(together, the special tax fire districts described in (a)-(e) above, the “Prior Districts”).

3. Council has undertaken a study of the efficiency and effectiveness of the financing of fire protection and related rescue service through the Prior Districts and has determined that it will be in the best interests of the County and the residents of the Prior Districts to dissolve each of the Prior Districts and create a new, single County Fire Protection District, to be designated the Florence County Fire Protection District, which will encompass all of the areas contained in the Prior Districts, to include of the area within the municipal limits of Quinby, Olanta, Pamplico, and Johnsonville, which Council hereby finds have, by and through their respective Councils in compliance with South Carolina law, requested and agreed to the inclusion of such area within the District (as hereinafter defined) and the provision of fire and related rescue service by the County in such area, and have agreed not to impose taxes or fees for such services within their respective municipal limits so long as the County provides such services.
4. The dissolution of the Prior Districts has been authorized, effective upon the enactment of this Ordinance, by Council’s Ordinance No. 17-2013/14 entitled “An Ordinance Dissolving Pursuant To Section 4-9-30(5)(E) Of The Code Of Laws Of South Carolina, 1976, As Amended, The Sardis-Timmonsville Rural Fire Protection District As A Special Tax Fire District Created Pursuant To Section 4-9-30 Of The Code Of Laws Of South Carolina, 1976, As Amended, And Dissolving The Johnsonville Rural Fire District, The Howe Springs Fire District, The Hannah-Salem-Friendfield Fire District, The West Florence Rural Fire District, And The Windy Hill/Olanta Rural Fire District, All Incident To The Establishment Of The Florence County Fire Protection District As A Special Tax Fire District Under Article 19 Of Title 4 Of The Code Of Laws Of South Carolina, 1976, As Amended, Providing For The Conditions With Respect To Said Dissolution, And Other Matters Related Thereto” (“Ordinance No. 17-2013/14”), effective the date hereof and following the expiration of the period for filing challenges to the adoption of this Ordinance and Ordinance No. 17-2013/14 pursuant to Section 4-19-20(6) of the Code.
5. Council has determined to create the Florence County Fire Protection District (the “District”), to approve the continuation of the annual levy and collection of ad valorem taxes for the operation and maintenance of the District, and to authorize the County to issue, from time to time by ordinance subsequent hereto, general obligations bonds of the County to finance capital improvements within and operational costs with respect to the District.
6. The Council specifically finds that the establishment of the District satisfies the requirements and conditions of §§4-19-10 and 4-19-20 of the Code and is now minded, in accordance with the specific authorization of §4-19-10(b) of the Code, to create and establish the District to comprise, embrace, and consist of the aggregate area previously contained within the boundaries of the Prior Districts, such area comprising, embracing and consisting of the entire unincorporated area of the County save and except the area of the South Lynches Fire District and including the areas within the municipal limits of Quinby, Olanta, Pamplico, and Johnsonville. Reference is made to the Council Ordinance 18-81/82, Ordinance 11-87/88 as amended by Ordinance 14-94/95, Ordinance 25-92/93 as amended by Ordinance 18-2001/02, Ordinance 31-2006/07, Ordinance

18-2010/11, and the County Tax Map maintained by the Florence County Tax Assessor for a description of the area comprised by each of the Prior Districts, and a map of the District available on the County website at [www.florenceco.org/](http://www.florenceco.org/)\_\_\_\_\_.

7. Each of the Prior Districts is served by a nonprofit volunteer fire department operating as a nonprofit corporation, including the Windy Hill/Olanta District being served by two separate departments with designated areas within the Windy Hill/Olanta District. Council wishes to maintain the provision of fire service by the applicable nonprofit volunteer fire department in each of the Prior Districts upon the same terms, subject to the entry by the County into contracts with each such volunteer fire department for such service (which contracts shall include, without limitation, mechanisms to assure financial transparency and accountability on the part of the volunteer fire department in question), as each such volunteer fire department presently serves the applicable Prior District, notwithstanding the creation of the District as a new tax district with respect to the areas comprised by the Prior Districts.

**NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:**

1. Pursuant to the provisions of Section 4-19-10, *et seq.*, the District is created and established as a Special Tax Fire District, such creation and establishment to become effective following the expiration of the period for filing challenges to the adoption of this Ordinance pursuant to Section 4-19-20(6) of the Code.
2. Florence County Code, Chapter 12, Article II, Fire Districts, is hereby deleted in its entirety and replaced with language attached hereto and incorporated by reference, such deletion and replacement to become effective upon the effective date of the dissolution of the Prior Districts and the creation of the District as set forth in paragraph (1) above.
3. Any person affected by the action of Council in adopting this Ordinance may, by action de novo instituted in the Court of Common Pleas for Florence County, within twenty (20) days following the last publication of the notice of action taken, but not afterwards, challenge this action of Council. The notice of action taken shall be published once a week for two (2) successive weeks in the *Morning News* following adoption of this Ordinance in substantially the form attached hereto.
4. Provisions in other Florence County Ordinances in conflict with this Ordinance are hereby repealed.
5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provision or application of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

\_\_\_\_\_  
Connie Y. Haselden, Council Clerk

\_\_\_\_\_  
James T. Schofield, Chairman

\_\_\_\_\_  
Approved as to Form and Content  
D. Malloy McEachin, Jr., County Attorney

COUNCIL VOTE:  
OPPOSED:  
ABSENT:

## ARTICLE II. FLORENCE COUNTY FIRE PROTECTION DISTRICT

### Sec. 12-1. Created; boundaries.

There is hereby created the Florence County Fire Protection District (the "District"), which shall comprise, embrace, and consist of the area contained within the boundaries of the Sardis-Timmonsville Rural Fire Protection District, the Howe Springs Fire District, the Hannah-Salem-Friendfield Fire District, the Windy Hill/Olanta Rural Fire District, the West Florence Rural Fire District, and the Johnsonville Rural Fire District on \_\_\_\_\_ [date of adoption of Ordinance], such area comprising, embracing and consisting of the entire unincorporated area of the County save and except the area of the South Lynches Fire District and including the areas within the municipal limits of Quinby, Olanta, Pamplico, and Johnsonville. Reference is made to the Council Ordinance 18-81/82, Ordinance 11-87 /88 as amended by Ordinance 14-94/95, Ordinance 25-92/93 as amended by Ordinance 18-2001/02, Ordinance 31-2006/07, Ordinance 18-2010/11, and the County Tax Map maintained by the Florence County Tax Assessor for a description of the area comprised by each of the such Prior District and for the area contained within municipal limits of Quinby, Olanta, Pamplico, and Johnsonville, and a map of the District available on the County website at [www.florenceco.org/](http://www.florenceco.org/)\_\_\_\_\_.

### Sec. 12-2. Purpose.

The District is created and established for the purpose and function of providing rural fire protection and rescue services therein. Council is hereby authorized to exercise all powers and to perform all duties necessary to the proper rendering of rural fire protection and rescue services therein.

### Sec. 12-3. Administration of District.

The District shall be administered as an administrative division of the County under the direction of the County's Fire/Rescue Services Coordinator or such other official or department as the County may from time to time designate. Such County official charged with the direction of the District shall be advised by those Advisory Committees established by Council Ordinance 05-2013/14 enacted September 19, 2013, which ordinance is incorporated herein by reference.

### Sec. 12-4. Contracts with Volunteer Fire Departments.

(a) With respect to the provision of fire service within the District, the County shall contract with each of the volunteer fire departments organized as nonprofit corporations that as of the date of this Ordinance is serving the Prior Districts, respectively, for service within the area of the applicable Prior District (or area within the Prior District as is the case with respect to the Windy Hill/Olanta District) as comprised by the District. Each such contract shall provide for service on terms substantially similar to those in effect between each of the nonprofit volunteer fire departments and the applicable prior District as of the effective date of this Ordinance, subject to the entry by the County into contracts with each such volunteer fire department for such service (which contracts shall include, without limitation, mechanisms to assure financial transparency and accountability on the part of the volunteer fire department in question), and such existing contracts as are deemed applicable and compliant with the terms of this Ordinance by the County Administrator may continue and are hereby ratified. Any substantial change in the terms of such service or the discontinuance of such service must be approved by subsequent ordinance of Council.

(b) The contracts with the nonprofit volunteer fire departments shall provide for the departments to operate as independent contractors providing fire and emergency service for the Florence County Fire Protection District in accordance with the contractual terms.

**Sec. 12-5. Annual tax levy for operation and debt service**

In order to provide for the operation and debt service of the function of the District, there are hereby authorized annual levies by the Auditor of Florence County and the collection by the Treasurer of Florence County of an ad valorem tax for each fiscal year as the Council may determine for the operation and debt service of the District. The levies within the District for the operation and debt service of the District shall be as prescribed in the County's annual budget.

In addition to or in lieu of the levy of ad valorem taxes, Council may authorize the imposition of appropriate rates and charges within the District for operation and debt service of the District.

**Sec. 12-6. Issuance of general obligation bonds.**

In order to provide fire protection services and facilities therefor within the District, the County may issue, without election and from time to time, general obligation bonds by the County on behalf of the District, such bonds to be payable from ad valorem taxes collected within the District.

**Sec. 12-7 – 12.20. Reserved.**

DRAFT

NOTICE OF ACTION TAKEN  
BY THE FLORENCE COUNTY COUNCIL  
CONCERNING THE CREATION AND ESTABLISHMENT  
OF THE FLORENCE COUNTY FIRE PROTECTION DISTRICT

Pursuant to the provisions of Sections 4-19-10 et seq. of the Code of Laws of South Carolina, 1976, as amended (the "Enabling Act"), the Florence County Council ("Council") conducted a public hearing in the County Council Chambers, Florence County, South Carolina, on \_\_\_\_\_, 2014 at \_\_\_\_\_ on the question of the creation and reestablishment of the Florence County Fire Protection District (the "District").

Following the aforesaid public hearing, Council did on the \_\_\_ day of \_\_\_\_\_, 2014 give third and final reading to an Ordinance entitled "An Ordinance To Create And Establish The Florence County Fire Protection District In Florence County, South Carolina Pursuant To Title 4, Chapter 19 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And The Imposition Of Rates And Charges For The Operation And Maintenance Thereof, To Authorize The Issuance Of General Obligation Bonds On Behalf Of The District From Time To Time, And Other Matters Relating Thereto" (the "Ordinance").

The Ordinance authorizes the creation and establishment of the District which shall comprise, embrace, and consist of the area contained within the boundaries of the Sardis-Timmonsville Rural Fire Protection District, the Howe Springs Fire District, the Hannah-Salem-Friendfield Fire District, the Windy Hill/Olanta Rural Fire District, the West Florence Rural Fire District, and the Johnsonville Rural Fire District, such area comprising, embracing and consisting of the entire unincorporated area of the County save and except the area of the South Lynches Fire District and including the areas within the municipal limits of Quinby, Olanta, Pamplico, and Johnsonville. Reference is made to the Council Ordinance 18-81/82, Ordinance 11-87 /88 as amended by Ordinance 14-94/95, Ordinance 25-92/93 as amended by Ordinance 18-2001/02, Ordinance 31-2006/07, Ordinance 18-2010/11, and the County Tax Map maintained by the Florence County Tax Assessor for a description of the area comprised by each of the such Prior District and for the area contained within municipal limits of Quinby, Olanta, Pamplico, and Johnsonville, and a map of the District available on the County website at [www.florenceco.org/](http://www.florenceco.org/)\_\_\_\_\_

Pursuant to the provisions of the Enabling Act, the Council shall be authorized to levy ad valorem taxes within the area of the District to the extent necessary to defray the cost of constructing and equipping fire protection facilities within the District and to pay for maintenance and operation of such fire protection system. In addition to or in lieu of the levy of ad valorem taxes, Council may authorize the imposition of appropriate rates and charges within the District for operation and maintenance of the District. The Council shall be further authorized to issue general obligation bonds of Florence County, payable from ad valorem taxes levied within the District, for the purpose of providing fire protection therein.

Notice of this Action is being published once a week for two successive weeks in the *Morning News*.

Any person affected by this action of the Florence County Council may, by action de novo instituted in the Court of Common Pleas for Florence County, within twenty (20) days following the last publication of this Notice, but not afterwards, challenge this action of the Florence County Council.

FLORENCE COUNTY COUNCIL

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

I, the undersigned, Clerk to Florence County Council, South Carolina ("County Council"), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by County Council on \_\_\_\_\_, 2014. The Ordinance was read at three public meetings of County Council on three separate days, \_\_\_\_\_, 2013, \_\_\_\_\_, 2014, and \_\_\_\_\_, 2014. An interval of at least seven days occurred between each reading of the Ordinance. At each such meeting, a quorum of County Council was present and remained present throughout the meeting.

The meetings held on \_\_\_\_\_, 2013, \_\_\_\_\_, 2014, and \_\_\_\_\_, 2014 were regular meetings of County Council, for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act").

The original of the Ordinance is duly entered in the permanent records of the County, in my custody as Clerk.

The Ordinance is now of full force and effect, and has not been modified, amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Florence County, South Carolina, this \_\_\_\_ day of \_\_\_\_\_, 2014.

(SEAL)

\_\_\_\_\_  
Clerk to Florence County Council,  
South Carolina

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Third Reading: \_\_\_\_\_



|                              |   |                |                                  |
|------------------------------|---|----------------|----------------------------------|
| Sponsor(s)                   | : | County Council |                                  |
| First Reading                | : |                | I, _____,                        |
| Committee Referral           | : |                | Council Clerk, certify that this |
| Committee Consideration Date | : |                | Ordinance was advertised for     |
| Committee Recommendation     | : |                | Public Hearing on _____,         |
| Public Hearing               | : |                | _____, and _____.                |
| Second Reading               | : |                |                                  |
| Third Reading                | : |                |                                  |
| Effective Date               | : |                |                                  |

**ORDINANCE NO. 18-2013/14**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**(An Ordinance To Create And Establish The Florence County Fire Protection District In Florence County, South Carolina Pursuant To Title 4, Chapter 19 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And The Imposition Of Rates And Charges For The Operation And Maintenance Thereof, To Authorize The Issuance Of General Obligation Bonds On Behalf Of The District From Time To Time, And Other Matters Relating Thereto.)**

**WHEREAS:**

1. Pursuant to the provisions of Chapter 19 of Title 4 of the Code of Laws of South Carolina, 1976, as amended (the "Code"), the Florence County Council (the "Council"), the governing body of Florence County, South Carolina (the "County"), is empowered to establish, operate and maintain a system of fire protection facilities within designated areas of the County in order to provide the residents and property owners who reside and own property located within the designated areas with fire protection services.
  
2. Certain unincorporated areas of the County have previously been designated and established as special tax fire districts under the provisions of Chapter 9 and Chapter 19 of Title 4, as the case may be, of the Code, which special tax fire districts include the following:
  - (a) The Sardis-Timmons ville Rural Fire Protection District (the "Sardis-Timmons ville District") created by Ordinance 18-81/82 enacted on December 10, 1982 (the "Sardis-Timmons ville Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Sardis-Timmons ville Ordinance; and
  - (b) The Howe Springs Fire District (the "Howe Springs District") created by Ordinance 11-87/88 enacted on October 1, 1987 and amended by Ordinance 14-94/95 enacted on February 2, 1995 (as amended, the "Howe Springs Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Howe Springs Ordinance; and
  - (c) The Hannah-Salem-Friendfield Fire District (the "Hannah-Salem-Friendfield District") created by Ordinance 25-92/93 enacted on May 6, 1993 and amended by Ordinance 18-2001/02 enacted on August 9, 2001 ( as amended, the "Hannah-Salem-Friendfield Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Hannah-Salem-Friendfield Ordinance; and
  - (d) The Windy Hill/Olanta Rural Fire District (the "Windy Hill/Olanta District") and the West Florence Rural Fire District (the "West Florence District") created by Ordinance 31-2006/07 enacted on April 5, 2007 (the "Windy Hill/Olanta-West Florence Ordinance") for the provision of fire service within

two unincorporated areas of the County designated in the Windy Hill/Olanta-West Florence Ordinance; and

- (e) The Johnsonville Rural Fire District (the "Johnsonville District") created by Ordinance 18-2010/11 enacted on May 19, 2011 (the "Johnsonville District Ordinance") for the provision of fire service within an unincorporated area of the County designated in the Johnsonville District Ordinance

(together, the special tax fire districts described in (a)-(e) above, the "Prior Districts").

3. Council has undertaken a study of the efficiency and effectiveness of the financing of fire protection and related rescue service through the Prior Districts and has determined that it will be in the best interests of the County and the residents of the Prior Districts to dissolve each of the Prior Districts and create a new, single County Fire Protection District, to be designated the Florence County Fire Protection District, which will encompass all of the areas contained in the Prior Districts, to include of the area within the municipal limits of the Towns of Quinby, Olanta, and Pamplico, and Johnsonville, which Council hereby finds have, by and through their respective Councils in compliance with South Carolina law, requested and agreed to the inclusion of such area within the District (as hereinafter defined) and the provision of fire and related rescue service by the County in such area, and have agreed not to impose taxes or fees for such services within their respective municipal limits so long as the County provides such services.
4. The dissolution of the Prior Districts has been authorized, effective upon the enactment of this Ordinance, by Council's Ordinance No. 17-2013/14 entitled "An Ordinance Dissolving Pursuant To Section 4-9-30(5)(E) Of The Code Of Laws Of South Carolina, 1976, As Amended, The Sardis-Timmonsville Rural Fire Protection District As A Special Tax Fire District Created Pursuant To Section 4-9-30 Of The Code Of Laws Of South Carolina, 1976, As Amended, And Dissolving The Johnsonville Rural Fire District, The Howe Springs Fire District, The Hannah-Salem-Friendfield Fire District, The West Florence Rural Fire District, And The Windy Hill/Olanta Rural Fire District, All Incident To The Establishment Of The Florence County Fire Protection District As A Special Tax Fire District Under Article 19 Of Title 4 Of The Code Of Laws Of South Carolina, 1976, As Amended, Providing For The Conditions With Respect To Said Dissolution, And Other Matters Related Thereto" ("Ordinance No. 17-2013/14"), effective the date hereof and following the expiration of the period for filing challenges to the adoption of this Ordinance and Ordinance No. 17-2013/14 pursuant to Section 4-19-20(6) of the Code.
5. Council has determined to create the Florence County Fire Protection District (the "District"), to approve the continuation of the annual levy and collection of ad valorem taxes for the operation and maintenance of the District, and to authorize the County to issue, from time to time by ordinance subsequent hereto, general obligations bonds of the County to finance capital improvements within and operational costs with respect to the District.
6. The Council specifically finds that the establishment of the District satisfies the requirements and conditions of §§4-19-10 and 4-19-20 of the Code and is now minded, in accordance with the specific authorization of §4-19-10(b) of the Code, to create and establish the District to comprise, embrace, and consist of the aggregate area previously contained within the boundaries of the Prior Districts, such area comprising, embracing and consisting of the entire unincorporated area of the County save and except the area of the South Lynches Fire District and including the areas within the municipal limits of the Towns of Quinby, Olanta, and Pamplico, and Johnsonville. Reference is made to the Council Ordinance 18-81/82, Ordinance 11-87/88 as amended by Ordinance 14-94/95, Ordinance 25-92/93 as amended by Ordinance 18-2001/02, Ordinance 31-2006/07, Ordinance 18-2010/11, and the County Tax Map maintained by the Florence County

Tax Assessor for a description of the area comprised by each of the Prior Districts, and a map of the District available on the County website at [www.florenceco.org/](http://www.florenceco.org/)\_\_\_\_\_.

7. Each of the Prior Districts is served by a nonprofit volunteer fire department operating as a nonprofit corporation, including the Windy Hill/Olanta District being served by two separate departments with designated areas within the Windy Hill/Olanta District. Council wishes to maintain the provision of fire service by the applicable nonprofit volunteer fire department in each of the Prior Districts upon the same terms, subject to the entry by the County into contracts with each such volunteer fire department for such service (which contracts shall include, without limitation, mechanisms to assure financial transparency and accountability on the part of the volunteer fire department in question), as each such volunteer fire department presently serves the applicable Prior District, notwithstanding the creation of the District as a new tax district with respect to the areas comprised by the Prior Districts.

**NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:**

1. Pursuant to the provisions of Section 4-19-10, *et seq.*, the District is created and established as a Special Tax Fire District, such creation and establishment to become effective following the expiration of the period for filing challenges to the adoption of this Ordinance pursuant to Section 4-19-20(6) of the Code.
2. Florence County Code, Chapter 12, Article II, Fire Districts, is hereby deleted in its entirety and replaced with language attached hereto and incorporated by reference, such deletion and replacement to become effective upon the effective date of the dissolution of the Prior Districts and the creation of the District as set forth in paragraph (1) above.
3. Any person affected by the action of Council in adopting this Ordinance may, by action de novo instituted in the Court of Common Pleas for Florence County, within twenty (20) days following the last publication of the notice of action taken, but not afterwards, challenge this action of Council. The notice of action taken shall be published once a week for two (2) successive weeks in the *Morning News* following adoption of this Ordinance in substantially the form attached hereto.
4. Provisions in other Florence County Ordinances in conflict with this Ordinance are hereby repealed.
5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provision or application of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

James T. Schofield, Chairman

COUNCIL VOTE:

OPPOSED:

Approved as to Form and Content

ABSENT:

D. Malloy McEachin, Jr., County Attorney

**ARTICLE II. FLORENCE COUNTY FIRE PROTECTION DISTRICT**

**Sec. 12-1. Created; boundaries.**

There is hereby created the Florence County Fire Protection District (the "District"), which shall comprise, embrace, and consist of the area contained within the boundaries of the Sardis-Timmonsville Rural Fire Protection District, the Howe Springs Fire District, the Hannah-Salem-Friendfield Fire District, the Windy Hill/Olanta Rural Fire District, the West Florence Rural Fire District, and the Johnsonville Rural Fire District on \_\_\_\_\_ [date of adoption of Ordinance], such area comprising, embracing and consisting of the entire unincorporated area of the County save and except the area of the South Lynches Fire District and including the areas within the municipal limits of the Towns of Quinby, Olanta, and Pamplico, and Johnsonville. Reference is made to the Council Ordinance 18-81/82, Ordinance 11-87 /88 as amended by Ordinance 14-94/95, Ordinance 25-92/93 as amended by Ordinance 18-2001/02, Ordinance 31-2006/07, Ordinance 18-2010/11, and the County Tax Map maintained by the Florence County Tax Assessor for a description of the area comprised by each of the such Prior District and for the area contained within municipal limits of the Towns of Quinby, Olanta, and Pamplico, and Johnsonville, and a map of the District available on the County website at [www.florenceco.org/](http://www.florenceco.org/)\_\_\_\_\_.

**Sec. 12-2. Purpose.**

The District is created and established for the purpose and function of providing rural fire protection and rescue services therein. Council is hereby authorized to exercise all powers and to perform all duties necessary to the proper rendering of rural fire protection and rescue services therein.

**Sec. 12-3. Administration of District.**

The District shall be administered as an administrative division of the County under the direction of the County's Fire/Rescue Services Coordinator or such other official or department as the County may from time to time designate. Such County official charged with the direction of the District shall be advised by those Advisory Committees established by Council Ordinance 05-2013/14 enacted September 19, 2013, which ordinance is incorporated herein by reference.

**Sec. 12-4. Contracts with Volunteer Fire Departments.**

(a) With respect to the provision of fire service within the District, the County shall contract with each of the volunteer fire departments organized as nonprofit corporations that as of the date of this Ordinance is serving the Prior Districts, respectively, for service within the area of the applicable Prior District (or area within the Prior District as is the case with respect to the Windy Hill/Olanta District) as comprised by the District. Each such contract shall provide that such for service must be on terms substantially similar to those in effect between each of the nonprofit volunteer fire departments and the applicable prior District as of the effective date of this Ordinance, subject to the entry by the County into contracts with each such volunteer fire department for such service (which contracts shall include, without limitation, mechanisms to assure financial transparency and accountability on the part of the volunteer fire department in question), and such existing contracts as are deemed applicable and compliant with the terms of this Ordinance by the County Administrator may continue and are hereby ratified. Any substantial change in the terms of such service or the discontinuance of such service must be approved by subsequent ordinance of Council.

(b) The contracts with the nonprofit volunteer fire departments shall provide for the departments to operate as independent contractors providing fire and emergency service for the Florence County Fire Protection District in accordance with the contractual terms.

**Sec. 12-5. Annual tax levy for operation and debt service**

In order to provide for the operation and debt service of the function of the District, there is hereby authorized annual levies by the Auditor of Florence County and the collection by the Treasurer of Florence County of an ad valorem tax for each fiscal year as the Council may determine for the operation and debt service of the District. The levies within the District for the operation and debt service of the District shall be as prescribed in the County's annual budget.

In addition to or in lieu of the levy of ad valorem taxes, Council may authorize the imposition of appropriate rates and charges within the District for operation and debt service of the District.

**Sec. 12-6. Issuance of general obligation bonds.**

In order to provide fire protection services and facilities therefor within the District, the County may issue, without election and from time to time, general obligation bonds by the County on behalf of the District, such bonds to be payable from ad valorem taxes collected within the District.

**Sec. 12-7 – 12.20. Reserved.**

DRAFT

NOTICE OF ACTION TAKEN  
BY THE FLORENCE COUNTY COUNCIL  
CONCERNING THE CREATION AND ESTABLISHMENT  
OF THE FLORENCE COUNTY FIRE PROTECTION DISTRICT

Pursuant to the provisions of Sections 4-19-10 et seq. of the Code of Laws of South Carolina, 1976, as amended (the "Enabling Act"), the Florence County Council ("Council") conducted a public hearing in the County Council Chambers, Florence County, South Carolina, on \_\_\_\_\_, 2014 at \_\_\_\_\_ on the question of the creation and reestablishment of the Florence County Fire Protection District (the "District").

Following the aforesaid public hearing, Council did on the \_\_ day of \_\_\_\_\_, 2014 give third and final reading to an Ordinance entitled "An Ordinance To Create And Establish The Florence County Fire Protection District In Florence County, South Carolina Pursuant To Title 4, Chapter 19 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And The Imposition Of Rates And Charges For The Operation And Maintenance Thereof, To Authorize The Issuance Of General Obligation Bonds On Behalf Of The District From Time To Time, And Other Matters Relating Thereto" (the "Ordinance").

The Ordinance authorizes the creation and establishment of the District which shall comprise, embrace, and consist of the area contained within the boundaries of the Sardis-Timmonsville Rural Fire Protection District, the Howe Springs Fire District, the Hannah-Salem-Friendfield Fire District, the Windy Hill/Olanta Rural Fire District, the West Florence Rural Fire District, and the Johnsonville Rural Fire District, such area comprising, embracing and consisting of the entire unincorporated area of the County save and except the area of the South Lynches Fire District and including the areas within the municipal limits of the Towns of ~~Quinby, Olanta, and Pamplico, and Johnsonville.~~ Reference is made to the Council Ordinance 18-81/82, Ordinance 11-87 /88 as amended by Ordinance 14-94/95, Ordinance 25-92/93 as amended by Ordinance 18-2001/02, Ordinance 31-2006/07, Ordinance 18-2010/11, and the County Tax Map maintained by the Florence County Tax Assessor for a description of the area comprised by each of the such Prior District and for the area contained within municipal limits of the Towns of ~~Quinby, Olanta, and Pamplico, and Johnsonville.~~ and a map of the District available on the County website at [www.florenceco.org/](http://www.florenceco.org/)\_\_\_\_\_

Pursuant to the provisions of the Enabling Act, the Council shall be authorized to levy ad valorem taxes within the area of the District to the extent necessary to defray the cost of constructing and equipping fire protection facilities within the District and to pay for maintenance and operation of such fire protection system. In addition to or in lieu of the levy of ad valorem taxes, Council may authorize the imposition of appropriate rates and charges within the District for operation and maintenance of the District. The Council shall be further authorized to issue general obligation bonds of Florence County, payable from ad valorem taxes levied within the District, for the purpose of providing fire protection therein.

Notice of this Action is being published once a week for two successive weeks in the *Morning News*.

Any person affected by this action of the Florence County Council may, by action de novo instituted in the Court of Common Pleas for Florence County, within twenty (20) days following the last publication of this Notice, but not afterwards, challenge this action of the Florence County Council.

FLORENCE COUNTY COUNCIL

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

I, the undersigned, Clerk to Florence County Council, South Carolina ("County Council"), **DO HEREBY CERTIFY:**

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by County Council on \_\_\_\_\_, 2014. The Ordinance was read at three public meetings of County Council on three separate days, \_\_\_\_\_, 2013, \_\_\_\_\_, 2014, and \_\_\_\_\_, 2014. An interval of at least seven days occurred between each reading of the Ordinance. At each such meeting, a quorum of County Council was present and remained present throughout the meeting.

The meetings held on \_\_\_\_\_, 2013, \_\_\_\_\_, 2014, and \_\_\_\_\_, 2014 were regular meetings of County Council, for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act").

The original of the Ordinance is duly entered in the permanent records of the County, in my custody as Clerk.

The Ordinance is now of full force and effect, and has not been modified, amended or repealed.

**IN WITNESS WHEREOF**, I have hereunto set my Hand and the Seal of Florence County, South Carolina, this \_\_\_\_ day of \_\_\_\_\_, 2014.

(SEAL)

\_\_\_\_\_  
Clerk to Florence County Council,  
South Carolina

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

