ORDINANCE NO. 21-2018/19

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Amend The Boundaries Of The Florence County Fire Protection District In Florence County, South Carolina, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And/Or The Imposition Of Fees For The Operation And Maintenance Thereof, To Approve The Issuance Of General Obligation Bonds On Behalf Of The District, And Other Matters Relating Thereto.)
BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, AS FOLLOWS:

ARTICLE I

FINDINGS OF FACT

As an incident to the adoption of this Ordinance, and the amendment of the boundaries of the Florence County Fire Protection District, Florence County Council (the “Council”), the governing body of Florence County, South Carolina (the “County”), finds that the facts set forth in this Article exist, and the statements with respect thereto herein made, are true and correct.

Section 1.01

Pursuant to the provisions of Chapter 19 of Title 4 of the Code of Laws of South Carolina, 1976, as amended (the “Enabling Act”), the Council 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.

Pursuant 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,” dated May 15, 2014 (the “Fire District Ordinance”), the Council created the Florence County Fire Protection District (the “District”). The District presently consists of the areas of the County described in the Fire District Ordinance.

Section 1.02

The Town of Timmonsville has requested that the County, by and through the District, provide fire protection service within its municipal limits (the “Timmonsville Area”), and has agreed to cease the provision of such service if the Timmonsville Area is incorporated into the District. The Timmonsville Area (described on “Exhibit A” attached hereto), which is contiguous to the District, is not included within any existing fire protection district or special tax district for the purpose of fire protection, and there are no contracts for the provision of fire protection service between any resident of the Timmonsville Area and the Town of Timmonsville. Based on the Town of Timmonsville’s commitment not to provide or impose taxes or fees for the provision of fire protection service in the Timmonsville Area if the Timmonsville Area is incorporated into the District, the Council finds that the Timmonsville Area is not “being furnished” fire protection by any other political subdivision for the purposes of §4-19-10(b) of the Enabling Act, as construed by the Supreme Court of South Carolina in the case of Carolina Power & Light Co. v. Darlington County, 315 S.C. 5, 393 S.E.2d 580 (1993).

Council has therefore found that it is in the best interests of the County, the Timmonsville Area, and the District to amend the boundaries of the District to include the Timmonsville Area, to approve 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 the District.
Section 1.03

Prior to the designation of an area as a service area or district as authorized by the provisions of the Enabling Act, the Council is required to conduct a public hearing after notice of such hearing has been published in a newspaper of general circulation in the County for three successive weeks prior to the date of the public hearing. In accordance with such requirement, the Council adopted a resolution on May 16, 2019, the provisions of which ordered that a public hearing be held on May 16, 2019 upon the question of the amendment of the boundaries of the District to include within the District the Timmonsville Area. Notice of this hearing was published in the Florence Morning News once a week during each of the three weeks prior to the public hearing and included the time, date and location of the hearing as well as a description of the proposed areas (1) within which fire protection services will be rendered, (2) within which ad valorem taxes will be levied in order that sufficient moneys may be raised to defray the cost of operation and maintenance with regard to such services, and (3) within which ad valorem taxes will be levied to pay general obligation bonds of the County payable from an ad valorem tax levied therein for the purpose of providing fire protection.

Section 1.04

The Council specifically finds that the establishment of the District, as enlarged hereby, satisfies the requirements and conditions of §§4-19-10 and 4-19-20 of the Enabling Act and is now minded, in accordance with the specific authorization of §4-19-10(b) of the Enabling Act, to amend the boundaries of the District to include the Timmonsville Area.

ARTICLE II

AMENDMENT OF THE BOUNDARIES OF THE FLORENCE COUNTY FIRE PROTECTION DISTRICT

Section 2.01

The Fire District Ordinance is hereby amended to include the Timmonsville Area as described in “Exhibit A” attached hereto. Except as amended hereby, the Fire District Ordinance shall continue of full force and effect.

Section 2.02

Effective as of the adoption of this Ordinance, the metes and bounds of the District are expanded hereby (herein, the “Expanded District”), to include the Timmonsville Area.

ARTICLE III

CONTINUING AUTHORIZATION TO LEVY AND COLLECT AD VALOREM TAX AND IMPOSE FEES FOR OPERATION AND MAINTENANCE

Section 3.01

In order to provide for the operation and maintenance of the function of the Expanded District, Council provided in the Fire District Ordinance for the annual levy by the Auditor of Florence County and
the collection by the Treasurer of Florence County an ad valorem tax and/or fire protection fees for each fiscal year as the Council may determine for the operation and maintenance of the Expanded District. Said taxes and/or fees shall continue to be levied and collected as provided in the Fire District Ordinance against all property located within the Expanded District, as amended by this Ordinance.

ARTICLE IV

CONTINUING AUTHORIZATION TO
ISSUE GENERAL OBLIGATION BONDS ON BEHALF OF THE DISTRICT

Section 4.01

In order to provide for the facilities of the Expanded District, Council provided in the Fire District Ordinance for the issuance, without election and from time to time, of general obligation bonds by the County on behalf of the Expanded District, such bonds to be payable from ad valorem taxes collected within the Expanded District. Said authorization shall continue as provided in the Fire District Ordinance, as amended by this Ordinance.

ARTICLE V

PUBLIC HEARING

Section 5.01

In accordance with Section 4-19-20, Code of Laws of South Carolina, 1976, as amended, a public hearing shall be held prior to the third and final reading of this Ordinance. The proper officers of Florence County are hereby authorized to provide due notice of this hearing and to conduct such hearing in accordance with the applicable rules and regulations of the Council.

ARTICLE VI

NOTICE OF ACTION TAKEN

Section 6.01

In accordance with Section 4-19-20 of the Enabling Act, there shall be provided a notice of the action of the Council in adopting this Ordinance, which notice shall be published for two successive weeks in the Florence Morning News. The form of this notice is attached hereto as “Exhibit B.”

ARTICLE VII

SAVING PROVISION

Section 7.01

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.
ARTICLE VIII

DIRECTION TO INDEX

Section 8.01

This Ordinance shall be forthwith codified in the Code of Florence County Ordinances as required by law and the same shall be indexed under the heading “Florence County, Florence County Fire Protection District - Amendment of Boundaries.”

ATTEST:

Connie Y. Haselden, Clerk to County Council

Waymon Mumford, Chairman

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

COUNCIL VOTE: approved
OPPOSED:
ABSENT:
STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

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

That the foregoing constitutes a true, correct and verbatim copy of Ordinance No. 21-2018/19 adopted by the County Council on May 23, 2019. The Ordinance was read at three public meetings of the County Council on three separate days, April 18, 2019, May 16, 2019 and May 23, 2019. An interval of at least seven days occurred between each reading of the Ordinance. At each such meeting, a quorum of the County Council was present and remained present throughout the meeting.

The meetings held on April 18, 2019 and May 16, 2019 were regular meetings of the 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 meeting held on May 23, 2019, was a duly called special meeting of the County Council. As required by the Freedom of Information Act, a notice of said meeting (including the date, time, and place thereof, as well as an agenda) was posted prominently in the Administrative Building of the County at least twenty-four hours prior to said meeting. In addition, the local news media and all persons requesting notification of meeting of the County Council were notified of the time, date, and place of such meeting, and were provided with a copy of the agenda therefor at least twenty-four hours in advance of such meeting.

The original of the Ordinance is duly entered in the permanent records of County Council, 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 23rd day of May, 2019.

(SEAL)

Clerk to Florence County Council,
Florence County, South Carolina
The entire area comprised of by the corporate limits of the Town of Timmonsville.
NOTICE OF ACTION TAKEN
BY THE FLORENCE COUNTY COUNCIL
CONCERNING THE AMENDMENT OF THE BOUNDARIES 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 Complex at 180 North Irby Street, Florence County, South Carolina, on May 16, 2019 at 9:00 a.m. on the question of the boundaries of the Florence County Fire Protection District.

Following the aforesaid public hearing, Council did on the ___ day of May, 2019 give third and final reading to an Ordinance entitled “An Ordinance To Amend The Boundaries Of The Florence County Fire Protection District In Florence County, South Carolina, To Approve The Annual Levy And Collection Of Ad Valorem Taxes and/or the Imposition of Fees For The Operation And Maintenance Thereof, To Approve The Issuance Of General Obligation Bonds On Behalf Of The District, And Other Matters Relating Thereto” (the Ordinance).

The Ordinance authorizes the amendment of the boundaries of the Florence County Fire Protection District to include within the Florence County Fire Protection District all properties situated in the following area:

Entire area within the corporate limits of the Town of Timmonsville.

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 the County, payable from an ad valorem tax 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 Florence 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
NOTICE OF PUBLIC HEARING ON THE
QUESTION OF THE AMENDMENT OF THE
BOUNDARIES OF THE FLORENCE COUNTY FIRE
PROTECTION DISTRICT.

Pursuant 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,” dated
May 15, 2014 (the “Fire District Ordinance”),
Florence County Council (the “Council”)
created the Florence County Fire Protection
District (the “District”). The District consists
of the areas described in the Fire District
Ordinance.

The Council presently proposes to amend the
Fire District Ordinance and thereby expand
the boundaries of the District to include the
following area immediately adjacent to the
District:

Entire area within the corporate limits of the
Town of Timmonsville.

Accordingly, notice is hereby given that a
public hearing will be held in County Council
Chambers, located on the 8th Floor, Room 803
in the County Complex at 180 North Irby
Street, Florence, South Carolina at 5:00 p.m.
on Thursday, May 16, 2019, in conjunction
with a regularly scheduled meeting of the
County Council, for the purpose of
determining whether the area described
above shall be included in the District and
related matters.

Pursuant to the provisions of the Enabling
Act, the County 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 County Council
shall be further authorized to issue general
obligation bonds of Florence County, payable
from an ad valorem tax levied within the
District, for the purpose of providing fire
protection therein.

The aforesaid hearing shall be conducted
publicly and both proponents and opponents
of the proposed action shall be given full
opportunity to be heard in person or by
counsel.

FLORENCE COUNTY COUNCIL

Publisher of the
Morning News

This is to certify that the attached NOTICE OF PUBLIC HEARING was published in the Morning News in the City of Florence, state of South Carolina on the following dates:

05/01, 05/08, 05/15/2019

The first insertion being given ... 05/01/2019

Newspaper reference: 0001148145

Sworn to and subscribed before me this

5/15/19

[Signature]

Notary Public

Supervisor

State of South Carolina

My Commission expires 03/12/2029

[Signature]

Notary Public-State of South Carolina

My Commission Expires March 12, 2029

T A BILL. PLEASE PAY FROM INVOICE. THANK YOU
STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Personally appeared before me ___________ Carrie Lloyd__________

The Legal Clerk for the Morning News, a daily newspaper published in the City of Florence, County of Florence, and the State of South Carolina said that the attached advertisement was published on ___________ ___________ and ___________ 4/20/19 as shown by the files as said company.

_________________________
Carrie Lloyd

Sworn and subscribed before me this ___03/12/2019___ day of __April, 2019__

_________________________
Vanessa Munn NS

Notary Public South Carolina
Commissions expire: ___________ 03/12/2029_________