

12/2/03

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR, AND JOHNSON CONTROLS, INC., AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES

WHEREAS, Oconee County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, construct, or cause to be acquired or constructed by lease or otherwise, properties (which such properties constitute "projects" as defined in the Act) and to enter into agreements with any industry or business providing for the construction, operation, maintenance and improvement of such projects; to enter into or allow financing agreements with respect to such projects; to provide for payment of a fee in lieu of taxes pursuant to the Act; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") and will be promotal and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, the County is authorized by the Act to execute a fee in lieu of tax agreement, as defined in the Act, with respect to any such project; and

WHEREAS, Johnson Controls, Inc., a corporation duly incorporated under the laws of the State of Wisconsin (the "Company"), has requested the County to participate in executing an Inducement Agreement and Millage Rate Agreement, and a Fee Agreement pursuant to the Act for the purpose of authorizing and of acquiring and expanding, by construction and purchase, certain land, a building or buildings, and machinery, apparati, and equipment, for the purpose of the development of a manufacturing facility in which the minimum level of investment is not less than \$20,000,000 (the "Project"); all as more fully set forth in the Fee Agreement attached hereto; and

WHEREAS, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and, that the inducement of the location or expansion of the Project within the County and State is of paramount importance; and, that the benefits of the Project will be greater than the costs; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act; and

WHEREAS, the County Council has previously determined to enter into and execute the aforesaid Inducement Agreement and Millage Rate Agreement, and a Fee Agreement and to that end has, by its Resolution adopted on November 4, 2003, authorized the execution of an Inducement Agreement, which included a Millage Rate Agreement, and will by this County Council Ordinance, authorize a fee in lieu of tax agreement (the "Fee Agreement"); and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company which includes the agreement for payment of a payment in lieu of tax; and

WHEREAS, it appears that the instrument above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended;

NOW, THEREFORE, BE IT ORDAINED by Oconee County, South Carolina, as follows:

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State by assisting the Company to expand a manufacturing facility in the State, and acquire by acquisition or construction a building or buildings and various machinery, apparatus, and equipment, all as a part of the Project to be utilized for the purpose of a manufacturing facility, the execution and delivery of a Fee Agreement with the Company for the Project is hereby authorized, ratified and approved.

Section 2. It is hereby found, determined and declared by the County Council, as follows:

(a) Based solely upon representations of the Company, the Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act;

(b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County;

(c) The terms and provisions of the Inducement Agreement and Millage Rate Agreement are hereby incorporated herein and made a part hereof;

(d) The Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally;

(e) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either;

(f) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes;

(g) The inducement of the location or expansion of the Project within the County and State is of paramount importance; and,

(h) The benefits of the Project will be greater than the costs.

Section 3. The form, terms and provisions of the Fee Agreement presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement were set out in this Ordinance in its entirety. The Supervisor/Chairman of County Council and the Clerk of the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, upon the advice of counsel to the County, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

Section 4. The Supervisor/Chairman of the County Council and the Clerk of the County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 5. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 6. All orders, resolutions, ordinances 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 its passage and approval.

Passed and approved this 2nd day of December 2003.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
Harry R. Hamilton, Interim Supervisor/Chairman of
County Council Oconee County, South Carolina

ATTEST:

By: _____
Opal O. Green, Clerk to County Council
Oconee County, South Carolina

First Reading:	November 4, 2003
Second Reading:	November 18, 2003
Public Hearing:	December 2, 2003
Third Reading:	December 2, 2003

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND JOHNSON CONTROLS, INC. FOR GRANTING CERTAIN INFRASTRUCTURE CREDITS TO JOHNSON CONTROLS, INC.

WHEREAS, the County is authorized by the provisions of Title 4, Chapters 1 and 29 (jointly the "Act") of the Code of Laws of South Carolina, 1976, as amended (the "Code") to provide an infrastructure tax credit (the "Infrastructure Credit"), secured by and payable solely from revenues of the County from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Chapter 1 and Title 12, Chapter 44 of the Code, for the purpose of defraying a portion of the cost of designing, acquiring, constructing, improving or expanding the infrastructure serving the County in order to enhance the economic development of the County; and

WHEREAS, the County and Pickens County have established or will establish a joint county industrial and business park (the "Park") by entering into an Agreement for Development for a Joint County Industrial Park (the "Park Agreement") in which the Project (herein below defined) will be included; and

WHEREAS, in accordance with the provisions of an Inducement Agreement dated as of November 4, 2003, by and between Johnson Controls Inc., a corporation duly incorporated and existing under the laws of the State of Wisconsin (the "Company") and the County, the Company has determined that it desires to construct and/or expand a manufacturing facility, which facility will consist of certain land, buildings and equipment located in the County and associated with the infrastructure to be owned, leased or used by the Company (the "Infrastructure") and to be located on the real property described in Exhibit A attached hereto (the "Project"); and

WHEREAS, pursuant to the provisions of the Fee in Lieu of Tax Agreement (the "Fee Agreement") to be entered into between the County and the Company, the Company is obligated (i) to make or cause to be made payments in lieu of taxes ("Fee Payments"), (ii) to maintain the Project in good repair at its own expense and (iii) to carry all proper insurance with respect thereto; and

WHEREAS, having determined that the Project will provide public benefits incident to conducting manufacturing facility operations, and in order to implement the public purposes enumerated in the Act and in furtherance thereof to assist the Company in expanding and maintaining a facility within the State of South Carolina (the "State"), the County has agreed to assist in financing a portion of the costs of the Infrastructure through an Infrastructure Credit in an amount equal to Twenty-five (25%) percent of the Fee

Payments paid by the Company in the Park in the County pursuant to the Fee Agreement for each of the first ten (10) years.

NOW, THEREFORE, BE IT ORDAINED by Geesee County, South Carolina, as follows:

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State by assisting the Company to expand a manufacturing facility in the State, the financing of the Infrastructure by the County through the Infrastructure Credit is hereby authorized, ratified and approved.

Section 2. Pursuant to the authority of the Act, there is hereby authorized to be provided, and shall be provided, the Infrastructure Tax Credit of the County to the Company in the amount of Twenty-five (25%) percent of the Fee Payments for the first ten (10) years of fee in lieu of tax payments on the Project in the Park, up to, but not exceeding, the total cost of the Infrastructure.

Nothing in this ordinance shall be construed as an obligation or commitment by the County to expend any of its funds other than the portion of Fee Payments represented by the Infrastructure Credit derived by the County which shall be payable solely as a credit against Fee Payments due by the Company to the County for the Project in the Park.

The County has determined that the purposes to be accomplished by the Project are proper governmental and public purposes and that the inducement of the location of the Project within the State is of paramount importance and the benefits of the Project are greater than the cost, and that the Project is anticipated to benefit the general public welfare of the County in that the proposed Project will provide services, employment, and other public benefits not otherwise provided locally, and that the Project will give rise to no pecuniary liability of the County, or a charge against its general credit or taxing power.

Section 3. The Supervisor/Chairman of the County Council and the Clerk of the County Council and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 4. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such 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 its passage and approval.

Passed and approved this 2nd day of December 2003.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
Harry R. Hamilton, Interim Supervisor/Chairman of
County Council, Oconee County, South Carolina

ATTEST:

By: _____
Opal O. Green, Clerk to County Council
Oconee County, South Carolina

First Reading: November 4, 2003
Second Reading: November 18, 2003
Public Hearing: December 2, 2003
Third Reading: December 2, 2003

OCONEE COUNTY COUNCIL

ORDINANCE NUMBER 2003-25

AN ORDINANCE TO ABOLISH THE OFFICE OF TAX COLLECTOR FOR OCONEE COUNTY AND TO DEVOLVE THE POWERS, DUTIES AND RESPONSIBILITIES FORMERLY EXERCISED BY THE OFFICE OF TAX COLLECTOR FOR OCONEE COUNTY UPON THE DELINQUENT TAX DIVISION, A DIVISION OF THE FINANCE DEPARTMENT FOR OCONEE COUNTY.

WHEREAS the Office of Tax Collector for Oconee County was created, established, and given all the powers formerly vested in the Sheriff of Oconee County as to the collection of delinquent taxes and the seizure and sale of property under tax executions; and

WHEREAS the Oconee County Council wishes to abolish the Office of Tax Collector for Oconee County as an elected position and devolve the powers, duties, and responsibilities formerly exercised by the Office of Tax Collector for Oconee County upon the Delinquent Tax Division, a division of the Oconee County Finance Department, be it therefore ordained as follows:

SECTION 1. AUTHORITY.

1.1 Pursuant to the authority contained in Section 4-9-30 of the Code of Laws of South Carolina, 1976, as amended, to establish such agencies, departments, boards, commissions and positions in the county as may be necessary and proper to provide services of local concern for public purposes, to prescribe the functions thereof and to

regulate, modify, merge or abolish any such agencies, departments, boards, commissions and positions, except as otherwise provided, the County Council of Oconee County hereby abolishes the Office of Tax Collector for Oconee County and devolves all duties and responsibilities of the Office of Tax Collector for Oconee County upon the Delinquent Tax Division, a division of the Oconee County Finance Department, upon the effective date of this Ordinance.

SECTION 2: RESPONSIBILITY

2.1: Duties and Responsibilities.

2.1.1: All powers, duties and responsibilities heretofore exercised by the Office of Tax Collector for Oconee County shall now be devolved upon the Delinquent Tax Division, a division of the Oconee County Finance Department, including but not limited to the following:

2.1.2: Transfer executions.

All the powers formerly vested in the Office of Tax Collector for Oconee County as to the collection of delinquent taxes and the seizure and sale of property under tax executions are conferred upon the Delinquent Tax Division, a division of the Oconee County Finance Department, and the Delinquent Tax Manager, an appointed position within the Delinquent Tax Division, is hereby empowered with full authority to execute and administer the laws pertaining to the collection of delinquent taxes and executions issued thereon, as formerly devolved upon the Office of Tax Collector for Oconee County.

2.1.3: Tax executions – levy and sale.

Immediately upon the expiration of the time allowed by law for the payment of taxes in any year, the county treasurer of Deoage County shall issue, in the name of the State, a warrant or execution in duplicate against each defaulting taxpayer in the county, signed by him/her in his/her official capacity, directed to the Delinquent Tax Manager of the County, or any agent of his/hers, requiring and commanding him/her to levy the warrant or execution by distress and sale of so much of the defaulting taxpayer's estate, real, personal or both, as may be sufficient to satisfy the taxes, State, school, county and special, of such defaulter, specifying therein the aggregate amount of all such taxes, as well as the amount due each fund.

2.1.4: Duties as to property erroneously listed or not listed.

The Delinquent Tax Division and the Delinquent Tax Manager, shall assist the auditor in striking off the tax books such property and listings as appear in error or duplication. The Delinquent Tax Manager shall report to the County Auditor and the Board of Tax Assessors any personal or real property which he/she finds is not listed or which is undervalued or overvalued on the tax books and shall cause such property as is not listed to be entered upon the tax books and assessed at a fair value in relation to other property of its kind. The actions of the Delinquent Tax Manager in this regard shall be subject to review by the County Board of Assessors.

2.1.5: Assist in collecting motor vehicle tax.

The Delinquent Tax Division shall make special effort to have all motor vehicles properly listed on the tax books.

2.1.6: Reports.

The Delinquent Tax Manager shall prepare a statement showing separately the amount of taxes, fees, costs and penalties collected by him/her, and by whom paid, during each calendar month and, not later than the fifteenth day of the month next succeeding the month for which the statement is made, file one copy thereof with the county auditor and one with the County Treasurer, and at the same time pay over to the County Treasurer all such amounts as have been collected by him/her.

2.1.7: Executions nulla bona.

All executions ascertained to be uncollectible shall be reported to the county treasurer and county auditor who may, upon the recommendation of the Delinquent Tax Manager, enter such executions nulla bona and relieve the Delinquent Tax Manager of liability therefor.

2.1.8: General

The Delinquent Tax Division shall be a division of the Oconee County Finance Department and shall be supervised by the Finance Director of Oconee County. The Delinquent Tax Manager shall perform those duties set forth in this Ordinance and such other duties as prescribed by the Oconee County Finance Director, the Chief Administrative Officer of Oconee County and/or the Oconee County Council.

SECTION 3: SEVERABILITY REPEALER AND TIME EFFECTIVENESS

3.1: Severability.

If any word, term, provision of section hereof is determined to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, the remaining words, terms, provisions and sections shall not be affected thereby and shall remain in full force and effect.

3.2: Repealer.

All ordinances or portions of ordinances inconsistent herewith are hereby repealed as of the effective date hereof.

3.3: Time Effective.

This ordinance shall take effect upon its approval by County Council and upon the vacancy of the office of Tax Collector on January 1, 2005, whichever first occurs.

APPROVED AND ADOPTED ON FIRST READING this 18th day of November, 2003 by a vote of _____ yes to _____ no.

Council Clerk

APPROVED AND ADOPTED ON SECOND READING this _____ day of _____, 2003 by a vote of _____ yes to _____ no.

Council Clerk

APPROVED AND ADOPTED ON THIRD AND FINAL READING this _____ day of _____, 2003 by a vote of _____ yes to _____ no.

Interim Supervisor-Chairman
Geonee County Council

Attest:

Council Clerk

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

OCONEE COUNTY COUNCIL ORDINANCE NO. 2003-26

AN ORDINANCE CREATING THE OCONEE COUNTY PARKS AND TOURISM COMMISSION, AND REPEALING OCONEE COUNTY ORDINANCE NO. 99-6, AN ORDINANCE CREATING THE OCONEE COUNTY TOURISM PROMOTION COMMISSION.

BY OCONEE COUNTY COUNCIL, in session, duly assembled and with a quorum present and voting.

BE IT ORDAINED:

Section 1: Name, Purpose, Effective Date.

This Ordinance shall be known, in addition to the number, as "An Ordinance Creating the Oconee County Parks and Tourism Commission and Repealing Oconee County Ordinance No. 99-6, an Ordinance Creating the Oconee County Tourism Promotion Commission", and shall be effective upon third and final reading.

The purpose of this Ordinance is to create the Oconee County Parks and Tourism Commission, with the duties and authorities herein provided, and eliminate the Oconee County Tourism Promotion Commission.

Section 2: Membership.

The membership of the Oconee County Parks and Tourism Commission shall be five (5) in number, selected and appointed by a majority vote of the membership of Oconee County Council voting in Council duly assembled, with one (1) member being selected from each of the five Council Districts in existence and as delineated at the time of the adoption of this Ordinance. PROVIDED, HOWEVER, if after an appointment of a member to represent a particular Council District of Oconee County to this Commission, such District is altered then such member shall continue to serve thereon for the remainder of the term to which he is appointed, irrespective of his place of residence. PROVIDED, FURTHER, HOWEVER, if or in the event the County be further divided into additional Districts, additional appointments of members to the Commission to represent the newly created District may be made by County Council without further action.

Should any member of this Commission move and establish residence outside the County or the District where such member was residing at the time of the appointment to this Commission, such moving shall constitute a resignation by the member and a

replacement member(s) shall be appointed to fill the unexpired term of such resigned member.

Section 3: Term of Members.

Each member shall serve for a term of four (4) years, EXCEPT that the initial term of those members selected to represent Districts Two (2), Five (5), and Four (4) shall be for a period of two (2) years, and for Districts One (1), and Three (3) shall be for a period of four (4) years, and thereafter all members shall serve for a four (4) year term or until their successors in office are duly appointed.

If or in the event any member of the Commission shall fail to attend fifty (50%) percent of the regularly scheduled meetings within a period of twelve (12) calendar months, he shall be deemed to have resigned his position and may be replaced without notice by action of the Oconee County Council. PROVIDED, HOWEVER, if such absences are excused by the Chairman of the Commission and/or the Chief Administrative Officer of Oconee County, then this provision may be waived.

Members of the Oconee County Parks and Tourism Commission may be removed at any time by majority vote of the Oconee County Council for cause.

Section 4: Organization, Meeting, Officers.

The Oconee County Parks and Tourism Commission shall meet at least once each month, at a time and place selected by the membership thereof, excepting that upon vote of a majority of its members, meetings for June and July may be suspended and waived.

At the January meeting of each even-numbered year, there shall be elected a Chairman, a Vice Chairman and a Secretary, together with such other officers as the Commission may deem necessary, and these officers shall serve for a period two (2) years or until their successors are duly elected and qualified. Vacancies in any such office by reason of death, resignation or replacement shall be filled for the unexpired term of the officer whose position becomes vacant.

In addition, the Commission may duly adopt such By-Laws as may be necessary for the orderly performance of its duties and functions. And By-Laws which may be adopted by the Commission for the orderly performance of its duties shall comply with the provisions of the general law of the State of South Carolina and of this Ordinance, and of all other Ordinances of Oconee County, including but not limited to the Freedom of Information Act.

Section 5: Powers and Duties

The duties of the Oconee County Parks and Tourism Commission shall be, inter alia, as follows:

a) To advise Oconee County Council on any matter affecting the County parks and tourism in the County; the encouragement of tourism in the County; to cooperate and assist the Oconee County Recreation Commission with an overall plan for attracting tourists to the County. Such advice shall be made in the form of a written report to Council, monthly, summarizing the activities, findings and functions of the Commission, together with the agenda for the next meeting, all of which shall be in the hands of the Supervisor of Oconee County or his designee within a reasonable time. In no event, however, shall this Commission enter into any contracts, contractual obligations, employment of personnel, purchase of equipment or expenditure of funds not itemized and authorized in the budget under which it shall operate, without prior written consent, affirmation and authorization of Oconee County Council. In any event, the power and authority to enter into any contract binding Oconee County is vested with and shall remain in the Chief Administrative Officer of Oconee County and the Oconee County Council and is not herein delegated to this Commission.

b) To participate in the formulation of the budget and budgetary appropriations affecting the areas of concern of this Commission.

c) To prepare plans and recommendations to Oconee County Council in the area of its activity, with recommendations for the implementation of such plans.

d) To advise and recommend the employment of County employees to County Council, whose employment is within the area and scope of its activities.

e) To generally advise Oconee County Council on any matter within the scope of its activities, which would tend to improve the efficiency and beneficial operation of the County government in the field of activity with which the Commission is concerned.

Any advice or recommendations to Oconee County Council may be prepared and presented orally by the Chairman of the Commission at a regularly scheduled meeting of Council after due notice for agenda purposes, or in writing forwarded to the Chief Administrative Officer of Oconee County Council for dissemination to Council members.

Section 6: Salaries and Funding.

Each member of the Oconee County Parks and Tourism Commission shall be paid the sum of one hundred (\$100.00) dollars per year, plus expenses for out of County travel, as sole compensation. Any expense item or claim for same shall be first approved by the Chairman of the Commission unless the same is made by such Chairman and submitted for approval and payment to the County Council. In no event shall any member of the Commission be entitled to any other compensation, direct or indirect, for services on the Commission and such member shall not provide any services, materials, products, goods or equipment to the County unless the same is sold or offered for sale in accordance with existing County and State purchasing procedures.

In the event that a member of the Commission is a permanent employee of
Oconee County, he shall not be entitled to any additional compensation by reason of such
service on the Commission.

DONE AND RATIFIED on First Reading this _____ day of
_____, 2003, by a vote of _____ Yes, _____ No.

Opal O. Green, Council Clerk

DONE AND RATIFIED on Second Reading this _____ day of
_____, 2003, by a vote of _____ Yes, _____ No.

Opal O. Green, Council Clerk

DONE AND RATIFIED on Third Reading this _____ day of
_____, 2003, by a vote of _____ Yes, _____ No.

Harry Hamilton
Supervisor-Chairman
Oconee County Council

Attest:

Opal O. Green, Council Clerk

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

OCONEE COUNTY COUNCIL ORDINANCE NO. 2003-27

AN ORDINANCE AMENDING ORDINANCE 99-7 TO CHANGE THE NAME OF THE COMMISSION CREATED THEREUNDER FROM THE OCONEE COUNTY PARKS AND RECREATION COMMISSION TO THE OCONEE COUNTY RECREATION COMMISSION AND TO PROVIDE FOR THE FUNCTION, POWERS AND DUTIES THEREOF AND OTHER MATTERS RELATING THERETO.

WHEREAS, Ordinance No. 99-7 created the Oconee County Parks and Recreation Commission and set forth the name, function, powers and duties of said Commission; and

WHEREAS, by Ordinance No. 2003-26, the Oconee County Council did establish and create the Oconee County Parks and Tourism Commission, whose duties, powers and functions are set forth in said Ordinance; and

WHEREAS, the governing body of Oconee County, so as to avoid duplication of effort and in the interest of the economy, has determined that it is necessary to re-define the function, powers and duties of the Oconee County Parks and Recreation Commission as created by Ordinance 99-7; and

NOW, THEREFORE, be it ordained, that Ordinance 99-7 is hereby amended to provide as follows:

Section 1: Name, Purpose, Effective Date.

This Ordinance shall be known, in addition to the number as "An Ordinance Amending Ordinance 99-7 to change the name of the Commission created thereunder from the Oconee County Parks and Recreation Commission to the Oconee County Recreation Commission and to provide for the function, powers and duties thereof and other matters relating thereto" and shall be effective upon third and final reading.

The purpose of this Ordinance is to change the name of the Oconee County Parks and Recreation Commission to the Oconee County Recreation Commission and to set forth the duties and authorities herein provided.

Section 2: Membership.

The membership of the Oconee County Recreation Commission shall be five (5) in number, selected and appointed by a majority vote of the membership of Oconee County Council voting in Council duly assembled, with one (1) member being selected from each of the five (5) Council Districts in existence and as delineated at the time of the adoption of this Ordinance. PROVIDED, HOWEVER, if after an appointment of a member to represent a particular Council

District of Oconee County to this Commission, such District is altered then such member shall continue to serve thereon for the remainder of the term to which he is appointed, irrespective of his place of residence. PROVIDED FURTHER, HOWEVER, if or in the event the County be further divided into additional Districts, additional appointments of members to the Commission to represent to newly created District may be made by County Council without further action.

Should any member of this Commission move and establish residence outside the County or the District where such member was residing at the time of the appointment to this Commission, such moving shall constitute a resignation by the member and a replacement member shall be appointed to fill the unexpired term of such resigned member.

Section 3: Term of Members

Each member shall serve for a term of four (4) years EXCEPT that the initial term of those members selected to represent Districts Two (2), Five (5), and Four (4) shall be for a period of two (2) years, and for Districts one (1) and Three (3) shall be for a period of four (4) years, and thereafter all members shall serve for a four (4) year term or until their successors in office are duly appointed.

If or in the event any member of the Commission shall fail to attend fifty (50%) percent of the regularly scheduled meetings within a period of twelve (12) calendar months, he shall be deemed to have resigned his position and may be replaced without notice by action of Oconee County Council. PROVIDED, HOWEVER, if such absences are excused by the Chairman of the Commission and/or the Chief Administrative Officer of Oconee County, then this provision may be waived.

Those members who are serving on the Oconee County Parks and Recreation Commission as of the effective date of this Ordinance shall complete the terms for which they were appointed as of the effective date of this Ordinance. Reappointments shall be made in accordance with the terms and provisions hereof.

Section 4: Organization, Meetings, Officers

The Oconee County Recreation Commission shall meet at least once each month at a time and place selected by the membership thereof, excepting that upon vote of a majority of its members, meetings for June and July may be suspended and waived.

At the January meeting of each even-numbered year, there shall be elected a Chairman, a Vice Chairman and a Secretary, together with such other officers as the Commission may deem necessary, and these officers shall serve for a period of two (2) years or until their successors are duly elected and qualified. Vacancies in any such office by reason of death, resignation or replacement shall be filled for the unexpired term of the officer whose position becomes vacant.

In addition, the Commission may duly adopt such By-Laws as may be necessary for the orderly performance of its duties and functions. Any By-Laws which may be adopted by the Commission for the orderly performance of its duties shall comply with the provisions of the

general law of the State of South Carolina and of this Ordinance, and of all other Ordinances of Oconee County, including but not limited to the Freedom of Information Act.

Section 5: Powers and Duties

The duties of the Oconee County Recreation Commission shall be inter alia as follows:

a) To advise Oconee County Council on any matter affecting the operation of County recreational facilities and equipment; to formulate and implement plans for the present recreational facilities of the County, and the creation of such additional facilities as may be approved, for the enjoyment of the citizens of Oconee County and its visitors and to assist the Oconee County Parks and Tourism Commission with an overall plan for attracting tourists to the County. Such advice shall be made in the form of a written report to Council monthly, summarizing the activities, findings and functions of the Commission, together with the agenda for the next meeting, all of which shall be in the hands of the Chief Administrative Officer of Oconee County or his designee within a reasonable time. In no event, however, should this Commission enter into any contracts, contractual obligations, employment of personnel, purchase of equipment or expenditure of funds not itemized and authorized in the budget under which it shall operate, without the prior written consent, affirmation and authorization of the Oconee County Council. In any event, the power and authority to enter into any contract binding Oconee County is vested with and shall remain in the Chief Administrative Officer of Oconee County and Oconee County Council and is not herein delegated to this Commission.

b) To participate in the formulation of the budget and budgetary appropriations affecting the area of concern to this Commission.

c) To prepare plans and recommendations to Oconee County Council in the area of its activity, with recommendations for the implementation of such plans.

d) To advise and recommend the employment of County employees to County Council, whose employment is within the area and scope of its activities.

e) To generally advise Oconee County Council on any matter within the scope of its activities, which would tend to improve the efficiency and beneficial operation of the County government in the field of activity with which the Commission is concerned.

Any advice or recommendations to Oconee County Council may be prepared and presented orally by the Chairman of the Commission at a regularly scheduled meeting of Council after due notice for agenda purposes, or in writing forwarded to the Supervisor-Chairman of Oconee County Council for dissemination to Council members.

Section 6: Salaries and Funding

Each member of the Oconee County Recreation Commission shall be paid the sum of one hundred (\$100.00) dollars per year, plus expenses for out of County travel, as sole compensation. Any expense item or claim for same shall be first approved by the Chairman of the Commission.

unless the same is made by such Chairman and submitted for approval and payment to the County Council. In no event shall any member of the Commission be entitled to any other compensation, direct or indirect, for services on the Commission and such member shall not provide any services, products, goods or equipment to the County unless the same is sold or offered for sale in accordance with existing County and State purchasing procedures.

In the event that the Executive Director of the Commission is a permanent employee of the County, he shall not be entitled to any additional compensation.

DONE AND RATIFIED on First Reading this _____ day of _____
2003, by a vote of _____ Yes, _____ No.

Opal O. Green, Council Clerk

DONE AND RATIFIED on Second Reading this _____ day of _____
2003, by a vote of _____ Yes, _____ No.

Opal O. Green, Council Clerk

DONE AND RATIFIED on Third Reading this _____ day of _____
2003, by a vote of _____ Yes, _____ No.

Harry Hamilton
Supervisor-Chairman
Oceana County Council

Attest

Opal O. Green, Council Clerk

Approved Budget Ordinance amount for bid item 3 n/a

Bidders	T-Netix	Everdom	Best Products	Inmate Calling Solutions
Address	Coconut Creek, Florida	China Grove, North Carolina	Anderson, South Carolina	San Jose, California
Submitted Proposal	yes	no	no	no
County Anticipated Gross Revenue/ Commission	\$52,000/\$13,000			
T-Netix Projected Revenue	\$124,000			
T-Netix Total Projected Commission	\$31,000 - \$49,000			
Install Time After Notice of Award	45 days			

Presented to Supervisor:

I hereby certify that to the best of my knowledge this tabulation of bids to be correct.

and that I recommend award to the vendor listed below:



Procurement Director

Award made to: T-Netix

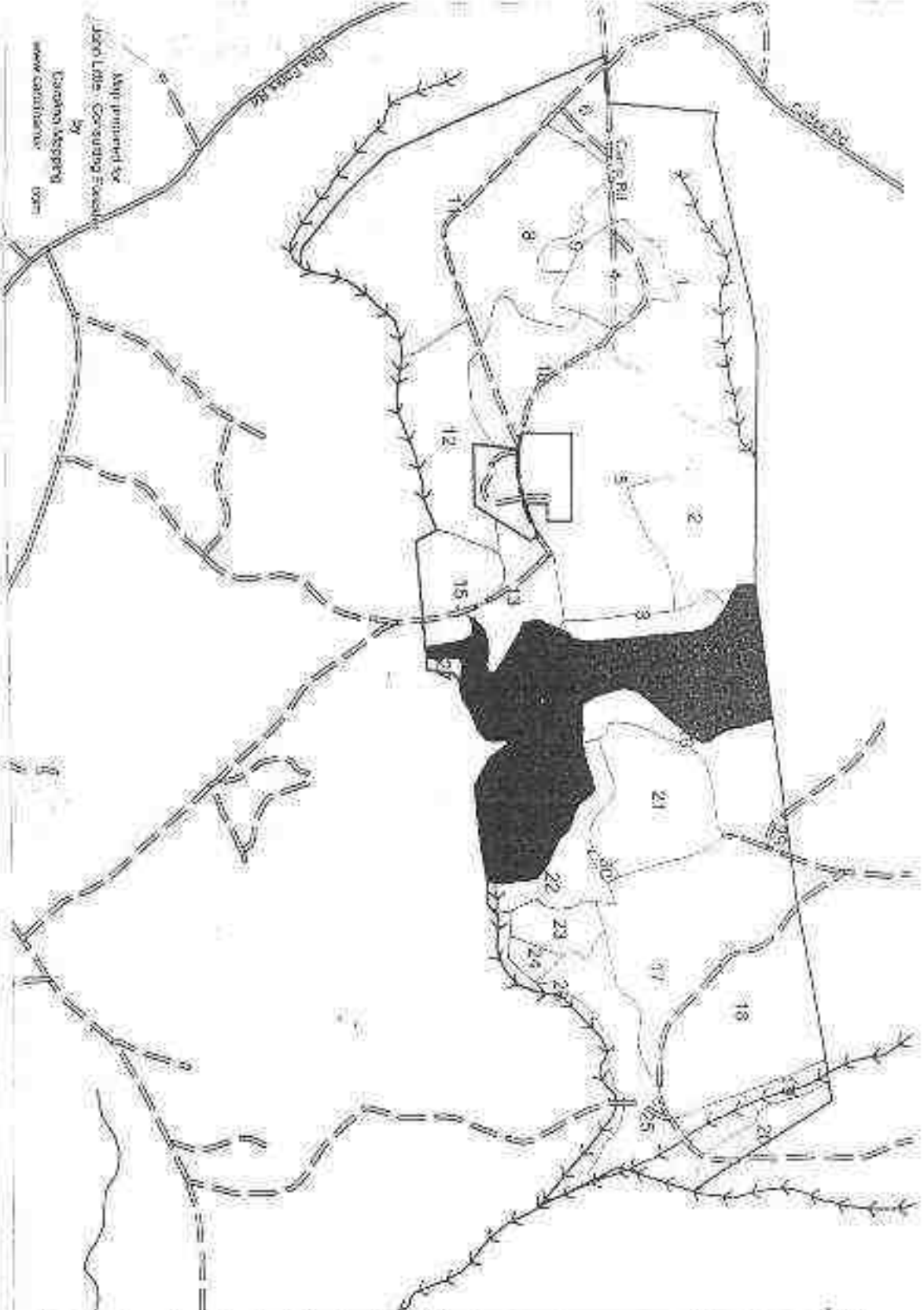
Signature: Harry Hamilton

Date:

Attended Bid Opening:

Oconee County, SC

Coneross Creek Reservoir



Parcel Number	Acres
1	33.74
2	14.39
3	0.90
4	8.89
5	171.18
6	2.26
7	1.02
8	19.93
9	2.45
10	16.21
11	28.89
12	13.39
13	6.60
14	7.04
15	10.47
17	23.99
18	20.10
19	1.93
20	3.73
21	14.17
22	6.70
23	3.81
24	1.30
25	15.28
26	0.94
27	0.45
28	42.63
29	0.61
30	0.40

Map prepared by
John Little Consulting Engineers
by
Karlson Mapping
www.karlson.com

OCONEE COUNTY FARM

PLANTING NEEDS 11-11-03

NOTE ATTACHED MAP:

AREA 5 25 ACRES

AREA 10 10 ACRES

AREA 21 10 ACRES

AREA 24 1 ACRE

AREA 17 23 ACRES

AREA 25 15 ACRES

AREA 20 3 ACRES

TOTAL 87 ACRES 10X10 SPACING; 38,000

SEEDLINGS; EST COST \$5600

Sandra Smith

From: Dale Butts
Sent: Monday, November 24, 2003 10:04 AM
To: Phyllis E. Lombard; Harry Hamilton
Cc: Carl Hayden
Subject: fees

I have been contacted by our State Association concerning proposed legislation on recording fees. I'd love to have some feedback before I tell them if I support it or not. The proposal is pretty much a \$3.00 across the board increase on the document filing fee. Anything that now costs \$10.00 to file, would increase to \$13.00. Here's the interesting part: \$2.00 of that increase would be designated for Register's of Deed's Technology Costs. The remaining \$1.00 would go into the General Fund, so the Counties keep the entire \$3.00 increase! On the surface, it all sounds good. But, if you all see anything negative or any down side to this, please let me know. If you see it as a benefit to us, we need to let our legislators know that we're in favor. We probably take in approximately 2400 documents per year. So, your talking about an additional \$7200.00 in revenue, if my math is correct.

Thanks,

Dale L. Butts, Register of Deeds
Opree County, SC
415 S. Pine St.
Walhalla, SC 29891
(664)636-4280

**OCONEE COUNTY
BUDGET REPORT BY ACCOUNT**
CURRENT PERIOD: 06/01/2004 TO 06/30/2004

TOTAL REMAINING PERCENT: 0%

ACCOUNT	BUDGETED EXPENDITURES	CURRENT EXPENDITURE	YEAR TO DATE EXPENDITURE	ENCUMBRANCE	REMAINING BALANCE	PCT
010-785-95100-29200 COOPERATIVE EXTENSION SERVICE	3,000.00	0.00	3,000.00	0.00	0.00	0
010-785-95100-29201 SC ASSOCIATION OF COUNTIES	13,554.00	0.00	13,554.44	0.00	0.56	0
010-785-95100-29202 OMET AMBULANCE SERVICE	100,000.00	0.00	0.00	0.00	100,000.00	100
010-785-95100-29203 ANDERSON-OCONEE SPECIAL TRAILING	2,200.00	0.00	0.00	0.00	2,200.00	100
010-785-95100-29204 OC PUBLIC DEFENDER CORPORATION	75,000.00	0.00	37,500.00	0.00	37,500.00	50
010-785-95100-29205 OC BOARD OF DISABILITIES & SP NEEDS	75,000.00	0.00	0.00	0.00	75,000.00	100
010-785-95100-29206 AND-OC POINTS MENTAL HEALTH CENTER	60,000.00	0.00	0.00	0.00	60,000.00	100
010-785-95100-29207 CITY OF BARNES	152,610.00	0.00	0.00	0.00	152,610.00	100
010-785-95100-29208 CITY OF WALHALLA	74,190.00	0.00	0.00	0.00	74,190.00	100
010-785-95100-29209 CITY OF WESTMINSTER	64,890.00	0.00	0.00	0.00	64,890.00	100
010-785-95100-29210 TOWN OF SALPM	3,482.00	0.00	0.00	0.00	3,482.00	100
010-785-95100-29211 TOWN OF WEST UNION	5,280.00	0.00	0.00	0.00	5,280.00	100
010-785-95100-29216 SENIOR SOLUTIONS (COUNCIL ON AGING)	37,815.00	0.00	0.00	0.00	37,815.00	100
010-785-95100-29217 APPLCHN COUNCIL OF GOVERNMENTS	17,951.00	0.00	9,317.00	0.00	8,634.00	52
010-785-95100-29220 MASTER IN EQUITY (CONTRACT)	56,056.00	0.00	0.00	0.00	56,056.00	100
010-785-95100-29221 LAKEVIEW REST HOME	1,500.00	0.00	0.00	0.00	1,500.00	100
010-785-95100-29222 OXNER COMMUNITY THEATRE	5,000.00	0.00	0.00	0.00	5,000.00	100
010-785-95100-29226 SC UPPER PIEDMONT HORTICULT ASSOC	25,000.00	0.00	0.00	0.00	25,000.00	100
010-785-95100-29228 OXNER HERITAGE CENTER MUSEUM	50,000.00	0.00	0.00	0.00	50,000.00	100
010-785-95100-29230 WALHALLA AUDITORIUM RESTORATION	5,000.00	0.00	0.00	0.00	5,000.00	100
010-785-95100-29232 KALEM INFRASTRUCTURE	10,000.00	0.00	0.00	0.00	10,000.00	100
010-785-95100-29233 OC JEMANE SOCIETY	120,617.00	0.00	50,800.00	0.00	70,817.00	59
010-785-95100-29236 FOXTHILLS ALLIANCE (RAPE CRISIS)	30,000.00	0.00	0.00	0.00	30,000.00	100
010-785-95100-29239 HEELING HANDS (CONTRACT)	17,500.00	0.00	17,500.00	0.00	0.00	100
	<u>1,065,346.00</u>	<u>0.00</u>	<u>132,871.44</u>	<u>0.00</u>	<u>932,474.56</u>	<u>87</u>
013-785-90091-09255 ACCOMMODATIONS TAX 30%	16,500.00	0.00	12,950.36	0.00	3,549.64	22
013-785-90092-09255 ACCOMMODATIONS TAX 6%	35,750.00	0.00	8,142.63	0.00	27,607.37	77
	<u>52,250.00</u>	<u>0.00</u>	<u>21,092.99</u>	<u>0.00</u>	<u>31,157.01</u>	<u>60</u>
	<u>1,057,396.00</u>	<u>0.00</u>	<u>153,964.43</u>	<u>0.00</u>	<u>903,431.57</u>	<u>86</u>



Willa Semmons, Workforce Prog. Director
Fundamental Bus. Marketing Investment Act
PO Box 1007, Henderson, NC 28570
Phone: (884) 606-1827
Fax: (884) 606-2013
E-Mail: semmons@scacog.org

December 2, 2003

Thank you for your response to my inquiry and the helpful information on the Workforce Investment Act.

I am seeking a solution to a problem that exists in Oconee County as well as other areas of the state. In the process of enforcing laws requiring payment of child support by non-custodial parents, we are sentencing to jail terms a substantial number of fathers who, in many instances, cannot find work when released from jail.

Under the three levels of services, plus On-The-Job-Training offered by your agency, is it possible to structure a program designed particularly for parents being released from jail for non-payment of child support who do not have a job? Ideally, the parent might be 'forgiven' the child support debt during the time of satisfactory compliance with a job re-training program. I realize there may be insurmountable problems to working these people into your programs, but if so, I'd like to hear about them.

Upon release, the father continues to owe support, in addition to back child support which accrued during the time of their incarceration. Several burdens are being created by this system and it may be questionable how much in child support payments is acquired and passed to the eligible children by the process. Also, parents incarcerated for non-payment of child support often work while incarcerated as a trustee on various county projects. These trustees are not paid for their labor and if they were, there could be deductions for room and board and child support payments, with any balance turned over at the time of the inmate's release.

Furthermore, I understand that the state pays each county's law enforcement division certain per diem for each parent held in custody for non-payment of child support. I understand the current per diem is \$133, but I have not been able to verify the figure.

Laws may be inconsistent with a viable program for assisting people who want to work to find jobs. We need to hear your suggestions so that lawmakers can be contacted and given sufficient evidence to support recommendations for changes in the law.

I look forward to hearing from you about what is required to direct unemployed, non-custodial parents to your agency for assistance. Once we have that information, then perhaps we can find a way to use your agency's services, before using the jailhouse.

The Oconee County Council is being given a copy of this letter.

Thank you, Susie Cornelius
corneliuscb@yahoo.com