



OCONEE COUNTY
CONSERVATION BANK BOARD

415 South Pine Street
Walhalla, SC 29691
c/o Clerk to Council

Treasurer's Report

Community First Bank Account: *****183

Period Ending: February 28, 2022

Month Opening Balance	\$1941.00
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DEPOSITS:

TOTAL DEPOSITS	\$0.00
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EXPENDITURES

TOTAL EXPENDITURES	\$0.00
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BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE	\$1,941.00
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Report Submitted by: _____

Laura Havran
Oconee County Conservation Bank Board Treasurer



OCONEE COUNTY
CONSERVATION BANK BOARD

415 South Pine Street
Walhalla, SC 29691
c/o Clerk to Council

Treasurer's Report
Local Government Investment Pool

Period Ending: February 28, 2022

Month Opening Balance	\$279,181.16
DEPOSITS	
Reinvestments [Interest]	\$35.42
EXPENDITURES	
	NONE
BALANCE IN ACCOUNT	
AS OF PERIOD ENDING DATE	\$279,216.58

Report Submitted by: _____
Laura Havran
Oconee County Conservation Bank Board Treasurer



OCONEE COUNTY
CONSERVATION BANK BOARD

415 South Pine Street
Walhalla, SC 29691
c/o Clerk to Council

Treasurer's Report

Community First Bank Account: *****183

Period Ending: March 31, 2022

Month Opening Balance	\$1941.00
DEPOSITS:	
TOTAL DEPOSITS	\$0.00
EXPENDITURES	
TOTAL EXPENDITURES	\$0.00
BALANCE IN ACCOUNT AS OF PERIOD ENDING DATE	\$1,941.00

Report Submitted by: _____

Laura Havran
Oconee County Conservation Bank Board Treasurer



**OCONEE COUNTY
CONSERVATION BANK BOARD**

415 South Pine Street
Walhalla, SC 29691
c/o Clerk to Council

Treasurer's Report
Local Government Investment Pool

Period Ending: March 31, 2022

Month Opening Balance	\$279,216.58
DEPOSITS	
Reinvestments [Interest]	\$79.45
EXPENDITURES	
	NONE
BALANCE IN ACCOUNT	
AS OF PERIOD ENDING DATE	\$279,296.03

Report Submitted by: _____
Laura Havran
Oconee County Conservation Bank Board Treasurer



OCONEE COUNTY
CONSERVATION BANK BOARD

415 South Pine Street
Walhalla, SC 29691
c/o Clerk to Council

Treasurer's Report

Community First Bank Account: *****183

Period Ending: April 30, 2022

Month Opening Balance	\$1941.00
DEPOSITS:	
TOTAL DEPOSITS	\$2000.00 O. Lombard Donation
EXPENDITURES	
TOTAL EXPENDITURES	\$0.00
BALANCE IN ACCOUNT AS OF PERIOD ENDING DATE	\$3,941.00

Report Submitted by: _____
Laura Havran
Oconee County Conservation Bank Board Treasurer



**OCONEE COUNTY
CONSERVATION BANK BOARD**

415 South Pine Street
Walhalla, SC 29691
c/o Clerk to Council

Treasurer's Report
Local Government Investment Pool

Period Ending: April 30, 2022

Month Opening Balance	\$279,296.03
DEPOSITS	
Reinvestments [Interest]	\$119.94
EXPENDITURES	
	NONE
BALANCE IN ACCOUNT	
AS OF PERIOD ENDING DATE	\$279,415.97

Report Submitted by: _____
Laura Havran
Oconee County Conservation Bank Board Treasurer



Oconee County Conservation Bank

Title: Transfer of Property Interest
Policy No. 0005

Effective Date:

Revision Date(s):

Page __ of 3

Attachments: Request for Approval to Transfer Property Interest

Purpose:

This policy provides guidelines for a Landowner who is selling a property interest obtained in whole or part by a grant from the Oconee County Conservation Bank and governs the procedures used by the Oconee County Conservation Bank Board to process the request to approve the subsequent purchaser and ensure that said purchaser understands its obligations under the Grant Agreement and Oconee County Code of Ordinances Ch. 2, Art. IV, Div. 9.

Definitions:

1. The definitions set forth in Chapter 2, Article IV, Division 9, Section 2-399 of the Oconee County Code of Ordinances are incorporated by this reference.
2. "Landowner" means a person(s) or entity desiring to convey a property interest in land that was funded in part by a grant from the Oconee County Conservation Bank.
3. "Property/Project" means the common or colloquial name used to identify a specific piece of land or project that was the subject of the original application for an OCCB grant.
4. "Subsequent Purchaser" means the eligible OCCB recipient seeking to acquire a property interest in land that was funded in part by a grant from the Oconee County Conservation Bank.
5. "Request" means the attached Request for Approval to Transfer Property Interest.

Policy:

1. Landowner with a fee simple interest in the Property/Project funded in whole or in part with an OCCB grant may transfer fee simple title to the Property/Project only to an Eligible OCCB Recipient and only with the approval of the Oconee Conservation Bank Board. The Property/Project is subject to inspection by the County prior to the transfer of the fee simple interest.
2. The board shall require the Subsequent Purchaser of the fee simple interest in the Property/Project place a conservation easement on such property or include the following language in the deed to ensure that the property is permanently protected:

Said premises shall be subject to the provisions of Sections 2-398 through 2-409 of the Oconee County, South Carolina Code of Ordinances, the policies adopted by the Oconee County Conservation Bank, and the grant agreement executed by the Grantor and Oconee County, such that the premises shall be permanently protected for the conservation purposes described therein.

3. Landowner with a Conservation Easement on the Property/Project funded in whole or in part with an OCCB grant may transfer the Conservation Easement to the Property/Project only to an Eligible OCCB Recipient and only with the approval of the Oconee Conservation Bank Board.
4. The Subsequent Purchaser must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in the application.
5. The Board requires that all requests for approval to transfer a property interest be submitted at least six (6) months prior to the closing.
6. Landowner shall submit a request to the Board's administrative staff utilizing the attached Request for Approval to Transfer Property Interest.

7. All requests must be submitted in duplicate pursuant to Board Policy No. 0001 Applicant Privacy.
8. All requests must be submitted in electronic pdf or similar format.
9. The Subsequent Purchaser must agree to enter into a new Grant Agreement with the Board, which will be recorded simultaneously with the recording of the deed.
10. A copy of the Grant Agreement signed by the Subsequent Purchaser and a final draft of the deed or Conservation Easement must be provided to the Board at least ten (10) days prior to the closing.
11. Within sixty (60) days of closing, the Subsequent Purchaser must provide the Board with the executed Grant Agreement and deed or Conservation Easement.
12. Any interest in land or any portion thereof funded in whole or in part by OCCB funds shall not be transferred without the approval of the Board. The Board has the unilateral authority to approve or deny such transfer.

DIVISION 9. - COUNTY CONSERVATION BANK

Sec. 2-398. - Establishment of bank.

There is hereby established the Oconee County Conservation Bank in order to protect lands with significant natural, cultural and/or historic resources in Oconee County that meet the criteria set forth in section 2-403, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to eligible recipients (as defined herein).

(Ord. No. 2011-16, § I, 9-6-2011)

Sec. 2-399. - Definitions.

“Application” means application to participate in the program addressed by this ordinance, including its grants.

“Bank or OCCB” for purposes of this division means the Oconee County Conservation Bank.

“Board” means the governing board of the bank.

“Conservation easement” means an interest in real property as defined by Chapter 8 of Title 27 South Carolina Code of Laws, the South Carolina Conservation Easement Act of 1991.

“Council or county council” means Oconee County Council.

“County” means Oconee County, South Carolina.

“Eligible OCCB recipient or recipient” means any of the following:

- (1) Oconee County;
- (2) A municipality in Oconee County;
- (3) An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;
- (4) A not-for-profit charitable corporation or trust authorized to do business in this state and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain interests in land for these purposes;
- (5) Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.

“Interests in lands” means fee simple titles to lands or conservation easements on land.

“Land” means real property, including highlands and wetlands of any description.

(Ord. No. 2011-16, § II, 9-6-2011)

Sec. 2-400. - Board.

(a) The bank will be governed by a seven-member board ("board") appointed by Oconee County Council in accordance with the following requirements and recommendations:

- (1) Each board member's primary residence shall be located in Oconee County; and
- (2) At least one of the appointed board members shall be from each of the county council districts; and
- (3) The council shall endeavor to appoint but not require candidates to be appointed as follows:
 - A board member or executive officer of a charitable corporation or trust authorized to do business in this state that is one of the following: (i) actively engaged in the acquisition of interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or (ii) is organized for historic or cultural preservation

purposes; or (iii) is an organization that represents hunting, fishing or outdoor recreation interests; and

- A board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
- A board member who is actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or conservation easements; or (iii) the business of banking, finance or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.
- To the extent possible, all appointed board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.

(b) The initial terms of the at-large board members shall be for two years, the terms of the board members from county council district numbers 1, 3 and 5 shall be for three years, and the terms for the board members from county council district numbers 2 and 4 shall be for four years. Thereafter, all terms shall be for four years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.

(c) Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by county council.

(d) The board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act, and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.

(e) The board shall meet at least three times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.

(f) The board shall report to council any member who, without adequate excuse such as documented illness, misses three consecutive meetings or a majority of meetings for any year.

(Ord. No. 2011-16, § III, 9-6-2011; Ord. No. 2015-017, § 1, 6-16-2015)

Sec. 2-401. - Board duties and responsibilities.

(a) The board is authorized to:

- (1) Award grants from the OCCB fund (defined herein) to "Eligible OCCB Recipients" for the purchase of land or interests in land that meet the criteria contained in section 2-403; and
- (2) Apply for and receive funding for the OCCB fund, for the bank, from federal, state, private and other sources, to be used as provided in this division; and
- (3) Receive charitable contributions and donations, including through endowment funding to the OCCB, to the OCCB fund, for the bank, to be used as provided in this division;
- (4) Receive contributions to the OCCB fund, for the bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this division; and
- (5) To, upon approval by County Council, transfer OCCB funds to a conservation-related endowment, or similar entity or agreement, for the purposes stated herein.

(b) To carry out its functions, the bank shall:

(1) Operate a program which includes:

- a. Developing a ranking system for applications for program participation, including grants, pursuant to the criteria contained in section 2-403;
- b. Receiving grant and participation applications from eligible OCCB recipients pursuant to section 2-404;
- c. Evaluating applications from eligible OCCB recipients for eligibility for grants and to participate in the program pursuant to section 2-404;
- d. Reviewing and ranking applications from eligible OCCB recipients for grants and to participate in the program pursuant to the ranking system;
- e. Recommending the approval of certain applications to county council pursuant to section 2-404;

(2) Establish additional guidelines and procedures, consistent with this division, as necessary to implement this division; and

(3) Submit an annual report to Oconee County Council concerning all matters addressed by this division.

(c) The county administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the county. When and if deemed appropriate by the board, the board may seek county council's approval to hire permanent staff, who will be county staff, reporting to the administrator.

(d) Operating expenses of the bank may be paid out of the OCCB fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by county council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this division, Oconee County tax dollars shall not be used for the operation or purposes of the bank.

(Ord. No. 2011-16, § IV, 9-6-2011)

Sec. 2-402. - OCCB fund.

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by county council, called the Oconee County Conservation Bank Fund (the "OCCB fund"). The OCCB fund shall receive monies, awards, and assets from third parties, including but not limited to donors, the state, or from the county according to one or more funding measures approved by Oconee County Council. The council acknowledges and agrees that county funding measures should be undertaken as soon as feasible, consistent with overall budget priorities of the county, in order to avoid escalating land costs and lost acquisition opportunities. The OCCB fund shall be used only the purposes set forth herein. Funds donated to the OCCB by third parties shall not be re-directed by council.

(Ord. No. 2011-16, § V, 9-6-2011)

Sec. 2-403. - Criteria.

(a) The board shall use the following conservation criteria in developing a ranking system for applications pursuant to section 2-401(b)(1).

(1) Environmental sensitivity.

- a. Presence of wetlands.
- b. Frontage on USGS Blue Line Stream.
- c. Water quality classification of such stream by the South Carolina Department of Health and Environmental Control.

- d. Presence of threatened/endangered species.
 - e. Habitat suitable for threatened/endangered species.
 - f. Habitat suitable for native wildlife species.
 - g. Extent of biological diversity.
 - h. Presence of unique geological/natural features.
 - i. Plans for restoration.
- (2) Percentage of property sharing a boundary with protected land.
 - (3) Historic/cultural features.
 - a. Contains feature designated on the National Historic Register.
 - b. Contains feature eligible for the National Historic Register.
 - c. Contains historic/prehistoric structures.
 - d. Contains historic/prehistoric site or location of a historic event.
 - (4) Percentage of property containing prime/statewide important soil types.
 - (5) Extent of active farming on property and extent proposed to be kept as wooded land or farmland.
 - (6) Extent of public visibility of property.
 - a. Visibility from public roads.
 - b. Visibility from public land.
 - (7) Scenic view from property or preservation of general scenic nature of that part of county.
 - (8) Extent of public access.
 - (9) Location of property.
 - (10) Threat of development.
 - (11) Size of property.
 - (12) Potential water quality impact on a wetland or water body that is not part of the property.

(b) The board shall use the following financial criteria in developing the ranking system for applications for participation in the program and grants pursuant to subsection 2-402(b)(1).

- (1) Funding percentage of appraised fee simple or conservation easement value requested;
- (2) Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, eligible OCCB recipients, and local governments, boards, and commissions;
- (3) No matching funds or other contributions are required to receive grants from the OCCB fund. However, the commitment of such other funds shall be a factor considered by the board in its evaluation and recommendation of the applications.

(Ord. No. 2011-16, § VI, 9-6-2011)

Sec. 2-404. - Program and procedures.

(a) Application.

- (1) An eligible OCCB recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an application in accordance with the rules and procedures established by the board under and consistent with this division;
- (2) Prior to the submission of its application, the eligible OCCB recipient must notify in writing the owner of the land that is the subject of the application of the following:
 - a. That interests in land purchased with OCCB funds result in a permanent conveyance of such interests in land from the landowner to the eligible OCCB recipient and its assigns;
 - and

- b. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and

The application must contain an affirmation that the notice requirement of this subsection has been met, and the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.

(3) At the time of the submission of its application, the eligible OCCB recipient must notify in writing all landowners adjacent to the property and all lessees of the property of the submission of its application and informing the adjacent landowners and lessees that they have thirty (30) days of receipt of said notice to submit to the board, in writing, their views in support of or in opposition to the application.

(4) In each application, the eligible OCCB recipient must provide information regarding how the proposal meets the criteria contained in section 2-403.

(5) For each grant application the applicant shall specify:

- a. The purpose of the application;
- b. How the application satisfies the criteria contained in section 2-403;
- c. The uses to which the land will be put;
- d. The party responsible for managing and maintaining the land; and
- e. The parties responsible for enforcing any conservation easement or other restrictions upon the land.

(6) Where an eligible OCCB recipient seeks an OCCB grant to acquire fee title to land, the eligible OCCB recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its application. The board shall require an eligible OCCB recipient acquiring fee simple title to land to place a conservation easement on such property.

(7) Where an eligible OCCB recipient seeks an OCCB grant to acquire a conservation easement, the eligible OCCB recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its application. The board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the application.

(8) The board shall establish reasonable procedures and requirements to ensure that the personal information of eligible OCCB recipients and landowners is protected as permitted by the South Carolina Freedom of Information Act.

(b) Application review.

(1) The board shall accept three rounds of applications per calendar year in accordance with the following deadlines: April 1st, August 1st, and November 1st.

(2) The board shall evaluate each application according to the criteria contained in section 2-403 of this division and recommend approval of application and associated grants to county council based on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.

(3) The board shall evaluate each application and submit recommendations to county council within 90 days of each application deadline referred to in subsection (b)(1). The recommendation of an application may be for full approval, partial approval or disapproval.

(4) In recommending the awarding of a grant from the OCCB fund, the board shall set forth findings that indicate the items below. The board may delegate to one of its members this duty to write a report summarizing the board's findings and delivering it to council:

- a. How the application meets the criteria set forth in section 2-403;
- b. The purpose of the award and the use to which the land will be put;
- c. The party responsible for managing and maintaining the land;
- d. The party responsible for monitoring and enforcing any conservation easements or other restrictions upon the land;
- e. How the parties designated in items c. and d. possess the expertise and financial resources to fulfill their obligations;
- f. The availability of funds in the OCCB fund for the award;
- g. Any other findings or information relevant to the award.

(5) County council shall take action on the board's recommendations within 30 days of the board's submission thereof. The council shall consider and vote on each recommendation individually. The council shall accept the recommendation of the board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB fund for the award or (ii) at least a majority of the council members present and voting vote to reject the recommendation. If the board's recommendation for the award of a grant is approved by council, the award shall be made and the transaction closed in accordance with subsection (c).

(6) The board may only authorize grants to purchase interests in lands at or below fair market value pursuant to a current (within twelve months of grant approval by county council), independent certified appraisal. The board may accept a market analysis update covering the time period from the date of the original appraisal to the present in the form of a letter prepared and signed by the original appraiser. Said market analysis update letter must be submitted to the board no later than thirty (30) days prior to the next scheduled board meeting. The board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.

(c) Grant award.

(1) The board shall notify the eligible OCCB recipient of its recommendation and the action taken by county council on the application.

(2) If the board recommends the application in whole or in part and the recommendation is approved by county council in accordance with subsection (b)(5), the eligible OCCB recipient have a period of four months from the date of the county council's approval to decide whether to accept the award. At closing, the eligible OCCB recipient shall execute and record a grant agreement or memorandum thereof, which shall be in a form approved by the board. Said grant agreement shall include provisions for the indemnification and reimbursement of the OCCB for improperly used OCCB funds, or title issues or defects, perpetual monitoring and enforcement, and other actions pursuant to Section 2-405.

(3) The eligible OCCB recipient shall submit the following documents to the board prior to closing the transaction and the board and the county attorney or an attorney designated by the County Administrator on recommendation of the board shall review and approve the documents before OCCB funds can be disbursed:

- a. A certified appraisal satisfying the requirements of subsection 2-404(b)(6);
- b. Final drafts of the:
 - i. conservation easement and/or deed,
 - ii. settlement statement,
 - iii. title insurance commitment and exceptions,
 - iv. grant agreement required pursuant to subsection 2-404(c)(4),
 - v. subordination agreement and any other documents that will be recorded at or after closing.

c. A Phase 1 environmental site assessment - In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified Phase 1 environmental site assessment shall be conducted on lands before the disbursement of OCCB funds for the acquisition of any interest in such lands where the application is for more than \$30,000 or ten percent the appraised fair market value of either the conservation easement or fee simple acquisition, whichever value is smaller. However, the board shall have the discretion to require a Phase 1 environmental site assessment for applications for grants of \$30,000 or less if it determines that the circumstances warrant an assessment. In the event that a Phase 1 environmental site assessment reveals issues of concern on or at the property, the board may determine and require that follow-up by the eligible recipient is necessary prior to the disbursement of OCCB funds.

(4) Eligible OCCB recipients receiving monies from the OCCB fund shall retain all records of acquisition of interests in land with OCCB funds including, but not limited to deeds, title documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental assessments, applications, and closing documents and provide copies of the executed settlement statement, title insurance commitment and exceptions and all recorded documents showing the Register of Deeds time and date stamp to the OCCB.

(5) The board shall disburse OCCB funds to eligible OCCB recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one year after the eligible OCCB recipient and owner of the interest in land decide to accept the award unless the board, for good cause shown, extends the deadline for a period not to exceed six months.

(6) No later than sixty (60) days after the day of closing, the OCCB grant recipient shall submit a report to the board describing how the OCCB grant funds were distributed or used and the status of the project. The report shall include supporting documentation, such as the closing settlement statement, disbursement statement, and the recorded conservation easement or deed.

(Ord. No. 2011-16, § VII, 9-6-2011)

Sec. 2-405. - Use of funds.

(a) Only eligible OCCB recipients may acquire interests in lands with OCCB funds.

(b) The bank may purchase an interest in land on behalf of Oconee County subject to the criteria contained in section 2-403.

(c) OCCB funds shall be used only by eligible OCCB recipients for the acquisition of interests in land, including closing costs. "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs of performing the work and providing the documentation required under subsection 2-404(c)(3), attorney's fees, and the cost of obtaining surveys or an updated market analysis pursuant to subsection 2-404(b)(6). The board shall have the discretion to allow the OCCB funds to be used solely for closing costs after considering the amount of the award, the value of the project, the amount of the closing costs, or other factors. In the event that OCCB determines that OCCB funds were spent for purposes other than those listed in this subsection or the grant agreement, the eligible OCCB recipient or landowner shall reimburse the OCCB in the amount of the improperly used funds, plus interest.

(d) All interests in land acquired with OCCB funds shall be held by the eligible OCCB recipient approved by the board to acquire the interest in land; except that an interest in land obtained with OCCB funds may be assigned from one eligible OCCB recipient to another upon approval of the board by majority vote. In the event that there is a mortgage on any property interest protected through the use of OCCB funds, the eligible OCCB recipient and landowner, if any, shall notify and inform the mortgagee or debtholder that

the mortgage will be subordinate to the conservation easement or conservation provisions in the deed. The eligible OCCB recipient shall provide the OCCB with a copy of the notice and information to the mortgagee.

(e) The owner of the fee simple title to property for which a conservation easement was purchased with OCCB funds, whether the original owner that conveyed the conservation easement or a successor-in-interest, may reacquire and terminate or extinguish the conservation easement, whether in whole or in part, only by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, such as through eminent domain; (ii) obtaining unanimous approval by the OCCB board; (iii) obtaining unanimous approval by county council, (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the owner of fee simple title to the property.

(f) If an eligible OCCB recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, such as through eminent domain; (ii) obtaining unanimous approval by the OCCB board; (iii) obtaining unanimous approval by county council; (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the eligible OCCB recipient.

(g) If any interests in lands that have been acquired by an eligible OCCB recipient with OCCB funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to subsections (e) and (f), the eligible OCCB recipient extinguishing, selling, transferring, assigning, alienating, or converting the interests in land shall replace them with the interests in land of substantially equal current fair market value, with any excess from the sale of the prior interests being used by contribution to the OCCB fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth in section 2-403. The board shall verify that suitable replacement interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement interests in land must be credited to the OCCB fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB fund under this section in proportion equal to the contribution that OCCB funds made to the original acquisition.

(h) The eligible OCCB recipient or landowner shall notify the board in the event that a claim against the title to the property has been made.

(i) In the event that the title to the protected property interest is invalidated or otherwise found to be deficient, the board shall be reimbursed by the eligible OCCB recipient and/or landowner in an amount up to the amount of the award approved by county council and disbursed to the eligible OCCB recipient.

(j) In the event that there is no conservation easement on a property funded by the OCCB, the County Administrator shall be responsible for ensuring that the landowner complies with the ordinance and for enforcing the provisions of the ordinance. The grant agreement shall specify that the County shall be able to access the property for monitoring and/or enforcement purposes in perpetuity.

(Ord. No. 2011-16, § VIII, 9-6-2011)

Sec. 2-406. - Eminent domain or condemnation proceedings.

OCCB funds may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

(Ord. No. 2011-16, § IX, 9-6-2011)

Sec. 2-407. - Recreational and economic use.

The provisions of this division shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this state, upon lands for which interests in lands are obtained pursuant to this division. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB funds.

(Ord. No. 2011-16, § X, 9-6-2011)

Sec. 2-408. - Conservation easements.

When OCCB funds are used to purchase a conservation easement on land, the conservation easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the eligible OCCB recipient and its assigns which holds the conservation easement. If any inconsistencies or ambiguities arise between the provisions of this ordinance and the terms and conditions of the conservation easement purchased with OCCB funds, the terms and conditions of the conservation easement shall prevail. The eligible OCCB recipient shall have sole responsibility for monitoring the property subject to the conservation easement and for enforcing the terms and conditions thereof.

(Ord. No. 2011-16, § XI, 9-6-2011)

Sec. 2-409. - Historic properties.

The board may authorize up to ten percent of the annual OCCB appropriation to acquire interests in land that qualify solely as a historic or cultural feature according to the criteria contained in section 2-403.

(Ord. No. 2011-16, § XI, 9-6-2011)

DIVISION 9. - COUNTY CONSERVATION BANK

Sec. 2-398. - Establishment of bank.

There is hereby established the Oconee County Conservation Bank in order to protect lands with significant natural, cultural and/or historic resources in Oconee County that meet the criteria set forth in section 2-403, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to eligible recipients (as defined herein).
(Ord. No. 2011-16, § I, 9-6-2011)

Sec. 2-399. - Definitions.

“Application” means application to participate in the program addressed by this ordinance, including its grants.

“Bank or OCCB” for purposes of this division means the Oconee County Conservation Bank.

“Board” means the governing board of the bank.

“Conservation easement” means an interest in real property as defined by Chapter 8 of Title 27 South Carolina Code of Laws, the South Carolina Conservation Easement Act of 1991.

“Council or county council” means Oconee County Council.

“County” means Oconee County, South Carolina.

“Eligible OCCB recipient or recipient” means any of the following:

- (1) Oconee County;
- (2) A municipality in Oconee County;
- (3) An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;
- (4) A not-for-profit charitable corporation or trust authorized to do business in this state and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain interests in land for these purposes;
- (5) Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.⁴

“Interests in lands” means fee simple titles to lands or conservation easements on land.

“Land” means real property, including highlands and wetlands of any description.

(Ord. No. 2011-16, § II, 9-6-2011)

Sec. 2-400. - Board.

(a) The bank will be governed by a seven-member board ("board") appointed by Oconee County Council in accordance with the following requirements and recommendations:

- (1) Each board member's primary residence shall be located in Oconee County; and
- (2) At least one of the appointed board members shall be from each of the county council districts; and
- (3) The council shall endeavor to appoint but not require candidates to be appointed as follows:
 - A board member or executive officer of a charitable corporation or trust authorized to do business in this state that is one of the following: (i) actively engaged in the acquisition of interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or (ii) is organized for historic or cultural preservation

purposes; or (iii) is an organization that represents hunting, fishing or outdoor recreation interests; and

- A board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
- A board member who is actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or conservation easements; or (iii) the business of banking, finance or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.
- To the extent possible, all appointed board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.

(b) The initial terms of the at-large board members shall be for two years, the terms of the board members from county council district numbers 1, 3 and 5 shall be for three years, and the terms for the board members from county council district numbers 2 and 4 shall be for four years. Thereafter, all terms shall be for four years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.

(c) Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by county council.

(d) The board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act, and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.

(e) The board shall meet at least three times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.

(f) The board shall report to council any member who, without adequate excuse such as documented illness, misses three consecutive meetings or a majority of meetings for any year.

(Ord. No. 2011-16, § III, 9-6-2011; Ord. No. 2015-017, § 1, 6-16-2015)

Sec. 2-401. - Board duties and responsibilities.

(a) The board is authorized to:

- (1) Award grants from the OCCB fund (defined herein) to "Eligible OCCB Recipients" for the purchase of land or interests in land that meet the criteria contained in section 2-403; and
- (2) Apply for and receive funding for the OCCB fund, for the bank, from federal, state, private and other sources, to be used as provided in this division; and
- (3) Receive charitable contributions and donations, including through endowment funding to the OCCB, to the OCCB fund, for the bank, to be used as provided in this division; ~~and~~
- (4) Receive contributions to the OCCB fund, for the bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this division; and
- (5) To, upon approval by County Council, transfer OCCB funds to a conservation-related endowment, or similar entity or agreement, for the purposes stated herein

(b) To carry out its functions, the bank shall:

(1) Operate a program which includes:

- a. Developing a ranking system for applications for program participation, including grants, pursuant to the criteria contained in section 2-403;
- b. Receiving grant and participation applications from eligible OCCB recipients pursuant to section 2-404;
- c. Evaluating applications from eligible OCCB recipients for eligibility for grants and to participate in the program pursuant to section 2-404;
- d. Reviewing and ranking applications from eligible OCCB recipients for grants and to participate in the program pursuant to the ranking system;
- e. Recommending the approval of certain applications to county council pursuant to section 2-404;

(2) Establish additional guidelines and procedures, consistent with this division, as necessary to implement this division; and

(3) Submit an annual report to Oconee County Council concerning all matters addressed by this division.

(c) The county administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the county. When and if deemed appropriate by the board, the board may seek county council's approval to hire permanent staff, who will be county staff, reporting to the administrator.

(d) Operating expenses of the bank may be paid out of the OCCB fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by county council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this division, Oconee County tax dollars shall not be used for the operation or purposes of the bank.

(Ord. No. 2011-16, § IV, 9-6-2011)

Sec. 2-402. - OCCB ~~and fund~~.

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by county council, called the Oconee County Conservation Bank Fund (the "OCCB fund").

The OCCB fund shall receive ~~revenues as noted herein and monies, awards, and assets from third parties, including but not limited to donors, the state, or~~ from the county according to one or more funding measures approved by Oconee County Council. The council acknowledges and agrees that county funding measures should be undertaken as soon as feasible, consistent with overall budget priorities of the county, in order to avoid escalating land costs and lost acquisition opportunities. The OCCB fund shall be used only for the purposes set forth herein. Funds donated to the OCCB by third parties shall not be re-directed by

~~council. (Ord. No. 2011-16, § V, 9-6-2011)~~

(Ord. No. 2011-16, § V, 9-6-2011)

Sec. 2-403. - Criteria.

(a) The board shall use the following conservation criteria in developing a ranking system for applications pursuant to section 2-401(b)(1).

(1) Environmental sensitivity.

- a. Presence of wetlands.
- b. Frontage on USGS Blue Line Stream.

- c. Water quality classification of such stream by the South Carolina Department of Health and Environmental Control.
- d. Presence of threatened/endangered species.
- e. Habitat suitable for threatened/endangered species.
- f. Habitat suitable for native wildlife species.
- g. Extent of biological diversity.
- h. Presence of unique geological/natural features.

i. Plans for restoration.

- (2) Percentage of property sharing a boundary with protected land.
- (3) Historic/cultural features.
 - a. Contains feature designated on the National Historic Register.
 - b. Contains feature eligible for the National Historic Register.
 - c. Contains historic/prehistoric structures.
 - d. Contains historic/prehistoric site or location of a historic event.
- (4) Percentage of property containing prime/statewide important soil types.
- (5) Extent of active farming on property and extent proposed to be kept as wooded land or farmland.
- (6) Extent of public visibility of property.
 - a. Visibility from public roads.
 - b. Visibility from public land.
- (7) Scenic view from property or preservation of general scenic nature of that part of county.
- (8) Extent of public access.
- (9) Location of property.
- (10) Threat of development.
- (11) Size of property.
- (12) Potential water quality impact on a wetland or water body that is not part of the property.

(b) The board shall use the following financial criteria in developing the ranking system for applications for participation in the program and grants pursuant to subsection 2-402(b)(1).

- (1) Funding percentage of appraised fee simple or conservation easement value requested;
- (2) Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, eligible OCCB recipients, and local governments, boards, and commissions;
- (3) No matching funds or other contributions are required to receive grants from the OCCB fund. However, the commitment of such other funds shall be a factor considered by the board in its evaluation and recommendation of the applications.

(Ord. No. 2011-16, § VI, 9-6-2011)

Sec. 2-404. - Program and procedures.

(a) Application.

- (1) An eligible OCCB recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an application in accordance with the rules and procedures established by the board under and consistent with this division;

~~(2) Within five business days of the submittal of an application to the OCCB, the eligible OCCB recipient must notify in writing all landowners adjacent to the subject property of the application. Within thirty (30) days of receipt of said notice, contiguous landowners and other interested~~

~~parties may submit in writing to the board their views in support of or in opposition to the application.~~

~~(3)~~ (2) Prior to the submission of its application, the eligible OCCB recipient must notify in writing the owner of the land that is the subject of the application of the following:

- a. That interests in land purchased with OCCB funds result in a permanent conveyance of such interests in land from the landowner to the eligible OCCB recipient and its assigns; and
- b. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and

The application must contain an affirmation that the notice requirement of this subsection has been met, and the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.

~~(3) At the time of the submission of its application, the eligible OCCB recipient must notify in writing all landowners adjacent to the property and all lessees of the property of the submission of its application and informing the adjacent landowners and lessees that they have thirty (30) days of receipt of said notice to submit to the board, in writing, their views in support of or in opposition to the application.~~

(4) In each application, the eligible OCCB recipient must provide information regarding how the proposal meets the criteria contained in section 2-403.

(5) For each grant application the applicant shall specify:

- a. The purpose of the application;
- b. How the application satisfies the criteria contained in section 2-403;
- c. The uses to which the land will be put;
- d. The party responsible for managing and maintaining the land; and
- e. The parties responsible for enforcing any conservation easement or other restrictions upon the land.

(6) Where an eligible OCCB recipient seeks an OCCB grant to acquire fee title to land, the eligible OCCB recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its application. The board shall require an eligible OCCB recipient acquiring fee simple title to land to place a conservation easement on such property ~~or include language in the deed to ensure that the property is permanently protected.~~

(7) Where an eligible OCCB recipient seeks an OCCB grant to acquire a conservation easement, the eligible OCCB recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its application. The board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the application.

(8) The board shall establish reasonable procedures and requirements to ensure that the personal information of eligible OCCB recipients and ~~property owners~~ landowners is protected as permitted by the South Carolina Freedom of Information Act.

(b) Application review.

(1) The board shall accept three rounds of applications per calendar year in accordance with the following deadlines: April 1st, August 1st, and November 1st.

(2) The board shall evaluate each application according to the criteria contained in section 2-403 of this division and recommend approval of application and associated grants to county council based

on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.

(3) The board shall evaluate each application and submit recommendations to county council within 90 days of each application deadline referred to in subsection (b)(1). The recommendation of an application may be for full approval, partial approval or disapproval.

(4) In recommending the awarding of a grant from the OCCB fund, the board shall set forth findings that indicate the items below. The board may delegate to one of its members this duty to write a report summarizing the board's findings and delivering it to council:

- a. How the application meets the criteria set forth in section 2-403;
- b. The purpose of the award and the use to which the land will be put;
- c. The party responsible for managing and maintaining the land;
- d. The party responsible for monitoring and enforcing any conservation easements or other restrictions upon the land;
- e. How the parties designated in items c. and d. possess the expertise and financial resources to fulfill their obligations;
- f. The availability of funds in the OCCB fund for the award;
- g. Any other findings or information relevant to the award.

(5) County council shall take action on the board's recommendations within 30 days of the board's submission thereof. The council shall consider and vote on each recommendation individually. The council shall accept the recommendation of the board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB fund for the award or (ii) at least a majority of the council members present and voting vote to reject the recommendation. If the board's recommendation for the award of a grant is approved by council, the award shall be made and the transaction closed in accordance with subsection (c).

(6) The board may only authorize grants to purchase interests in lands at or below fair market value pursuant to a current (within twelve months of grant approval by county council), independent certified appraisal. The board may accept a market analysis update covering the time period from the date of the original appraisal to the present in the form of a letter prepared and signed by the original appraiser. Said market analysis update letter must be submitted to the board no later than thirty (30) days prior to the next scheduled board meeting. The board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.

(c) Grant award.

(1) The board shall notify the eligible OCCB recipient of its recommendation and the action taken by county council on the application.

(2) If the board recommends the application in whole or in part and the recommendation is approved by county council in accordance with subsection (b)(5), the eligible OCCB recipient ~~and the owner of the interest in the land identified in the application shall~~ have a period of four months from the date of the county council's approval to decide whether to accept the award. ~~Within fourteen (14) days of acceptance of the grant award~~At closing, the eligible OCCB recipient shall execute and record a grant agreement or memorandum thereof, which shall be in a form approved by the board. Said grant agreement shall include provisions for the indemnification and reimbursement of the OCCB for improperly used OCCB funds, or title issues or defects, perpetual monitoring and enforcement, and other actions pursuant to Section 2-405.

(3) The eligible OCCB recipient shall submit the following documents to the board prior to closing the transaction and the board and the county attorney or an attorney designated by the County

Administrator on recommendation of the board shall review and approve the documents before OCCB funds can be disbursed:

a. A certified appraisal satisfying the requirements of subsection 2-404(b)(6);

b. ~~final draft~~Final drafts of the:

i. conservation easement and/or deed, ~~a final draft of the~~

ii. settlement statement, ~~a final draft of the~~

iii. title insurance commitment and exceptions, ~~and the~~

iv. grant agreement required pursuant to subsection ~~2-404(c)-(4)~~.

e. _____ v. subordination agreement and any other documents that will be recorded at or _____ after closing.

c. A Phase 1 environmental site assessment - In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified Phase 1 environmental ~~hazard~~site assessment shall be conducted on lands before the disbursement of _____ OCCB funds for the acquisition of any interest in such lands ~~except as provided below in subsection (c)(3)d-~~

d. ~~Anywhere the~~ application is for ~~such interest in land shall qualify as a small grant application if the amount requested is less-_____ more~~ than \$30,000.00 or ten percent the appraised fair market value of either the conservation easement or fee simple acquisition, whichever value is smaller. ~~The~~ However, the board shall have the discretion to require a Phase 1

environmental site assessment ~~required in subsection (c)(3)e. shall be waived for _____ applications for interest in land qualified as a small grant, as defined herein, unless _____ specifically require grants of \$30,000 or less if it _____ determines that the circumstances warrant an assessment. In the event that a Phase 1 _____ environmental site assessment reveals issues of concern on a case by case basis by or at the property,~~ the board:

(4) ~~The bank~~ _____ may determine and require that follow-up by the eligible recipient is necessary prior to the _____ disbursement of OCCB funds.

(4) Eligible OCCB recipients receiving monies from the OCCB fund ~~shall retain~~ shall retain all records of acquisition of interests in land with OCCB funds including, but not limited to deeds, title _____ documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental _____ assessments, applications, and closing documents and provide copies of the executed settlement statement, title insurance commitment and exceptions and all recorded documents showing the Register of Deeds time and date stamp to the OCCB.

(5) The board shall disburse OCCB funds to eligible OCCB recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one year after the eligible OCCB recipient and owner of the interest in land decide to accept the award unless the board, for good cause shown, extends the deadline for a period not to exceed six months.

(6) No later than sixty (60) days after the day of closing, the OCCB grant recipient shall submit a report to the board describing how the OCCB grant funds were distributed or used and the status of the project. The report shall include supporting documentation, such as the closing settlement statement, disbursement statement, and the recorded conservation easement or deed.

(Ord. No. 2011-16, § VII, 9-6-2011)

Sec. 2-405. - Use of funds.

(a) Only eligible OCCB recipients may acquire interests in lands with OCCB funds.

(b) The bank may purchase an interest in land on behalf of Oconee County subject to the criteria contained in section 2-403.

(c) OCCB funds shall be used only by eligible OCCB recipients for the acquisition of interests in land, including closing costs. "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs of performing the work and providing the documentation required under subsection 2-404(c)(3), attorney's fees, and the cost of obtaining surveys or an updated market analysis pursuant to subsection 2-404(b)(6). The board shall have the discretion to allow the OCCB funds to be used solely for closing costs after considering the amount of the award, the value of the project, the amount of the closing costs, or other factors. In the event that OCCB determines that OCCB funds were spent for purposes other than those listed in this subsection or the grant agreement, the eligible OCCB recipient or ~~property owner~~landowner shall reimburse the OCCB in the amount of the improperly used funds, plus interest.

(d) All interests in land acquired with OCCB funds shall be held by the eligible OCCB recipient approved by the board to acquire the interest in land; except that an interest in land obtained with OCCB funds may be assigned from one eligible OCCB recipient to another upon approval of the board by majority vote. In the event that there is a mortgage on any property interest protected through the use of OCCB funds, the eligible OCCB recipient and ~~property owner~~landowner, if any, shall notify and inform the mortgagee or ~~debt holder~~debtholder that the mortgage will be subordinate to the conservation easement or conservation provisions in the deed. The eligible OCCB recipient shall ~~copy~~provide the OCCB ~~with a copy of~~ the notice and information to the mortgagee.

(e) The owner of the fee simple title to property ~~upon~~for which a conservation easement was purchased with OCCB funds, whether the original owner that conveyed the conservation easement or a successor-in-interest, may reacquire and ~~thereby~~ terminate or extinguish ~~that~~the conservation easement, whether in whole or in part, only by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, such as through eminent domain; (ii) obtaining unanimous approval by the OCCB board;; (iii) obtaining unanimous approval by county council, (iv) obtaining approval by the Oconee County Court of Common Pleas;; and (v) making payment in cash to the OCCB fund of whichever is higher of the ~~original fair market value~~amount of the grant or its equivalent percent of the current ~~fair market value of the conservation easement~~value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the owner of fee simple title to the property.

(f) If an eligible OCCB recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, such as through eminent domain; (ii) obtaining unanimous approval by the OCCB board;; (iii) obtaining unanimous approval by county council;; (iv) obtaining approval by the Oconee County Court of Common Pleas;; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original fair market value or the current fair market conservation value of the protected land, as determined by a certified appraisal paid for by the eligible OCCB recipient.

(g) If any interests in lands that have been acquired by an eligible OCCB recipient with OCCB funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to subsections (e) and (f), the eligible OCCB recipient extinguishing, selling, transferring, assigning, alienating, or converting the interests in land shall replace them with the interests in land of substantially equal current fair market value, with any excess from the sale of the prior interests being used by contribution to the OCCB fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth

in section 2-403. The board shall verify that suitable replacement interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement interests in land must be credited to the OCCB fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB fund under this section in proportion equal to the contribution that OCCB funds made to the original acquisition.

(h) The eligible OCCB recipient or ~~property owner~~landowner shall notify the board in the event that a claim against the title to the property has been made.

(i) In the event that the title to the protected property interest is invalidated or otherwise found to be deficient, the board shall be reimbursed by the eligible OCCB recipient and/or ~~owner~~landowner in an amount up to the amount of the award approved by county council and disbursed to the eligible OCCB recipient.

(j) In the event that there is no conservation easement on a property funded by the OCCB, the County Administrator shall be responsible for ensuring that the ~~owner of the property~~landowner complies with the ordinance and for enforcing the provisions of the ordinance. The grant agreement shall specify that the County shall be able to access the property for monitoring and/or enforcement purposes in perpetuity. (Ord. No. 2011-16, § VIII, 9-6-2011)

Sec. 2-406. - Eminent domain or condemnation proceedings.

OCCB funds may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

(Ord. No. 2011-16, § IX, 9-6-2011)

Sec. 2-407. - Recreational and economic use.

The provisions of this division shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this state, upon lands for which interests in lands are obtained pursuant to this division. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB funds.

(Ord. No. 2011-16, § X, 9-6-2011)

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When OCCB funds are used to purchase a conservation easement on land, the conservation easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the eligible OCCB recipient and its assigns which holds the conservation easement. If any inconsistencies or ambiguities arise between the provisions of this ordinance and the terms and conditions of the conservation easement purchased with OCCB funds, the terms and conditions of the conservation easement shall prevail. The eligible OCCB recipient shall have sole responsibility for monitoring the property subject to the conservation easement and for enforcing the terms and conditions thereof.

(Ord. No. 2011-16, § XI, 9-6-2011)

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The board may authorize up to ten percent of the annual OCCB appropriation to acquire interests in land that qualify solely as a historic or cultural feature according to the criteria contained in section 2-403.

DRAFT April 11, 2022

p. 10

(Ord. No. 2011-16, § XI, 9-6-2011)

(LETTERHEAD)

(DATE)

(NAME AND ADDRESS)

BY EMAIL (INSERT EMAIL ADDRESS)

RE: (NAME OF PROJECT) Application

Dear (NAME/TITLE OF APPLICANT CONTACT PERSON):

Please be advised that the Oconee County Conservation Bank Board (“Board”) recommended to the Oconee County Council, and Council approved the Board’s recommendation, to award (APPLICANT) a conservation grant in the amount of (INSERT AMOUNT) for the above referenced project on (INSERT DATE).

You have four (4) months from the date of the Council’s decision to notify the Board in writing of your decision to accept the grant. The transaction must close within one year of your notice of acceptance of the award, unless a one-time six (6) month extension is requested and granted by the Board. All closing documents must be submitted to the Board for review at least ten (10) days prior to the scheduled closing.

Once the transaction closes, you must provide the Board with copies of the recorded closing documents, a report of how the grant funds were distributed, and the status of the project within sixty (60) days of closing.

If you have any questions about your obligations if you accept the grant award, please review the governing ordinance and OCCB Policy 003, Grant Procedures. Both documents are available on the OCCB website for easy access.


In closing, **please provide all required documents to the staff liaison via email to councilclerkinfo@oconeesc.com** for distribution to the appropriate persons.

Sincerely,

(NAME), Staff Liaison
Oconee County Conservation Bank Board



Oconee County
Conservation Bank
Board



Oconee County
Administrative Offices
415 South Pine Street
Walhalla, SC 29691

Phone: 864-718-1023
Fax: 864 718-1024

E-mail:
ksmith@oconeesc.com

Laura Havran,
Treasurer
District I

Andrew Smith
Chairman
District II

Deryl Ryan Keese
Secretary
District III

Marvin Prater
District IV

VACANT
District V

Emily Hitchcock
Vice-Chair
At-Large

VACANT
At-Large



November 25, 2020

Steven D. Jester
Vice President
Water Strategy, Hydro Licensing and Lake Services
Duke Energy Corporation
526 South Church Street
Mail Code EC12Y
Charlotte, NC 28202

Re: Oconee County Conservation Bank Report on Activities

Dear Mr. Jester,

I am writing on behalf of the Oconee County Conservation Bank to report on the Conservation Bank's activities for the time period September 2018, to the present.

With funding from Duke Energy the Conservation Bank has been able to assist in the permanent conservation of important Oconee County places. The Conservation Bank hopes to approach Duke Energy in 2021 or 2022 with a request for additional funding to ensure that the Conservation Bank can continue its work to conserve natural resources, working farms, historic, cultural, and scenic sites throughout Oconee County.

Please contact Katie Smith, Clerk to Council, or me if you have any questions.

In gratitude,



Andrew J. Smith, Chair

Oconee County
Conservation Bank
Board

Oconee County
Administrative Offices
415 South Pine Street
Walhalla, SC 29691

Phone: 864-718-1023
Fax: 864 718-1024

E-mail:
ksmith@oconeesc.com

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Treasurer
District I

Andrew Smith
Chairman
District II

Deryl Ryan Keese
Secretary
District III

Marvin Prater
District IV

VACANT
District V

Emily Hitchcock
Vice-Chair
At-Large

VACANT
At-Large



Report to Duke Energy - Oconee County Conservation Bank

November 17, 2020

As required by the Memorandum of Agreement dated November 3, 2016, the Oconee County Conservation Bank (OCCB) Board provided a report to Duke Energy dated September 11, 2018, describing the activities within two years of the \$618,000.00 of funding provided by Duke Energy in 2016. The MOA required no further reporting. Nonetheless, the OCCB is committed to informing Duke Energy of the OCCB's activities and expenditures for conservation in Oconee County, South Carolina.

In May 2019, the OCCB Board voted to deposit its funds in an investment account with the State Investment Pool. Through October 31, 2020, the OCCB investment account earned \$12,067.40 in interest. In addition, since the establishment of the OCCB in 2012, private individuals and local organizations donated \$5,145.00. The OCCB will continue to seek donations from private individuals and groups. The OCCB also maintains a checking account with Community First Bank in West Union, South Carolina for the deposit of donations and to disburse funds to grant recipients.

To date, the OCCB has expended \$208,067.33 in grants to protect 747.99 acres in Oconee County and has incurred \$154.54 in banking expenses. As of October 31, 2020, the OCCB had the following funds:

State Investment Pool	-	\$410,235.53
Community First Bank	-	\$ 16,755.00.

Since September 2018, the OCCB has made the following grant awards:

McKinney Creek Oconee Bell Preserve. The OCCB disbursed \$58,000.00 to The Naturaland Trust for the fee simple purchase of Cliffs Timber LLC's 195.60-acre McKinney Creek Oconee Bell Preserve. TNT will own and manage the preserve for conservation, public access, and potential transfer to the South Carolina Department of Natural Resources as an addition to Devil's Fork State Park. The transaction closed in December 2019, with funds from OCCB, the South Carolina Conservation Bank, and other donors.

Oconee County
Conservation Bank
Board

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Gary and Christy Lyle Timber Farm. The OCCB disbursed \$45,000.00 to the Oconee Soil and Water Conservation District for landowners Gary and Christy Lyle for a conservation easement on their 165.89 acres working timber farm. The OSWCD will hold and monitor the conservation easement. The transaction closed in June 2020, with funds from the OCCB and a conservation donation by the landowners.

Chapman Bridge Oconee Bell Preserve. The OCCB disbursed \$88,000.00 to The Naturaland Trust for the fee simple purchase of landowner Cliff Timber's 238.72-acre Chapman Bridge Oconee Bell Preserve. TNT will own and manage the preserve for conservation, public access, and potential transfer to the South Carolina Department of Natural Resources as an addition to Devil's Fork State Park. The transaction closed in July 2020, with funds from OCCB, the South Carolina Conservation Bank, and other donors.

Elaine Morris Conservation Easement. Upstate Forever withdrew its previously approved OCCB grant award as a result of delays caused by illnesses in the Morris family. UF reapplied and the OCCB approved a grant in the amount of \$12,500.00 for the purchase of a conservation easement on landowner Elaine Morris 26.26 acres on the Blue Ridge escarpment. UF will hold and monitor the easement. The closing for this transaction is pending as of the date of this report and the OCCB funds have been delivered but not disbursed. Anticipated closing is November or December 2020.

Estate of William C. Lyles Farm. The OCCB approved a grant in the amount of \$66,100.00 to Upstate Forever for the fee simple purchase by The Naturaland Trust of the Estate of William Lyles' 155.56-acre working farm in Mountain Rest. This farm is in row crops and timber and contains the site of Echochee one of the Lower Cherokee Villages. It has significant frontage on streams feeding Whetstone Creek and the National Wild and Scenic Chattooga River. TNT intends to transfer the property to the U.S. Forest Service for inclusion in Sumter National Forest. The closing for this transaction is pending and funds have not been delivered. Anticipate closing is in December 2020.



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Pending Grant Application:

Peggy Moore Farm. The OCCB approved a grant in the amount of \$8,100.00 to the Oconee County Soil and Water Conservation District for the purchase of a conservation easement on this 34.31-acre cattle farm where Ms. Moore has implemented conservation practices through consultation with the District and the U.S. Natural Resources Conservation Service. The farm contains significant Prime Soils and is the flat laying portion of the county close to Interstate 85. In May of 2020, the District notified the OCCB that Ms. Moore was seeking to buy additional land and wanted to withdraw its application and resubmit at a later date. The application was resubmitted for the November 2020 grant cycle for a \$10,000.00 grant for the purchase of a conservation easement on 58.6 acres. The OCCB will make a decision on this application at its December 15, 2020, meeting.

In 2019, after consulting with the Executive Director of the South Carolina Conservation Bank and with staff from The Naturaland Trust, Upstate Forever, and the Oconee Soil and Water Conservation District, the OCCB Board established a policy of limiting its grants to ten percent (10%) of the conservation value of any project, unless there are exceptional circumstances warranting an increased percentage. The South Carolina Conservation Bank has set their upper limit at thirty percent (30%) of the conservation value. Our grantees have informed us that being able to reliably estimate potential grant amounts helps in their coordination and development of funding requests to other potential funders.

In 2020, the Oconee County Council adopted extensive procedural amendments to the OCCB ordinance to clarify and improve the process and procedures of the grant making process. For example, the ordinance now requires that recipients of OCCB funding execute and record, which require reports for how OCCB funds have been used and the conservation status of land protected with OCCB funds.

*Included with this report are a chart of expenditure and income, a statement of financial position, a report to the Oconee County Administrator, the 2018 OCCB Report, and a flash drive containing a power point presentation that the OCCB developed for educational and fundraising purposes.

**OCONEE COUNTY CONSERVATION BANK
EXPENDITURES AND INCOME**

PROJECT NAME, OWNER	GRANT AWARD	CLOSING DATE	ACRES	RECIPIENT	PURPOSE	CONSERVATION EASEMENT, FEE SIMPLE
Jerry Powell	\$7,500.00	8/17/2017	94.1	Oconee Soil & Water Conservation District	Working Farm, Conservation	Conservation Easement
Oconee Towne, The Naturaland Trust ~> South Carolina Department of Natural Resources	\$9,567.33	6/5/2017	53.68	Upstate Forever, Naturaland Trust	History, Conservation, Public Access	Fee Simple
Estate of William Lyles	\$66,100.00 APPROVED <i>Not included in total</i>		155.56 <i>Not included in total</i>	Upstate Forever, Naturaland Trust	Working Farm, Conservation, Water Quality Protection	Fee Simple
McKinney Creek Oconee Bell Preserve, Cliff Timber	\$58,000.00	12/5/2019	195.60	Naturaland Trust	Conservation, Public Access	Fee Simple
Chapman Bridge Oconee Bell Preserve, Cliff Timber	\$88,000.00	7/29/2020	238.72	Naturaland Trust	Conservation, Public Access	Fee Simple
Gary and Christy Lyle	\$45,000.00	6/17/2020	165.89	Oconee Soil & Water Conservation District	Working Farm, Conservation, Water Quality Protection	Conservation Easement
Morris Family Trust	\$12,500.00 APPROVED <i>Not included in total</i>		26.26 <i>Not included in total</i>	Upstate Forever	Conservation	Conservation Easement
TOTAL DOLLARS DISBURSED & ACREAGE PROTECTED	\$208,067.33		747.99			
Bank Expenses	\$154.54					
TOTAL	\$208,221.87					

OCONEE COUNTY CONSERVATION BANK

STATEMENT OF FINANCIAL POSITION

(Balance Sheet)

As of October 31, 2020

ASSETS

Cash - Community First Account	\$ 16,755.00
<u>Cash – State Investment Pool</u>	<u>\$410,235.53</u>
Total	\$426,990.53

LIABILITIES and NET ASSETS

Liabilities – Pending Grant Awards	\$ 78,600.00
<u>Net Assets</u>	<u>\$348,390.53</u>
Total	<u>\$426,990.53</u>



OCONEE
CONSERVATION BANK
BOARD

415 SOUTH PINE STREET
WALHALLA, SC 29691

OCONEE CONSERVATION BANK BOARD

CURRENT MEMBERS

District I: Laura Havran, *Treasurer*

District II: Andrew Smith, *Chair*

District III: Ryan Keese, *Secretary*

District IV: Marvin Prater

District V: Vacant

At Large: Emily Hitchcock, *Vice-Chair*

At Large: Vacant

Staff Liaison: Katie D. Smith, Clerk to Council

VACANT SEATS

There are two vacant positions open at the present time. One position is in District V and the other position is an At-Large seat.

ACCOMPLISHMENTS

- In 2019, OCCB received two Statement of Interest packets expressing an interest in pursuing an application.
- By August 2020, OCCB received three Statement of Interest packets expressing an interest in pursuing an application.
- Out of the five Statement of Interest packets received, OCCB received four applications requesting grant funds. All four applications were approved.
- A grant in the amount of \$88,000.00 for landowner Cliff's Timber / Chapman Bridge Oconee Bell Preserve for the conservation of approximately 220 acres in Salem, SC was awarded on June 2, 2020 by County Council.
- A grant in the amount of \$45,000.00 for landowner Gary Lyle for the conservation of approximately 165.89 acres in Walhalla, SC was awarded on June 2, 2020 by County Council.

- A grant in the amount of \$12,500.00 for landowner Elaine Morris for the conservation of approximately 26.26 acres in Salem, SC was awarded on June 2, 2020 by County Council. However, the closing has been completed and the appropriate documents have not been sent in, therefore, the grant award has not been paid.
- A grant in the amount of \$66,100.00 for landowner Estate of William Lyles for the conservation of approximately 155.56 acres in Mountain Rest, SC was awarded on December 17, 2019 by County Council. However, the closing has been completed and the appropriate documents have not been sent in, therefore, the grant award has not been paid.
- A grant in the amount of \$8,100.00 for landowner Peggy Moore for the conservation of approximately 34 acres in the Oakway, SC community was awarded on October 1, 2019 by County Council. However, the funds have not been sent due to the appropriate documents not being sent in. The eligible partner [Oconee Soil & Water Conservation] sent a letter requesting to withdraw the application and resubmit another application with increased acreage at a later date.

MEETINGS TO DATE

OCCB has met on the following dates for 2020:

- February 25th
- April 21st
- May 19th
- August 18th

OCCB future meeting dates for 2020 & 2021 are as follows:

- September 15th
- November 17th
- December 15th
- February 9, 2021

FUTURE EXPECTATIONS

- Will begin making presentations for additional fundraising
- Award grants to conserve land
- Amend ordinance to update procedures
- Create OCCB grant agreement and require grantees to submit

- Create Committees

GOALS

- Raise enough funds to create an endowment to permanently fund the bank
- Educating the community on the purpose of the OCCB
- Continue to give awards to conserve land in Oconee

NEEDS – HOW CAN ADMINISTRATION HELP REACH OCCB GOALS

- Continue to support the staff liaison of the OCCB
- Very happy with the support of the Administrator and staff

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Bank Board**

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Vice Chairman
District V

Richard Cain
At Large

Frances Rundlett
At Large



Report to Duke Energy Regarding the Oconee County Conservation Bank

September 11, 2018

Background:

As part of the FERC/Re-licensing process for the Keowee-Toxaway Hydroelectric Project located in Oconee and Pickens Counties, South Carolina, Duke Energy entered into an agreement to provide donations to certain government entities and other programs to benefit the local communities most acutely affected by the Keowee-Toxaway Hydroelectric Project. Among the donations made during this process, a pledge of \$600,000 was made to fund the Oconee County Conservation Bank (hereinafter the "OCCB") for the purpose of supporting the OCCB's purpose of promoting the long term conservation and preservation of important and sensitive environmental lands, agricultural areas, wildlife habitat and special natural areas in Oconee County, South Carolina. After the passage of some time, with additional interest added to the initial pledge, a total donation of \$618,000 was made to the OCCB in 2016.

The OCCB was formed as a local government agency of Oconee County in 2011 with the purpose of promoting the long term conservation and preservation of important and sensitive environmental lands, agricultural areas, natural habitat and special natural areas in Oconee County, South Carolina. Given the growth of lakefront, other residential and commercial development in Oconee County and a corresponding loss of natural areas, the OCCB is seen as an important program to help conserve some of the area's unique and invaluable natural area and corresponding natural resources (e.g., clean air and clean water). Beginning in 2011, the OCCB was established, but was financially unfunded. As a result, the OCCB Board of Directors initially focused their efforts on the development of robust and detailed guidelines and criteria which would later be used to provide grants to landowners who wish to voluntarily and permanently protect their lands through conservation easements or fee simple donations of such land. Examples of the documentation and process designed and implemented by the OCCB include the "Statement of Interest" form, the "Application" form and the "Criteria Ranking" form, all of which are utilized in receiving and reviewing grant requests from qualified landowners. Such forms are attached hereto and incorporated herein as **Exhibit A**.

After receiving the grant from Duke Energy in 2016, the OCCB was "funded" and officially able to provide grants to local landowners who desired to conserve their lands. As such, since 2016, the OCCB Board of Directors have reviewed and processed several grant applications, as further described below.

Utilization of Grant – 2016 – 2018 (Present):

Since the receipt of funds from Duke Energy in 2016, the OCCB began to inform the local community of the availability of such grants to permanently protect and preserve Oconee County lands possessing high quality natural resources, quality agricultural lands, wildlife habitat and other special natural areas. Since this time, the OCCB has reviewed a total of three [3] Applications requesting grants from the OCCB and six [6] Statements of Interest expressing interest in pursuing such an Application.

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Bank Board**

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At Large



After reviewing an Application, each member of the OCCB Board of Directors must independently evaluate a landowner's Application and attachments to determine if the landowner's property (e.g., the land) is of sufficient size, quality and characteristics to merit the award of a grant from the OCCB. The grants from the OCCB are specifically designed to ensure that binding legal protections, such as Conservation Easements, are placed on the land to ensure that no extensive development occurs on such property and that the property retains its conservation values and key environmental attributes. By ensuring the long term legal protection of such properties, the OCCB helps support clean air and water, protect wildlife habitat and preserve special natural areas for generations to come.

After each member of the OCCB Board of Directors have independently reviewed a landowner's Application to determine the land's eligibility for a grant, the OCCB Board of Directors then have a public meeting to develop and confirm consensus regarding the suitability (or lack thereof) of the property for a grant in order to permanently protect the property. As part of its due diligence, a member of the OCCB Board of Directors also physically visits the land described in each Application to ensure the land matches the information provided in the Application and to make general "on the ground" observations about any land for which a grant is sought.

With this thorough process in mind, and after having received the Applications and Statement of Interests described above in this report, the OCCB has made the following grants to the following landowners to permanently protect the following properties:

1. Clemson Engineering Services in regards to Jerry Powell in the amount of \$7,500
2. Upstate Forever in regards to the Morris Family Revocable Trust in the amount of \$12,500
3. Upstate Forever in regards to Naturaland Trust in the amount of \$9,567.33

The award of grants for each of the above described properties has ensured the permanent protection of such lands for the long term benefit of Oconee County and its citizens, whom will enjoy the clean air, clean water, scenic views and agricultural production offered through such properties for generations to come.

Going Forward

While the OCCB has only been funded since 2016, the OCCB has already awarded the three [3] grants described above and thereby, helped secure the permanent preservation and conservation of such properties. These grants were funded primarily with funds derived from the donation of Duke Energy and otherwise would not have been possible. Going forward, the OCCB expects to receive many more Applications and Statements of Interest from interested landowners in Oconee County. Over the medium and long term, the OCCB is expected to provide substantial benefit to the local community in helping ensure the permanent conservation of lands that would otherwise be lost to development. The OCCB is exceptionally thankful to Duke Energy for the grant provided in

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Bank Board**

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At Large



2016, which has made the OCCB grants described above possible and which will continue to benefit the community through future grants to be awarded hereafter.

For further information, please contact:

Chairman of OCCB:

Shea B. Airey, Esq.
1510 Blue Ridge Blvd. Suite 205
864-280-9840
Seneca, SC 29672

County Liaison to OCCB:

Katie D. Smith
Clerk to Council
415 S. Pine Street
Walhalla, SC 29691
864-718-1023

PUBLISHER'S AFFIDAVIT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**

OCONEE COUNTY COUNCIL

IN RE: Oconee County Conservation Bank Board Meeting

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on 04/23/2022 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
04/23/2022



Jessica Wells
Notary Public
State of South Carolina
My Commission Expires November 13, 2030



Jessica Lee Wells
NOTARY PUBLIC
State of South Carolina
My Commission Expires
November 13, 2030

LEGAL NOTICES

LEGALS

The Oconee County Conservation Bank Board meeting scheduled for 9 a.m. on Tuesday, May 10, 2022 has been CANCELLED.

The Oconee County Conservation Bank Board will hold a Special Meeting at 9 a.m., Tuesday, May 24, 2022 in Council Chambers located at 415 S. Pine Street, Walhalla SC 29691.

NOTICE OF PUBLIC HEARING

The Oconee Joint Regional Sewer Authority ("OJRSA") Commissioners will receive comments on the proposed Fiscal Year 2023 budgets during a public hearing at the May 2, 2022 Board meeting to be held at 4 p.m. in the Lamar Bailes Board Room at the OJRSA Operations Administration Building 623 Return Church Rd, Seneca, SC.

Being considered are the agency's unrestricted Annual Operating Budget and the following restricted budgets: Capital Replacement Fund, Special Development Fund ("Impact Fee Fund"), Retail Sewer Fund ("Sewer South Fund"), and Contingency Fund. The proposed FY 2023 budgets are posted on the OJRSA website at www.ojrja.org/info. Written comments can be submitted as an alternative to attending the hearing and must include the following:

LEGAL NOTICES

LEGALS

petitioner's name, address (where sewer service is provided), and signature. Comments must be received by 2 p.m. EDT on April 29, 2022 and can be delivered by mail or in person to: Oconee Joint Regional Sewer Authority ATTN: OJRSA Board Chair 623 Return Church Rd Seneca, SC 29678.

Comments that are late or do not meet the necessary requirements for inclusion as determined by OJRSA legal counsel may be excluded from consideration by the Board.

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Tillman Place, Clemson	4BR/2BA	\$1200-\$1570
Village Green, Clemson	2BR/1.5BA, Townhouse	\$825-\$835
Cedarwood, Clemson	2BR/2BA	\$720-\$750
Crawford Falls, Clemson	3BR or 4BR	\$2200
Lindsay Rd., Clemson	1BR/1BA, Washer & Dryer	\$525
Creekside, Clemson	Studio Includes Utilities	\$525
E. Tamassee Dr., Seneca	3BR/2BA House, Lawn & Trash Services Inc.	\$1500
Rochester Hwy., Seneca	1BR/1BA, 1 Person	\$625, 2 People=\$640
Weatherstone, Central	3BR/2BA House	\$1800

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Debra Boggs, Prop. Mgr.

Rebekah Braxton, Prop. Mgr.

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**HE
START
E**

nonconfidential portions of the application will be made available upon request.

NOTICE OF APPLICATION

NOTICE IS HEREBY given that Food Lion, LLC intends to apply to the South Carolina Department of Revenue for a license and/or permit that will allow the sale and OFF premises consumption of **BEER AND WINE** at 191 Bilo Plaza, Seneca, SC 29678. To object to the issuance of this license and/or permit, written protest must be postmarked no later than **FEBRUARY 21, 2021**.

For a protest to be valid, it must be in writing, and should include the following information:

- (1) The name, address and telephone number of the person filing the protest;
- (2) The specific reasons why the application should be denied;
- (3) That the person protesting is willing to attend a hearing (if one is requested by the applicant);
- (4) That the person protesting resides in the same county where the proposed place of business is located or within five miles of the business; and,
- (5) The name of the applicant and the address of the premises to be licensed.

Protests must be mailed to: **SCDOR, ABL SECTION, P.O. Box 125, Columbia, SC 29214-0907; or faxed to: (803) 896-0110.**

Public Notice

The Oconee County Conservation Bank Board will meet on the following dates/times in Council Chambers, 415 South Pine Street, Walhalla, SC unless otherwise advertised:

March 2, 2021;

April 6, 2021;

May 18, 2021;

August 10, 2021;

September 21, 2021;

November 9, 2021;

December 14, 2021;

and February 8, 2022.

All meetings are scheduled for 9:00 a.m.

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PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE: The Oconee Conservation Bank Board Meeting Schedule 2021

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on 02/12/2021 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
02/12/2021



Aubry Bethea
Notary Public
State of South Carolina
My Commission Expires November 20, 2030



Conservation Bank Board Donations 2019-Current

<u>Date</u>	<u>Name</u>	<u>Donation Amount</u>
16-Oct-19	Ms. Rundlett	\$200.00
19-Feb-20	Mountain Lakes Community Association	\$500.00
6-May-20	Rally in the Valley	\$1,150.00
1-Mar-21	Mr. And Mrs. Havran	\$200.00
4-Aug-21	Mr. and Mrs. Plumpe	\$100.00
18-Nov-21	Mountain Lakes Community Care	\$500.00
10-Dec-21	Mr. and Mrs. Havran	\$200.00
22-Dec-21	Upstate Historical Seekers	\$500.00
13-Apr-22	Mr. Lombard	\$2,000.00
	Total Donations To Date =	\$5,350.00