

# **SPECIAL CALLED CHESTER COUNTY COUNCIL MEETING**

## **R. Carlisle Roddey Chester County Government Complex**

1476 J.A. Cochran Bypass Chester, SC 29706

**Tuesday, August 9<sup>th</sup>, 2022 at 6:00PM**

### **Agenda**

- 1. Call to Order**
- 2. Public Hearing**
  - a. **3<sup>rd</sup> Reading of Ordinance 2022-14**- An Ordinance to authorize a referendum to permit Chester County to partner on Sewer and Treatment Services in unserved areas of the County.
- 3. Ordinances/Resolution/Proclamations**
  - a. **3<sup>rd</sup> Reading of Ordinance 2022-14**- An Ordinance to authorize a referendum to permit Chester County to partner on Sewer and Treatment Services in unserved areas of the County.
- 4. Executive Session**
  - a. To receive legal advice regarding ARPA money. - Attorney Winters.
- 5. Council Actions Following Executive Session**
  - a. Action taken regarding legal advice of APRP money.
- 6. Adjourn**



STATE OF SOUTH CAROLINA

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Ordinance No. 2022-14

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COUNTY OF CHESTER

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**AN ORDINANCE TO AUTHORIZE A REFERENDUM TO PERMIT CHESTER COUNTY TO PARTNER ON SEWER AND TREATMENT SERVICES IN UNSERVED AREAS OF THE COUNTY**

**WHEREAS**, Section 4-9-10 of the Code of Laws of South Carolina, as amended provides for the calling of a referendum by the governing body of a county; the referendum to determine whether the County should be authorized to partner or form a joint authority on sewer and treatment services in unserved areas within the County; and

**WHEREAS**, Chester County Council desires to adopt an Ordinance providing for such a referendum during the 2022 General Election giving the electors of the County by referendum a choice of whether the County should be authorized to partner or form a joint authority on sewer and treatment services in unserved areas within the County to enable expanded grant opportunities, financial transparency in funding for such partnerships, extension of sewer services in unserved areas, and other opportunities not currently available to the County; and

**WHEREAS**, Chester County Council does not intend to encroach, interfere, or abandon present suppliers of sewer and treatment services in their service areas, and in fact believe this authorization for the County to partner on sewer and treatment services with those existing providers and others will serve to strengthen and enhance those partnerships, and continued support of those providers; and

**WHEREAS**, the Joint Authority Water and Sewer Systems Act, South Carolina Code of Laws, Title 6, would allow the County to form a joint system or partnership to

plan, finance, develop, construct, improve, enlarge, sell, lease, maintain, and operate a project to service the needs of areas not currently served; and

**WHEREAS**, the County does by and through this ordinance authorize a referendum for the purpose of submitting to qualified electors the question of the formation of such a joint system or partnership; and

**WHEREAS**, the Chester County Elections Commission (the “Elections Commission”) shall conduct the Referendum and publish notice of the Referendum in accordance with requirements. The Elections Commission is authorized to change any of the locations of precincts or polling places for the Referendum in accordance with State law as deemed necessary or advisable. Appropriate changes are to be made to the Notice of Referendum; and

**WHEREAS**, The Referendum question to be on the ballot shall read substantially as follows:

**“Should Chester County be authorized to form a joint sewer system or partnership with another authority to plan, finance, develop, construct, improve, enlarge, sell, lease, maintain, and operate a system to service the needs of areas not currently served?”**

A **YES** vote is in favor of the County to be authorized to form a joint sewer system or partnership on sewer and treatment services in unserved areas within the County. It will permit the County to apply for infrastructure grants and enable expanded grant opportunities, financial transparency in funding for such partnerships, extension of sewer services in unserved areas, and other opportunities not currently available to the County.

A **NO** vote is in favor of the County to not have the authority to form a joint sewer system or partnership on sewer and treatment services in unserved areas within the County. This vote will not permit the County to form a joint sewer system or partnership with other entities in extension or expansion of sewer services in unserved areas and will not permit for application for grants that are available to those authorized for the sole purpose of sewer services.

**YES – “Chester County should be authorized to form a joint sewer system or partnership with another authority to plan, finance, develop, construct, improve, enlarge, sell, lease, maintain, and operate a system to service the needs of areas not currently served.”**

**NO – “Chester County should not be authorized to form a joint sewer system or partnership with another authority to plan, finance, develop, construct, improve, enlarge, sell, lease, maintain, and operate a system to service the needs of areas not currently served.”**

**WHEREAS**, the Election Commission is requested to conduct the Referendum in accordance with State law. Upon approval, the form of ballots to be used in the Referendum and the instructions to voters appearing thereon shall be in substantially the form set forth above with such other changes as may be deemed necessary by the Election Commission upon consultation with the Council Chair; and

**WHEREAS**, in the event the Referendum results favorably to the authorization of the formation of such a joint system, the County may conduct a study to assess the necessity and feasibility of such a project.

**NOW THEREFORE BE IT ORDAINED THAT:**

The County does by and through this ordinance authorize a Referendum for the purpose of submitting to qualified electors the question of the formation of a joint sewer system or partnership with another authority to plan, finance, develop, construct, improve, enlarge, sell, lease, maintain, and operate a system the needs of areas not currently served.

This ordinance shall take effect upon adoption.

Adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2022

1<sup>st</sup> Reading: July 5, 2022  
2<sup>nd</sup> Reading: July 18, 2022  
3<sup>rd</sup> Reading: August 9, 2022  
Public Hearing: August 9, 2022

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Dr. Wylie Frederick, Interim Supervisor  
Chester County Council

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Karen Lee  
Clerk to Council

**J. M. MULLIS, INC.**  
Professional Project Location Specialists

**High Priority**

**Email**

Friday, August 05, 2022

Dr. Wylie Frederick, Supervisor  
***Chester County Council***  
PO Box 580  
Chester, SC 29706

Joanie Winters, Attorney At Law  
***Winters Law Firm***  
105 Main Street  
Chester, SC 29706

**Subject:** Public Referendum (Tuesday Evening, August 09, 2022)

It is my understanding that the Chester County Council is having its third and final reading on Tuesday evening, August 09, for the ballot question for the public referendum to possibly allow the County to have the authority to get into the wastewater transfer/conveyance and/or treatment business.

As both of you are aware, I have always supported the conductance of that public referendum on the subject matter regarding wastewater.

Chester County is now experiencing record growth opportunities (including industrial, business, residential, institutional, etc.); and the County needs to be well positioned to set its destiny relative to having wastewater services provided by the appropriate entities.

If I can do anything to show more support for this public referendum, and hopefully its approval by the Chester County citizens, please do not hesitate to let me know.

Thank you.



J. Michael Mullis  
President/CEO

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