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STATE OF SOUTH CAROLINA

COUNTY OF CALHOUN

**ROBERT BROCKINGTON
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC**

ORDINANCE NO. 2025-5

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF CALHOUN COUNTY REGARDING FIRE PREVENTION AND PROTECTION TO RECONSTITUTE THE CALHOUN COUNTY RURAL FIRE DISTRICT; ELIMINATING ALL EXISTING FIRE PROTECTION AREAS; APPROPRIATING FUNDS TO EFFECT THE REDEMPTION OF ANY OUTSTANDING BONDS AND OTHER OBLIGATIONS; REQUESTING AND ACCEPTING DEDICATION OF COUNTY FUNDED FIRE CAPITAL EQUIPMENT AND FACILITIES; AND OTHER MATTERS RELATING THERETO.

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WHEREAS, the County Council of Calhoun County (the “*County Council*”), the duly elected governing body of Calhoun County, South Carolina (“*County*”), is empowered pursuant to Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended (the “*Home Rule Act*”), to establish special taxing districts within the County, including such districts to provide fire services.

WHEREAS, pursuant to the Home Rule Act, particularly Section 4-9-30(5)(a)(iii) and Ordinance No. 2023-3 dated April 24, 2023 (the “*2023 Fire Ordinance*”), the County Council previously created the Calhoun County Rural Fire District, which encompasses the entire unincorporated area of the County (the “*Original County Fire District*”).

WHEREAS, under the 2023 Fire Ordinance and Tile 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended, the County authorized, ratified and confirmed the creation of eight separate fire service areas within the County, including: Sandy Run Fire District (the “*Sandy Run District*”), Belleville Fire District, Cameron Fire District, Caw Caw Fire District, Fort Motte Fire District, Jumper Station Fire District, Midway Fire District, and St. Matthews Fire District (collectively, the “*Fire Districts*”).

WHEREAS, the County Council seeks to restructure the organization of fire services in the County by reconstituting the Original County Fire District and eliminating all of the Fire Districts (the “*Consolidation*”). Through the Consolidation, the Original County Fire District shall be reconstituted as the Calhoun Unincorporated Area Fire Protection District (the “*Calhoun Fire District*”). The County Council has determined that the Consolidation will: (a) attract new firefighters; (b) retain existing firefighters; (c) allow for proper training of new and existing firefighters, and the potential to hire full-time firefighters; (d) stabilize service calls and fire station capacity; (e) promote better responsiveness and fire service to taxpayers, residents, and businesses within the County; (f) more effectively and equitably spread the cost of fire services throughout the County; (g) unify and potentially improve ISO ratings throughout the County; (h) ensure County oversight on fire funding; and (i) create accountability for contractual fire service providers operating in the County.

WHEREAS, the County Council has determined to amend and restate the 2023 Fire Ordinance, as codified at Chapter 30, Articles I and II of the County’s Code of Ordinances, in order to implement the Consolidation, and eliminate the Fire Districts.

WHEREAS, the elimination of the Fire Districts is not intended to change the network of volunteer fire departments and municipal fire departments currently operating in the County (the “*Existing Departments*”), but rather is intended to unify the funding sources available to the County and give the County more flexibility to negotiate service arrangements and contractual services with the Existing Departments.

WHEREAS, as of the date hereof, there is currently outstanding (i) \$109,530.32 of the original principal amount \$1,000,000 General Obligation Bond (Calhoun County Rural Fire District), Series 2016 (the “*Outstanding GO Bond*”) maturing on March 1, 2026; and (ii) \$167,027.30 of the original principal amount \$575,000 Capital Lease Purchase, Series 2019 of the Sandy Run District (the “*Outstanding Capital Lease*” and together with the Outstanding GO Bond, the “*Outstanding Obligations*”).

WHEREAS, the Outstanding Obligations were issued for the benefit of the Sandy Run District, and each are subject to optional redemption prior to maturity.

WHEREAS, as a result of the Consolidation, the County Council has determined to effect the redemption of the Outstanding Obligations prior to the end of the current fiscal year (ending June 30, 2025).

WHEREAS, the funds necessary to redeem the outstanding principal and accrued interest on the Outstanding Obligations on or before June 30, 2025 are not currently budgeted in the fiscal year 2024-2025 annual budget and will require the County to amend such budget (the “*Budget Amendment*”) to duly and properly authorize an appropriation for such purpose.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL, as follows:

Section 1 Recitals. Each finding or statement of fact set forth in the recitals hereto has been carefully examined and has been found to be in all respects true and correct. The County Council has determined that its actions herein satisfy all of the requirements and conditions set forth and established in the Home Rule Act. The County Council believes that it is in the best interest of the County to undertake the Consolidation under the Home Rule Act. Further, and as required by the Home Rule Act, the County Council finds and determines that the reconstitution of the Calhoun Fire District satisfies the requirements and conditions set forth in Section 4-9-30(5)(a)(iii) of the Home Rule Act.

Section 2 Amendment and Restatement of Articles I and II, Chapter 30 of the County’s Code of Ordinances. The 2023 Fire Ordinance, as codified in the County’s code of ordinances at Chapter 30 – “Fire Prevention and Protection” shall be amended and restated in its entity as follows:

Chapter 30 – FIRE PREVENTION AND PROTECTION

Article I. – In General

Sec. 30-1. Findings of Fact.

As an incident to the enactment of this article, Calhoun County, South Carolina (the "County"), the County Council of Calhoun County, the governing body of the County (the "Council"), finds that there shall be enacted a uniform ordinance for the operation of the system of fire protection within the County.

(1) Pursuant to the provisions of Title 4, Chapter 9 of the Code of Laws of the South Carolina 1976, as amended (the "Home Rule Act"), the Council is empowered to establish, operate, and maintain a system of fire protection within designated areas of the County in order to provide the residents and property owners who reside and own property located within the designated areas with fire protection services.

(2) The County is authorized, pursuant to Article X, Section 6 of the South Carolina Constitution 1895, as amended, and the Home Rule Act, to assess property and levy ad valorem property taxes and uniform service charges, including the power to tax different areas at different rates related to the nature and level of governmental services provided therein. Section 4-9-30(5)(iii) of the Home Rule Act provides that the Council may, by ordinance duly enacted, create a special tax district within the entire unincorporated area of the County. The term "unincorporated area" means the area not included within the corporate boundaries of a municipal corporation created, pursuant Title 5, Chapter 1 of the Code of Laws of South Carolina 1976, as amended, or within a special purpose district created before March 7, 1973, to which has been committed the governmental service which the county council intends to provide through the proposed special taxing district unless the special purpose district has been dormant for five years or more. There are no fire special purpose districts currently in existence or operating in the County.

(3) The County intends to restructure the organization of fire service funding in the County by confirming the existence of a single, unified fire service area under the Home Rule Act, which it believes will: (a) attract new firefighters; (b) retain existing firefighters; (c) allow for proper training of new and existing firefighters, and the potential to hire full-time firefighters; (d) stabilize service calls and fire station capacity; (e) promote better responsiveness and fire service to taxpayers, residents, and businesses within the County; (f) more effectively and equitably spread the cost of fire services throughout the County; (g) unify and potentially improve ISO ratings throughout the County; (h) ensure County oversight on fire funding; and (i) create accountability for contractual fire service providers operating in the County.

(4) Pursuant to Ordinance No. 2025-5 dated April 28, 2025 (the "Consolidation Ordinance"), the Council reconstituted an existing special tax district, which shall hereafter be known as the "Calhoun Unincorporated Area Fire Protection District" (the "Calhoun Fire District"). As a result, and upon the effective date of the Consolidation Ordinance, there shall be one unified fire service area operating within the County (not including any municipal fire departments that the County is not authorized to serve or is not otherwise providing service by contract). Additionally, any formerly created county fire service areas created under Title 4, Chapter 19 shall be eliminated.

Article II. – Calhoun Fire District

Sec. 30-11. Creation and Validation.

The County did previously establish an unincorporated area fire district under the Home Rule Act. The prior creation of such district is ratified, but such entity, now known as the Calhoun Fire District, shall be reconstituted in its entirety under the provisions of this ordinance. The Calhoun Fire District shall consist of the entire unincorporated area of the County and is established for the purpose of providing and funding fire services in such area. The Council is authorized to exercise all powers provided by law and to perform all duties necessary to the proper rendering of fire services within all areas of the Calhoun Fire District, including the levy and collection of ad valorem taxes upon all taxable property within the district, the levy and collection of uniform service charges for fire services to be levied on an annual basis, and arranging contracts to the provision of fire services within distinct areas of the Calhoun Fire District.

Sec. 30-12. Administration; Assets; Authorization.

(a) The Calhoun Fire District shall be operated as an administrative division of the County. The County hereby creates the "county fire service division", as an administrative division of the County. The county fire service division, acting through the Fire Service Coordinator (as defined and described herein) shall represent, manage, and control the daily operations of the Calhoun Fire District. Separately, the Commission (as defined and described herein) shall serve as an advisory board to the Council.

(b) All fire-related assets (real property, personal property, cash, investments or technology) of the Calhoun Fire District shall be controlled by and titled in the name of the County. To the extent any County-funded assets are listed in the name of the Calhoun Fire District, any previously created, but no longer existing county fire service area created under Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended (the "FSAs"), or any counterparty (contractual or otherwise) performing fire service functions for the County, the County, acting through the County Administrator, is authorized to undertake all necessary actions

to effect and accept the proper transfer of any such assets to the County.

(c) All fire personnel of the Calhoun Fire District, including the Fire Service Coordinator and any firefighters (volunteer or paid), shall be considered County employees and subject to the same county policies, procedures, and regulations, as similarly situated County employees. Further, all fire personnel of the Calhoun Fire District shall be managed by the Fire Service Coordinator. Notwithstanding the foregoing, any fire personnel of a contractual counterparty engaged by the County to provide fire protection services within the County shall not be considered County employees, but rather shall be employees or agents of such counterparty and responsible to the policies, procedures and regulations of the counterparty. However, and notwithstanding the foregoing, any counterparty and their respective personnel shall be responsible for performing fire services and otherwise conforming their actions to the terms set forth in the applicable fire protection services agreement with the County.

Sec. 30-13. Fire Service Coordinator

(a) The county fire service division shall be operated and administered by the county fire services coordinator (the "Fire Service Coordinator"). The Fire Service Coordinator shall directly report to the County Administrator.

(b) The Fire Service Coordinator shall be responsible, with approval from the County Administrator and/or Council, as necessary, for the following:

(i) Procurement and supervision of the training of emergency personnel to ensure that the equipment shall be utilized for the best interest of the Calhoun Fire District;

(ii) Establishment of centralized purchasing of all materials, supplies and equipment in accordance with the County procurement code;

(iii) Upkeep, maintenance and repair of vehicles and other firefighting and emergency scene operations equipment and to that end shall, as often as is deemed necessary, inspect such equipment and make arrangements for necessary repairs thereto;

(iv) Cooperate or enter into contracts or agreements with any public or private agency which results in improved services or the receipt of financial aid in carrying out the functions of the Calhoun Fire District, provided, however that such contracts and agreements shall be subject to the County's procurement code and subject to approval by the County Administrator or Council, as necessary;

- (v) Implementation of Council approved equipment standardization plan; and
- (vi) Coordination of centralized maintenance schedule and service for all equipment, and County-owned or funded buildings as necessary to ensure quality, maintenance and appropriate annual budgeting for replacement of equipment or facilities.

Sec. 30-14. Fire Commission

(a) The is separately created the "Calhoun County Fire Commission" (the "Commission"). The Commission shall initially consist of 9 members, including the Fire Service Coordinator (the "Members"). The remaining Members shall be a representative from each of the former FSAs, including: Sandy Run Fire District, Belleville Fire District, Cameron Fire District, Caw Caw Fire District, Fort Motte Fire District, Jumper Station Fire District, Midway Fire District, and St. Matthews Fire District (the "Former FSAs"). The Members of the Commission shall be automatically adjusted based on the existence of a contractual service agreement with the County. It is anticipated and expected that the County will enter into separate annual service agreements with the not-for-profit operators within the service area of the Former FSAs. However, if an annual service agreement between the County and any such entity or service provider is not executed and delivered for an applicable service year (July 1 – June 30), such Member shall be deemed to automatically resign its membership on the Commission, and the Commission shall be automatically reduced to reflect membership consisting of the Fire Service Coordinator and each applicable contractual fire service counterparty.

(b) **Members.**

(i) The Members shall be appointed by Council. Except as provided above, one Member shall be appointed from the contractual fire service area in the County. Members shall serve for one-year terms. Members may serve successive terms without restriction.

(ii) The Council may suspend, expel or terminate any Member upon a showing of good cause.

(ii) Any Member of the Commission who shall be absent from 50% or more of the meetings of the Commission during any 12-month period shall be deemed to have forfeited their membership on the Commission, and shall be deemed to have automatically resigned from the Commission.

(iii) Vacancies, for any reason, on the Commission for service of an unexpired term of an initial Member or any regular Member shall be filled

in the same manner as their original appointment.

(c) The Commission is subject to and governed by the provisions of the South Carolina Freedom of Information Act, as codified at S.C. Code Ann 30-4-10 et seq., as amended (the "Freedom of Information Act"). The Commission expects and intends to comply with the provisions of the Freedom of Information Act in all of its actions and activities. The public shall be notified of meetings of the Commission and all meetings shall be conducted in every respect in the manner required by the Freedom of Information Act. The records of the Commission, except as the Freedom of Information Act or any other laws or provisions of the State of South Carolina or federal law otherwise permit, shall be open to the public in the manner required by the Freedom of Information Act.

(d) As necessary for the efficient operation of the Commission and subject to the approval of the Council by resolution, the Commission may establish separate bylaws, procedural rules and policies to govern its operations.

(e) The following provisions shall apply with respect to the meetings and actions of the Commission:

(i) The Commission shall meet at regular intervals, but not less frequently than four times per year.

(ii) The presiding officer or a simple majority of the Members may call special meetings of the Commission at any time.

(iii) A majority of the Members then in office shall constitute a quorum. If a quorum is present when a vote is taken, unless otherwise specifically provided herein, the affirmative vote of a majority of Members present shall constitute the act of the Commission.

(iv) The Commission is authorized to conduct all meetings, regular meetings and specially-called meetings exclusively in electronic form (or a hybrid thereof wherein some Members are physically present in a location and others are participating electronically), provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, complies with the Freedom of Information Act and allows for the capability for all Members to be heard at all times by any other Members and by the general public (excepting executive sessions or other periods closed to public by law). All electronic meetings are subject to the applicable notice requirements of the Freedom of Information Act. Participation by electronic means shall constitute presence for the purpose of establishing a quorum.

(v) No votes by proxy shall be permitted under any circumstances.

(f) The following provisions shall apply with respect to officers of the Commission:

(i) The officers of the Commission shall be a President, and a Secretary. The President and the Secretary shall be elected for a one-year term by a majority of the Members then in office; provided that if an officer's term expires, they shall continue to serve until his successor is elected and qualified. Officers may succeed themselves through re-election. The Commission may elect such other officers as it shall deem desirable, including one or more Vice Presidents, such officers to have the authority and to perform the duties prescribed, from time to time, by the Commission. The same individual may not simultaneously hold more than one office in the Commission.

(ii) Any officer may resign at any time by delivering written notice to the President, or in the event the President seeks resignation, to the Secretary. A resignation is effective when the notice is received unless the notice states a later effective date. Notice of the resignation shall be timely provided to the Council.

(iii) In the case of absence or inability to act of any officer of the Commission or any person duly authorized to act in his place, the Commission may delegate the powers and duties of such individual to any other officer, to any Member, or to any other person whom it may select.

(iv) The President shall be the principal executive officer of the Commission and, subject to the control of the Commission, shall in general supervise and control all of the business and affairs of the Commission. The President shall, when present, preside at all meetings of the Commission. He may sign, with the Secretary attesting (as applicable given the circumstances) documents, certifications, agreements and letters which the Commission has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Commission to some other officer or agent of the Commission, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Commission from time to time.

(v) The Secretary shall be elected to serve in such role by the Commission. The Secretary shall keep the minutes and records of the Commission, see that all notices are duly given in accordance with the provisions of this code of ordinances or as required by law and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to them by the President or by the Commission.

(vi) Officers (in fulfilling their duties to the Commission) shall serve without compensation but shall be reimbursed for all reasonable expenses incurred on behalf of the Commission consistent with the other reimbursement provisions herein.

(g) The Commission may (i) make recommendations to Council regarding fire service, facilities, equipment and other matters affecting the Calhoun Fire District; (ii) engage and assist in the promotion and marketing efforts for the Calhoun Fire District; (iii) advise the Council, the county fire service division and citizens of the County on matters of related to or affecting the Calhoun Fire District; (iv) provide advice and recommendations to Council and the county fire service division regarding necessary capital improvement projects, maintenance and activities; (v) present reports, as requested, to Council describing (1) the progress associated with implementation of the Consolidation; (2) community input or comments regarding the Calhoun Fire District; (3) grant-funding, sponsorship and other initiatives associated with the Calhoun Fire District; and (vi) do all things necessary to support the operations of the county fire service division.

(h) It is expressly noted that the Commission shall not have any power or authority to:

(i) Enter into any contract to purchase, lease, convey or sell real estate;

(ii) Borrow any money (including lease-obligations);

(iii) Enter into any contracts, or other create any legal obligation of the County or the Calhoun Fire District;

(iv) Set, make or adopt policies regarding the operation or administration of the Calhoun Fire District;

(v) Hire, manage, review, or interview fire personnel, including the Fire Service Coordinator;

(vi) Be involved in the daily operations or administrative duties of the Calhoun Fire District; or

(vii) Take any action or perform any function not expressly provided or granted to the Commission in this code of ordinances.

Sec. 30-15. Budget.

(a) County staff shall formulate an annual budget for the county fire service division to sustain the operations of the Calhoun Fire District. Funding shall be through the levy of taxes and/or the imposition of rates and charges as well as any other monies appropriated, allocated, or redistributed by the County. The annual budget for the county fire service division may either be established as a stand-alone budget or incorporated into the County's general fund budget. The Council

shall consider the annual budget for the county fire service division and may approve in total, modify, or amend the budget in its discretion. No funds shall be expended for purposes other than as allocated in the annual budget unless authorized or approved by the Council. However, line-items within the annual budget for the county fire service division may be moved within such fund as necessary to implement County fire-related functions.

(b) The budget shall be approved in accordance with the provisions of South Carolina law, and shall be incorporated as part of the County regular general fund budget preparations.

(c) Upon approval of the budget, the Council shall certify to the county auditor the tax levy or fee schedule, as applicable, for inclusion on the appropriate tax notices for the Calhoun Fire District.

(d) In order to provide for facilities, rolling stock, equipment, and other needs of the Calhoun Fire District, the County may issue, with or without an election, general obligation bonds (in a single issue or several separate issues) by the County on behalf of the Calhoun Fire District. Additionally, and as necessary to fully implement the Consolidation, the County may issue refunding general obligation bonds or such other obligations as may be necessary. Such general obligation bonds shall be secured by the full faith, credit, and taxing power of the County and shall be payable from *ad valorem* taxes levied and collected within the Calhoun Fire District.

Sec. 30-16. Use of Revenues

All revenues and funds collected for the benefit and use of the Calhoun Fire District shall be deposited with the county treasurer in an account under that district's name. The county treasurer will allocate and disburse interest earnings on funds held on behalf of each fire district for that district. All disbursements shall be made as provided by law.

Sec. 30-17. Taxes; Fees

(a) In conformance with the budget, a schedule of taxes to be assessed and collected and/or the rates and charges imposed and collected as taxes shall be as set from time to time as necessary to fund the operations of the Calhoun Fire District.

(b) There may be levied *ad valorem* property taxes within the boundaries of the Calhoun Fire District for operation and maintenance purposes. If the Calhoun Fire District levies taxes, all real and personal property currently within the boundaries of the Calhoun Fire District shall be assessed and taxed in accordance with the provisions of state law.

(c) Alternatively, or additionally, the Calhoun Fire District may impose rates and charges for operation and maintenance purposes in the discretion of the county. If the Calhoun Fire District imposes fees or charges, such fees or charges shall be imposed and collected in accordance with the provisions of state law.

Sec. 30-18. Boundaries

(a) The Calhoun Fire District shall include the entirety of the unincorporated area of the County. Additionally, the County, on behalf of the Calhoun Fire District, may enter into service contracts to provide service outside its corporate boundaries by contract, including with any municipalities under the joint exercise of powers provisions of the Home Rule Act.

(b) The county fire service division shall arrange for the preparation and promulgation of maps, charts, and other demographic information as necessary to depict the service area of the Calhoun Fire District as it may change over time. Such maps may be relied upon for the purpose of levying taxes or fees under Section 30-17 hereinabove.

Sec. 30-19. Powers, Duties and Responsibilities.

The county fire service division, acting through the Fire Service Coordinator, shall have the following duties and responsibilities (for the benefit of the Calhoun Fire District):

(1) To buy, convey, and/or assign fire-fighting equipment as necessary for the purpose of controlling fire(s) within the Calhoun Fire District;

(2) To select sites or places within its service area where fire-fighting equipment must be kept;

(3) To employ all necessary fire protection personnel and fix their compensation;

(4) To employ and supervise the training of firemen to insure that the equipment is utilized for the best interest of all those in the Calhoun Fire District;

(5) To be responsible for the purchase, acquisition, upkeep, maintenance and repairs of all fire-fighting equipment, fire stations and fire station sites; however, all such personal and real property purchased, acquired, operated and maintained shall be owned by and properly titled in the name of the county and shall not be subject to disposal or sale without the approval of Council;

(6) To promulgate such regulations as may be necessary to insure that equipment is being used to the best advantage of the County;

(7) To construct buildings to house equipment and all fire stations necessary to provide fire protection; and

(8) To exercise any and all other powers necessary to operate and maintain a comprehensive system of fire protection within the County.

(9) To contract with fire service providers, including volunteer fire departments, municipal departments or any other fire provider for the provision of fire protection services within all or a portion of the Calhoun Fire District. By entering into such contracts (with the approval of Council), funding or payment for fire protection services, including capital funding, shall be specifically described and detailed in such agreement.

Sec. 30-20. Procurement.

The county fire service division shall be governed by the administrative rules of procedure governing other county agencies/departments and shall additionally comply with and be governed by the County's procurement code.

Sec. 30-21. Interference with Firefighters.

(a) It shall be unlawful to hinder or obstruct any firefighter or other authorized person while the person is answering a fire call or any other emergency call, or to hinder or obstruct the person who is attempting to extinguish a fire or remedy any emergency while acting in an official capacity. In keeping with the foregoing, and in the absence of automatic aid, mutual aid or other joint services agreements between or among fire providers authorized to perform fire service functions in the County, only the County Fire District or the County's authorized contractual counterparties shall be permitted to exercise fire service activities and functions within a designated fire service area. Any entity, other than a contractual fire service provider hereunder, that responds to, performs, or attempts to perform fire service functions without a contract shall be automatically assumed to be in violation of this Sec. 30-21(a).

(b) The failure to obey any lawful order of any official of the Fire or Police Departments at the scene of any emergency shall be unlawful.

(c) Violations of the foregoing shall be punishable under the terms of the general penalties in Sec. 1-8 of the code of ordinances, as may be amended from time.

Section 3 Transfer and Acceptance of Assets.

A. As applicable, all real and personal property (including all cash and investments) of the Original County Fire District and the Fire Districts (together as constituted prior to the hereinafter defined Effective Date, the "*County Fire Districts*") shall become the assets of the County and upon the enactment of this Ordinance, any cash and investments shall be transferred from the County Fire Districts (or the accounts established therefor) to the County's account(s) for Calhoun Fire District. Likewise, and except as described in Section 5 of this Ordinance, all obligations and liabilities of the County Fire Districts shall become obligations and liabilities of the Calhoun Fire District.

B. On or prior to the Effective Date:

1. The Calhoun Fire District shall succeed to, without other transfer, and shall possess and enjoy all of the rights and privileges, immunities, powers, and franchises, both of a public and private nature, and shall be subject to all of the restrictions, liabilities, and duties of the County Fire Districts.

2. To the extent title to any real property is vested by deed or otherwise to or in the name of any of the County Fire Districts, or any agent, agency, or beneficial entity thereof (including any former, existing or planned fire service counterparty, including contractual counterparties), the title to such real property shall not automatically revert, transfer, or otherwise be encumbered by the terms of this Ordinance; however, through the enactment of this Ordinance, the County Council, in its capacity as the governing body of each of the County Fire Districts, has authorized and approved the transfer of any and all real property of each such County Fire District to the County (to the extent not already titled in the name of the County).

3. To the extent title to or ownership of any tangible personal property is vested in the name of any of the County Fire Districts, or any agent, agency, or beneficial entity thereof (including any former, existing or planned fire service counterparty, including contractual counterparties), such title or ownership shall not automatically revert, transfer, or otherwise be encumbered or impaired by the terms of this Ordinance; however, through the enactment of this Ordinance, the County Council, in its capacity as the governing body of each of the County Fire Districts, has authorized and approved the transfer of any and all of the personal property of each such County Fire District's interest to the County (to the extent not already titled in the name of the County). To the extent any personal property assets of the County Fire Districts are not currently titled in the name of the County, all such property shall be duly conveyed to the County under the terms of a Bill of Sale, the form of which is attached hereto as Exhibit A.

4. Best efforts shall be undertaken to pay all current bills, charges, and liabilities of the County Fire Districts from the respective assets acquired from each County Fire District, including any workers compensation insurance premiums or liability insurance premiums due through the Effective Date for firefighters or the physical assets

of each such County Fire District. If circumstances arise or occur wherein such items cannot be paid from the assets of the respective County Fire District, proper arrangements will be made with or by the Calhoun Fire District, which is receiving the particular asset, for payment of such bill, charge, or liability.

5. Notwithstanding the foregoing provisions regarding transfer and conveyance of publicly funded assets or property (real or personal), the County does not intend to acquire or accept the transfer of any assets or property (real or personal) that were not directly funded by the County or the County Fire Districts. To the extent assets or properties were funded, acquired or obtained by any Existing Department from sources other than the County or any County Fire District, then such assets or properties are intended to remain, and shall remain the property of the Existing Department.

D. On behalf of the County, the County Administrator, and the Chairman of County Council, or their respective designees (each an "Authorized Officer"), are authorized to execute and deliver any Bill of Sale, deed, instrument, certificate, or other documentation necessary or convenient to carry out the intent of this Section.

Section 4. Assignment of Service Rights.

A. Notwithstanding any limitation in such agreements to the contrary, any agreements, contracts, rights, title, interest and other obligations between any of the County Fire Districts and any municipal fire service or other fire providers (together, the "**Other Fire Providers**") shall be assigned, granted and transferred in full to the Calhoun Fire District, who shall accede to and continue performing any and all fire service functions previously provided to the Other Fire Providers by any of the Fire Districts.

B. Notwithstanding the provisions of paragraph (A) of this Section 4, to the extent any current agreement with any of the Other Fire Providers, expressly including but not limited to mutual or automatic aid agreements, requires amendments, supplements, modifications or a restatement in full (collectively, a "**Modification Agreement**") as a result of this Ordinance, any Modification Agreement, subject to review and approval by the County's legal counsel, is fully authorized and permitted by the terms hereof. Each Modification Agreement, if any, shall be executed and delivered on behalf of the County by the County Administrator. Upon such execution, the County Council shall be timely informed of the execution of the Modification Agreement. The consummation of the transactions and undertakings described in any Modification Agreement, and such additional transactions and undertakings as may be determined by the County Administrator, in consultation with legal counsel to be necessary or advisable in connection therewith, are hereby approved.

Section 5. Outstanding Obligations.

A. As of the date hereof, there is currently outstanding the Outstanding Obligations. The County, acting through the County Administrator, is authorized to do all things necessary to call and redeem the Outstanding Obligations on or prior to the Effective Date.

B. The funds necessary to pay the outstanding principal amount of and the interest accrued on the Outstanding Obligations as of the Effective Date is hereby appropriated from the County's general fund balance, and the County hereby amends its fiscal year 2024-2025 annual budget (the "***Budget Amendment***") as follows:

<u>General Fund</u>	<u>FY 2024-2025 Approved</u>	<u>FY 2024-2025 Proposed Amended</u>	<u>Percentage Change</u>
Revenues	\$17,759,442.00	\$18,035,999.62	0.156%
Expenses	\$17,759,442.00	\$18,035,999.62	0.156%

Section 6. Public Hearings. Prior to the date of enactment of this Ordinance and pursuant to Sections 4-9-130 and 6-1-80 of the Code of Laws of South Carolina 1976, as amended, the County did hold public hearings regarding the Consolidation and the Budget Amendment on April 28, 2025. Notice of the public hearings for the Consolidation and the Budget Amendment was timely published in *The Times and Democrat*, which is a newspaper of general circulation in the County. First publication of such notices did occur not less than fifteen days prior to the date of the public hearings, and all interested parties were given an opportunity to speak in favor of or against the Consolidation and/or the Budget Amendment.

Section 7. Fire Agreements. The County has developed that certain standard fire protection service agreement, the form of which is attached hereto as Exhibit B (the "***Fire Agreement***"). The County intends to enter negotiate, execute and deliver a Fire Agreement with each of the Existing Departments on or before the Effective Date. Each applicable Fire Agreement shall be executed and delivered on behalf of the County by the County Administrator. Upon such execution, the County Council shall be timely informed of the execution of applicable Fire Agreement and informed as to any material deviation of terms in the current draft. The consummation of the transactions and undertakings described in the Fire Agreement, and such additional transactions and undertakings as may be determined by the County Administrator, in consultation with legal counsel to be necessary or advisable in connection therewith, are hereby approved.

Section 8. Further Action. Notwithstanding the Consolidation under the terms of this Ordinance, the County staff, acting through the County Administrator, as required or necessary, may undertake any supplemental, follow-up and/or final actions following the enactment of this Ordinance and the imposition of its terms. To the extent necessary, each of the County Fire Districts shall remain constituted and empowered to act until such time as the Consolidation becomes effective and all have been transferred, conveyed, disposed, or sold; thereafter, each of the Fire Districts shall be finally dissolved and terminated without further action by the County Council.

Section 9. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Limitation of Rights. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause(s) of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 11. Inconsistency. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

Section 12. Effective Date. This Ordinance shall take effect immediately upon its enactment (the "*Effective Date*").

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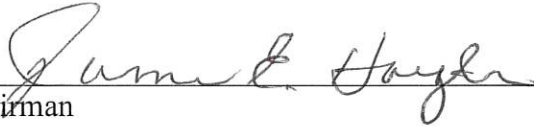
DONE AND ENACTED BY COUNCIL ASSEMBLED this 28th day of April 2025.

(SEAL)

ATTEST:



CALHOUN COUNTY COUNCIL


Chairman


Clerk to Council

First Reading:	March 24, 2025
Second Reading:	April 14, 2025
Public Hearing:	April 28, 2025
Third Reading:	April 28, 2025