ORDINANCE NO. 839

AN ORDINANCE OF THE COUNTY COUNCIL FOR FAIRFIELD COUNTY AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO INTERGOVERNMENTAL SEWER INFRASTRUCTURE AGREEMENT BY AND BETWEEN THE TOWN OF WINNSBORO, FAIRFIELD COUNTY, AND THE FAIRFIELD JOINT WATER AND SEWER SYSTEM AND OTHER MATTERS RELATED THERETO.

NOW THEREFOR, be it ordained by the County Council of Fairfield County (the "***County Council***"), the governing body of the Fairfield County, South Carolina (the "***County***"), in a meeting duly assembled as follows:

Section 1 Findings. The County Council makes the following findings of fact in connection with the enactment of this ordinance (this "***Ordinance***"):

(a) Fairfield County, the Town of Winnsboro, South Carolina ("***Winnsboro***"), and the Town of Ridgeway, South Carolina, comprise the members of the Fairfield Joint Water and Sewer System ("***Fairfield Joint System***") which was established under the provisions of Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the "***Enabling Act***"), as a body politic and corporate for the purpose of planning, financing, developing, constructing, acquiring, improving, enlarging, selling, leasing, maintaining, and operating "projects" (as defined in the Enabling Act) in order to provide services within the service area of the Fairfield Joint System and to otherwise exercise all other powers available to "joint systems" (as defined in the Enabling Act) under law.

(b) The Fairfield Joint System has received a grant from the Rural Infrastructure Authority's South Carolina Infrastructure Investment Program in the amount of $10,000,000 to defray the capital costs (including engineering costs) of certain sewer lines, pump stations and pump station upgrades and improvements, and other appurtenances thereto to connect Winnsboro's wastewater treatment plant to infrastructure that will ultimately connect to a new wastewater treatment plant to be owned by the Fairfield Joint System (as further defined in Section 1.01 of the hereinafter-defined Initial Agreement, the "***Interconnection Project***").

(c) Winnsboro, Fairfield County, and the Fairfield Joint System have previously entered into that certain Intergovernmental Sewer Infrastructure Agreement, dated as of August 14, 2023 (the "***Initial Agreement***"), as supplemented by that certain First Supplement to Intergovernmental Sewer Infrastructure Agreement, dated as of May 14, 2024. Pursuant to Section 3.02 of the Initial Agreement, Fairfield County agreed to pay 100% of Local Match Funds (as defined in the Initial Agreement) as necessary to complete construction of the Interconnection Project, including cost overruns, up to a maximum amount of $9,000,000, which shall include amounts already paid by the County for engineering services in connection with the Interconnection Project.

(d) The Fairfield Joint System has solicited bids for the construction of the Interconnection Project, and has determined that the cost for the planning, designing, engineering, and construction of the Interconnection Project will be $18,895,366, with an additional project contingency of $944,768. The Parties have determined to amend Section 3.02 of the Initial Agreement to provide that the total amount that the County may pay towards the cost of the Interconnection Project will be $9,840,134, and amend Exhibit C of the Initial Agreement to reflect the final budget for the Interconnection Project, and the form of such amendment is attached to this Ordinance at **Exhibit A** (the "***First Amendment***").

Section 2 Approval of First Amendment. The form of the First Amendment, as attached to this Ordinance at **Exhibit A**, is hereby approved, and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the First Amendment were set out in this Ordinance in its entirety. The First Amendment, as executed and delivered, is to be in substantially the form hereby approved, or with such revisions as shall be approved by the Chairman of County Council (the "***Chairman***"), with the advice of legal counsel, and the execution of the First Amendment by the Chairman shall constitute conclusive evidence of approval of any and all changes or revisions therein from the form of the First Amendment hereby approved.

Section 3 Execution of First Amendment. The Chairman is hereby authorized, empowered, and directed to execute and deliver the First Amendment, and the Clerk to County Council (the "***Clerk***") is hereby authorized, empowered, and directed to attest to the same. The Chairman and the Clerk are further authorized, empowered, and directed to execute, as necessary, any and all certificates, consents, instruments, or other documents deemed necessary and desirable, upon the advice of legal counsel, to carry out the transactions and arrangements contemplated in this Ordinance and the First Amendment.

Section 4 [Supplementary Appropriation; Amendment to Budget].

Section 5 Effective Date. This Ordinance shall be effective upon third and final reading hereof.

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ADOPTED THIS _____ DAY OF _____, 2025, BY ORDER OF FAIRFIELD COUNTY COUNCIL.

_____
Douglas Pauley, Chairman
District 5

_____
Clarence Gilbert, Vice-Chair
District 7

_____
Dan Ruff, District 1

_____
Shirley M. Greene, District 2

_____
Peggy Swearingen, District 3

_____
Timothy Roseborough, District 4

_____
Cornelius Robinson, District 6

(SEAL)

ATTEST:

_____
Kimberly Roberts, Ed. D., Clerk to County Council
Fairfield County, South Carolina

READINGS:

First Reading: November, 25 2024
Second Reading: December 9, 2024

Public Hearing: _____
Third Reading: _____

Exhibit A

Form of First Amendment