

Sponsor(s) : County Council  
First Reading : March 5, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : May 7, 2024  
Public Hearing : June 18, 2024  
Third Reading : June 18, 2024  
Effective Date : Immediately

I, Kaela Brinson, Council Clerk,  
certify that this Ordinance was  
advertised for Public Hearing on  
May 23, 2024.

## ORDINANCE NO. 24-O-04

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[Authorizing the Acquisition of Certain Fire-Rescue Department Equipment and Vehicles and Other Equipment by Colleton County, South Carolina by Lease-Purchase Financing in the Amount of Not Exceeding \$3,000,000; the Execution and Delivery of Certain Instruments, Including a Lease-Purchase Agreement by Colleton County; and Other Matters Relating Thereto.]**

**WHEREAS**, Colleton County, South Carolina, a body politic and corporate and a political subdivision organized and existing under the laws of the State of South Carolina (the “County”), acting by its governing body, the County Council of Colleton County (“County Council”), is authorized to enact ordinances in relation to health and order in Colleton County or respecting any subject as appears to County Council necessary and proper for the security, general welfare, and convenience of Colleton County or for preserving health, peace, order, and good government in Colleton County; and

**WHEREAS**, the County is authorized to acquire and lease personal property (excluding any real property and permanent improvements thereon) (the “Property”) by means of lease-purchase financing which does not count against the limitation set forth in Article X, Section 14, paragraph 7(a) of the South Carolina Constitution and Section 11-27-110 of the Code of Law of South Carolina 1976, as amended; and

**WHEREAS**, County Council have determined that it is in the best interest of the County to acquire certain Fire-Rescue Department equipment and vehicles, and other equipment, as set forth in Schedule A attached hereto, to be financed by means of a lease-purchase arrangement or lease-purchase agreements pursuant to which all lease payments are made with respect to all Property so financed and secured by a security interest in such Property so financed; and

**WHEREAS**, County Council have determined that it is in the best interest of the County to solicit a proposal or proposals from one or more banks or other lending institutions for the lease-purchase financing; and

**WHEREAS**, County Council intend that the specific terms of such lease-purchase financing arrangement, including the principal amount to be financed, interest rate, term, and other financing terms, and the selection of the financial institution or institutions providing the financing, will be approved by the County Administrator, subject to the parameters set forth

herein, without further action of County Council, upon the advice of the Financial Advisor and counsel; and

**WHEREAS**, the terms of the lease-purchase financing arrangement are to be set forth in a lease purchase agreement (the "Lease Purchase Agreement"), as approved by the County Administrator upon the advice of counsel.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA,**

Section 1. The County shall solicit a proposal or proposals from one or more banks or other lending institutions for the lease-purchase financing. The Finance Director, County Administrator, or either of them, is hereby authorized to negotiate with a bank or banks, or other lending institutions, to obtain such proposal or proposals. The County Administrator shall select a proposal deemed by him to be most responsive to the County's needs and in the best interest of the County.

Section 2. The lease purchase of the Property set forth in Schedule A attached hereto by the County pursuant to the terms set forth in the Lease Purchase Agreement is hereby approved. The County Administrator is hereby authorized and directed to execute and deliver the Lease Purchase Agreement, in form and substance satisfactory to him upon the advice of counsel, his execution being conclusive evidence of his approval.

Section 3. The consummation of all transactions contemplated by the Lease Purchase Agreement are hereby approved.

Section 4. All property which may be acquired by the County pursuant to the Lease Purchase Agreement, or designated by the County as subject to the Lease Purchase Agreement, in addition to the Property set forth in Schedule A, if any, shall be identified and approved by the County Council by separate ordinance or resolution. The County Administrator is hereby authorized to approve, on behalf of the County, the specific terms of financing any particular Property, including the principal amount to be financed, interest rates, term, and other financing terms, and the selection of the financing institution or institutions providing the financing, as he deems in the best interest of Colleton County Government.

Section 5. The Chairman, the County Administrator, and all other appropriate officials and employees of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions contemplated by the Lease Purchase Agreement and the Purchase Contract.

Section 6. The County Administrator is hereby authorized to issue purchase orders, if necessary, for the order of equipment as provided by Schedule A.

Section 7. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 8. This Ordinance shall become effective immediately upon approval after third reading by County Council.

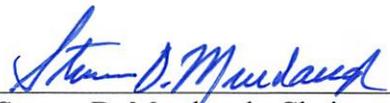
Section 9. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereof.

Section 10. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

Attest:

Signed:

  
Kaela Brinson  
Clerk to Council

  
Steven D. Murdaugh, Chairman

  
Approved as to Form  
Sean P. Thornton, County Attorney

Council Vote: **UNANIMOUS**  
Opposed:

Colleton County

Lease Purchase of 2024

Schedule A

16 - Lucas 3 Chest compression system

30 - Lifepak 100 (patient monitors)

1 - E-One HP75' Aerial Fire Truck

2 - Lifepak 15 Monitor/Defib

4 - KW T280 Ambulance Chassis

1 - Genie -S-85 boom lift

32 - 2024 Tempo Electric Golf Carts