A RESOLUTION

AUTHORIZING THE CREATION OF A JOINT MUNICIPAL WATER SYSTEM TO BE KNOWN AS THE LOWCOUNTRY REGIONAL WATER SYSTEM, AUTHORIZING THE TOWN OF BRUNSON, SOUTH CAROLINA TO JOIN WITH OTHER POLITICAL SUBDIVISIONS IN THE LOWCOUNTRY REGIONAL WATER SYSTEM, AND OTHER MATTERS RELATED THERETO.

**ARTICLE I**

**FINDINGS OF FACT**

Section 1.01. Findings of Fact

Incident to the adoption of this resolution (this “Resolution”), the Town Council of the Town of Brunson (the “Town Council”), the governing body of the Town of Brunson, South Carolina (the “Town”), finds that the facts set forth in this Article exist, and the statements made with respect thereto are in all respects true and correct.

1. The Town is a municipality and political subdivision of the State of South Carolina, and is authorized to provide waterworks and sewer service pursuant to Article VIII, § 16 of the Constitution of the State of South Carolina and Title 5, Chapter 31 of the Code of Laws of South Carolina, 1976, as amended.
2. Pursuant to the provisions of Sections 6-25-5 et seq. of the Code of Laws of South Carolina, 1976, as amended (the “Enabling Act”), any two or more governing bodies of municipalities or counties may create a Joint Municipal Water System for the purpose of planning, financing, developing, constructing, acquiring, improving, enlarging, selling, leasing, maintaining, and operating a project (as such term is defined in the Enabling Act) for the present and future needs of their service areas.
3. As of the date hereof, the Town Council is considering the adoption of this Resolution authorizing the creation of a Joint Municipal Water System with Hampton County, South Carolina (the “County”) and the municipalities of the Town of Hampton, the Town of Varnville, and the Town of Yemassee (collectively, the “Additional Public Bodies”) and the entry into such Joint Municipal Water System.
4. After due investigation and consideration, the Town Council has determined that it is in the best interests of the Town, its residents and customers of the waterworks and sewer system systems involved to create a Joint Municipal Water System, and to that end has further determined that the Town should join with the Additional Public Bodies to create a Joint Municipal Water System pursuant to the provisions of the Enabling Act.

**ARTICLE II**

**AUTHORIZATION**

Section 2.01. Authorization to Establish System

1. The Town is hereby authorized to join with the Additional Public Bodies to create a Joint Municipal Water System in accordance with the provisions of the Enabling Act, which Joint Municipal Water System shall include each Additional Public Body that has adopted an appropriate resolution authorizing the creation of, and said Additional Public Body’s participation in, such Joint Municipal Water System. Additional municipalities located within the County may be added as Additional Public Bodies with the approval of the Town Administrator of the Town in consultation with the Mayor of the Town.
2. The Joint Municipal Water System shall be known as the Lowcountry Regional Water System (the “System”).
3. In accordance with Section 6-25-40 of the Enabling Act, the Town Council shall cause notice of the adoption of this Resolution to be published once a week for two consecutive weeks in a newspaper of general circulation within the Town. The notice shall be substantially similar to the form attached as Exhibit A hereto.
4. Pursuant to the provisions and requirements of Section 6-25-50 of the Enabling Act, the Town Council and the governing bodies of each of the Additional Public Bodies have formed an agreement pursuant to which (i) one (1) commissioner per member shall be appointed to serve the commission of the System (the “Commission”), and (ii) the appointed commissioners of the Commission, to the extent permitted by the Enabling Act, shall act by means of a system of weighted voting, the terms of which shall be more fully set forth in the bylaws if the System to be adopted by the Commission.
5. The Town Council shall, by separate resolution duly adopted, name its appointed commissioner to the Commission, in accordance with the provisions of Section 6-25-60 of the Enabling Act. Such commissioner is empowered to execute and deliver an application to the Secretary of State of South Carolina for the creation of the System, in accordance with Section 6-25-50 of the Enabling Act, and such other documents as are necessary to carry out the purposes of this Resolution and not inconsistent herewith.

Section 2.02. Effective Date

This Resolution shall become effective immediately upon its adoption.

DONE IN MEETING DULY ASSEMBLED THIS 7TH DAY OF DECEMBER, 2011.

TOWN OF BRUNSON, SOUTH CAROLINA

[SEAL] Terry Wright

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Mayor

Attest:

Marlene Marchyshyn

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Clerk to Town Council

Town of Brunson, South Carolina

**EXHIBIT A**

Notice is hereby given that by the adoption of a resolution dated December 7, 2011 (the “Resolution”), adopted by the Town Council of the Town of Brunson, the governing body of the Town of Brunson, South Carolina (the “Town”), has authorized the formation of the Lowcountry Regional Water System, a joint municipal water system to be formed by the Town and other Additional Public Bodies (as defined in the Resolution). The Lowcountry Regional Water System is to be created pursuant to Section 6-25-5 et seq. of the Code of Laws of South Carolina, 1976, as amended. This notice is required by Section 6-25-40 of the Code of Laws of South Carolina, 1976, as amended, and precedes the filing of an application with the South Carolina Secretary of State for a corporate certificate designating the system as a public body and as a body corporate and politic under Chapter 25 of Title 6 of the Code of Laws of South Carolina, 1976, as amended.

This notice is the [first/second] of two notices required to be published in each of two consecutive weeks. Any person affected by the adoption of the Resolution or the formation of the Lowcountry Regional Water System may, within twenty days following the date of the second notice, institute an action in the Circuit Court for Hampton County challenging the action of Town.

**STATE OF SOUTH CAROLINA**

**COUNTY OF HAMPTON**

I, the Clerk to Town Council of the Town Council of the Town of Brunson (the “Town Council”), the governing body of the Town of Brunson, South Carolina (the “Town”), **DO HEREBY CERTIFY**:

That the foregoing constitutes a true, correct and verbatim copy of a resolution adopted by the Town Council on December 7, 2011. The Resolution was read at a duly called public meeting of the Town Council. At such meeting, a quorum of the Town Council was present and remained present throughout the meeting.

That, as required by Chapter 4, Title 30 of the Code of Laws of the State of South Carolina, 1976, as amended, being the Freedom of Information Act, a copy of the agenda of said meeting of the Town Council (showing the date, time and place of the meeting) was posted on the front door of the Town’s administration building and provided to the local news media at least 24 hours prior to the commencement of said meeting.

The Resolution is now in full force and effect.

**IN WITNESS WHEREOF**, I have hereunto set my Hand and the Seal of the Town, this \_7th day of December, 2011.

(SEAL) \_Marlene Marchyshyn

Clerk to Town Council

Town of Brunson, South Carolina