

**AGENDA
LEXINGTON COUNTY COUNCIL
Committee Meetings**

May 08, 2012

**Second Floor - County Administration Building
212 South Lake Drive, Lexington, SC 29072
Telephone - 803-785-8103 -- FAX 803-785-8101**

***Times are tentatively scheduled committee meetings that may run behind or ahead of schedule; therefore, the times could change by as much as 30 minutes. Also, if time permits, Council may elect to enter into Executive Session to discuss contractual, legal, personnel matters, etc.**

1:45 p.m. - 2:35 p.m. - Economic Development

- (1) Ord.12-05 - Auth. the Exec. & Delivery of a FILOT by Lex Co & Proj Console to Provide for an Incentive, to Include the Inclusion of the Company in a Multi Cty Pk, Granting of Certain SSRC & Other Matters Related Thereto - 1st Reading - Economic Development - Chuck Whipple, Director..... A
- (2) Presentation of the Concept Plan for Chapin Technology Park - Economic Development - Chuck Whipple, Director
- (3) Investment Update - Economic Development - Chuck Whipple, Director
- (4) Meeting of February 28, 2012 - Approval of Minutes B
- (5) Old Business/New Business
- (6) Adjournment

2:35 p.m. - 2:40 p.m. - Planning and Administration

- (1) Meeting of February 28, 2012 - Approval of Minutes C
- (2) Old Business/New Business
- (3) Adjournment

2:40 p.m. - 2:50 p.m. - Justice

- (1) FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Application (Goal 1) - Sheriff's Department - Col. Allan Paavel D
- (2) Meeting of February 28, 2012 - Approval of Minutes E
- (3) Old Business/New Business
- (4) Adjournment

2:50 p.m. - 3:05 p.m. - Public Works & Solid Waste Management

- (1) West Columbia Enhancement Grant Match Request - Public Works - Jim Starling, Engineering Associate III F
- (2) 321 Landfill - Institutional Controls - Solid Waste Management - Dave Eger, Director of Solid Waste Management G
- (3) Meeting of February 28, 2012 - Approval of Minutes H
- (4) Old Business/New Business
- (5) Adjournment

3:05 p.m. - 3:15 p.m. - Airport

- (1) Fence Relocation at Pelion Airport - Public Works - Jim Starling, Engineering Assoc. III I
- (2) Revised FY 2013 ACIP - Public Works - Jim Starling, Engineering Assoc. III J
- (3) Old Business/New Business
- (4) Adjournment

3:15 p.m. - 4:15 p.m. - Committee of the Whole

- (1) Meeting of February 28, 2012 - Approval of Minutes K
- (2) Possible Executive Session if Time Permits
- (3) Old Business/New Business
- (4) Adjournment

GOALS

1. Provide for public services to citizens of Lexington County.
2. Manage growth to meet the needs of Lexington County.
3. Provide innovative Financial Management.

Economic Development

J. Jeffcoat, Chairman
S. Davis, V Chairman
J. Kinard
D. Summers
B. Keisler

Planning & Administration

D. Summers, Chairman
S. Davis, V Chairman
J. Kinard
B. Matthews
T. Cullum

Justice

S. Davis, Chairman
B. Keisler, V Chairman
F. Townsend, III
J. Jeffcoat
B. Matthews

Public Works & Solid Waste Management

T. Cullum, Chairman
J. Kinard, V Chairman
B. Keisler
J. Jeffcoat
B. Matthews

Airport

F. Townsend, III, Chairman
J. Kinard, V Chairman
D. Summers
B. Keisler
T. Cullum

Committee of the Whole

B. Banning, Sr., Chairman
J. Jeffcoat, V Chairman
J. Kinard
F. Townsend, III
S. Davis
D. Summers
B. Keisler
B. Matthews
T. Cullum

**AGENDA
LEXINGTON COUNTY COUNCIL**

May 08, 2012

**Second Floor - Dorothy K. Black Council Chambers - County Administration Building
212 South Lake Drive, Lexington, South Carolina 29072
Telephone - 803-785-8103 FAX - 803-785-8101**

4:30 P.M. - COUNCIL CHAMBERS

Call to Order/Invocation

Pledge of Allegiance

Chairman's Report

Presentation

- (1) Lexington County Economic Development Ambassador of 2011 - Scott Adams - Economic Development

Administrator's Report

- (1) 2012-13 Recommended General Fund Budget

Employee Recognition - Joe Mergo, County Administrator

Resolutions

- (1) Emergency Medical Services Week - Public Safety/EMS L
- (2) National Public Works Week - May 21-27, 2012 - Public Works M
- (3) Davis, Frawley, Anderson, McCauley, Ayer, Fisher & Smith LLC 50th Anniversary N

Appointments

- (1) Boards and Commissions O

Bids/Purchases/RFPs

- (1) Electronic Patient Care Reporting System (ePCR) for EMS-Public Safety P

Approval of Minutes

- (1) Meetings of March 27 and April 4, 2012 Q

Ordinance

- (1) Ordinance 12-07 -Ordinance Amending Section D(3) of Ord. 07-18 so as to Allow the Potential Addition of Other Joint Park Property to be Subject to the Fee-in-Lieu of Tax Distribution Procedure as Set Forth in Section D(3) of Ordinance 07-18 - 2nd Reading R

Committee Reports

Economic Development, J. Jeffcoat, Chairman

- (1) Ord.12-05 - Auth. the Exec. & Delivery of a FILOT by Lex Co & Proj Console to Provide for an Incentive, to Include the Inclusion of the Company in a Multi Cty Pk, Granting of Certain SSRC & Other Matters Related Thereto - 1st Reading A

Public Works & Solid Waste Management, T. Cullum, Chairman

- (1) 321 Landfill - Institutional Controls..... G

Justice, S. Davis, Chairman

- (1) FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Application D

Airport, F. Townsend, III, Chairman

- (1) Revised FY 2013 ACIP J

Budget Amendment Resolutions

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

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COUNTY OF LEXINGTON
FINANCE DEPARTMENT

interoffice

MEMORANDUM

to: County Council

from: Adam DuBose, Manager of Grants Administration

subject: FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG)

date: April 30, 2012

The FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program application is due to the Department of Justice on May 14th, no later than 8:00 p.m. eastern time. There is only one Council meeting between now and when the application is due.

I am requesting to have this application sent to the Justice Committee and full Council at the May 8th Council meeting.

**COUNTY OF LEXINGTON
 FY 12 JUSTICE ASSISTANCE GRANT
 Annual Budget
 FY 2012-13 Estimated Revenue**

Object Code	Revenue Account Title	Actual 2010-11	Received Thru Jun 2011-12	Budget Thru Jun 2011-12	Revenues Thru Jun 2011-12	Requested 2012-13	Recommend 2012-13	Approved 2012-13
* FY 12 Justice Assistance Grant:								
Revenues:								
457000	Federal Grant Income	0	0	0	0	39,035	39,035	
		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>39,035</u>	<u>39,035</u>	
	***Total Appropriations				0	39,035	39,035	
FUND BALANCE								
	Beginning of Year				<u>0</u>	<u>0</u>	<u>0</u>	
FUND BALANCE - Projected								
	End of Year				<u>0</u>	<u>0</u>	<u>0</u>	

**COUNTY OF LEXINGTON
 FY 12 JUSTICE ASSISTANCE GRANT
 Annual Budget
 Fiscal Year - 2012-13**

Fund: New
 Division: Judicial
 Organization: 142000 - Magistrate Court Services

		<i>BUDGET</i>				
Object Expenditure Code Classification	2010-11 Expenditure	2011-12 Expenditure (June)	2011-12 Amended (June)	2012-13 Requested	2012-13 Recommend	2012-13 Approved
Personnel						
* Total Personnel	0	0	0	0	0	0
Operating Expenses						
* Total Operating	0	0	0	0	0	0
** Total Personnel & Operating	0	0	0	0	0	0
Capital						
(2) Executive Desks	0	0	0	2,065	2,065	
(2) Credenzas	0	0	0	2,166	2,166	
(1) Executive Chair	0	0	0	453	453	
** Total Capital	0	0	0	4,684	4,684	
*** Total Budget Appropriation	0	0	0	4,684	4,684	

**COUNTY OF LEXINGTON
 FY 12 JUSTICE ASSISTANCE GRANT
 Annual Budget
 Fiscal Year - 2012-13**

Fund: New
 Division: Law Enforcement
 Organization: 151200 - Operations

		<i>BUDGET</i>				
Object Expenditure Code Classification	2010-11 Expenditure	2011-12 Expenditure (June)	2011-12 Amended (June)	2012-13 Requested	2012-13 Recommend	2012-13 Approved
Personnel						
* Total Personnel	0	0	0	0	0	0
Operating Expenses						
* Total Operating	0	0	0	0	0	0
** Total Personnel & Operating	0	0	0	0	0	0
Capital						
(120) Driver License Barcode Readers	0	0	0	30,057	30,057	
** Total Capital	0	0	0	30,057	30,057	
*** Total Budget Appropriation	0	0	0	30,057	30,057	

**COUNTY OF LEXINGTON
 FY 12 JUSTICE ASSISTANCE GRANT
 Annual Budget
 Fiscal Year - 2012-13**

Fund: New
 Division: Non-departmental
 Organization: 999900 Non-departmental

Object Expenditure Code	Classification	2010-11 Expenditure	2011-12 Expenditure (June)	2011-12 Amended (June)	<i>BUDGET</i>	
					2012-13 Requested	2012-13 Recommend
Personnel						
	* Total Personnel	0	0	0	0	0
Operating Expenses						
520306	Counseling Services	0	0	0	4,294	4,294
	* Total Operating	0	0	0	4,294	4,294
	** Total Personnel & Operating	0	0	0	4,294	4,294
Capital						
	** Total Capital	0	0	0	0	0
	*** Total Budget Appropriation	0	0	0	4,294	4,294

SECTION V. – PROGRAM OVERVIEW

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG-funded projects may address crimes through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

The County of Lexington has been allocated \$39,035 for the FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program from the US Department of Justice. This funding will be split between the Sheriff's Department, Magistrate Court Service, and Sistercare.

SECTION VI. D. – CAPITAL LINE ITEM NARRATIVE

(2) EXECUTIVE DESK **\$ 2,065**

The two executive desks will be purchased for one At-Large Magistrate and one District Magistrate. Each desk can be purchased on State contract for \$964.80 each.

2 Executive Desk @ \$964.80ea = \$1,929.60 x 7% tax = \$2,064.67

(2) CREDENZAS **\$ 2,166**

The two credenzas will be purchased for one At-Large Magistrate and one District Magistrate. Each credenza can be purchased on State contract for \$912 each.

2 Credenza @ \$912ea = \$1,824 x 7% tax = \$1,951.68

2 keyboard tray @ 100.00ea = \$200 x 7% = \$214

(1) EXECUTIVE CHAIR **\$ 453**

The Magistrate Court is requesting one executive chair to be used by an At-Large Magistrate at the Summary Court Center. The chair can be purchased on State contract for \$309.98 each.

1 Executive Chairs @ \$422.50ea x 7% = \$452.08

SECTION VI. D. – CAPITAL LINE ITEM NARRATIVE

(120) DRIVER LICENSE BARCODE READERS \$ 30,057

These scanners are needed to read the barcodes on the back of driver licenses. The information obtained from the scan of the license will populate the data fields in our Records Management System for reporting purposes. This will increase the accuracy of data on file and this will reduce the time an officer spends entering this information. The total estimated cost per scanner is \$250; therefore we are estimating that we will be able to purchase 120 scanners with this allocation.

SECTION VI. C. - OPERATING LINE ITEM NARRATIVES

520306 – COUNSELING SERVICES **\$ 4,294**

These funds will be used to offset the cost of community counseling support group services for Lexington County battered women and their children. It will also help provide crime victim services and break the intergenerational cycle of domestic violence.



Sistercare

PO Box 1029
Columbia, SC 29202
803 926-0505
Fax 803 794-0098

March 5, 2012

Adam DuBose
Manager of Grants Administration
County of Lexington
Finance Department
212 South Lake Drive
Lexington, SC 29072

LEXINGTON COUNTY

MAR 07 2012

FINANCE DEPT

Re: Victim's Assistance Funds

Dear Mr. DuBose,

Sistercare requests \$8,000 for FY 2012-2013 from Lexington County's Victim's Assistance funds to provide crime victims' services to battered women and their children who reside in Lexington County.

Victim's assistance revenue will be used to help provide counseling and group services for Lexington County battered women and their children during FY 2012-2013. The Lexington County battered women who participate in Sistercare's programs receive counseling and support services to help them break the cycle of domestic violence. During 2011-2012, Sistercare provided group services to 218 abused women and children living in Lexington County. In addition, Sistercare provided services like emergency shelter, court advocacy, counseling, transitional housing, and resource referrals to 2,986 battered women and their children living in Lexington County.

Our staff and board of directors greatly appreciate Lexington County's past assistance, and we hope that you will continue to support Sistercare's services for battered women and their children by facilitating our request for FY 2012-2013.

Sincerely,

Nancy Barton
Executive Director
lm



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#)' (OJP) [Bureau of Justice Assistance](#) (BJA) is pleased to announce that it is seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2012 Local Solicitation

Eligibility

Applicants are limited to units of local government appearing on the FY 2012 JAG Allocations List. To view this list, go to www.bja.gov/programs/jag/12jagallocations.html. For JAG program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe that performs law enforcement functions (as determined by the Secretary of the Interior). Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means a district attorney or parish sheriff. In the District of Columbia or any United States Trust Territory, a unit of local government is any agency of the District of Columbia or federal government performing law enforcement functions for the District of Columbia or Trust Territories of the United States.

Deadline

Applicants must register in [OJP's Grants Management System](#) (GMS) prior to submitting application for this funding opportunity. Select the "Apply Online" button associated with the solicitation title. (See "How To Apply," page 14.) All registrations and applications are due by 8:00 p.m. eastern time on May 14, 2012. (See "Deadlines: Registration and Application," page 4.)

Contact Information

For technical assistance with submitting the application, contact the Grants Management System Support Hotline at 1-888-549-9901, option 3, or via e-mail to GMS.HelpDesk@usdoj.gov.

Note: The [GMS](#) Support Hotline hours of operation are Monday–Friday from 6:00 a.m. to 12 midnight eastern time, except federal holidays.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail to JIC@telesishq.com, or by [live web chat](#). The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, and 8:30 a.m. to 8:00 p.m. eastern time, Monday through Friday, on the solicitation close date.

Funding opportunity number assigned to announcement: BJA-2012-3256

Release date: March 28, 2012

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Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation CFDA #16.738

Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG-funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Deadlines: Registration and Application

Applicants must register in GMS prior to submitting an application for this funding opportunity. The deadline to register in GMS is 8:00 p.m. eastern time on May 14, 2012, and the deadline to apply for funding under this announcement is 8:00 p.m. eastern time on May 14, 2012. See the "How To Apply" section on page 14 for more details.

Eligibility

Refer to the cover page of this solicitation for eligibility under this program.

JAG Program—Specific Information

Formula

Once each fiscal year's overall JAG Program funding level is determined, BJA partners with the Bureau of Justice Statistics (BJS) to begin a four-step grant award calculation process which consists of:

1. Computing an initial JAG allocation for each state and territory, based on their share of violent crime and population (weighted equally).
2. Reviewing the initial JAG allocation amount to determine if the state or territory allocation is less than the minimum ("de minimus") award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the state or territory is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG funds. Each of the remaining states receives the minimum award plus an additional amount based on their share of violent crime and population.
3. Dividing each state's final award amount (except for the territories and District of Columbia) between state and local governments at a rate of 60 and 40 percent, respectively.

4. Determining local unit of government award allocations, which are based on their proportion of the state's three-year violent crime average. If a local eligible award amount is less than \$10,000, the funds are returned to the state to be awarded to these local units of government through the state agency. If the eligible award amount is \$10,000 or more, then the local government is eligible to apply for a JAG award directly from BJA.

Award Amount

Eligible award amounts under JAG are posted annually to BJA's JAG web page: www.bja.gov/ProgramDetails.aspx?Program_ID=59.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

Purpose Areas

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

JAG funds may also be used to address key statutory requirements that may not be otherwise funded, including requirements from the state and federal level, such as addressing limited English proficiency requirements and other similar mandates.

Responsibilities

The Chief Executive Officer (CEO) of an eligible unit of local government or other officer designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting quarterly financial status (SF-425) and performance metrics reports and annual programmatic reports; and providing ongoing oversight and assistance to any subrecipients of the funds.

Length of Awards

Awards are made in the first fiscal year of the appropriation and may be expended during the following 3 years, for a total grant period of 4 years. Extensions beyond this period may be made on a case-by-case basis at the discretion of the Director of BJA and must be requested via the Grants Management System (GMS) **no less than 30 days prior to the grant end date.**

BJA-2012-3256

Administrative Funds

A unit of local government may use up to 10 percent of the award, plus any interest accrued, for costs associated with administering JAG funds.

Disparate Certification

A disparate allocation occurs when a city or municipality is allocated one-and-one-half times (150 percent) more than the county, while the county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crimes. A disparate allocation also occurs when multiple cities or municipalities are collectively allocated four times (400 percent) more than the county, and the county bears more than 50 percent of the collective costs associated with prosecution or incarceration of each municipality's Part 1 violent crimes.

- ★ Jurisdictions certified as disparate must identify a fiscal agent that will submit a **joint application** for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, must be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to www.bja.gov/Funding/JAGMOU.pdf.

Governing Body Review

The applicant agency (fiscal agent in disparate situations) must make the grant application available for review by the governing body (or to the organization designated by the governing body) not fewer than 30 days before the application is submitted to BJA.

Public Comment

The applicant agency (the fiscal agent in disparate situations) must include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and to neighborhood or community-based organizations.

Supplanting

Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose. Supplanting is prohibited under JAG. See BJA's [JAG web page](#) and the updated JAG FAQs for examples of supplanting.

Trust Fund

Award recipients may draw down JAG funds in advance. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds. This trust fund requirement only applies to direct JAG award recipients as well as subrecipients that are not on a reimbursement basis.

Match Requirement

While match is not required with the JAG Program, match is as an effective strategy for states and units of local government to expand justice funds and build buy-in for local criminal justice initiatives. If an applicant proposes a voluntary match amount, the match amount incorporated into the OJP-approved budget becomes mandatory and subject to audit.

Prohibited Uses

No JAG funds may be expended outside of JAG purpose areas. Even within these purpose areas, however, JAG funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Nor may JAG funds be used directly or indirectly to provide for any of the following matters unless BJA certifies* that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- **Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
- Luxury items.
- Real estate.
- Construction projects (other than penal or correctional institutions).
- Any similar matters.

***For information related to requesting a waiver to use funds for any prohibited item, refer to the updated JAG FAQs on BJA's [JAG web page](#).**

****Police cruisers may include a police pursuit vehicle (PPV) or system support vehicle (SSV). Examples include sedans and sport utility vehicles (SUVs).**

Budget Information

Limitation on Use of Award Funds for Employee Compensation; Waiver

With respect to any award of more than \$250,000 made under this solicitation, federal funds may not be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. The 2012 salary table for SES employees is available at www.opm.gov/oca/12tables/indexSES.asp. Note: A recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The limitation on compensation rates allowable under an award may be waived on an individual basis at the discretion of the Assistant Attorney General (AAG) for OJP. An applicant requesting a waiver should include a detailed justification in the budget narrative of its application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request the applicant to adjust and resubmit its budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service being provided, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work to be done.

Minimization of Conference Costs

No OJP funding can be used to purchase food and/or beverages for any meeting, conference, training, or other event. Exceptions to this restriction may be made only in cases where such sustenance is not otherwise available (i.e., extremely remote areas), or where a special presentation at a conference requires a plenary address where there is no other time for sustenance to be obtained. Such an exception would require prior approval from the BJA Director. This restriction does not apply to water provided at no cost, but does apply to any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does not impact direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

Updated Department of Justice and OJP guidance on conference planning, minimization of costs, and conference cost reporting will be forthcoming and will be accessible on the OJP web site at www.ojp.usdoj.gov/funding/funding.htm.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits by individuals with limited English proficiency may be allowable costs. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section of the OJP "Other Requirements for OJP Applications" web page (www.ojp.usdoj.gov/funding/other_requirements.htm).

Updated Requirements

Bulletproof Vest Certification

Bulletproof vests can be funded through two BJA-administered programs: the JAG Program and the Bulletproof Vest Partnership (BVP) Program.

- BVP is a program designed to provide a critical resource to state and local law enforcement through the purchase of ballistic-resistant and stab-resistant body armor. A jurisdiction is able to request up to 50 percent of the cost of a vest with BVP funds. For more information on the BVP Program, including eligibility and application, refer to the [BVP web page](#).

- JAG funds may also be used to purchase vests for an agency, but they may not be used to pay for that portion of the bulletproof vest (50 percent) that is not covered by BVP funds. Unlike BVP, JAG funds used to purchase vests do not require a 50 percent match.
- Bulletproof vests purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards. In addition, bulletproof vests purchased must be American-made. The latest NIJ standard information can be found at: www.nij.gov/topics/technology/body-armor/safety-initiative.htm.
- As is the case in BVP, grantees that wish to purchase vests with JAG funds **must certify** that law enforcement agencies receiving vests have a written "mandatory wear" policy in effect. FAQs related to the mandatory wear policy and certifications can be found at www.bja.gov/Funding/JAGFAQ.pdf. This policy must be in place for at least all uniformed officers before any FY 2012 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. A *mandatory wear concept and issues paper* and a *model policy* are available by contacting the BVP Customer Support Center at vests@usdoj.gov or toll free at 1-877-758-3787.
- A copy of the certification related to the mandatory wear can be found at: www.bja.gov/Funding/12JAGBVPCert.pdf.

Interoperable Communications Guidance

- Grantees (including subgrantees) that are using FY 2012 JAG Program funds to support emergency communications activities must comply with the *FY 2012 SAFECOM Guidance for Emergency Communication Grants*, including provisions on technical standards that ensure and enhance interoperable communications. Emergency communications activities include the purchase of Interoperable Communications Equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission (FCC) Waiver Order. SAFECOM guidance can be found at www.safecomprogram.gov.
- Grantees interested in developing a public safety broadband network in the 700 MHz band in their jurisdictions must adhere to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band. The recipient shall also ensure projects support the Statewide Communication Interoperability Plan (SCIP) and are fully coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the state of the project. As the central coordination point for their state's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of the SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the 56 states and territories. Contact OEC@hq.dhs.gov if you are not familiar with your state or territory's SWIC. If any future regulatory requirement (from the FCC or other governmental entity) results in a material technical or financial change in the project, the recipient should submit associated documentation, and other material, as applicable, for review by the SWIC to ensure

coordination. Grantees (and sub-grantees) must provide a listing of all communications equipment purchased with grant award funding (plus the quantity purchased of each item) to their assigned BJA State Policy Advisor once items are procured during any periodic programmatic progress reports.

DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database

If JAG program funds will be used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS), by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA. For more information, refer to the NIJ FY 2012 DNA Backlog Reduction Program, available at ncjrs.gov/pdffiles1/nij/sI000989.pdf

Reporting Requirements

Once an award is accepted, award recipients must submit quarterly financial status (SF-425) and annual programmatic reports through [GMS](#), quarterly performance metrics reports (see Performance Measures section below) through BJA's Performance Measurement Tool ([PMT](#)), and Federal Funding Accountability and Transparency Act (FFATA) reports through the FFATA Sub-award Reporting System ([FSRS](#)) as necessary (see FFATA section below).

Performance Measures

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), P.L. 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants who receive funding under this solicitation must provide data that measures the results of their work. Quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) web site: www.bjaperformancetools.org. The performance measure can be found at: www.bjaperformancetools.org/help/ARRAJAGandJAGCombinedIndicatorGrid.pdf.

All JAG recipients should be aware that BJA is currently making changes to the JAG performance reporting processes, including measures. While state administering agencies are playing a role in the process, recipients are advised that the reporting requirements noted above may be subject to modification through this process.

Submission of performance measures data is not required for the application. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Refer to the section "What an Application Should Include" on page 16 for additional information.

Note on Project Evaluations

Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements likely do

not constitute “research.” Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.” 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the “Research and the Protection of Human Subjects” section of the OJP Other Requirements for OJP Applications” web page (www.ojp.usdoj.gov/funding/other_requirements.htm). Applicants whose proposals may involve a research or statistical component also should review the “Confidentiality” section on that web page.

Notice of Post-Award FFATA Reporting Requirement

Applicants should anticipate that OJP will require all recipients (other than individuals) of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the reporting requirements should it receive funding. Reports regarding subawards will be made through the FFATA Subaward Reporting System (FSRS), found at www.fsrs.gov.

Note also that applicants should anticipate that no subaward of an award made under this solicitation may be made to a subrecipient (other than an individual) unless the potential subrecipient acquires and provides a Data Universal Numbering System (DUNS) number.

Priorities

BJA recognizes that the downturn in the economy has resulted in significant pressures on state and local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. In light of this, it is important to make SAAs and local JAG recipients aware of several areas of priority that may be of help in maximizing the effectiveness of JAG funding at the state and local level.

As an overall framework for success, we encourage both state and local comprehensive justice planning, bringing all of the system stakeholders together—including law enforcement, courts, prosecutors, defenders, corrections officials, and other stakeholders (including victims and victim advocates)—to create a comprehensive and strategic justice plan to ensure coordination and a more effective justice system.

In addition to our longstanding and unwavering commitment to keeping violent crime at its lowest level in decades, the following priorities represent key areas where we will be focusing nationally and invite each state and local JAG recipient to join us in addressing these challenges as a part of our JAG partnership.

Funding Evidence-Based Programs

BJA strongly encourages state and local planners to fund programs that are evidence-based and have been proven effective. In the current difficult budgetary climate, it is more critical than ever that JAG dollars are spent on programs with proven effectiveness.

Questions often arise about what is meant by evidence-based programs. OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence (generally obtained through one or more outcome evaluations). Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based.

In 2011, OJP made an excellent online tool available to criminal justice practitioners and policy makers to identify evidence based programs that are effective or promising. CrimeSolutions.gov is the OJP online resource about what works in criminal justice, juvenile justice, and crime victim services. Using certified expert reviewers, CrimeSolutions.gov provides detailed information and evidence ratings of programs that may fall within the JAG purpose areas. Launched in June 2011, CrimeSolutions.gov features multiple, user-friendly search options; easy to read program profiles and evaluation summaries from over three decades of research; and recognizable evidence ratings by certified reviewers with research and subject area expertise . CrimeSolutions.gov is intended to increase the use of evidence-based programs in criminal justice, juvenile justice and victim services settings; inform practitioners and policy makers about what works using the best available evidence; and help state and local jurisdictions address crime effectively and efficiently. BJA urges SAAs and local jurisdictions to use information available in CrimeSolutions.gov in making funding decisions.

Criminal Justice Planning

Jurisdictions are strongly encouraged to use JAG funding to support their existing strategic plan. If such a plan does not now exist, jurisdictions are encouraged to develop and undertake a strategic planning process, using a community engagement model, in order to guide spending under this and future fiscal year allocations. Training and technical assistance (TTA) is available from BJA's TTA providers to assist localities with the development of their strategic planning process and their plan to fund evidence-based projects. To ensure that the impact of Byrne JAG funding decisions is considered across the entire criminal justice system, we are redoubling our efforts to encourage state and local jurisdictions to bring all system stakeholders together in the strategic planning process. Our recommended guidelines are that at a minimum, the strategic planning process includes law enforcement, courts, prosecutors, indigent defense providers, victim advocates, and corrections and community corrections officials. BJA will continue to provide valuable technical assistance in 2012 through the National Criminal Justice Association (NCJA) for comprehensive criminal justice planning that includes bringing all criminal justice stakeholders to the table to develop innovative strategies to improve the fair administration of justice. For more information, see the [National Center for Justice Planning web site](http://NationalCenterforJusticePlanning.org).

Recidivism Reduction and Community Corrections

In this time of fiscal austerity and smaller state and local budgets, reducing the overall costs of incarceration in a manner that promotes public safety is a paramount goal. Effective community supervision coupled with evidence-based program interventions can result in significant reductions in recidivism. A priority funding area is the implementation of effective pre-trial services programs and innovative programs and approaches in probation and parole supervision that improve services to offenders and increase collaborative efforts among community supervision agencies with law enforcement and the courts. This includes development and implementation of strategies for the identification, supervision, and treatment of medium- to high-risk offenders that demonstrate the integration, use, and efficacy of evidenced-based practices and principles in the improvement of the delivery of probation and/or parole supervision strategies and practices.

Indigent Defense

Another key priority area is ensuring that justice is truly done in the criminal justice system is support for indigent defense. BJA continues to encourage states and SAAs to use JAG funds to support the vital needs of the indigent defense community. Attorney General Holder has consistently stressed that the crisis in indigent defense reform is a serious concern which must be addressed if true justice is to be achieved in our nation. In 2002, the American Bar Association (ABA) published Ten Principles of a Public Defense Delivery System which represent fundamental building blocks for implementing quality legal representation for indigent defendants. (See [ABA Ten Principles](#).)

Evidence-Based “Smart Policing” Programs

As a result of the current fiscal crisis, many police departments are experiencing unprecedented budget cuts, layoffs and reductions in force. These challenges must be met by making wider use of advancements in the law enforcement field in the last several decades which rely on use of data, crime analysis, crime mapping and other analytic tools, cutting edge technology, and research and evaluations regarding effective policing strategies and programs. A useful matrix of evidence-based policing programs and strategies is available through the [Center for Evidence-Based Policy](#) at George Mason University and provides valuable information on policing strategies and programs that work. BJA encourages states to use JAG funds to support these “smart policing” strategies, including a focus on real time crime analysis centers (CACs), and effective partnerships with universities and research partners and with non-traditional criminal justice partners. Counterterrorism continues to be the number one priority for the Department of Justice. At the state and local level, high functioning, evidence-based, data driven public safety agencies are a critical component of our nation’s “all crimes” strategy. In addition, the JAG Program has long supported effective and collaborative multi-jurisdictional task forces and justice information sharing programs, which continue as a priority in order to maintain our nation’s historic reductions in violent crime.

Officer Safety and Wellness

Law enforcement safety and wellness issues are an important priority for the Department of Justice, have become highly visible as recent trends have shown an increase in law enforcement deaths. According to the National Law Enforcement Officers Memorial Fund, 2011 showed a 16 percent increase in law enforcement fatalities with a 20 percent increase in

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firearms-related fatalities. The Department of Justice is taking a holistic approach to addressing officer safety and wellness by providing training and technical assistance to state and local law enforcement, as well as studying law enforcement injuries. BJA encourages states and local jurisdictions to use JAG funds to support this priority area by providing training—such as paying for tuition and travel expenses related to attending trainings like the VALOR training—as well as providing start-up funding for health and wellness programs to law enforcement agencies.

How To Apply

Applications are submitted through OJP's Grants Management System ([GMS](#)). [GMS](#) is a web-based, data-driven computer application that provides cradle to grave support for the application, award, and management of awards at OJP. Applicants must register in GMS for each specific funding opportunity and should begin the process immediately to meet the GMS registration deadline, especially if this is the first time using the system. Complete instructions on how to register and submit an application in GMS can be found at www.ojp.usdoj.gov/gmscbt/. If the applicant experiences technical difficulties at any point during this process, e-mail GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), Monday–Friday from 6:00 a.m. to midnight eastern time, except federal holidays. OJP highly recommends that applicants start the registration process as early as possible to prevent delays in submitting an application package by the specified application deadline.

All applicants should complete the following steps:

1. **Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their application for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling Dun and Bradstreet at 866-705-5711 or by applying online at www.dnb.com. A DUNS number is usually received within 1-2 business days.
2. **Acquire or renew registration with the Central Contractor Registration (CCR) database.** OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the CCR database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Note, however, that applicants must **update or renew their CCR registration annually** to maintain an active status. Information about CCR registration procedures can be accessed at www.ccr.gov.
3. **Acquire a GMS username and password.** A new user must create a GMS profile by selecting the “First Time User” link under the sign-in box of the [GMS](#) home page. For more information on how to register in GMS, go to www.ojp.usdoj.gov/gmscbt/.

4. **Verify the CCR registration in GMS.** OJP requests that all applicants verify their CCR registration in GMS. Once logged into GMS, click the “CCR Claim” link on the left side of the default screen. Click the submit button to verify the CCR registration.
5. **Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the “Funding Opportunities” link on the left side of the page. Select the Bureau of Justice Assistance and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program—Local Solicitation.
6. **Register by selecting the “Apply Online” button associated with the solicitation title.** The search results from step 5 will display the solicitation title along with the registration and application deadlines for this funding opportunity. Select the “Apply Online” button in the “Action” column to register for this solicitation and create an application in the system.
7. **Complete the Disclosure of Lobbying Activities.** All applicants must complete this information and submit the form in GMS. An applicant that expends any funds for lobbying activities must provide the detailed information requested on the form, *Disclosure of Lobbying Activities*, (SF-LLL). An applicant that does not expend any funds for lobbying activities should enter “N/A” in the required highlighted fields. Access the form at www.ojp.gov/funding/forms/disclosure.pdf.
8. **Submit an application consistent with this solicitation by following the directions in GMS.** Once submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, an applicant must wait for GMS approval before submitting an application. Applicants are urged to submit the application **at least 72 hours prior** to the due date of the application.

Note: OJP’s Grants Management System (GMS) does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”

Note: Duplicate Applications

If an applicant submits multiple versions of an application, BJA will review the most recent version submitted.

Experiencing Unforeseen GMS Technical Issues

If an applicant experiences unforeseen GMS technical issues beyond the applicant's control that prevent submission of its application by the deadline, the applicant must contact the BJA Programs Office staff **within 24 hours after the deadline** and request approval to submit the application. At that time, BJA Programs Office staff will instruct the applicant to submit specific information detailing the technical difficulties. The applicant must e-mail: a description of the technical difficulties, a timeline of submission efforts, the complete grant application, the applicant DUNS number, and GMS Help Desk tracking number(s) received. **Note: Requests are not automatically approved by BJA.** After the program office reviews all of the information submitted, and contacts the GMS Help Desk to validate the technical issues reported, OJP will contact the applicant to either approve or deny the request to submit a late application. If the technical issues reported cannot be validated, the application will be rejected as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to begin the registration process in sufficient time, (2) failure to follow GMS instructions on how to register and apply as posted on its Web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) technical issues experienced with the applicant's computer or information technology (IT) environment, including firewalls.

Notifications regarding known technical problems with GMS, if any, are posted at the top of the OJP funding web page, www.ojp.usdoj.gov/funding/solicitations.htm.

What an Application Should Include

Applicants should anticipate that failure to submit an application that contains all of the specified elements may negatively affect the review of the application and, should a decision be made to make an award, will result in the inclusion of special conditions that preclude access to or use of award funds pending satisfaction of the conditions.

Refer to the BJA Grant Writing and Management Academy and OJP 101 for an overview of what should be included in each application requirement. These trainings can be found at bj.ncjrs.gov/gwma/index.html and www.ojp.gov/grants101/.

OJP strongly recommends use of appropriately descriptive file names (e.g., "Program Narrative," "Budget and Budget Narrative," "Memoranda of Understanding," etc.) for all required attachments.

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a standard form required for use as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and GMS take information from the applicant's profile to populate the fields on this form.

2. Program Narrative

Applicants **must** submit a program narrative that generally describes the proposed program activities for the four year grant period. The narrative must outline the type of programs to be funded by the JAG award and provide a brief analysis of the need for the programs. Narratives must also identify anticipated coordination efforts involving JAG and related justice funds. Certified disparate jurisdictions submitting a **joint application** must specify the funding distribution to each disparate unit of local government and the purposes for which the funds will be used.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

3. Budget and Budget Narrative

Applicants **must** submit a budget and budget narrative outlining how JAG funds, including administrative funds if applicable, will be used to support and implement the program. This narrative should include a full breakdown of administrative costs, as well as an overview of how funds will be allocated across approved JAG purpose areas. Applicants should utilize the following approved budget categories to label the requested expenditures: Personnel, Fringe Benefits, Travel, Equipment, Supplies, Consultants/Contracts, and an Other

category. For informational purposes only, a sample budget form may be found at www.ojp.usdoj.gov/funding/forms/budget_detail.pdf.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

4. Review Narrative

Applicants **must** submit information documenting that the date the JAG application was made available for review to the governing body, or to an organization designated by that governing body, on a date not less than 30 days before the application was submitted to BJA. The attachment must also specify that an opportunity to comment was provided to citizens to the extent applicable law or established procedures make such opportunity available.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

5. Abstract

Applicants **must** provide an abstract that includes the applicant's name, title of the project, goals of the project, and a description of the strategies to be used. In addition, above or below the abstract narrative, applicants **must identify up to five project identifiers** that would be associated with proposed project activities. The list of all identifiers can be found at www.bja.gov/programs/jag/jag12/12JAGIdentifiers.pdf. The abstract **should not** exceed a half-page, or 400-500 words.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

6. Tribal Authorizing Resolution (if applicable)

If an application is being submitted by either (1) a tribe or tribal organization or (2) a third party proposing to provide direct services or assistance to residents on tribal lands, then a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable governing body authorizing the inclusion of the tribe or tribal organization and its membership should be included with the application. In those instances when an organization or consortium of tribes proposes to apply for a grant on behalf of a tribe or multiple specific tribes, then the application should include a resolution (or comparable legal documentation, as may be applicable) from all tribes that will be included as a part of the services/assistance provided under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without authorizing resolution or other enactment of each tribal governing body) may submit a copy of its consortium bylaws with the application in lieu of tribal resolutions (or comparable legal documentation).

If an applicant is unable to obtain and submit with its application a fully-executed (*i.e.*, signed) copy of a tribal resolution or other, comparable legal documentation as may be consistent with the tribe's governance structure, then, at minimum, the applicant should submit an unsigned, draft version of such legal documentation as part of its application

(except in cases where, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, use of and access to funds will be contingent on receipt of the fully-executed tribal resolution or other, comparable legal documentation.

7. Additional Attachments (if applicable)

Jurisdictions certified as disparate **must** identify a fiscal agent that will submit a **joint application** for the aggregate eligible allocation to all disparate municipalities. The joint application **must** determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, **must** be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU **must** be attached to the application. For a sample MOU, go to www.bja.gov/Funding/JAGMOU.pdf.

Failure to submit this required information will result in an application being change requested in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding special condition at the time of award if time does not permit for a change request process.

8. Other Standard Forms

Additional forms that may be required in connection with an award are available on OJP's funding page at www.ojp.usdoj.gov/funding/forms.htm. For successful applicants, receipt of funds may be contingent upon submission of all necessary forms. Note in particular the following forms:

- a. [Standard Assurances](#)
Applicants must read, certify, and submit this form in GMS prior to the receipt of any award funds.
- b. [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
Applicants must read, certify and submit in GMS prior to the receipt of any award funds.
- c. [Accounting System and Financial Capability Questionnaire](#) (required for any applicant other than an individual that is a non-governmental entity and that has not received any award from OJP within the past 3 years; this form must be downloaded, completed, and submitted)

Review Process

OJP is committed to ensuring a fair and open process for awarding grants. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. Applications for formula awards will be reviewed to ensure statutory requirements have been met.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the Assistant Attorney General (AAG).

Additional Requirements

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP strongly encourages applicants to review the information pertaining to these additional requirements prior to submitting your application. Additional information for each requirement can be found at www.ojp.usdoj.gov/funding/other_requirements.htm.

- Civil Rights Compliance
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Nonsupplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with [Office of Justice Programs Financial Guide](#)
- Suspension or Termination of Funding
- Nonprofit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Awards in excess of \$5,000,000 – federal taxes certification requirement
- Active CCR Registration

Provide Feedback to OJP on This Solicitation

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, application submission process, and/or the application review/peer review process. Feedback can be provided to OJPSolicitationFeedback@usdoj.gov.

Application Checklist
FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program:
Local Solicitation

The application checklist has been created to assist in developing an application.

Eligibility Requirement:

- _____ The jurisdiction listed as the legal name on the application corresponds with the eligible jurisdiction listed on BJA's JAG web page
- _____ The federal amount requested is within the allowable limit of the FY 2012 JAG Allocations List as listed on BJA's JAG web page

What an Applications Should Include:

- _____ Standard 424 Form (see page 16)
- _____ Program Narrative (see page 16)
- _____ Budget and Budget Narrative (see page 16)
- _____ Review Narrative (the date the JAG application was made available to the governing body for review and that it was provided to the public for comment) (see page 17)
- _____ Abstract (see page 17)
- _____ Tribal Authorizing Resolution (if applicable) (see page 17)
- _____ Disclosure of Lobbying Activities (SF-LLL) (see page 15)
- _____ Additional Attachments (if applicable) (see page 18);
- _____ Other Standard Forms as applicable (see page 18), including:
 - _____ Accounting System and Financial Capability Questionnaire (if applicable)
- _____ DUNS Number (see page 14)
- _____ CCR Registration (see page 14)

2012 SOUTH CAROLINA JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2012 JAG funding, as determined by the JAG formula. If your jurisdiction is listed with another city or county government in a shaded area, you are in a funding disparity. In this case, the units of local government must develop a Memorandum of Understanding (MOU) and apply for an award with a single, joint application.

Finding your jurisdiction:(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.(2) Eligible individual allocations are listed alphabetically below the shaded, disparate groupings.

Counties that have an asterisk (*) under the "Eligible Individual Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at:

<https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report: <https://www.bja.gov/Publications/JAGTechRpt.pdf>.

For JAG Frequently Asked Questions, please refer to BJA's JAG webpage: <https://www.bja.gov/Funding/JAGFAQ.pdf>.

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
SC	CHARLESTON COUNTY	County	\$50,289	
SC	NORTH CHARLESTON CITY	Municipal	\$79,491	\$129,780
SC	SUMTER COUNTY	County	\$21,160	
SC	SUMTER CITY	Municipal	\$37,637	\$58,797
SC	AIKEN COUNTY	County	\$31,850	
SC	ANDERSON CITY	Municipal	\$14,834	
SC	ANDERSON COUNTY	County	\$64,289	
SC	BEAUFORT CITY	Municipal	\$10,739	
SC	BEAUFORT COUNTY	County	\$52,520	
SC	BENNETTSVILLE CITY	Municipal	\$10,445	
SC	BERKELEY COUNTY	County	\$43,963	
SC	CHARLESTON CITY	Municipal	\$44,723	
SC	CHESTER COUNTY	County	\$14,908	
SC	CHESTERFIELD COUNTY	County	\$11,303	
SC	CLARENDON COUNTY	County	\$12,627	
SC	COLLETON COUNTY	County	\$17,727	
SC	COLUMBIA CITY	Municipal	\$91,457	
SC	CONWAY CITY	Municipal	\$13,437	
SC	DARLINGTON COUNTY	County	\$25,819	
SC	DILLON CITY	Municipal	\$10,911	
SC	DILLON COUNTY	County	\$21,430	
SC	DORCHESTER COUNTY	County	\$30,281	
SC	FAIRFIELD COUNTY	County	\$13,363	
SC	FLORENCE CITY	Municipal	\$30,796	

SC	FLORENCE COUNTY	County	\$30,257
SC	GEORGETOWN COUNTY	County	\$18,904
SC	GREENVILLE CITY	Municipal	\$41,879
SC	GREENVILLE COUNTY	County	\$147,140
SC	GREENWOOD CITY	Municipal	\$25,181
SC	GREENWOOD COUNTY	County	\$22,460
SC	HARTSVILLE CITY	Municipal	\$12,014
SC	HORRY COUNTY	County	\$77,824
SC	KERSHAW COUNTY	County	\$16,305
SC	LANCASTER CITY	Municipal	\$12,897
SC	LANCASTER COUNTY	County	\$18,291
SC	LAURENS COUNTY	County	\$22,337
SC	LEXINGTON COUNTY	County	\$39,035
SC	MARLBORO COUNTY	County	\$12,137
SC	MOUNT PLEASANT TOWN	Municipal	\$12,480
SC	MYRTLE BEACH CITY	Municipal	\$34,229
SC	OCONEE COUNTY	County	\$21,479
SC	ORANGEBURG COUNTY	County	\$32,267
SC	PICKENS COUNTY	County	\$18,953
SC	RICHLAND COUNTY	County	\$177,862
SC	ROCK HILL CITY	Municipal	\$48,940
SC	SPARTANBURG CITY	Municipal	\$54,359
SC	SPARTANBURG COUNTY	County	\$58,993
SC	SUMMERVILLE TOWN	Municipal	\$11,058
SC	WEST COLUMBIA CITY	Municipal	\$12,750
SC	WILLIAMSBURG COUNTY	County	\$11,328
SC	YORK COUNTY	County	\$35,725

Local total		\$1,783,083
--------------------	--	--------------------

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COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

Memorandum

To: Joe Mergo, County Administrator
From: Jim Starling, Engineering Assoc. III
CC: John Fechtel, Public Works Director
Date: 4/19/2012
Re: City of West Columbia Enhancement Grant Match Request for FPA Enh 34-11 - Hwy 1 Street Lighting Project

Attached is a request from the City of West Columbia for "local match" funds (\$108,750) for an approved SCDOT Enhancement Grant (FPA # 34-11 - Highway 1 Street Lighting Project). In the past, Lexington County has provided municipalities with "local match" funds for approved SCDOT Enhancement Grants through the "C"-Fund Program.

This is part of series of enhancement grant match requests that West Columbia submitted to Lexington County in 2005 that were scheduled to take place over several years.

The total estimated project cost is \$543,750 with SCDOT funding 80% or \$435,000 and West Columbia funding 20% \$108,750. The City of West Columbia submitted their 20% match portion of \$108,750 to SCDOT in March of 2011 (FY 2011), but they didn't submit their "local match" request to Lexington County until September 19, 2011. Funding for this grant match is available in the following completed "C"-Fund Special Project accounts:

1.	2700-121302-5R0042	Town of Irmo – Enhancement Match	\$12,665
2.	2700-121302-5R0050	West Columbia – Holmes Street	\$23,410
3.	2700-121302-5R0051	West Columbia – '06 Enhcmt. Match	\$26,580
4.	2700-121302-5R0062	Town of Pelion – '08 Enhcmt Match	\$13,058
5.	2700-121302-5R0130	Lexington Ave. – Irmo Road Imprvmnts	\$28,000
6.	2700-121302-5R0133	Sunset Dr Sidewalk (School/Library)	<u>\$ 5,729</u>
		Total	<u>\$109,442</u>

Please have this placed on the Public Works Committee agenda for review and approval.

JENNIFER T. CUNNINGHAM
City Administrator

MYRON F. CORLEY
Deputy City Administrator

BRIAN E. CARTER, AICP
Director of Planning & Zoning

RICHARD K. HODGE, CPA
City Treasurer

MARTA V. MCKINNON, CMC
City Clerk

JOSEPH W. "JOE" OWENS
Utilities Director

DONNA M. SMITH
Director of Economic Development



RECEIVED
SEP 22 2011
LEXINGTON COUNTY
ENGINEERING DEPARTMENT

BOBBY E. HORTON
Mayor

JACK L. HARMON
Mayor Pro-Tem

ERIC L. FOWLER

L. DALE HARLEY

BOYD J. JONES

MARSHA J. MOORE

TOMMY G. PARLER

CATHY SHANNON

B.J. UNTHANK

Council Members

City of West Columbia

Bridging Past, Present and Future

Date: September 19, 2011

Mr. Jim Starling
Lexington Public Works
440 Ballpark Road
Lexington, SC 29072

Re: "C"-Fund Enhancement Grant Match Funds for SCDOT Project FPA No. 34-11

Dear Mr. Starling:

This letter is to request reimbursement for the 20% matching funds that the City of West Columbia has expended on the above referenced project.

On February 16, 2011, the SCDOT and the City of West Columbia entered into a Financial Participation Agreement for the construction of the Highway 1 Street Lighting Project. The original estimated cost of the Project agreed to by the participants is \$543,750.00 with the SCDOT maximum funding of 80% of the Project not to exceed \$435,000.00 based on the original estimated cost of the Project. As stated in the agreement, the City has complied with paying the 20% match, or \$108,750, up front before the project shall begin.

The City greatly appreciates the County of Lexington's reimbursement of the 20% match incurred by the City for this Project to date.

I have enclosed copies of all invoices, pay requests, cancelled checks and reimbursement approvals from the SCDOT related to the above referenced Project to date. If you need any other information please call me at 939-8602.

Sincerely,

A handwritten signature in black ink that reads "Richard K. Hodge". The signature is fluid and cursive, with a long horizontal line extending to the right.

Richard K. Hodge, CPA
City Treasurer

CITY OF WEST COLUMBIA

200 N.12th St
P.O. Box 4044
West Columbia, SC 29169-4044

BB&T
BRANCH BANKING AND TRUST COMPANY OF S.C.
WEST COLUMBIA, SOUTH CAROLINA

024236

DATE

03/21/2011

AMOUNT

\$108,750.00

VOID 45 DAYS FROM DATE OF ISSUE

PAY ----- ONE HUNDRED EIGHT THOUSAND SEVEN HUNDRED FIFTY & 00/100 DOLLARS -----

TO THE
ORDER
OF

SC DEPARTMENT OF TRANSPORTATION
PO BOX 191
COLUMBIA, SC 29202

Betty E. Hartman
Richard K. Hodgson

THE NUMBERS ON THIS DOCUMENT APPEAR IN RED ON THE REVERSE SIDE - THIS DOCUMENT HAS MICROPRINTING

⑈024236⑈ ⑆053201607⑆0005222601381⑈

PLEASE DETACH AND FILE

Amount 108750.00
SerialNum 24236
PostDate 03/30/2011
ItemSeqNum 29596954
TrRoutNum 53201607
TransCode 0

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

SCDOT MJ10 03-28-2011 069871 \$108,750.00 HF

FOR DEPOSIT ONLY
ACCOUNT OF
SC STATE TREASURER
DO NOT SIGN THIS LINE
RESERVED FOR DEPOSIT ONLY
ACCOUNT #207830042152

ENDORSE HERE

Amount 108750.00
SerialNum 24236
PostDate 03/30/2011
ItemSeqNum 29596954
TrRoutNum 53201607
TransCode 0



INVOICE

FINANCE DIVISION

Post Office Box 191
 Columbia, South Carolina 29202-191
 Questions regarding this invoice? (803) 737-0845 FAX (803) 737-2094

CUSTOMER	CITY OF WEST COLUMBIA 200 N 12ST P O BOX 4044 WEST COLUMBIA, SC 29169-4044	Invoice No.: 413356
		Invoice Amount.: \$108,750.00
		Invoice Date: 2/17/2011
		Past Due After: 3/19/2011
		Damage Claim:
DUE UPON RECEIPT - PAST DUE AFTER 30 DAYS		

Services or Goods Provided: FINANCIAL PARTICIPATION AGREEMENT WITH SCDOT DATED FEBRUARY 16, 2011
 RE: HIGHWAY 1 STREET LIGHTING PROJECT - FPA 34-11

INVOICE	Quantity	Item	Unit Cost	Amount
		INSTALLATION OF PEDESTRIAN SCALE LIGHTING ALONG THE CORRIDOR, RELOCATION OF WRING FOR STREETLIGHTS UNDERGROUND, REMOVAL OF WARPED OR LEANING UTILITY POLES & REPAIR OF DAMAGED SECTION OF SIDEWALK & CURB IN WEST COLUMBIA		\$ 108,750.00
			Total:	\$108,750.00

----- Detach and return this portion with your payment -----

To ensure proper credit to your account, please make check payable to "South Carolina Department of Transportation" and include Invoice Number on check. Visa & Master Card accepted, to make payment call (803) 737-4586.



PAYMENT	Remit to: SC Dept. of Transportation Finance Office P O Box 191 Columbia, SC 29202-191	Customer: CITY OF WEST COLUMBIA 200 N 12ST P O BOX 4044 WEST COLUMBIA, SC 29169-4044	Invoice No.: 413356
			Invoice Date: 2/17/2011
			Total Amount Due
			\$108,750.00



South Carolina
Department of Transportation

February 16, 2011

Ms. Donna M. Smith
Economic Development Director
City of West Columbia
200 N. 12th Street
West Columbia, South Carolina 29169

RE: Highway 1 Street Lighting Project – FPA 34-11

Dear Ms. Smith:

Enclosed is your copy of the fully executed Financial Participation Agreement dated February 16, 2011, between the South Carolina Department of Transportation and the City of West Columbia for the above referenced project.

You will receive a request for payment from our Finance Office in the near future in the amount of \$108,750, as indicated on the first page of the agreement. Please note that any overruns will be the responsibility of the City. Also, Mr. Randall Young, the Regional Production Engineer assigned to the project, will be in contact with the City.

We are fortunate to be working with you on this project as you serve a vital role to the citizens of West Columbia. If you have any questions or concerns, please contact me at (803) 737-1952.

Sincerely,

Cathy P. Rice
Enhancement Coordinator

CPR:thw

Enclosure

- ec: Brian Keys, Assistant Chief Engineer for Planning, Location, and Design
- Herb Cooper, Local Program Administrator
- Doug MacFarlane, Director of Contracts and Special Projects
- Darryl Hentz, Accounting Manager
- Randall Young, P.E., Regional Production Engineer
- Thad Brunson, District Engineering Administrator
- Bonnie Frick, Manager of Contracts and Special Projects
- Lisa Huffstetler, Accounting Office
- Diane Stubbs, Obligation Management
- Annette Rish, Senior Budget Analyst

cc: Federal Program Administration Office

File: LPAO/CPR



If Applicable
CFDA No. 20.205
Highway Planning & Construction

Financial Participation Agreement & Contract
Between
South Carolina Department of Transportation
And
City of West Columbia

This Agreement executed on 16th day of February, 2011, covers the financial responsibilities of the South Carolina Department of Transportation; hereinafter "SCDOT", and the City of West Columbia; hereinafter "Participant" for the below described project.

PROJECT DESCRIPTION:

The Highway 1 Street Lighting Project - The approximate scope and termini of the project are as follows: installation of pedestrian scale streetlights along the corridor, relocation of wiring for streetlights underground, removal of warped or leaning utility poles, and repair of damaged sections of sidewalk and curb. The termini are as follows: beginning on State Street (SC 2) and ending at 12th Street (SC 35) in the City of West Columbia.

FUNDING:

- a. The Participant estimates the total cost for the project to be \$543,750.00.
- b. The SCDOT's maximum funding for the project is 80% of the total project cost not to exceed the maximum amount of \$435,000.00 as authorized by the Highway Commission on July 24, 2008, for the use of Enhancement funds. Costs for oversight and administration for the project by SCDOT in accordance with federal requirements will be paid by SCDOT.
- c. The Participant is responsible for 100% of the cost of the project excluding SCDOT's maximum funding as identified in "b" directly above.

INVOICING/PAYMENT SCHEDULE:

The Participant's share of funding for the project is 20% of the cost of the project estimated at \$108,750.00. SCDOT will invoice the Participant based on this Agreement and an executed Charge Memorandum Document (3025A) prepared at the direction of

the SCDOT project manager. The charge memorandum will have the name and address of the party to be invoiced and the amount.

An invoice in the amount of \$108,750.00 will be submitted by the SCDOT Accounting/Finance Office to the Participant approximately 30 days after execution of this Agreement.

FINANCIAL PARTICIPANT RESPONSIBILITIES

The Participant agrees to remit to SCDOT within 30 days of receipt of the invoice the amount specified per this Agreement.

No work on the project shall begin until payment is received.

OTHER INFORMATION

In the event the total project costs are less than originally estimated, SCDOT will refund any excess amount paid by the Participant within 30 days of final completion and acceptance of the project. Any changes to this Agreement will be in writing and agreed to by all parties. If it becomes apparent that the cost of the project will exceed the funding available, the SCDOT and Participant will mutually agree on a revision to the project scope and termini that is in accordance with the available budget and maintains federal eligibility.

The project manager will periodically update the Participant of the status of the project and funds.

Overruns will be the responsibility of:

1. the SCDOT
2. X the Participant

Payments and/or refunds will not be unreasonably withheld, denied, or delayed.

The SCDOT accepts responsibility for normal maintenance of standard transportation materials, structures and workmanship within SCDOT rights of way according to common local practices. After the project is completed and accepted to the state system the Participant is responsible for securing an approved Encroachment Permit outlining any desired extraordinary maintenance effort on SCDOT rights of way that would include any special features or nonstandard department materials that may have been incorporated into the project.

Pursuant to SC Code 57-5-820, if applicable, the Participant does hereby consent to the construction of the project within its corporate limits. The forgoing consent shall be the sole approval necessary for SCDOT to complete the project as described in this agreement, and constitutes a waiver of any and all other requirements with regard to the construction within the Participant's corporate limits.

Funding Sources	Amount	File#	PIN #	Project #
		32.039555	39555	32H220DT10006

SERVICES

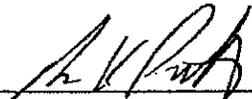
SCDOT Federal	\$435,000.00			
Participant	\$108,750.00			
TOTAL	\$543,750.00			

ADMINISTRATION/OVERSIGHT

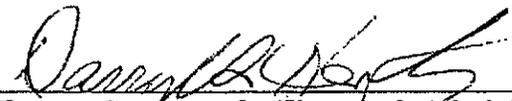
SCDOT Federal	\$65,248.00			
SCDOT State	\$16,312.00			
TOTAL	\$81,560.00			



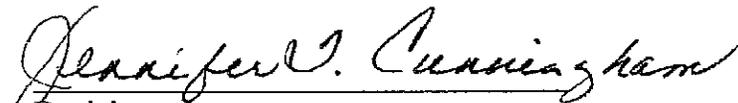
 Project Manager SCDOT



 Deputy Secretary for Engineering/or Designee



 Deputy Secretary for Finance & Administration/or Designee



 Participant



COUNTY OF LEXINGTON

SOLID WASTE MANAGEMENT DEPARTMENT

498 Landfill Lane
Lexington, SC 29073
Telephone: 803-755-3325
Fax: 803-755-3833

MEMO

To: Joe G. Mergo, III, County Administrator
From: David L. Eger, Solid Waste Management Director
Date: May 1, 2012
Subject: 321 Landfill – Institutional Controls

On June 13, 1995, the County of Lexington entered into a Unilateral Administrative Order (UAO) for Remedial Design and Remedial Action with the U.S. Environmental Protection Agency (EPA) for the 321 Landfill Superfund Site. Significant progress has been made by the County in complying with the UAO requirements, including all of the major tasks and redevelopment, including the Par-T driving range, mini-golf course, ball fields, Collection and Recycling Center and the University of SC Golf Practice Range.

Section XVIII of the UAO requires the County to implement Institutional Controls (Declaration of Covenants and Restrictions) for the site, which will be recorded with the property. These controls are necessary to protect the integrity of the 321 Landfill Cap and address the potential for exposure to groundwater during any future development of the landfill site.

EPA/DHEC provided a draft Declaration of Covenants and Restrictions acceptable to them and the final document specific to the 321 site has been reviewed by the County Attorney and is attached for approval by the County Council. Once approved, the document will be forwarded to DHEC for execution, and then recorded by the County Attorney.

It is respectfully requested that this item be reported out from the committee to the full Council. The EPA is currently completing their next 5 year review of the 321 Landfill site and would like to have this document completed as a part of their review.

Attachment

Cc: File

STATE OF SOUTH CAROLINA)
) **DECLARATION OF COVENANTS**
COUNTY OF LEXINGTON) **AND RESTRICTIONS**

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (Declaration) is made and entered into this [Number of Day] day of _____ 2012, by County of Lexington (hereafter “County”) and the South Carolina Department of Health and Environmental Control (hereafter Department).

RECITALS

WHEREAS, this Declaration is entered into pursuant to S.C. Code §44-56-200 et seq.; and

WHEREAS, County is the owner of certain real property in Lexington County, South Carolina, more particularly described in Exhibit A attached hereto and incorporated herein by reference (“Property”); and

WHEREAS, the Property has been the subject of a Remedial Design/Remedial Action pursuant to a Unilateral Administrative Order [CER- 95-20-C] dated June 13, 1995 entered by the United States Environmental Protection Agency (EPA) and Cayce, Lexington County, SC under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601, et seq.; and

WHEREAS, County has remediated the Property to commercial-use standards as required by the Unilateral Administrative Order; and

WHEREAS, the Property may be used for certain purposes without further remediation in accordance with the provisions of the Unilateral Administrative Order; and

WHEREAS, County has agreed to impose certain restrictions on the manner in which the Property may be developed and used in the future; and

WHEREAS, it is the intention of all parties that EPA is a third party beneficiary of said restrictions and said restrictions shall be enforceable by the EPA, Department, and their successor agencies; and

WHEREAS, EPA has worked closely with the Department in developing the Unilateral Administrative Order, EPA will assist the Department in monitoring and enforcing this Declaration.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that County of Lexington hereby declares and covenants on behalf of itself, its heirs, successors, and assigns that the Property described in Exhibit A, attached hereto, shall be held, mortgaged, transferred, sold, conveyed, leased, occupied, and used subject to the Unilateral Administrative Order, to include the following restrictions, which shall touch and concern and run with the title to the Property.

1. County covenants for itself, its heirs, successors and assigns that the Property shall not be used for the following purposes without prior approval from EPA and the Department or their successor agencies: residential, agricultural, child day care facilities, schools, or elderly care facilities.
2. County covenants for itself, its heirs, successors and assigns that if the Property is to be used for recreational purposes, prior approval must be obtained from EPA and the Department or their successor agencies.
3. County covenants for itself, its heirs, successors and assigns that groundwater beneath the Property shall not be used for consumptive use or other purposes without prior approval from EPA and the Department or their successor agencies.
4. County covenants for itself, its heirs, successors and assigns that the Property shall not be used in a manner that would interfere with the groundwater recovery system on the Property without prior approval from EPA and the Department or their successor agencies.
5. County covenants for itself, its heirs, successors and assigns that the Property shall not be used in a manner that would interfere with the cap (protective landfill cover) on the Property without prior approval from EPA and the Department or their successor agencies.
6. County covenants for itself, its heirs, successors and assigns that there shall be no drilling of groundwater wells on the Property without prior approval from EPA and the Department or their successor agencies.
7. County covenants for itself, its heirs, successors and assigns that the Property shall not be used in a manner that would interfere with the landfill gas collection and control system on the Property without prior approval from EPA and the Department or their successor agencies.
8. County covenants for itself, its heirs, successors and assigns that there shall be no digging, excavation, grading or other disturbance of the Property to a depth exceeding twelve (12) inches without prior approval from EPA and the Department or their successor agencies.

9. County covenants for itself, its heirs, successors and assigns that the EPA, the Department, their successor agencies, and all other parties performing response actions under EPA's or the Department's oversight shall be provided reasonable access for (i) inspecting the Property, (ii) monitoring, (iii) verifying information, (iv) sampling the Property, (v) assessing the need for additional response or quality control practices, (vi) implementing the work required under the Unilateral Administrative Order, (vii) inspecting and copying records, (viii) assessing the responsible party's compliance, (ix) assessing compliance with existing land use restrictions under the Lexington County Zoning Ordinance and this Declaration, or (x) to take samples as may be necessary to enforce this Declaration.
10. The covenants and restrictions set forth herein shall run with the title to the Property and shall be binding upon County, its heirs, successors and assigns. It is expressly agreed that the Department and EPA shall have the right to enforce these covenants and restrictions upon County, its heirs, successors and assigns. County and its heirs, successors, and assigns shall include the following notice on all deeds, mortgages, plats, or any legal instruments used to convey any interest in the Property (failure to comply with this paragraph does not impair the validity or enforceability of these covenants):

NOTICE: This Property Subject to Declaration of Covenants and
Restrictions and any subsequent Amendments Recorded at

11. County, its heirs, successors and assigns and any subsequent purchaser of the Property shall submit to the Department and EPA a statement of maintenance of the covenants and restrictions as set forth above annually on May 31st of every year. This reporting requirement is the obligation of each owner of the Property, or portion of the Property, as of May 31st of each year. Once title to all or a portion of the Property has been conveyed by or any subsequent owner, such predecessor in title shall no longer have any responsibility for submission of the Report with respect to the portion of the Property it previously owned. County, its heirs, successors and assigns and any subsequent purchaser of the Property shall provide the following notice in each Report:

“The covenants and restrictions applicable to this Property are being properly maintained, and no development or use which is inconsistent with the Declaration of Covenants and Restrictions has occurred since the date of the last annual report.”

12. This Declaration shall remain in place until such time as the Department has made a written determination that the covenants and restrictions set forth herein are no longer necessary. The Department shall not consent to any such termination unless the requirements of the Unilateral Administrative

Order have been met. This Declaration shall not be amended without the written consent of the Department or its successor agency. The Department shall not consent to any such amendment or termination without the consent of EPA.

- 13. It is expressly agreed that EPA is not the recipient of a real property Interest but is a third party beneficiary of the Declaration of Covenants and Restrictions and, as such, has the rights of enforcement.
- 14. This Declaration only applies to the Property expressly identified in Exhibit A and does not impair the Department's and EPA's authority with respect to the Property or other real property under the control of the County.

IN WITNESS WHEREOF, _____, has caused this instrument to be executed as of the date first above written.

WITNESSES: _____.

_____ By: _____

 (Name and Title)

STATE OF SOUTH CAROLINA)
 COUNTY OF LEXINGTON) ACKNOWLEDGEMENT

I, _____ (Notary Public), do hereby certify that, _____, an authorized representative of the _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument, on behalf of the _____.

Witness my hand and official seal this _____ day of _____, 20__.

 Notary Public for _____

My Commission Expires: _____

IN WITNESS WHEREOF, the Department has caused this instrument to be executed as of the date first above written.

WITNESSES:

South Carolina Department of Health and Environmental Control

By: _____

Robert W. King, Jr., P.E., Deputy Commissioner, Environmental Quality Control
South Carolina Department of Health and Environmental Control

STATE OF SOUTH CAROLINA)

) ACKNOWLEDGEMENT

COUNTY OF RICHLAND)

I, _____ (Notary Public), do hereby certify that, Robert W. King, Jr., P.E., Deputy Commissioner Environmental Quality Control of the South Carolina Department of Health and Environmental Control, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____, 20__.

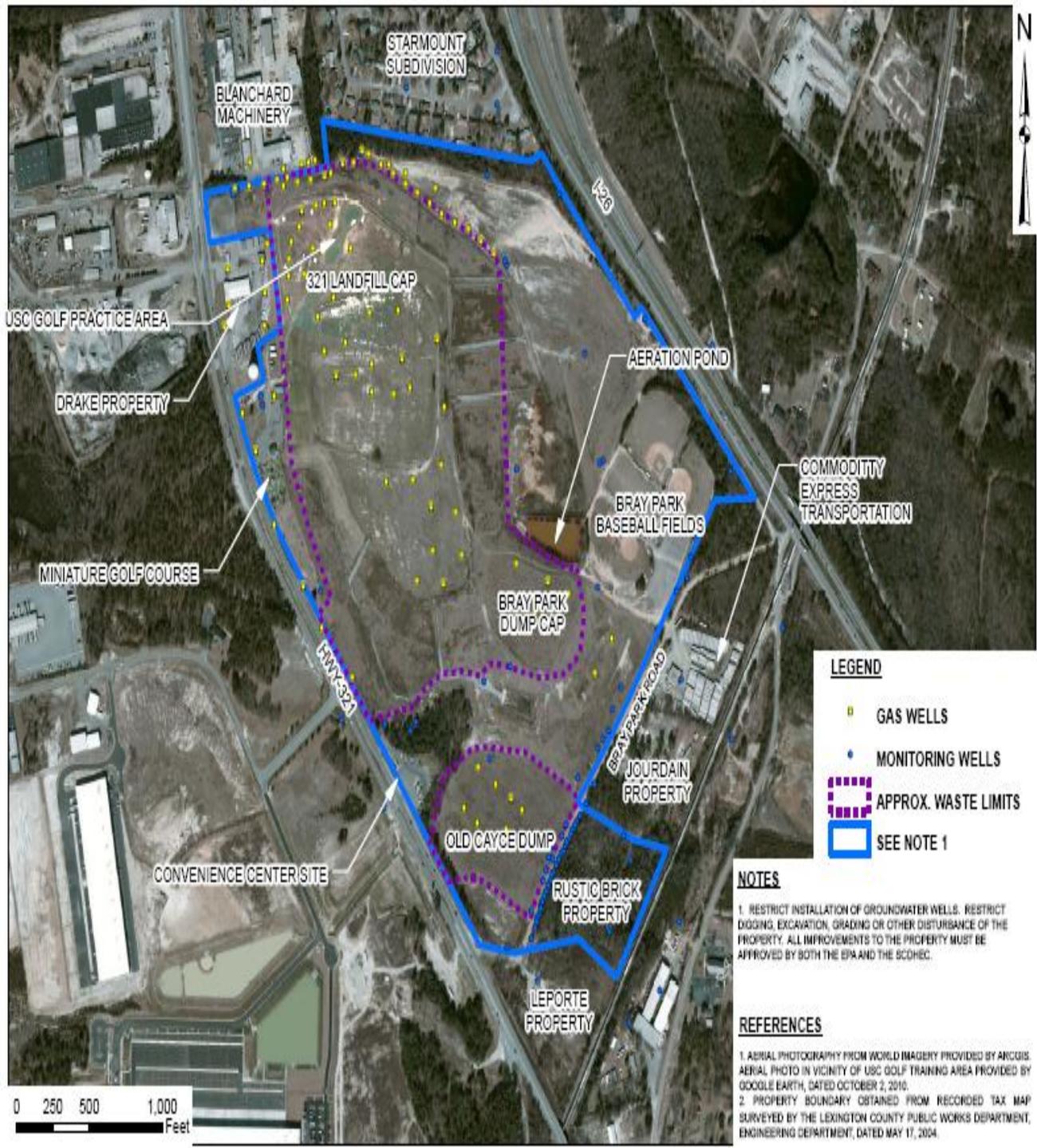
Notary Public for _____

My Commission Expires: _____

EXHIBIT A

All that certain piece, part, parcel and lot of land shown as 20.31 acres in Plat Book 244 at page 181-A; 41.07 acres shown in Plat 64-G at page 17; 5.48 acres shown in Plat Book 86-G at page 177; 6.4 acres as shown in Book 16-G at page 13; Tract F containing 10.1 acres shown in Plat Book 108-G at page 19; Tract H-1 containing 34.9 acres shown in Plat Book 108-G at page 62; western portion of Tract 4 containing 30.64 acres as shown in Plat Book 112-G at page 196; Tract G containing 16.7 acres as shown in Book 108-G at page 19 in the Office of Register of Deeds for Lexington County.

G:\CA\Lexington County\Lex 321-5\Instit\321-50366.mxd 3/21/2012 3:18:47 PM



LEGEND

- GAS WELLS
- MONITORING WELLS
- APPROX. WASTE LIMITS
- SEE NOTE 1

NOTES

1. RESTRICT INSTALLATION OF GROUNDWATER WELLS. RESTRICT DIGGING, EXCAVATION, GRADING OR OTHER DISTURBANCE OF THE PROPERTY. ALL IMPROVEMENTS TO THE PROPERTY MUST BE APPROVED BY BOTH THE EPA AND THE SCDEH.

REFERENCES

1. AERIAL PHOTOGRAPHY FROM WORLD IMAGERY PROVIDED BY ARCGIS. AERIAL PHOTO IN VICINITY OF USC GOLF TRAINING AREA PROVIDED BY GOOGLE EARTH, DATED OCTOBER 2, 2010.
2. PROPERTY BOUNDARY OBTAINED FROM RECORDED TAX MAP SURVEYED BY THE LEXINGTON COUNTY PUBLIC WORKS DEPARTMENT, ENGINEERING DEPARTMENT, DATED MAY 17, 2004.

RICHARDSON SMITH GARDNER
AN ASSOCIATE OF
ENGINEERING & GEOLOGICAL SERVICES

DRAWN BY: J.A.L.	CHECKED BY: C.K.A.	SCALE: AS SHOWN	FIGURE NO. 1
DATE: NOV. 20 11	PROJECT NO. LEX006	FILE NAME: 321-50366	

**321 LANDFILL
 LEXINGTON COUNTY, SC
 INSTITUTIONAL CONTROLS**

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COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

Memorandum

To: Joe Mergo, County Administrator
From: Jim Starling, Engineering Assoc. III
Date: 4/26/2012
Re: Fence Relocation at the Pelion Airport

The Federal Aviation Administration (FAA) is requesting that Lexington County address a safety issue associated with Federal Aviation Regulation (FAR) Part 77. This regulation restricts vertical obstructions from penetrating into navigable airspace. Approximately 6,500 linear foot of fence is affected by this regulation; however, the FAA's request is to relocate approximately 2,500 linear foot of the fence based on an existing grant.

The Taxiway "A" Realignment Project has been completed and there is an FAA grant balance of approximately \$45,000 that the FAA will allow the County to utilize to fund the fence relocation. The estimated cost is \$47,000. Lexington County would be required to fund the project up front at 100% and seek reimbursement from the FAA. The FAA's participation would be at 95% and Lexington County's participation would be at 5% or \$2,000. If the South Carolina Aeronautics Commission participates in the fence relocation at 2.5%, the County's final funding amount would be \$1,000.

Staff is requesting that Council approve moving forward with a contract to relocate approximately 2,250 foot of fence and utilize the existing FAA grant balance of \$45,000. Initial funding for the fence relocation is available in account 5801-580020-5AA426 - Taxiway "A" Realignment. This account has an unencumbered balance of \$54,994.

Please have this placed on the Airport Committee Agenda on May 8th, 2012 for consideration and approval.



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

Memorandum

To: Joe Mergo, County Administrator
From: Jim Starling, Engineering Associate III
Date: 4/30/2012
Re: Revised FY 2013-2017 Airport Capital Improvement Plan (ACIP)

The Federal Aviation Administration (FAA) is requesting that Lexington County resubmit the FY 2013-2017 Airport Capital Improvement Plan (ACIP). The original FY 2013-2017 ACIP was approved by County Council on December 13, 2011 and subsequently submitted to the FAA prior to January 1, 2012 as required. The FAA recently explained that Discretionary and/or State Apportionment Funds cannot be used for T-hanger construction as shown on the original ACIP. The attached revised ACIP reflects the use of FAA Entitlement funding for the T-hanger constructing and the use of Discretionary and/or State Apportionment funding for Property Acquisition, Fence Relocation, and Tree Removal.

Please place this on the May 8th, 2012 Airport Committee agenda for review and approval. Pending approval by the Airport Committee, please report this out to full Council on May 8th for approval.

This item should be reported out to Full Council on the 8th because the FAA requested that the revised FY 2013 ACIP be submitted to them prior to April 30th, 2012.

AIRPORT CAPITAL IMPROVEMENT PLAN

FY 2013 - 2017 (Including FY 2012 for reference)

The information presented below is based on the best information available at the time of preparation.

Last Updated: 04-26-2012

Lexington County Airport at Pelion (6J0)

Fiscal Year	Description	Project Total Cost	Eligible Federal Share (90%)				Eligible State Share	Sponsor Share
			Carryover	Entitlements	Discretionary and/or State Apportionment	Total		
2012	Carryover to 2013	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Annual Total:	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	CARRYOVER FUNDS INTO FY 2013		\$150,000					
2013	Property Acquisition (±42 Acres)	\$63,409	\$0	\$0	\$57,068	\$57,068	\$0	\$6,341
	On Airport Tree Removal (±71 Acres) (No grubbing)	\$218,000	\$0	\$0	\$196,200	\$196,200	\$10,900	\$10,900
	Fence Relocation (±6,850 LF)	\$137,000	\$0	\$0	\$123,300	\$123,300	\$6,850	\$6,850
	T-Hangar Construction	\$560,000	\$150,000	\$150,000	\$0	\$300,000	\$8,000	\$252,000
	Annual Total:	\$978,409	\$150,000	\$150,000	\$376,568	\$676,568	\$25,750	\$276,091
	CARRYOVER FUNDS INTO FY 2014		\$0					
2014	T-Hangar Construction (First Reimbursement)	\$0	\$0	\$150,000	\$0	\$150,000	\$0	(\$150,000)
	Annual Total:	\$0	\$0	\$150,000	\$0	\$150,000	\$0	(\$150,000)
	CARRYOVER FUNDS INTO FY 2015		\$0					
2015	T-Hangar Construction (Last Reimbursement)	\$0	\$0	\$54,000	\$0	\$54,000	\$0	(\$54,000)
	Annual Total:	\$0	\$0	\$54,000	\$0	\$54,000	\$0	(\$54,000)
	CARRYOVER FUNDS INTO FY 2016		\$96,000					
2016	Runway Widening & Strengthening - Design	\$147,000	\$96,000	\$36,300	\$0	\$132,300	\$7,350	\$7,350
	Annual Total:	\$147,000	\$96,000	\$36,300	\$0	\$132,300	\$7,350	\$7,350
	CARRYOVER FUNDS INTO FY 2017		\$113,700					
2017	Runway Widening & Strengthening - Bidding & Construction	\$2,412,000	\$113,700	\$150,000	\$1,907,100	\$2,170,800	\$120,600	\$120,600
	Annual Total:	\$2,412,000	\$113,700	\$150,000	\$1,907,100	\$2,170,800	\$120,600	\$120,600
	CARRYOVER FUNDS INTO FY 2018		\$0					

FY 2013 Calculation of Project Costs

PROPERTY ACQUISITION (±42 Acres)

Property Acquisition	42 Ac	\$1,042 per ac	\$43,762
Legal Closing Cost	\$17,500 pro-rate	32% (42 ac/130 ac)	\$5,654
Environmental Cost	\$43,310 pro-rate	32% (42 ac/130 ac)	\$13,992
Contingency Cost	\$0 pro-rate	32% (42 ac/130 ac)	\$0
			<hr/>
			\$63,409

TREE REMOVAL	71 ACRES	\$ 3,000.00 per ac	\$213,000
Grant Services	1 LS	\$ 5,000.00	\$5,000
			<hr/>
			\$218,000

FENCE RELOCATION			
Total existing fence to be relocated	9,820 LF		
Existing fence to be relocated with remaining funds from previous grant (\$45,000)	2,250 LF		
Existing fence to be relocated with new grant funds	6,850 LF	\$ 20.00	\$137,000
Remaining unused fence fabric	720 LF		

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RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 8TH DAY OF MAY, TWO THOUSAND AND TWELVE ADOPTED THE FOLLOWING:

WHEREAS, the members of the Lexington County Emergency Medical Services devote their lives to saving the lives of others; and

WHEREAS, Emergency Medical Services Technicians and Paramedics at the Lexington County Emergency Medical Services are specialist trained to provide lifesaving pre-hospital basic and/or advanced life support and must be available 24 hours each day of the week; and

WHEREAS, advances in the Lexington County Emergency Medical Services have improved the quality of life in Lexington County through minimizing the morbidity and mortality of victims of sudden illness and injury; and

WHEREAS, the visitors and residents of Lexington County, South Carolina, benefit daily from the encouragement, commitment, knowledge and skills of these trained individuals in the Lexington County Emergency Medical Services; and

WHEREAS, these trained individuals answered over 30,000 calls for emergency medical treatment and transportation of the sick and injured in the last calendar year; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of Emergency Medical Services teams by designating Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED that the Council for the County of Lexington, State of South Carolina, takes great pleasure in proclaiming May 20-26, 2012 as **EMERGENCY MEDICAL SERVICES WEEK** and extend our sincere gratitude to the dedicated members of the Lexington County Emergency Medical Services for a job well done.

William B. Banning, Sr., Chairman

Johnny W. Jeffcoat, Vice Chairman

James E. Kinard, Jr.

Frank J. Townsend, III

George H. "Smokey" Davis

Debra B. Summers

Bobby C. Keisler

Kenneth Brad Matthews

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 8TH DAY OF MAY, TWO THOUSAND AND TWELVE, ADOPTED THE FOLLOWING:

WHEREAS, Public Works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and programs such as streets and highways, land disturbance permits, vector control, and flood prevention; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction is vitally dependent upon the effort and skill of Public Works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

WHEREAS, NOW, THEREFORE, BE IT RESOLVED that we, the members of Lexington County Council, do hereby proclaim the week of May 21-27, 2012 as **NATIONAL PUBLIC WORKS WEEK** and call upon citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that Public Works officials make every day for their health, safety, and comfort.

William B. Banning, Sr., Chairman

Johnny W. Jeffcoat, Vice Chairman

James E. Kinard, Jr., Chairman

Frank J. Townsend, III

George H. "Smokey" Davis

Debra B. Summers

Bobby C. Keisler

K. Brad Matthews

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 8TH DAY OF MAY, TWO THOUSAND AND TWELVE, ADOPTED THE FOLLOWING:

WHEREAS, the law firm of Davis, Frawley, Anderson, McCauley, Ayer, Fisher & Smith, LLC is celebrating its 50th Anniversary in the Year 2012; and

WHEREAS, the law firm was started by Francis C. “Banny” Jones, a former State Senator in or around the year 1961 who was joined thereafter in practice by Hubert E. Long, a former Solicitor and thereafter Circuit Judge of the Eleventh Judicial Circuit; and

WHEREAS, the law firm has evolved from this two-man partnership located in a former feed store at 200 East Main Street to a firm of 11 (soon to be 12) attorneys that handle a variety of legal work, including governmental law, real estate and real estate litigation, defense and plaintiff’s litigation, criminal, domestic, adoptions, estate planning, probate administration, foreclosure, collections, corporate and tax work; and

WHEREAS, since 2007, the law firm has added four young lawyers, all of whom were raised and educated in Lexington County; and

WHEREAS, the law firm is the oldest law firm in Lexington County and has the highest rating from the national peer review for the firms legal ability and ethical standards;

WHEREAS, the law firm has been known by a variety of names through the decades as partners retired or were added but the firm has grown too much to continue putting all partners names in the law firm name and recently shortened its name to **Davis Frawley, LLC** as it enters its next half-century.

NOW, THEREFORE, BE IT RESOLVED that we, Lexington County Council, do hereby recognize the law firm of **Davis, Frawley, Anderson, McCauley, Ayer, Fisher & Smith, LLC (now Davis Frawley LLC)** on its 50th Year Anniversary.

William B. Banning, Sr., Chairman

Johnny W. Jeffcoat, Vice Chairman

James E. Kinard, Jr.

Frank J. Townsend, III

George H. “Smokey” Davis

Debra B. Summers

Bobby C. Keisler

Kenneth Brad Matthews

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk



APPOINTMENTS BOARDS & COMMISSIONS

May 8, 2012

JIM KINARD

- **Assessment Appeals Board** - Christopher Lykes; term expires 09/21/12; *resigned effective 04/15/12*
- **Children's Shelter** - Suzanne Hackett; term expires 06/30/12; not eligible for reappointment

SMOKEY DAVIS

- **Children's Shelter** - Robert Foster; term expires 06/30/12; eligible for reappointment; *confirmed desire to serve another term*

JOHNNY JEFFCOAT

- **Museum** - Laura Howell; term expired 11/01/11; *confirmed desire NOT to serve another term*

TODD CULLUM

- **Board of Zoning Appeals** - Vacant; term expires 12/31/13
- **Children's Shelter** - Jerald Sanders; term expires 06/30/12; eligible for reappointment; *confirmed desire to serve another term*
- **Museum** - Vacant; term expires 11/01/13

AT LARGE:

Building Codes Board of Appeals

- **Plumbing** - Ashton Shuler; term expired 08/13/11; eligible for reappointment; *confirmed desire NOT to serve another term*

Central Midlands Council of Governments (COG)

- **Citizen Appointee** - Earl McLeod; term expires 06/15/12; eligible for reappointment; confirmed desire to serve another term

River Alliance

- **Citizen Appointee** - Mike Stamps - term expires 06/26/13

Stormwater Advisory Board

- **Environmental Steward** - Sue Green; term expires 12/09/12; resigned effective 11/16/11

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 803- 785-8166

(F) 803- 785-2240

DATE: April 27, 2012

TO: Joe G. Mergo, III
County Administrator

THRU: Jeffrey A. Hyde
Procurement Manager

FROM: Jo Marie Brown
Procurement Officer

SUBJECT: REQUEST FOR APPROVAL TO UTILIZE THE COMPETITIVE SEALED PROPOSAL PROCESS FOR THE ACQUISITION OF AN ELECTRONIC PATIENT CARE REPORTING SYSTEM (ePCR) FOR EMS WITH INTEGRATED BILLING SUITE

We are requesting the use of the Request for Proposals (RFP) process in order to seek competitive proposals from potential qualified respondents for the acquisition of an Electronic Patient Care Reporting System (ePCR) with integrated billing suite. The Procurement Office in coordination with the PS/EMS Department feels that it would be in the best interest of the County to request proposals from outside sources.

Due to the scope of this project, we feel that it would not be practical or to our advantage to prepare a comprehensive set of specifications that may limit our resources or restrict competition. In selecting a contracted vendor, it will be advantageous to consider award criteria other than cost. Proposals shall be reviewed and evaluated by a review panel based upon specific evaluation factors such as overall system capabilities and experience of the firm and personnel assigned to the project, demonstrated understanding of the scope and future objectives, technical resources and work plan, references, and costs.

It is therefore our recommendation to utilize the competitive sealed proposal procedure established in the County ordinance. We further recommend that we seek approval at the next scheduled County Council meeting set for May 08, 2012.

copy: Larry Porth, Director of Finance/Assistant County Administrator
David Kerr, Public Safety Director
Chief Brian Hood, PS/EMS Coordinator

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ORDINANCE NO. 12-07

AN ORDINANCE AMENDING SECTION D(3) OF ORDINANCE 07-18 SO AS TO ALLOW THE POTENTIAL ADDITION OF OTHER JOINT PARK PROPERTY TO BE SUBJECT TO THE FEE IN LIEU OF TAX DISTRIBUTION PROCEDURE AS SET FORTH IN SECTION D(3) OF ORDINANCE 07-18.

WHEREAS, County Council has previously determined that it would be fair and reasonable to distribute the fee in lieu of tax (FILOT) received from the Saxe Gotha Park among all the school districts in Lexington County; and

WHEREAS, the County has expended money in regard to the creation of other Joint Parks; and

WHEREAS, County Council has determined that there may be additional Joint Park property where it would be reasonable for the school district portion of the FILOT to be distributed among the various school districts; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE LEXINGTON COUNTY COUNCIL, AS THE GOVERNING BODY OF LEXINGTON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AS FOLLOWS:

Section 10 of Ordinance 95-12, which was subsequently amended by Ordinance 96-2, which was subsequently amended by Ordinance 97-15 and which was thereafter amended by Ordinance 07-18, is hereby amended as follows:

Section 1. Section D (3) is hereby amended to state as follows:

The FILOT received from the Saxe Gotha Industrial Park and any other Joint Park property as may hereafter be designated and added by Resolution of County Council, for the school district portion of the fee, shall be paid to each of the five Lexington County school districts based on the following terms:

- (1) Fifty (50) percent of the property tax received shall be paid on the basis of the school district's prior year 135 day average daily membership (ADM) as compared to all the ADM's of all the school districts for the prior year, excluding from the calculation, the ADM attributable to any portion of a school district not within Lexington County.

- (2) Fifty (50) percent of the property tax received shall be paid on the basis of the school district's Lexington County population according to the most recent United States Census as compared to the population of the County as a whole, also, according to the most recent United States Census.

Except as stated herein for distribution of the school fee for the Saxe Gotha Park property and any other Joint Park property that may be added as set forth herein, all other terms set forth in Section 10 shall be applicable to all such properties.

Section 2. All provisions of prior Ordinances not specifically amended herein shall remain valid.

Section 3. Effective date: This Ordinance shall become effective upon its enactment.

Enacted this ____ day of _____, 2012.

LEXINGTON COUNTY, SOUTH CAROLINA

William B. Banning
Chairman, Lexington County Council

ATTEST:

Diana W. Burnett
Clerk to Council

Date of First Reading: _____
Date of Second Reading: _____
Date of Public Hearing: _____
Date of Third Reading: _____