



# Oconee Joint Regional Sewer Authority

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## OCONEE JOINT REGIONAL SEWER AUTHORITY Ad-Hoc Reconstitution Committee and Executive Committee September 11, 2025

The Ad-Hoc Reconstitution Committee and Executive Committee meeting was held at the Coneross Creek Wastewater Treatment Plant.

Commissioners/Committee Members that were present:

- Katherine Amidon (Environmental Planner, Bolton & Menk)
- Chip Bentley (Appalachian Council of Gov'ts.)
- Amanda Brock (Oconee County) – *via Microsoft Teams*
- Kevin Bronson (City of Westminster) – Committee Chair
- Chris Eleazer (Oconee Joint Regional Sewer Authority)
- Lawrence Flynn (Pope Flynn - OJRSA Attorney) – *via Microsoft Teams*
- Joel Jones (Consultant, JonesWater)
- Angie Mettlen, (Vice President, Ardurra)
- Scott Moulder (City of Seneca)
- Celia Myers (City of Walhalla)

Committee Members that were not present:

- None. All members were present.

OJRSA appointments and staff present were:

- Lynn Stephens, Secretary/Treasurer to the Board and Office Manager

Others present were:

- Mayor Linda Oliver, Town of West Union
- Robert Royer, AQD
- Ms. Dixie Meeks, Town of West Union Councilwoman

**A. Call to Order** – Mr. Bronson called the meeting to order at 9:00 a.m.

**B. Moment of Silence to Honor the Memory of the Victims, Remember the Heroism of First Responders, and Reflect Upon the Lasting Impact of the Events of September 11, 2001** – Mr. Bronson asked everyone to stand and observe a moment of silence.

Mr. Bronson stated that Mr. Flynn is attending the meeting via Teams meeting; Mr. Eleazer reported that Ms. Brock is also attending the meeting via Teams meeting.

Mr. Bronson introduced Mayor Linda Oliver and Councilwoman Dixie Meeks, both from the Town of West Union, who attended today to discuss their questions and concerns about the possible consolidation of the sewer systems.

Mr. Bronson asked Mayor Oliver what would help the Town of West Union the most. Mayor Oliver stated that the town's attorney edited the resolution, because it stated that the Town of West Union was a member of the board and it is not. She provided a copy of the reworded document to make sure it is sufficient for the town to sign.

Mayor Oliver said the attorney also had some questions: 1) What would be the advantage to West Union of joining the OJRSA? 2) Will the ownership of the system be transferred to the OJRSA? and 3) Who would operate and maintain the system, or would the town still be responsible for that?

Mr. Bronson asked if the questions could be answered later in the meeting when the questions from the Member Cities are answered, as some may be the same questions that can be answered at the same time.

Mr. Flynn said the recommendation of the Ad-Hoc Implementation Committee was that all collection systems for all current members, which would include West Union as a wholesale provider, be turned over to the OJRSA as the operator; therefore, that would be part of the consideration and part of the request. He added that, regarding the benefit question, analysis still needs to be done by the consultants, but sewer operates more efficiently on a larger scale; even though the systems are not fully interconnected, there is cost efficiency associated with having a single operator as opposed to a small system running a collection system.

Mayor Oliver asked if the town would be compensated for the OJRSA taking over the system. Mr. Flynn answered that Westminster had the same question, and there is not a "magic pot of money" that will pay anyone. The systems are made up of the members participating in this organization, and the way revenue is generated is from the rate base for the customers the cities have. It is a question of figuring out what the financial value is, which will be part of the analysis provided by the financial consultants. Mr. Flynn added that he doesn't feel it's feasible for a windfall payment to any of the cities for acquisition of the systems.

Mr. Flynn said the question each entity will wrestle with is can you continue to run your system and operate it at the level of health and public safety standards that are necessary for running a public sewer system on the revenues that you currently receive. If the system is fully depreciated, or some of the improvements have not been made to the system, there is going to be a time and place where the depreciated book value of the system will mean there is more improvement necessary to be able to keep it operational than there is value of the lines.

Mr. Bronson explained that Ms. Mettlen and Mr. Jones will walk this committee through a discussion about doing a financial and technical analysis of the systems during item #5 of this agenda. Mr. Bronson said everyone is turning over something of value, but does the asset value exceed the liability value, and how is this calculated? This committee endeavors to determine that, and there are copies of studies that were done before. Mr. Bronson added that the purpose of this agenda today and for future meetings is to discuss this and sort it out.

Mr. Bronson agreed with Mr. Flynn that there isn't a pot of money at the OJRSA to pay for the lines; however, he added that there are other mechanisms that can be utilized that will help compensate the communities back such as the possibility of charging a franchise fee which would allow the cities to be compensated over time for the system. Mr. Bronson explained how OJRSA pays Pioneer Water based on the meter readings for water (for the I-85 sewer system).

Mayor Oliver said that if the system is taken over, her concern is that this will be a budget item that she won't be able to work with anymore to pay her employees, and it will have to be compensated elsewhere. She asked if the customers would be billed directly from the OJRSA. Mr. Eleazer replied that it will continue the way it is now where West Union bills the customers and then sends the flow information and user fee check to the OJRSA and that the OJRSA wouldn't want to spend money to buy sewer meters for each customer.

Mr. Eleazer stated that Pioneer bills their customers for OJRSA and provides the flow information and fees to the OJRSA; they don't get a franchise fee, but the OJRSA pays them a \$4.00 per month per meter administrative fee for handling the billing and cost of water meters. Ms. Meeks asked, with keeping the maintenance department going in changing meters and reading the meters, if the administrative fee was negotiable as their system is very small. Mr. Eleazer replied that Pioneer only has two (2) sewer customers currently on the system and is collecting \$8.00 per month, and although any administration or franchise fee is negotiable, any franchise fee would subsequently be charged to

the sewer customers. He also said that he would like a universal rate that all the entities would charge their customers. Mr. Flynn agreed that it was recommended to have a universal rate base.

Mr. Eleazer also stated that he read an article today that alluded to the Town of West Union having a guaranteed seat on the board. He said this is not necessarily the case, and he already discussed this with Mayor Oliver. He added there is a possibility of West Union being on the five (5)-member board, as there is one (1) seat for each of the cities, one (1) seat for Oconee County, and there will be one (1) at-large seat.

Mr. Bronson asked if there were any other concerns Mayor Oliver had; she replied she didn't have anything further. Mr. Eleazer told her to feel free and have Ms. Mary McCormick (Town of West Union attorney) reach out to Mr. Flynn if she had any questions. Mr. Bronson asked that Mayor Oliver get a copy of the minutes to keep her in the loop.

### C. Approval of Minutes

- **Ad Hoc Reconstitution Committee and Executive Committee Meeting of August 14, 2025**

*Mr. Eleazer made a motion, seconded by Mr. Bentley, to approve the August 14, 2025 meeting minutes as presented. The motion carried.*

### CI. Committee Discussion and Action Items:

1. **Review of Master Plan Recommendations and Project Costs (Exhibits A & B)** – Ms. Amidon asked if everyone had read the Oconee County & Western Anderson County Sewer Master Plan Recommendations Review (Exhibit A), and everyone said they had read it. She said the purpose today is to check in on the status of the recommendations. She added that these items were not mandatory but were for consideration by the OJRSA, the Member Cities, Oconee County, and the Reconstitution Committee. Ms. Amidon said there are several items that are in progress or complete and may not require discussion today, and there are items that are not complete but with the reconstitution make sense to put them on the backburner.

Ms. Amidon said the goal for today is to find out from this committee's consultant/facilitator team which items (out of the ones she put priority on) the consultant team will need to identify a plan for execution. Once there is a plan, this committee can review and scrutinize it and decide whether to move forward.

➤ Item #1D: Auditing property taxes across county with some grandfathered at agricultural base rate potentially diminishing revenue for capital improvement projects (including sewer). She asked if this has been thought about, and should it be considered.

Ms. Brock replied that Oconee County audits tax millage annually when taxes are done. Ms. Amidon asked if Ms. Brock felt there were no properties that were grandfathered at the agricultural base rate. Ms. Brock said the properties that are grandfathered are agricultural, and if there is a change in use type, it triggers the system to notify. She added that anyone can build something, and Oconee County isn't aware, but Oconee County is required to do a rate assessment every four (4) years. The audit happens on an annual basis, because Oconee County doesn't reassess the entire county in a one-year period. Oconee County prefers to reassess one-quarter of the properties every year with a wrap-up on the last year. This doesn't mean there are no errors, but they are few.

Ms. Amidon replied that this isn't an effort worth undertaking at this time. Ms. Brock replied that this is an effort that Oconee County consistently does.

➤ Item #1F: Code of Ordinances (2024) on the website showing old sewer use ordinance language causing confusion to the general public. Ms. Amidon said the county's website is still showing the old OJRSA Sewer Use Regulation (SUR) language which requires connection within three hundred feet (300') of the property line. She asked if it was possible to update the language with the current OJRSA SUR for consistency or remove it altogether.

Ms. Brock replied that Oconee County's attorney, Mr. David Root, was uncomfortable with removing it because of ordinances in place at the time it existed, but Oconee County does not have jurisdiction over the OJRSA. Ms. Brock said the County may be able to make a notation on it.

Ms. Amidon asked if Oconee County regulates its sewer by the old OJRSA regulation, or will it be regulated based on the new OJRSA regulation. Ms. Brock replied that the County does not regulate the sewer because the OJRSA is the regulatory agency.

Mr. Moulder asked if Oconee County could update the regulations in the Code of Ordinances with the current regulations. Ms. Brock replied they cannot update the County ordinance, because the County does not have a sewer ordinance.

Ms. Eleazer said the OJRSA has received questions before saying the County's regulation is contradictory to the OJRSA's because of the language on the website. Ms. Brock said she doesn't mind asking Mr. Root if a notation could be added. She said the County does not remove old ordinances; they are just updated over time, so people can do research.

Mr. Moulder said the bigger question is can Oconee County update the Code of Ordinances to reflect the most current approved language. Ms. Brock replied that since it is not a county ordinance, then probably not. Mr. Root's recommendation was to add a notation that it is not applicable after the date the SWAG agreements were signed.

Ms. Brock added that Oconee County does have regulatory language for standardized lot size for anything that can connect to sewer, but it does not regulate the number of feet away from sewer. If it's one-quarter acre density, you can tap into the sewer line, but if it's one-half acre density, you cannot.

Mr. Moulder asked if Mr. Root could just add a notation that to view the most recent language, please visit OJRSA website. Ms. Brock said they will not add that to a Code of Ordinances, but there may be a notation on there that it is not regulated by Oconee County.

Mr. Flynn asked if it would be okay for him to reach out to Mr. Root to discuss this and find a solution. Ms. Brock replied yes. Mr. Jones added that if there is no consistency, the developers will continue making the requests. Mr. Bronson asked Mr. Flynn to report back to this committee at the next meeting (after he speaks with Mr. Root).

➤ Items 1G, 2A, and 2B: Land use regulation adoption or defining areas to remain rural and/or on septic, current zoning and future land use guidelines, and future land use plan collaboration. Ms. Amidon stated this is the long-term goals for growth and that good survey feedback has already been received from the master plan and from the public. Ms. Amidon said that initiatives have been made, including Westminster developing its own growth plan and looking beyond their immediate boundaries to determine what future annexation would look like. She stated that Oconee County is mostly zoned as control-free. Ms. Amidon thought Walhalla didn't want to annex, but Ms. Myers stated Walhalla just adopted the annexation ordinance.

Ms. Amidon said the challenges moving forward are where infrastructure should or should not go, as growth needs to be accommodated. She said there are some recommendations that articulate different ways of thinking about the land use regulation, which doesn't have to be zoning but could be urban growth boundaries (which Westminster essentially has done) and coming up with a regional approach. She added this is not unique to this area; Beaufort and Jasper Counties are currently having these same conversations.

Ms. Amidon asked if this committee would like to see the consulting group come up with a list of action items that could be undertaken for consideration. Mr. Bronson said he would like to see it.

Mr. Moulder said Seneca had discussions with Oconee County about a regional approach, and it would be the pilot program for all the Member Cities to have some beyond municipal, jurisdictional, and urban land development boundaries. The planning department has talked about how to manage the growth in the non-city boundaries (in the immediate properties around the city). If the city cannot provide land development control outside the city in the immediate areas, that is putting

a lot of stress and demands on the cities for utilities, roads, schools, etc. He added that he is not sure how far these discussions have gotten, but these discussions need to continue.

Ms. Amidon asked Mr. Moulder if he felt this should be discussed as a group, or would he prefer to continue the discussion on the outside. Mr. Moulder said Seneca will continue the discussions from a city standpoint, but the Oconee County representative was intended for all the cities. What was being worked on was supposed to be a model for each of the cities and all the towns.

Ms. Myers stated that Walhalla had also met with Ms. Brock and some of the council members about the same thing but was allowing the Seneca project to go first, so there could be that pilot project before moving on to the new one.

Ms. Amidon said she is going to amend these three (3) items in this review to "in progress," as it sounds like it's been discussed.

➤ Items 1C and 1H: Recommunicating the SUR change to the public and incentive for infill development. Ms. Amidon said it would be helpful if the reconstitution process was near completion; then this can be reviewed and a communications plan can be developed based on the reconstitution process.

➤ Item 3A: Septic tank age. Ms. Amidon said there was an attempt to address this during the Master Plan, but the SC Department of Environmental Services (SCDES, formerly SCDHEC) was unable to provide data regarding septic tank age within the system. There could be some additional analysis performed using assessor data, age of the system, and when replacements were made. The only thing that cannot be obtained is when maintenance has occurred, although GIS data may identify some hot spots of failing septic.

Mr. Moulder asked Ms. Brock if Friends of Lake Keowee Society (FOLKS) kept data for failing septic tanks. Ms. Brock replied yes, but only when a permit was required and information could be obtained. She said the Lake Keowee Water Source Protection Advisory Committee also tracks this data after the fact. She added that SCDES does not require a permit for septic system repairs, and people don't generally replace a septic system unless they have to. Mr. Moulder said he had heard FOLKS speak about failing septic data and wasn't sure if the OJRSA could obtain some of their information.

➤ Item 4A: Public outreach explaining pros and cons of septic or public sewer. Ms. Amidon said there is a lot of data out there, and the entities listed on this item should be visited to see what information they have to offer. Then a strategy should be developed to determine future capital investment of where lines should go to take failing septic areas.

Ms. Mettlen asked Mr. Flynn if the legislation that was introduced this past session by a representative in the Clover area prohibiting utilities from requiring connections, was still alive and is going into the next session. Mr. Flynn replied the second year of the two-year cycle is about to begin, and he believes it still has some traction and is alive. Ms. Mettlen told Ms. Amidon she would provide that information. Mr. Flynn researched it and said it was referred to the Agricultural Committee in the house and has been sitting there since March 2025.

Mr. Royer stated that Duke provided approximately \$1,000,000 for failing septic systems while they were working on the various power systems, so they have a list of who and where this was done. Mr. Moulder asked if Duke administered that program. Mr. Royer said it was administered through a committee, but Duke sits on that committee.

Ms. Amidon said the question for the committee is if there is interest in thinking more about this topic and how to proceed. Mr. Moulder said the objective of the conversation would be to determine capital line expansions to get to those areas, and he asked if the OJRSA was prepared to talk about expansion of existing systems beyond taking care of the existing systems. He said he feels this conversation is for down the road and for the new board to discuss. Mr. Bronson agreed and said the priority should be for what shows up today and taking care of that and letting the new board work on expansion. Mr. Moulder told Mr. Eleazer that the new board members may be

inexperienced with sewer, so consultants may need to be engaged to work with them to move forward.

Mr. Eleazer said he considers this item to be complete, because the focus of this committee is to improve what we have, addressing the consent order items, and getting the plant to where it is 100% operational, and where the funding is coming from to do it.

Mr. Jones said the Sewer Authority should not be the land development authority. A decision needs to be made on what authority is going to make the decision on land use and let the sewer support that decision.

- 2. Receive Updates from the Cities, County, and OJRSA Regarding the Support Resolutions –** Mr. Bronson stated that the Westminster Council approved it and gave a list of eight (8) questions to ask which included many that Mayor Oliver and some other council members had.

Ms. Myers said there was a discussion at the last meeting, and some of the questions they had have already been shared with Mr. Flynn. She said most of the questions were related to the technical and financial evaluations. The resolution is on the schedule for next Tuesday, and she believes it will be approved based on the discussion from last month.

Mr. Moulder stated that the resolution passed through today, and the council asked him to come up with the questions. The questions are basically the same as everyone else has asked.

Ms. Brock said the questions were similar to everyone else's. The questions included: how this is going to work, how much it will cost, what the rates will be, will the rates be equitable across the county, will there be zones, how will future infrastructure be considered, and how the cost right now will affect the County.

Ms. Mettlen asked if the County approved the resolution. Ms. Brock replied no; it will be considered at the October 7, 2025 council meeting. Ms. Brock will email the questions as well.

It was decided that Mr. Moulder would email Seneca's questions to Ms. Amidon, Ms. Mettlen, Mr. Jones, and Mr. Flynn. Ms. Mettlen said all the questions will be consolidated into a single document. Mr. Flynn will answer them and review his answers with Ms. Mettlen, Ms. Amidon, and Mr. Jones. Then the answers will be presented at the next committee meeting.

Mr. Moulder asked if any of the cities had debt associated with the sewer systems. No one else mentioned that they had any. Mr. Flynn said the debt question would take some research. Any entity who issued debt secured by combined utility revenues (like Seneca has water and electricity) will have to work with the bond counsel to decouple that. That will take some analysis.

Mr. Bronson told Mr. Flynn to begin to look at this. Mr. Flynn said he would reach out to Mr. Mike Burns at Burr Forman Law Firm (Seneca's and Westminster's bond counsel) and Mr. Mike Kozlarek at King Kozlarek Root Law Firm (Walhalla's and Oconee County's bond counsel) to let them know the process is starting up and to see what it would look like if the cities decoupled the sewer from the other utilities.

Mr. Moulder said Seneca has RIA debt. Mr. Bronson stated that Westminster has USDA debt. Mr. Flynn said the SRF and RIA debt will be easier to work with and are aware of the reconstitution process; the USDA may be a bit harder. Mr. Flynn said he would have no problem starting this process if everyone agreed to do it. Mr. Jones asked if a scope needed to be developed for this. Ms. Mettlen replied to let Mr. Flynn speak to them first and then develop the scope, because this may have to be done in phases.

Mr. Bronson said he feels like Mr. Flynn should proceed, because it will be January 1, 2026 before we know it, and the cities will be doing their next year's budget and possibly obtaining more debt. Mr. Bronson told Mr. Flynn that it should also be discussed how it should be structured with this reconstitution in mind if the cities required more debt. Mr. Flynn replied that future debt could be secured only by water or electric revenues, which would be a diminished lien status, but could be brought back to parity when the sewer system is sold.

*The committee took a 5-minute break at this time.*



**3. Consider Reorganization and Consolidation Comments from the Cities, County, and OJRSA Governing Bodies** – Mr. Bronson said this was already covered; Mr. Flynn, Ms. Mettlen, Ms. Amidon, and Mr. Jones will answer them. The answers will be presented at the next committee meeting.

**4. Approval of Draft Legislation to Amend the Joint Authority Water and Sewer Systems Act (Exhibit C)** – Mr. Bronson asked if anything had changed since it was presented before. Mr. Flynn said this covered everything that was discussed previously, but it is subject to thoughts at legislative drafting.

Mr. Flynn stated Senator Alexander is aware that this is a working draft, and the legislative delegation has seen some of the language from prior versions. The prior versions had provisions around the elected members which are no longer in there.

Mr. Flynn said he feels it is beneficial to get it over to them, so it can be introduced into legislative drafting and have some comments back and forth in advance of it being refiled before the legislative cycle starts up in January 2026. Mr. Flynn added if everyone is comfortable with this, it is okay to move forward, and he can get it over there and get it in queue.

Mr. Bronson said he feels that he, Mr. Eleazer, Senator Thomas Alexander, Representative Bill Whitmire, and Representative Adam Duncan should have one (1) more meeting to remind them where this committee is and to make sure they don't have any issues with it. Mr. Flynn said he will wait and take directions from this meeting.

**5. Present Considerations for Financial and Technical Evaluations** – Ms. Mettlen said she likes to build off successful things that others have done. She said while the study was being done, she spoke with Mr. Jones (who was at ReWa at the time and had gone through this process) and Ms. Carol Elliott at MetroConnects (collection system entity in Greenville that went through a major consolidation project around 2020).

Ms. Mettlen asked Ms. Elliott to share the scopes of work for the different pieces of the evaluation on that consolidation, and she received them yesterday. They first did the technical evaluations (high-level assessment without popping every manhole - which informed on cost estimates). Then they brought in a financial advisor (looking at the debt pieces and the consolidation efforts). Then they brought in a rate consultant (looking at a unified consistent rate across the board). It was a thirty (30)-year plan, and they have been successful in getting appropriations through federal and state money.

The good news is that the OJRSA already had some of this done with the study, and the OJRSA also had each of the cities do a Capital Improvement Plan.

Ms. Mettlen said she is of the opinion that this committee should do this in smaller steps: 1) Once Mr. Flynn talks to the bond counsels about the debt, someone could come on board to work on that piece of it; 2) In the meantime, the capital needs can be synthesized, and then someone on the financial side look at that; and 3) Then a rate consultant looks at the rates. Mr. Bronson asked Ms. Mettlen to give the committee a list of the process. Ms. Mettlen said this committee has control of it now where it can be affordable without spending a lot of money. The money needs to be on the back end to do a lot of the work.

Mr. Eleazer suggested, since some of this was done as part of the Corrective Action Plan as part of the Consent Order, that he and Ms. Mettlen go through the submittals from the Member Cities, and it can be brought back to the next meeting as to what needs to be done. Ms. Mettlen was good with that.

## **E. Upcoming Meetings**

- 1. Operations & Planning Committee** – Tuesday, September 23, 2025 at 8:30 a.m.
- 2. Finance & Administration Committee** – Tuesday, September 23, 2025 at 9:00 a.m.
- 3. Board of Commissioners** – Monday, October 6, 2025 at 4:00 p.m.
- 4. Ad-Hoc Reconstitution Committee** – Thursday, October 9, 2025 at 9:00 a.m.

**F. Adjourn** – The meeting was adjourned at 10:28 a.m.

Approved By:   
Kevin Bronson  
Committee Chair

Date Approved: 10/9/25

Approved By:   
Lynn M. Stephens  
OJRSA Secretary/Treasurer

Notification of the meeting was distributed on September 10, 2025 to *Upstate Today*, *Anderson Independent-Mail*, *Westminster News*, *Keowee Courier*, *WGOG Radio*, *WSNW Radio*, *City of Seneca Council*, *City of Walhalla Council*, *City of Westminster Council*, *Oconee County Council*, *SC DHEC*, [www.ojrsa.org](http://www.ojrsa.org), and posted at the OJRSA Administration Building.





## **Ad Hoc Reconstitution Committee and Executive Committee**

OJRSA Operations & Administration Building  
Lamar Bailes Board Room  
September 11, 2025 at 9:00 AM

*This advisory committee was established by the OJRSA Board of Commissioners at its August 4, 2025 meeting to consider the reorganization recommendations as identified in the [Ad Hoc Sewer Feasibility Implementation Committee Final Recommendations](#) report. This committee can neither create policy nor make decisions on behalf of the OJRSA or other wastewater service providers within the area. The recommendations are available at [www.ojrsa.org/info](http://www.ojrsa.org/info).*

*OJRSA commission and committee meetings may be attended in person at the address listed above. The OJRSA will also broadcast meetings live on its YouTube channel at [www.youtube.com/@OconeeJRSA](http://www.youtube.com/@OconeeJRSA) (if there is a technical issue preventing the livestreaming of the meeting, then a recording will be published on the channel as soon as possible). For those not able to attend in person, then the OJRSA Board or Committee Chair will accept public comments by mail (623 Return Church Rd, Seneca, SC 29678) or at [info@ojrsa.org](mailto:info@ojrsa.org). Comments must comply with the public session instructions as stated on the meeting agenda and will be received up until one hour prior to the scheduled meeting. If there is not a public session scheduled for a meeting, then comments shall not be accepted.*

### **Agenda**

- A. Call to Order** – Kevin Bronson, Executive Committee Chair
- B. Moment of silence to honor the memory of the victims, remember the heroism of first responders, and reflect upon the lasting impact of the events of September 11, 2001** – Led by Kevin Bronson, Committee Chair
- C. Approval of Minutes**
  - Ad Hoc Sewer Feasibility Implementation Committee Meeting of August 14, 2025
- D. Committee Discussion and Action Items** – Led by Kevin Bronson, Executive Committee Chair, unless otherwise noted
  1. Review of master plan recommendations and project costs (Exhibits A and B) – Katherine Amidon, Committee Facilitator and Chris Eleazer, OJRSA Director
  2. Receive updates from the cities, county, and OJRSA regarding the support resolutions – Led by Kevin Bronson, Committee Chair
  3. Consider reorganization and consolidation comments from the cities, county, and OJRSA governing bodies – Led by Kevin Bronson, Committee Chair
  4. Approval of draft legislation to amend the Joint Authority Water and Sewer Systems Act (Exhibit C) – Lawrence Flynn, OJRSA Counsel
  5. Present considerations for financial and technical evaluations – Angie Mettlen and Joel Jones, Committee Facilitators
- E. Upcoming Meetings** *All meetings to be held in the Lamar Bailes Board Room unless noted otherwise.*
  1. Operations & Planning Committee – September 23, 2025 at 8:30 AM
  2. Finance & Administration Committee – September 23, 2025 at 9:00 AM
  3. Board of Commissioners – October 6, 2025 at 4:00 PM
  4. Ad Hoc Reconstitution Committee – October 9, 2025 at 9:00 AM
- F. Adjourn**



Ad-hoc Reconstitution Meeting Sign-in Sheet

Date: 9/11/25 Time: 9am Location: WWTP Board Room

NAME (Print)	POSITION/TITLE	ORGANIZATION
Joel Jones	Consultant	
Angie Mettler	Div. of Fundy / Reg Affairs	Ardurra
Robert Royer		AQD
Linda Oliver	Mayor	West Union
Dwight Marks	Council	West Union
Ken B	West	
Chris Bentley	Deputy ED	ACOG
Katherine Amidon	Grant Planner	Bolton & Mark
Celia Myers	Administrator	Walhalla
Scott Moulton	ADMINISTRATOR	SENECA



## RECONSTITUTION COMMITTEE

### Oconee County & Western Anderson County Sewer Master Plan Recommendations Review

*Note: Text in blue is from the original 2024 master plan. Text in orange represents draft comments based on the status of each recommendation as of August 2025.*

#### Section 7.0 RECOMMENDATIONS AND CONCLUSIONS

These recommendations are based on the analysis completed, stakeholder conversations, and public engagement results for consideration for next steps. The results of the Feasibility Study will need to be considered as those may affect the recommendations made herein.

Items assigned to a specific entity are proposed and highlighted in yellow. Ownership could be delegated to another entity, committee, or consultant as appropriate, these are suggestions for conversation.

Items with an “*INCOMPLETE*” next to them denote items that are not complete.

Items with an “*IN-PROGRESS*” next to them denotes items that have begun.

Items with a “*COMPLETE*” next to them denote items that have been addressed.

#### 1. Policy:

- a) Implement the recommendations of the Feasibility Study and adjust the recommendations from this study accordingly using a stakeholder driven process. Currently underway with the reconstitution committee, adjustments to other recommendations noted herein are included in orange. *IN-PROGRESS*
- b) Consider developing a sewer planning committee for collaboration across the municipalities within the study area to align sewer development goals and develop/revise policies that comply with the results of this study to avoid contradictory policies. This should include coordination with the municipalities on sewer related Comprehensive Planning goals. It is recommended that OJRSA revisit this upon the reconstitution of the board. Prior to the development of a committee an audit could be performed to identify current contradictory policies and a review of any updated Comprehensive Plan goals revisited to provide a committee with a starting point. *INCOMPLETE*

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- c) Consider communicating the recent OJRSA Sewer Use Regulation change to the public. As sewer infrastructure implementation occurs and existing septic users have the opportunity to connect onto new sewer, apply enforcement equitably across the county. This was completed via an OJRSA Board meeting. *COMPLETE*. OJRSA could develop a on-page tool to share with the public should any citizens approach OJRSA with concern about having to connect. *INCOMPLETE*
- d) Consider asking Oconee County to audit property taxes across the county. Many properties are grandfathered at the agricultural base rate, which potentially diminishes potential revenue for all types of capital improvement projects, including sewer. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. *INCOMPLETE*
- e) When recruiting industries and other desired economic development projects, as part of “their” incentive packages, consider providing funding to OJRSA for plant and/or conveyance system improvements so these costs do not fall entirely on the system’s ratepayers. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. *INCOMPLETE*
- f) Oconee County should remove or make note on their Code of Ordinances (2024) website that the old sewer use ordinance language as being invalid as this continues to be a source of some confusion for the general public. As of August 2025, Sec. 34-143. Of Oconee County’s code of ordinance has the old OJRSA Sewer Use Regulation language in municode requiring connection within 300 feet of the property line: Code of Ordinances. This is contrary to the current OJRSA Sewer Use Regulation. *INCOMPLETE*
- g) If land use regulations are not adopted to aid in informing sewer growth, OJRSA should work with Oconee County and the municipalities within the county to define areas to remain rural and on septic at a minimum for capital improvement investment. Although some individual jurisdictional efforts have been made, there is not a regional land use approach to growth within Oconee County. Consideration of urban growth boundaries and a revised future land use map could be reviewed using prior public feedback and potential additional public feedback. Recent developments in the region have been contentious, and a unified land use plan could be one potential tactic for consideration. Education to all jurisdictions councils could be needed. *INCOMPLETE*
- h) Consider an incentive for infill development with each municipality. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. *INCOMPLETE*
- i) Consider developing a policy for consideration to future gravity sewer infrastructure needs when new developments are proposed and permitted. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. OJRSA would develop this policy. *INCOMPLETE*

## 2. Land Use Regulations:

- a) Consider working with the municipalities to revisit the current guidelines for the Oconee County overlay districts along with the current zoning and future land use such that it supports the type of development and growth by location within the study area based on the public feedback.

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Consideration to similar surrounding county's regulations for lessons learned could be a starting point for this effort. Different types of land use regulation including minimum lot sizes for septic tank developments should be considered. Additional public feedback that is coupled with land use regulation education and examples is recommended. Similar feedback to the comment provided under 1.g. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. Additionally, reconstitution does not need to be complete for this effort to be considered. A regional land use plan that reflects the constituent's growth desires and compliments the supporting infrastructure growth needs (not just wastewater, but water, roads, police, fire, schools) could be considered. *INCOMPLETE*

- b) Most of the respondents support growth with specific caveats, most of which revolve around land use regulations. Although not all respondents were in favor of zoning specifically, many want to see responsible growth; this also came up during the stakeholder meetings. Based on public and stakeholder comment, we recommend Oconee County and the municipalities collaborate on a future land use plan that can help better inform all the local utilities and the development community of what type of growth and where that growth should occur that is both desired and community supported. A regionalized supported land use plan will greatly increase the thoughtful allocation of funds for sewer rehabilitation and expansion. Similar comments to 1.g. and 2.a. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. *INCOMPLETE*
- c) There have been multiple, recent, large parcel subdivision developments proposed, permitted, or built in Oconee County that have met opposition by the public and council members. A regionalized approach that the municipal stakeholders support could be considered for how sewer is used as an incentive, as an annexation tool, and how developers could assist in the funding for sewer expansions. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. This does not have to be applied uniformly across the region but is good for consideration for each municipality within Oconee County. *INCOMPLETE*

### 3. Failing Septic and Connections to Existing Development:

- a) Although information about failing septic tanks is not readily available, it would be beneficial to work with SCDES to further understand where failing septic systems within the study area may be located for a more proactive approach to sewer connections or septic repair/replacement. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. *INCOMPLETE*
- b) Develop an incentive plan for those that could transition onto public sewer through implementation of this master plan.
  - i) Should it be determined that the financial burden is unattainable for some residents, Oconee and Anderson County could consider an annual stipend or grants that provide assistance for residents to apply as an offset to the costs to connect to sewer. This could be beneficial to Oconee County as they are currently required to subsidize the operation and maintenance of the retail sewer in the county if OJRSA is not able to receive enough revenue from the connected users to offset these expenses. If more customers are connected, especially in areas where gravity sewer is already available, then more revenue is likely achieved and costs for each user should be reduced. Other funding mechanisms and



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grants should be researched as well. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. There are examples across the state of programs that other utilities utilize to help with the financial burden to connect. The reconstitution committee could ask for a review of best management practices in this space for consideration. This should accompany a study to understand where pockets of failing septic tanks could be located for optimal outreach. OJRSA after the reconstitution may want to consider implementing a program for these efforts in partnership with the appropriate jurisdiction. INCOMPLETE

- c) Analysis should be performed to determine at each stage of sewer expansion if the wastewater system itself has the capacity to handle all the potential volume from property owners that could connect. This is to be completed as needed by project by OJRSA. INCOMPLETE

#### 4. Communications:

- a) Public opinion was predominately in favor of growth, but their opinions were divided between strong opposition and strong support for where that investment should take place. There was also a clear divide between responders' opinions about which wastewater solution, septic or public sewer, was better for the environment. We suggest a partnership with other public entities including the Army Corps of Engineers, SCDES, Clemson University Center for Watershed Excellence, Oconee County, Lake Keowee Source Water Protection Team, Lake Hartwell Partners for Clean Water, Friends of Lake Keowee, and Upstate Forever for public outreach explaining the pros and cons to both, including publicly available supporting data. This could potentially be funded by a grant. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. Many of the entities identified about could be interested in a more targeted educational campaign about this topic. INCOMPLETE
- b) There are many misunderstandings of the public's understanding of who controls or does not control growth and sewer. Additional outreach is recommended. The Project Team suggests providing a document with Frequently Asked Questions on OJRSA's website to clarify these misconceptions. As of August 2025, it does not appear that an FAQ page has been added to OJRSA's website. The reconstitution committee should weigh in on recent public comments received and reconsider this recommendation after a clear path forward for reconstitution is decided upon to avoid additional public confusion. A communications package should be developed by OJRSA that is approved by each jurisdiction and used throughout the region to provide clear direction of next steps to the public and the press. INCOMPLETE

#### 5. Infrastructure Recommendations:

- a) A formal plan and budget for routine maintenance items for all sewer collection and treatment providers should be put in place to avoid future disagreements about upgrades and repairs to the existing system. This should also help avoid future consent orders within the system both internal and external to OJRSA's infrastructure. This should still be addressed by OJRSA even if full consolidation occurs. This is a critical component to the valuation process as debt needs to be evaluated. Each system throughout this reconstitution process should determine what infrastructure improvements need to be made immediately, prior to consolidation as part of their consent orders. Delaying this work for the consolidation to take place is not recommended.

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*INCOMPLETE*

- b) The Project Team recommends OJRSA proceed with the improvements included in Scenario 4, which involves upgrading the Coneross Creek WRF and rerouting the Martin Creek Force Main directly to the plant. Constructing new plants at either Martin Creek or Beaverdam Creek do not appear to be the most optimal solution for treatment within the system during the 20-year study window. This recommendation is still valid at this time. OJRSA should begin the process of a plant upgrade as the flow demands increase. *INCOMPLETE*
  - c) Work with SCDES to recalibrate permitted flow Checkbook. This effort could enable OJRSA to delay the need for a treatment plant upgrade 1-2 years. This was recently assessed, and an adjustment was made in August 2023. An estimated 340,000 gallons per day were recaptured at this time. Recalibration can be revisited periodically with SCDES. Reduction with I&I will also assist with this as well which will allow for capacity to be recaptured due to the reduction in rainwater treatment. *COMPLETE*
  - d) Begin a Preliminary Engineering Report for an upgrade at Coneross Creek WRF within the next 12 months. One component of the analysis (that could be done prior to the PER) would be to review the SCDES water quality model for the plant to confirm that their assumptions are reasonable and appropriate. This has not begun, focus on addressing the consent order and O&M has remained priority for OJRSA. *INCOMPLETE*
  - e) Work with Member Cities to minimize the length of time (residence time) that wastewater travels through the conveyance system. Seneca Light & Water especially has many pump stations operated in series, in addition to ones OJRSA owns in the same area. This can cause long residence times that increases hydrogen sulfide concentrations that can be a significant safety hazard to OJRSA and Member City staff as well as a source of corrosion that increases O&M issues for staff and can require costly repairs. Where reduction or elimination of hydrogen sulfide issues is not possible from pumping modifications, chemical feed systems or some other means of hydrogen sulfide control should be considered for use. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. This could be included as part of the evaluation of the system which will help identify some system optimization and potential O&M reduction. *INCOMPLETE*
  - f) Consider an engineering assessment to seek cost effective solutions that may present options for gaining additional treatment capacity without needing an upgrade. Upgrades to plant operations could be considered in the future for plant upgrades at a later date, but currently the focus for OJRSA is to address the consent order and O&M has remained priority. *INCOMPLETE*
  - g) The capital improvements identified and recommended within this study are intended to be high level and useful for budgeting purposes. It is recommended that the assumptions and flow projections for individual projects be reviewed and updated as necessary prior to detailed design being initiated. This should be completed as needed by OJRSA. Prioritization of projects has separately been identified – see separate supporting document. *IN-PROGRESS*
6. Future Assessment Considerations:
- a) At a minimum, this plan should be revisited every three years or after a major change to the area such as a catalyst project or development. This should be completed as needed by OJRSA. Any significant efforts made to the land use regulation recommendations, consolidation, or

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large projects could influence an update. *IN-PROGRESS*

- b) We also recommend that the substantial stakeholder group established by this planning process continue to meet twice a year for a facilitated conversation regarding sewer to maintain the positive momentum and open lines of communication established during this project. It is recommended that the stakeholder group is reconvened by OJRSA after clear direction for consolidation is reached and a communications plan is established. Empowering this original group with the same information about the reconstitution process will be critical. *INCOMPLETE*

OCONEE JOINT REGIONAL SEWER AUTHORITY 20-YEAR CAPITAL IMPROVEMENT PLAN & REHABILITATION PLAN

Includes projects identified in *Oconee County & Western Anderson County Sewer Master Plan* Scenario 4 as recommended by Weston & Sampson/Bolton & Menk (2024) and known/anticipated O&M and rehabilitation projects. All costs in July 2024 Dollars.

December 2024 (priorities updated February 2025)

**Priorities** -- **1A:** Critical O&M/Consent Order with No Growth    **1B:** Critical O&M/Consent Order with Growth    **2:** Approaching End of Life with No Growth    **3:** Approaching End of Life with Growth    **4:** Growth Only    **N/A:** Not Applicable

PRIORITY	PROJECT	LOCATION	DRIVER	FUNDING SOURCE	FISCAL YEAR(S)	CONSENT ORDER	SIGNIF O&M COST?	TOTAL PROJECT COST	PRIORITY COST	CUMULATIVE COST
1A	Systemwide Improvements (Rehab 100% of System Plus Misc. Gravity Sewer Improvements)	Conveyance	O&M	Primary Debt	ALL 20 YEARS = \$1,228,750/Yr	YES	No	\$ 24,575,000		
	CCTV/Cleaning	Conveyance	O&M	Annual (O&M)	ALL 20 YEARS = \$200,000/Yr	YES	YES	\$ 4,000,000		
	Engineering/Flow Metering	Conveyance	O&M	Annual (O&M)	ALL 20 YEARS = \$800,000/Yr	YES	YES	\$ 8,000,000		
	GIS/Mapping	Conveyance	O&M	Annual (O&M)	ALL 20 YEARS = \$29,550/Yr	YES	YES	\$ 591,000		
	Coneross Influent PS Replace Soft Starts	WRF	O&M	Annual (O&M)	2026	No	No	\$ 104,650		
	Primary Clarifiers: Prim Clarifier Sludge #3 Pump Replacement	WRF	O&M	Annual (O&M)	2026	No	No	\$ 30,000		
	Choestoea Creek PS Replacement	Conveyance	O&M	Cash &/or Debt	2026-2027	YES	No	\$ 2,887,500		
	Pelham Creek PS Replacement CAN BE ELIMINATED BY DAVIS CREEK SEWER PROJECT	Conveyance	Growth/O&M	Cash &/or Debt	2026-2027	No	No	\$ 2,000,000		
	Speeds Creek Force Main Replacement	Conveyance	Growth/O&M	Cash &/or Debt	2026-2027	YES	No	\$ 2,713,000		
	Aeration: Gate Replacements	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 300,000		
	Aeration: Motor Repair / Replacement	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 107,620		
	Biological Reactor Basin: Valve / Gate Replacements	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 293,020		
	Digesters / Sludge Holding Tanks: Mixer Replacement for #1	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 273,000		
	Digesters / Sludge Holding Tanks: Replace Blowers	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 560,300		
	Electrical: Backup Power - Portable Generator Connection (inc. Engineering)	WRF	Growth/O&M	Cash &/or Debt	2026-2027	No	No	\$ 212,875		
	Flow Equalization & Storage: Day Tank Mixing and Control Equipment	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 232,473		
	Secondary Clarifiers: Rebuild / Replace Mechanical Equipment	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 375,800		
	Coneross Influent PS Flood Protection	WRF	O&M	Cash &/or Debt	2027-2028	No	No	\$ 154,700		
	Digesters / Sludge Holding Tanks: Repair Decanter System	WRF	O&M	Cash &/or Debt	2029-2030	No	No	\$ 149,500		
	ISS PS Replacement	Conveyance	O&M	Cash &/or Debt	2033-2034	No	No	\$ 1,155,000	\$ 48,715,438	
1B	Martin Creek H2S Control	Conveyance	O&M	Cash &/or Debt	2026-2027	No	YES	\$ 1,000,000		
	Millbrook PS Upgrade CAN BE ELIMINATED BY DAVIS CREEK SEWER PROJECT	Conveyance	Growth/O&M	Cash &/or Debt	2026-2027	No	YES	\$ 2,000,000		
	Perkins Creek PS Replacement	Conveyance	Growth/O&M	Primary Debt	2026-2027	YES	No	\$ 6,930,000		
	Seneca Creek PS Upgrade POSSIBLE ELIMINATION BY DAVIS CREEK SEWER PROJECT	Conveyance	Growth/O&M	Primary Debt	2026-2027	No	YES	\$ 3,750,000		
	Coneross Creek WRF Upgrade Phase 1 (Upgrade to 10.4 mgd)	WRF	Growth	Primary Debt	2027-2032	No	YES	\$ 52,000,000		
	Martin Creek Pump Station & Force Main	Conveyance	Growth/O&M	Primary Debt	2034-2035	YES	No	\$ 38,486,000	\$ 104,166,000	\$ 152,881,438
2	Septage Receiving Station: Rehabilitation	WRF	O&M	Cash &/or Debt	2026	No	No	\$ 85,000		
	Digesters / Sludge Holding Tanks: Blower Room Repairs	WRF	O&M	Annual (O&M)	2026-2027	No	No	\$ 14,960		
	Primary Clarifiers: Scum Pump #2 Replacement	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 40,000		
	Secondary Clarifiers: Replace RAS Valves and Check Valves	WRF	O&M	Cash &/or Debt	2026-2027	No	No	\$ 70,000		
	Primary Clarifiers: Rehabilitate Distribution Box	WRF	O&M	Cash &/or Debt	2027-2028	No	No	\$ 86,710		
	Cane Creek PS Upgrade	Conveyance	O&M	Cash &/or Debt	2031-2032	No	No	\$ 2,887,500		
	Cryovac PS Upgrade	Conveyance	O&M	Cash &/or Debt	2032-2033	No	No	\$ 1,155,000		
	Speeds Creek PS Replacement	Conveyance	Growth/O&M	Primary Debt	2034-2035	No	No	\$ 4,620,000		
	Wexford PS Replacement	Conveyance	O&M	Cash &/or Debt	2034-2035	No	No	\$ 1,155,000	\$ 10,114,170	\$ 162,995,608
3	US 123 / 76 West Seneca RR Bridge Crossing / Bottleneck	Conveyance	Growth/O&M	Cash &/or Debt	2026-2027	No	No	\$ 1,000,000		
	Davis Creek Road Gravity Sewer / PS Elimination	Conveyance	Growth/O&M	Primary Debt	2026-2028	No	No	\$ 5,281,000	\$ 6,281,000	\$ 169,276,608
4	Davis Creek Road No. 1 Pump Station & Force Main (Newry Area development)	Conveyance	Growth	Primary Debt	2026-2028	No	YES	\$ 22,143,000		
	Martin Creek Gravity Sewer (needed to serve Newry Area development)	Conveyance	Growth	Primary Debt	2026-2028	No	No	\$ 7,318,000		
	Newry Area Pump Station & Force Main	Conveyance	Growth	Primary Debt	2026-2029	No	YES	\$ 19,751,000		
	Richland Creek Trunk Sewer Extension	Conveyance	Growth	Primary Debt	2026-2029	No	No	\$ 7,900,000		
	Richland Road Gravity Sewer	Conveyance	Growth	Cash &/or Debt	2027-2028	No	No	\$ 2,100,000		
	Primary Clarifiers: Alkalinity Control	WRF	O&M	Cash &/or Debt	2029-2030	No	YES	\$ 694,850		
	West Perkins Creek Gravity Sewer	Conveyance	Growth	Primary Debt	2032-2034	No	No	\$ 5,132,000		
	Lower Westminster Gravity Sewer	Conveyance	Growth	Cash &/or Debt	2036-2038	No	No	\$ 1,872,000		
	Shiloh Road Gravity Sewer	Conveyance	Growth	Cash &/or Debt	2036-2037	No	No	\$ 1,802,000		
	Flat Rock Downstream Gravity Sewer	Conveyance	Growth	Cash &/or Debt	2040-2042	No	No	\$ 1,890,000		
	Coneross Creek WRF Upgrade Phase 2 (Upgrade to 13.0 mgd)	WRF	Growth	Primary Debt	2040-2045	No	YES	\$ 52,000,000		
	Lower Seneca Creek Sewer Improvements	Conveyance	Growth	Primary Debt	2041-2043	No	YES	\$ 4,033,000		
	Choestoea Creek Gravity Sewer	Conveyance	Growth	Cash &/or Debt	2042-2044	No	No	\$ 1,790,000		
	West Oak Sewer Extension	Conveyance	Growth	Primary Debt	2042-2044	No	YES	\$ 4,712,000		
	Valley View Sewer Improvements	Conveyance	Growth	Primary Debt	2043-2045	No	YES	\$ 5,459,000	\$ 138,596,850	\$ 307,873,458
N/A	I-85 Region Sewer OCONEE COUNTY FUNDED (2022 Dollars: \$16,000,000)	Conveyance	Growth	Oconee Co	TBD	No	YES	\$ -		
	TBD	TBD (if needed)	TBD (if needed)	N/A	TBD	No	No	\$ -		
	TBD	TBD (if needed)	TBD (if needed)	N/A	TBD	No	No	\$ -		
								\$ 307,873,458		

Priority/Fiscal Years	Total Project Costs/Fiscal Years
1A	\$ 48,715,438
2026	\$ 134,650
2026-2027	\$ 9,955,588
2027-2028	\$ 154,700
2029-2030	\$ 149,500
2033-2034	\$ 1,155,000
ALL 20 YEARS = \$1,228,750/Yr	\$ 24,575,000
ALL 20 YEARS = \$200,000/Yr	\$ 4,000,000
ALL 20 YEARS = \$800,000/Yr	\$ 8,000,000
ALL 20 YEARS = \$29,550/Yr	\$ 591,000
1B	\$ 104,166,000
2026-2027	\$ 13,680,000
2027-2032	\$ 52,000,000
2034-2035	\$ 38,486,000
2	\$ 10,114,170
2026	\$ 85,000
2026-2027	\$ 124,960
2027-2028	\$ 86,710
2031-2032	\$ 2,887,500
2032-2033	\$ 1,155,000
2034-2035	\$ 5,775,000
3	\$ 6,281,000
2026-2027	\$ 1,000,000
2026-2028	\$ 5,281,000
4	\$ 138,596,850
2026-2028	\$ 29,461,000
2026-2029	\$ 27,651,000
2027-2028	\$ 2,100,000
2029-2030	\$ 694,850
2032-2034	\$ 5,132,000
2036-2037	\$ 1,802,000
2036-2038	\$ 1,872,000
2040-2042	\$ 1,890,000
2040-2045	\$ 52,000,000
2041-2043	\$ 4,033,000
2042-2044	\$ 6,502,000
2043-2045	\$ 5,459,000
N/A	\$ -
TBD	\$ -
TBD	\$ -
TBD	\$ -
Grand Total	\$ 307,873,458

TO AMEND CERTAIN PROVISIONS OF TITLE 6, CHAPTER 25 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, TO AUTHORIZE CERTAIN CLARYIFYING AMENDMENTS REGARDING COMMISSIONERS, RECONSTITUTION, BOND APPROVAL AND DURATION.

Be it enacted by the General Assembly of the State of South Carolina:

**SECTION 1. Section 6-25-20 shall be amended to add the following defined terms:**

**§ 6-25-20. Definitions.**

(14) "Legislative Delegation" means all members of the South Carolina Senate and South Carolina House representing any county where a joint system is located.

(15) "Governor" means the Governor of the State of South Carolina.

**SECTION 2. Section 6-25-50 shall be amended and restated as follows:**

**§ 6-25-50.** ~~Agreement as to number of commissioners each member may appoint;~~ Application filed with Secretary of State; corporate certificate.

(A) The governing bodies of the members of a joint system shall form an agreement specifying the number of commissioners ~~each member may appoint to a commission created to govern the joint system pursuant to Section 6-25-60.~~

(B) ~~Two or more commissioners~~ The proposed members of a joint system shall jointly file an application with the Secretary of State ~~an application signed by the commissioner or each proposed member setting forth:~~

(1) ~~the names of~~ number of proposed members of the joint system, the number of proposed commissioners, and their respective appointed commissioners the method of appointment pursuant to Section 6-25-60(B);

(2) ~~(a) the a~~ certified copy of a resolution of each member determining it is in its best interest to participate in the proposed joint system; and

~~(b) the resolution appointing the member's commissioner;~~

(3) the desire that the joint system be organized as a public body corporate and politic under this chapter;

(4) the name which is proposed for the joint system; and

(5) the purpose for creation of the joint system.

The Secretary of State shall file the application if after examining it and determining that it complies with the requirements in this section and that the proposed name of the joint system is not identical with that of any other corporation of the State or any agency or instrumentality or so nearly similar as to lead to confusion and uncertainty.

After the application has been filed, the Secretary of State shall issue a corporate certificate that must be filed with the application, and the joint system then must be constituted a public body corporate and politic under the name proposed in the application. The corporate certificate shall set forth ~~the names of all voting member and~~ the name of the joint system. There also must be stated upon the corporate certificate the purpose for which it has been created, as set forth in the application. Notice of the issuance of such corporate certificate must be given to all members of the joint system by the Secretary of State.

In any suit, action, or proceeding involving the validity or enforcement of, or relating to, contract of a joint system, the joint system in the absence of establishing fraud shall be conclusively



considered to have been established in accordance with the provisions of this chapter upon proof of the issuance of the certificate by the Secretary of State. A copy of the certificate, duly certified by the Secretary of State, is admissible in evidence in any suit, action, or proceeding and is conclusive proof of the filing and contents.

**SECTION 3. Section 6-25-60 shall be amended and restated as follows:**

**§ 6-25-60.** Joint system to be managed and controlled by commission; appointment of commissioners; oath; records; seal; quorum; vacancies; expenses.

(A) The management and control of a joint system is vested in a commission that may consist of no fewer than five members and no more than eleven members. A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines. Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on the section's effective date and may add additional members as its commissioners determine.

(B) As contemplated by the initial application to the Secretary of State, commissioners serving on the commission may be appointed under one of the following procedures:

(1) Appointment by member. The governing body of each voting member of a joint system shall appoint one or more a commissioners, ~~pursuant to Section 6-25-50(A),~~ to serve as a commissioner of the joint system. ~~A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines.~~ A commissioner serves at the pleasure of the governing body by which he was appointed. A commissioner, before entering upon his duties, shall take and subscribe to an oath before a person authorized by law to administer oaths to execute the duties of his office faithfully and impartially, and a record of each oath must be filed with the governing body of the appointing authority.

~~Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on the section's effective date and may add additional members as its commissioners determine.~~ Further, and notwithstanding the appointment requirements above, in the event there are an even number of members of a joint system (i.e. 4, 6, 8, 10), the project contract, bylaws or other similar agreement for the joint system may authorize one additional member of the commission; such additional commissioner shall be recommended by the legislative delegation from each county where the joint system is located, and upon receipt of such recommendation, such additional commissioner shall appointed by the Governor. Any gubernatorial appointment shall be for a term of four years and shall serve until a duly appointed successor is appointed and qualified. Any commissioner appointed by the Governor hereunder must reside within a household receiving utility services from the joint system or a member of the joint system. Any vacancy of such member must be filled for the remainder of the unexpired term in the same manner as the original appointment. If a new member of a joint system is added under the provisions hereof such that there becomes an odd number of members of a joint system, any gubernatorial appointed commissioner shall be deemed to automatically vacate his position as a commissioner as of the date of the admission of such new member of a joint system and their respective appointment of a new commissioner.

(2) Appointment by Governor. The commissioners may be appointed by the Governor in accordance with the following procedures:

(a) The Governor, based upon the recommendation of the legislative delegation from each county that the joint system operates, shall appoint each commissioner. Each appointed commissioner must reside within a household receiving utility services from the joint system or a member of the joint system. In making such appointments, there shall be at least one commissioner appointed by the Governor from the service area of each member of the joint system.

(b) Excepting the initial appointments as necessary to create a staggered commission which may be two or four years, respectively, each commissioner must be appointed and serve for a term of four years and until his successor is appointed and qualified, provided that the terms of the commissioners must be staggered such that approximately one-half of the total members appointed by the Governor must be appointed or reappointed every two years. A vacancy must be filled for the remainder of the unexpired term in the manner of the original appointment. Respecting the initial commission appointed herein, the minority portion of the staggered membership, representing those authorities with the lowest number of customers of the joint system, shall serve for an initial two-year term.

~~(B)~~ (C) The commissioners of the joint system shall annually, or biennially, if provided in the bylaws of the joint system, elect, with each commissioner having one vote, one of the commissioners as chairman, another as vice chairman, and other persons who may, but need not be commissioners, as treasurer, secretary and, if desired, assistant secretary. The office of treasurer may be held by the secretary or assistant secretary. The commission may also appoint such additional officers as it deems necessary. The secretary or assistant secretary of the joint system shall keep a record of the proceedings of the joint system, and the secretary must be the custodian of all books, records, documents, and papers filed with the joint system, the minute book or journal of the joint system, and its official seal.

~~(C)~~ (D) A majority of the commissioners of the joint system shall constitute a quorum. A vacancy on the commission of the joint system shall not impair the right of a quorum to exercise all rights and perform all the duties of a joint system. Any action taken by the joint system under the provisions of this chapter may be authorized by resolution at any regular or special meeting held pursuant to notice in accordance with bylaws of the joint system, and each resolution shall take effect immediately and need not be published or posted. Except as is otherwise provided in this chapter or in the bylaws of the joint system, a majority of the votes which the commissioners present are entitled to cast, with a quorum present, shall be necessary and sufficient to take any action or to pass any resolution. No commissioner of a joint system shall receive any compensation solely for the performance of duties as a commissioner, but each commissioner may be paid per diem, mileage, and subsistence expenses, as provided by law for state boards, committees, and commissions, incurred while engaged in the performance of such duties.

(E) All commissioners shall hold the qualifications of an elector.

(F) Commissioners appointed under subsection (B)(2) above may not be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis. Separately, for commissioners appointed under subsection (B)(1) above, the members of the joint system may include a restriction in the project contract, bylaws or other agreement for the joint system that no commissioner may be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis.

(G) Any commissioner appointed hereunder shall be deemed to forfeit his respective position if such person (1) lacks, at any time during his term of office, any qualifications for the office prescribed by general law and the Constitution, or (2) is convicted of any crime, other than civil infractions or misdemeanors for which no imprisonment is imposed.

**SECTION 4. Section 6-25-70 shall be amended and restated as follows:****SECTION 6-25-70.** Change in membership of joint system.

(A) After the creation of a joint system, any other authority may become a member of the joint system upon:

(1) adoption of a resolution or ordinance by the governing body complying with the requirements of Section 6-25-40 including publication of notice;

(2) submission of an application to the joint system; and

(3) approval of the application by resolution of the governing body of each member of the joint system except in the case of a joint system organized for the purpose of creating a financing pool, in which case the application must be approved by resolution of the commission.

(B) A member may withdraw from a joint system by resolution or ordinance of its governing body. A contractual right acquired or contractual obligation incurred by a member while it was a member remains in full force and effect after the member's withdrawal.

(C) Notice of a change in membership must be filed in the Office of the Secretary of State. No change is final until this filing occurs. The filing is not required if a joint system is organized only for the purpose of creating a financing pool.

(D) If a new member of the joint system is added hereunder, the approval documentation required under subsection (A)(3) above shall determine whether any new commissioners shall be added to the commission as necessary to support such new member of the joint system. If a new commissioner is added, either by the member of the joint system or the Governor, as applicable, each such commissioner shall be appointed immediately.

**SECTION 5. Section 6-25-80 shall be amended and restated as follows:****§ 6-25-80.** Dissolution of system.

Whenever the commission of a joint system and the governing body of each of its members shall by resolution or ordinance determine that the purposes for which the joint system was formed have been substantially fulfilled and that all bonds issued and all other obligations incurred by the joint system have been fully paid or satisfied, the commission and members may declare the joint system to be dissolved. On the effective date of the resolution or ordinance, the title to all funds and other income and property owned by the joint system at the time of dissolution must be disbursed to the voting members of the joint system according to its bylaws.

In the discretion of the members of a joint system for the proper and efficient operation of any joint system, an existing joint system may be reconstituted by following the procedures for the creation of a new joint system, mutatis mutandis.

**SECTION 6. Section 6-25-110 shall be amended and restated as follows:****§ 6-25-110.** Authorization to incur debt and issue bonds.

A joint system may incur debt for any of its purposes and may issue bonds pledging to the payment as to both principal and interest the revenues, or any portion, derived or to be derived from all or any of its projects and any additions and betterments or extensions or contributions or advances from its members or other sources of funds available to it. A joint system may not undertake a project required to be financed, in whole or in part, with the proceeds of bonds without the approval of the governing bodies of each member which is obligated or to be obligated under any contract for the payment of amounts to be pledged as security therefore and a favorable vote of two-thirds of all commissioners. Notwithstanding the foregoing, when a commission is

appointed under Section 6-25-60(B)(2), no separate approval of the governing bodies of each member shall be required for the issuance of any bonds, and such bonds shall be authorized and approved by a simple majority of the commissioners. Any project may be preauthorized, preapproved or otherwise permitted under the terms of the project contract for the joint system, and such authority, approval or permission shall constitute all necessary approval of the respective governing bodies of each member herein. A joint system formed only for the purpose of creating a financing pool may issue notes in anticipation of the issuance of bonds by its members to the government.

## **SECTION 7. Section 6-25-128 shall be amended and restated as follows:**

### **§ 6-25-128.** Contracts between authority and joint system; duration.

An authority may contract to buy from the joint system water required for its present or future requirements, including the capacity and output, or a portion or share of one or more specified projects. An authority also may contract for the collection or treatment of wastewater, including present or future capacity, or a portion or share of another project. The creation of a joint system is an alternative method whereby an authority may obtain the benefits and assume the responsibilities of ownership in a project, so a contract may provide that the authority forming the contract is obligated to make a payment required by the contract whether or not a project is completed, operable, or operating notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the water contracted for, and that the payments under the contract are not subject to reduction, whether by offset or otherwise, and are not conditioned upon the performance or nonperformance of the joint system or any other member of the joint system under the contract or any other instrument. A contract with respect to the sale or purchase of capacity or output, or a portion or share of them, of a project entered into between a joint system and its member authorities also may provide that if an authority or authorities default in the payment of its or their obligations with respect to the purchase of the capacity or output, or a portion or share of them, in that event the remaining member authorities which are purchasing capacity and output under the contract are required to accept and pay for and are entitled proportionately to and may use or otherwise dispose of the capacity or output which was to be purchased by the defaulting authority.

A contract concerning the sale or purchase of capacity and output from a project may extend for a period not exceeding fifty years from the date of the contract and may be renewable and extended upon terms as the parties may agree for not exceeding an additional fifty years; and the execution and effectiveness is not subject to any authorizations or approvals by the State or any agency, commission, or instrumentality or political subdivision of them. Additionally, the contract may further provide that bonds or other indebtedness of the joint system may exceed the term of an initial or existing contract between or among the joint system and the respective members of the joint system, and in such event the contract, or at least the payment obligations of each member, shall be automatically extended to a period commensurate with the term of the bonds or other indebtedness.

Payments by an authority under a contract for the purchase of capacity and output from a joint system may be made from the revenues derived from the ownership and operation of the water system of the authority or from such other sources of funds as may be available, including any amounts received as payments in lieu of taxes. An authority may not pledge its full faith, credit, and taxing power to secure its obligations to the joint system or the bonds of the joint system. An authority is obligated to fix, charge, and collect rents, rates, fees, and charges for water or sewer services, facilities, and commodities sold, furnished, or supplied through its water or sewer system sufficient to provide revenues adequate to meet its obligations under any contract and to pay any

and all other amounts payable from or constituting a charge and lien upon the revenues, including amounts sufficient to pay the principal of and interest on general obligation bonds, if any, heretofore or hereafter issued by the authority for purposes related to its water or sewer system.

An authority that is a member of a joint system may furnish the joint system with money derived from the ownership and operation of its water or sewer system or facilities and provide the joint system with personnel, equipment, and property, both real and personal, and from any other sources legally available to it for such purposes. An authority also may provide services to a joint system.

A member of a joint system may contract for, advance, or contribute funds derived from the ownership and operation of its water or sewer system or facilities or from another legal source to a joint system as agreed upon by the joint system and the member, and the joint system shall repay the advances or contributions from the proceeds of bonds, operating revenue, or other funds of the joint system, together with interest as agreed upon by the member and the joint system.

**SECTION 8. This act takes effect upon approval by the Governor.**