

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

TOWN OF PELZER

ORDINANCE NO. 23-007

AN ORDINANCE APPROVING AND AUTHORIZING THE TRANSFER AND SALE OF THE TOWN OF PELZER WATER SYSTEM TO THE BOARD OF COMMISSIONERS of PUBLIC WORKS of the CITY of GREENVILLE ("GREENVILLE WATER")

WHEREAS, Greenville Water is a board of commissioners of public works established August 1, 1918, pursuant to a referendum conducted by the City of Greenville, a municipal corporation of the State of South Carolina, chartered on December 18, 1831, located in Greenville County, South Carolina, and owns and operates water infrastructure and provides water service to customers in both incorporated and unincorporated parts of Greenville County, among other geographical areas, including Anderson County; and

WHEREAS, Pelzer is a municipal corporation that owns and operates a waterworks system and related assets, as more specifically set forth herein below, that is used to produce, process, and distribute water to customers in and around the Town of Pelzer, South Carolina, in Anderson County; and

WHEREAS, concurrent with this Agreement, management of Pelzer and Greenville Water have negotiated a form of a Utility Asset Purchase Agreement ("Purchase Agreement"), in which Pelzer would grant Greenville Water the right to purchase the Water System under the terms and conditions stated therein, same to be subject to approval by the Pelzer Town Council; and

WHEREAS, it is the mutual desire of Pelzer and Greenville Water to enter into this Agreement for services to be provided by Greenville Water with respect to the operation, maintenance, and repair of the waterworks system owned and operated by Pelzer, pursuant to the terms and conditions of this Agreement pending approval of the Purchase Agreement by Pelzer Town Council and the closing of same; and

WHEREAS, the Mayor and Town Council of Pelzer have conducted a Public Hearing seeking public input concerning the above referenced transfer of assets from the Town to Greenville Water; and

WHEREAS, the Mayor and Council believe it to be in the best interest of the Town of Pelzer, both financially and environmentally, to transfer the town waterworks system to Greenville Water according to the terms, conditions, and considerations as set forth in the attached agreement; and

WHEREAS, this ordinance requires 2 separate readings prior to final passage and adoption; and

WHEREAS, the terms and consideration of and for the agreement are substantially agreed upon but that certain particulars and figures in the agreement will not be known because they cannot be calculated with certainty until the date and time of the final reading;

NOW THEREFORE

BE IT ORDAINED by the Mayor and Town Council of the Town of Pelzer, South Carolina:

- 1) That the above referenced Agreement approving and authorizing the transfer and sale of the Town of Pelzer Water System to Greenville Water is hereby approved and authorized according to the terms and conditions set forth on the attached Agreement between Greenville Water and the town, a copy of which is attached hereto.
- 2) That the Mayor of the Town of Pelzer and the Town Clerk are authorized to execute the above referenced agreement as provided herein.

AND IT IS SO ORDAINED:

Will Ragland
Mayor of Pelzer, SC

Cheryl Bates
Clerk of Pelzer, SC