

COUNTY COUNCIL OF BEAUFORT COUNTY
 ADMINISTRATION BUILDING
 BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
 100 RIBAUT ROAD
 POST OFFICE DRAWER 1228
 BEAUFORT, SOUTH CAROLINA 29901-1228
 TELEPHONE: (843) 255-2180
 www.bcgov.net

STEWART H. RODMAN
CHAIRMAN

D. PAUL SOMMERVILLE
VICE CHAIRMAN

COUNCIL MEMBERS

MICHAEL E. COVERT
 GERALD DAWSON
 BRIAN E. FLEWELLING
 YORK GLOVER, SR.
 CHRIS HERVOCHON
 ALICE G. HOWARD
 MARK LAWSON
 LAWRENCE P. MCELYNN
 JOSEPH F. PASSIMENT, JR.

ASHLEY M. JACOBS
COUNTY ADMINISTRATOR

SARAH W. BROCK
INTERIM CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
CAUCUS
 Monday, April 22, 2019
 5:00 p.m.
 ECR, Administration Building
 Beaufort County Government Robert Smalls Complex
 100 Ribaut Road, Beaufort

1. CALL TO ORDER - 5:00 p.m.
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. CITIZEN COMMENTS *(Comments regarding agenda items only)*
5. EXECUTIVE SESSION
 - Malind Bluff Amendment Negotiations - Legal briefing on settlement negotiations / *Thomas J. Keaveny II, County Attorney*
 - Camp St. Mary – Appraisal of parcel id R600 009 000 0003 0000 / *Thomas J. Keaveny II, County Attorney*
 - Camp St. Mary's Property Determination / *Stefanie Nagid, Passive Parks Manager*
6. CAUCUS
7. ADJOURNMENT



ADD-ONS

The document(s) herein were provided to Council for information and/or discussion after release of the official agenda and backup items.

COUNTY COUNCIL OF BEAUFORT COUNTY

OFFICE OF COUNTY ADMINISTRATOR

ADMINISTRATION BUILDING

BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX

100 RIBAUT ROAD

POST OFFICE DRAWER 1228

BEAUFORT, SOUTH CAROLINA 29901-1228

TELEPHONE: (843) 255-2023

FAX: (843) 255-9403

www.beaufortcountysc.gov

CHERYL H. HARRIS
EXECUTIVE ASSISTANT

ASHLEY M. JACOBS
COUNTY ADMINISTRATOR

Beaufort County Rural and Critical Land Preservation Program Acquisition Procedures

Phase 1: Preliminary Research and Conceptual Approval

1. Contractor, in cooperation with Community Development Department (CDD) staff, compiles potential projects including priority targets and inquiries from sources including County Staff, phone calls, letters, emails and verbally-conveyed information. This list shall be shared with County Staff on a regular, mutually agreed-upon basis. Projects will be identified as to their priority on the County-adopted Greenprint map.
2. Contractor will discuss potential project information with the CDD Director, Natural Resources Planner, and Passive Parks Manager. Contractor will provide informal presentation of any known facts about the parcel(s).
3. The County Staff Board Liaison and Contractor will co-present the list of potential projects (inquiries and targets) with Liaison and Contractor's respective recommendations to the Rural & Critical Land Preservation Board (RCLPB). Following the presentation, the RCLPB shall vote either to favorably recommend or to disapprove moving each potential project forward to the Natural Resources Committee (NRC) for preliminary consideration. All potential projects presented to the RCLPB move forward to the NRC with the exception of projects that the RCLPB, Liaison, and Contractor all disapprove.
4. Staff Board Liaison and Contractor will co-present the RCLPB findings and recommendations to the NRC. Copies of all documents will be provided to Clerk to Council by Staff as per standard county agenda item procedures. Following the presentation, the NRC shall vote either to favorably recommend or to disapprove moving each proposed project forward. A favorable recommendation by the NRC approves the acquisition of appropriate due diligence items by the Contractor.

Phase 2: Due Diligence and Negotiation

5. Due Diligence:
 - In consultation with the CDD Director, Contractor orders an appraisal by an MAI appraiser to determine a fair market value for the parcel(s), following standard County purchasing procedures.

- As per Resolution 2006-3, Contractor shall collect additional necessary due diligence documentation including a title search, any appropriate surveys (boundary, topographic, tree, archaeological), and a Phase I Environmental Assessment at the County's expense, following standard County purchasing procedures.
- Contractor shall prepare property maps and conduct a site visit with the Natural Resources Planner and the Passive Parks Manager.

6. Negotiation:

- After appraisal and relevant due diligence is received, Contractor reviews documents with County Staff.
- County Attorney establishes negotiation parameters with Contractor.
- Terms of the purchase are negotiated by Contractor with the Seller within the established parameters. The negotiated terms are presented to County Attorney for approval. If acceptable terms cannot be reached, Contractor consults with County Attorney for further guidance and direction.

7. Preparation for Review/Approval Process:

- Under the supervision of the County Attorney, the Contractor prepares a written Letter of Intent, or other applicable agreement, between the County and Seller and transmits same to County Attorney for approval. The Letter of Intent must specify all negotiated terms and conditions of the transaction and also state that **"the final acceptance of the negotiated terms and conditions of the sale is contingent upon approval by full Council via a written Resolution"**.
- County Natural Resources Manager, Passive Parks Manager and Contractor complete the ranking sheets, and the Contractor compiles the rankings.
- Contractor prepares the Project Summary Sheet and provides all documents including the due diligence, Letter of Intent, and all of the ranking sheets to Staff at least one week prior to the RCLPB meeting, at which the project is to be presented for recommendation to NRC.
- Contractor applies for outside cost-share or grant funding, if available for project, and consults with CDD Staff as soon as the option is considered.

Phase 3: Review, Recommendation and Approval by RCLPB, NRC and Council

8. Upon completion of Step #7, Staff Board Liaison and Contractor will co-present each negotiated project to the RCLPB. Following the presentation, the RCLPB shall vote and provide its written recommendation to either favorably recommend or to disapprove each project for purchase to the NRC.

9. Upon the written recommendation of the RCLPB, County Staff will present each negotiated project to the NRC, with all appropriate due diligence documents and as per standard agenda item procedures, for a final recommendation that the project be approved and moved forward to full Council, or that the project be disapproved. If approved to move forward to full Council, County Staff will draft the Resolution and follow subsequent standard agenda item procedures.
10. Upon final approval recommendation by the NRC, the County Staff will present each negotiated project to full Council.

Phase 4: Closing

11. Upon final approval by full Council, Contractor will coordinate with the County Attorney and the County's closing attorney to complete the transaction. Simultaneously, the CDD Staff will complete the County's Real Property Action Form. The County's closing attorney will provide all closing documents to the County Attorney three (3) days prior to closing for review and approval.
12. All contractual discussions by the RCLPB, NRC, or County Council may or may not be in Executive Session, as permitted by the South Carolina Freedom of Information laws.
13. County Staff, in consultation with Contractor, may under limited circumstances adapt these procedures in order to comply with the review and approval procedures of partner entities that have been requested to provide cost-share or grant funding to leverage County purchase of development rights or fee simple purchases.

BEAUFORT COUNTY COUNCIL

 By: Ashley Jacobs, County Administrator
 Its: County Administrator

 Date

BEAUFORT COUNTY OPEN LAND TRUST

 By: Kristin Williams
 Its: Executive Director

 Date