

STATE OF SOUTH CAROLINA)
)
COUNTY OF BARNWELL)

ORDINANCE NO. 2013- 2 - 290 .

AN ORDINANCE AMENDING ORDINANCE NO. 2012-5-281 TO ASSUME RESPONSIBILITY FOR PAYMENT OF THE BARNWELL COUNTY HOSPITAL VESTED PENSION PLAN OBLIGATIONS AND TO ALSO RATIFY THE SALE OF THE HOSPITAL.

WHEREAS, Barnwell County Hospital has not contributed to its vested pension benefit plan since 1996, and its prior contributions were not enough to fully fund the plan, and

WHEREAS, the debt of Barnwell County Hospital as an agency of the County is not the debt of Barnwell County Council, and

WHEREAS, the Unfunded Actuarial Accrued Liability of the hospital retirement plan was estimated as of October of 2011 to be One Million Fifty-Five Thousand (\$1,055,707.00) Dollars with an unfunded plan termination cost of Two Million Two Hundred Sixty-Four Thousand Sixty (2,264,060.00) Dollars, and

WHEREAS, the estimated annual cost to properly fund the Hospital's plan is currently estimated to be One Hundred Forty-Three Thousand (\$143,000.00) Dollars per year for not less than ten years, and

WHEREAS, since Ordinance No. 2012-5-281 was passed, no further contributions have been made to the hospital retirement plan, and

WHEREAS, the Barnwell County Hospital has been incapable of honoring its obligations to the pension plan, and is currently in bankruptcy - Barnwell County Council desires to protect the interest of the Hospital's retirees,:

WHEREAS, Ordinance No. 2012-5-281 was contingent upon a sale of the Barnwell County Hospital to Regional Health System, LLC, and that sale has not been consummated, and

WHEREAS, Barnwell County Council has executed a revised Asset Purchase Agreement (APA) for the sale of the hospital to BCH Acquisitions Group, LLC.

IT IS HEREBY ORDAINED by the Barnwell County Council that ,

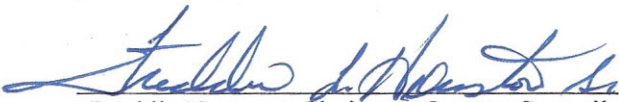
1. Subject to the following conditions and conditions precedent, Barnwell County will agree to assume the unfunded liability of the Barnwell County Hospital Retirement Plan.
2. The assumption of the liability is contingent upon confirmation and successful conclusion of Barnwell County Hospital's Chapter Nine Bankruptcy plan.
3. The assumption is further contingent upon closing the pending sale of the Barnwell County Hospital to the BCH Acquisitions Group, LLC, pursuant to the APA. The County hereby ratifies that agreement and sale of the assets including the real estate and improvements relating to the Hospital.

FILED FOR RECORD
2013 FEB 28 AM 10:21
RONDA D. McELVEEN
CLERK OF COURT
BARNWELL COUNTY, S.C.


4. The assumption of the obligation is further contingent upon the bargained for reduction of Barnwell County's costs for Emergency Medical Services (E-911 transport) pursuant to the agreement for the sale of assets to BCH Acquisitions Group, LLC, and the elimination of the hospital millage subsidy three years after the sale of assets.
5. Under the foregoing conditions the Barnwell County Council agrees that it would assume the obligation of paying the unfunded actuarial accrued liability of the Barnwell County Hospital vested retirement plan, as determined on a year to year basis, or by lump sum payment.

This amended ordinance is to take effect upon three readings, a public hearing, and a majority vote of Barnwell County Council.

Done in a meeting duly assembled February 22, 2013.



Freddie Houston, Chairman County Council
Barnwell County, South Carolina

I Attest:



Kim Futrell, Clerk to Council

I approve in form and substance:



James D. Mosteiler III
Barnwell County Attorney

First Reading: January 31, 2013
Public Hearing February 12, 2013
Second Reading: February 12, 2013
Third Reading: February 22, 2013