

Sponsor(s) : County Council
Adopted : April 6, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution Creating a Capital Projects Sales Tax Commission in Regards to a Proposed One-Percent Capital Project Sales Tax.]

WHEREAS:

1. Colleton County Council wishes to provide voters with the opportunity to vote on the funding of capital projects through a Capital Project Sales Tax for a period of eight years pursuant to §§ 4-10-300 et seq., of the South Carolina Code of Laws, 1976, as amended; and
2. Colleton County Council is authorized by the Capital Project Sales Tax Act to create by resolution a commission, composed of six members, to investigate and propose capital projects of the type specified in §4-10-330 of the South Carolina Code of Laws, 1776, as amended, and to formulate a referendum ballot question to be approved by County Council and presented to the voters of Colleton County at the general election to be held in November 2022.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. There is hereby created, pursuant to §4-10-320 of the Capital Project Sales Tax act, a commission (the "Commission") to exercise all powers granted to commissions under the Capital Project Sales Tax Act.
2. The County Council shall, by June 15, 2021, appoint three members to the commission.
3. The municipalities in the County must appoint three additional members of the Commission, who must be residents of the incorporated municipalities within the County, and who are selected in accordance with §4-10-320 of the Capital Project Sales Tax Act, according to the following mechanism:
 - a. The total population of all incorporated municipalities within the county, as determined by the most recent United States census, must be divided by three, the result being an apportionate average.
 - b. The respective population of each municipality in the county must be divided by the apportionate average to determine an appointive index.
 - c. Each municipality in the county appoints a number of members to the commission equal to the whole number indicated by their appointive index. However, no single

municipality may appoint more than two members to the commission; unless there is only one municipality in the county, and in such case the municipality is entitled to three appointments to the commission.

- d. When less than three members are selected to the commission in accordance with the prescribed appointive index method, the remaining member or members must be selected in a joint meeting of the commission appointees of the municipalities in the county. The member or members must be chosen from among the residents of the municipalities in the county that before this time have not provided a representative for the commission.
- e. In the event no municipality is entitled to appoint a member to the commission pursuant to the formula in subitem (c) of this subsection, the municipality with the highest appointive index must be deemed to have an appointive index of one.

Based upon the foregoing methodology, the City of Walterboro is entitled to appoint two members to the Commission. Those two members of the Commission are authorized to select the sixth and final member of the Commission. The final member of the Commission must be a resident of a municipality located in the County other than the City of Walterboro.

A certified copy of this Resolution shall be delivered to the City of Walterboro upon adoption. By adopting this resolution, the Council requests that the City of Walterboro appoints two members of the Commission, and that they notify the Council of such appointments.

- 4. The Commission created pursuant to the Capital Project Sales Tax act shall consider proposals for funding capital projects within the County area. The Commission shall then formulate the referendum question that is to be submitted to County Council for approval to appear on the ballot, in accordance with §4-10-330(D) of the Capital Project Sales Tax Act.
- 5. The Commission shall consider funding only the following types of projects:
 - a. highways, roads, streets, bridges, and public parking garages and related facilities;
 - b. courthouses, administration buildings, civic centers, hospitals, emergency medical facilities, police stations, fire stations, jails, correctional facilities, detention facilities, libraries, coliseums, educational facilities under the direction of an area commission for technical education, or any combination of these projects;
 - c. cultural, recreational, or historic facilities, or any combination of these facilities;
 - d. water, sewer, or water and sewer projects;
 - e. flood control projects and storm water management facilities;
 - f. beach access and beach renourishment;
 - g. dredging, dewatering, and constructing spoil sites, disposing of spoil materials, and other matters directly related to the act of dredging;

Suggested Schedule of Events

Colleton County Capital Project Sales Tax Commission

April 6, 2021	County Council adopts Resolution to create Capital Project Sales Tax Commission
NLT June 15, 2021	County Council appoints three members to the Commission
NLT June 15, 2021	Deadline for appointment of Commission members by City of Walterboro ¹ , and remaining commission member
July 15, 2021	Commission meets, establishes meeting calendar and standards for project submission
August 5, 2021	Commission releases calendar and standards
March 1, 2022	Proposals due in final form
March 7-April 30, 2022	Commission meets and discusses projects to be included on ballot and allowable costs
NLT May 9, 2022	Commission adopts and submits to County Council the form of referendum question to appear on the ballot for approval by County Council

¹ In accordance with §4-10-320, S.C. Code of Laws, 1976, the City of Walterboro may appoint two members to the Commission. Those two members, both of whom must reside in the City of Walterboro, are entitled to appoint a third municipal member; the third member must be a resident of Cottageville, Edisto Beach, Smoaks, Lodge or Williams. If the City of Walterboro fails to appoint its members within 30 days of the adoption of the Capital Project Sales Tax Resolution, those members will be appointed by Colleton County Council.