

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

RESOLUTION NO. 687

A RESOLUTION TO CREATE A COMMISSION PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, SOUTH CAROLINA CODE ANNOTATED § 4-10-300, ET SEQ.: TO PROVIDE FOR THE APPOINTMENT, COMPOSITION, DUTIES AND RESPONSIBILITIES OF SUCH COMMISSION AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF DARLINGTON COUNTY, THE GOVERNING BODY OF DARLINGTON COUNTY, SOUTH CAROLINA, DULY ASSEMBLED THAT:

Section 1. Recitals and Legislative Findings.

As an incident to the adoption of this resolution, the County Council of Darlington County, South Carolina (the "County"), has made the following findings: The South Carolina General Assembly has enacted the Capital Project Sales Tax Act, pursuant to which the County governing body may impose a one percent sales and use tax by ordinance, subject to a referendum, within the County area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money. The County Council ("County Council"), as the governing body of the County, is authorized to create a commission subject to the provisions of Section 4-10-320, S.C. Code Ann., of the Capital Project Sales Tax Act, for the purpose of considering proposals for funding capital projects within the County area and the formulation of a referendum question which is to appear on the ballot. County Council finds that the imposition of a capital project sales tax may generate revenues which may be used to fund or defray the costs of capital improvements within the County consisting of the types of projects described in Section 4-10-330, S.C. Code Ann., as amended. County Council intends by the adoption of this resolution to create a commission as defined in Section 4-10-320, S.C. Code Ann., with such duties and responsibilities as are provided by law to consider proposals for funding capital projects within the County area and the formulation of a referendum question to appear on the ballot, if County Council adopts an ordinance imposing a one percent sales and use tax, subject to a referendum, pursuant to the Capital Project Sales Tax Act.

Section 2. Creation of Commission; Appointment of Members.

- a) There is hereby created a commission in the County pursuant to the provisions of Section 4-10-320 of the Capital Project Sales Tax Act, which shall consist of six members, all of whom must be residents of the County.
- b) The commission created under this resolution shall be appointed as follows:
 - 1) County Council shall appoint three members of the commission.
 - 2) The municipalities in the County shall appoint three members of the commission who must be residents of incorporated municipalities of the County and who shall be selected according to the following mechanism:

- i. 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.
- ii. The respective population of each municipality in the County must be divided by the apportionate average to determine an appointive index.
- iii. Each municipality in the County shall appoint a number of members to the commission equal to the whole number indicated in its appointive index; provided, however, that no single municipality may appoint more than two members to the commission.
- iv. 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.
- v. In the event no municipality is entitled to appoint a member to the commission pursuant to the formula in sub-item (iii) of this subsection, the municipality with the highest appointive index must be deemed to have an appointive index of one.
- vi. If, within a thirty-day period following the adoption of this resolution, one or more of the municipalities in the County fails or refuses to appoint their proportionate number of members to the commission, the County governing body shall appoint an additional number of members equal to the number that any such municipality is entitled to appoint. Any vacancy on the commission must be filled in the manner of the original appointment.

Section 3. Duties and Responsibilities of Commission.

- 1) The Commission created by this resolution shall consider proposals for funding capital projects within the County Area. Such projects may include the following types of projects:
 - a) highways, roads, streets and bridges;
 - b) courthouses, administration buildings, civic centers, hospitals, emergency medical facilities, police stations, fire stations, jails, correctional facilities, detention facilities, libraries, coliseums, 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;

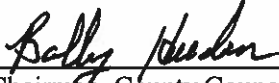
- g) jointly operated projects of the county, a municipality, special purpose district, and school district, or any combination of those entities, for the projects delineated in sub-items (a) through (f) of this item;
 - h) any combination of the projects described in subitems (a) through (g) of this item.
- 2) Any ordinance adopted by County Council pursuant to the Capital Project Sales Tax Act must specify:
- a) The purpose for which the proceeds of the tax are to be used;
 - b) The maximum time stated in terms of calendar or fiscal years or quarters, or a combination thereof, not to exceed eight years from the date of imposition, for which the tax may be imposed;
 - c) The maximum cost of the project or facilities funded from proceeds of the tax and the maximum amount of net proceeds to be raised by the tax; and
 - d) Any other condition precedent, as determined by the Commission, to the imposition of the sales and use tax authorized by this article or condition or restriction on the use of sales and use tax revenue collected pursuant to this article.
- 3) If County Council shall enact an ordinance for the imposition of a one percent sales and use tax, subject to a referendum in the County, the commission shall formulate the referendum question that is to appear on the ballot, which referendum shall be in substantial compliance with the provisions of Section 4-10-330 of the Capital Project Sales Tax Act, the terms and provisions of which are incorporated into and made a part of this resolution by reference.
- 4) If an ordinance is adopted by County Council to impose a one percent sales and use tax in the County pursuant to the provisions of the Capital Project Sales Tax Act, the Darlington County Election Commission shall conduct a referendum on the question of imposing the sales and use tax in the area of the County that is to be subject to the tax.

Section 4. Effective Date.

This resolution shall be effective immediately upon its adoption.

DONE IN MEETING DULY ASSEMBLED this 5th day of March, 2018.

DARLINGTON COUNTY, SOUTH CAROLINA



Chairman, County Council
Darlington County, South Carolina

ATTEST:



Clerk to County Council
Darlington County, South Carolina