

**AN ORDINANCE**

**APPROVING THE BUDGET AND DIRECTING THE AUDITOR OF CHARLESTON COUNTY TO LEVY THE NECESSARY MILLAGE AND THE TREASURER TO COLLECT TAXES FOR THE COOPER RIVER PARK AND PLAYGROUND COMMISSION FOR FISCAL YEAR 2008-2009**

**WHEREAS**, an Order was issued by Judge Howard, in a lawsuit captioned ***County of Charleston, et al vs. Cooper River Park and Playground Commission, et al***, 93-CP-10-1647, on November 17, 1994, determining that Charleston County Council has budgetary authority over the above-named Cooper River Park and Recreation Commission, and

**WHEREAS**, the Cooper River Park and Recreation Commission has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the budget of the Cooper River Park and Playground Commission in the amount of Two Hundred Eighty Thousand Three Hundred (\$280,300) Dollars is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 14.3 mills for operating expenditures of the Commission in the year 2008, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the Commission during the fiscal year beginning July 1, 2008, and ending June 30, 2009.

**Section 4.**

The One Hundred Seven Thousand Three Hundred (\$107,300) Dollar difference between the Two Hundred Eighty Thousand Three Hundred (\$280,300) Dollars in budgeted expenditures and the One Hundred Seventy-Three Thousand (\$173,000) Dollars in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

Prior to the line item transfer of any amount in excess of Ten Thousand (\$10,000) Dollars up to Twenty-Five Thousand (\$25,000), approval must be sought from the Charleston County Administrator. Prior to the line item transfer of any amount in excess of Twenty-Five Thousand

(\$25,000), approval must be sought from the Charleston County Council. By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 6.

**Section 6.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the Cooper River Park and Playground Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the Cooper River Park and Playground Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 7.**

All monies properly encumbered as of June 30, 2008, shall be added to the Cooper River Park and Playground Commission's budget for fiscal year 2009. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Cooper River Park and Playground Commission's governing body.

**Section 8.**

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of fiscal year 2009 for the Commission.

**Section 9.**

The Cooper River Park and Playground Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the Cooper River Park and Playground Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 10.**

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

**Section 11.**

This Ordinance shall become effective upon Third Reading.