

**AN ORDINANCE  
APPROVING A SYSTEM FOR THE DEVELOPMENT OF A CHARLESTON COUNTY  
SALES AND USE TAX SPENDING PLAN AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, in cooperation with the various municipalities located within Charleston County. As well as the Charleston Transportation Committee, the Charleston County Park and Recreation Commission and multiple other local business, environmental, transportation and public policy entities (collectively, the **Outside Agencies**), the County Council of Charleston County (the **County Council**) has, in connection with past referenda and in its comprehensive planning efforts, studied needs to be accommodated in a sales and use tax spending plan (the **Plan**) for the protection and promotion of the health, safety, welfare, and quality of life of the citizens of Charleston County, through financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, mass transit systems and greenbelts; and

**WHEREAS**, County Council, by Ordinance duly enacted on August 10, 2004 (the **Sales Tax Ordinance**), has provided for the imposition of a 2 of one percent sales and use tax (the **Sales Tax**) in Charleston County pursuant to the provisions of S.C. Code Section 4-37-10 et seq. (the **Act**), subject to the results of a referendum to be held on the imposition of the sales tax on November 2, 2004 (the **Referendum**); and

**WHEREAS**, in the event that the Referendum approves the imposition of the Sales Tax, net revenues of the Sales Tax are to be applied by County Council for purposes permitted in the Act; and

**WHEREAS**, County Council desires to provide for an advisory system of entities which will provide assistance to the County in developing, supplementing and updating the Plan for spending the Sales Tax revenues in the best way to accomplish the intent of the Act and the purposes and projects of the Sales Tax Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CHARLESTON COUNTY AS FOLLOWS:**

**Section 1. Primary Advisory Body for Greenbelts.**

For the purposes of greenbelts, the Charleston County Park and Recreation Commission (the **APRC**) shall annually present recommendations for expenditures on such projects for County Council approval. Projects in this category may be both in the unincorporated areas of the County and in its municipalities. Such plans must conform to applicable comprehensive land use plans, and should involve input from the governing body having

jurisdiction over the land involved. The Greenbelts Advisory Board established below shall also provide input to the PRC in the development of its recommendations to Council.

**Section 2. Primary Advisory Body for Transportation and Related Projects.**

For highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, the Charleston Transportation Committee (the ACTC) shall undertake such studies and analyses that are appropriate, including, without limitation, consultations with all Charleston County municipalities and the South Carolina Department of Transportation. The CTC shall report to Council no less than annually, and with such other frequency as may be mutually agreed, with recommendations for projects and their priority. The attached list entitled "Charleston County Transportation Committee's Recommended Project Prioritization August 2004" is hereby incorporated herein by reference and adopted as the current plan for transportation projects, subject to further review as described herein.

**Section 3. Comprehensive Transportation Plan**

In order to ensure proper planning and efficiency in projects funded through the proceeds of the Sales Tax, and to provide that these projects bring the greatest benefit to the County, a comprehensive transportation study shall be undertaken, which shall include the following elements, and any other elements requested by Council:

- a) An inventory of all roads and travel patterns in the county shall be completed, with an analysis of travel patterns throughout the county.
- b) A forecast of road project needs over the next twenty-five years in the county.
- c) A comprehensive review of transportation funding resources, including, without limitation, analysis of grants, loans and other funding options from all sources, federal state, local and private.
- d) A review of transit plans adopted by any local mass transit entity, with an analysis of possible revisions, including, without limitation, for routes, scheduling, and equipment.

Once completed, the comprehensive transportation plan should be reviewed and revised every five (5) years.

**Section 4. Transportation Advisory Board**

a) A Transportation Advisory Board shall be established, consisting of fourteen members to be selected as follows:

- (1) Nine members shall be appointed by County Council, upon the recommendation of one member by each council member
- (2) One member shall be appointed by the Charleston City Council

- (3) One member shall be appointed by the North Charleston City Council
- (4) One member shall be appointed by the Mount Pleasant Town Council
- (5) One member shall be appointed by the Council Chair from the unincorporated area of the Southern portion of the County
- (6) One member shall be appointed by the Council Chair from the unincorporated area of the Northern portion of the County

b) All appointed board members shall have a demonstrated background, experience and interest in transportation issues, and all appointing bodies shall exercise due diligence to ensure that all persons appointed possess these qualifications.

c) Terms of board members shall run as follows. For County Council appointments, coterminous with the term of the councilmember recommending appointment. For appointments by the municipalities, for a period of two years from the date of initial appointment, which shall be made no later than December 31, 2004. For the appointments from the northern and southern unincorporated areas of the county, the appointments shall be for two years. Vacancies must be filled in the manner of original appointments.

d) No member of the Transportation Advisory Board may also be serving as an elected official at the time of their membership on the Board.

e) The recommendations of the CTC as set forth above shall first be presented to the Transportation Advisory Board for its review and comment before being presented to County Council.

f) The Transportation Advisory Board shall begin meeting at a time established by County Council. The Board shall establish its own rules of procedure and shall elect a chairman and vice chairman. The Board is a public body and must conduct its meetings and activities in accordance with the South Carolina Freedom of Information Act and other applicable law.

g) The Transportation Advisory Board shall prepare and deliver to County Council findings, recommendations and comments regarding the proposed Comprehensive Transportation Plan, and shall receive input from members of the public through an extensive public input process. The date for final delivery of the Board's report shall be as established by County Council. Following delivery of the report, the Board will convene for future meetings from time to time as matters are referred to the Board by County Council.

h) The County Administrator shall provide administrative support to the Transportation Advisory Board. Funding for the meetings and efforts of the Board shall be provided by appropriations from County Council.

### **Section 5. Comprehensive Greenbelts Plan**

In order to ensure proper planning and efficiency in projects funded through the proceeds of the Sales Tax, and to provide that these projects bring the greatest benefit to the County, a

comprehensive greenbelts study shall be undertaken, and a recommended plan issued, which shall include the following elements, and any other elements requested by Council:

- a) An inventory of available greenbelt parcels in the county.
- b) A forecast of greenbelt needs over the next twenty-five years in the county.
- c) A comprehensive review of greenbelt funding resources, including, without limitation, analysis of grants, loans and other funding options from all sources, federal state, local and private.
- d) Greenbelt parcel selection criteria, with consideration given to the system employed by the South Carolina Conservation Bank.

Once completed, the comprehensive greenbelts plan should be reviewed and revised every five (5) years.

#### **Section 6. Greenbelts Advisory Board**

- a) A Greenbelts Advisory Board shall be established, consisting of fourteen members to be appointed as follows:
  - (1) Nine members shall be appointed by County Council, upon the recommendation of one member by each council member
  - (2) One member shall be appointed by the Charleston City Council
  - (3) One member shall be appointed by the North Charleston City Council
  - (4) One member shall be appointed by the Mount Pleasant Town Council
  - (5) One member shall be appointed by the Council Chair from the unincorporated area of the Southern portion of the County
  - (6) One member shall be appointed by the Council Chair from the unincorporated area of the Northern portion of the County
- b) Members of the board should be representative of the conservation, agriculture, real estate, outdoor recreation and business communities.
- c) Terms of board members shall run as follows. For County Council appointments, coterminous with the term of the councilmember recommending appointment. For appointments by the municipalities, for a period of two years from the date of initial appointment, which shall be made no later than December 31, 2004. For the appointments from the northern and southern unincorporated areas of the county, the term shall be for two years. Vacancies must be filled in the manner of original appointments.
- d) No member of the Greenbelts Advisory Board may also be serving as an elected official at the time of their membership on the board.

e) The recommendations of the Greenbelts Advisory Board shall be forwarded to the PRC for review in developing and updating its annual presentations to Council as set forth above.

f) The Greenbelts Advisory Board shall begin meeting at a time established by County Council. The Board shall establish its own rules of procedure and shall elect a chairman and vice chairman. The board is a public body and must conduct its meetings and activities in accordance with the South Carolina Freedom of Information Act and other applicable law.

g) The Greenbelts Advisory Board shall prepare and deliver to the PRC and Council findings, recommendations and comments regarding the proposed Comprehensive Greenbelts Plan, and shall receive input from members of the public through an extensive public input process. The date for final delivery of the Board's report shall be as established by County Council, with input from the PRC. Following delivery of the report, the Board will convene for future meetings from time to time as matters are referred to the Board by County Council.

h) The County Administrator shall provide administrative support to the Greenbelts Advisory Board. Funding for the meetings and efforts of the Board shall be provided by appropriations from County Council.

**Section 7. Presentation, Adoption and Review of Sales Tax Spending Plan.**

County Council hereby directs the Charleston County Administrator to begin coordination with the PRC, the CTC, the Transportation Advisory Board, the Greenbelts Advisory Board and such other Outside Agencies as Council may direct, to gather information and have County staff to review such information for conformity with County ordinances and plans, and make recommendations to Council. Council shall review the recommendations of the CTC, PRC, County Administrator and other Outside Agencies and shall adopt a comprehensive Plan for expenditures of the Sales Tax. Council shall review the Plan no less than annually, and shall receive reports of the progress of projects funded or which may be funded by the Sales Tax proceeds. The Plan shall be modified as necessary based on findings of new or additional needs, or changed priorities, as circumstances shall warrant.

**Section 8. Budgeting and Administration of Funds Pursuant to the Plan.**

Subject to the provisions of the Sales Tax Ordinance and all other provisions of law, the Sales Tax Proceeds shall be applied in accordance with the Plan as follows:

(a) Any agencies, political subdivisions or organizations designated to receive funding from the Sales Tax must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator shall prepare the proposed budget for the Sales Tax and submit it to the County Council at such time as the County Council determines. At the time of submitting the proposed budget,

the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

(b) County Council shall adopt annually, prior to the beginning of its fiscal year, a budget for expenditures of Sales Tax revenues. County Council may make supplemental appropriations for the Sales Tax following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the Sales Tax for purposes other than as specified in the annual budget when such transfers are approved by County Council and are pursuant to the Plan. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

(c) Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the Sales Tax must provide to County Council an independent annual audit of such agency=s or organization=s financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

**Section 9. Effective Date; Severability.**

This Ordinance shall take effect immediately upon third reading; provided, however, the use of the Sales Tax Proceeds to fund projects in accordance with the Plan is dependent upon the favorable results of the Referendum.

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 does 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 severable.