

**AN ORDINANCE  
TO ESTABLISH AND MAKE APPROPRIATIONS FOR FISCAL YEAR 2010  
FROM THE TRANSPORTATION SALES TAX SPECIAL REVENUE FUND FOR  
PROJECTS AND PURPOSES PERMITTED BY LAW; TO PROVIDE FOR  
BUDGET CONTROL OF SAID APPROPRIATIONS BY THE COUNTY  
COUNCIL AND THE COUNTY ADMINISTRATOR; AND OTHER MATTERS  
RELATED THERETO**

**WHEREAS**, County Council, by Ordinance No. 1324, duly enacted on August 10, 2004 (the "Sales Tax Ordinance"), provided for the imposition of a ½ 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**, the Referendum was approved by a majority of the qualified electors of the County, and

**WHEREAS**, pursuant to applicable law, rules and regulations, the sales tax will be collected starting May 1, 2005, and

**WHEREAS**, there is a need to provide funds for greenbelts, mass transit, administration and other transportation-related projects before the beginning of the next County fiscal year, and

**WHEREAS**, pursuant to the Sales Tax Ordinance, a budget for expenditures of sales and use tax revenues from this source must be approved by County Council,

NOW, THEREFORE, BE IT ORDAINED by the County Council of Charleston County:

County Council hereby adopts the above recitals as findings of fact.

**SECTION 1:** Revenues and income accruing to the County of Charleston during Fiscal Year 2010 from the proceeds of the Sales Tax shall be deposited into the Transportation Sales Tax Special Revenue Fund, and paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance.

**SECTION 2:** There is hereby appropriated from the Transportation Sales Tax Special Revenue Fund the following amounts for the following respective corporate purposes of Charleston County for and during the period beginning July 1, 2009, and ending June 30, 2010,

<u>Organization Units:</u>	<u>Mass Transit</u>	<u>Greenbelts</u>	<u>Transportation Related Projects</u>
CARTA	\$ 7,006,170	\$ -	\$ -
RTMA	349,400	-	-
ITN Charleston Trident	30,000	-	-
Greenbelts - Operating	-	273,766	-
Dep Admin Trans Sales Tax	-	-	810,052
MWDBE Program	-	-	149,296
Public Information Office	-	-	72,112
Public Works CEI	-	-	266,451
Transportation Projects	-	-	14,481,323
Debt Service	-	6,394,590	10,703,109
Contingency	-	-	2,000
County Indirect Cost	10,000	5,000	160,000
<b>TOTAL</b>	<b>\$ 7,395,570</b>	<b>\$ 6,673,356</b>	<b>\$ 26,644,343</b>

**SECTION 3:** Unless covered by SECTION 5 or 6 of this ordinance, all of the foregoing appropriations are maximum and conditional, and are subject to reduction by action of County Council in the event that the County's revenues accruing to its Transportation Sales Tax Special Revenue Fund shall fail to be sufficient to pay the same, to the end that the cost of operation of the county government shall remain at all times within its income.

**SECTION 4:** For internal County organizational units, the salaries or compensation of positions funded in whole or in part through this budget shall be determined and paid in accordance with the provisions of the Personnel Policies and Procedures adopted by County Council. Travel and expense allowances shall be paid only upon proper documentation as prescribed by the County Administrator. The per diem rates adopted by the State of South Carolina and the mileage reimbursement rates adopted by the Internal Revenue Service shall apply. Positions funded in whole or in part through this budget shall only be those in support of expenditures of funds authorized by the Act and the Sales Tax Ordinance. Positions not solely providing administrative support to projects and purposes under the Act and the Sales Tax Ordinance shall be funded in part from other sources.

**SECTION 5:** Anticipated revenues accruing to the Transportation Sales Tax Special Revenue Fund are stated in this Budget Ordinance. Should actual funding sources for said fund be less than projected, the Administrator shall reduce budgeted expenditures attributable to said fund. Should actual funding sources be greater than projected in this Ordinance, the Administrator may a) revise budgeted expenditures or b) direct the increase to be held for

future years expenditures. Any such actions shall be periodically reported to County Council.

SECTION 6: Internal County organizational units are bound to the appropriated expenditures as defined in SECTION 2 by major expenditure category of (1) personnel; (2) operating; and (3) capital for each organizational unit as contained in the Approved Budget Detail FY 2010 document prepared in support of this ordinance.

The County Administrator, or his designated representative, is hereby authorized to effect transfers between major expenditure categories within a County organizational unit. Further, the County Administrator is authorized to transfer other funds between County organizational units. The County Administrator is also authorized to further restrict budget transfers within major expenditure categories. By amendment to this ordinance, County Council may also adjust appropriations and make supplemental appropriations from the proceeds of the Sales Tax.

SECTION 7: Agencies outside the County which receive funds from the Transportation Sales Tax Special Revenue Fund shall enter into an intergovernmental agreement in a form approved by the County Administrator and County Attorney. Such agreements shall include, provisions set forth herein, as well as other provisions necessary or helpful in administering the distribution of funds hereunder pursuant to the Act, the Sales Tax Ordinance, and other applicable laws, rules, regulations and County policies. For such outside agencies, prior to the transfer of any amount in excess of Twenty-Five Thousand (\$25,000) Dollars up to One Hundred Thousand (\$100,000) between expenditure accounts, such agencies must receive approval from the Charleston County Administrator. Prior to the transfer of any amount in excess of One Hundred Thousand (\$100,000), agencies outside the County must receive approval from the Charleston County Council.