

AN ORDINANCE

PROVIDING FOR AND AUTHORIZING THE EXPENDITURE OF REVENUES RECEIVED BY CHARLESTON COUNTY FOR THE PURPOSE OF FUNDING THE COSTS NECESSARY TO COMPLETE THE MARK CLARK EXPRESSWAY/I-526 PROJECT AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (“County”), the South Carolina Department of Transportation (SCDOT), and the South Carolina Transportation Infrastructure Bank (“Bank”) are parties to an agreement titled “Intergovernmental Agreement for Charleston County Mark Clark Expressway Extension/I-526 Project in Charleston County, South Carolina” (hereinafter “IGA”) regarding construction of the Mark Clark Expressway Extension/I-526 Project (“Project”); and

WHEREAS, the Bank approved initial financial assistance for the Project, which had a total Project cost of \$420 million in 2007; however, in 2015, the SCDOT indicated that the Project costs escalated to approximately \$750 million; and

WHEREAS, the IGA provides in part in Article V, Section 5.5 that the County shall be responsible for obtaining or providing additional funding for the Project if the available funds are not sufficient to complete the Project within the scope of the Project, reducing the scope of the Project to conform to available funding, or some combination thereof; and

WHEREAS, at the December 14, 2016, meeting of the Board of Directors of the Bank, the Bank requested assurances from the County regarding the County’s ability to provide funding for the \$330 million shortfall. At that meeting, representatives from the County and City of Charleston indicated that funding was available from the Berkeley-Charleston-Dorchester Council of Governments via Charleston Area Transportation Study Committee federal guide shares for debt service and additional funding by the County for the Project; and

WHEREAS, although the IGA does not require or compel the County to provide such assurances as requested by the Bank, the County, in the spirit of cooperation, is willing to provide such assurances through a pledge of any and all revenues available to the County backed by its triple “A” credit rating to fulfill its financial obligations under the IGA, as provided in Article V, Section 5.5 of the IGA. Provided however, the County does not waive its rights to reduce the scope of the Project to conform to available funding.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CHARLESTON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Recitals and Legislative Findings. As an incident to the enactment of this Ordinance, the County Council of Charleston County, South Carolina (the "County

Council") hereby adopts the above-referenced recitals as legislative findings and incorporates them herein by reference.

Section 2. Funding Commitment. Charleston County pledges and commits an amount not to exceed \$150 million toward the Mark Clark Project and seeks funding from CHATS of \$195 million from federal guide shares toward the Mark Clark Project.

Section 3. Severability. 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 4. Adoption. This Ordinance shall take effect immediately upon approval following third reading.

ADOPTED and APPROVED in meeting duly assembled this 3rd day of March, 2017.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
A. Victor Rawl
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Deputy Clerk to Charleston County Council

First Reading: February 2, 2017
Second Reading: February 7, 2017
Public Hearing: February 28, 2017
Third Reading: March 3, 2017