

A RESOLUTION

CREATING A COMMISSION PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, TITLE 4, CHAPTER 10, ARTICLE 3 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; PROVIDING FOR THE APPOINTMENT, COMPOSITION, DUTIES, AND RESPONSIBILITIES OF SUCH COMMISSION; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

WHEREAS, as an incident to the adoption of this Resolution, the County Council ("**County Council**") of Greenville County, South Carolina (the "**County**"), has made the following findings:

1. The County is faced with an unprecedented number of roads, bridges and related infrastructure that are in fair to poor condition throughout the entire geographic limits of the County. Many of these infrastructure projects were identified as needing repair, improvement or replacement more than a decade ago, and since that time, the population of the County has increased significantly. In addition, since 2017 there have been more traffic fatalities in the County than in any other county in South Carolina (the "**State**"). The current estimates to only resurface the roads which are in fair to poor condition exceed \$2 billion, and the current estimates to undertake high-priority transportation projects throughout the County exceed \$1 billion. The costs of such transportation projects greatly exceed any appropriations the County receives from the federal and State governments, and the County lacks a local revenue source to use for the repair, improvement and/or replacement of such infrastructure projects or to use as a local revenue match to obtain additional federal and State funding for such projects.

2. The County has recently undertaken a study of road facilities needs as it works with other jurisdictions in the County to address congestion, capacity, safety, and paving demands; and the Capital Project Sales Tax Act (as defined in the following paragraph) sets forth a process for establishing a six member commission to consider capital project proposals and to provide for an opportunity to create funding for road improvements across the County.

3. The South Carolina General Assembly has enacted the Capital Project Sales Tax Act, Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended (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.

4. County Council, as the governing body of the County, is authorized to create a commission pursuant to the provisions of Section 4-10-320 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 as more fully set forth at Section 4-10-330 of the Capital Project Sales Tax Act. County Council intends by the adoption of this Resolution to create a commission as defined in Section 4-10-320 of the Capital Project Sales Tax Act with such duties and responsibilities as are provided by the Capital Project Sales

Tax Act to consider proposals for funding capital projects within the County and the formulation of a referendum question to appear on the ballot.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF GREENVILLE COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AS FOLLOWS:

Section 1 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 (the “*Commission*”) which shall consist of six members, all of whom must be residents of the County.

(B) The Commission created under this Resolution shall be comprised of the following membership:

(1) County Council shall appoint three members of the Commission pursuant to Section 4-10-320(A)(1) of the Capital Project Sales Tax Act. In addition to the rules and procedures for the appointment of members to the various County boards and commissions (the “*County Appointment Procedures*”), the following procedures will be utilized for appointing members to the Commission. If there is a conflict between the following procedures and the County Appointment Procedures, the following procedures will control.

- (i) The period for applying for membership on the Commission will commence on March 6, 2024 and end at midnight on March 14, 2024.
- (ii) Persons interested in applying can access the application on the County’s official website.
- (iii) At the March 19, 2024 Committee of the Whole meeting, each County Council member will be entitled to vote on up to three nominees. At the March 19, 2024 County Council meeting, the three nominees receiving the most votes will be appointed by acclamation.
- (iv) The three nominees receiving the most votes will be the County’s Commission members. If a tie vote results in more than three nominees receiving the top three votes, a revote(s) on those nominees receiving tie votes will be required until only three nominees receive the top three votes.

(2) As provided by the formula set forth at Section 4-10-320(A)(2) of the Capital Project Sales Tax Act, the City of Greenville shall be entitled to appoint one member to the Commission. If within the thirty-day period following the adoption of this Resolution, the City of Greenville fails or refuses to appoint its member to the Commission, County Council must appoint the member the City of Greenville is entitled to appoint. See S.C. Code Ann. § 4-10-320(B).

(3) As required by Section 4-10-320(A)(2)(d) of the Capital Project Sales Tax Act, the remaining two members of the Commission shall be residents of incorporated municipalities within the County, other than the City of Greenville, and they shall 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 [such] time have not provided a representative for the commission.” See S.C. Code Ann. § 4-10-320(A)(2)(d).

Section 2 Duties and Responsibilities of Commission.

(A) The Commission shall consider proposals for funding capital projects within the County as set forth at Section 4-10-330(A)(1) of the Capital Project Sales Tax Act.

(B) The Commission shall formulate the referendum question that is to appear on the ballot, which referendum question shall be in substantial compliance with the provisions of Section 4-10-330(D) 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.

(C) Upon receipt of the form of the referendum question, County Council will thereafter determine whether it will enact an ordinance pursuant to Section 4-10-330(A) of the Capital Project Sales Tax Act so as to place the referendum question on the ballot for the General Election in 2024, as such term is defined at Section 4-10-10(6) of the Code of Laws of South Carolina 1976, as amended. Pursuant to Section 4-10-330(A)(3)(a) of the Capital Project Sales Tax Act, County Council shall determine those matters required by the Capital Project Sales Tax Act, including whether, pursuant to S.C. Code Ann. § 4-10-330(D), to revise the question to include the principal amount of bonds proposed to be authorized by the referendum and the sources of payment of the bonds if the sales tax approved in the referendum is inadequate for the payment of the bonds as well as other matters related thereto.

(D) The Commission must have its initial meeting by April 8, 2024, at which meeting a Chairman, Vice Chairman and Secretary will be elected from among the Commission members. The Commission should then have such subsequent meetings as necessary to formulate the referendum question.

(E) The referendum question from the Commission shall be adopted by resolution of the Commission and submitted to County Council by May 31, 2024 in order to allow time for County Council to consider the above-referenced ordinance and, should County Council be so minded, enact the ordinance and provide for transmittal of the question to the County Election Commission by noon on August 15, 2024.

Section 3 Effective Date.

This Resolution shall be effective on the date of adoption hereof by County Council.

ADOPTED IN REGULAR MEETING THIS _____ DAY OF _____, 2024.

GREENVILLE COUNTY COUNCIL

Dan Tripp, Chairman
County Council

ATTESTED:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator