


Kim A. Futrell, Clerk to Council

STATE OF SOUTH CAROLINA)
COUNTY OF BARNWELL)

RESOLUTION NO. 2013 - 12-404

WHEREAS, Barnwell County Council created the Barnwell County Economic Development Commission with Ordinance No. 1987-30 and in Section III, was specifically required to obtain the written consent of a majority of Barnwell County Council and hold public hearing prior to disposing of any real or intangible property of Barnwell County; and

WHEREAS, Barnwell County Council passed Ordinance No. 1989-37 to provide funding for the Economic Development Commission's mission and authorized the creation of an economic development corporation to further the goals of the Commission in promoting Barnwell County's economic development, and

WHEREAS, the By-Laws of the Barnwell County Economic Development Corporation as reviewed and approved by the Barnwell County Council required its Board to be comprised of the County Council's appointees to the Economic Development Commission, and further that the corporation's powers were limited in Article III, Section 6., as follows: "The Corporation shall abide by the rules, regulations, and policies of the Barnwell County Council and shall take no action contrary to the will of the County Council.", and

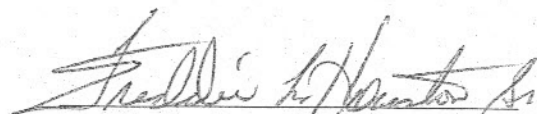
WHEREAS, it appears that the Barnwell County EDC has either through the commission or corporation or both, attempted to gift away the assets of Barnwell County in their custody without approval or consent of Barnwell County Council to certain entities including but not limited to municipalities within Barnwell County,

IT IS HEREBY RESOLVED, THAT

1. No attempted gift of assets or other action taken by the Economic Development Corporation or the Commission on December 4th, December 13th or at any other time without the express written consent of a majority of Barnwell County Council is or was lawful, and is considered to be null and void ab initio.
2. The Barnwell County Council requests that any entity or person which is the recipient of the purported generosity of the Barnwell Economic Development Corporation or its Commission is called upon to take proper measures to reject the gift and to restore the property, whether tangible or intangible to Barnwell County and its agency and corporation.
3. The County Attorney is hereby authorized to take all necessary legal action including hiring outside legal council to accomplish the goals set forth in this resolution.

AND IT IS SO RESOLVED.

December 20, 2013


Freddie Houston, Chairman

Voting For: _____
Voting Against: _____
Abstentions: _____

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Kim A. Futrell,

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RHONDA D. McELVEY
CLERK OF COURTS
BARNWELL COUNTY, SOUTH CAROLINA