

A RESOLUTION

**REALLOCATING THE PRIORITY IN WHICH THE NET PROCEEDS
OF THE CAPITAL PROJECT SALES TAX ARE TO BE EXPENDED;
AND OTHER MATTERS RELATED THERETO.**

WHEREAS, pursuant to the Capital Projects Sales Tax Act, codified at Title 4, Chapter 10, of the Code of Laws of South Carolina 1976, as amended, Barnwell County, South Carolina (“County”) held a referendum on November 8, 2016 (“Referendum”), wherein the following question was posed to voters of the County:

Shall a special, one-percent capital projects sales and use tax be imposed in Barnwell County from May 1, 2017, through April 30, 2025, and shall Barnwell County be permitted to issue general obligation bonds, in one or more series, in an amount not to exceed the aggregate of \$13,971,328, which Barnwell County intends to repay from the sales and use tax, the proceeds of which shall be distributed proportionally, as received, among the following jurisdictions in the following percentages: Barnwell County (49.57%), the City of Barnwell (21.00%), the Town of Williston (13.88%), the Town of Blackville (10.64%), the Town of Hilda (1.98%), the Town of Snelling (1.21%), the Town of Kline (0.87%), and the Town of Elko (0.85%) to be used as follows:

A. To be used for Barnwell County projects listed in the following priority with the estimated cost to be paid from the sales and use tax or bond proceeds:

1. Transfer station renovation	\$200,000
2. Courthouse repairs	\$3,600,000
3. Water/ sewer system improvements (Sewage line to SCAT Park/ water line from Barnwell to Hwy 78 down Reynolds Road	\$2,000,000
4. Purchase/ repair SCA Building	\$1,000,000
5. Repair/ replace landfill scale house	\$125,000

B. To be used for the City of Barnwell projects listed in the following priority with the estimated cost to be paid from the sales and use tax or bond proceeds:

1. Public safety building (Phase 1)	\$1,800,000
2. Fuller Park splash pad and playground equipment	\$350,000
3. Sewer system improvements	\$650,000
4. Fuller Park restrooms	\$133,979

C. To be used for the Town of Williston projects listed in the following priority with the estimated cost to be paid from the sales and use tax or bond proceeds:

1. Backhoe	\$35,000
2. Acquire/ upgrade town parks	\$375,000
3. Water system improvements	\$1,429,220
4. Water/ sewer system right-of-way improvements	\$100,000

D. To be used for the Town of Blackville projects listed in the following priority with the estimated cost to be paid from the sales and use tax or bond proceeds:

1. Water/ sewer system improvements	\$900,000
2. Remediate blighted areas	\$500,000
3. Police substation and crime prevention equipment	\$75,000

E. To be used for the Town of Hilda projects listed in the following priority with the estimated cost to be paid from the sales and use tax or bond proceeds:

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| 1. Town shed and related equipment | \$30,000 |
| 2. Repair/ renovate Railroad depot | \$45,000 |
| 3. Repair/ renovate town hall | \$40,000 |

F. To be used for the Town of Snelling projects listed in the following priority with the estimated cost to be paid from the sales and use tax or bond proceeds:

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| 1. Construct/ purchase picnic shelter | \$100,000 |
| 2. Town park improvements | \$60,000 |

G. To be used for the Town of Kline projects listed in the following priority with the estimated cost to be paid from the sales and use tax or bond proceeds:

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| 1. Construct/ purchase town hall/ community center | \$180,000 |
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H. To be used for the Town of Elko projects listed in the following priority with the estimated cost to be paid from the sales and use tax or bond proceeds:

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| 1. Water system improvements | \$44,000 |
| 2. Fire hydrant | \$12,000 |
| 3. Construct/ purchase farmers' market structure | \$28,000 |

CONDITIONS AND RESTRICTIONS ON THE USE OF THE SALES AND USE TAX REVENUE COLLECTED UNDER THE CAPITAL PROJECT SALES TAX ACT:

The capital projects sales and use tax shall be used for acquiring an interest in, paying debt service for previously issued bonds related to, or procurement, design, architectural, engineering, surveying, soil testing, construction, improvement, or similar type uses related to the projects listed above, or any combination related to the foregoing that are related to the acquisition, construction, or rehabilitation of a project. Net proceeds of the sales and use tax must be expended for the purposes stated, in the priority listed above. The completion of each project funded by the sales and use tax is governed by the Capital Project Sales Tax Act (S.C. Code Ann. §4-10-300, *et seq.*) and subject to acquisition of property and right-of-way, design and engineering considerations, funding of projects from other sources, bids in excess of project estimates, qualifications of bidders, cost overruns, financing costs, exhaustion of net sales and use tax revenues prior to the completion of each project in the order and priority stated above and other unforeseen circumstances and conditions, which, if any of these circumstances are encountered, the governmental entity receiving funds may move to the next priority project and continue through the priority list until completed, then may return to any project passed over.

INSTRUCTIONS TO VOTERS.

All qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote "YES." All qualified electors opposed to levying the tax shall vote "NO."

YES _____

NO _____ ; and

WHEREAS, the Courthouse repairs, made pursuant to the Referendum, have proceeded at a faster rate than anticipated, such that there is a need to move the Solicitor and Public Defender's offices; and

WHEREAS, it has been previously determined the new Solicitor and Public Defender's offices will be located in the former Southern Carolina Alliance (SCA) office building that the County will purchase and repair pursuant to the Referendum and listed as A4 on the Capital Project Sales Tax ("CPST") Projects List; and

WHEREAS, the Barnwell County Council ("Council") has determined that delaying the Water/ Sewer system improvements, listed as A3 on the CPST Projects List, will allow the County more time to pursue grants and other funding sources by which CPST funds can be leveraged, thus allowing for more water and sewer system improvements; and

WHEREAS, the Council desires to reallocate the funding priority of the SCA office building purchase and repair from A4 on the CPST Projects List to A3 to ensure the SCA office building is repaired as quickly and efficiently as possible to accommodate the new Solicitor and Public Defender's offices and to allow the County more time to pursue additional funding for the water and sewer system improvements; and

WHEREAS, the Council, in the Referendum ballot question, reserved the right to make adjustments to the Projects listed on the ballot question based upon unforeseen circumstances and conditions; and

WHEREAS, the quick rate at which the Courthouse is being repaired has resulted in the unforeseen circumstance of the Solicitor and Public Defender's offices needing to be relocated sooner than anticipated and the County requires more time to apply for grants and additional funding for the water and sewer system improvements; and

WHEREAS, Council believes that reallocating the priority in which these two CPST Projects are funded will serve the best interest of the citizens of Barnwell County.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BARNWELL COUNTY, SOUTH CAROLINA, AS FOLLOWS:

Section 1. The funding priority of the purchase and repair of the SCA building is hereby moved from A4 to A3 on the CPST Projects List. The Water/ Sewer system improvements (Sewage line to SCAT Park/ water line from Barnwell to Hwy 78 down Reynolds Road) is hereby moved from A3 to A4 on the CPST Projects List. All other projects listed, their estimated costs, and funding allocations shall remain the same.

Section 2. The County Council hereby authorizes the County Administrator to take such steps as are necessary to effectuate the changes made pursuant to this Resolution.

Section 3. All orders, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Resolution shall take effect and be in full force from and after its passage by the Barnwell County Council.



Done this 8th day of October, 2019.

BARNWELL COUNTY, SOUTH CAROLINA



Chairman, Barnwell County Council

ATTEST:



Clerk to Council, Barnwell County Council