

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

RESOLUTION NO. 10-09

A RESOLUTION TO ESTABLISH NEWBERRY COUNTY COUNCIL'S PROCEDURES AND CRITERIA FOR CONSIDERING AND RECOMMENDING PROJECTS TO THE CAPITAL PROJECT SALES TAX COMMISSION FOR INCLUSION IN THE 2010 CAPITAL PROJECT SALES TAX BALLOT QUESTION

Whereas, Newberry County Council, the municipalities of Newberry County, and the municipal appointees have appointed a Capital Project Sales Tax ("CPST") Commission ("Commission") in accordance with State Code Section § 4-10-300 et seq.; and

Whereas, the Commission has determined that project proposals must first be recommended by the County, a municipality, or a special purpose district as a prerequisite to consideration for inclusion in the 2010 CPST ballot question; and

Whereas, Newberry County Council, as an entity eligible to receive CPST funding under State Code Section § 4-10-300 et seq., desires to establish certain procedures and criteria for the orderly consideration and recommendation of projects to the Commission; and

Whereas, in order to meet certain time constraints related to consideration of the 2010 CPST ballot question, Newberry County Council desires to establish a timetable by which it will make its recommendations to the Commission.

Now Therefore Be It Resolved as follows:

Section 1. Council's Vote of Recommendation Required for County Council-sponsored Projects:

Any proposed project requiring future funding or ownership by the County shall be a County Council-sponsored project. Council-sponsored projects shall first be recommended by a vote of County Council before being submitted to the Commission.

Section 2. Types of Proposals Eligible for Submission by Council:

County Council-sponsored project proposals shall be of three types: Countywide Project Proposals, Community-Generated Project Proposals, and Jointly-eligible Project Proposals.

Section 3. Countywide Project Proposals Defined:

- A) Countywide Project Proposals shall meet at least two of the following criteria:
- 1) Approval for submission to the Commission by Resolution of County Council
 - 2) Regular Service to citizens within Newberry County on an unrestricted geographical basis
 - 3) Inclusion in capital improvement plans or budgets adopted by County Council
 - 4) Post-construction operation of the project by a County-recognized agency with its own chief administrative officer and a board- or commission-adopted budget
- B) Role of Staff with Respect to Countywide Project Proposals:

County staff will conduct all preparation work required by the CPST Commission for these project proposals to be considered for inclusion in the 2010 CPST ballot question, and will make all formal presentations to the CPST Commission regarding the merits of these project proposals. County staff will be directly responsible to Council for all budgeting and planning aspects of these project proposals.

Section 4. Community-Generated Project Proposals Defined:

- A) Community-Generated Project Proposals shall be defined by the following criteria:
- 1) Provision of benefits or services on a distinctly localized basis or to a distinct subset of the population
 - 2) Submission at the initiative of community representatives, local organizations, or individual citizens, outside the structures of County Government or countywide-recognized agencies
- B) Role of Staff with Respect to Community-Generated Project Proposals:

Submitting organizations, community representatives, and/or individual citizens, rather than County staff, will conduct all preparation work required by the Capital Project Sales Tax Commission for consideration to be included in the 2010 CPST ballot question. Submitting organizations, community representatives, and/or individual citizens will also make all

formal presentations to the CPST Commission regarding the merits of these proposals. County staff will review Community-Generated Project Proposals for 1) budgeting and planning considerations of the County, 2) completeness and, 3) to make written recommendations prior to Council's consideration.

Section 5. Jointly-Eligible Projects

Council may approve the joint submission of projects with a municipality, a special purpose district, or the School District, based on statutory eligibility and shared capital needs of the proposing entities. County staff will be responsible for assisting in the development, budgeting, and submission requirements of any such joint projects. Other eligible entities seeking County sponsorship of their project proposals should submit complete proposals by February 10, 2009.

Section 6. Additional Requirements for All Project Proposals

- A) All projects recommended to the CPST Commission must meet the following County Council-established criteria:
 - 1) Eligibility under the CPST Statute
 - 2) Complete and verifiable budget information concerning construction of the project and post-construction operation of the project
 - 3) Management during construction by personnel of the County, or by construction management under contract by the County
 - 5) Post-construction ownership and/or operation by the County, or operation by a County-recognized agency with its own chief administrative officer and a board- or commission-adopted budget;
- B) All projects recommended to the CPST Commission must meet all requirements contained in the Commission's Project Questionnaire and Submission Check List.

Section 7. Schedule for Council Consideration of Project Recommendations to the Capital Project Sales Tax Commission

- A) Council will observe the following schedule in making Countywide Project Proposals to the CPST Commission
 - 1) November 17, 2009
Initial meeting to discuss and establish CPST project priorities

- 2) December 15, 2009
Second meeting to discuss and establish CPST priorities
 - 3) January 26, 2010
Preliminary presentations by staff and formal action by Council to recommend County Council-sponsored Project Proposals to CPST Commission
- B) Council will observe the following schedule in making Community-Generated Project Proposals to the CPST Commission.
- 1) February 9, 2010
Deadline for submission of Community-Generated Project Proposals to Council is Noon on this date
 - 2) February 16, 2010
Presentations by proposing communities/persons/organizations
 - 3) February 23, 2010
Staff review and recommendations concerning Community-Generated Project Proposals due for study by Council
 - 4) March 2, 2010*
Formal action by Council recommending Community-Generated Project Proposals to CPST Commission

Adopted in meeting duly assembled this 4th day of November, 2009.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

ATTEST:

Laurie N. Renwick, Clerk to Council