

STATE OF SOUTH CAROLINA

ORDINANCE NUMBER 22-16

COUNTY OF DORCHESTER

TO LEVY AND IMPOSE A ONE PERCENT SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN DORCHESTER COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF DORCHESTER COUNTY; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ENACTED BY THE COUNTY COUNCIL OF DORCHESTER 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 Dorchester County, South Carolina (the "County Council"), the governing body of Dorchester County, South Carolina (the "County"), and the body to which is delegated the administrative duties of the County, has made the following findings:

1.1 The South Carolina General Assembly has enacted Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended (as it may be amended from time to time, the "Act"), pursuant to which the governing body of a county may impose by ordinance a sales and use tax in an amount not to exceed one percent, subject to the favorable results of a referendum within its jurisdiction, for a single project or for multiple projects and for a specific period of time to collect a limited amount of money.

1.2 Pursuant to the provisions of the Act, Article X of the South Carolina Constitution and an ordinance enacted by the County Council, a referendum was held within the County on November 2, 2004, pursuant to which the qualified electors of the County approved (i) a special sales and use tax in the amount of one percent to be imposed in the County for not more than twenty-five years to fund specific transportation-related projects consisting of the construction and maintenance of highways, roads, streets, bridges, and road amenities such as sidewalks, curbs, gutter repairs, and repairs to drainage facilities relating to highways, roads, streets and bridges and other transportation-related projects as more particularly set forth therein (the "Existing Sales and Use Tax"); and (ii) the issuance of not exceeding \$125,000,000 of general obligation bonds of the County maturing over a period not to exceed twenty-five years to fund the projects specified therein.

1.3 The County Council finds that a one percent sales and use tax should be levied and imposed within Dorchester County upon the termination of the Existing Sales and Use Tax for the following projects and purpose:

(i) For financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by Dorchester County or jointly operated by the County and other governmental entities; and

- (ii) For financing the costs of greenbelts

(the above herein referred to as the "Projects")

for a period not to exceed fifteen (15) years from the date of imposition of such tax, to fund the Projects at a maximum cost not to exceed \$735,000,000 to be funded from the net proceeds of a sales and use tax (the "Sales and Use Tax") imposed in Dorchester County pursuant to the provisions of the Act, subject to approval of the qualified electors of Dorchester County in a referendum to be held on November 8, 2022 (the "Referendum"). The imposition of the Sales and Use Tax and the use of Sales and Use Tax revenue, if approved in the Referendum, shall be subject to the conditions precedent and conditions or restrictions on the use and expenditure of Sales and Use Tax revenue established by the Act, the provisions of this Ordinance, and other applicable law. Subject to annual appropriations by County Council, Sales and Use Tax revenues shall be used for the costs of the Projects described in this Ordinance, as it may be amended from time to time, including, without limitation, payment of administrative costs of the Projects, and such sums as may be required in connection with the issuance of bonds, the proceeds of which are applied to pay costs of the Projects. All spending shall be subject to an annual independent audit to be made available to the public.

1.4 County Council finds that the imposition of the Sales and Use Tax in Dorchester County for the Projects and purposes defined in this Ordinance for a limited time not to exceed fifteen (15) years to collect a limited amount of money will serve a public purpose, provide funding for highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects as provided in this Ordinance to facilitate economic development, promote public safety, provide needed infrastructure, promote desirable living conditions, enhance the quality of life in Dorchester County, and promote public health and safety in the event of fire, emergency, panic, and other dangers, and prepare Dorchester County to meet present and future needs of Dorchester County and its citizens.

Section 2. Approval of Sales and Use Tax Subject to Referendum.

2.1 The Sales and Use Tax, as authorized by the Act, is hereby imposed in Dorchester County, South Carolina upon the termination of the Existing Sales and Use Tax, subject to a favorable vote of a majority of the qualified electors voting in a referendum on the imposition of the tax to be held in Dorchester County, South Carolina on November 8, 2022.

2.2 The Sales and Use Tax shall be imposed for a period not to exceed fifteen (15) years from the date of imposition.

2.3 The maximum cost of the Projects to be funded from the proceeds of the Sales and Use Tax shall not exceed, in the aggregate, the sum of \$735,000,000, and the maximum amount of net proceeds to be raised by the tax shall not exceed \$735,000,000, which includes administrative costs and debt service on bonds issued to pay for the Projects. The estimated principal amount of initial authorization of bonds to be issued to pay costs of the Projects and to be paid by a portion of the Sales and Use Tax is \$400,000,000.

2.4 The Sales and Use Tax shall be expended for the costs of the following Projects, including payment of any sums as may be required for the issuance of and debt service for bonds, the proceeds of which are applied to such Projects, for the following purposes:

- (i) For financing the costs of highways, roads, streets, bridges and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit

systems operated by Dorchester County or jointly operated by the County and other governmental entities, which may include, but not be limited to:

Projects of regional significance:

Improvements to Dorchester Road, Orangeburg Loop (Orangeburg, Mallard and Jedburg Roads), Miles Jamison Road, US Highway 78, SC Highway 173 (Myers Mayo Road), Glenn McConnell Parkway, Patriot Boulevard and Wescott Boulevard; Maple Street Extension; Cedar Street Extension; and Ladson Road Extension

Projects of local significance:

Improvements to US Highway 17A, Central Avenue, Midland Parkway, Parsons Road, Delemar Highway, Wright Road, SC Highway 61, SC Highway 27, US Highway 15, Givhans Ferry Road, Ridge Road, Wire Road, Second Bend Road, Seven Mile Road, Stallville Loop, William Canady Road, Old Tower Road and Schultz Lake Road; Old Fort Road Extension; Pavement Preservation; Dirt Road Improvements; and Intersection and Safety Improvements

The amount of the maximum total funds to be collected which shall be expended for these Projects and purposes shall be no more than \$700,000,000; and

(ii) For financing the costs of greenbelts, which may include, but not be limited to: lands to protect water quality and wildlife habitat and to provide trails and outdoor recreation. The amount of the maximum total funds to be collected which shall be expended for these Projects and purposes shall be no more than \$35,000,000.

2.5 If the Sales and Use Tax is approved by a majority of the qualified electors voting in the Referendum to be held in Dorchester County on November 8, 2022, the tax will be imposed on the first day of the calendar month immediately following the termination of the Existing Sales and Use Tax, provided the Board of Elections and Voter Registration of Dorchester County shall certify the results not later than November 30, 2022, to the County Council and the South Carolina Department of Revenue. Included in the certification must be the maximum cost of the Projects to be funded in whole or in part from the proceeds of the Sales and Use Tax, the maximum time specified for the imposition of the Sales and Use Tax, and the principal amount of bonds, if any, to be supported by a portion of the Sales and Use Tax.

2.6 The Sales and Use Tax, if approved in the Referendum conducted on November 8, 2022, shall terminate on the earlier of:

- (1) the calendar day immediately preceding the fifteenth anniversary of the date on which collection of the Sales and Use Tax commences; or
- (2) the end of the calendar month during which the Department of Revenue determines that the Sales and Use Tax has raised revenues sufficient to provide the greater of either the costs of the Projects as approved in the Referendum or the cost to amortize all debts related to the approved Projects.

2.7 Amounts of Sales and Use Tax collected in excess of the required proceeds must first be applied, if necessary, to complete each Project for which the Sales and Use Tax was imposed. Any

additional revenue collected above the specified amount must be applied to the reduction of debt principal of Dorchester County on transportation infrastructure debts only.

2.8 The Sales and Use Tax must be administered and collected by the South Carolina Department of Revenue in accordance with the provisions of the Act.

Section 3. Remission of Sales and Use Tax; Segregation of Funds; Administration of Funds; Distribution to Counties; Confidentially.

3.1 The revenues of the Sales and Use Tax collected under this Ordinance must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of such revenues, the State Treasurer shall distribute the revenues quarterly to the Dorchester County Treasurer and the revenues must be used only for the purposes stated herein. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these distributions must be made in the same fiscal year as the misallocation. However, allocations made as a result of city or county code errors must be corrected prospectively.

3.2 (a) Any outside agencies, political subdivisions or organizations designated to receive funding from the Sales and Use Tax must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator shall prepare the proposed budget for the Sales and Use Tax and submit it to the County Council at such time as the County Council determines. At the time of submitting the proposed budget, the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

(b) County Council shall adopt annually and prior to the beginning of fiscal year a budget for expenditures of Sales and Use Tax revenues. County Council may make supplemental appropriations for the Sales and Use Tax following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the Sales and Use Tax for purposes other than as specified in the annual budget when such transfers are approved by County Council. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

(c) Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the Sales and Use Tax must provide to County Council an independent annual audit of such agency's or organization's financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

3.3 The Department of Revenue shall furnish data to the State Treasurer and to the Dorchester County Treasurer for the purpose of calculating distributions and estimating revenues. The information which must be supplied to the County upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240 of the Code of Laws of South Carolina 1976, as amended. Any person violating the provisions of this section shall be subject to the penalties provided in Section 12-54-240 of the Code of Laws of South Carolina 1976, as amended.

Section 4. Sales and Use Tax Referendum; Ballot Question.

4.1 The Board of Elections and Voter Registration of Dorchester County shall conduct the Referendum on the question of imposing the Sales and Use Tax in the area of Dorchester County on Tuesday, November 8, 2022, under the election laws of the State of South Carolina, mutatis mutandis. The Board of Elections and Voter Registration of Dorchester County shall publish in a newspaper of general circulation the questions that are to appear on the ballot, with the list of Projects and purposes as set forth herein, and the cost of the Projects, and shall publish such election and other notices as are required by law, including by the Act.

4.2 The Referendum questions to be on the ballot of the Referendum to be held in Dorchester County on November 8, 2022, must read substantially as follows:

DORCHESTER COUNTY SPECIAL SALES AND USE TAX

QUESTION 1

I approve a special sales and use tax in the amount of one percent to be imposed in Dorchester County for not more than fifteen (15) years, or until a total of \$735,000,000 in resulting revenue has been collected, whichever occurs first. Collection of the sales and use tax will not begin until the current sales and use tax imposed in Dorchester County is terminated and will commence immediately following the termination of the current tax. The sales tax proceeds will be used to fund the following projects:

Project (1) For financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by Dorchester County or jointly operated by the County and other governmental entities. \$700,000,000.

Project (2) For financing the costs of greenbelts. \$35,000,000.

YES ___
NO ___

Instructions to Voters: All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote "YES;" and

All qualified electors opposed to levying the special sales and use tax shall vote "NO."

QUESTION 2

I approve the issuance of not exceeding \$400,000,000 of general obligation bonds of Dorchester County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed fifteen (15) years, to fund projects from among the categories described in Question 1 above.

YES ___
NO ___

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote "YES;" and

All qualified electors opposed to the issuance of bonds for the stated purposes shall vote "NO."

4.3 In the Referendum on the imposition of a special sales and use tax in Dorchester County, all qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote "yes" and all qualified electors opposed to levying the tax shall vote "no". If a majority of the electors voting in the Referendum shall vote in favor of imposing the tax, then the tax is imposed as provided in the Act and this Ordinance. Expenses of the referendum must be paid by Dorchester County.

4.4 In the Referendum on the issuance of bonds, all qualified electors desiring to vote in favor of the issuance of bonds for the stated purpose shall vote "yes" and all qualified electors opposed to the issuance of bonds shall vote "no". If a majority of the electors voting in the Referendum shall vote in favor of the issuance of bonds, then the issuance of bonds shall be authorized in accordance with Article X, Section 14, Paragraph (6) of the South Carolina Constitution. Expenses of the referendum must be paid by Dorchester County.

Section 5. Imposition of Tax Subject to Referendum.

5.1 The imposition of the Sales and Use Tax in Dorchester County is subject in all respects to the favorable vote of a majority of qualified electors casting votes in the Referendum on the question of imposing a sales and use tax in the area of Dorchester County in the Referendum to be conducted by the Board of Elections and Voter Registration of Dorchester County on November 8, 2022, and the favorable vote of a majority of the qualified electors voting in such Referendum shall be a condition precedent to the imposition of a sales and use tax pursuant to the provisions of this Ordinance.

Section 6. Miscellaneous.

6.1 If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever; provided, however, that the Sales and Use Tax may not be imposed without the favorable results of the Referendum to be held on November 8, 2022.

6.2 This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in this State.

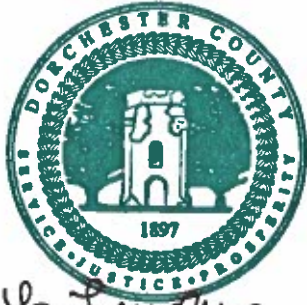
6.3 The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this ordinance.

6.4 This Ordinance shall take effect immediately upon approval following third reading.

6.5 All previous ordinances regarding the same subject matter as this Ordinance are hereby repealed.

DONE IN MEETING DULY ASSEMBLED this 25th day of July, 2022.

(SEAL)



ATTEST:

Tracey L. Langley
Tracey L. Langley, Clerk to Council
County Council of Dorchester County
South Carolina

William R. Hearn, Jr., Chairman
County Council of Dorchester County,
South Carolina

First Reading: June 20, 2022
Second Reading: July 11, 2022
Third Reading: July 25, 2022