GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
ORDINANCE NUMBER 2013-11

AN ORDINANCE PROVIDING FOR THE ADOPTION FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, OF OPERATING AND CAPITAL BUDGETS FOR THE OPERATION OF THE GOVERNMENT OF GREENWOOD COUNTY, THE IDENTIFICATION OF THE SOURCES OF ANTICIPATED REVENUE INCLUDING TAXES NECESSARY TO MEET THE FINANCIAL REQUIREMENTS OF THE BUDGETS ADOPTED, THE LEVY AND COLLECTION OF TAXES NECESSARY TO MEET ALL COUNTY PURPOSES, INCLUDING PAYMENT OF THE PRINCIPAL AND INTEREST ON OUTSTANDING INDEBTEDNESS OF GREENWOOD COUNTY AND BONDED INDEBTEDNESS OF THE GREENWOOD METROPOLITAN DISTRICT PAYABLE DURING THE AFORESAID FISCAL YEAR, THE EXPENDITURE OF THE AFORESAID TAXES AND OTHER REVENUES COMING TO GREENWOOD COUNTY DURING THE AFORESAID FISCAL YEAR, THE ESTABLISHMENT OF RATES AND FEES, AND OTHER MATTERS RELATING TO GREENWOOD COUNTY.

WHEREAS, the County Council of Greenwood County, South Carolina (hereinafter "the Council" and "the County") is empowered by the Code of Laws of South Carolina to enact ordinances to assess property, levy *ad valorem* property taxes, and make appropriations for functions and operations of the County, including, but not limited to, appropriations for general public works, water treatment and distribution, sewage collection and treatment, courts and criminal justice administration, correctional institutions, public health, social services, transportation, planning, economic development, recreation, public safety, disaster preparedness, regulatory code enforcement, hospital and medical care, sanitation, elections, and libraries; and,

WHEREAS, Section 4-9-140 of the Code of Laws of South Carolina requires that the Council adopt operating and capital budgets for the operation of County government; and,

WHEREAS, the Council finds that the expenditures and appropriations made herein for the fiscal year beginning July 1, 2013 (hereinafter "the Fiscal Year"), are necessary, in the best interest of the citizens of the County, and for proper public and corporate purposes of the County; and,

WHEREAS, the Council has estimated the aggregated amount of all anticipated funds, moneys and revenues available to the County from all sources; and

WHEREAS, the Council finds it necessary that additional funds must be raised from the imposition of *ad valorem* property taxes;

NOW, THEREFORE, BE IT ORDAINED BY THE GREENWOOD COUNTY COUNCIL, DULY ASSEMBLED, AS FOLLOWS:

Section 1. Expenditures and Appropriations. Expenditures and appropriations to be made for the County for the Fiscal Year are hereby approved as set forth in the attached Budget Book, which is hereby incorporated by reference as if restated in full, and adopted as part of this Ordinance.

Section 2. Expenditures Required by State. The amounts appropriated for expenditures required by State law are based on estimates but may in fact vary; notwithstanding any provision of this Ordinance to the contrary, payment of the following items is authorized even if the amount thereof shall exceed the estimated amount of the respective appropriation.

Section 3. Prior-Year Appropriations. All appropriations made by budget ordinances of prior fiscal years for which the respective monies have been obligated or encumbered are hereby carried forward and reappropriated as a part of the budget authorized by this Ordinance.

Section 4. Special Revenue Funds. Any surplus in any special revenue fund of the County, including but not limited to the 9-1-1 Fund, shall be appropriated by resolution of the Council.

Section 5. Hydro Operations. The County Manager is authorized to expend the fund balance of the Buzzards Roost Fund to fund operations at the Buzzard Roost Hydroelectric Project as needed.

Section 6. Debt Service. The County Manager is authorized to expend surplus collections or fund balance of the Debt Service Fund as needed to pay debt payments of the County coming due during this fiscal year.

Section 7. Levy of Taxes.

(a) A tax of sufficient mills to pay the principal and interest on bonds of the Greenwood Metropolitan District, after crediting against the said principal and interest all other unrestricted revenue expected to accrue to the County, is hereby levied upon all property located within the boundaries of the Greenwood Metropolitan District and eligible to be lawfully taxed for such purpose.

(1) The County Auditor and the County Treasurer are hereby directed to place the revenue from this levy into the Sinking Fund for the Greenwood Metropolitan District, to be disbursed by the County Treasurer as the aforesaid bonds mature.

(b) A tax of sufficient mills to pay amounts appropriated herein for County purposes for the Fiscal Year, after crediting against the said appropriations all other unrestricted revenue expected to accrue to the County, is hereby levied upon all property located within the boundaries of the County and eligible to be lawfully taxed for such purpose.

(c) The County Auditor is hereby requested to recommend to the Council, for approval by the Council before tax notices are mailed, a sufficient millage levy to pay the amounts

described in Paragraphs (a) and (b) hereinabove.

(d) The County Treasurer is herein directed to collect the aforesaid millage recommended by the County Auditor and approved by the Council.

(e) In the event that an adjustment in any of the budgets herein is necessary or desirable, the Council shall have the authority to make such adjustments in the millage resolution or by any other resolution adopted during the fiscal year.

Section 8. Fee Schedule. Fees to be charged by the various departments of the County for services of the respective departments are hereby approved as set forth in the attached Fee Schedule, which is hereby incorporated by reference as if restated in full, and adopted as part of this Ordinance.

Section 9. Lake Greenwood Development Zone. Revenue generated pursuant to Greenwood County Ordinance Number 2005-36 shall be distributed first to Newberry County in accordance with the Joint County Business and Industrial Park Agreement between Greenwood County and Newberry County, then according to the provisions of Section 6 of the aforesaid Ordinance.

Section 10. Grants.

(a) The County Manager is authorized to apply for, accept and receive all grants for which no local match is required or for which local match funds are budgeted herein, in addition to all other authority elsewhere given, and to expend such grant funds in accordance with the terms and conditions of the respective grants.

(b) The County Manager is also authorized to apply for, accept and receive all grants for which a local match is required and for which local match funds are not budgeted herein, and to expend such grant funds in accordance with the terms and conditions of the respective grants.

(1) Any local match required for application or receipt of a grant shall be appropriated from the operating budget of the County and shall be deemed budgeted for the specified purpose of the grant upon acceptance of the grant.

Section 11. Authority to Transfer Funds.

(a) The Council may transfer funds from any fund, department, activity or purpose to another by resolution, subject to all other applicable legal requirements.

(b) The County Manager is authorized to transfer any funds appropriated for the operating budget of the County from any department, activity or purpose to another department, activity or purpose.

Section 12. Creation of Funds. In addition to the funds created herein, the County Manager is authorized to create such other funds and sub-funds as he deems necessary for the efficient administration of this Ordinance.

Section 13. Monitoring of Revenues and Expenditures. The County Manager is directed to periodically monitor the anticipated sources of revenue shown in this Ordinance. If it appears to the County Manager that any source of revenue may not be received to the extent anticipated, he is authorized and directed to suspend or reduce payments of expenditures appropriated by this Ordinance according to priorities that he establishes. Any department or office affected by the suspension or reduction may seek a review by the Council of the County Manager's decision.

Section 14. Capital Assets and Lease Purchase Projects.

(a) The County Manager shall transfer a sufficient amount from the Capital Purchase Fund to the Lease Payments Fund to meet the lease payments coming due during the Fiscal Year.

(b) The County Manager is further authorized to transfer amounts between the Lease Payment Fund and the Capital Purchase Fund as he or she believes to be in the best interest of the County for the purchase, maintenance or repair of County assets.

(c) The County Manager is further authorized to expend surplus collections or fund balance of the Capital Purchase Fund for the purchase, maintenance or repair of County assets.

Section 15. Airport.

(a) The Council may authorize the expenditure of the Airport Improvement Fund by resolutions duly adopted as needed.

(b) To the fullest extent allowed by the regulations of the Federal Aviation Administration, the County Manager may transfer funds from the Airport Improvement Fund to the Airport Operation Fund to support the operation of the Airport.

(c) The County Manager is authorized to establish an amount of rent for hangars located at the Airport.

(d) In the event it becomes necessary for the County to sell airplane or jet fuel, the County Manager is authorized to establish the price for airplane or jet fuel that is sold by the County.

(e) Pursuant to Section 12-43-360 of the Code of Laws of South Carolina, the assessment ratio for aircraft subject to property taxes in the County is set at Four Percent (4%).

(f) The County Manager is authorized to employ personnel at the Airport and to operate the Airport during any period in which a contract with a Fixed Base Operator is not in effect, and to transfer such funds from any Airport Fund or from the General Fund as may become necessary to pay the costs of such personnel and operations.

Section 16. Special Tax Districts. The taxes and uniform service charges collected for

Special Tax Districts are to be held by the County Treasurer and disbursed for lawful purposes of each District, as set forth in the ordinances establishing each District, upon written authorization signed by a majority of the Commissioners of each Special Tax District.

Section 17. Cost-of-Living Increases. A cost-of-living increase of Two Percent (2%) shall be given to all County employees and elected officials, excluding members of Council, in a non-discriminatory manner on the anniversary dates of their original hire. No portion of any employee's salary which is tied to a state salary subject to a state cost-of-living increase shall be eligible for the County cost-of-living increase; provided, however, that if the state cost-of-living increase is less than the County cost-of-living increase, the County Manager may allow a County cost-of-living increase in the amount of the difference between them.

Section 18. Reimbursement for Travel Expenses. The County Manager is given the discretion to reimburse County employees and elected officials for actual expenses incurred while traveling on County business. Mileage shall be reimbursed at the IRS Standard Mileage Rate in effect at the time the travel is performed. Documentation of such expenses including but not limited to receipts and/or odometer readings shall be provided by the employee.

Section 19. Use of Private Vehicles. The County Manager is given the discretion to reimburse County employees and elected officials for actual expenses incurred in using their private vehicles on County business. Mileage shall be reimbursed at the IRS Standard Mileage Rate in effect at the time any travel is performed. Documentation of such expenses including but not limited to receipts and/or odometer readings shall be provided by the employee.

Section 20. Use of Private Cell Phones. The County Manager is given the discretion to pay a stipend to County employees who use their private cell phones in the performance of their duties. Each County employee receiving the stipend shall be responsible for any tax consequences which may arise as a result of the stipend.

Section 21. Administrative Supplement. Pursuant to Section 4-9-100 of the Code of Laws of South Carolina, the Chairman of the Council shall receive supplemental compensation of Three Thousand and no/100 Dollars ($3,000.00) in consideration of the administrative duties attendant to that office.

Section 22. Execution of Contracts. The County Manager is authorized to execute, in the name of the County, any contracts or leases for goods or services which are funded by this Ordinance.

Section 23. Deficiency in Revenue. In the event any anticipated source of revenue other than property tax does not produce the amounts projected, the County Manager may transfer or loan such amounts from the General Fund as may be necessary to offset the deficiency in revenue.

Section 24. Surplus Collections. Any surplus collections in any fund which are not spent shall be accumulated and added to the fund balance of that fund.

Section 25. Increase in Revenue. In the event of the acceptance and receipt of grant funds, appropriations of tax revenue or from any capital project, or receipt of any other revenue,

the Council may amend the budget by resolution to reflect the increase in projected revenue or appropriations.

Section 26. Quarterly Amendment of Budget. It shall be recommended that the Council amend this Ordinance and thereby the budget at the end of each fiscal quarter as a matter of course.

Section 27. Amendment of Fiscal Year 2012-2013 Budget. Greenwood County Ordinance Number 2012-10 is further amended to conform to the receipts actually received and the expenditures actually made during the 2012-2013 fiscal year, all such transactions being hereby ratified, *nunc pro tunc*.

Section 28. Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Ordinance, the Council hereby declaring that it would have passed this Ordinance and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase and word thereof irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Section 29. Effective Date. This ordinance shall become effective on July 1, 2013.

Passed and approved this _____ day of June, 2013.

GREENWOOD COUNTY,
SOUTH CAROLINA

Mark Allison
Chairman, Greenwood County Council

STATE OF SOUTH CAROLINA)
) **ENDORSEMENT OF MANAGER**
COUNTY OF GREENWOOD)

I, **Toby Chappell**, as Greenwood County Manager approved by the Greenwood County Council, have reviewed the foregoing Ordinance, and hereby approve the same as to its form, draftsmanship and proper title.

Toby Chappell

Greenwood, South Carolina

June 25, 2013

STATE OF SOUTH CAROLINA)
) **ENDORSEMENT OF ATTORNEY**
COUNTY OF GREENWOOD)

I, **Stephen D. Baggett, Jr.**, as Greenwood County Attorney approved by the Greenwood County Council, have prepared and reviewed the foregoing Ordinance, and hereby approve the same as to its legality and constitutionality.

Stephen D. Baggett, Jr.

Greenwood, South Carolina

June 25, 2013

STATE OF SOUTH CAROLINA)
) **ENDORSEMENT OF CLERK**
COUNTY OF GREENWOOD)

I, **Ketekash Crump-Lukie**, as Clerk to the Greenwood County Council, approved by the Greenwood County Council, hereby certify that the foregoing Ordinance was read at three public meetings of the Greenwood County Council on three separate days, the said days being June 4, 2013, June 18, 2013, and June 25, 2013, that the foregoing Ordinance was passed and adopted by a majority vote of the members of the Greenwood County Council present at the public meeting on June 18, 2013, and that, at all times relevant to the foregoing Ordinance, the Greenwood County Council complied with all applicable provisions of the Code of Laws of South Carolina, in particular the South Carolina Freedom of Information Act, and the Code of Ordinances of Greenwood County.

Ketekash Crump-Lukie

Ketekash Crump-Lukie

Greenwood, South Carolina

June 25, 2013