

FILED FOR RECORD

STATE OF SOUTH CAROLINA)
COUNTY OF BARNWELL) APR -6) PM 12: 19

ORDINANCE NO. 2017-3.342-0

ORDINANCE TO MODIFY THE DUTIES AND POWERS OF THE
BARNWELL COUNTY ECONOMIC DEVELOPMENT COMMISSION
AND TO DISSOLVE THE BARNWELL COUNTY ECONOMIC DEVELOPMENT
CORPORATION

Whereas, Barnwell County Council established the Barnwell County Economic Development Commission by Ordinance No. 1987-30 with duties that in part authorized it to hold land on behalf of and for the benefit of Barnwell County; and

Whereas, Barnwell County created the Barnwell County Economic Corporation by Ordinance No 1989-38 in part to hold property including real estate for and on behalf of Barnwell County; and

Whereas, various amendments to the make up of the Board for both the Commission and Corporation have been passed since their inception which shall also be modified or repealed by this Ordinance; and

Whereas, Barnwell County Council passed Ordinance No. 2016-329-AO setting aside a portion of monies derived from various new economic development projects to be used for future economic development purposes; and

Whereas, Barnwell County passed Ordinance No. 2016-334-O which required all agencies of the County place their monies with the County Treasurer to be held in segregated accounts on behalf of that entity and imposed spending limits upon them to better secure monies belonging to all of the citizens of Barnwell County, and

Whereas, Barnwell County Council recently discovered the full implications of quasi-independent non-profit corporations as demonstrated in the case of Barnwell County et al., versus Hiers, Case No. 2014-CP-06-084, and

Whereas, Barnwell County Council has a duty to safeguard the properties and monies belonging to all tax payers of the County;

IT IS HEREBY ORDAINED THAT:

1. There is hereby authorized to be transferred, from time to time, to the Corporation all or a portion of the Surchargers to be used exclusively for the purposes set forth below. The Corporation shall be empowered to use the Surcharges as long as members of the Council or County administration are the sole members of the governing body of the Corporation. The membership of the Corporation will consist solely of members of the council or

County administration all funds representing the Surcharges and properties acquired with the Surcharges shall be transferred to the County. In addition to the powers vested in the Corporation, the Corporation shall be empowered to undertake the following endeavors with respect to the Surcharges in order to promote industrial and commercial development in the County:

2. Any portion of any prior ordinance referencing the power of the Economic Development Commission to hold property on behalf of Barnwell County is hereby rendered null and void, as are any references to the hiring of employees.
3. Any portion of any prior ordinance referencing the power of the Barnwell County Economic Development Corporation to hold real property, on behalf of Barnwell County or hire employees are hereby rendered null and void.
4. The Executive Director of the Commission/Corporation shall immediately execute deeds granting all real property held by it to Barnwell County, and if he is unable or unwilling to do so, then the Chairman of County Council is authorized to sign such deeds.
5. The economic development monies being set aside pursuant to Ordinance No. 2016-329-AO shall continue to be set aside for economic development purposes, along with monies already in hand for grant matching to be used exclusively for economic development in accordance with the direction of Barnwell County Council.

This ordinance shall take effect upon three readings and a majority vote by a quorum of Barnwell County Council.


Lowell Jowers, Chairman

First Reading 1/10/17
Second Reading 2/14/17
Third Reading 3/14/17

I attest:


Kim Futrell, Clerk



Approved as to Form and Content

James D. Mosteller III

