



**NEWBERRY COUNTY COUNCIL  
CAPITAL PROJECT SALES TAX WORK SESSION  
AGENDA**

**November 8, 2021 6:00 p.m.  
Courthouse Annex – Council Chambers  
1309 College Street Newberry, SC 29108**

**ATTENTION: COVID-19 PROTOCOLS ENFORCED**

**Please enter the Courthouse Annex Building (1309 College Street, Newberry) from the entrance nearest to the intersection of Harrington and Caldwell Streets. All other doorways are for exit purposes only.**

**In accordance with an Order from the Chief Justice of the South Carolina Supreme Court, a staff member will take your temperature as a condition of entry into the building. To gain admittance, your temperature must be lower than 100.4 degrees F (38 degrees C), and you must wear a mask/face covering.**

**Seating inside the council chambers is distanced with installed barriers, limiting attendance by the public at any given time to 18 persons, excluding council members, staff, and the media.**

Call to Order: Henry H. Livingston, III, Chairman

1. Additions, deletions, and adoption of agenda
2. Update on the 2022 Capital Project Sales Tax Commissioners
3. Discussion of potential CPST project submissions  
(SC Code of Laws §4-10-330 attached)
4. Discussion of Newberry County Council's criteria for projects seeking Council sponsorship/recommendation to the CPST Commission.  
(Resolution No. 10-21)
5. County Council's schedule for project recommendations to the CPST Commission
6. Discussion of potential CPST project submissions by County Council

7. Direction to staff regarding CPST project submissions
- 8 Public Comments
9. Council Comments
10. Adjournment

**SECTION 4-10-330.** Contents of ballot question; purpose for which proceeds of tax to be used.

(A) The sales and use tax authorized by this article is imposed by an enacting ordinance of the county governing body containing the ballot question formulated by the commission pursuant to Section 4-10-320(C), subject to referendum approval in the county. The ordinance must specify:

(1) the purpose for which the proceeds of the tax are to be used, which may include projects located within or without, or both within and without, the boundaries of the local governmental entities, including the county, municipalities, and special purpose districts located in the county area, and may include the following types of projects:

- (a) highways, roads, streets, bridges, and public parking garages and related facilities;
- (b) courthouses, administration buildings, civic centers, hospitals, emergency medical facilities, police stations, fire stations, jails, correctional facilities, detention facilities, libraries, coliseums, educational facilities under the direction of an area commission for technical education, or any combination of these projects;
- (c) cultural, recreational, or historic facilities, or any combination of these facilities;
- (d) water, sewer, or water and sewer projects;
- (e) flood control projects and storm water management facilities;
- (f) beach access and beach renourishment;
- (g) dredging, dewatering, and constructing spoil sites, disposing of spoil materials, and other matters directly related to the act of dredging;
- (h) jointly operated projects of the county, a municipality, special purpose district, and school district, or any combination of those entities, for the projects delineated in subitems (a) through (g) of this item;
- (i) any combination of the projects described in subitems (a) through (h) of this item;

(2) the maximum time, in two-year increments not to exceed eight years from the date of imposition, or in the case of a reimposed tax, a period ending on April thirtieth of an odd-numbered year, not to exceed seven years, for which the tax may be imposed;

(3)(a) if the county proposes to issue bonds to provide for the payment of any costs of the projects, the maximum amount of bonds to be issued, whether the sales tax proceeds are to be pledged to the payment of the bonds and, if other sources of funds are to be used for the projects, specifying the other sources;

(b) the maximum cost of the project or facilities or portion of the project or portion of the facilities, to be funded from proceeds of the tax or bonds issued as provided in this article and the maximum amount of net proceeds expected to be used to pay the cost or debt service on the bonds, as the case may be; and

(4) any other condition precedent, as determined by the commission, to the imposition of the sales and use tax authorized by this article or condition or restriction on the use of sales and use tax revenue collected pursuant to this article.

(B) When the tax authorized by this article is imposed for more than one purpose, the enacting ordinance must set forth the priority in which the net proceeds are to be expended for the purposes stated. The enacting ordinance may set forth a formula or system by which multiple projects are funded simultaneously.

(C) Upon receipt of the ordinance, the county election commission must conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. The referendum for imposition or reimposition of the tax must be held at the time of the general election. Two weeks before the referendum the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any project, the notice must include a statement indicating that principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )

FILED  
NEWBERRY COUNTY  
2021 OCT 27 10:41 3: 20  
RESOLUTION NO. 10-21  
ELIZABETH P FOLK  
CLERK OF COURT

**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 2022 SALES AND USE TAX BALLOT QUESTION**

**Whereas**, Newberry County Council ("Council") has by resolution established a Capital Project Sales Tax Commission ("Commission") to select projects for funding through the imposition of a one percent sales and use tax in accordance with Code Section §4-10-320 of the South Carolina Code of Laws, 1976, as amended; and

**Whereas**, by action taken by Council at its meeting of October 6, 2021, Sid Crumpton, Roy McClurkin and Lisa Toland were appointed by Council as members of the Commission, with Mike Reid and Harry Werts appointed as alternates, which appointments are hereby ratified and confirmed; and

**Whereas**, §4-10-330 of the South Carolina Code of Laws, 1976, as amended determines the types of projects which may be included in the ballot question, and specifies the entities within whose boundaries the projects may be funded; and

**Whereas**, Council desires to establish certain procedures and criteria for the orderly consideration and recommendation of projects to the Commission; and

**Whereas**, Council desires to ensure that all costs for projects considered for inclusion in the 2022 sales and use tax ballot question are accurately estimated, and that post construction operation costs and other responsibilities related to the finished projects are known to all in advance; and

**Whereas**, in order to meet certain time constraints related to formulation and consideration of the 2022 sales and use tax ballot question, 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. Project Cost Estimates**

No project shall be considered for recommendation by Council to the Commission until that project's cost estimates have been submitted to and reviewed by Council, and determined by Council to be acceptable. Cost estimates must be performed by construction, engineering, architectural and/or other professionals who have been selected in advance by Council upon determination that they are competent in the estimation of such project-related costs. In preparing their cost estimates for project submissions to Council, these professionals must perform their work under the direction of Newberry County. Project cost estimates must be provided in detail sufficient to determine pre-design pricing opinions for the completed project in the current market for the

services required. As applicable, completed costs must include such items as land cost, site work, site testing, construction detail (materials, labor, etc.), construction contingency, engineering/architectural fees, construction management fees, parking lots, exterior lighting, special equipment, fencing, landscaping, security systems, furnishings, irrigation, and other ancillary items, whether or not these items may be funded by the one percent sales and use tax.

**Section 2. Post-construction Operating and Maintenance Costs (Eight-Year Period)**

Project submissions must be accompanied by detailed estimates of post-construction operating and maintenance costs. These must include, but are not limited to, any costs pertaining to personnel, utility, insurance, security system maintenance and monitoring, relevant contractual obligations, and landscaping/grass cutting maintenance. These costs must be estimated for an eight-year period, indicating any cost increases or decreases anticipated during the period.

**Section 3. Costs Not Funded by One Percent Sales and Use Tax**

Prior to consideration by Council for recommendation of a project to the Commission, County staff will analyze project submissions for costs to determine whether funding other than revenue from the one percent sales and use tax may be required to construct, operate, and maintain the project. Staff will provide these analyses to Council prior to its recommendation decisions.

**Section 4. Cost Overruns and Revenue Shortfalls**

Project submissions must indicate the methods and parties responsible for overcoming any cost overruns and/or revenue shortfalls associated constructing, operating, and maintaining the proposed project.

**Section 5. County Ownership of Projects Required**

Council will not recommend a project to the Commission where, in Council's sole discretion, it cannot establish a sufficient ownership connection to that project. County ownership for a period of up to eight years may be required.

**Section 6. Compliance with Commission Requirements**

Each project submission must demonstrate to Council its compliance with any and all project submission requirements established by the Commission.

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

Council will observe the following schedule in making project recommendations to the Commission:

1. Week of October 25: Advertisement to the Public of County Council's Intent to Recommend Projects to the Commission; Requirement for Notices of Intent to Request County Council Sponsorship of CPST Projects (deadline of November 30, 2021).
2. November 8, 2021: Initial discussion of County Council's CPST Project Priorities.
3. November 17, 2021: Selection of Firm(s) to Determine Project Pricing for Submissions to Council.
4. November 22, 2021: Continued discussion of County Council's CPST Project Priorities and Direction to Staff on Preparing Proposals to Council.
5. November 30, 2021: Deadline for Public to Submit Notices of Intent to Request Council Sponsorship of CPST Projects.
6. February 4, 2022: Deadline for Submitting Completed Projects Plans to Council for Recommendation Consideration.
7. February 8, 2022: Project Submission Presentations to County Council.
8. February 14, 2022: Project Submission Presentations to County Council.
9. February 22, 2022 (if necessary): Project Submission Presentations to County Council.
10. March 16, 2022: Determination of County Council's Formal Project Recommendations to the Commission.

AND IT IS SO RESOLVED THIS 20<sup>th</sup> DAY OF OCTOBER, 2021 AT NEWBERRY,  
S.C.

NEWBERRY COUNTY COUNCIL

BY: Henry A. Livingston, Jr.  
Chairman, Newberry County Council

[SEAL]

Attest:

Susan C. Fellers  
Clerk to Council, Newberry County