

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 10-21-17

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TRANSFER OF THE AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE TOWN OF PROSPERITY TO THE NEWBERRY COUNTY REGISTRATION AND ELECTIONS COMMISSION; TO DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES ASSUMED BY THE NEWBERRY COUNTY REGISTRATION AND ELECTIONS COMMISSION FOR THE CONDUCT OF MUNICIPAL ELECTIONS IN THE TOWN OF PROSPERITY; TO PROVIDE FOR REIMBURSEMENT OF ALL COSTS AND EXPENSES INCURRED BY THE NEWBERRY COUNTY REGISTRATION AND ELECTIONS COMMISSION IN THE CONDUCT OF SUCH MUNICIPAL ELECTIONS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

WHEREAS, Section 5-15-145 of the South Carolina Code of Laws, 1976, as amended, provides for the transfer of authority for conducting municipal elections from municipal elections commission to the county election commission upon the adoption of an appropriate ordinance by the governing body of the municipality transferring such powers, duties and responsibilities and the adoption of an ordinance by the county governing body of an appropriate ordinance accepting the authority being transferred; and

WHEREAS, The Town of Prosperity has indicated its desire to transfer all authority for conducting municipal elections within the Town of Prosperity to the Newberry County Registration and Elections Commission, and has adopted an ordinance for this transfer of the powers, duties and responsibilities for conducting municipal elections in the Town of Prosperity from the Prosperity Municipal Election Commission to the Newberry County Registration and Elections Commission; and

WHEREAS, The Newberry County Council finds that the Newberry County Registration and Elections Commission is willing to assume the transfer of the powers, duties and responsibilities for conducting municipal elections in the Town of Prosperity upon the terms and conditions contained in this ordinance, and the Council finds that it is proper, appropriate and in the public interest for the Newberry County Council to adopt an ordinance accepting the transfer of authority for conducting municipal elections from the Prosperity Municipal Election Commission to the Newberry County Registration and Elections Commission, on the terms and conditions herein contained; and

WHEREAS, This Ordinance shall take effect upon the successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for hereunder:

- a. Adoption of an appropriate ordinance by the Governing Body of the Town of Prosperity

transferring that portion of the election authority that the Town desires to transfer to the Newberry County Registration and Elections Commission, and

b. Execution by both the Town and County of an agreement setting out the responsibilities of both parties including reimbursement of all costs by the Town attached as Exhibit "A" .

NOW THEREFORE BE IT ORDAINED BY THE NEWBERRY COUNTY COUNCIL THAT:

1. The Newberry County Council, as the governing body of Newberry County, South Carolina, hereby accepts the transfer of a portion of the authority for conducting municipal elections in the Town of Prosperity and such authority is hereby transferred from the Municipal Election Commission of the Town of Prosperity to the Newberry County Registration and Elections Commission as set forth in the Agreement of the Parties attached hereto as Exhibit "A" and incorporated herein by reference.

2. The Newberry County Administrator is hereby authorized to execute on behalf of the County the attached Exhibit "A" and all other documents necessary to give this Agreement for Partial Transfer of Authority to Conduct Municipal Elections its full force and effect.

3. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.

4. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

This Ordinance shall become effective upon adoption by Newberry County Council, adoption by the Prosperity Town Council of a similar ordinance to transfer the authority the Town desires to be transferred and execution of the Agreement attached hereto as Exhibit "A".

(The remainder of this page intentionally left blank.)

AND IT IS SO ORDAINED by Newberry County Council this ____ day of _____, 2017 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Henry H. Livingston, III, Chairman

Attest:

Laurie N. Renwick, Clerk to Council

1st reading: October 4, 2017
2nd reading: _____
3rd reading: _____

Reviewed and approved as to form

A.J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator