

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

FILED
NEWBERRY COUNTY
2021 OCT 27 PM 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 20th DAY OF OCTOBER, 2021 AT NEWBERRY,
S.C.

NEWBERRY COUNTY COUNCIL

[SEAL]

BY: Henry H. Swington Jr.
Chairman, Newberry County Council

Attest:

Susan C. Sellers
Clerk to Council, Newberry County