

COUNTY COUNCIL OF BEAUFORT COUNTY  
ADMINISTRATION BUILDING  
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX  
100 RIBAUT ROAD  
POST OFFICE DRAWER 1228  
BEAUFORT, SOUTH CAROLINA 29901-1228  
TELEPHONE: (843) 255-2000  
FAX: (843) 255-9401  
www.bcgov.net

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GERALD W. STEWART  
VICE CHAIRMAN

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GARY T. KUBIC  
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER  
DEPUTY COUNTY ADMINISTRATOR  
SPECIAL COUNSEL

THOMAS J. KEAVENY, II  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

AGENDA  
COUNTY COUNCIL OF BEAUFORT COUNTY  
SPECIAL MEETING

Friday, February 12, 2016  
4:30 p.m.  
Large Meeting Room, Bluffton Branch Library  
120 Palmetto Way, Bluffton

1. CALL TO ORDER - 4:30 P.M.
2. A RESOLUTION TO EXPRESS BEAUFORT COUNTY'S REQUEST THAT THE SOUTH CAROLINA GENERAL ASSEMBLY INCREASE THE ALLOCATION TO THE LOCAL GOVERNMENT FUND TO BOTH PROVIDE PROPERTY TAXPAYERS WITH THE RELIEF THEY HAVE BEEN PROMISED AND ALLOW COUNTY GOVERNMENT THE ABILITY TO PROVIDE THE STATE AND LOCAL GOVERNMENT SERVICES REQUIRED UNDER STATE LAW ([resolution](#))
3. ADJOURNMENT



COUNTY OF BEAUFORT )  
STATE OF SOUTH CAROLINA )

RESOLUTION 2016 / 2

A RESOLUTION TO EXPRESS BEAUFORT COUNTY'S REQUEST THAT THE SOUTH CAROLINA GENERAL ASSEMBLY INCREASE THE ALLOCATION TO THE LOCAL GOVERNMENT FUND TO BOTH PROVIDE PROPERTY TAXPAYERS WITH THE RELIEF THEY HAVE BEEN PROMISED AND ALLOW COUNTY GOVERNMENT THE ABILITY TO PROVIDE THE STATE AND LOCAL GOVERNMENT SERVICES REQUIRED UNDER STATE LAW

WHEREAS, the South Carolina General Assembly enacted the Home Rule Act, Act No. 283 of 1975, granting certain, but limited, powers to the Local Government bodies across the State; and

WHEREAS, the State, in addition to the powers and obligations enumerated the Home Rule Act, has chosen to utilize counties as an administrative arm of the State of South Carolina and as an additional funding source for state agencies; and

WHEREAS, the Legislature proposed and passed the State Aid to Subdivisions Act in the FY 1991-92 budget; and

WHEREAS, this Act requires that the State appropriate 4.5% of general fund revenues of the most recently completed fiscal year to the Local Government Fund; and

WHEREAS, in FY 2009-10, FY 2010-11, FY 2011-12, FY 2012-13, FY 2013-14, FY 2014-15 and FY 2015-16 the General Assembly suspended the provisions of §6-27-30 and §6-27-50 in the budget and failed to fund the LGF at the statutorily mandated formula; and

WHEREAS, for FY 2014-15 the General Assembly funded the LGF at \$187.6 million in recurring dollars and \$25 million in non-recurring money. This amount represents \$75 million in lost tax relief to county taxpayers; and

WHEREAS, in 1999 the General Assembly passed §12-37-2735, the Personal Property Tax Relief Fund, to provide an additional \$20 million allocation to counties for property tax relief; and

WHEREAS, since FY 2001-02 the General Assembly has suspended the provisions of §12-37-2735 in the budget and failed to fund the Personal Property Tax Relief Fund at the statutorily mandated level; and

WHEREAS, state-shared revenue assists in the burden placed upon property taxpayers to fund both state and local services; and

WHEREAS, despite refusing to increase monies to the Local Government Fund, the General Assembly persists in statutorily requiring counties to assume the State's administrative and financial responsibilities; and

WHEREAS, the State further punishes county taxpayers by withholding additional revenue for a county's failure to assume the state's obligations; and

WHEREAS, this shift of financial responsibility creates a sham, giving the appearance of “clean hands” at the state level of government while forcing local governments to raise taxes; and

WHEREAS, in addition to surreptitiously dismantling statutory property tax relief granted to their property taxpayers, the General Assembly has further restricted county government’s ability to generate revenue, thereby preventing the counties from being able to pay for legitimate functions of county government and from mitigating the expected shortfalls resulting from the State’s refusal to meet its statutory obligations; and

WHEREAS, despite the fact that the state general fund saw a 20.3% increase from FY 2010 to 2013, the General Assembly refuses to provide even a negligible increase for property tax relief, much less fund in accordance with state statutes; and

WHEREAS, this tax policy is unsustainable without substantial tax increases and service reductions; and

WHEREAS, a failure to fund the Local Government Fund requires taxpayers to pay twice for the same services they were receiving prior to the reductions in the Local Government Fund.

NOW, THEREFORE, BE IT RESOLVED on this 12<sup>th</sup> day of February, 2016, that Beaufort County urges the General Assembly to reestablish accountability by restoring State funding of State agencies and desist in the current policy which uses sleight of hand by forcing counties to levy property taxes to fund these agencies; and

BE IT FURTHER RESOLVED, that Beaufort County urges the General Assembly to increase the allocation to the Local Government Fund to both provide property taxpayers with the relief they have been promised and allow county government the ability to provide the State and Local Government services required under State Law.

County Council of Beaufort County

\_\_\_\_\_, D. Paul Sommerville, Chairman

\_\_\_\_\_, Gerald W. Stewart, Vice Chairman

\_\_\_\_\_, Cynthia M. Bensch, Council Member

\_\_\_\_\_, Rick Caporale, Council Member

\_\_\_\_\_, Gerald Dawson, Council Member

\_\_\_\_\_, Brian Flewelling, Council Member

\_\_\_\_\_, Steven G. Fobes, Council Member

\_\_\_\_\_, Alice G. Howard, Council Member

\_\_\_\_\_, William L. McBride, Council Member

\_\_\_\_\_, Stewart H. Rodman, Council Member

\_\_\_\_\_, Roberts “Tabor” Vaux, Council Member

COUNTY OF BEAUFORT )  
 )  
STATE OF SOUTH CAROLINA )

RESOLUTION 2014 / 17

A RESOLUTION TO EXPRESS BEAUFORT COUNTY'S REQUEST THAT THE SOUTH CAROLINA GENERAL ASSEMBLY INCREASE THE ALLOCATION TO THE LOCAL GOVERNMENT FUND TO BOTH PROVIDE PROPERTY TAXPAYERS WITH THE RELIEF THEY HAVE BEEN PROMISED AND ALLOW COUNTY GOVERNMENT THE ABILITY TO PROVIDE THE STATE AND LOCAL GOVERNMENT SERVICES REQUIRED UNDER STATE LAW

WHEREAS, the South Carolina General Assembly enacted the Home Rule Act, Act No. 283 of 1975, granting certain, but limited, powers to the Local Government bodies across the State; and

WHEREAS, the State, in addition to the powers and obligations enumerated the Home Rule Act, has chosen to utilize counties as an administrative arm of the State of South Carolina and as an additional funding source for state agencies; and

WHEREAS, the Legislature proposed and passed the State Aid to Subdivisions Act in the FY 1991-92 budget; and

WHEREAS, this Act requires that the State appropriate 4.5% of general fund revenues of the most recently completed fiscal year to the Local Government Fund; and

WHEREAS, in FY 2009-10, FY 2010-11, FY 2011-12, FY 2012-13, FY 2013-14 and FY 2014-15 the General Assembly suspended the provisions of §6-27-30 and §6-27-50 in the budget and failed to fund the LGF at the statutorily mandated formula; and

WHEREAS, for FY 2014-15 the General Assembly funded the LGF at \$187.6 million in recurring dollars and \$25 million in non-recurring money. This amount represents \$75 million in lost tax relief to county taxpayers; and

WHEREAS, in 1999 the General Assembly passed §12-37-2735, the Personal Property Tax Relief Fund, to provide an additional \$20 million allocation to counties for property tax relief; and

WHEREAS, since FY 2001-02 the General Assembly has suspended the provisions of §12-37-2735 in the budget and failed to fund the Personal Property Tax Relief Fund at the statutorily mandated level; and

WHEREAS, state-shared revenue assists in the burden placed upon property taxpayers to fund both state and local services; and

WHEREAS, despite refusing to increase monies to the Local Government Fund, the General Assembly persists in statutorily requiring counties to assume the State's administrative and financial responsibilities; and

WHEREAS, the State further punishes county taxpayers by withholding additional revenue for a county's failure to assume the state's obligations; and

WHEREAS, this shift of financial responsibility creates a sham, giving the appearance of “clean hands” at the state level of government while forcing local governments to raise taxes; and

WHEREAS, in addition to surreptitiously dismantling statutory property tax relief granted to their property taxpayers, the General Assembly has further restricted county government’s ability to generate revenue, thereby preventing the counties from being able to pay for legitimate functions of county government and from mitigating the expected shortfalls resulting from the State’s refusal to meet its statutory obligations; and

WHEREAS, despite the fact that the state general fund saw a 20.3% increase from FY 2010 to 2013, the General Assembly refuses to provide even a negligible increase for property tax relief, much less fund in accordance with state statutes; and

WHEREAS, this tax policy is unsustainable without substantial tax increases and service reductions; and

WHEREAS, a failure to fund the Local Government Fund requires taxpayers to pay twice for the same services they were receiving prior to the reductions in the Local Government Fund.

NOW, THEREFORE, BE IT RESOLVED on this 27<sup>th</sup> day of October, 2014, that Beaufort County urges the General Assembly to reestablish accountability by restoring State funding of State agencies and desist in the current policy which uses sleight of hand by forcing counties to levy property taxes to fund these agencies; and

BE IT FURTHER RESOLVED, that Beaufort County urges the General Assembly to increase the allocation to the Local Government Fund to both provide property taxpayers with the relief they have been promised and allow county government the ability to provide the State and Local Government services required under State Law.

County Council of Beaufort County

 , D. Paul Sommerville, Chairman  
 , Stewart H. Rodman, Vice Chairman  
 , Cynthia M. Bensch, Council Member  
**Absent** \_\_\_\_\_, Rick Caporale, Council Member  
 , Gerald Dawson, Council Member  
 , Brian Flewelling, Council Member  
 , Steven G. Fobes, Council Member  
 , William L. McBride, Council Member  
 , Gerald W. Stewart, Council Member  
 , Roberts “Tabor” Vaux, Council Member  
 , Laura L. Von Harten, Council Member

**RESOLUTION OF THE COUNTY OF BEAUFORT COUNTY, SOUTH CAROLINA  
SUPPORTING THE LOCAL GOVERNMENT FISCAL AUTHORITY ACT**

WHEREAS, inflationary costs of providing existing public services, and the cost of providing service infrastructure to meet the demands of property development and population growth are placing an undue burden on property owners through ad valorem taxation; and,

WHEREAS, many counties within the State of South Carolina, like Beaufort County, have a significant transitory population, consisting of the military, tourists, and seasonal residents, who pay no direct property taxes to support the services they enjoy; and,

WHEREAS, local governments, through Home Rule precepts, must have the authority to utilize creative funding sources that reasonably share the burden of funding government services - in particular the cost of expanding infrastructure facilities during periods of extraordinary property development and population growth; and,

WHEREAS, in order to avoid piecemeal attacks on such local government funding initiatives by special interest groups, the Municipal Association, Association of Counties, School Boards Association, and S.C. Chamber of Commerce have worked diligently to draft legislation that will be beneficial to both business and government, without unduly burdening the citizens with taxation; and,

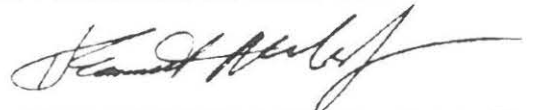
WHEREAS, the Local Government Fiscal Authority Act, S409 proposed by the General Assembly is a very even-handed and fair compromise for providing reasonable alternative sources for local government funding of services without having to raise ad valorem taxes; and,

WHEREAS, there existed on August 1, 1993, certain limited Real Estate Transfer Fees in several municipalities and counties, the proceeds of which are specifically used for local purpose in those areas.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council urges passage of the proposed Local Government Fiscal Authority Act, Senate Bill #409, as drafted and presented by Senator Drummond on February 25, 1997, with an amendment to recognize any Real Estate Transfer Fee that was in effect on or before August 1, 1993.

Adopted this 10th day of March, 1997

COUNTY COUNCIL OF BEAUFORT COUNTY

By:   
H. Emmett McCracken, Jr. - Chairman

ATTEST:

  
Clerk To Council

A RESOLUTION OF COUNTY COUNCIL OF BEAUFORT COUNTY OPPOSING PASSAGE OF H.3901 AND ITS PROPOSED AMENDMENTS WHICH FURTHER RESTRICT THE FINANCING OPTIONS AND TAXING AUTHORITY OF LOCAL GOVERNMENTS.

Whereas, County Council of Beaufort County is informed that proposed House Bill 3901 and its amendments are currently under, or will soon be under, consideration by the Senate Finance Committee as well as the Senate as a whole; and

Whereas, County Council of Beaufort County believes that this Bill and its amendments are an unjustified and potentially disruptive intrusion into local governments' ability to provide a balanced financing solution to meeting local government service requirements; and

Whereas, County Council of Beaufort County wishes to convey its strongest opposition to such intrusions regarding these Bills and an others that similarly intrude into local Home Rule.

Now, therefore, be it resolved that County Council of Beaufort County urges the Senate Finance Committee, and the General Legislation of the Sovereign State of South Carolina, to **oppose** and **defeat** such legislation, and to **support** and **defend** the Home Rule powers granted to local governments under the Constitution of this State.

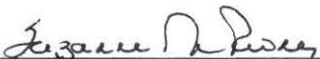
Adopted this 12th day of February, 1996.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 

Thomas C. Taylor  
Chairman

ATTEST:

  
Clerk to Council