

No. \_\_\_\_\_

**A RESOLUTION**

**TO CREATE THE “CITIZENS ROADS COMMISSION” PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, S.C. CODE ANN. § 4-10-300 ET SEQ. (Supp. 2012); TO PROVIDE FOR THE APPOINTMENT, COMPOSITION, DUTIES AND RESPONSIBILITIES OF THE COMMISSION; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.**

**WHEREAS**, as the population of South Carolina and Greenville County has grown so has the volume of vehicle miles driven on roads in Greenville County, leading to increased traffic, deteriorating road surfaces and over-saturated highway capacities,

**WHEREAS**, the costs of maintaining and building roads have exceeded the annual federal and state appropriations over a number of years and citizens have expressed a desire to explore options to provide additional funding for the improvement of road infrastructure serving Greenville County;

**WHEREAS**, the South Carolina General Assembly enacted the Capital Project Sales Tax Act, S.C. Code Ann. § 4-10-300 *et seq.* (Supp. 2012) (hereinafter referred to as the “Act”) authorizing the county governing body to call for a referendum of the registered voters of the county on the question of imposing a one percent (1%) sales and use tax to fund capital projects in the county;

**WHEREAS**, the Capital Project Sales Tax Act can be used to fund capital projects including the improvement of the road systems in the County for up to eight (8) years and it is estimated that a 1 percent (1%) sales and use tax in Greenville County would generated approximately \$65 million per year,

**WHEREAS**, the governing body of a county desiring to conduct a referendum on the question of imposing a one percent (1%) sales and use tax to pay for capital projects must first create a commission consisting of six (6) members, three (3) members of which are to be appointed by the governing body of the county and three (3) members to be appointed by the municipalities within the county based on a population-based formula set forth in the Act;

**WHEREAS**, the purpose of the commission is to consider proposals for road improvement related capital projects within the county to be funded by the imposition of a one percent (1%) sales and use tax; and to put forward a ballot question to the governing body of the county for adoption by ordinance that sets forth the capital projects to be funded by the tax and the time limit for the imposition of the sales tax; and

**WHEREAS**, Greenville County Council desires to create a commission pursuant to the Act that will receive citizen input and formulate a ballot question containing the projects to be funded by a voter-approved one percent (1%) sales and use tax in Greenville County.

**NOW, THEREFORE, BE IT RESOLVED** that:

**Section 1. Creation of the Citizens Roads Commission.** Pursuant to S.C. Code Ann. § 4-10-320 (Supp. 2012), there is hereby created a commission (hereinafter referred to as the “Commission”) consisting of six (6) members, all of whom must be residents of Greenville County, South Carolina.

**Section 2. Appointment of Members.** The members of the Commission shall be appointed according to procedure set forth at S.C. Code Ann. § 4-10-320, which is set forth in part below as follows:

- A. Greenville County Council shall appoint three (3) members of the Commission;
- B. The municipalities located within Greenville County shall appoint three (3) members of the Commission who must be residents of the incorporated municipalities within Greenville County and who shall be selected according to the following procedure:
  - i. The total population of all incorporated municipalities within the County, as determined by the most recent United States census, must be divided by three, the result being an apportionate average;
  - ii. The respective population of each municipality in the County must be divided by the apportionate average to determine an appointive index;
  - iii. Each municipality in the County shall appoint a number of members to the Commission equal to the whole number indicated by their appointive index; provided, however, no single municipality may appoint more than two members to the Commission;
  - iv. When less than three members are selected to the Commission in accordance with the prescribed appointive index method, the remaining member or members must be selected in a joint meeting of the Commission appointees of the municipalities in the County. The member or members must be chosen from among the residents of the municipalities in the County that before this time have not provided a representative for the Commission; and
  - v. If, within a thirty-day period following the adoption of this Resolution, one or more of the municipalities in Greenville County fails or refuses to appoint its or their proportionate number of members to the Commission, Greenville County Council shall appoint an additional number of members equal to the number that any such municipality is entitled to appoint. Any vacancy on the Commission must be filled in the manner of the original appointment.

**Section 3. Duties and Responsibilities of the Commission.**

- A. The Commission created by this Resolution shall consider proposals for road improvement related capital projects within the incorporated and unincorporated area of Greenville County. The selected projects must fall within the scope of allowable projects set forth at S.C. Code Ann. § 4-10-330(A)(1)(a) which includes

improvements to highways, roads, streets, bridges, and public parking garages and related facilities;

- B. The Commission shall receive citizen and community input regarding potential road improvement projects to be funded by the one percent (1%) sales and use tax pursuant to a process to be established by the Commission;
- C. The Commission shall adopt a road improvement project list to be presented to Greenville County Council in the form of a referendum question; and
- D. The Commission shall formulate the referendum question that is to appear on a general election ballot, which shall be in substantial compliance with the provisions of S.C. Code Ann. § 4-10-330, the terms and provisions of which are incorporated into and made a part of this Resolution by reference.

**Section 4. Adoption of an ordinance approving the recommendation of the Commission.** An ordinance adopted by Greenville County Council pursuant to the Act must specify:

- A. The purpose for which the proceeds of the tax are to be used;
- B. The maximum time, in two year increments, not to exceed eight years from the date of imposition, for which the tax may be imposed, subject to a referendum;
- C. 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;
- D. 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 the Act 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;
- E. Any condition precedent, as determined by the Commission, to the imposition of the sales and use tax authorized by the Act or condition or restriction on the use of sales and use tax revenue collected pursuant to the Act; and
- F. When the tax authorized by this Act is established for more than one purpose, the ordinance must set forth the priority in which the net proceeds are to be expended for the purposes stated. The ordinance may set forth a formula or system by which multiple projects are funded simultaneously.

**Section 5. Referendum.** In the event Greenville County Council enacts an ordinance for the imposition of a one percent (1%) sales and use tax, subject to a successful referendum in Greenville County, the following shall apply:

- A. The Commission shall formulate the referendum question that is to appear on a general election ballot, which shall be in substantial compliance with the provisions of S.C. Code Ann. § 4-10-330, the terms and provisions of which are incorporated into and made a part of this Resolution by reference;
- B. The Greenville County Election Commission shall conduct a referendum on the question of imposing the capital projects sales tax in Greenville County; and
- C. The ordinance shall include an estimate of the total revenue generated as well as a detailed description of each proposed project, including the name, location, estimated total cost, and any other information specific for the project.

**DONE IN REGULAR MEETING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

GREENVILLE COUNTY COUNCIL

\_\_\_\_\_  
Bob Taylor, Chairman  
Greenville County Council

ATTEST:

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Theresa B. Kizer  
Clerk to Council

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Joseph M. Kernell  
County Administrator