

ORDINANCE #2020-07

**THE TOWN COUNCIL OF THE TOWN OF JAMES ISLAND, SOUTH CAROLINA
APPROVAL OF THE AMOUNT OF THE COST TO BE SHARED WITH THE JAMES
ISLAND PUBLIC SERVICE DISTRICT IN THE 2020 FISCAL YEAR, AND OTHER
MATTERS RELATED THERETO.**

The Town Council of the Town of James Island (the "*Town Council*"), the governing body of the Town of James Island, South Carolina (the "*Town*"), makes the following findings of fact in connection with the enactment of this Ordinance:

(A) The Town is authorized to exercise those powers granted to municipalities under the general laws of the State, the Constitution of the State of South Carolina (the "*Constitution*"), and Home Rule, including the power granted by Article VIII, Section 13(A) of the Constitution permitting the Town with any other political subdivision the cost of any function or exercise of powers.

(B) The Town and the James Island Public Service District (the "*District*") have entered into a Cost Sharing Agreement (the "*Agreement*"), pursuant to which the parties have determined to share the District's cost of providing solid waste and fire protection services (together, the "*Services*") within the Town.

(C) By and through the enactment of the budget of the Town (the "*Budget*") for the 2020-21 fiscal year (the "*Fiscal Year*"), the Town Council has appropriated the amount of \$900,000 to share the District's cost of providing the Services within the Town (as further defined in the Agreement, the "*Annual Cost Share*").

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JAMES ISLAND, IN
MEETING DULY ASSEMBLED, AS FOLLOWS:**

Section 1. In accordance with the provisions, terms, and conditions of the Agreement, the Town Council approves and authorizes the following amounts to be paid to the District:

(A) Pursuant to Section 2(a) of the Agreement, and as approved and appropriated by the Town Council in the Budget, the Town hereby authorizes and directs that the amount of the Annual Cost Share for the Fiscal Year shall be \$900,000.

Section 2. The Town Administrator (the "*Administrator*") is hereby directed to deliver this Ordinance to the District which, pursuant to Section 2(a) of the Agreement, upon delivery shall serve as the Annual Notice of the Annual Cost Share for the 2020-21 fiscal year. Upon receipt of the written acceptance of the annual Cost Share by the Board of Commissioners of the District, the Administrator is directed to deliver this Ordinance and the written acceptance of the District to the Office of the Charleston County Auditor. Pursuant to Section 2(a) of the Agreement, this Ordinance and the written acceptance of the District shall constitute an addendum to the Agreement.

Section 3. The Mayor, the Clerk, and the Administrator, for and on behalf of the Town, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the Town under and pursuant to Agreement, including, without limitation, making any and all payments or transfers of funds required under the Agreement at such times and under such terms are required thereby. The Town Council hereby affirms that all amounts due and payable under

the Agreement within the Fiscal Year have been duly appropriated in the Budget and constitute current obligations and expenses of the Town payable from initially appropriated funds.

Section 4. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 5. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall take effect and be in full force from and after its passage and approval.

[Remainder of Page Left Blank]

Enacted and approved, in meeting duly assembled, this 16 day of July, 2020.

TOWN OF JAMES ISLAND, SOUTH CAROLINA

By: WWW
Mayor

[SEAL]

Attest:

By: Trance W. Simms
Clerk to Town Council

First Reading: June 18, 2020
Second Reading: July 16, 2020