

RESOLUTION NO. 21-003

A RESOLUTION OF THE JAMES ISLAND PUBLIC SERVICE DISTRICT AUTHORIZING THE SHARING OF CERTAIN COSTS OF FIRE AND SOLID WASTE SERVICE WITH THE TOWN OF JAMES ISLAND FOR THE 2021-22 FISCAL YEAR AND OTHER MATTERS RELATED THERETO.

BE IT RESOLVED BY THE JAMES ISLAND PUBLIC SERVICE DISTRICT COMMISSION, IN MEETING DULY ASSEMBLED, AS FOLLOWS:

Section 1 Findings of Fact. The James Island Public Service District Commission (the “*Commission*”), the governing body of the James Island Public Service District, South Carolina (the “*District*”), makes the following findings of fact in connection with the adoption of this resolution (this “*Resolution*”):

(a) The District is authorized to exercise those powers granted to special purpose districts under the general laws of the State of South Carolina, the Constitution of the State of South Carolina (the “*Constitution*”), including the power granted by Article VIII, Section 13(A) of the Constitution permitting the District to share with any other political subdivision the cost of any function or exercise of powers.

(b) The District and the Town of James Island (the “*Town*”) have entered into that certain Cost Sharing Agreement (the “*Agreement*”), dated September 13, 2019, pursuant to which the parties have agreed to share the District’s cost of providing solid waste and fire protection services (together, the “*Services*”). Terms with initial capitals used in this Resolution and not otherwise defined shall have the meaning given to such term in the Agreement. The Town and the District have agreed to share such costs through the payment by the Town of the Annual Cost Share and the application by the District of a Tax Credit on the Property Tax bills of owners of real and personal property situated within the Town.

(c) Pursuant to Section 2 of the Agreement, the Town has given its Annual Notice of the amount of the Annual Cost Share for the 2021-22 fiscal year (the “*Fiscal Year*”). In accordance with the Annual Notice, the Annual Cost Share for the Fiscal Year is \$1,068,000.

Section 2 Acceptance of Annual Cost Share. The Commission hereby accepts the Annual Cost Share and consents to the application of the Tax Credit:

(a) Pursuant to Section 2(a) of the Agreement, and as approved and appropriated by the Town Council in the Budget, the Commission hereby accepts the amount of the Annual Cost Share for the Fiscal Year of \$1,068,000; and

(b) Pursuant to Section 2(b) of the Agreement, the Administrative Fee shall be waived for the Fiscal Year.

Section 3 Consent to Tax Credit. The Commission hereby consents to and authorizes the application of the Tax Credit (as calculated pursuant to the Agreement) with respect

to all Taxable Property of the District situated within the Town in accordance with the provisions of the Agreement.

Section 4 Further Action Authorized. The Chairman, the Secretary, and the District Manager, for and on behalf of the District, 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 District under and pursuant to the Agreement, including, without limitation, (a) the execution of the Annual Notice evidencing the District's acceptance thereof and consent thereto; (b) the acceptance of such funds required under the Agreement at such times and under such terms as required thereby; (c) the execution and delivery of a letter to the County Auditor and the County Treasurer notifying them of the Annual Cost Share for the Fiscal Year, and (d) the provision of such information as may be required by the County Auditor to apply the Tax Credit.

Section 5 Severability. The provisions of this Resolution 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 6 Repealer. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Resolution shall take effect and be in full force from and after its passage and approval.

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Done in meeting duly assembled, this 28th day of June, 2021.

JAMES ISLAND PUBLIC SERVICE DISTRICT, SOUTH
CAROLINA



By: Marilyn T. Clifford
Chair

By: K R Woody
Secretary