

**A RESOLUTION NO. 19-06 BY THE JAMES ISLAND PUBLIC SERVICE DISTRICT  
FOR THE PROVISION OF STREET SIGN INSTALLATION AND MAINTENANCE**

**Whereas**, the James Island Public Service District's Enabling Act (the "Enabling Act") at Section 3 states, "The District shall be governed by a Commission to be known as the James Island Public Service District Commission (hereafter called the "Commission"), and all functions committed to the District shall be exercised by the Commission."; and

**Whereas**, Rule 27 j of the District's Rules of Procedure states that, "All actions of the Commission shall be taken by resolution, except that any action of the Commission which provides for raising revenue, or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance;"

**Whereas**, the Enabling Act at Section 4 entitles the District to serve the functions of fire protection, solid waste collection, wastewater collection and street lighting, as the Commission from time to time deems necessary; and

**Whereas**, the Enabling Act at Section 5, entitles the District to exercise certain enumerated powers when convenient for the District's functions; and

**Whereas**, Section 5, Paragraph (16) of the Enabling Act empowers the District to: "Name all streets in the District in accordance with recommendations of the Charleston County Planning Board, and promulgate a numbering system, and purchase, and erect street name markers." This being one of many of the District's expressed powers; and

**Whereas**, the Mayor of the Town of James Island has notified the District, in writing, of its intention to undertake the purchasing, installation, and maintenance of street signs within the Town limits after July 1, 2019, at no cost to the District; and

**Whereas**, the right to install and maintain street signs is a power that was expressly granted to the District by the General Assembly of the State of South Carolina *via* the Enabling Act and

**Whereas**, The South Carolina Code of Laws, at Title 4, Chapter Nine, Section 41, permits the joint administration of functions among political subdivisions, provided that such joint administration shall not result in or be construed to diminish or alter, in any manner, the political integrity of any participating political subdivision.

**THEREFORE**, and in reliance on the representations of its Mayor that the Town of James Island is able and willing to purchase, install, and maintain street signs in the Town limits, thereby relieving the District of the financial burdens of such activity, the Commission herein resolves as follows:

1. The Town may purchase, install, and maintain street signs in the Town.
2. This resolution shall affect only those streets in the District that are also within the geographic boundaries of the Town.
3. This resolution shall not diminish any right of the District.

4. Neither the Commission nor the District makes any representation as to the Mayor's authority to make the aforementioned representations or bind the Town of James Island to the obligation to purchase, erect, and maintain street signs.
5. The Town's right to exercise the District's power to purchase, install, and maintain street signs shall be subject to the following restrictions:
  - a. The Town of James Island shall provide the Commission with proof that its Town Council has approved the purchasing, installing and maintenance of street signs consistent with this agreement, or in the absence of such proof execute a written undertaking to indemnify and hold the District, the Commission, and its Commissioners, harmless against any liability resulting from a claim that the Town lacks the authority to approve this action or failed to comply with the necessary procedures to approve this action.
  - b. The Town's right to purchase, erect, and maintain street signs shall remain subordinate to the District's, and the District shall have the right to remove, replace, or repair any street sign if, in the discretion of the District or its Commission, this is necessary or convenient to the functions of the District.
6. This resolution, and the permission herein granted to the Town shall be terminable by the District, in its sole discretion, for any reason or no reason, at any time, and without notice.

**IT IS THEREFORE RESOLVED**, as an exercise of the Commission's legislative discretion, that the District will permit the Town of James Island to purchase, install, and maintain street signs, as set forth herein, in order to conserve resources.

The foregoing resolution, on motion of \_\_\_\_\_, seconded by \_\_\_\_\_, was duly passed and adopted this 22<sup>nd</sup> day of July, 2019.

The seal is circular with a dotted border. The words "JAMES ISLAND" are at the top, "PUBLIC SERVICE DISTRICT" are at the bottom, and "SEAL" is in the center. A blue ink signature is written over the seal.  
\_\_\_\_\_  
Secretary, JIPSD Commission

A blue ink signature is written over a horizontal line.  
\_\_\_\_\_  
Chair, JIPSD Commission