

## A RESOLUTION NO. 23-07

### APPROVING THAT CERTAIN AGREEMENT REGARDING STATE BUDGET APPROPRIATION TO THE TOWN OF JAMES ISLAND; AND OTHER MATTERS RELATING THERETO.

NOW THEREFORE, be it resolved by the James Island Public Service District Commission (the “**Commission**”), the governing body of the James Island Public Service District, South Carolina (the “**District**”), in meeting duly assembled as follows:

#### Section 1. Findings

The Commission makes the following findings of fact in connection with the adoption of this resolution (this “**Resolution**”):

(a) The District is a South Carolina special purpose district created, pursuant to Act No. 498 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1961, as amended (the “**Enabling Act**”), for the purpose of providing fire, sewer and sanitation services within its service boundaries (the “**District Service Area**”), which includes the incorporated limits of the Town of James Island (the “**Town**”).

(b) The Town received a budget appropriation in the 2023-2024 South Carolina State Budget with the stated purpose of the funding titled “Town of James Island Sewer Project - \$1,000,000” (the “**Budget Appropriation**”).

(c) The Town Council, approved by majority vote, for the Town to enter into an agreement with the District to reimburse the District, on behalf of Town property owners, for tap fees, impact fees, and costs associated with the abandonment of septic tanks, and the subsequent connection to the District’s sewer utility system.

(d) The District and Town plan to memorialize the details of the foregoing under the terms of that certain “Agreement to Dedicate Appropriated Funds”, the form of which is attached hereto as Exhibit A (the “**Agreement**”).

#### Section 2. Ratification of Findings

The Commission ratifies and approves the findings of fact recited above.

#### Section 3. Approval of the Agreement

(A) The Commission has reviewed the Agreement and authorizes the District Manager (the “**District Manager**”) and the District’s legal counsel to proceed to finalize the Agreement.

(B) The Agreement, in substantially the same form provided to the Commission at this meeting, but subject to all necessary revisions requested by the District’s legal counsel, shall be executed and delivered on behalf of the District by the District Manager. Upon such execution, the Commission shall be timely informed of the execution of the Agreement.

(C) The consummation of the transactions and undertakings described in the Agreement, and such additional transactions and undertakings as may be determined necessary by the District Manager to be necessary to fully implement the Agreements, are hereby approved.

(D) In connection with the execution and delivery of the Agreement, the District Manager, acting on behalf of the District, is additionally authorized to prepare, review, negotiate, execute, deliver, and agree to such additional agreements (to include any necessary amendments or extensions), certifications, documents, closing proofs, and undertakings as he shall deem necessary or advisable.

#### Section 4. Severability

If any one or more of the provisions of this Resolution should be contrary to law, then such provision shall be deemed severable from the remaining provisions and shall in no way affect the validity of the other provisions of this Resolution.

#### Section 5. Repealer

Nothing in this Resolution shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or Resolution hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

#### Section 6. Inconsistency

All ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Resolution are hereby repealed to the extent of the conflict or inconsistency.

#### Section 7. Effect

This Resolution shall be in full force and effect upon due adoption by the Commission.

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DONE AND RESOLVED IN COMMISSION ASSEMBLED, this 28<sup>th</sup> day of August, 2023.



**JAMES ISLAND PUBLIC SERVICE  
DISTRICT, SOUTH CAROLINA**

A handwritten signature in dark ink, appearing to read "Kathy Woolsey".

Commissioner Kathy Woolsey, Chair

A handwritten signature in dark ink, appearing to read "Brenda Grant".

Commissioner Brenda Grant, Vice-Chair

A handwritten signature in blue ink, appearing to read "Ronald Ladson".

Commissioner Ronald Ladson, Secretary

A handwritten signature in dark ink, appearing to read "Inez Brown Crouch".

Commissioner Inez Brown Crouch

A handwritten signature in dark ink, appearing to read "Paul S. Cantrell".

Commissioner Paul S. Cantrell

A handwritten signature in blue ink, appearing to read "Marilyn Clifford".

Commissioner Marilyn Clifford

Commissioner Susan Milliken

EXHIBIT A

FORM OF THE AGREEMENT