The above space is reserved for recording information.		
STATE OF SOUTH CAROLINA)	ORDINANCE #867
COUNTY OF LAURENS)	ORDINANCE #807

AN ORDINANCE TO AMEND ORDINANCE #465 PROVIDING FOR THE USE OF FUNDS UP TO THE MAXIMUM LEGAL PERCENTAGE OF LOCAL OPTION SALES TAX FUNDS FOR THE FISCAL YEAR 2019-2020 LAURENS COUNTY BUDGET; AND OTHER MATTERS APPERTAINING THERETO

WHEREAS, Laurens County Council is vested with the authority to amend its ordinances and further to allocate the use of Local Option Sales Tax funds that are currently being collected and applied by the County for the use as credits to property taxes in Laurens County; and

WHEREAS, Laurens County Council is authorized by the laws of the State of South Carolina, Section 4-10-90 (B)(5) to allocate the use of 29% of the funds collected for purposes as determined by the Laurens County Council; and

WHEREAS, Laurens County Council, due to budgetary restraints imposed by Section 6-1-320 and the loss of state funding, faces the need to supplement revenues in order to provide services for its citizens while maintaining the intent of Ordinance #465; and

WHEREAS, Laurens County Council, determines and finds that the use of the residual amounts (an amount up to the maximum of 100% of the allowable 29% as allowed by law) of Local Option Sales Tax funds may be necessary, proper and prudent so as to insure the financial stability of the County in light of significantly reduced state funding; and Council is advised that the funds which will accumulate from time to time based on the required method by which receipts and disbursements are calculated for the benefit of the taxpayers (retrospectively versus prospectively) and; further that the use of these funds is lawful and proper and does not affect nor supersede the required method of credits provided to the taxpayers of Laurens County as set forth by law.

NOW, THEREFORE, BE IT ORDAINED BY THE LAURENS COUNTY COUNCIL, duly assembled, pursuant to the authority granted by the laws of the State of South Carolina and further pursuant to the provisions for amendments, Ordinance #465, is hereby amended as set forth herein below:

- 1. <u>PURPOSES</u>: It is the stated purpose of this Ordinance to only use so much of the revenues from the Local Option Sales Tax funds for the fiscal year 2019-2020 budget, up to the allowable 29%, if needed and necessary, so as to protect and provide for the general health, safety, and welfare of the citizens of Laurens County, South Carolina.
- 2. <u>AUTHORITY</u>: This amending Ordinance, together with the original Ordinance #465, is adopted under the authority and process expressly granted by the General Assembly of the State of South Carolina and the Constitution of the State. Jurisdiction is exclusively within Laurens County.
- 3. <u>APPLICABILITY</u>: The provisions of this amending Ordinance, together with the original Ordinance #465, shall apply to all unincorporated areas of Laurens County, South Carolina.
- 4. <u>LANGUAGE</u>: The language used in the amendment, if used in the present tense, shall include the future tense. Words used in the singular shall include the plural, and the plural the singular, unless, however, the context clearly indicates the contrary. The use of the word "shall" is mandatory and the word "may" is permissive.
- 5. <u>AMENDMENT:</u> Laurens County Council hereby amends Ordinance #465, and by such amendment hereby directs and authorizes the reallocation of an amount up to 100% of the total 29% of the Local Option Sales and Use Tax Fund, less any reserves as may be deemed proper, for allocation and application to the General Fund revenues to balance the revenue shortfall as determined by the 2019-2020 Laurens County Budget Ordinance #865 Laurens County Council further authorizes and directs that by this amending Ordinance, the reallocation as set forth above shall be implemented for the Fiscal Year commencing July 1, 2019 and ending June 30, 2020. Laurens County Council restates its commitment to apply the maximum credits as set forth by law for the taxpayers of Laurens County and further remains committed to providing the taxpayers of Laurens County maximum quality services through the wise and prudent utilization of the revenue sources available to the County for such purposes. It is also the intent of this amending ordinance to require administration and finance to review the FY 19 close out numbers and from those figures, determine the portion of the 29%, if any, that may be needed to insure a secure financial base. Such review and calculation shall be presented to the Council on or before September 30, 2019.
- 6. <u>REAFFIRMATION:</u> Except as herein amended, changed, altered or modified, the provisions of Ordinance #465, are hereby restated and reaffirmed.
- 7. <u>SEVERABLITY:</u> Should any paragraph, clause, phrase or provision of this Ordinance or Ordinance #465, be judged invalid or held unconstitutional by a Court of competent jurisdiction, such declaration shall not affect the validity of any other section of the Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. Interpretations shall be pursuant to the laws of the State of South Carolina.
- 8. <u>GENERAL PROVISIONS:</u> Whenever the provisions of this Ordinance impose a more restrictive standard than are required in or under any other law, regulation or ordinance, the requirements herein contained shall prevail. This Ordinance may be amended as prescribed by law.

AND IT IS SO ORDAINED, this day of me, 2019

ATTEST:

Betty C. Walsh, Clerk Laurens County Council

Laurens County, South Carolina

READINGS:

First Reading:

April 23, 2019

Second Reading: Public Hearing:

May 14, 2019 June 25, 2019

Third Reading:

June 25, 2019

LAURENS COUNTY COUNCIL:

David A. Pitts, Chairman

- OPPOSED -

Joseph E. Wood, Jr., Vice Chairman

Diane B. Anderson, Council Member

VACANT

Stewart O. Jones, Council Member

Garrett C. McDaniel, Council Member

Kemp Younts, Council Member

Jeffrey Carroll, Council Member