

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2180
www.bcgov.net

D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

RICK CAPORALE
MICHAEL E. COVERT
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
YORK GLOVER, SR.
ALICE G. HOWARD
STEWART H. RODMAN
ROBERTS "TABOR" VAUX

JOSHUA A. GRUBER
INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

ASHLEY M. BENNETT
CLERK TO COUNCIL

AGENDA
GOVERNMENTAL COMMITTEE
(Includes Public Safety Division)
Monday, February 5, 2018
4:00 p.m.

Executive Conference Room, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Governmental Committee Members:

Gerald Dawson, Chairman
Steve Fobes, Vice Chairman
Mike Covert
Brian Flewelling
York Glover
Jerry Stewart
Roberts "Tabor" Vaux

Staff Support:

Phil Foot, Assistant County Administrator
Public Safety

1. CALL TO ORDER – 4:00 P.M.
2. MEMORANDUM OF AGREEMENT BETWEEN BEAUFORT COUNTY AND BEAUFORT COUNTY EMERGENCY MANAGEMENT REGARDING INCIDENT EMERGENCY RESPONSE PASSES AND INCIDENT RE-ENTRY PASSES ([backup](#))
3. CONSIDERATION OF CONTRACT AWARD / PUBLIC HEALTH INSECTICIDE FOR BEAUFORT COUNTY MOSQUITO CONTROL ([backup](#))
4. LEGISLATIVE UPDATE ([backup1](#)) ([backup2](#)) ([backup3](#)) ([backup4](#))
5. BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION UPDATE [*dcemw +](#)
6. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Bluffton Township Fire District Board
 - B. Construction Adjustments and Appeals Board
 - C. Daufuskie Island Fire District Board
 - D. Economic Development Corporation
 - E. Lowcountry Regional Transportation Authority
 - F. Parks and Leisure Services Board
7. ADJOURNMENT





Beaufort County Sheriff's Office Emergency Management Division



Memorandum of Agreement between the Beaufort County Sheriff's Office, Emergency Management Division and the County of Beaufort

This Memorandum of Agreement is made and entered into this _____ day of _____, 2018 by and between the Beaufort County Sheriff's Office Emergency Management Division and the County of Beaufort.

Purpose

The purpose of this Memorandum of Agreement (MOA) is for the above mentioned agencies to work closely together in the issuance of the Beaufort County Incident Emergency Response Passes and Re-Entry Passes per ***Beaufort County Sheriff's Office Standard Operating Procedure, 1.03 Incident Emergency Response and Re-Entry Pass System***. It is the intent of the elected leadership of the municipalities within Beaufort County, the County of Beaufort and the Sheriff of Beaufort County that in order to establish and maintain a safe environment after a catastrophic event caused by either nature or man, that an Incident Emergency Response and an Incident Re-Entry Pass System be prepared and executed as necessary. This Incident Emergency Response and Incident Re-Entry Pass System shall be administered and overseen by the Beaufort County Sheriff's Office Emergency Management Division in coordination with the Emergency Management Steering Committee.

Responsibilities

Both parties, as stated above, agree to uphold the requirements outlined in the ***Beaufort County Sheriff's Office Standard Operating Procedure, 1.03 Incident Emergency Response and Re-Entry Pass System*** for the review, approval, creation and dissemination of the aforementioned passes.

Amendments

The terms of this Agreement shall not be altered, amended or modified except in writing signed by the duly authorized officers of the two parties entered into this agreement.

Duration of Agreement

This Memorandum of Agreement will remain in effect from the date of signatures until written notification of cancellation by either party at any time is received and acknowledged.

Signatories:

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals on the day of the year mentioned below.

Beaufort County Sheriff's Office

County of Beaufort

Sheriff P.J. Tanner, Beaufort County

Witness

Witness

Date

Date



Beaufort County Sheriff's Office Emergency Management Division

Incident Emergency Response Passes
and
Incident Re-Entry Passes

Incident Emergency Response Pass

EOC Access – ICS 100, 200, 700 & 800



RED

First Responders

(Law Enforcement, Firefighters, EMS)
working within the Beaufort County EOC.

These cards will have access into the Beaufort County EOC during activations and require certain training. Passes will state “EMERGENCY RESPONSE” on the front of the pass.

Printed by: BCSO EMD through SalamanderLive

Incident Emergency Response Pass

EOC Access – ICS 100, 200, 700 & 800

BLUE

Critical Support Personnel working within the Beaufort County EOC.

These cards will have access into the Beaufort County EOC during activations and require certain training. Passes will state “EMERGENCY RESPONSE” on the front of the pass.




Printed by: BCSO EMD through SalamanderLive

Incident Emergency Response Pass

Back of the cards with ICS information



Beaufort County Sheriff's Office 2001 Duke Street Beaufort, SC 29906	
<hr/>	
ICS200, IS800, IS700, ICS100	Beaufort County Sheriff's Office
	Serial Number nname
<hr/>	
Medical Information	
	

Incident Emergency Response Pass



YELLOW

Critical Support Personnel who **DONOT** have a function within the Beaufort County EOC but are deemed a critical asset for life saving operations. Passes will state "EMERGENCY RESPONSE" on the front of the pass.

Printed by: BCSO EMD through SalamanderLive

Incident Emergency Response Pass



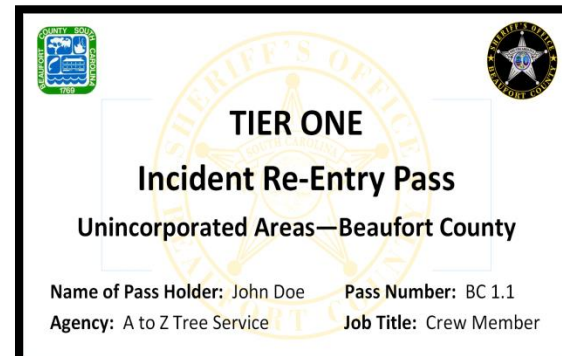
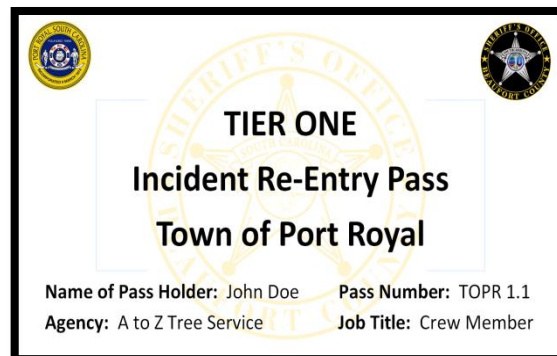
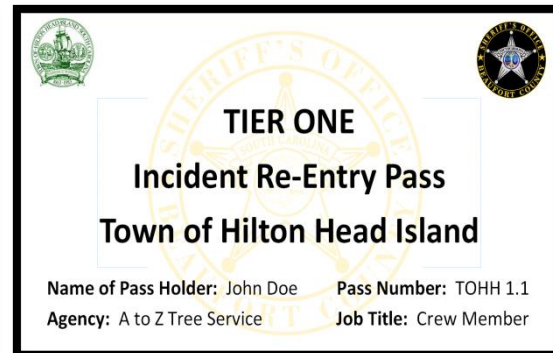
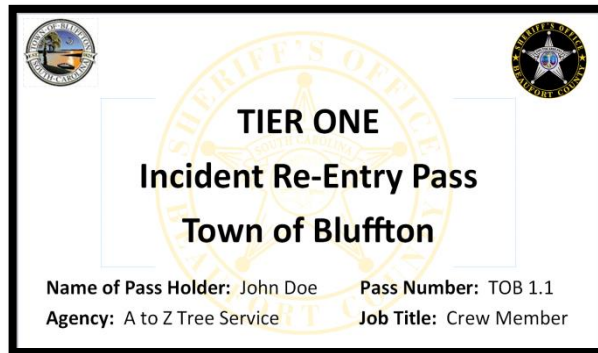
GREEN

Elected Officials for Beaufort County and the surrounding Municipalities as well. Passes will state "ELECTED OFFICIAL" on the front of the pass.

Printed by: BCSO EMD through SalamanderLive

Incident Re-Entry Passes – Tier One

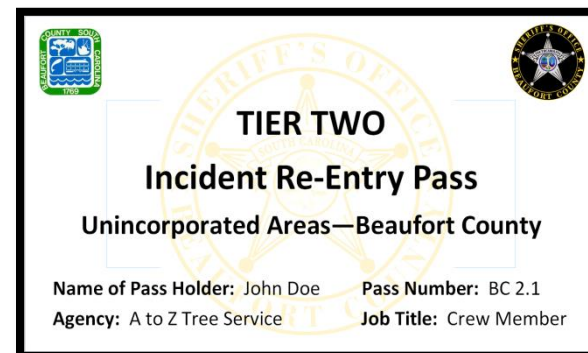
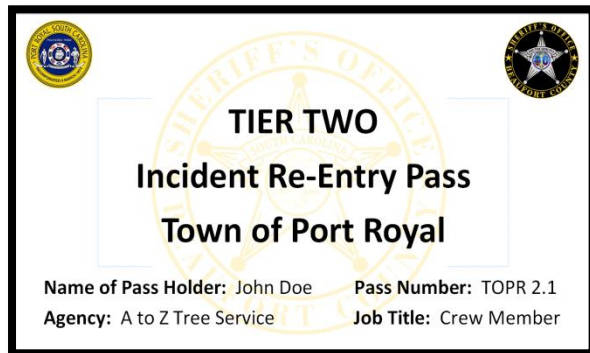
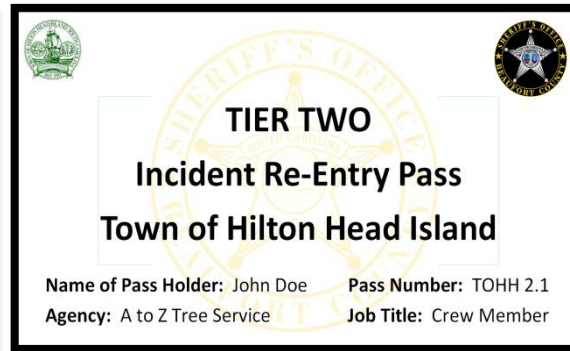
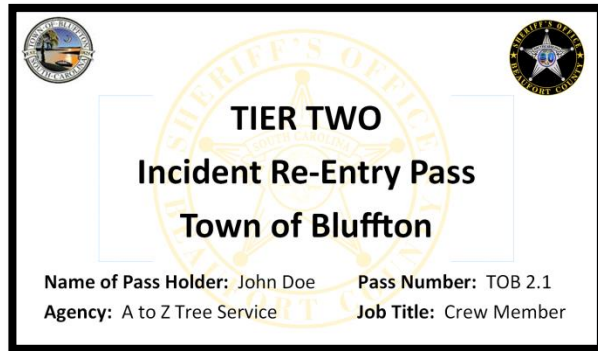
Translucent Foil Gold Cards



Each Municipality will print their own Re-Entry Cards for their respective jurisdictions through SalamanderLive. Limited Access to SalamanderLive given to Municipalities free of charge.

Incident Re-Entry Passes – Tier Two

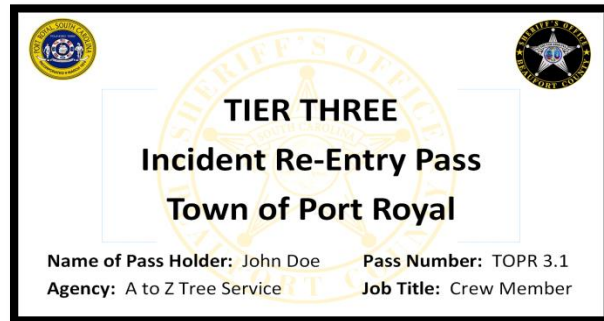
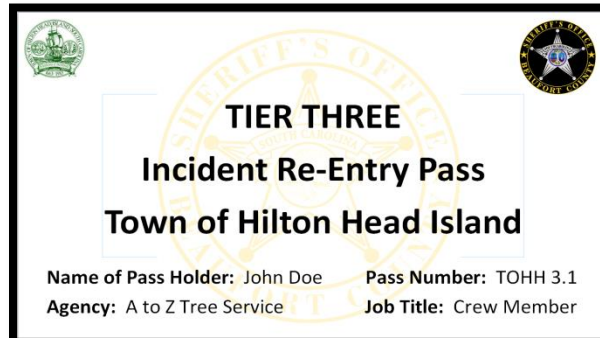
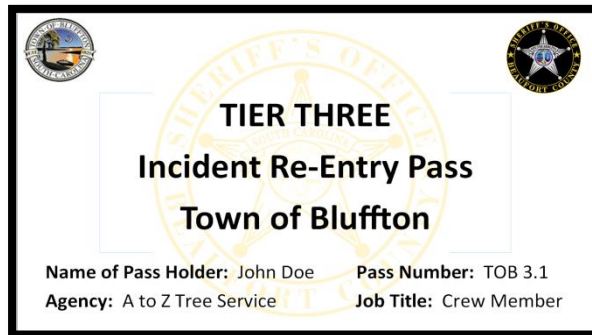
Translucent Foil Blue Cards



Each Municipality will print their own Re-Entry Cards for their respective jurisdictions through SalamanderLive. Limited Access to SalamanderLive given to Municipalities free of charge.

Incident Re-Entry Passes – Tier Three

Translucent Foil Gray Cards



Each Municipality will print their own Re-Entry Cards for their respective jurisdictions through SalamanderLive. Limited Access to SalamanderLive given to Municipalities free of charge.



Barbara Klien
Chief Information Officer



ID#: 3058419-66845
Issued: 2005

Custom Translucent Foil Card

*A custom design solution with your
translucent foil graphic embedded
below the surface.*



SLED Certified Security Officers



SECURITY

Tier Four



Memorandum of Agreement



Beaufort County Sheriff's Office Emergency Management Division



Memorandum of Agreement

between the

Beaufort County Sheriff's Office, Emergency Management Division
and the

This Memorandum of Agreement is made and entered into this _____ day of _____, 2018
by and between the Beaufort County Sheriff's Office Emergency Management Division and

Purpose

The purpose of this Memorandum of Agreement (MOA) is for the above mentioned agencies to work closely together in the issuance of the Beaufort County Incident Emergency Response Passes and Re-Entry Passes per *Beaufort County Sheriff's Office Standard Operating Procedure, 1.03 Incident Emergency Response and Re-Entry Pass System*. It is the intent of the elected leadership of the municipalities within Beaufort County, the County of Beaufort and the Sheriff of Beaufort County that in order to establish and maintain a safe environment after a catastrophic event caused by either nature or man, that an Incident Emergency Response and an Incident Re-Entry Pass System be prepared and executed as necessary. This Incident Emergency Response and Incident Re-Entry Pass System shall be administered and overseen by the Beaufort County Sheriff's Office Emergency Management Division in coordination with the Emergency Management Steering Committee.

Responsibilities

Both parties, as stated above, agree to uphold the requirements outlined in the *Beaufort County Sheriff's Office Standard Operating Procedure, 1.03 Incident Emergency Response and Re-Entry Pass System* for the review, approval, creation and dissemination of the aforementioned passes.

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Signatories:

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals on the day of the year mentioned below.

Beaufort County Sheriff's Office

Sheriff P.J. Tanner, Beaufort County

Witness

Date

Witness

Date

Cost

**Beaufort County Sheriff's Office Emergency
Management Division will incur all costs**

EXCEPT:

Card Printer

Ink for Card Printer

Personnel Time to Print Cards

Re-Entry Card Print Permissions

Town of Bluffton – Captain Joe Babkiewicz

Town of Hilton Head – Tom Dunn

City of Beaufort – Captain Rob Carson

Town of Port Royal – Captain John Griffith





**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

106 Industrial Village Road, Bldg. 2, Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

David L Thomas, Purchasing Director
dthomas@bcgov.net 843.255.2353

TO: Councilman Gerald Dawson, Chairman, Governmental Committee

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: State Contract Purchase

Request to Purchase Public Health Insecticide for Beaufort County Mosquito Control

DATE: 01/08/2018

BACKGROUND:

The Purchasing Department received a request from the Mosquito Control Director to purchase an EPA-registered public health insecticide (Altosid XR ingots) from Univar Inc., a State contract vendor. Mosquito Control will use this product to treat an estimated 22,500 catch basins throughout Beaufort County starting in April, 2018. Mosquitoes potentially associated with West Nile virus use the underground stormwater systems as breeding sites. The timely treatments will help reduce the risk of this mosquito-borne disease among humans, horses, and birds.

VENDOR INFORMATION:

Univar Inc., Downers Grove, IL
103 cases (220 ingots per case) @ \$710.60 per case
(\$73,192 + \$4,392 tax + free shipping)

COST:

\$77,584

FUNDING:

10001400-52320, Mosquito Control – Public Health Products (current balance – \$182,615)
PRIOR YEAR COST: \$88,168 (Natular XRT tablets)

Funding approved: By: Date:

FOR ACTION: Governmental Committee meeting occurring on February 5, 2018.

RECOMMENDATION:

The Purchasing Department recommends that the Governmental Committee approve the purchase of Altosid XR ingots for \$77,584 from Univar Inc.

Attachment:  Mosquito Control Pesticide.pdf
747.7 KB

cc: Joshua Gruber, Interim County Administrator

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved: Date:

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date: ready for admin: ☒

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date: ready for admin: ☒

After Initial Submission, Use the Save and Close Buttons

Kristen Moss, CPPB, Procurement Officer
E-Mail: kmoss@mmo.sc.gov
Telephone: (803) 737-2772

Materials Management Office
1201 Main Street, Suite 600
Columbia, South Carolina 29201

Section: P
Page: 50
Date:

STATEWIDE CONTRACT FOR READY TO USE MOSQUITO CONTROL PESTICIDES

CONTRACT PERIOD: Initial Terms: November 1, 2016 through October 31, 2017
Maximum Terms: November 1, 2016 through October 31, 2021

Shipping Terms: All items shall be FOB destination

24 HOUR EMERGENCY NUMBERS ARE ALSO LISTED WITH CONTACT INFORMATION

[Link to Solicitation documents](#)

All items shall be FOB destination

All items shall be delivered no later than fifteen days after contractor's receipt of the purchase order. If the using governmental unit requests delivery sooner than the time specified, contractor may invoice the ordering entity any additional shipping charges approved by the ordering entity on the purchase order.

All items must be new.

The contractor shall comply with current EPA and Federal Insecticide Fungicide Rodenticide Act requirements and specifications. All pesticides offered for sale in the State of South Carolina must comply with the S. C. Pesticide Control Act, Title 46, Section 46-13-10 of the South Carolina Code of Laws (1976). Registration shall be in accordance with Title 46, Section 46-13-30 and any subsequent regulations, which may be applicable.

Containers: The containers may be returnable, reusable, and recyclable or of materials that can be properly disposed of according to South Carolina Laws as agreed upon annually. The contractor shall be responsible for the funding development and implementation of a system to provide for the return of empty returnable, refillable polyethylene containers to the product manufacturer from the individual purchasers. All drums, pails or other packaging must be appropriately labeled to indicate both active and inert ingredients contained in each drum, pail or other packaging. Label must also specify for ground and aerial ULV application for mosquito control or appropriate larviciding or residual product application. 20 MPH ground ULV application labeling shall be supplied

Kristen Moss, CPPB, Procurement Officer
E-Mail: kmoss@mmo.sc.gov
Telephone: (803) 737-2772

Materials Management Office
1201 Main Street, Suite 600
Columbia, South Carolina 29201

Section: P
Page: 51
Date:

Technical Assistance: The contractor shall furnish technical assistance or service in the handling, transport, storage, spill clean-up information, general and specific information requests, container decontamination procedures and instructions and the proper application of pesticides for public health purposes upon request to purchasers of the product. Such service shall be available within 2 to 3 hours following telephone request and without additional cost to the using agency. On-site responses will be arranged, if needed. On-site response is expected within forty-eight hours.

In the event of a major pesticide related accident and/or other disaster associated with these products, the manufacturers and contractors must provide full assistance, if requested by any agency, to help minimize the impact of disaster by providing technical on-site assistance. Telephone response to request for technical assistance must be within 2 to 3 hours of contact by emergency call number, and on-site responses must be made within 10 hours of initial contact. The cost of these services will be at the expense of the successful contractor.

Inspection Rights: The state reserves the right to inspect any or all pesticides delivered under this contract for the purpose of analysis/evaluation. Samples from pesticides shipped into South Carolina in the fulfillment of this contract will be taken for analysis by Clemson University's Department of Pesticide Regulation. It will be the responsibility of the contractor to pick up any pesticide delivered that does not meet contractual requirements within 30 days of notice. Government entities purchasing from the state contract can request sampling. If results are unsatisfactory, the contractor will be notified to remove the product at a specific time and at the contractor's expense.

Labeling: Labels and labeling shall comply with all applicable State and Federal Laws and regulations, which regulate the sale, distribution, handling and/or transportation, storage, disposal and use of pesticides within the State of South Carolina. An identifying lot number must be indicated on each container.

Training Requirements: The contractor shall provide training and safety materials and training support services in the use and application of the pesticides. Materials and training provided shall meet the approved needs of the ultimate users. Such materials and sessions must address scientifically sound mosquito control, safety practices and proper application techniques as well as environmental or wildlife impacts created by pesticides used in mosquito control.

In addition, the training sessions should include information on storage, any pertinent DOT regulations and available vendor services and materials not specified in the contract.

Technical training sessions shall be provided twice annually by the manufacturer. The South Carolina Mosquito Control Association will coordinate a mutually agreeable location and time for these sessions. Sessions will be designed for agency staff members and product users

Kristen Moss, CPPB, Procurement Officer
E-Mail: kmoss@mimo.sc.gov
Telephone: (803) 737-2772

Materials Management Office
1201 Main Street, Suite 600
Columbia, South Carolina 29201

Section: P
Page: 52
Date:

Contractor: ADAPCO, INC.
Contact: Kathy Russell
Email: bids@myadapco.com
Address: 550 Aero Lane
Sanford, FL 32771
Telephone: (800) 367-0659
Fax: (866) 330-9888
Vendor #: 7000073003
FEIN #: 59-2574523
Contract #: 4400014373
[Adapco Pricing](#)

24 Hour Emergency Number
(800) 252-8500

Distributor: ADAPCO, INC.
Contact: Trey English
Telephone: (866) 829-0275
Email: tenglish@myadapco.com

Contractor: Clarke Mosquito Control Products, Inc.
Contact: Gabriela Simone
E-Mail: Gsimone@clarkemosquito.com
Address: 16277 Collections Ctr Dr.
Chicago, IL 60693
Telephone: (630) 671-3187
Vendor #: 7000033604
FEIN#: 36-3672438
Contract # 4400014371
[Clarke Pricing](#)

24 Hour Emergency Numbers
(800) 535-5053

Distributor: Clarke Mosquito Control

Products, Inc.
Contact: Gabriela Simone
E-Mail: Gsimone@clarkemosquito.com
Telephone: (630) 671-3187
Fax: (630) 894-1774
Control Consultant: Joe Strickhouser
Telephone: (704) 756-5837
Email: jstrickhouser@clarke.com

Contractor: Univar USA, Inc.
Contact: Kim Holt
E-Mail: Kim.holt@univarusa.com
Address: 650 West 800 South
Salt Lake City, Utah 84104
Telephone: (801) 328-1112
Fax: (801) 328-8797
Vendor #: 7000057706
FEIN#: 91-1347935
Contract # 4400014372
[Univar Pricing](#)

24 Hour Emergency Numbers
(800) 424-9300

Distributor: Univar USA, Inc.
Contact: John Ryan
Telephone: (407) 843-2611
Fax: (407) 649-8433
E-Mail: John.ryan@univarusa.com

Mosquito Larvacides

Univar USA Inc. Products and Pricing

Microbial

Item No.	Item Number from Solicitation Cross Reference	Percentage of Active Ingredient	Size	Product Name	Unit Price
NA	NA	NA	NA	NA	NA

Insect Growth Regulator

Univar

Item No.		Percentage of Active Ingredient	Size	Product Name	Unit Price
1	42	1.5% Methoprene	40 lb bag	Altosid XRG	\$338.00
2	43	1.5% Methoprene	2.5 lb bottle	Altosid Pro G	\$29.00
3	44	2.1% Methoprene	220 CS	Altosid XR	\$710.60
4	45	4.25% Methoprene	2x22 lb case	Altosid Pellets	\$1,024.20
5	46	4.25% Methoprene	800/case	Altosid WSP Pellets	\$648.00
6	47	5.0% Methoprene	4x1 gal case	Altosid Liquid Larvicide SR-5	\$1,012.00
7	48	8.62% Methoprene	400/case	Altosid 30 day	\$448.00
8	49	20.0% Methoprene	2x2.5 gal case	Altosid SR-20	\$4,500.00
9	50	1.30% Novaluron + 1.30% Pyriproxyfen	16 oz bottle	Tekko Pro	\$37.86

South Carolina General Assembly
122nd Session, 2017-2018

Download [This Bill](#) in Microsoft Word format

~~Indicates Matter Stricken~~

Indicates New Matter

H. 4458

STATUS INFORMATION

General Bill

Sponsors: Reps. Johnson, Hixon, Kirby, Yow, Duckworth, Burns, Blackwell, Dillard, Davis, Forrest, Fry, Hewitt, Crawford, McGinnis, Ott, Bamberg, Erickson, Cobb-Hunter, Willis, Mace, Hill, Gagnon, West, Hardee, Wheeler, McEachern, Magnuson, Martin and Bowers

Document Path: I:\council\bills\bh\7142ahb18.docx

Companion/Similar bill(s): 3924

Introduced in the House on January 9, 2018

Introduced in the Senate on January 31, 2018

Last Amended on January 30, 2018

Currently residing in the Senate Committee on **Judiciary**

Summary: Littering

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number

12/13/2017	House	Prefiled

12/13/2017	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs
1/9/2018	House	Introduced and read first time (House Journal-page 119)
1/9/2018	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs (House Journal-page 119)
1/16/2018	House	Member(s) request name added as sponsor: Hixon
1/24/2018	House	Member(s) request name added as sponsor: Kirby, Yow, Duckworth, Burns, Blackwell, Dillard, Davis
1/25/2018	House	Member(s) request name added as sponsor: Forrest
1/25/2018	House	Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs (House Journal-page 2)
1/25/2018	House	Member(s) request name added as sponsor: Fry, Hewitt, Crawford, McGinnis, Ott, Bamberg, Erickson, Cobb-Hunter, Willis, Mace, Hill, Gagnon, West, Hardee, Wheeler
1/30/2018	House	Member(s) request name added as sponsor: McEachern, Magnuson, Martin, Bowers
1/30/2018	House	Amended (House Journal-page 16)
1/30/2018	House	Read second time (House Journal-page 16)
1/30/2018	House	Roll call Yeas-98 Nays-14 (House Journal-page 20)
1/31/2018	House	Read third time and sent to Senate (House Journal-page 5)
1/31/2018	House	Roll call Yeas-100 Nays-4 (House Journal-page 5)
1/31/2018	Senate	Introduced and read first time (Senate Journal-page 9)
1/31/2018	Senate	Referred to Committee on Judiciary (Senate Journal-page 9)

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

[12/13/2017](#)

[1/25/2018](#)

[1/30/2018](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

January 30, 2018

H. 4458

Introduced by Reps. Johnson, Hixon, Kirby, Yow, Duckworth, Burns, Blackwell, Dillard, Davis, Forrest, Fry, Hewitt, Crawford, McGinnis, Ott, Bamberg, Erickson, Cobb-Hunter, Willis, Mace, Hill, Gagnon, West, Hardee, Wheeler, McEachern, Magnuson, Martin and Bowers

S. Printed 1/30/18--H.

Read the first time January 9, 2018.

A BILL

TO AMEND SECTION [16-11-700](#), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUMPING OF LITTER ON PRIVATE OR PUBLIC PROPERTY AND ITS PENALTIES, SO AS TO RESTRUCTURE THE OFFENSES TO ENSURE CIGARETTE BUTTS AND CIGARETTE COMPONENT LITTER AND DECEASED ANIMALS ARE INCLUDED IN THE PURVIEW OF THE STATUTE, AND TO RESTRUCTURE THE PENALTIES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section [16-11-700](#) of the 1976 Code is amended to read:

"Section [16-11-700](#). (A) A person, from a vehicle or otherwise, may not dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste, as defined by Section [44-96-40](#)(46)(2), (6), (32), (33), (43), (46), (73), and (74), and including cigarette butts and cigarette component litter, upon waters or public or private property or waters in the State for which he is not the legal owner or a person otherwise granted permission by the legal owner including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except:

(1) on property designated by the State for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or

(2) into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.

(B) Responsibility for the removal of litter from property or receptacles is upon the person convicted pursuant to this section of littering the property or receptacles. If there is no conviction for littering, the responsibility is upon the owner of the property.

(C)(H) A person who violates the provisions of this section in an amount less not more than fifteen pounds in weight or twenty-seven cubic feet in volume, including cigarette butts and cigarette components, is guilty of a misdemeanor and, upon conviction, must be fined two not less than twenty-five dollars and not more than one hundred dollars or imprisoned for not more than thirty days for a first or second conviction, or fined five hundred dollars or imprisoned for not more than thirty days for a third or subsequent conviction. In addition to the fine or term of imprisonment, the court also must impose eight hours of litter-gathering labor for a first conviction, sixteen hours of litter-gathering labor for a second conviction, and twenty-four hours of litter-gathering labor for a third or subsequent conviction, or other form of public community service, under the supervision of the court, as the court may order because of physical or other incapacities.

~~(2)(D)~~ The fine for a deposit of a collection of litter or garbage in an amount not more than fifteen pounds in an area or facility not intended for public deposit of litter or garbage is ~~one thousand dollars not less than fifty dollars and not more than one hundred and fifty dollars~~. The provisions of this ~~item subsection~~ apply to a deposit of ~~litter or garbage, as defined in Section 44-67-30(4),~~ litter or solid waste, as defined by Section 44-96-40(2), (6), (32), (33), (43), (46), (73), and (74) including cigarette butts and cigarette components, in an area or facility not intended for public deposit of litter or garbage. This ~~item subsection~~ does not prohibit a private property owner from depositing litter or garbage as a property enhancement if the depositing does not violate applicable local or state health and safety regulations. In addition to a fine and for each offense pursuant to the provisions of this ~~item subsection~~, the court also shall impose a minimum of ~~five~~ sixteen hours of litter-gathering labor or other form of public community service, ~~under the supervision of the court, as the court may order because of physical or other incapacities.~~

~~(3)(1)~~ The court, instead of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter-gathering labor or other form of public community service, ~~under the supervision of the court, as it may order because of physical or other incapacities not to exceed one hour for each five dollars of fine imposed.~~

~~(4)(2)~~ In addition to other punishment authorized by this section, in the discretion of the court in which conviction is obtained, the person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner of the property upon which it is established by competent evidence that the person has deposited litter, all litter deposited on the place or property by any person before the date of execution of sentence.

~~(D)(E)~~ A person who violates the provisions of this section in an amount exceeding fifteen pounds ~~in weight or twenty-seven cubic feet in volume,~~ but not exceeding five hundred pounds ~~or one hundred cubic feet,~~ on any public or private property, any portion of the road right of way, fresh-water lake, river, canal or stream, or tidal or coastal waters of the State must be charged with illegal dumping of litter and is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than ~~ninety~~ thirty days. In addition, the court shall require the violator to ~~pick-up litter~~ complete sixteen hours of litter-gathering labor or perform other community service

~~commensurate with the offense committed, up to one hundred hours. For a second conviction, the person must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition, the court shall require the violator to complete twenty-four hours of litter-gathering labor or other community service. For a third or subsequent conviction, the person must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition, the court shall require the violator to complete thirty-two hours of litter-gathering labor or other community service.~~

~~(E)~~(F)(1) A person who violates the provisions of this section in an amount exceeding five hundred pounds ~~in weight or one hundred cubic feet in volume~~ is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned not more than one year, or both. In addition, the court may order the violator to:

- (a) remove or render harmless the litter that he dumped in violation of this subsection;
 - (b) repair or restore property damaged by, or pay damages for damage arising out of, his dumping of litter in violation of this subsection; or
 - (c) perform community ~~public~~ service relating to the removal of litter dumped in violation of this subsection or relating to the restoration of an area polluted by litter dumped in violation of this subsection.
- (2) A court may enjoin a violation of this subsection.
- (3) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than five hundred pounds ~~in weight or more than one hundred cubic feet in volume~~ of litter in violation of this subsection is declared contraband and is subject to seizure and summary forfeiture to the State.
- (4) If a person sustains damages in connection with a violation of this subsection that gives rise to a felony against the person or his property, a court, in a civil action for those damages, shall order the wrongdoer to

pay the injured party threefold the actual damages or two hundred dollars, whichever amount is greater. In addition, the court shall order the wrongdoer to pay the injured party's court costs and attorney's fees.

(5) A fine imposed pursuant to this subsection must not be suspended, in whole or in part.

~~(F)~~(G)(1) When the penalty for a violation of this section includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the penalty is mandatory and must not be suspended; however, the court, upon the request of a person convicted of violating this section, may direct that the person pay an additional monetary penalty instead of the litter-gathering portion of the penalty that must be equal to the amount of five dollars an hour of litter-gathering labor. Probation must not be granted instead of the litter-gathering requirement, except for a person's physical or other incapacities.

(2) Funds collected pursuant to this subsection instead of the mandatory litter-gathering labor must be remitted to the county or municipality where the littering violation took place. The money collected may be used for the litter-gathering supervision.

~~(G) For purposes of the offenses established by this section, litter includes cigarettes and cigarette filters.~~

(H) A prior violation within the meaning of this section means only a violation of this section which occurred within a period of five years including and immediately preceding the date of the last violation.

(I) Magistrates and municipal courts have jurisdiction to try violations of subsections (A), (B), (C), ~~and (D), (E), and (F) of this section.~~

(J) For the purposes of subsections (E) and (F), illegal dumping is defined as disposing of more than fifteen pounds of any collection of solid waste, litter, or other materials defined in subsection (A) and including discarded, deceased animals or deceased animal parts which create a hazard to the public health and welfare, but not defined as a careless, scattered littering of smaller items."

(K)(1) Nothing in this section shall prohibit the authority of a local government to enforce ordinances relating to the upkeep of property pursuant to Section [4-9-25](#) and Section [5-7-80](#).

(2) If a conflict occurs between this Section and the Solid Waste Policy and Management Act as contained in Chapter 96, Title 44, the latter controls."

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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This web page was last updated on February 1, 2018 at 8:53 AM

South Carolina General Assembly
122nd Session, 2017-2018

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Indicates New Matter

H. 3529

STATUS INFORMATION

General Bill

Sponsors: Reps. Bedingfield, Sandifer, Hamilton, Forrester, Atwater, Yow, Clemmons, Crawford, Fry, Hill, Lowe, Pitts, Putnam, Anderson, Martin, G.R. Smith, Williams, Hixon and Henderson

Document Path: l:\council\bills\dka\3054sa17.docx

Introduced in the House on January 18, 2017

Last Amended on March 7, 2017

Continued by the House on March 7, 2017

Summary: Auxiliary containers

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number

1/18/2017	House	Introduced and read first time (House Journal-page 19)
1/18/2017	House	Referred to Committee on Labor, Commerce and Industry (House Journal-page 19)
1/19/2017	House	Member(s) request name added as sponsor: Putnam

1/25/2017	House	Member(s) request name added as sponsor: Henderson
2/1/2017	House	Member(s) request name removed as sponsor: Henderson
2/2/2017	House	Member(s) request name added as sponsor: Anderson
2/2/2017	House	Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 1)
2/7/2017	House	Member(s) request name added as sponsor: Martin, G.R.Smith
2/7/2017	House	Requests for debate-Rep(s). Bedingfield, Toole, Brown, Hiott, Mack, Cogswell, Crosby, Danning, Arrington, Clary, Bernstein, Stavrinakis, McCoy, Henderson, Burns, B Newton, Martin, Forrester, Robinson-Simpson, Dilliard, Mitchell, Norrell, GR Smith, VS Moss, Cobb-Hunter, McEachern, Ridgeway, Douglas, W Newton, Erickson, Clemmons, Williams, Ott, Knight, King, Bradley, Finlay, Henegan, Johnson, S Rivers, Yow, Jefferson (House Journal-page 16)
2/23/2017	House	Debate adjourned until Tues., 2-28-17 (House Journal-page 12)
2/28/2017	House	Debate adjourned until Wed., 3-1-17 (House Journal-page 12)
3/1/2017	House	Debate adjourned until Thur., 3-1-17 (House Journal-page 14)
3/2/2017	House	Debate adjourned until Tues., 3-7-17 (House Journal-page 28)
3/7/2017	House	Amended (House Journal-page 83)
3/7/2017	House	Continued (House Journal-page 83)
1/10/2018	House	Debate adjourned until Wed., 1-24-18 (House Journal-page 14)
1/25/2018	House	Debate adjourned until Tues., 1-30-18 (House Journal-page 53)
1/30/2018	House	Member(s) request name added as sponsor: Henderson
1/31/2018	House	Member(s) request name added as sponsor: Williams, Hixon, McGinnis
2/1/2018	House	Member(s) request name removed as sponsor: McGinnis

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VERSIONS OF THIS BILL

[1/18/2017](#)

[2/2/2017](#)

[3/7/2017](#)

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AMENDED--NOT PRINTED IN THE HOUSE

Amt. No. 1 (3529C002.DKA.SA18.docx)

Amt. No. 2 (3529C004.NBD.CZ17.docx)

March 7, 2017

H. 3529

Introduced by Reps. Bedingfield, Sandifer, Hamilton, Forrester, Atwater, Yow, Clemmons, Crawford, Fry, Hill, Lowe, Pitts, Putnam and Anderson

S. Printed 2/2/17--H.

Read the first time January 18, 2017.

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE THAT ANY REGULATION REGARDING THE USE, DISPOSITION, SALE, OR ANY IMPOSITION OF ANY PROHIBITION, RESTRICTION, FEE IMPOSITION, OR TAXATION OF AUXILIARY CONTAINERS MUST BE DONE ONLY BY THE GENERAL ASSEMBLY, TO DEFINE AUXILIARY CONTAINER, TO PROVIDE FOR LEGISLATIVE FINDINGS, AND TO PROVIDE FOR EXCEPTIONS.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 39 of the 1976 Code is amended by adding:

"CHAPTER 77

Auxiliary Containers

Section [39-77-10](#). The General Assembly finds that:

- (1) prudent regulation of auxiliary containers is crucial to the welfare of the state's economy;
- (2) retail and food establishments are sensitive to the costs and regulation of auxiliary containers; and
- (3) if individual political subdivisions of the State regulate auxiliary containers, there exists the potential for varying regulations which could lead to unnecessary increased costs for retail and food establishments to comply with the regulations.

Section [39-77-20](#). As used in this chapter, 'auxiliary container' means a bag, cup, package, container, bottle, or other packaging that is:

- (1) designed to be either reusable or single-use;

- (2) made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, expanded polystyrene, corrugated material, aluminum, glass, postconsumer recycled, or similar material or substrates, including coated, laminated, or multilayer substrates; and
- (3) designed for, but not limited to, consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.

Section 39-77-30. (A) Any regulation regarding the use, disposition, sale, or any imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers must be done only by the General Assembly. This chapter supersedes and preempts any ordinance enacted by a political subdivision that purports to regulate the use, disposition, sale, or any imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers at the retail, manufacturer, or distributor level.

(B) Nothing in this chapter may be construed to prohibit or limit any county or municipal ordinance regulating solid waste, any agreement pertaining to the disposal of solid waste, curbside recycling program, designated residential or commercial recycling locations, or commercial recycling program.

(C) The provisions of this chapter do not apply to the use of auxiliary containers within the boundaries of a State park, on a property owned by a county or municipality including, but not limited to, coastal tidelands and wetlands, or on a public beach maintained by a coastal county or municipality.



(D) The provisions of this chapter apply to auxiliary container regulations enacted after January 1, 2017."

SECTION 2. This act takes effect upon approval by the Governor and applies to auxiliary container regulations enacted after the effective date of this act.

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This web page was last updated on February 1, 2018 at 11:31 AM

South Carolina General Assembly

122nd Session, 2017-2018

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S. 44

STATUS INFORMATION

General Bill

Sponsors: Senators Gregory and Reese

Document Path: l:\council\bills\dka\3029sa17.docx

Companion/Similar bill(s): 3079

Introduced in the Senate on January 10, 2017

Introduced in the House on February 7, 2017

Last Amended on February 1, 2017

Currently residing in the House Committee on **Ways and Means**

Summary: Property tax exemptions

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/13/2016	Senate	Prefiled
12/13/2016	Senate	Referred to Committee on Finance
1/10/2017	Senate	Introduced and read first time (Senate Journal-page 36)

1/10/2017	Senate	Referred to Committee on Finance (Senate Journal-page 36)
1/19/2017	Senate	Committee report: Favorable with amendment Finance (Senate Journal-page 8)
2/1/2017	Senate	Committee Amendment Adopted (Senate Journal-page 26)
2/1/2017	Senate	Amended (Senate Journal-page 26)
2/1/2017	Senate	Read second time (Senate Journal-page 26)
2/1/2017	Senate	Roll call Ayes-38 Nays-4 (Senate Journal-page 26)
2/2/2017	Senate	Read third time and sent to House (Senate Journal-page 8)
2/2/2017		Scrivener's error corrected
2/7/2017	House	Introduced and read first time (House Journal-page 6)
2/7/2017	House	Referred to Committee on Ways and Means (House Journal-page 6)

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VERSIONS OF THIS BILL

[12/13/2016](#)

[1/19/2017](#)

[2/1/2017](#)

[2/2/2017](#)

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COMMITTEE AMENDMENT ADOPTED AND AMENDED

February 1, 2017

S. 44

Introduced by Senators Gregory and Reese

S. Printed 2/1/17--S. [SEC 2/2/17 2:56 PM]

Read the first time January 10, 2017.

A BILL

TO AMEND SECTION [12-37-220](#), AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT EIGHTY PERCENT OF THE FAIR MARKET VALUE OF CERTAIN DISTRIBUTED ENERGY RESOURCES AND TO EXEMPT THE VALUE OF RENEWABLE ENERGY RESOURCE PROPERTY FOR RESIDENTIAL USE.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section [12-37-220](#)(B) of the 1976 Code, as last amended by Act 23 of 2015, is further amended by adding appropriately numbered items at the end to read:

"(52)(a) eighty percent of the fair market value of a distributed energy resource required to be returned, pursuant to Section [12-37-970](#), or to be appraised and assessed pursuant to Section [12-4-540](#);

(b) this exemption applies for property that became operational after property tax year 2012 and only applies for the ten consecutive property tax years after the distributed energy resource becomes operational. For property that became operational in property tax year 2013 or 2014, this exemption applies so long as the property was not subject to a fee in lieu agreement as of December 31, 2014, pursuant to Chapter 44 of this title, or Chapter 12 or 29, Title 4. For property that became operational in property tax year 2015 or 2016, if the property was subject to a fee in lieu agreement as of December 31, 2016, pursuant to Chapter 44 of this title, or Chapter 12 or 29, Title 4, then the property is eligible for the exemption instead of the fee in

lieu agreement so long as the taxpayer notifies the other parties to the agreement of the election no later than thirty days after the effective date of this item, and, upon the expiration of the exemption, at the taxpayer's discretion, the provisions of the applicable pre-existing agreement may apply;

(c) for purposes of this item, 'distributed energy resource' means property that is defined in Section [58-39-120](#)(C). This definition includes, but is not limited to, all equipment required to meet all applicable safety, performance, interconnection, and reliability standards established by the commission, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authorities;

(53) renewable energy resource property for residential use. For purposes of this item, 'renewable energy resource' is defined in Section [58-40-10](#), and also has a nameplate capacity of no greater than twenty kilowatts as measured in alternating current."

SECTION 2. A. Section [12-6-3770](#)(A) of the 1976 Code, as added by Act 134 of 2016, is amended to read:

"Section [12-6-3770](#). (A) A taxpayer who constructs, purchases, or leases solar energy property located on the Environmental Protection Agency's National Priority List, National Priority List Equivalent Sites, or on a list of related removal actions, as certified by the Department of Health and Environmental Control, or on property owned by the Pinewood Site Custodial Trust located in the State of South Carolina, and places it in service in this State during the taxable year, is allowed an income tax credit equal to twenty-five percent of the cost, including the cost of installation of the property. The credit is earned in the year in which the solar energy property is placed in service, but must be taken in five equal annual installments, beginning in the year in which the solar energy property is placed in service. Unused credit may be carried forward for five taxable years from the year in which the credit was able to be taken. A lessor shall give a taxpayer who leases solar energy property from him a statement that describes the solar energy property and states the cost of the property upon request. A credit is not allowed pursuant to this section to the extent the cost of the solar energy property is provided by public funds. For purposes of this section, 'public funds' does not include federal grants or tax credits."

B. This SECTION takes effect in income tax years beginning after 2016 and shall apply and terminate in the same manner as provided in Section 1.B. of Act 134 of 2016.

SECTION 3. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2016.

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This web page was last updated on February 8, 2017 at 9:08 AM

South Carolina General Assembly

122nd Session, 2017-2018

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H. 3099

STATUS INFORMATION

General Bill

Sponsors: Reps. Ott, Cobb-Hunter, B. Newton and Alexander

Document Path: l:\council\bills\bbm\9538dg17.docx

Introduced in the House on January 10, 2017

Currently residing in the House Committee on **Ways and Means**

Summary: State Aid to Subdivisions Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number

12/15/2016	House	Prefiled
12/15/2016	House	Referred to Committee on Ways and Means
1/10/2017	House	Introduced and read first time (House Journal-page 72)
1/10/2017	House	Referred to Committee on Ways and Means (House Journal-page 72)
1/24/2018	House	Member(s) request name added as sponsor: Alexander

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VERSIONS OF THIS BILL

[12/15/2016](#)

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A BILL

TO AMEND CHAPTER 27, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE AID TO SUBDIVISIONS ACT, SO AS TO CHANGE THE NAME OF THE LOCAL GOVERNMENT FUND, TO DELETE THE REQUIREMENT THAT THE FUND RECEIVE NOT LESS THAN FOUR AND ONE-HALF PERCENT OF THE GENERAL FUND REVENUES OF THE LATEST COMPLETED FISCAL YEAR, TO DELETE A PROVISION REGARDING MIDYEAR CUTS, TO PROVIDE THAT THE APPROPRIATION TO THE FUND MUST BE INCREASED BY THE SAME PERCENTAGE THAT GENERAL FUND REVENUES ARE PROJECTED TO INCREASE, IF APPLICABLE, BUT NOT TO EXCEED FIVE PERCENT, TO REQUIRE THAT THE PERCENTAGE INCREASE, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET PROCESS, TO AMEND THE DISTRIBUTION PERCENTAGE OF THE FUND, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 27, Title 6 of the 1976 Code is amended to read:

"CHAPTER 27

State Aid to Subdivisions Act

Section [6-27-10](#). This chapter may be cited as the 'State Aid to Subdivisions Act.

Section [6-27-20](#). There is created the Local Government Revenue Sharing Fund administered by the State Treasurer. This fund is part of the general fund of the State. ~~It is the intent of the General Assembly that this fund not be subject to mid-year cuts. However, if mid-year cuts are mandated by the State Budget and Control Board to avoid a year-end deficit, this fund is not subject to such cuts, except by a majority vote of the entire State Budget and Control Board which is separate and apart from any other reduction. These cuts are permitted only to the extent that counties and municipalities do not receive less funding than received in the immediate preceding fiscal year.~~ The Local Government Revenue Sharing Fund must be financed as provided in this chapter.

Section [6-27-30](#). (A) In the annual general appropriations act, ~~an amount equal to not less than four and one-half percent of general fund revenues of the latest completed fiscal year must be appropriated~~ the General Assembly must appropriate funds to the Local Government Revenue Sharing Fund.

(B)(1) In any fiscal year in which general fund revenues are projected to increase, the appropriation to the Local Government Revenue Sharing Fund for the upcoming fiscal year must be increased by the same projected percentage increase, but not to exceed five percent, when compared to the appropriation in the current fiscal year. For purposes of this subsection, beginning with the initial forecast required pursuant to Section [11-9-880](#), the percentage increase in general fund revenues must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' most recent projection of recurring general fund revenue for the upcoming fiscal year. Upon the issuance of the initial forecast, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, shall notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of the projected percentage increase. The executive director, or his designee, shall provide similar notice if subsequent modifications to the forecast change the projected percentage increase. However, the forecast in effect on May thirty-first of the current fiscal year is the final forecast for which the percentage increase is determined, and no subsequent forecast modifications shall have any effect on that determination.

(2) The Governor shall include the appropriation increase to the Local Government Revenue Sharing Fund in the Executive Budget.

(3) The Revenue and Fiscal Affairs Office shall determine the current fiscal year's recurring general fund expenditure base, and determine any projected increase in general fund revenues. If an increase is projected, the appropriation for the upcoming fiscal year must be adjusted accordingly.

(C) For purposes of this section:

(1) 'Recurring general fund revenue' means the forecast of recurring general fund revenues pursuant to Section [11-9-880](#) after the amount apportioned to the Trust Fund for Tax Relief, as required in Section [11-11-150](#), is deducted.

(2) 'Recurring general fund expenditure base' means the total recurring general fund appropriations authorized in the current general appropriations act less any reduced appropriations mandated by the General Assembly or the Executive Budget Office pursuant to Section [11-9-890B](#).

Section [6-27-40](#). (A) Not later than thirty days after the end of the calendar quarter, the State Treasurer shall distribute the monies appropriated to the Local Government Revenue Sharing Fund as follows:

(1) ~~Eighty-three and two hundred seventy-eight thousandths~~ percent must be distributed to counties. Of the total distributed to counties, each county must receive an amount based on the ratio that the county's population is of the whole population of this State according to the most recent United States Census.

(2) ~~Sixteen and seven hundred twenty-two thousandths~~ Seventeen percent must be distributed to municipalities. Of the total distributed to municipalities, each municipality must receive an amount based on the ratio that the municipality's population is of the population of all municipalities in this State according to the most recent United States Census.

(B) In making the quarterly distribution to counties, the State Treasurer must notify each county of the amount that must be used for educational purposes relating to the use of alcoholic liquors and for the rehabilitation of alcoholics and drug addicts. Counties may pool these funds with other counties and may combine these funds with other funds for the same purposes. The amount that must be used as provided in this subsection is equal to twenty-five percent of the revenue derived pursuant to Section [12-33-245](#) allocated on a per capita basis according to the most recent United States Census.

~~Section [6-27-50](#). No section of this chapter may be amended or repealed except in separate legislation solely for that purpose.~~

Section [6-27-55](#). From funds distributed to the county pursuant to Section [6-27-40](#), a county council shall provide a reasonable amount of funds for all county offices of state agencies for which the council is required to provide funding by state law."

SECTION 2. This act takes effect on July 1, 2018, and first applies for the annual general appropriations bill process for Fiscal Year 2019-2020.

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This web page was last updated on January 24, 2018 at 4:03 PM

BYLAWS OF BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION

(a South Carolina nonprofit corporation)

Adopted Effective as of _____, 2018

ARTICLE I NAME

The name of this corporation is Beaufort County Economic Development Corporation (hereinafter referred to as the "Corporation").

ARTICLE II OFFICES

The registered and principal offices of the Corporation shall be in the County of Beaufort, State of South Carolina. The Corporation may have such other offices, within or without the State of South Carolina, as the Board may designate and as the activities of the Corporation may require from time to time.

ARTICLE III GENERAL

Section 3.1 Organization: The Corporation is a nonprofit corporation (i) established and operating in accordance with the provisions of Sections 501(c)(3) and 509(a)(1), (2) or (3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any future United States internal revenue law) ("IRC") and the Treasury Regulations thereunder and (ii) incorporated under the South Carolina Nonprofit Corporation Act of 1994 (Chapter 31, Title 33, Code of Laws of South Carolina 1976, as amended (the "Nonprofit Act")).

Section 3.2 Fiscal Year: The Corporation shall operate on a fiscal year basis, beginning July 1 and ending June 30. The Corporation's period of duration shall be perpetual unless terminated in accordance with Article XIV of these Bylaws.

Section 3.3 Captions: The headings, titles, and captions of the Articles and Sections of these Bylaws are inserted only to facilitate reference. They shall not define, limit, extend, or describe the scope or intent of these Bylaws or any provision hereof, and they shall not constitute a part hereof or affect the meaning or interpretation of these Bylaws or any part hereof.

ARTICLE IV

PURPOSES, POWERS AND POLICIES

Section 4.1 General Purpose: The Corporation is organized, and at all times shall be operated, exclusively for charitable, educational and/or scientific purposes within the meaning of IRC § 501(c)(3), and the Corporation shall have no power to engage in activities not in furtherance of such purposes. The Corporation is not a corporation organized for profit. No part of the net earnings of the Corporation shall inure to the benefit of any private shareholder or individual. No substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation. The Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of a candidate for public office. Notwithstanding any other provisions of these articles, the Corporation shall not carry on any activities not permitted to be carried on (i) by an organization described in IRC §§ 501(c)(3) and 509(a)(1), (2) or (3), or (ii) by an organization contributions to which are deductible under the provisions of IRC § 170(c)(2), or any other corresponding provisions of any future United States Internal Revenue Law.

Section 4.2 Specific Purpose: The Corporation is organized and will operate as a supporting organization exclusively for the benefit of, to perform the functions of, or to carry out the purposes of Beaufort County, South Carolina (the "County") by assisting the County in its governmental function of promoting and enhancing the economic growth and development of the County for the benefit and welfare of the citizens of the County. It is intended that the Corporation will generally lessen the burdens of County government by becoming responsible for the economic development needs of the County and work cooperatively with the County in order to carry out the aforesaid programs of economic development.

To this end, the objectives of the Corporation will further the County's overall mission to create jobs and to implement sustainable community and economic development by providing resources (i) to attract new business and industry to the area, (ii) to assist the County in business and industry retention, (iii) to assist the County in the creation and retention of jobs throughout the area, (iv) to respond to business and industry prospects and undertake related follow-up, (v) to conduct marketing and advertising of the County's qualities related to economic development, (vi) to facilitate data collection and research, (vii) to undertake prospect meetings and field trips, (viii) to engage in incentive negotiations to induce capital investment and job creation, (ix) to promote infrastructure development, (x) perform workforce development activities and (xi) to facilitate fund raising activities for the foregoing purposes.

In connection with the aforesaid purposes, the Corporation's activities may include the following: obtaining, acquiring, receiving, constructing, erecting or otherwise providing real and personal property and holding, retaining, leasing, licensing, renting, managing, investing, reinvesting, selling, or otherwise disposing of or assigning the income from and/or rights in or to real and personal property, and engaging in any and all lawful activities necessary or incident to the foregoing purposes, except as may be limited herein.

Section 4.3 Powers: The Corporation will have such powers as are now or may hereafter be granted to corporations under the Nonprofit Act, except as may be limited by the Corporation's Articles of Incorporation or these Bylaws.

Section 4.4 Operating Policies, Procedures and Guidelines: The Board may adopt, amend, or restate Operating Policies, Procedures and Guidelines from time to time in order to implement the purposes of the Corporation.

ARTICLE V

MEMBERS

Section 5.1 No Statutory Members: As provided in the Corporation's Articles of Incorporation, as the same may be amended, pursuant to S.C. Code § 33-31-603, the Corporation does not have members within the meaning of S.C. Code § 33-31-140(23).

ARTICLE VI BOARD OF DIRECTORS

Section 6.1 General: The Board of Directors (the "Board" or the "Directors") of the Corporation will be the governing body of the Corporation and will be vested with the ultimate authority over the management and conduct of the business and affairs of the Corporation. The standard of care applicable to the Directors is that provided in S.C. Code §§ 33-31-830 through -834. All corporate powers shall be exercised by, and all affairs of the Corporation shall be managed under the authority and direction of, the Board.

Section 6.2 Appointment and Terms: The number of directors constituting the Board shall be fifteen (15). The directors shall have full voting rights and be comprised of the following:

a) Public Sector. There shall be five (5) directors representing the public sector. The public sector representatives shall include the following:

I. The Chairman of the Beaufort County Council will serve, or he or she will appoint a Director to serve on his or her behalf. This term will coincide with the Chairmanship term, and shall be considered a two (2) year term.

II. The four (4) major communities including the Town of Hilton Head Island, City of Beaufort, Town of Bluffton, and the Town of Port Royal will be represented by their respective lead elected official or his or her appointee. Each term will coincide with the term of the lead elected official, and shall be considered a two (2) year term.

b) Private Sector. There shall be seven (7) directors representing the non-governmental private sector, they shall be appointed by the County Council at the recommendation of the current directors, and serve a four (4) year term. Private sector directors will be limited to serving three (3) consecutive terms. These appointees may not hold any elected office while serving as a director and must:

I. Lead private for-profit business or industry relating to key industry sectors identified by the Corporation. These industries include but are not limited to the following:

- a) Healthcare & Biomedical Supplies
- b) Labs and Software & IT
- c) Retail
- d) Tourism
- e) Culture and Entertainment
- f) Back Office
- g) Industrial Machinery
- h) Research
- i) Light Manufacturing & Assembly
- j) Logistics & Distribution

c) Primary, Secondary, and Higher Education. There shall be three (3) directors with two (2) representing higher education and one (1) representing primary and secondary education, grades K-12. The higher education directors shall be the President of the Technical College of the Lowcountry and the President of the University of South Carolina Beaufort, or his/her appointee. The primary and secondary education director shall be the Superintendent of the Beaufort County School District, or his/her appointee. If any education director is an appointee of one of the Presidents or the Superintendent, such appointment is subject to the Directors' approval. These directors will serve a (4) year term.

Section 6.3 Resignation: Any Director may resign at any time by delivering written notice to the Chairman of the Board or the Secretary. A resignation is effective when the notice is received unless the notice specifies a later effective date. If a resignation is made effective at a later date, the vacancy may be filled before the effective date if the appointment provides that the successor does not take office until the effective date.

Section 6.4 Removal: A Director may be removed from office by the person or body who appointed such Director, provided that a Director may only be removed for just cause and with the concurrence of the Executive Committee (provided that any member of the Executive Committee proposed for removal may not participate in deliberations or voting by the Executive Committee concerning such matter).

Section 6.5 Vacancies: A vacancy occurring in the Board shall be filled in the same manner as the appointment of the Director who became disabled, deceased, resigned or was removed. A Director appointed to fill a vacancy shall hold office until the end of the unexpired term that such Director is filling (and then until such Director's successor is appointed and qualifies).

Section 6.6 Committees:

a) Executive Committee. The Executive Committee, which is a committee of the board, shall consist of the Chairman, Past Chairman, Vice-Chairman and Treasurer. The appointment of such officers by the Board shall also serve as their appointment by the Board to the Executive Committee. The Chairman shall serve as the chairperson of the Executive Committee and shall preside at all of its meetings. The Executive Committee shall have general supervision of the affairs of the Corporation between its business meetings and may exercise such power of the Board between meetings of the Board, fix the hour and place of Board meetings, make recommendations to the Board and perform such other duties as are specified in these Bylaws. The Executive Committee shall be subject to the orders of the Board and none of its acts shall conflict with action taken by the Board.

b) Other Board Committees. The Board may create one or more standing committees, in addition to the Executive Committee provided for in Section 6.6 a) of this Article. Such other committees of the Board shall be composed solely of individuals currently serving as duly elected Directors. Each such committee of the Board shall have (3) or more Directors, who shall be appointed by and serve at the pleasure of the Board. Further, the duties, constitution and procedures of any committee shall be prescribed by the Board. The creation of a committee of the Board and appointment of members to it must be approved by a majority of all the Directors in office when the action is taken. Any committee created and approved by the Board is considered a public body and must comply with the South Carolina Freedom of Information Act, S.C. Code §§ 30-4-10 et seq. (the "FOIA").

c) Procedure. The provisions of Article VII of these bylaws, which govern meetings of the Board, shall apply to committees of the Board and their members as well, except that no committee of the Board shall be required to have an annual meeting or scheduled regular meetings. To the extent specified or authorized by the Board or in these Bylaws, each committee of the Board may exercise the authority of the Board. A committee of the Board may not, however: (a) approve or recommend dissolution, merger, or the sale, pledge, or transfer of all or substantially all of the Corporation's assets; (b) elect, appoint, or remove Directors or fill vacancies on the Board or on any committee of the Board; (c) adopt, amend, or repeal the articles of incorporation or these Bylaws; or (d) or otherwise act in contravention of either the Nonprofit Act § 33-31-825 or the Freedom of Information Act, S.C. Code §§ 30-40-10 et. seq. Any actions of a committee shall be reported to the Board at the next regular meeting of the Board, and must be included in the minutes of the regular Board meeting.

Section 6.7 Accounting, Books and Records: The Corporation shall maintain appropriate corporate and accounting records and shall have its accounts reviewed by its outside accountants at the end of each fiscal year. The Corporation's books and records shall be maintained as provided in this Section and in Section 6.9 of this Article.

- a) **Financial Reports.** The Corporation shall maintain at its principal office its financial reports as of the end of the most recent fiscal year, including at a minimum a balance sheet and a statement of operations of such year, accompanied by the report of the certifying accountant.
- b) **Corporate Records.** The Corporation shall maintain at its principal office the following written corporate records: articles of incorporation and any amendment from time to time in effect; Bylaws and any amendment from time to time in effect; minutes of all Board meetings, Committee meetings and action taken without meeting for the past three (3) years; and a current list of Directors and officers and their addresses of record; IRS Forms 990, 1023, and such additional tax information as may be required under IRC § 6104.
- c) **Minutes.** The Corporation shall maintain in writing or in a format convertible into writing the minutes of all other Board and committee meetings and actions without meeting.
- d) **Inspection Rights of Directors.** Each Director shall have the right to inspect and copy during regular business hours the corporate records and financial reports described in subparagraphs (a), (b) and (c) of this Section.

Section 6.8 Service Without Compensation: The Directors shall serve without compensation. Each Director may be paid per diem and mileage incidental to meetings of the Corporation, in accordance with the Operating Policies, Procedures and Guidelines of the Corporation, not to exceed standards provided by law for boards, committees, and commissions. Nothing in this Section shall prohibit the payment of reasonable compensation to an employee of the Corporation, in his or her capacity as an employee, even though such individual may also be serving as a Director.

Section 6.9 Compliance with Freedom of Information Act and IRS Disclosure Requirements: Business meetings of the Board and Committees of the Board shall be conducted in accordance with the South Carolina Freedom of Information Act, S.C. Code §§ 30-4-10 et seq. (the "FOIA"). Records of the Corporation shall be maintained and provided in accordance with the FOIA and IRC § 6104. The Operating Policies, Procedures and Guidelines of the Corporation shall contain such provisions, including language addressing conduct of meetings and disclosure of records, as to ensure the Corporation's compliance with the FOIA and Internal Revenue Service disclosure regulations.

Section 6.10 Conflicts of Interest:

- a) A conflict of interest transaction is a transaction with the Corporation in which a Director of the Corporation has a direct or indirect interest. The Executive Committee shall have the power from time to time to establish rules for the determination of whether a conflict of interest exists. A conflict of interest transaction is not voidable or the basis for imposing liability on the Director if the transaction was fair to the Corporation at the time it was entered into or is approved as provided in subsection (b).
 - a. Directors must comply with state ethics act definitions and statutes as it relates to their activity with the corporation. Where a conflict of interest exists between the by-laws and the state code, the state law will prevail.
- b) A transaction in which a Director of the Corporation has a conflict of interest may be:
 - I. authorized, approved, or ratified by the vote of the Board or a Committee of the Board if:
 - i. the material facts of the transaction and the Director's interest are disclosed or known to the Board or Committee of the Board; and
 - ii. the Directors approving the transaction in good faith reasonably believe that the transaction is fair to the Corporation; or
 - II. approved before or after it is consummated by obtaining approval of the:

- i. Attorney General; or
 - ii. the circuit court for Beaufort County in an action in which the Attorney General is joined as a party.
- c) For purposes of this section, a Director of the Corporation has an indirect interest in a transaction if:
 - i. another entity in which the Director has a material interest or in which the Director is a general partner is a party to the transaction; or
 - ii. another entity of which the Director is a director, officer, or trustee is a party to the transaction
- d) For purposes of subsection (b), a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the Directors on the Board or on the Committee who have no direct or indirect interest in the transaction, but a transaction may not be authorized, approved, or ratified under this section by a single Director. If a majority of the Directors on the Board who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a Director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (b)(1) if the transaction is otherwise approved as provided in subsection (b).

Section 6.11 Bond: The Board may by resolution require any or all officers, agents and employees of the Corporation to give bond to the Corporation, with sufficient sureties, conditioned on the faithful performance of the duties of their respective offices or positions, and to comply with such other conditions as may from time to time be required by the Board.

ARTICLE VII

MEETINGS OF DIRECTORS

Section 7.1 Regular Meetings: Regular meetings of the Board shall be held periodically, at least five (5) times a year, at such date and at such time and place as the Board may fix by resolution or otherwise. All meetings of the Directors shall be subject to the Freedom of Information Act of the South Carolina Code, as amended (the "Freedom of Information Act") and shall be duly noticed in accordance therewith.

Section 7.2 Special Meetings: Special meetings of the Board may be called by or at the request of the Chairman or any three (3) Directors. Such meetings may be held at the time and place fixed by the person or persons calling the meeting.

Section 7.3 Notice; Waiver of Notice of Meetings: Regular meetings of the Board may be held without further notice to the Directors if the date, time and place of the meeting previously have been fixed by the Board; otherwise, regular meetings must be preceded by at least two (2) days' notice to each Director of the date, time and place, but not the purpose, of the meeting. Special meetings of the Board must be preceded by at least two (2) days' notice to each Director of the date, time, place and purpose of the meeting. Notice required by the foregoing provisions may be oral or written and may be communicated in person; by telephone; by facsimile transmission or other form of wire or wireless communication; or by mail or private carrier. Such notice will comply with statutory notice required by the FOIA. Oral notice is effective when communicated, if communicated in a comprehensible manner. Written notice, if in a comprehensible form, is effective at the earliest of the following: (a) when received; (b) five (5) days after its deposit in the United States mail, as evidenced by the postmark, if mailed correctly addressed and with first-class postage affixed; or (c) on the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee. Written notice is correctly addressed to a Director if addressed to the Director's address shown in the Corporation's current list of Directors. Notice need not be given to any Director who waives notice by a signed writing before, during or after the meeting. Attendance of a Director at any meeting constitutes a waiver of notice of the meeting, except where a Director attends a meeting

solely for the purpose of stating objection, at the beginning of the meeting, to the transaction of any business on the ground that the meeting is not lawfully called or convened.

Section 7.4 Actions Requiring Special Notice: Meetings at which the following actions are to be considered shall require not less than seven (7) days prior effective written notice: (i) a transaction involving a Director conflict of interest; (ii) indemnification of officers, employees and agents; (iii) amendment of the Articles of Incorporation (the "Articles"); (iv) amendment of these Bylaws; (v) merger; (vi) sale of assets other than in the regular course of activities; (vii) vote to remove a Director; and (viii) dissolution.

Section 7.5 Quorum, Manner of Acting Voting: At any meeting of the Board, a majority of the number of Directors in office immediately before a meeting begins will constitute a quorum for the transaction of the business of the Corporation. The Directors present at a meeting may continue to meet notwithstanding the withdrawal of enough Directors so that there is less than a quorum but no fewer than two (2) members of the Board.

At any meeting of the Directors, a Director will be entitled to vote on any issue where no conflict exists for that Director. Each member of the Board present will have one vote. Proxy voting is not permitted for the transaction of any business of the Corporation. If a quorum is present when a vote is taken, the affirmative vote of a majority of the Directors present is the act of the Board. A Director who is present at a meeting of the Board, or a Committee of the Board of which he or she is a member, when corporate action is taken is deemed to have assented to the action taken unless: (a) he objects, at the beginning of the meeting or promptly upon his arrival, to holding the meeting or transacting specified affairs at the meeting; or (b) he votes against or abstains from the action taken.

Section 7.6 Informal Action by Directors: Action taken without a meeting will be deemed action of the Board if all members of the Board execute a written consent thereto, and the consent is filed with the corporate records of the Corporation.

Section 7.7 Presence at/Participation in Meetings: Any or all Directors may participate in any meeting of the Board or meeting of any Committee through the use of conference telephone or any means of communication by which all Directors participating in the meeting may hear each other simultaneously during the meeting, and participation by such means will constitute presence in person at that meeting.

ARTICLE VIII OFFICERS

Section 8.1 Number: The officers of the Corporation shall consist of a Chairman, a Vice-Chairman, a Treasurer, a Secretary and such other officers as the Board may from time to time elect, to the extent provided or allowable by the laws of the State of South Carolina.

Section 8.2 Election and Term: The officers of the Corporation shall be elected bi-annually by the Board for two (2) year terms. Elections will be held every second year by the 15th of December. Such elections may be held at any regular or special meeting of the Board. Each officer shall hold no more than one office and shall hold such office for a period of two (2) years or until his death, resignation, retirement, removal, disqualification, or his successor is elected and qualifies. The election of an officer shall not in and of itself create any contractual right to continued employment for such officer.

Section 8.3 Removal: Any officer or agent elected or appointed by the Board may be removed by the Board whenever in its judgment the best interests of the Corporation would be served thereby; and such removal shall be without prejudice to the contract rights, if any, of the person so removed.

Section 8.4 Chairman: The Chairman shall be the chief voluntary officer of the Corporation and he or she shall preside at all meetings of the Board at which he or she shall be present, and shall represent the Corporation generally

in the community. The Chairman may sign, with any other proper officer of the Corporation authorized by the Board, any deeds, mortgages, bonds, contracts, or other instruments which the Board has authorized to be executed, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be delegated by the Board to some other officer or agent; and, in general, he or she shall perform all duties incident to the office of chairman (or president) and such other duties as may be prescribed by the Board from time to time.

Section 8.5 Vice Chairman: In the absence of the Chairman, the Vice-Chairman, unless otherwise determined by the Board, shall perform the duties of the Chairman and, when so acting, shall have all the powers and be subject to all the restrictions upon the Chairman. The Vice-Chairman shall perform such other duties as may be assigned from time to time by the Chairman or the Board.

Section 8.6 Treasurer: The Treasurer shall (a) have custody of all funds and securities belonging to Corporation and receive, deposit or disburse the same under the direction of the Board; (b) keep full and accurate accounts of the finances of the Corporation in books provided for that purpose; (c) cause such returns, reports and/or schedules as may be required by the Internal Revenue Service and the state taxing authorities to be prepared and filed in a timely manner; (d) cause a true balance sheet of the Corporation as of the close of each fiscal year and true statements of activity, functional expenses and cash flows for such fiscal year, all in reasonable detail, to be prepared and submitted to the Board; and (e) in general, perform all duties incident to the office of treasurer and such other duties as may be assigned from time to time by the Chairman or the Board.

Section 8.7 Executive Director: The Executive Director shall be a full-time employee of the Corporation and shall be selected and employed directly by the Board. Subject to the control of the Board, the Executive Director will have overall responsibility for the routine management of the affairs of the Corporation. The executive director shall report to the Board and shall work closely with the Chairman of the corporation. Duties of the executive director shall include: (a) representing the Corporation in the community; (b) overseeing the projects of the Corporation; (c) supervising the staff and the administrative functions of the Corporation; (d) attending meetings of the Board; and (e) in general, performing such other duties as may be assigned from time to time by the Chairman or the Board or such other duties that may be necessary or in the best interest of the Corporation. The Board may approve reasonable compensation and benefits for the executive director in accordance with Section 8.9 below. The executive director may not be elected to serve on the Board but may simultaneously hold one or more of the offices of the Corporation. The executive director shall report to the Board and the Board shall review the performance of the executive director on a periodic basis; the staff of the Corporation shall report to the executive director and the executive director shall review the performance of the staff on a periodic basis.

Section 8.8 Secretary: The Secretary shall cause to be kept a correct record of all the proceedings of the meetings of the Board. He or she shall attend to the giving of notices, oversee custody of the corporate seal and records, and affix the seal to all instruments required to be executed under seal as authorized by the Board. He or she shall perform such other duties as are incident to the office of Secretary, and shall have such other powers and duties as may be conferred upon him or her by the Board or these Bylaws.

Section 8.9 Compensation: Salaries and benefits to employees of the Corporation shall be paid by the Corporation. The Executive Director may be paid reasonable compensation for his or her duties, which compensation shall be determined by the Board or duly authorized Committee as follows:

- a) The Board or Committee determining compensation shall be composed of persons who are unrelated to and not subject to the control of the Executive Director,
- b) The Board or Committee determining compensation shall contemporaneously obtain and rely upon appropriate data as to the comparability of the compensation package; and

- c) There shall be adequate contemporary documentation for the basis of the Board's or Committee's determination.

The Corporation may reimburse officers for such expenses incurred incidental to the conduct of the business and affairs of the Corporation as may be reasonable and authorized by the Board.

ARTICLE IX TRANSACTIONS

Section 9.1 Contracts: The Board may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument on behalf of the Corporation and such authority may be general or confined to specific instances.

Section 9.2 Loans: Unless authorized by a resolution of the Board, no loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name. Such authority may be general or confined to specific instances.

Section 9.3 Deposits: All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board may select.

Section 9.4 Gifts: The Board may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE X LIABILITY, INDEMNIFICATION, INSURANCE

Section 10.1 Liability: To the extent not inconsistent with the South Carolina Code, no Director or officer of the Corporation will be liable to the Corporation or to any other person for loss or damage suffered by the Corporation on account of any action taken or omitted to be taken as a Director or an officer in good faith and in a manner he or she reasonably believed to be in the best interests of the Corporation if the Director or officer exercised the same degree of care and skill as an ordinarily prudent person in a like position would have exercised under similar circumstances.

To the extent permitted by South Carolina law, no Director or officer of the Corporation will be personally liable for monetary damages for breach of any duty to the Corporation. However, this provision will not eliminate or limit the liability of a Director or officer: (1) for any breach of the Director's or officer's duty of loyalty to the Corporation; (2) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law; (3) for any transaction from which the Director or officer derived an improper personal benefit; or (4) under S.C. Code Sections 33-31- 831 (conflict of interest), 33-31-832 (loans or guarantees), and 33-31-833 (unlawful distributions).

All Directors and officers of the Corporation will be immune from suit arising from the conduct of the affairs of the Corporation; provided, however, such immunity will be removed when the conduct amounts to willful, wanton, or gross negligence.

Section 10.2 Indemnification: To the extent not inconsistent with the South Carolina Code, every person (and the heirs and personal representatives of such person) who is or was a Director or an officer of the Corporation will be indemnified by the Corporation, to the maximum extent permitted by law, against all liability and reasonable expense that may be incurred by him or her in connection with any claim, action, suit or proceeding (other than a proceeding in which such person will have been adjudged to be liable to the Corporation) by reason of the fact that he or she is or was a Director or an officer of the Corporation. The Corporation will also reimburse any such Director or officer for the reasonable cost of the settlement of any action, suit, or proceeding if such will be found, by a

majority of the disinterested members of the Board, to be in the best interest of the Corporation that such settlement be made and that such Director or officer was not guilty of negligence, misconduct, or nonfeasance in the performance of his or her duties as a Director or officer.

Section 10.3 Scope of Indemnification: The rights of indemnification provided in this Article will be in addition to any rights to which any such Director or officer may otherwise be entitled. Irrespective of the provisions of this Article, the Board may at any time and from time to time, approve indemnification of Directors, officers, employees or other persons to the full extent permitted by the State of South Carolina, whether on account of past or future transactions.

Section 10.4 Insurance: The Board may purchase insurance covering the Corporation's liabilities and obligations under this Article and insurance protecting the Corporation's Directors, officers and employees.

ARTICLE XI REGULATION

Section 11.1 General: The regulation of the business and conduct of the affairs of the Corporation shall conform to federal, state and local income tax laws and any other applicable federal and state law, including, but not limited to, the Nonprofit Act. In the interpretation of these Bylaws, wherever reference is made to the United States Code (U.S.C.), the United States Internal Revenue Code, Internal Revenue Laws or Treasury Regulations thereunder, the Nonprofit Act, the South Carolina Code or any other statute, or to any section thereof, such reference shall be construed to mean such code, act, laws, statutes, or section thereof, and the regulations thereunder, as the case may be, as heretofore or hereafter amended or supplemented or as superseded by laws or regulations covering equivalent subject matter.

Section 11.2 Governing Law: These Bylaws are executed and delivered in the State of South Carolina and they shall be governed by, construed and administered in accordance with the laws of the State of South Carolina.

Section 11.3 Parliamentary Procedure: The provisions of the latest edition of *Robert's Rules of Order* shall serve as the basic guide to fair and orderly procedure in meetings of the Corporation. In the event that any of the provisions of *Robert's Rules of Order* conflict with the Bylaws, the provisions of the Bylaws prevail.

ARTICLE XII AMENDMENTS

Section 12.1 Amendments: These Bylaws may be amended or restated from time to time in accordance with the provisions of S.C. Code § 33-31-1020; provided, however, in accordance with S.C. Code § 33- 31-1030 any such amendments or restatements must be approved by the Beaufort County Council prior to adoption by the Board of Directors of the Corporation.

Section 12.2 Conflicts: In the event that any of the provisions of these Bylaws, as amended or restated, conflict with any of the provisions of prior Bylaws, the provisions of the amended Bylaws control. In the event that any provisions of these Bylaws, as amended, conflict with applicable law, applicable law will control.

ARTICLE XIII SEAL

The Board may adopt a seal for the Corporation.

**ARTICLE XIV
DISSOLUTION**


Section 14.1 General: The Corporation may be dissolved and its business and affairs terminated, and such dissolution shall be in accordance with the provisions of Chapter 31 of Title 33 of the Code of Laws 1976, as amended, and § 1.501(c)(3)-1(b)(4) of the United States Treasury Regulations.

Section 14.2 Distribution: All of the property of the Corporation is irrevocably committed to the public purposes of the County; and upon dissolution of the Corporation and after all its liabilities, obligations and expenses have been discharged, all of its assets shall be conveyed or distributed in conformity with the Articles of Incorporation of the Corporation. All remaining assets of the Corporation shall be conveyed or distributed to or for the benefit of Beaufort County, or to such of one or more organizations as may be designated and unanimously approved by the Board and the County Council as long as the designated/approved organization at the time of conveyance or distribution qualifies as an organization described in §§ 501(c)(3) and 170(c)(2) of the Internal Revenue Code or any corresponding provision of any future Federal tax code.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, we, being the initial Directors of Beaufort County Economic Development Corporation adopt these Bylaws of the Corporation and subscribe our names, effective as of _____ 2018.


DIRECTORS:



Steve Fobes



Stephen Murray




Van Willis



Lisa Sulka



David Bennett



Rich Gough



Mike Alsko

**CERTIFICATE OF ACTION
TAKEN BY UNANIMOUS WRITTEN CONSENT
OF THE DIRECTORS OF
BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION**

October 31st, 2017

The undersigned being all the directors (the "Directors") of the above named corporation (the "Corporation"), after consideration of all relevant material information and with the belief that such action would be in the best interests of the Corporation, do hereby consent to, adopt, ratify and certify for the Corporation's records the following resolutions, this action taken in lieu of a special meeting of the Directors for such purpose:

1. **Restated Articles**

The Directors of the Corporation desire to restate the Corporation's Articles of Incorporation (the "Articles of Incorporation") to correct and make certain amendments to the Articles of Incorporation, as provided for therein.

RESOLVED, that the Directors of the Corporation hereby authorize, approve, and ratify the Restated Articles of Incorporation in the form attached hereto as Exhibit A and incorporated herein by reference (the "Restated Articles"), and the execution, delivery, and filing with the South Carolina Secretary of State of the Restated Articles to effect filing of the same.

FURTHER RESOLVED, that any officer or Director of the Corporation shall execute the Restated Articles conclusively evidencing approval of the form of the Restated Articles.

2. **Bylaws**

The Directors of the Corporation desire to amend, restate and replace in their entirety any prior oral or written Bylaws of the Corporation.

RESOLVED, that the directors of the Corporation hereby authorize, approve, and ratify the Bylaws of the Corporation in the form attached hereto as Exhibit B and incorporated herein by reference (the "Bylaws") as the Bylaws of the Corporation.

3. **501(c)(3) Application**

The Directors desire for the Corporation to apply for tax exempt status under Section 501(c)(3) of the Internal Revenue Code and to register with the Secretary of State of South Carolina regarding fundraising activities.

RESOLVED, that the Corporation will apply for tax exempt status and will register with the Secretary of State for South Carolina related to its charitable fundraising activities, as applicable.

4. **Miscellaneous**

RESOLVED, that all the acts of the Directors and any officers of the Corporation and of any person authorized to act by the Directors and officers of the Corporation, taken on behalf of the Corporation in the normal course of business or in good faith, with the reasonable belief that such actions were in the best interest of the Corporation, are hereby severally ratified, confirmed, approved, and adopted as acts on behalf of the Corporation.

RESOLVED, that the unanimous consent of all the Directors is evidenced by each of their respective signatures on this document, which shall be filed in the records of the Corporation. The adoption of these resolutions by the unanimous written consent of the Directors has the effect of the adoption of these resolutions by a vote at a meeting of the Directors and may be so described in any document.

[SIGNATURE PAGE TO FOLLOW]

Exhibit B

Bylaws of the Corporation

See Attached


Exhibit A

Restated Articles of Incorporation


See Attached

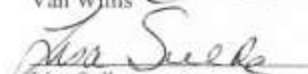
IN WITNESS WHEREOF, the undersigned have executed this Unanimous Written Consent of the Directors of Beaufort County Economic Development Corporation, to be effective as of the date first above written.


DIRECTORS:


Steve Forbes


Stephen Murray


Van Willis


Lisa Sulka


David Bennett


Rich Gough


Mike Alsko