

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

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ALICE G. HOWARD
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ROBERTS "TABOR" VAUX

THOMAS J. KEAVENY, II
INTERIM COUNTY ADMINISTRATOR
COUNTY ATTORNEY

CONNIE L. SCHROYER
CLERK TO COUNCIL

AGENDA
GOVERNMENTAL COMMITTEE
(Includes Public Safety Division)
Monday, October 1, 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. PRESENTATION / SOUTH CAROLINA REAL ID ([backup](#))
3. DISCUSSION / RESOLUTION AND PETITION OF THE HILTON HEAD PUBLIC SERVICE DISTRICT TO DIMINISH TMS R510 010 000 0361 0000 FROM ITS SERVICE BOUNDARIES (ONE OLD HOUSE CAY ISLAND) ([backup](#))
4. DISCUSSION / TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 38 – ENVIRONMENT, SECTION 38-32 CLARIFYING THAT UNSIGHTLY MAINTENANCE OF PROPERTY IS PROHIBITED ([backup](#))
5. UPDATE / PUBLIC SAFETY REPORT ([backup](#))
6. DISCUSSION / PUBLIC SAFETY 2019 MCAS AIR SHOW
7. DISCUSSION / PROPOSED INTERGOVERNMENTAL AGREEMENT WITH TOWN OF HILTON HEAD ISLAND TO ALLOW THEIR MUNICIPAL ORDINANCE VIOLATIONS TO BE HEARD IN THE BEAUFORT COUNTY MAGISTRATE COURT ([backup](#))
8. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Daufuskie Island Fire District / One Vacancy (Daufuskie Island)
9. ADJOURNMENT



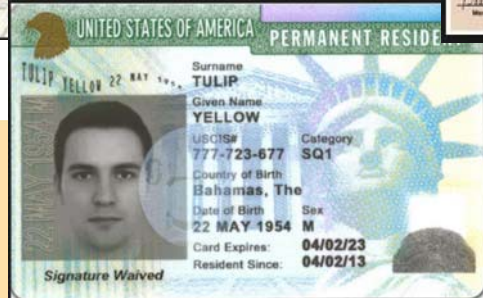
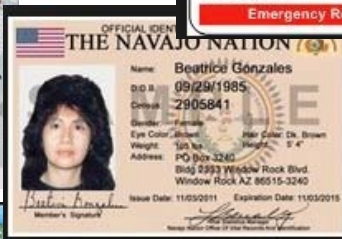
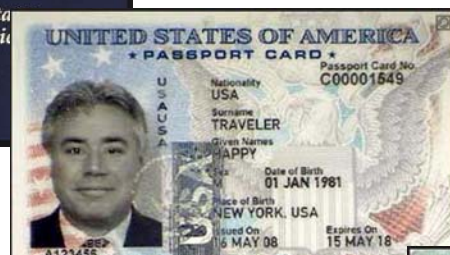
REAL ID

John Laganelli
SCDMV Chief of Staff &
Director of Operations



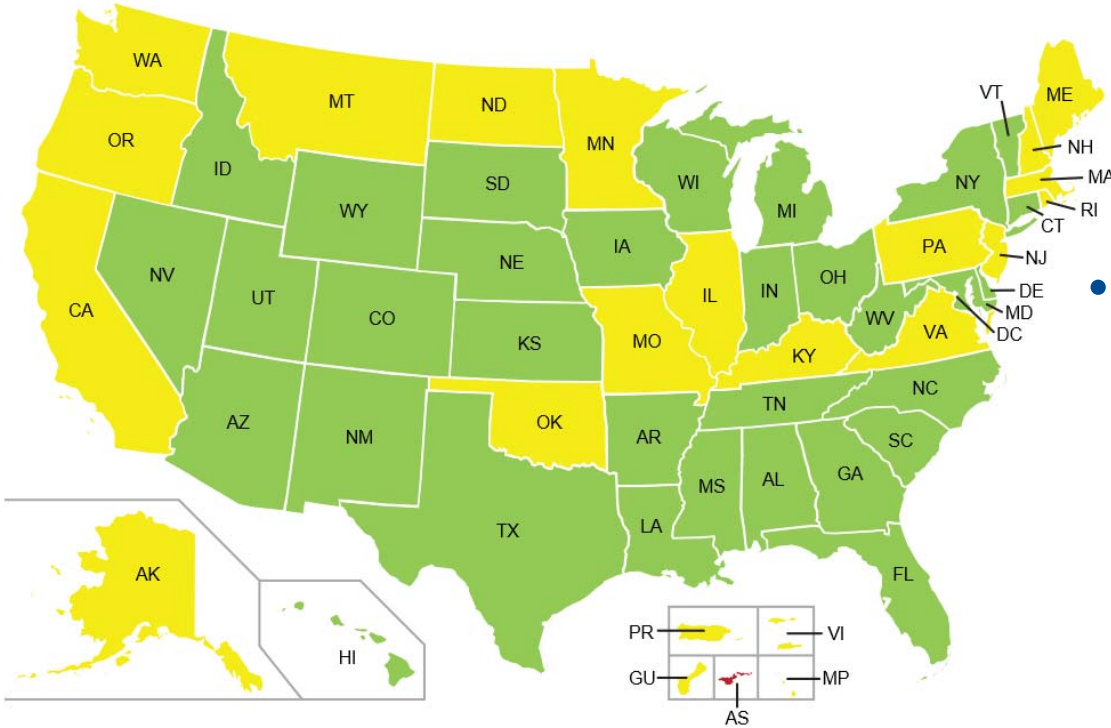
TSA accepted identification

Use these instead of changing to REAL ID license



What's REAL ID?

2005 federal law



- US Congress passed in 2005
- South Carolina fully compliant, all unexpired SC licenses/ID accepted through Sept. 30, 2020 regardless of whether or not it's a REAL ID
- Beginning October 1, 2020, you must have a REAL ID to
 - Board a flight
 - Enter a secure federal building
 - Visit a military installation



SCDMV prints two styles of cards



REAL ID































Standard



REAL ID vs. Non-compliant, standard

- Chart shows beginning October 1, 2020
- **All** South Carolina cards, regardless of whether they're a REAL ID or not, valid through September 30, 2020 for **all** purposes

These are the items impacted by REAL ID.

Activity	REAL ID driver's license	Not For Federal Identification driver's licenses	REAL ID identification card	Not for Federal Identification identification card
Drive				
Vote				
Hospital care				
Federal benefits				
Law enforcement				
Enter non-secure federal building				
Pass a TSA checkpoint				
Enter a secure federal building				
Access a military base				



Changing to a REAL ID

What Documents are Needed?

For a complete list of accepted documents, visit www.scdmvonline.com and search "MV-93" (US Citizens) or "MV-94" (International Customers).

- **Proof of Identity**
(Birth Certificate or valid US Passport)
- **Proof of Social Security Number**
- **2 Proofs of Address**
- **Proof of all Legal Name Changes**



- You may be able to order yours online
 - Documents **must be** on file with the SCDMV
 - Check online or call the Contact Center
- You may change your card in person with all correct documentation
- No change in price
- Regular licenses valid for eight years regardless of age



Purchase my REAL ID license online

If eligible, you may be able to now purchase your REAL ID driver's license online. Before you visit an SCDMV branch, check to see if you're eligible for online ordering.

REAL ID information is available on the home page. Customers must scroll down until they reach the REAL ID banner, then select the yellow box to move to a REAL ID information page.

The screenshot shows the SCDMV website header with the logo and a menu icon. Below the header, there are two columns of eligibility categories: 'SOUTH CAROLINA' with a person icon, 'MILITARY DEPENDENT, OR DOD EMPLOYEE' with a flag icon, 'A PERSON WHO HAS A DISABILITY' with a wheelchair icon, and 'VISITING SOUTH CAROLINA' with a map icon. The main content area features a large blue banner with the text 'REAL ID NOW AVAILABLE' and a sub-header 'You may now change your current South Carolina driver's license or identification card to a REAL ID. There's no need to rush to change your card.' Below this banner is a yellow button that says 'LEARN MORE ABOUT REAL ID' with a right-pointing arrow. A red arrow points from this button to the 'BUY MY REAL ID LICENSE' button on the right side of the page. To the right of the banner, there is a section titled 'Buy my REAL ID license online' with a green button that says 'BUY MY REAL ID LICENSE' with a right-pointing arrow. Below this button, there is a paragraph of text explaining the process and a link to 'REAL ID commercial driver's licenses, identification cards, and licenses for international customers are not available online (more information below)'. At the bottom of this section is a link to 'Buy my REAL ID in person'.

SOUTH CAROLINA

MILITARY DEPENDENT, OR DOD EMPLOYEE

A PERSON WHO HAS A DISABILITY

VISITING SOUTH CAROLINA

REAL ID NOW AVAILABLE

You may now change your current South Carolina driver's license or identification card to a REAL ID. There's no need to rush to change your card.

LEARN MORE ABOUT REAL ID →

Buy my REAL ID license online

You may be able to now purchase your REAL ID driver's license online. Not everyone is eligible for purchasing their REAL ID online. You may click the green button to see if you're eligible.

If you're eligible, you'll be taken through a series of questions and see an option to buy a REAL ID license. If able to order and purchase your REAL ID license online, it typically takes three to five business days to arrive at the address on file.

If you **do not** see an option to buy, you are **not eligible** for purchasing your REAL ID license online.

BUY MY REAL ID LICENSE →

REAL ID commercial driver's licenses, identification cards, and licenses for international customers are **not available** online (more information below).

Buy my REAL ID in person

The most up-to-date information is available on our website, www.scdmvonline.com.

Here, you may also check if you're eligible for purchasing your REAL ID license online.

Or Call (803) 896-5000



Order REAL ID license online


















- All required documents are on file with the SCDMV
- You have a regular (Class D, E, F, G, M, or any combination of those) license
- You can pay with a valid card
- Your license is **not** expired
- Your social security number and the name associated with it match what's on file at SSA
- You did **not** renew your license by mail the last time you renewed
- Your driving privileges are **not** suspended
- You are **not** a convicted violent offender
- You have **not** had five points or more against your driving record in the past two years
- You do **not** have a Conditional or Special Restricted license



Once cards are available

- Two different types of driver's licenses and two different types of identification cards once REAL IDs are available next year
- When state certified compliant (Q1 of 2018), all SC cards valid for federal purposes until **October 1, 2020**

These are the items impacted by REAL ID.

Activity	Non-compliant/ current driver's license	Non-compliant/ current identification card
Drive		
Vote		
Hospital care		
Federal benefits		
Law enforcement		
Enter non-secure federal building		
Pass a TSA checkpoint		
Enter a secure federal building		
Access a military base		



Change today, don't procrastinate!

- Gather all required documents needed to switch to a REAL ID or confirm that they're already on file with the agency
- Order your REAL ID driver's license online if eligible
 - Pay \$25 online with a valid card, the SCDMV uses current photograph, mails card to address
- If visiting SCDMV to change in person, check wait times for all SCDMV branches at www.scdmvonline/Locations and bring original or government-issued copies of all documents with you.
- Remember, **you have time to change your card.** You should remember the deadline of October 1, 2020 and plan your schedule appropriately.



Questions?

Email REALID@scdmv.net

Visit <http://scdmvonline.com/Driver-Services/Drivers-License/REAL-ID>

Call (803) 896-5000



@SCDMV



@SC_DMV



RESOLUTION 2018 /

A RESOLUTION OF THE BEAUFORT COUNTY COUNCIL AUTHORIZING HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT TO DIMINISH ITS SERVICE AREA BOUNDARIES PURSUANT TO § 6-11-460, *SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED*

WHEREAS, Hilton Head No. 1 Public Service District (“HHPSD”) is a public service district providing waterworks and sewerage services on Hilton Head Island, South Carolina; and

WHEREAS, a parcel of real estate located on Hilton Head Island consisting of approximately 2.18 acres known as Beaufort County Tax Map Number R510-010-000-0361-0000 exists within the current service area boundaries of HHPSD to which HHPSD is unable to provide water or sewer service to (the “Removed Service Area”); and

WHEREAS, the owner of the Removed Service Area and HHPSD desire for the Removed Service Area to be removed from the service area boundaries of HHPSD; and

WHEREAS, On August 28, 2018 HHPSD adopted a Resolution Authorizing the Diminishment of Hilton Head No. 1 Public Service District’s Existing Service Area and Authorizing a Petition to the County Council of Beaufort County Pursuant to Section 6-11-430, *Code of Laws of South Carolina*, 1976, as Amended; and

WHEREAS, HHPSD submitted its Petition of Hilton Head No. 1 Public Service District to the Governing Body of Beaufort County, South Carolina Pursuant to Title 6, Chapter 11, Article 3 of the *Code of Laws of South Carolina*, 1976, as amended (the “Petition”); and

WHEREAS, the Petition requests for Beaufort County Council to authorize HHPSD to diminish its service area boundaries by removing the Removed Service Area on the grounds that HHPSD is unable to provide water or sewer service to the Removed Service Area, which is shown and described on the Exhibit “A” attached hereto and incorporated herein; and

WHEREAS, a public hearing on the diminishment was held after proper notice pursuant to §6-11-440 *Code of Laws of South Carolina*, 1976, as amended; and

WHEREAS, Beaufort County Council hereby approves and adopts the diminishment of the service area boundaries of HHPSD by removal of the Removed Service Area.

NOW, THEREFORE, Beaufort County Council hereby adopts the following Resolution:

Section 1: The Removed Service Area shown on the attached Exhibit A is removed from the service area boundaries of HHPSD.

Section 2: The Beaufort County Auditor, Assessor and Treasurer shall make appropriate entries in their respective records reflecting the reconstituted boundaries of the HHPSD service area boundaries.

Section 2: Beaufort County is authorized to take such other or further action as may be necessary to complete the actions authorized hereby.

Adopted by County Council of Beaufort County, South Carolina.

This ____ day of October, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II
Interim County Administrator
County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

A RESOLUTION

AUTHORIZING THE DIMINISHMENT OF HILTON HEAD NO.1 PUBLIC SERVICE DISTRICT'S EXISTING SERVICE AREA AND AUTHORIZING A PETITION TO THE COUNTY COUNCIL OF BEAUFORT COUNTY PURSUANT TO SECTION 6-11-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.

BE IT RESOLVED by the Hilton Head No.1 Public Service District Commission, in a meeting duly assembled:

ARTICLE I - FINDINGS OF FACT

Section 1.01

Incident to the adoption of this resolution (this "**Resolution**"), the Hilton Head No. 1 Public Service District Commission (the "**Commission**"), the governing body of the Hilton Head No. 1 Public Service District, South Carolina (the "**District**"), has made the following findings of fact:

1. The District was created and established as a body politic and corporate pursuant to Act No. 596 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1969, as amended. The District is located wholly within Beaufort County, South Carolina (the "**County**") and was established for the purpose of providing waterworks and sewerage services within the boundaries of the District;

2. The service and taxing area for District's water and sewer system (the "**System**") is located in the northeastern portion of the Town of Hilton Head Island, which borders the Atlantic Ocean. The original service area of the District has increased over time and presently includes that portion known as Port Royal Plantation and extends westward in a band across the middle of the island through Indigo Run Plantation and Hilton Head Plantation almost to the other side of the island. A map of the District's current service territory as generally described above is attached hereto as Exhibit A (the "**Existing Service Area**").

3. It has recently come to the attention of the District that there exists an area within its Existing Service Area where the District is unable to provide service.

4. The District seeks to diminish its Existing Service Area by approximately 2.18 acres of property -- removing an area generally identifiable as parcel number R510-010-000-0361-0000 (the "**Removed Area**").

5. Pursuant to Title 6, Chapter 11, Article 3 of the Code of Laws of South Carolina, 1976, as amended (the "**Enabling Act**"), the County, as provided in Section 6-11-420 of the Enabling Act, is "authorized by this article to...diminish...any existing special purpose districts located within such county...by the procedure prescribed in this article."

6. By and through such authorization, the District is seeking the authorization of the County to diminish its Existing Service Area to exclude the Removed Area. A map of the the

Removed Area is attached hereto as Exhibit B.

7. The Commission adopts this Resolution to evidence the Commission's desire to remove from its service area the boundaries of the Removal Area.

8. In keeping with the Findings of Fact set forth above, the Commission authorizes the execution and delivery of a petition to the Beaufort County Council, the governing body of the County (the "County Council") with regard to the diminishment of its service area.

ARTICLE II - SUBMISSION OF PETITION

Section 2.01

It is found and determined that each statement of fact set forth in the Article I of this Resolution is in all respects true and correct.

Section 2.02

A petition, in a form substantially similar to that form attached hereto as Exhibit C, shall be presented to the County Council in accordance with and for the purposes set forth in this Resolution and the Enabling Act; said petition shall be executed by the Chairman of the Commission or the General Manager of the District and forwarded to the Clerk to County Council. In the absence of the Chairman of the Commission, the Vice Chairman of the Commission shall be authorized to sign on his behalf.

DONE IN A MEETING DULY ASSEMBLED, this 28th day of August, 2018.

W. Robert Mausee
Chairman

Hilton Head No.1 Public Service District Commission

(SEAL)

Attest:

Daniel McGee
Secretary
Hilton Head No.1 Public Service District Commission

EXHIBIT A – Existing Service Area

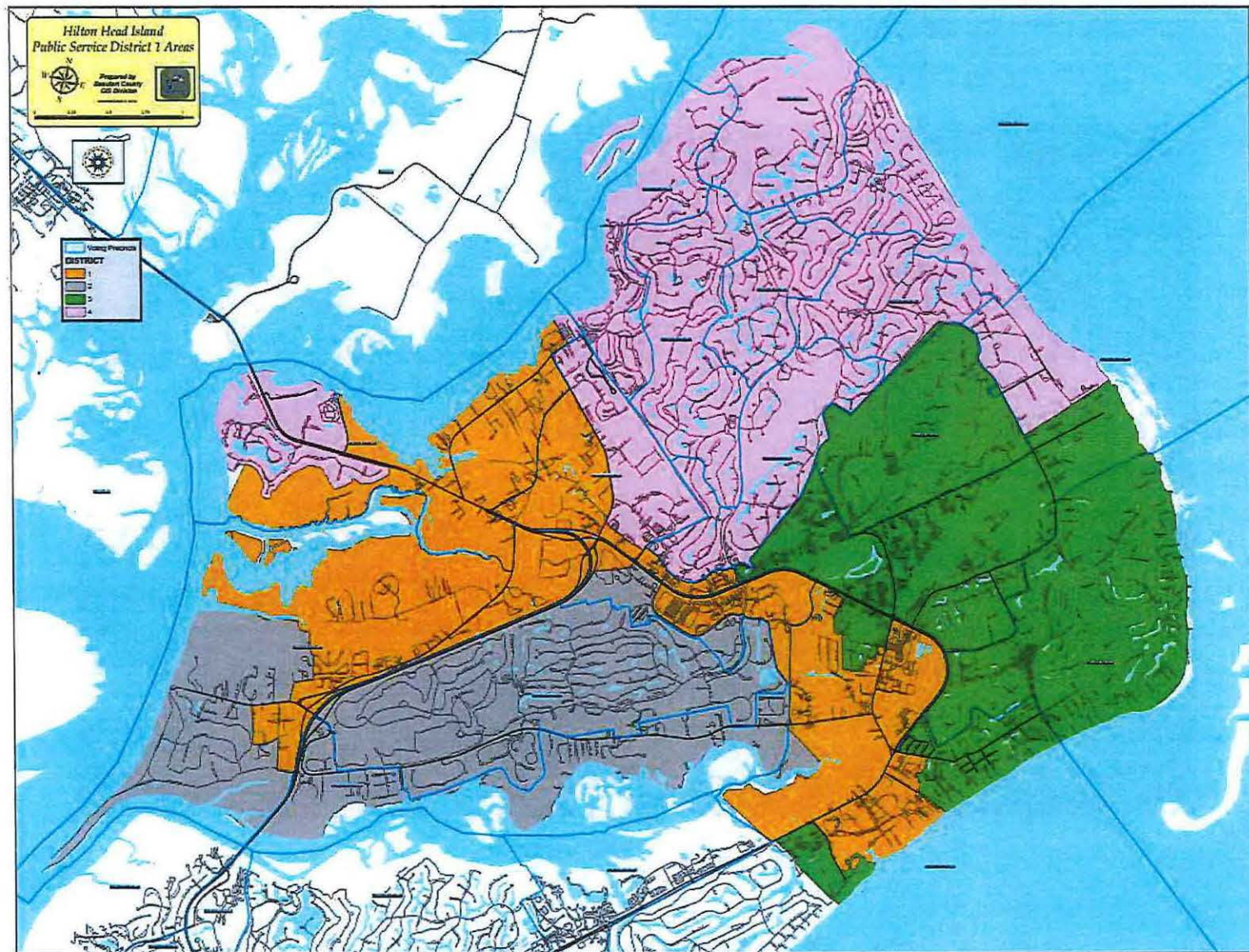



EXHIBIT B – The Removed Area

R510 010 000 0361 0000



July 31, 2018

— Streets
 Parcels

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

The information and images contained on this web site are for viewing and informational purposes only. Although much of the data is compiled from official sources, such as deeds and plats, it is not intended to be used as such. Please contact the appropriate Beaufort County Office for official or original documents.

EXHIBIT C – Petition to County Council

PETITION OF HILTON HEAD NO.1 PUBLIC SERVICE DISTRICT COMMISSION TO THE GOVERNING BODY OF BEAUFORT COUNTY, SOUTH CAROLINA PURSUANT TO TITLE 6, CHAPTER 11, ARTICLE 3 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.

1. The Hilton Head No.1 Public Service District, South Carolina (the “District”) was created and established as a body politic and corporate pursuant to Act No. 596 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1969, as amended. The District is located wholly within Beaufort County, South Carolina (the “County”) and was established for the purpose of providing waterworks and sewerage services within the boundaries of the District.

2. The service and taxing area for District’s water and sewer system (the “*System*”) is located in the northeastern portion of the Town of Hilton Head Island, which borders the Atlantic Ocean. The original service area of the District has increased over time and presently includes that portion known as Port Royal Plantation and extends westward in a band across the middle of the island through Indigo Run Plantation and Hilton Head Plantation almost to the other side of the island. A map of the District’s current service territory as generally described above is attached hereto as Exhibit A (the “Existing Service Area”).

3. It has recently come to the attention of the District that there exists an area within its Existing Service Area where the District is unable to provide service.

4. The District seeks to diminish its Existing Service Area by approximately 2.18 acres of property -- removing an area generally identifiable as parcel number R510-010-000-0361-0000 (the “Removed Area”).

5. Pursuant to Title 6, Chapter 11, Article 3 of the Code of Laws of South Carolina, 1976, as amended (the “Enabling Act”), the County, as provided in Section 6-11-420 of the Enabling Act, is “authorized by this article to...diminish...any existing special purpose districts located within such county...by the procedure prescribed in this article.”

6. By and through such authorization, the District is seeking the authorization of the County to diminish its Existing Service Area to exclude the Removed Area. A map of the Removed Area is attached hereto as Exhibit B.

7. Pursuant to the Enabling Act, if the County Council, in consideration of this petition, determines that it may be in the best interest of the District to diminish its service area and remove service in the Removal Area, the County Council may order a public hearing to be held upon the questions of diminishing the District’s service area.

WHEREFORE, as provided in a resolution of the Commission dated August 28th, 2018, the Commission prays that the County Council order a public hearing to be held in the County on the questions of whether and to what extent the District shall diminish its service area to remove the Removed Area from its taxing boundaries.

**Hilton Head No.1 Public Service District
Commission, South Carolina**

By: W. Robert Maune
Chairman

EXHIBIT A – Existing Service Area

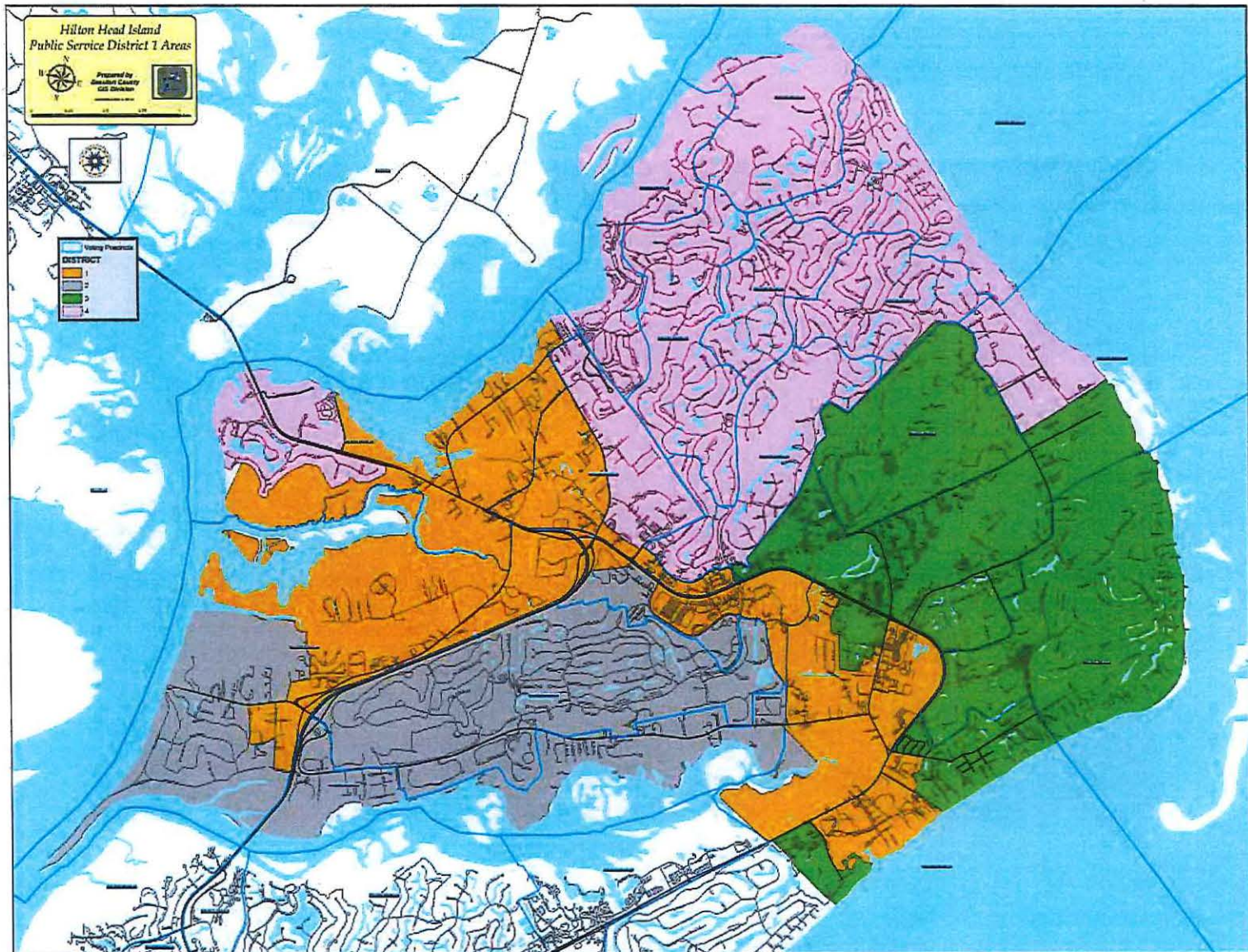


EXHIBIT B – the Removed Area

R510 010 000 0361 0000



July 31, 2018

- Streets

Parcels

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

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0 0.015 0.03 0.06 Miles



Hilton Head Public Service District
Old House Cay

This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. Hilton Head Public Service District assumes no liability for its accuracy or state of completion.



EXHIBIT A p 1



Hilton Head Public Service District
Old House Cay

This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. Hilton Head Public Service District assumes no liability for its accuracy or state of completion.

EXHIBIT A p2

PUBLIC NOTICE County Council of Beaufort County hereby notifies all interested citizens that a public hearing will be held at Monday October 22, 2018 beginning at 6:00 p.m. at Hilton Head Island Branch Library, 11 Beach City Road, South Carolina for the purpose of receiving public comment regarding a petition by Hilton Head No. 1 Public Service District to diminish its existing service area boundaries by removing a parcel of property consisting of approximately 2.18 acres (Tax Map No. R510-010-000-0361-0000) because the District is unable to provide water or sewer service to the parcel.

ORDINANCE NO. 2018 / ____

AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES SECTION 38-32 CLARIFYING THAT UNSIGHTLY MAINTENANCE OF PROPERTY IS PROHIBITED

WHEREAS, Beaufort County (“County”) provides for code enforcement procedures for the health, welfare and protection of Beaufort County citizens and their property; and

WHEREAS, currently Beaufort County Code of Ordinances provides a definition of “*Unsightly maintenance of property*,” however, it does not provide a prohibition of unsightly maintenance of property; and

WHEREAS, it is the intention of Beaufort County Council that property owners be accountable for proper maintenance of their property to avoid a nuisance or health hazard; and

WHEREAS, the Beaufort County Council finds that it will benefit the citizens and residents of Beaufort County to clarify that unsightly maintenance of property is prohibited and subject to penalties and fines provided in the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED that Beaufort County Council does hereby amend Section 38-32 of the Beaufort County Code of Ordinances by inserting after paragraph “(4)” the following paragraph “(5)” indicated by double underlines:

Sec. 38-32- Keeping Property Clean.

(5) Unsightly maintenance of property, as defined above in Section 38-26, is prohibited.

DONE this ____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II
Interim County Administrator
County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

Third and Final Reading:
Public Hearing:
Second Reading:
First Reading:

Public Safety Monthly Update: September 2018

Beaufort County Public Safety Division

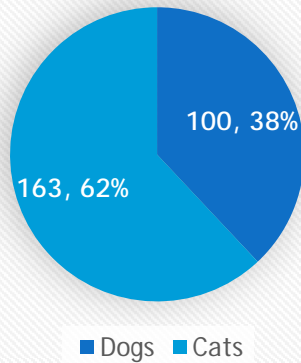
Presented by Philip A. Foot, CJM



Animal Services

August

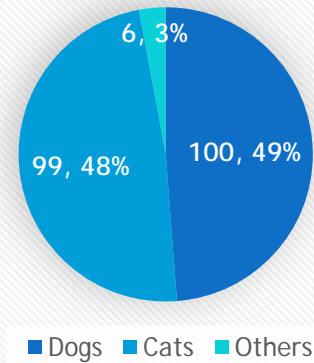
Total Intake



- ▶ Total Intake: 263
- ▶ Live Release Outcome: 77%

September

Total Intake

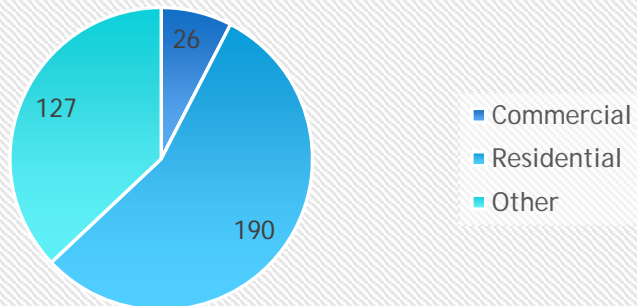


- ▶ Total Intake: 205
- ▶ Live Release Outcome: 87%

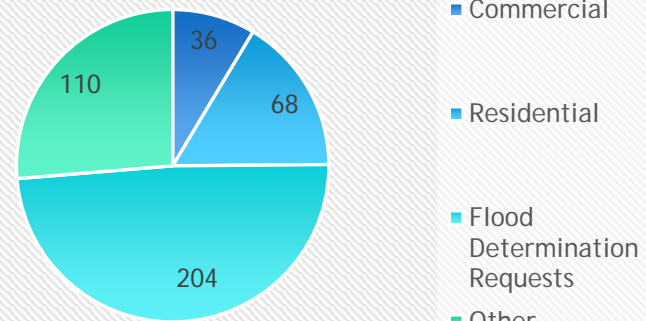
Building Codes

Month of September 2018

Permitting

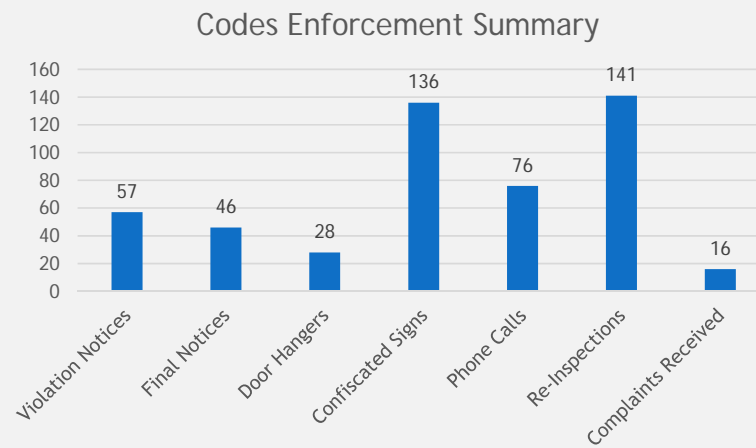


Plan Reviews



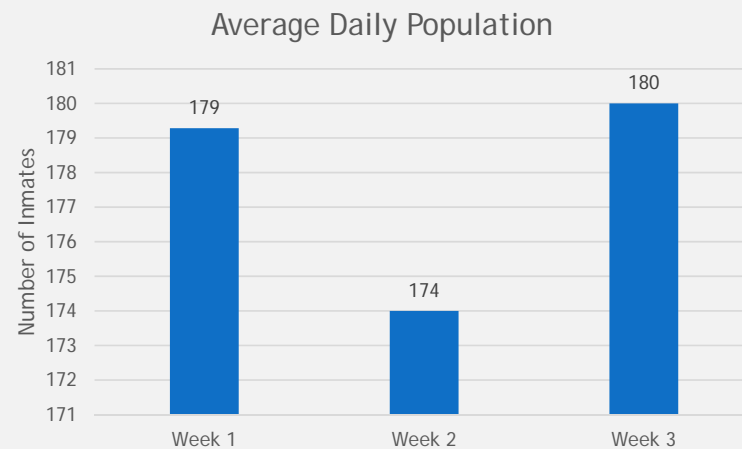
Codes Enforcement

► Month of September 2018



Detention Center

- ▶ Continuing to fill positions for the current vacancies.
- ▶ The Average Daily Population (ADP) for the month of September was 178 inmates.



Emergency Medical Services (EMS)



- ▶ Beaufort County EMS provided assistance to Myrtle Beach post Hurricane Florence.
- ▶ Continue our recruiting efforts for EMT/Paramedics.

Mosquito Control

- ▶ Operations were temporarily suspended in preparation for Hurricane Florence.
 - ▶ All mosquito traps were collected.
 - ▶ Bronco and two helicopters were evacuated to Columbia, SC.

Parks and Recreation

- ▶ P&R was awarded \$50,000 from PARD Grants for the resurfacing of the Lind Brown Pool.
- ▶ Unsuccessful for our PARD application of \$29,000 for re-surface of three tennis courts and to replace fencing at the downtown Beaufort City courts.

Parks and Recreation

► Youth Sports Participation:

<u>Sport</u>	<u>Participants</u>	<u>Teams</u>
Cheerleading	29	1
Tackle Football	67	3
Flag Football	147	17
Adult Softball	500	33
Soccer	752	78
Adult Volleyball	56	6

Parks and Recreation

▶ Youth Sports:

- ▶ Cheerleading- Season starts September 8th and will end October 27th.
- ▶ Tackle Football- Season starts September 8th and will end October 27th.
- ▶ Flag Football- Season starts September 10th and will end October 27th.
- ▶ Youth Soccer- Season starts September 10th and will end October 27th.
- ▶ Basketball- Registration started September 1st. The season will start January 2019.

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

David Bennett
Mayor

September 21, 2018

Kim W. Likins
Mayor ProTem

Thomas Keaveny, II

Council Members

Interim County Administrator/County Attorney

Beaufort County Administration Building

David Ames

P.O. Box 1228

Marc A. Grant

Beaufort, SC 29901

William D. Harkins

Thomas W. Lennox

John J. McCann

Dear Mr. Keaveny:

Stephen G. Riley
Town Manager

Town Council would like to enter into an Intergovernmental Agreement with Beaufort County Council for the Beaufort County Magistrate's Office to assume all Town summary court level cases, of whatever type, at its Bluffton location.

Town Council has decided it is in the Town's best interest to dissolve the Hilton Head Island Municipal Court. Town Council believes the dissolution of the court will foster regional cooperation in the delivery of public services.

On September 18, 2018 Town Council had a first reading to repeal the ordinance which establishes the municipal court. This is the first step toward dissolving the municipal court. The next step would be for the Beaufort County Council to enter into an Intergovernmental Agreement with the Town authorizing the Hilton Head Island cases, to include municipal ordinance violations, be adjudicated in the Beaufort County Magistrates Court. If Beaufort County Council agrees to permit the Town cases to be adjudicated in the Magistrates Court, then the Town Council will have the second reading of the ordinance to dissolve the municipal court.

Transferring court data and court wind-down will likely take several months. If Council determines to dissolve the court, all tickets would immediately need to be written by all agencies to the Beaufort County Magistrate's Court in Bluffton, giving an approximate 2-3 month lead time. The Town would propose to have all fines from Beaufort County Sheriff Citations issued for violations of state criminal and traffic offenses go to the County and the fines imposed for all municipal code violations be shared equally by the Town and the County.

I have enclosed a proposed copy of the Intergovernmental Agreement for your consideration. If you have any further questions or would like to discuss this further, I may be reached at (843) 341-4705.

Sincerely,



Stephen G. Riley
Town Manager

Copy to: Town Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

MEMORANUDM OF AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2018 by and between the Town of Hilton Head Island, South Carolina, (hereinafter referred to as the "Town"), and Beaufort County, South Carolina (hereinafter referred to as the "County").

WHEREAS, the Town of Hilton Head Island has recently dissolved it's municipal court and no longer has the facilities or personnel to operate a Municipal Court to adjudicate matters which may arise out of operation of the Town; and

WHEREAS, Beaufort County maintains a magistrate's court system within Beaufort County, to include a magistrate court in Bluffton, South Carolina; and

WHEREAS, South Carolina law authorizes and empowers County magistrate courts to hear and decide municipal cases upon agreement of the governmental entities; and

WHEREAS, the Town and County are desirous of formalizing an agreement whereby the County magistrate court provides all judicial services associated with the adjudication of Town of Hilton Head Island municipal ordinance violations.

NOW, THEREFORE, for mutual consideration and public service, it is mutually agreed as follows:

- The Town may prosecute its cases before the Beaufort County Magistrate. The parties agree that the preferred location shall be the Magistrate Court located in Bluffton, South Carolina. In the event the Town submits any such cases to the Beaufort County Magistrate Court for adjudication, the Town acknowledges the jurisdiction of the said court for each case submitted. The parties agree that the Beaufort County Magistrate shall be authorized and empowered to hear such cases brought before the court by the Town.
- The parties agree that the Magistrates that hear Town cases shall not be considered an agent or employee of the Town for any purpose, and shall not be entitled to any of the fringe benefits that the Town shall provide for employees. All planning, organization, scheduling, direction and supervision of the Magistrate and all matters instant to the operation of the Magistrate's Court are under the direction and control of the South Carolina Court Administration and the South Carolina Supreme Court.
- As consideration for the performance of the services associated with the adjudication of Town municipal ordinance violations, it is recognized that the Town and County shall share in all fines and forfeitures imposed by the Magistrate in such Town cases on an equal basis. All fines and forfeitures shall be deposited with the Beaufort County Treasurer for the benefit of the Town and the County. The Beaufort County Treasurer

shall send a check to the Town for its portion of the assessed fines and forfeitures on a quarterly basis.

- This Agreement shall commence on the day and date first above written. Either party may terminate this Agreement by providing one hundred and eighty (180) days prior written notice to the other party of its election to terminate this Agreement.
- This Agreement is drawn pursuant to and subject to the laws and statutes of the State of South Carolina, to include section 14-25-5 of the Code of Laws of South Carolina.
- Any notice of termination or other required written communication shall be made in writing and shall be deemed to have been given, if mailed by certified mail or personally delivered to the addresses set forth below:

Town: Mayor
One Town Center Court
Hilton Head Island, South Carolina 29918

Copy to: Town Manager
One Town Center Court
Hilton Head Island, South Carolina 29918

County: Chairman
Beaufort County Council
P.O. Box 1228
Beaufort, South Carolina 29901

Copy to: Beaufort County Administrator
P.O. Box 1228
Beaufort, South Carolina 29901

- This is the entire agreement of the parties. Any amendment or modification to this Agreement must be in writing and executed by both parties.

IN WITNESS WHEREOF, the Town of Hilton Head Island, South Carolina and Beaufort County, South Carolina, by and through their duly authorized officers have set their hands and seals on this ____ day of _____ 2018.

WITNESSES:

WITNESSES:

BEAUFORT COUNTY

By: _____

Its: Chairman,
 Beaufort County Council

By: _____
Its: County Administrator

TOWN OF HILTON HEAD ISLAND

By: _____
Its: Mayor

By: _____
Its: Town Manager