

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) TO AMEND SECTION 2-187(b)(7) BEACH RENOURSHMENT
COUNTY OF HORRY) FUND TO RECEIVE ANNUAL TRANSFERS FROM
) ACCOMMODATIONS FUNDS (\$75k), HOSPITALITY (\$75k)
TOWN OF SURFSIDE BEACH) AND PIER FUND BEGINNING IN FY2019-2020 (\$50k)
AND ADD SECTION 2-187(A)(4)(iii) INDIGENT DEFENSE FUND

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this 23rd day of May, 2017; and

WHEREAS, the Mayor and Town Council have discussed funding beach renourishment in numerous meetings; and

WHEREAS, the Accommodations Tax Committee recommends transferring the sum of Seventy-five Thousand and no/100 (\$75,000.00) annually to the capital projects fund for beach renourishment; and

WHEREAS, the Mayor and Town Council have concurred to implement the Town Administrator's recommendation to transfer Seventy-five Thousand and no/100 (\$75,000.00) from the Hospitality Fund annually to the capital projects fund for beach renourishment; and

WHEREAS, the Mayor and Town Council have concurred to accept the Town Administrator's recommendation to transfer Fifty Thousand and no/100 (\$50,000.00) annually from the Pier Fund to the Capital Projects Fund for beach renourishment, once the Pier Fund beginning in FY2019-2020, after its debt is fully paid; and

WHEREAS, said transfers will ensure that sufficient funds are available at or near the ten year anniversaries upon which beach renourishment generally occurs; and

WHEREAS, A 2015 South Carolina State Proviso stipulates that the town maintain an balance for legal representation of indigents in its court system; and

WHEREAS, Town Council agreed in the 2016 Budget that the town shall save five thousand per year until a total of \$25,000 was reserved for indigent representation.

NOW, THEREFORE, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that Sections 12-187(b)(4)(iii) and (b)(7) of the Code of Ordinances of the Town of Surfside Beach, South Carolina, are hereby amended to read as follows:

Sec. 2-187. - Funds established and purposes.

(a) 4. Assigned Fund Balance.

(iii) Indigent Defense Fund. The town shall transfer annually the sum of five thousand and no/100 (\$5,000.00) dollars to fund the indigent fund up to a maximum of

twenty-five thousand and no/100 (\$25,000.00) and shall maintain that balance for representation of indigents in the town's court system.

(b) *Capital projects fund.*

(7) Assigned to beach renourishment fund. The accommodations tax fund and the hospitality fund shall both transfer Seventy-five Thousand and no/100 (\$75,000.00) annually to the beach renourishment fund. Beginning in Fiscal Year 2019-20, the pier fund shall transfer Fifty Thousand and no/100 (\$50,000) annually to the beach renourishment fund. Said transfers shall not be expropriated for other uses and shall be solely reserved for the purpose of beach renourishment. Reserves for beach renourishment shall be held in the capital projects fund.

SEVERABILITY. All other sections of Section 2-187 shall remain unchanged and in full force and effect. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 13th day of June 2017.

Robert F. Childs, III, Mayor

Ron Ott, Mayor Pro Tempore

Timothy T. Courtney, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Town Council

Julie M. Samples, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk