



DUE TO THE COVID-19 STATE OF EMERGENCY, IN-PERSON COUNCIL MEETINGS ARE REPLACED WITH ELECTRONIC MEETINGS.

Watch Live via YouTube at:

https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCjIA

To Participate in Public Comment, please email to comments@jaspercountysc.gov or mail to Attn: Clerk to Council P.O. Box 1149 Ridgeland, SC 29936. To be called for public Comment, please email at the mentioned email address. ***Public Comments must be submitted by Monday, August 16, 2021 at 3:00pm.***

Instructions may also be found at the Jasper County website www.jaspercountysc.gov

FOR MORE INFORMATION, PLEASE CALL (843) 717-3696



JASPER COUNTY COUNCIL
VIRTUAL MEETING
Jasper County Clementa C. Pinckney Government Bldg
358 3rd Avenue Ridgeland, SC 29936
August 16, 2021
AGENDA

4:00 PM

Workshop:

David Tedder – Review County Road ordinance and requirements.

5:00 P.M.

I. Call to Order by Chairwoman Barbara B. Clark

Clerk's Report of Compliance with the Freedom of Information Act.

II. Executive Session

SECTION 30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body – [County Administrator](#)

(2) Discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, the receipt of legal advice where the legal advice related to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim – [Exit 3](#); [Nickel Plate MCIP](#); [Jasper Ocean Terminal \(JOT\)](#); [Carolina Metal Castings](#); [Brown v Jasper County et al](#); [Hwy 170 IGA](#); [TMS# 087-00-04-003](#)

(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by a public body – [Jasper Ocean Terminal \(JOT\)](#); [Prospect Update](#); [Project Lite](#); [Project Ocean](#)

ANY EXECUTIVE SESSION MATTER ON WHICH DISCUSSION HAS NOT BEEN COMPLETED MAY HAVE DISCUSSION SUSPENDED FOR PURPOSES OF BEGINNING THE OPEN SESSION AT ITS SCHEDULED TIME, AND COUNCIL MAY RETURN TO EXECUTIVE SESSION DISCUSSION AFTER THE CONCLUSION OF THE OPEN SESSION AGENDA ITEMS

6:30 P.M.

III. Return to Open Session

IV. Pledge of Allegiance

V. Invocation

VI. Approval of Agenda

VII. Approval of the Minutes of 06.07.2021:

VIII. Presentation:

Danny Black, President and CEO of SouthernCarolina Alliance presenting on the Sherwood Tract.

IX. Open Floor to the Public per Ordinance 08-17 any citizen of the County may sign to speak before the Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes and total public input will be limited to 30 minutes.

**Please submit Public Comments via email at comments@jaspercountysc.gov or via US Mail at Attention: Clerk to Council P.O. Box 1149 Ridgeland, SC 29936. If you would like to be contacted by phone during Open Floor, please email your name, address and phone number to the email address listed above.*

X. Resolutions:

A. **David Tedder** - Resolution # 2021-16 amending the employment agreement between Jasper County and Andrew P. Fulghum

B. **Andrew Fulghum** - Resolution # 2021-17 to declare certain property to be surplus and authorize its sale or disposition - School District used vehicle.

XI. Ordinances:

A. **Lisa Wagner** - **3rd Reading** of Ordinance # 2021-22 to amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 084-00-02-065 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map - 358 Chippa Willow Road.

B. Lisa Wagner - Consideration of the 1st Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 063-38-01-013 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map – 76 Sweet William Road.

C: Andrew Fulghum - Public Hearing and 3rd reading of Ordinance # [2021-23](#) Authorizing (1) The Execution and Delivery of a Fee In Lieu Of Tax And Incentive Agreement by and between Jasper County, South Carolina (The “County”), a Company Known to the County as Palmetto Electric Cooperative Inc., Acting for Itself, One or More Affiliates, and/or Other Project Sponsors(Collectively, The “Company”), Pursuant to which the County Shall Covenant to Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes with Respect to the Establishment and/or Expansion of Certain Facilities in the County (The “Project”); and (2) Other Matters Relating Thereto. (formerly known as Project Lite)

D: Andrew Fulghum - 2nd reading of Ordinance # [2021-24](#) to adopt a new organizational chart.

XII. New Business:

A. Chief Russell Wells – COVID update

XIII. Old Business:

A. Kimberly Burgess - Consideration of proposed expenditure of CSLFRF (Coronavirus State and Local Fiscal Recovery Funds).

XIV. Council Members Comments

XV. Administrator’s Report

XVI. Possible Return to Executive Session to Continue Discussion on Matters Regarding Agenda Item II.

XVII. Adjourn

***Council may act on any item appearing on the agenda including items discussed in executive session.**

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting was posted on the County Council Building at a publicly accessible place and on the county website at least 24 hours prior to the meeting. A copy of the agenda was given to the local news media and posted at the meeting location twenty-four hours prior to the meeting.

***Special Accommodations Available Upon Request to Individuals with Disabilities*
(843) 717-3696**

AGENDA ITEM:

X

Resolution: Item A

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

RESOLUTION NUMBER 2021 - 16

RESOLUTION OF JASPER COUNTY COUNCIL

**A RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT BETWEEN
JASPER COUNTY AND ANDREW P. FULGHUM**

WHEREAS, Jasper County (“County”) and Andrew P. Fulghum (“Employee”) entered into that certain agreement entitled “Jasper County Administrator Employment Agreement (“Agreement”) on April 19, 2004, and

WHEREAS, it is the desire of the County to provide an increase in the base salary as provided in the Agreement; and

WHEREAS, and the County and Administrator have agreed to the modification of the salary provision as set forth below;

WHEREAS, Jasper County Council is of the belief that it is in the best interest of the County and its citizens to provide for these amendments in the Agreement;

NOW THEREFORE, BE IT RESOLVED by Jasper County Council, in the council duly assembled and by the authority of the same that Jasper County Council hereby authorizes the amendment set forth below, and authorizes the County Council Chairman to execute an “Amendment to Contract” to be prepared by the County Attorney incorporating the modification set forth in item 1 below.

1. Section 3 *Compensation*, subsection (A), *Base Salary*, of the Agreement shall be modified to provide an annual Base Salary in the amount of \$135,456.21, with such increase to be effective as of the first full pay period in July, 2021.
2. In all other respects, the Agreement shall remain in full force and effect.

This Resolution No. 2021-16 made this 16th day of August, 2021.

Barbara B. Clark
Chairwoman

ATTEST:

Wanda Simmons
Clerk to Council

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date

AGENDA ITEM:

X

Resolution: Item B

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

RESOLUTION # 2021-17

RESOLUTION OF JASPER COUNTY COUNCIL

To declare certain property to be surplus and
authorize its sale or disposition – School
District used vehicle

WHEREAS, the Jasper County School District (School District) has advised the County Chief Procurement Officer that it has obtained a buyer for a 2000 Ford Crown Victoria with VIN# 2FAFP71W0YX115539, which was provided to the Jasper County School District for its use by Jasper County, but titled in the ownership name of Jasper County, rather than the School District, at a sales price of approximately \$1,500.00; and

WHEREAS, the School District requests the County declare the property surplus, and allow the School District sell the vehicle and retain the proceeds for use by the District in fulfilling its mission; and

WHEREAS, the County Administrator has identified the property as no longer necessary or useful to the County for the accomplishment of its mission, and recommends that it be declared surplus and sold or otherwise disposed;

NOW THEREFORE, BE IT RESOLVED that the property identified above is declared surplus pursuant to the Jasper County Purchasing and Procurement Ordinance, Ordinance #05-04 (as codified in Chapter 2, Article V of the Jasper County Code of Ordinances, Sections 2-401 et seq.), and the Chief Procurement Officer of the County is authorized and directed to coordinate with the School District in the sale of the property in accordance with that Ordinance upon the terms negotiated by the School District, the County Administrator is authorized to execute a bill of sale or transfer of title documents as may be needed to

accomplish the sale, and the proceeds of the sale are to be provided to the School District for the furtherance of its mission.

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This Resolution made this _____ day of August, 2021.

Barbara B. Clark, Chairwoman

ATTEST:

Wanda Simmons, Clerk to Council

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date

AGENDA ITEM:

XI-A

Ordinance item A

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE: 2021-22

**AN ORDINANCE
OF JASPER COUNTY COUNCIL**

To amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 084-00-02-065 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map.

WHEREAS, the owner of the parcel consisting of approximately .90 acres bearing Jasper County Tax Map Number 084-00-02-065 located at 358 Chippa Willow Road, has requested rezoning of the parcel on the Official Zoning Map of Jasper County from the Residential Zone to the Community Commercial Zone and the property owner submitted that request to the Jasper County Planning Commission and County Council; and

WHEREAS, the Jasper County Planning Commission has concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

WHEREAS, this matter is now before the Jasper County Council for determination;

NOW THEREFORE BE IT ORDAINED, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is consistent with the continued pattern of growth in the vicinity and is in harmony with the Jasper County Comprehensive Plan. Good cause having been shown, approximately .90 acres bearing Jasper County Tax Map

Number 084-00-02-065, located at 358 Chippa Willow Road, depicted on the Jasper County Official Zoning Map in the Residential Zone shall be transferred to the Community Commercial Zone.

2. This ordinance shall take effect upon approval by Council.

Ms. Barbara B. Clark
Chairwoman

ATTEST:

Wanda Simmons
Clerk to Council

ORDINANCE: # 2021-22

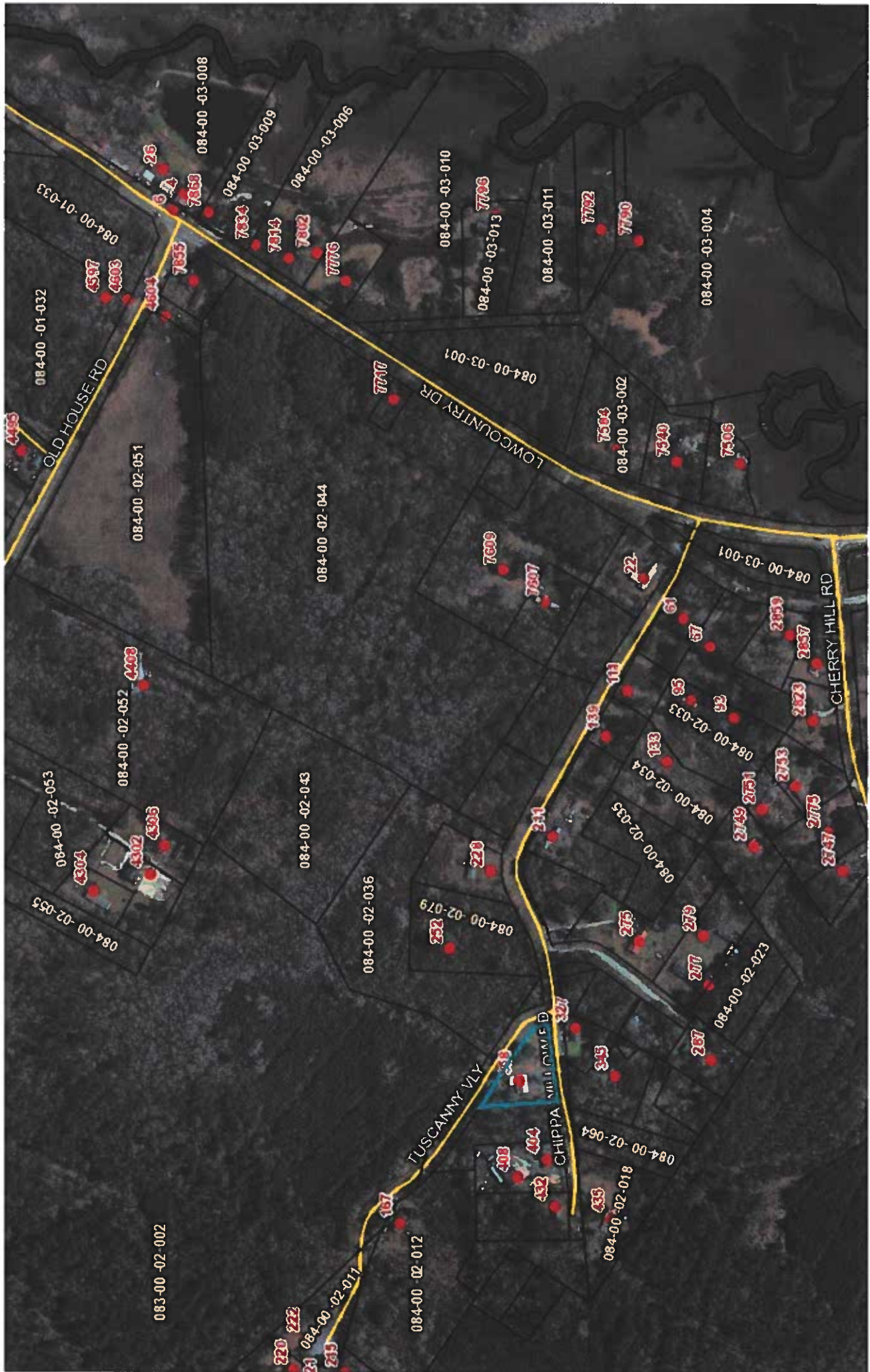
First Reading: June 21, 2021
Second Reading: July 19, 2021
Public Hearing: July 19, 2021
Adopted: August 16, 2021

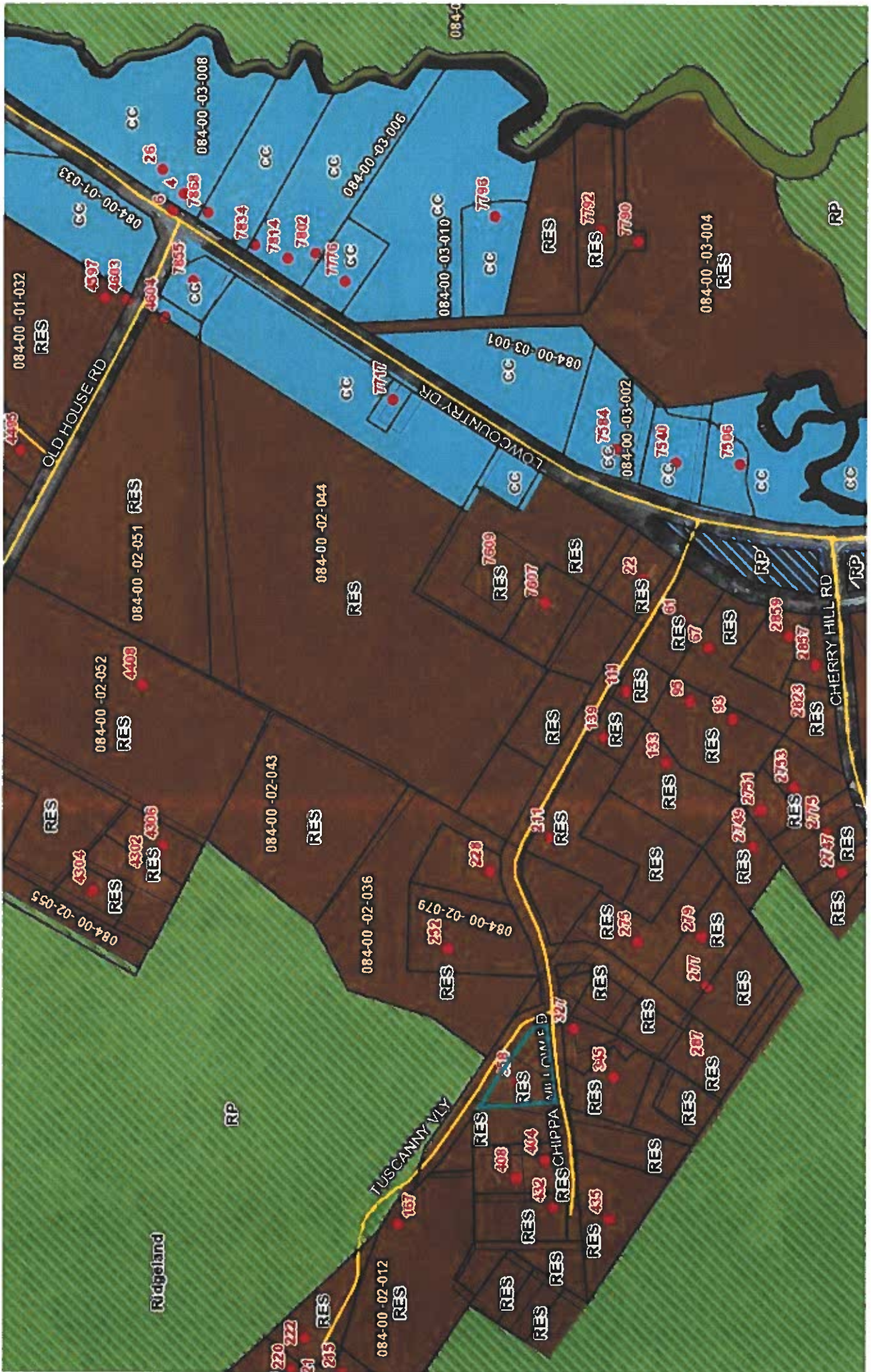
Considered by the Jasper County Planning Commission at it's meeting on
June 8, 2021 and recommended for approval.

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date





084-00-01-032
RES

084-00-01-033
CC

084-00-03-008
CC

084-00-03-006
CC

084-00-03-010
CC

084-00-03-001
CC

RES 7792

084-00-03-004
RES

OLD HOUSE RD

LOWCOUNTRY DR

084-00-02-051
RES

084-00-02-044
RES

084-00-02-052
RES

RES

084-00-02-043
RES

084-00-02-055
RES

084-00-02-036
RES

084-00-02-079
RES

RES 111

RES 114

RES 61

RES 67

RES 63

RES 2039

RES 2037

RES 2033

RES 4304

RES 4302

RES 4306

RES 228

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Ridgeland

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TUSCANNVILLE

RESCHIPPA MILITARY

CHERRY HILL RD

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RES 4603

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AGENDA ITEM:

XI-B

Ordinance item B

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE: 2021-_____

**AN ORDINANCE
OF JASPER COUNTY COUNCIL**

To amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 063-38-01-013 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map.

WHEREAS, the owner of the parcel consisting of approximately .55 acres bearing Jasper County Tax Map Number 063-38-01-013 located at 76 Sweet William Road, has requested rezoning of the parcel on the Official Zoning Map of Jasper County from the Residential Zone to the Community Commercial Zone and the property owner submitted that request to the Jasper County Planning Commission and County Council; and

WHEREAS, the Jasper County Planning Commission has concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

WHEREAS, this matter is now before the Jasper County Council for determination;

NOW THEREFORE BE IT ORDAINED, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is consistent with the continued pattern of growth in the vicinity and is in harmony with the Jasper County Comprehensive Plan. Good cause having been shown, approximately .55 acres bearing Jasper County Tax Map

Number 063-38-01-013, located at 76 Sweet William Road, depicted on the Jasper County Official Zoning Map in the Residential Zone shall be transferred to the Community Commercial Zone.

2. This ordinance shall take effect upon approval by Council.

Ms. Barbara B. Clark
Chairwoman

ATTEST:

Wanda Simmons
Clerk to Council

ORDINANCE: # 2021-__

First Reading: August 16, 2021

Second Reading: _____

Public Hearing: _____

Adopted: _____

Considered by the Jasper County Planning Commission at it's meeting on
July 13, 2021 and recommended for approval.

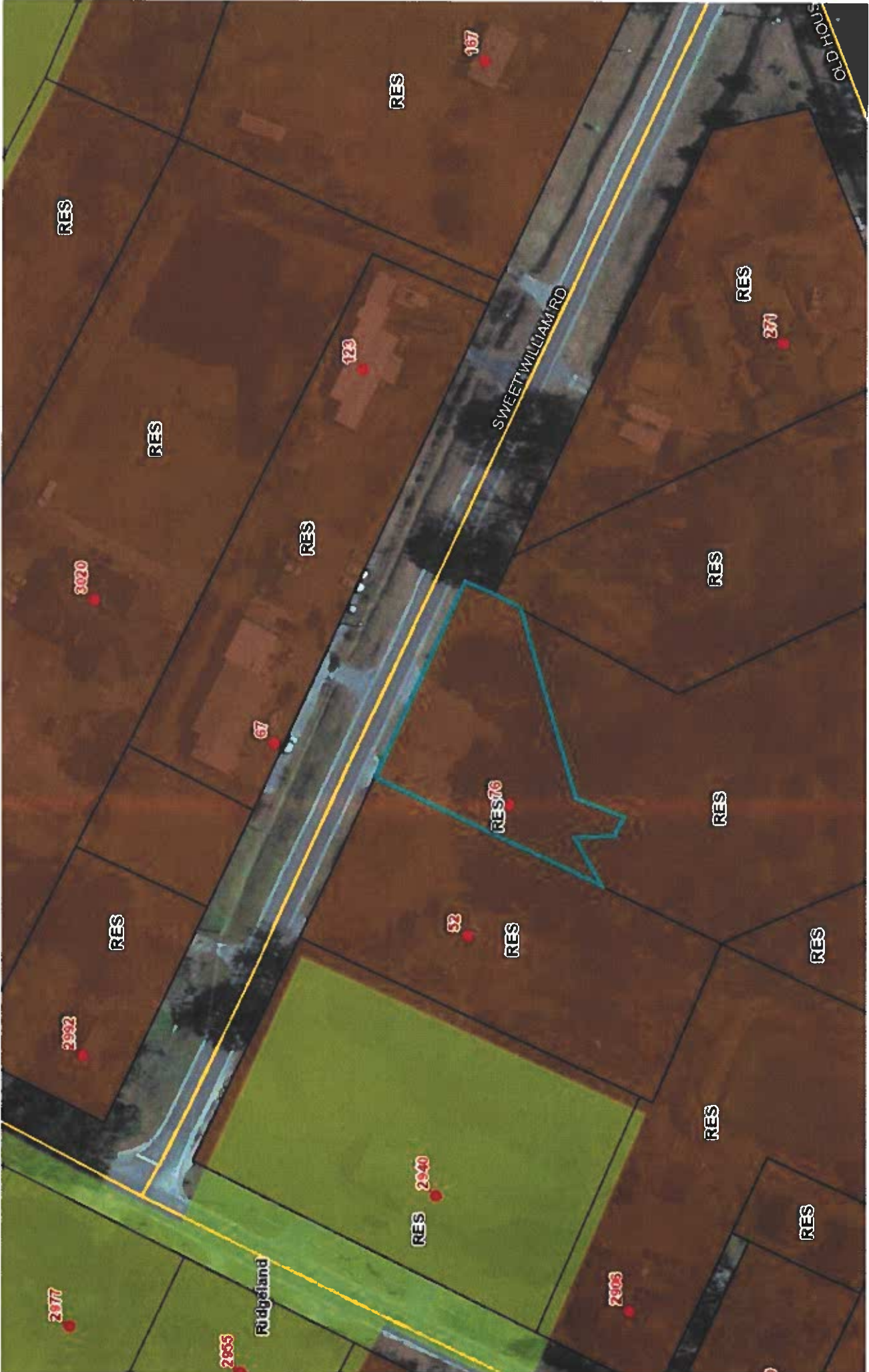
Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date



OLD PHOTO



AGENDA ITEM:

XI-C

Ordinance item C

JASPER COUNTY
ORDINANCE NO. 2021-23

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN JASPER COUNTY, SOUTH CAROLINA (THE "COUNTY"), PALMETTO ELECTRIC COOPERATIVE, INC., AND/OR OTHER PROJECT SPONSORS (COLLECTIVELY, THE "COMPANY"), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (THE "PROJECT"); AND (2) OTHER MATTERS RELATING THERETO.

WHEREAS, Jasper County, South Carolina (the "County"), acting by and through its County Council (the "Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Title 12, Chapter 44 of the Code (the "Negotiated FILOT Act"); (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax ("FILOT") payments, including, but not limited to, negotiated FILOT payments made pursuant to the Negotiated FILOT Act, with respect to a project; and

WHEREAS, Palmetto Electric Cooperative, Inc., acting for itself, one or more affiliates, and/or project sponsors (collectively, the "Company"), are considering the establishment and/or expansion of certain commercial and related facilities at one or more locations in the County (the "Project"), and anticipates that, should its plans proceed as expected, it will invest, or caused to be invested, at least \$45,000,000, in the aggregate, in the Project; and

WHEREAS, based solely on information provided to the County by the Company, the County has determined that the Project will subserve the purposes of the Negotiated FILOT Act and has made certain findings pertaining thereto in accordance with the Negotiated FILOT Act; and

WHEREAS, in accordance with such findings and determinations, and in order to induce the Company to locate the Project in the County, the Council adopted a Resolution on June 21, 2021 (the "Inducement Resolution"), whereby the County agreed to provide the benefits of a negotiated FILOT with respect to the Project; and

WHEREAS, the County and the Company have agreed to specific terms and conditions of such arrangements as set forth herein and in a Fee in Lieu of Tax and Incentive Agreement by and among the County and the Company with respect to the Project (the "Incentive Agreement"), the

form of which is presented to this meeting, which Incentive Agreement is to be dated as of August 16, 2021, or such other date as the parties thereto may agree; and

WHEREAS, it appears that the Incentive Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the Council, as follows:

Section 1. As contemplated by Section 12-44-40(I) of the Negotiated FILOT Act, the findings and determinations set forth in the Inducement Resolution are hereby ratified and confirmed. In the event of any disparity or ambiguity between the terms and provisions of the Inducement Resolution and the terms and provisions of this Ordinance and the Incentive Agreement, the terms and provisions of this Ordinance and the Incentive Agreement shall control. Capitalized terms used and not otherwise defined herein shall have the meanings ascribed thereto in the Incentive Agreement. Additionally, based on information provided to the County by the Company with respect to the Project, the County makes the following findings and determinations:

(a) The Project will constitute a “project” within the meaning of the Negotiated FILOT Act; and

(b) The Project, and the County’s actions herein, will subserve the purposes of the Negotiated FILOT Act; and

(c) The Project is anticipated to benefit the general public welfare of the State and the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; and

(d) The Project gives rise to no pecuniary liability of the County or an incorporated municipality or a charge against the general credit or taxing power of either; and

(e) The purposes to be accomplished by the Project are proper governmental and public purposes; and

(f) The benefits of the Project are greater than the costs.

Section 2.

(a) The County hereby agrees to enter into the Incentive Agreement, which agreement shall be in the form of a fee agreement, pursuant to the Negotiated FILOT Act, whereby the Company will agree to satisfy, or cause to be satisfied, certain investment requirements with respect to the Project within certain prescribed time periods in accordance with the Negotiated FILOT Act and the County will agree to accept certain negotiated FILOT payments with respect to the Project (the “Negotiated FILOT”), as set forth in **Section 2(b)** hereof and in accordance with the terms of the Incentive Agreement.

(b)

(i) The Negotiated FILOT shall be determined using: (1) an assessment ratio of 6%; (2) the lowest millage rate allowed with respect to the Project pursuant to Section 12-44-50(a)(1)(d) of the Negotiated FILOT Act as set forth in greater detail in the Incentive Agreement; (3) the fair market value of such Negotiated FILOT Property as determined in accordance with Section 12-44-50(A)(1)(c) of the Negotiated FILOT Act; and (4) such other terms and conditions as are or will be specified in the Incentive Agreement including, but not limited to, that the Company and the Project shall be entitled to the maximum benefits allowable under the Negotiated FILOT Act with respect to the disposal and replacement of Project property.

(ii) The Negotiated FILOT shall be calculated as provided in this **Section 2(b)** for all Negotiated FILOT Property placed in service as part of the Project during the Investment Period. For each annual increment of investment in Negotiated FILOT Property, the annual Negotiated FILOT payments shall be payable for a payment period of thirty (30) years. Accordingly, if such Negotiated FILOT Property is placed in service during more than one year, each year's investment during the Investment Period shall be subject to the Negotiated FILOT for a payment period of thirty (30) years up to an aggregate of thirty-five (35) years based on the initial Investment Period of five (5) years, or, if the Investment Period is extended as set forth in the Incentive Agreement, up to an aggregate of forty (40) years.

Section 3. The form, provisions, terms, and conditions of the Incentive Agreement presented to this meeting and filed with the Clerk to the Council are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the Incentive Agreement was set out in this Ordinance in its entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute the Incentive Agreement in the name and on behalf of the County; the Clerk to the Council is hereby authorized, empowered and directed to attest the same; and the Chairman of the Council is further authorized, empowered, and directed to deliver the Incentive Agreement to the Company. The Incentive Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the official or officials of the County executing the same, upon the advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Incentive Agreement now before this meeting.

Section 4. The Chairman of the Council, the County Administrator, and the Clerk to Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to the Incentive Agreement.

Section 5. The provisions of this Ordinance are hereby declared to be separable and if any section, phase, or provision shall for any reason be declared by a court of competent

jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phases, and provisions hereunder.

Section 6. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall take effect and be in full force from and after its passage and approval.

[End of Ordinance]

Enacted and approved, in a meeting duly assembled, this 16th day of August, 2021.

JASPER COUNTY, SOUTH CAROLINA

By: _____
Barbara Clark, Chairperson, County Council
Jasper County, South Carolina

[SEAL]

Attest:

By: _____
Wanda Simmons, Clerk to County Council
Jasper County, South Carolina

First Reading: June 21, 2021
Second Reading: July 19, 2021
Public Hearing: August 16, 2021
Third Reading: August 16, 2021

AGENDA ITEM:

XI-D

Ordinance item D

STATE OF SOUTH CAROLINA
COUNTY OF JASPER

ORDINANCE NO: 2021-24

AN ORDINANCE
OF JASPER COUNTY COUNCIL

To amend the Jasper County, South Carolina
Organizational Chart.

WHEREAS, by Ordinance No. 09-25 adopted October 5, 2009, the Jasper County Council did adopt an Official Organizational Chart for the County; and

WHEREAS, due to the passage of time, changes in departmental responsibilities, and a comprehensive examination and re-defining of certain of job descriptions and reporting responsibilities, it has become desirable to make certain amendments to the organization of the County administration; and

WHEREAS, the Administration recommends the attached Jasper County, South Carolina Organizational Chart to be the official organizational chart for the County;

NOW, THEREFORE BE IT ORDAINED by the Jasper County Council in council duly convened and by the authority of the same:

1. The Jasper County, South Carolina Organizational Chart dated _____, 2021, a copy of which is attached hereto, is hereby adopted as the official Organizational Chart for Jasper County Government , and all previous versions of the Organizational Chart are hereby repealed.
2. This ordinance shall take effect upon approval by Council.

Barbara B. Clark, Chairwoman

ATTEST:

Wanda Simmons, Clerk to Council

First Reading: 07.19.2021

Second Reading: 08.16.2021
Public Hearing: _____
Adopted: _____

The following document is required to be attached prior to 3rd Reading:

Jasper County, South Carolina Organizational Chart dated _____, 2021.

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date

County Administrator

Administrative Assistant

