

**SUMTER COUNTY ORDINANCE NO. 04-550**

**AN ORDINANCE TO RESTRUCTURE AND REORGANIZE THE SUMTER COUNTY DEVELOPMENT BOARD**

- WHEREAS*, The Sumter County Development Board was created by the General Assembly in 1957 by Act #388 of the Regular Session of 1957; and
- WHEREAS*, the original name of the organization was the Sumter County Planning and Development Commission; and
- WHEREAS*, the original act creating the Sumter County Planning and Development Board directed that the funding for that Board would be shared equally by the County of Sumter and the City of Sumter; and
- WHEREAS*, the name was changed in 1960 to the Sumter County Development Board by Act #566 of the Regular Session of the General Assembly in 1960; and
- WHEREAS*, the enumerated powers of the Sumter County Development Board were amended by Act #R903, H2249 of the Regular Session of the General Assembly to include the powers to employ personnel, enter into contracts, sell, lease or purchase property; and
- WHEREAS*, Article VIII, Section 7 of the South Carolina Constitution, ratified on March 7, 1973, prohibits the General Assembly from enacting “special legislation” or laws which affect only one county; and
- WHEREAS*, the General Assembly enacted Act #283 in 1975, commonly referred to as the Home Rule Act, which is codified in Section 4-9-10 through 4-9-1230, Code of Laws of South Carolina,(1976, as amended); and
- WHEREAS*, Section 4-9-30, Code of Laws of South Carolina authorizes the different counties in South Carolina:
- (6) to establish such agencies, departments, boards, commissions and positions in the county as may be necessary and proper to provide services of local concern for public purposes, to prescribe the functions thereof and to regulate, modify, merge or abolish any such agencies, departments, boards, commissions and positions, except as otherwise provided for in this title...

*WHEREAS*, the County Council for Sumter County finds that it is in the best interest of Sumter County to restructure and reorganize the Sumter County Development Board.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETINGS DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:**

That Act #388 of the Regular Session of the General Assembly of 1957 and Act #566 of the Regular Session of 1960 are hereby revised, and, where in conflict with this ordinance, repealed and the following shall be the ordinance of the County of Sumter establishing the Sumter County Development Board.

1. Sumter County Development Board created; Members; Terms; Appointments. There is hereby created a board in and for Sumter County to be known as the Sumter County Development Board (hereinafter, "BOARD"), which shall be composed of seven (7) members to be appointed as follows: three (3) by the majority vote of the County Council for Sumter County, two (2) by the majority vote of the City Council for the City of Sumter and two (2) by the majority vote of the Board of Directors for the Greater Sumter Chamber of Commerce, Inc. The terms of office shall be for three (3) years and until their successors are appointed and qualified. The County Council for Sumter County shall initially appoint one member to serve one (1) year, one member to serve two (2) years and one member to serve three (3) years. The City Council for the City of Sumter shall initially appoint one member to serve two (2) years and one member to serve three (3) years. The Board of Directors for the Greater Sumter Chamber of Commerce, Inc shall initially appoint one member to serve one (1) year and one member to serve two (2) years. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term. To the maximum extent possible, all appointees serving on the BOARD at the time this ordinance passes third reading shall be allowed to complete their

unexpired terms. Appointees serving on the BOARD at the time this ordinance passes third reading may have their terms extended to fulfill the requirements of this section in the discretion of each appointee's sponsoring organization. All appointments to membership on the BOARD shall be transmitted to the Clerk of Sumter County Council who shall properly record the same on the permanent records of his/her office. Board members may serve no more than two terms consecutively. After two consecutive terms, Board members may not serve as a member of the BOARD for a minimum of one year.

Non-voting "Ex Officio" members of the BOARD shall be: the Chairman of Sumter County Council or his delegate, the Mayor of the City of Sumter or his delegate, the Chairman of the Sumter County Legislative Delegation or his delegate, the County Administrator, the City Manager and the President of the Greater Sumter Chamber of Commerce.

2. Purpose and Powers. The BOARD is created to promote the agricultural and industrial expansion and development throughout Sumter County. The BOARD shall have the power to employ personnel, enter into contracts, and, with the Consent of Sumter County Council, sell, lease or purchase property, and shall have such other powers as may be necessary to carry out the purposes of this Ordinance.

3. Officers, Meetings, Records. The BOARD shall elect one (1) of its members as Chairman and one (1) of its members as Vice Chairman. Meetings of the BOARD shall be held at the call of the Chairman and at such other times as the BOARD may determine. The members of the BOARD shall serve without pay but may be reimbursed for actual expenses incurred in attending meetings and other necessary expenses in connection with business of the BOARD from available funds, approved in advance. The BOARD shall keep minutes of its proceedings

and shall make records of all official actions, which minutes and records shall be available for inspection at all times by the County Council for the County of Sumter, or its designee, and the City Council for the City of Sumter, or its designee.

4. President, Support Staff. There shall be a President selected by the BOARD. The President shall serve in the capacity of the Chief Executive Officer of the BOARD. Other staff support for the BOARD shall be selected by the President who shall oversee the daily operations of the BOARD. The President and Support Staff shall be governed by the Sumter County Personnel Manual regarding all employment matters other than selection. Personnel matters considered by the BOARD shall be consistent with the Sumter County Personnel Manual. The President and staff shall coordinate with the County Administrator on county matters and shall coordinate with the City Manager on city matters within the scope of their respective jurisdictions. The President shall communicate with the County Administrator regularly and upon the call of either of the Sumter County Council or the Sumter City Council. The President shall coordinate the annual budget for the Sumter County Development Board with the County Administrator for the County of Sumter and the City Manager for the City of Sumter.

5. Appropriations; Expenditures; Gifts; and Grants. The funds necessary to pay for industrial surveys, geological surveys and other necessary expenses of the BOARD shall be appropriated in the annual budgets for the County of Sumter and the City of Sumter with the County providing two-thirds (2/3) of such sum and the City providing one-third (1/3) of such sum. The BOARD may draw the proceeds of such appropriations and future authorizations and deposit the same in a bank insured by the Federal Deposit Insurance Corporation to be expended according to the provisions of the Sumter County Procurement Code. The BOARD shall

provide a quarterly, itemized verified statement of all expenditures signed by the Chairman which shall be filed with the Sumter County Administrator with a copy provided to the Sumter City Manager. The BOARD may accept gifts and grants of money from either private or public resources to be used in the promotion of this program and all such money shall be accounted for in the same manner as funds appropriated by the County of Sumter.

6. Audits. The books and records of the BOARD shall be audited annually by the same person or firm who audits the books and records of Sumter County. Copies of such audits shall be made available to the Sumter County Council and the City Council for the City of Sumter.

7. Cooperation with other Agencies. For the purpose of carrying out the other provisions of this Act, the BOARD is authorized to cooperate with the Central Carolina Economic Development Alliance, the Department of Commerce for the State of South Carolina, all towns, all Chambers of Commerce, all business leagues, all civic clubs and other similar organizations in Sumter County and all other agencies and organizations within and without the county which the BOARD may desire to cooperate with in the furtherance of the development and advertisement of Sumter County.

8. This Ordinance is conditioned upon the joint adoption of a Memorandum of Understanding between Sumter County and the City of Sumter regarding the funding of the Sumter County Development Board.

9. Saving Clause. If any provision of this Act shall be held invalid for any reason, such holding should not affect the remainder thereof.

10. Repeal. All acts or parts of acts inconsistent herewith are repealed.

11. Effect. This Ordinance shall take effect on January 1, 2005.

**THE COUNTY COUNCIL FOR SUMTER COUNTY  
SOUTH CAROLINA**

**BY:**

Naomi D. Sanders

**ITS:** Chairman

**ATTEST:**

**BY:**

Mary W. Blanding

**ITS:** Clerk to County Council

First Reading: \_\_\_\_\_, 2004

Second Reading: \_\_\_\_\_, 2004.

Third Reading and Adoption: November 23, 2004.