AN ORDINANCE

CREATING A SPECIAL TAX DISTRICT IN THE ENTIRE UNINCORPORATED AREA OF SPARTANBURG COUNTY TO BE KNOWN AS THE SPARTANBURG COUNTY PARKS AND RECREATION SPECIAL TAX DISTRICT; TO ESTABLISH THE SPARTANBURG COUNTY PARKS AND RECREATION SPECIAL TAX DISTRICT COMMISSION AND TO PROVIDE FOR ITS POWERS, DUTIES AND MEMBERSHIP; TO IMPOSE A TAX LEVY ANNUALLY UPON ALL TAXABLE PROPERTY LOCATED WITHIN THE DISTRICT AND/OR IMPOSE AN ANNUAL UNIFORM SERVICE CHARGE; TO AUTHORIZE USER FEES; AND TO TRANSFER CERTAIN PROPERTY TO THE SPARTANBURG COUNTY PARKS AND RECREATION SPECIAL TAX DISTRICT

WHEREAS, § 4-9-30(5)(iii), Code of Laws of South Carolina, 1976, as amended, provides that County Council may pass an ordinance establishing a special tax District which consists of the entire unincorporated area of the county; and

WHEREAS, Spartanburg County has studied the functions and operations of the Spartanburg County Parks and Recreation Department and has determined and does hereby find that recreation services would be provided to the citizens of Spartanburg County in a more efficient manner if the functions and operations of the Department were performed and supervised by a special tax District.

BE IT ORDAINED BY SPARTANBURG COUNTY COUNCIL:

SECTION 1. There is hereby created the Spartanburg County Parks and Recreation Special Tax District, the boundaries of which are described as the entire unincorporated area of Spartanburg County, South Carolina.

SECTION 2. There are committed to the District the functions of providing, coordinating and supervising the delivery of all parks and recreation services to the citizens of Spartanburg County, South Carolina.

SECTION 3. There is hereby created for the District a governing body to be known as the Spartanburg County Parks and Recreation Special Tax District Commission (hereinafter referred to as the "Commission"), consisting of five (5) members appointed by the Spartanburg County Council. Of the initial appointees, one (1) will serve a term of four (4) years; two (2) will serve terms of three (3) years, and two (2) will serve terms of two (2) year; thereafter, all will serve terms of three (3) years or until their successors are duly appointed and qualified. All members of the Commission shall reside
within the geographical boundaries of the District and, to the extent feasible, shall be appointed from
different areas of the county and be ethnically diverse so that there will be county-wide representation
on the Commission. Vacancies on the Commission shall be filled by County Council for the remainder
of the unexpired term. The members of the Commission shall serve without pay and shall file such
reports with the Spartanburg County Administrator as the Administrator shall require concerning the
activities and disbursements of the Commission.

The Commission shall be responsible for maintaining and operating the Spartanburg County Parks and
Recreation Special Tax District in accordance with the purposes set forth in SECTION 2 above. In order
to carry out said proposes, the Commission shall be empowered:

1. To adopt bylaws, rules and operating procedures for the Commission and to elect a
chairman and such other officers as it deems necessary;

2. To prescribe regulations for the administration and management of the District;

3. To appoint officers, agents and employees, prescribe the duties of such, fix their
compensation and determine if and to what extent they shall be bonded for the faithful performance
of their duties;

4. To acquire, purchase, hold, use, lease, sell, transfer and dispose of any property, real,
personal or mixed, or any interest therein; provided, however, that real property shall not be
purchased, acquired, sold or transferred except after three readings and a public hearing conducted by
the Commission in accordance with the notice and time requirements of the Home Rule Act, the
adoption of a resolution setting forth all of the terms and conditions of proposed purchase, acquisition,
sale or conveyance, including general purposes, and authorizing the purchase, acquisition, sale or
conveyance, and thereafter with the approval of County Council.

5. To make contracts for construction, engineering, architectural, legal, the receipt of financial
aid, the provision of recreation services to municipalities and other services necessary to carry out the
functions of the District;

6. To borrow in anticipation of tax revenues and/or service charges upon the approval and
authorization of the Spartanburg County Council. Such indebtedness shall be evidenced by a note
issued by the members of the Commission and the county treasurer and the full faith, credit and taxing
power of the District shall be irrevocably pledged for the payment of such indebtedness;

7. To purchase the required tort liability insurance from the South Carolina Division of General
Services Insurance Reserve Fund;

8. To be responsible for the payment of all expenses of the District, including the funding
of any future elections held by the District; and

9. To exercise any and all other powers and functions necessary to carry out the purposes of
the District.

The Commission shall submit its annual budget and tax levy and/or service charge recommendation
to County Council for approval prior to May 1 of every year and shall keep and timely transmit to the
County Council the minutes of each meeting of the Commission.
SECTION 4. A tax levy and/or uniform service charges shall be annually set by the County Council prior to July 1 of each year upon the recommendation of the Commission. Separate uniform user fees to be imposed upon the users of any of the District's park and recreation facilities shall be established by County Council by separate ordinance. All monies collected from this tax levy, service charge and/or user fees shall be credited to the District.

SECTION 5. Before the issuance of any general obligation bonds to provide a service in the District and the levy of a tax to retire the bonds at rates different from those levied in the remainder of the county related to the nature and level of services to be provided in the District, County Council shall first approve the issuance of the general obligation bonds and the levy of the tax to retire the bonds by ordinance.

SECTION 6. Title to all assets and property, both real and personal, owned by Spartanburg County at the date of adoption of this ordinance shall be transferred to the District to be used exclusively for public recreation purposes, provided, however, that should the District ever be abolished by County Council, title to all assets and property, both real and personal, owned by the District at the date of such abolishment shall be transferred and reconveyed to Spartanburg County by the District.

SECTION 7. All persons employed by the District shall be employees of the District, an authority outside county government, and shall not be or considered to be employees of Spartanburg County.

SECTION 8. If any sentence, provision or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such sentence, provision or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions or portion of this Ordinance.

SECTION 9. This Ordinance shall take effect upon third reading approval.

SPARTANBURG COUNTY COUNCIL

By:

Jeffrey M. Horton
Chairman

ATTESTED:

D. Glenn Breed
County Administrator

First Reading: 10/17/05
Second Reading: 11/21/05
Public Hearing: 12/13/05
Third Reading: 01/20/06
AN ORDINANCE

AMENDING ORDINANCE NUMBER O-06-02 TO ELIMINATE THE SPARTANBURG COUNTY PARKS AND RECREATION SPECIAL TAX DISTRICT COMMISSION, TO PROVIDE FOR THE SPARTANBURG COUNTY PARKS AND RECREATION SPECIAL TAX DISTRICT TO BE OPERATED AS AN ADMINISTRATIVE DIVISION OF SPARTANBURG COUNTY AND TO MAKE CERTAIN OTHER CORRECTIONS RELATING TO TITLE OF PROPERTY AND EMPLOYEES OF THE SPECIAL TAX DISTRICT.

WHEREAS, the Spartanburg County Parks and Recreation Special Tax District was created by Spartanburg County Ordinance Number O-06-02 pursuant to the provisions of § 4-9-30(5), Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, § 4-9-30(5)(b), Code of Laws of South Carolina, 1976, as amended, provides that a special tax district may be operated as an administrative division of the county or county council may appoint a commission consisting of three to five members; and

WHEREAS, Spartanburg County Ordinance Number O-06-02 provided for the special tax district to be maintained and operated by a governing body known as the Spartanburg County Parks and Recreation Special Tax District Commission consisting of five members appointed by the Spartanburg County Council; and

WHEREAS, the Spartanburg County Council now desires for the Spartanburg County Parks and Recreation Special Tax District to be operated as an administrative division of the county instead of being maintained and operated by an appointed commission.

BE IT ORDAINED BY SPARTANBURG COUNTY COUNCIL:

SECTION 1. Section 3 of Spartanburg County Ordinance Number O-06-02 is hereby deleted in its entirety. Section 3 is hereby further amended to read as follows:

"The District shall be operated as an administrative division of Spartanburg County."

SECTION 2. Section 6 of the Spartanburg County Ordinance Number O-06-02 relating to title to all assets and property of the District is hereby amended to read as follows:
“Should the District ever be abolished by County Council, title to all assets and property, both real and personal, owned by the District at the date of such abolishment shall be transferred and reconveyed to Spartanburg County by the District.”

SECTION 3. Section 7 of the Spartanburg County Ordinance Number O-06-02 relating to persons employed by the District is hereby deleted in its entirety.

SECTION 4. Except as amended herein, the provisions of Spartanburg County Ordinance Number O-06-02 are hereby reaffirmed.

SECTION 5. This Ordinance shall take effect upon third reading approval.

SPARTANBURG COUNTY COUNCIL

By: 

JEFFREY A. HORTON
Chairman

ATTESTED

D. Glenn Breed
County Administrator

First Reading: 04/26/11
Second Reading: 05/06/11
Public Hearing: 05/16/11
Third Reading: 05/16/11