Ordinance # 2020-02

CITY OF SIMPSONVILLE, SOUTH CAROLINA

TITLE: **AN ORDINANCE TO ADOPT THE BUDGET FOR THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, FOR FISCAL YEAR 2020-2021 ACCORDING TO THE TERMS AND PROVISIONS CONTAINED THEREIN; FIXING THE MILLAGE RATE AT 63.6 MILS; AUTHORIZING THE TRANSFER OF UP TO $650,000 FROM THE SPECIAL REVENUE FUND TO PAY FOR OPERATIONAL EXPENSES AT HERITAGE PARK AND THE AMPHITHEATER; AUTHORIZING THE TRANSFER OF UP TO $170,000 FROM THE SEWER FUND TO PAY FOR CAPITAL PURCHASES; SETTING THE PUBLIC WORKS FEE TO BE COLLECTED ON ALL IMPROVED REAL PROPERTY; AND REPEALING ANY PREVIOUS ORDINANCE IN CONFLICT THEREWITH**

BASIS FOR THE ORDINANCE: SOUTH CAROLINA CODE ANN. § 5-11-40 *et. seq.* South Carolina Code of Laws

EFFECTIVE DATE OF ORDINANCE: July 1, 2020 and upon final approval by Council after second reading and signing by the Mayor.

WHEREAS, pursuant to S.C. Code Ann. §5-11-40 the City Council shall adopt an annual budget for the operation of the City and capital improvements for Fiscal Year 2020-2021; and

WHEREAS, Council has carefully studied and examined the financial needs for operations for the coming fiscal year after discussions with the City Administrator and all Department Heads; and

WHEREAS, having considered the budget requests for the coming fiscal year and having determined that it is in the best interests of the taxpayers of the City to adopt a comprehensive budget based upon estimated revenues and to provide appropriations for City operations and debt service for all City departments; and

WHEREAS, pursuant to S.C. Code Ann. §6-1-80 the City has provided notice to the public by advertising the public hearing before the adoption of the budget for the next fiscal year in a newspaper of general circulation in the area, given that not less than fifteen days in advance of the public hearing in the form as prescribed by law; and

WHEREAS, after a public hearing and receiving public comment the City Council finds that the budget for Fiscal Year 2020-2021 should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. ADOPTION OF THE BUDGET FOR THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, FOR FISCAL YEAR 2020-2021:

1.1. The budget document entitled: "CITY OF SIMPSONVILLE: BUDGET FOR

FISCAL YEAR 2020-2021" is hereby ADOPTED and incorporated herein by reference.

1.2. The millage rate for FY 2020-2021 is as follows:

OPERATING MILLAGE

	2019	Increase[1]	Total 2020
Operating Base Millage	56.8		56.8
Reserve Account Millage*			
Lease Purchase Millage**			
Debt Millage	6.8		6.8
Total	63.6		63.6

*Millage levied pursuant to Sec. 6-1-320(D) to "maintain a reserve account."
**Millage levied pursuant to Sec. 6-1-320(D) for "real property purchased using a lease-purchase agreement"
[1]Millage increases for 2020 are limited to the millage cap established by SC Code Sec 6-1-320.

SURCHARGE MILLAGE

	2019	2020
Surcharge Millage	0.0	0.0

Statutory Reasons under Section 6-1-320(B) for surcharge: (please check one)

__ (I) deficiency of the preceding year
__ (2) catastrophic event (natural disaster, act of God, etc.)
__ (3) compliance with a court order or decree
__ (4) taxpayer closure (decreases by 10% or more prior year revenue)
__ (5) compliance with a federal or state unfunded regulation or statute

1.3. Public Works Fee:

a. A Public Works Fee of One Hundred Sixty-Seven Dollars ($167.00) shall be collected on each separate taxable parcel of improved real property located within the city limits of Simpsonville.

b. A Public Works Fee of One Hundred Sixty-Seven Dollars ($167.00) shall be collected times the number of commercial units or spaces located on each taxable parcel of improved real property located within the core central business district as that district is identified on a map maintained in the Office of the City Planning Director that currently use a single roll-a-waste container for solid waste collection. This service will not include recycling, brush, leaves or white goods collection.

c. A Public Works Fee of One Hundred Sixty-Seven Dollars ($167.00) shall be collected on each dwelling unit of a duplex located on each taxable parcel of improved real property located in the City.

d. A Public Works Fee of One Hundred Sixty-Seven Dollars ($167.00) shall be collected on every mobile home located with a mobile home park. The City Treasurer shall cause the fee to be collected on the annual mobile home county tax notice.

1.4. The City Administrator is authorized to transfer an amount not to exceed Six Hundred Fifty Thousand Dollars ($650,000) from the Special Revenue Fund to fund operational expenses at Heritage Park and the Amphitheater.

1.5. The City Administrator is authorized to transfer an amount not to exceed One Hundred Seventy Thousand Dollars ($170,000) from the Sewer Fund to fund the cost of acquisition of capital equipment needed in the sewer department.

1.6. In order to provide for unforeseen expenditures or new opportunities throughout the year, the General Fund budget will have a contingency of Seventy-One Thousand, Four Hundred Forty-Five Dollars ($71,445) that will be used only with City Administrator approval.

1.7. All revenues provided for by law shall be collected and placed in ordinary City funds to supplement and provide sufficient funds for all ordinary City purposes. No public funds of the City of Simpsonville shall be deposited unless the bank or depository shall pledge to the City Administrator a security equal in value to the funds deposited, after Federal Deposit Insurance Corporation guarantees have been considered. The security shall consist of either a surety bond executed by a licensed surety company, United States Government Bonds, bonds of the State of South Carolina or such other security as shall be approved in writing by a majority of the City Council.

1.8. Funds appropriated herein are to be expended only in compliance with policies adopted by City Council or, at City Council's direction, as formulated and implemented by the City Administrator, either existing or adopted.

1.9. The County Auditor of Greenville County shall levy an ad valorem tax on all taxable property owned and used in the City of Simpsonville, South Carolina, except such as may be exempt from taxation under the Constitution and laws of the state of South Carolina. The tax shall be collected and paid into the treasury of Greenville County for credit to the City of Simpsonville.

1.10. City Council reserves the right to amend and alter any appropriation contained herein.

1.11. Any transfer of funds, except as allowed for in this ordinance and except for transfers within a department's budget line items (provided the overall department's budget appropriations do not change) must be reported in the monthly Financial Report to City

Council and must be approved by a majority vote of the City Council.

1.12. Expenditure of funds from the General Fund and other City funds, as outlined in the General Fund budget or other budget as approved by City Council, is hereby approved by the City Council and the City Administrator is authorized to expend funds in accordance therewith.

1.13. The annual budget documents and the estimated revenue for the payment of same is hereby adopted and is made a part of this Ordinance as fully as if incorporated herein.

1.14. Funds sufficient to cover all fiscal year 2019-2020 budget items encumbered but unpaid at the close of fiscal year 2019-2020 shall be carried forward from the fiscal year 2019-2020 budget to the succeeding budget to meet such lawful obligations of the City of Simpsonville.

1.15. The purchase of supplies and repairs must be in accordance with provisions of the City's Procurement Ordinance; however, the City Administrator is authorized to purchase used vehicles and equipment from scheduled surplus equipment sales sponsored by City, County, State and Federal government agencies, outside of the requirements of the Procurement Ordinance and procedures of the City of Simpsonville.

1.16. Fees collected by all offices of the City shall be remitted to the City Administrator or her designee for deposit for general City purposes.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES: All ordinances, order, resolutions and parts thereof in conflict herewith are, but only to the extent of such conflict, are hereby REPEALED and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 3. PROVISION SEVERAGE: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The CITY COUNCIL hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. AUTHORIZATION: The Mayor, City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

SECTION 5. SAVINGS CLAUSE: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as stated in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. The CITY CLERK is hereby ordered and directed to cause this ordinance to be published according to law.

SECTION 7. EFFECTIVE DATE: This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after July 1, 2020 as set forth herein.

Done in meeting duly assembled this 9th day of June, 2020

SIGNATURE OF MAYOR:

Paul D. Shewmaker

Paul D. Shewmaker

ATTEST:

Phyllis Long

Phyllis Long
City Clerk

APPROVED AS TO FORM:

David W. Holmes
City Attorney

FIRST READING: 5-12-20
SECOND READING: 6-9-20