

ORDINANCE NO.

AN ORDINANCE TO PROVIDE FOR THE CREATION OF THE BERKELEY COUNTY CONSERVATION AND GREENBELT ADVISORY COMMISSION.

WHEREAS, on August 8, 2022, Berkeley County Council passed an ordinance to place a countywide referendum on the ballot asking the voters if they approve of continuing the one-cent sales and use tax, which would include funding for “Greenbelt Preservation Projects”; and

WHEREAS, on November 8, 2022, the voters of Berkeley County approved the extension of a one-cent sales and use tax that included funding for “Greenbelt Preservation Projects”; and

WHEREAS, Berkeley County Council desires to create a Commission to be known as the Berkeley County Conservation and Greenbelt Advisory Commission to provide advice and recommendations to Berkeley County Council regarding “Greenbelt Preservation Projects”.

NOW THEREFORE, BE IT ORDAINED BY BERKELEY COUNTY COUNCIL AS FOLLOWS:

Creation.

There is hereby created a Commission to be known as the Berkeley County Conservation and Greenbelt Advisory Commission, which shall have the structure, organization, composition, purposes, powers, duties, and functions established herein below.

Structure, Organization, and Composition of Commission.

The Berkeley County Conservation and Greenbelt Advisory Commission shall consist of nine (9) members to be appointed by County Council. Each member of County Council being entitled to nominate one member. Appointees shall be residents of Berkeley County and shall remain residents of Berkeley County during their term. The term of each member shall be coterminous with the term of the County Council member which made the nomination. Vacancies on the Commission shall be filled in the manner of original appointments. Persons seeking to be appointed to the Commission shall notify the Berkeley County Clerk to Council of their desire.

Officers of the Commission shall consist of a Chairman, Vice Chairman, and Secretary which shall be elected at the first meeting of the Commission following the appointment of all members.

The members of the Commission, including officers, shall serve without pay but may be reimbursed for travel and other incidental expenses incurred in connection with the Commission's responsibilities; however, such reimbursement shall not be made for the attendance of meetings of the Commission and shall be subject to compliance with Ordinances, policies, and procedures established by Berkeley County Council governing the reimbursement of expenses for County boards, agencies, and commissions.

Parliamentary Procedure and Minutes.

The Commission shall conduct all meetings in accordance with Roberts Rules of Order, the laws of the State of South Carolina, and Berkeley County Ordinances. The Commission shall maintain records and minutes of its proceedings and meetings and supply same to the Clerk to Berkeley County Council.

Meetings and Attendance.

The Commission shall meet at intervals appropriate to the requirements of the Commission, but no less than annually. The Chairman or a majority of the members of the Commission may call a special meeting of the Commission at any time provided that twenty-four (24) hours advance notice is given to the members, and to the public, when applicable. A member of the Commission who shall be absent for 50% or more of the meetings of the Commission during their term may be deemed to have forfeited their membership and may be removed by the Commission or by County Council.

Purposes and Objectives.

The purposes and objectives of the Berkeley County Conservation and Greenbelt Advisory Commission shall be as follows:

- 1) To identify, conserve, and protect natural resources; and
- 2) To educate the public as to the benefits of conservation; and
- 3) To work with County staff and the County's consultant in formulating and developing a Master Plan for the expenditure of Greenbelt funding received as a result of the Berkeley County One-Cent Sales and Use Tax Referendum; and
- 4) To work in conjunction with County staff and the County's consultant to identify eligible projects to be funded with the Greenbelt funding received as a result of the Berkeley County One-Cent Sales and Use Tax Referendum; and
- 5) To review eligible projects pursuant to applications developed by County staff and/or the County's Consultant and make recommendations to County Council for the expenditure of Greenbelt funding received from the Berkeley County One-Cent Sales and Use Tax; and
- 6) To undertake such studies, plans, activities, and projects as may, from time-to-time, be assigned to the Commission by County Council.

Plan for Protection and Listing of Significant Resources.

The Commission, in conjunction and with the assistance of County staff, shall prepare and submit annually to Berkeley County Council a plan for the protection of significant resources in Berkeley County. Such plan shall include a list of significant natural and cultural resources in Berkeley County, which are recommended to the County Council for protection by acquisition or easement. A financing strategy shall accompany each recommendation, with emphasis being placed upon minimizing the utilization of public monies and maximizing the utilization of other sources, such as grants, public donations, etc.

The plan may provide various recommendations and approaches for the protection of natural or cultural properties or resources, including:

- 1) Purchase of resources for public ownership or other protective ownership; and
- 2) Acquisition of conservation easements to protect resources; and
- 3) The development of access to or the restoration of properties or resources; and

- 4) Acceptance by donation of properties or resources in name of the County; and
- 5) The negotiation of leases or conservation easements; and
- 6) The maintenance, preservation, protection, identification, or development of natural or cultural properties or resources; and
- 7) Other plans, methods, or approaches for the identification, acquisition, purchase, lease, preservation, protection, or development of natural or cultural properties or resources.

Berkeley County Council may adopt the list of significant resources submitted by the Commission, in whole or in part, and may add to or delete additional properties and significant resources to the list of significant resources submitted by the Commission.

The plan for the protection or preservation of significant resources in Berkeley County may include plans and recommendations for the protection of the following resources:

- 1) Open space and significant scenic views; and
- 2) Wildlife habitat; and
- 3) Sensitive ecological land (i.e. waterways, river corridors, wetlands, swamps, and natural forests).

ADOPTED, in meeting duly assembled, this _____ day of _____, 2024.

BERKELEY COUNTY, SOUTH CAROLINA

[SEAL]

John P. Cribb, County Supervisor
Chairman, Berkeley County Council

ATTEST:

Amanda T. Troy
Clerk to Berkeley County Council

Approved as to form:

John O. Williams, II
Berkeley County Attorney

First Reading: December 11, 2023
Second Reading: January 22, 2024
Public Hearing:
Third Reading: