



The Town of Hilton Head Island Intergovernmental Relations Committee Regular Meeting

**Tuesday, February 19, 2013
3:00 p.m. – Conference Room 3**

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of Minutes**
 - a. Regular Intergovernmental Relations Committee Meeting of November 20, 2012
- 4. Chairman's Report**
- 5. Unfinished Business**
None
- 6. New Business**
 - a. Proposed Letter Regarding Tax-Exempt Financing for Municipal Bonds
 - b. H.3290 – Business Freedom to Choose Act/Solid Waste Flow Control Ordinance
 - c. Consideration of Intergovernmental Relations Committee Meeting Dates
- 7. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
INTERGOVERNMENTAL RELATIONS COMMITTEE

Minutes of the Tuesday, November 20, 2012
Regular Meeting

Members Present: George Williams, *Chairman*; Lee Edwards, *Council Member*; Drew Laughlin, *Mayor and Alternate Committee Member*

Members Absent: Ken Heitzke

Others Present: Bill Harkins, Bill Ferguson, and Kim Likins, *Council Members*; Joe Croley, *Lowcountry Inside Track*; Andy Patrick, *State Representative, Beaufort County Legislative Delegation*

Staff Present: Greg DeLoach, *Assistant Town Manager*; Faidra Smith, *Administration Manager/Public Information Coordinator*; Eileen Buckalew, *Senior Administrative Assistant*

Media Present: None

1. Call to Order

The meeting was called to order at 3:04 p.m.

2. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Minutes

March 20, 2012 Meeting

Mr. Edwards moved to approve and Mr. Williams seconded. The motion was approved by a vote of 2-0-1, with Mayor Laughlin abstaining.

4. Chairman's Report

Chairman Williams explained that invitations had been extended to members of the Beaufort County Legislative delegation to appear before the Committee and give their thoughts on what we could expect during the coming legislative session and what the Committee might do to support them and be more effective. He reported that Representative Herbkersman and Senator Davis were unable to attend because of conflicts.

5. Unfinished Business

None

6. New Business

Chairman Williams stated the desire of the Committee to change the order of the agenda for new business and begin with Item b. while awaiting the arrival of Representative Patrick.

b. Consideration of a Resolution Expressing the Town’s Support for the Municipal Association of South Carolina’s 2013 Legislative Priorities

The Committee reviewed the Legislative Priorities identified by the Municipal Association of South Carolina. Greg DeLoach, Assistant Town Manager, explained that the list was compiled by the MASC from a poll of their members, elected officials, and city managers, and narrowed down to focus on three general categories. He pointed out that additional positions will be taken and support requested during the coming year, as well as consideration of any items suggested by this Town Council or others. Although no objections were voiced to the MASC priorities, a discussion followed concerning the priorities considered more relevant to the Town of Hilton Head Island, including mitigating the effects of Act 388. The Committee agreed to recommend to Town Council that it support the MASC 2013 Legislative Priorities, but also convey by letter Council’s belief that comprehensive tax reform, including Act 388, should be included in future MASC’s legislative priorities.

a. General Discussion with Invited Legislative Delegation Members

Representative Andy Patrick and the Committee members discussed local funding options, the flexibility to use funds as needed, the challenges imposed by Act 388, the property tax structure and funding of education as it affects Beaufort County, and local fiscal autonomy.

Chairman Williams asked Representative Patrick to outline his priorities for the upcoming legislative session and give an overview of what he expects to come before the legislature.

Representative Patrick indicated his top priorities included:

- Health care reform and the impact of the Affordable Care Act under the State Medicare system. As a part of his agenda, he will be introducing legislation that will hopefully reduce costs and improve access, whether the State opts in or not.
- Some form of school choice. Noting that he agreed with the argument that “one size doesn’t fit all,” he outlined his continued support for the idea of charter schools, a school voucher, or tax credit so that parents of children who are failing in our public schools can seek other options.
- Public Safety. After discussions with Solicitor Duffie Stone and Sheriff Tanner, he would like to see some type of “Khalil’s Law” to focus on the criminal and not the crime, which might include eliminating parole for certain offenders and re-defining violent and non-violent crimes.

Changes to the Beaufort County Legislative Delegation with the addition of Weston Newton were discussed and the experience he brings with him. Representative Patrick stated that he was not asking for any change of Committee assignment, and assignments should be known in early December.

Ms. Likins and Representative Patrick discussed possible solutions for education, noting that South Carolina falls last in all the statistics. Recognizing that throwing money is not the solution and that one size doesn’t fit all, ideas such as common core standards being adopted in different states, incorporation of innovation into the schools, and creation of an education culture within the community where the value of education is emphasized were discussed. Councilman Ferguson noted the frustration experienced by teachers, and Representative Patrick concurred that teachers have little ability to contribute practical solutions to address the problems and are not well represented in Columbia. However, he expressed his hope that this would change.

Chairman Williams thanked Representative Patrick for coming and indicated the Committee may invite him to attend another meeting later in the legislative session.

c. Proposed 2013 Intergovernmental Relations Committee Meeting Dates

Mr. Edwards moved to approve and Mayor Laughlin seconded. The motion was approved by a vote of 3-0.

7. Adjournment

At 4:01 p.m. Mr. Edwards moved to adjourn and Mayor Laughlin seconded. The motion was approved by a vote of 3-0.

Approved:

George Williams, Chairman

Respectfully submitted:

Lynn W. Buchman
Administrative Assistant

DRAFT

TOWN OF HILTON HEAD ISLAND

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Drew A. Laughlin
Mayor

William D. Harkins
Mayor ProTem

February 19, 2013

Council Members

Wm. Lee Edwards
Marc A. Grant
Kimberly W. Likins
John J. McCann
George W. Williams, Jr.

The Honorable Lindsey Graham
U.S. Senate
290 Russell State Building
Washington, DC 20510-0001

Re: Preserving the use of tax-exempt financing for municipal bonds

Stephen G. Riley
Town Manager

Dear Senator Graham:

As I understand, Congress is considering eliminating or limiting the tax exemption of municipal bonds as an option for reducing the federal deficit, and I am writing to urge you to oppose any efforts by Congress to do this.

Tax-exempt bonds are the primary mechanism for funding the nation's public infrastructure. Municipal bond interest has been exempt from Federal Income Tax since the very first federal income tax law was enacted in 1913, just as federal bonds are exempt from state and local taxes. Collectively, this exemption has generated trillions of dollars in investment in public infrastructure and has saved tax payers hundreds of billions in interest costs. Making municipal bonds taxable will reduce this investment, increase borrowing costs for local governments and ultimately, the cost increase would be borne by taxpayers.

The economic downturn of the last few years has been especially hard on local governments. Eliminating or limiting the tax-exempt status of municipal bonds would effectively halt investment at a time when the country needs more help to help put Americans back to work and improve the nation's crumbling infrastructure. Retaining the federal tax exemption for interest on municipal debt is critical to the fiscal health of our community and local governments throughout the nation.

We respectfully request you oppose any effort to eliminate or limit the tax exemption status of municipal bonds. Thank you for your consideration.

Sincerely,

Drew A. Laughlin, Mayor

cc: Town Council
Stephen G. Riley, ICMA-CM, Town Manager
Beaufort County Legislative Delegation Members
Reba Campbell, Deputy Executive Director, MASC
Warren Harley, Government Affairs Liaison, MASC
National League of Cities

South Carolina General Assembly
120th Session, 2013-2014

H. 3290

STATUS INFORMATION

General Bill

Sponsors: Reps. Bingham, Bannister, Harrell, Simrill, Merrill, Rutherford, Norman, K.R. Crawford, Sottile, Herbkersman, Barfield, Clemmons, V.S. Moss, Hixon, D.C. Moss, Gambrell, Horne, Erickson, G.R. Smith, Sandifer, Forrester, Cole, Allison, Crosby, Murphy, Spires, Patrick, Hardwick, Putnam, H.A. Crawford, Southard, Henderson, Chumley, Bedingfield, Atwater, Goldfinch, Bowen, Funderburk, Gagnon, Long, Owens, Tallon, Thayer, Vick, Whitmire, Branham, Rivers, Bales and Anderson

Document Path: I:\council\bill\ncd\11060ac13.docx

Companion/Similar bill(s): 203

Introduced in the House on January 10, 2013

Introduced in the Senate on January 31, 2013

Last Amended on January 30, 2013

Currently residing in the Senate Committee on **Medical Affairs**

Summary: Business Freedom to Choose Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/10/2013	House	Introduced and read first time (House Journal-page 811)
1/10/2013	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs (House Journal-page 811)
1/17/2013	House	Member(s) request name added as sponsor: Branham
1/23/2013	House	Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs (House Journal-page 5)
1/24/2013		Scrivener's error corrected
1/24/2013	House	Member(s) request name added as sponsor: Rivers, Bales, Anderson
1/29/2013	House	Requests for debate-Rep(s). JE Smith, Hayes, Neal, Merrill, Sabb, Clyburn, Hosey, Brannon, Hiott, Hardwick, Toole, Dillard, Bingham, Taylor, Hardee, Hixon, Wells, Goldfinch, Gilliard, Skelton, JR Smith, RL Brown, King, McEachern, Sandifer, Jefferson, Powers Norrell (House Journal-page 18)
1/30/2013	House	Amended (House Journal-page 39)
1/30/2013	House	Read second time (House Journal-page 39)
1/30/2013	House	Roll call Yeas-89 Nays-28 (House Journal-page 42)
1/31/2013	House	Read third time and sent to Senate (House Journal-page 13)
1/31/2013		Scrivener's error corrected
1/31/2013	Senate	Introduced and read first time (Senate Journal-page 7)
1/31/2013	Senate	Referred to Committee on Medical Affairs (Senate Journal-page 7)

View the latest [legislative information](#) at the LPITS web site

VERSIONS OF THIS BILL

1/10/2013

1/23/2013

1/24/2013

1/30/2013

1/31/2013

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 AMENDED

5 January 30, 2013

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H. 3290

8

9 Introduced by Reps. Bingham, Bannister, Harrell, Simrill, Merrill,
10 Rutherford, Norman, K.R. Crawford, Sottile, Herbkersman,
11 Barfield, Clemmons, V.S. Moss, Hixon, D.C. Moss, Gambrell,
12 Horne, Erickson, G.R. Smith, Sandifer, Forrester, Cole, Allison,
13 Crosby, Murphy, Spires, Patrick, Hardwick, Putnam,
14 H.A. Crawford, Southard, Henderson, Chumley, Bedingfield,
15 Atwater, Goldfinch, Bowen, Funderburk, Gagnon, Long, Owens,
16 Tallon, Thayer, Vick, Whitmire, Branham, Rivers, Bales and
17 Anderson

18

19 S. Printed 1/30/13--H.

[SEC 1/31/13 10:52 AM]

20 Read the first time January 10, 2013.

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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “BUSINESS FREEDOM TO CHOOSE ACT”, BY AMENDING SECTION 44-96-80, RELATING TO COUNTY SOLID WASTE PROGRAMS, INCLUDING A COUNTY’S AUTHORITY TO ENACT ORDINANCES CONSISTENT WITH THE STATE PLAN, LAW, AND REGULATIONS, SO AS TO MAKE TECHNICAL CORRECTIONS, TO DELETE OBSOLETE LANGUAGE, AND TO PROVIDE THAT AN ORDINANCE THAT RESTRICTS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF CHAPTER 96 OF TITLE 44; AND TO AMEND SECTION 44-55-1210, RELATING TO A COUNTY’S AUTHORITY TO REQUIRE THE COLLECTION AND DISPOSAL OF SOLID WASTE, SO AS TO PROVIDE THAT A COUNTY ORDINANCE IS VOID TO THE EXTENT THAT THE ORDINANCE RESTRICTS OR PROHIBITS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Business Freedom to Choose Act”.

SECTION 2. Section 44-96-80(G) of the 1976 Code is amended to read:

1 “(G) Counties are strongly encouraged to pursue a regional
2 approach to solid waste management. Nothing in this chapter,
3 however, ~~shall~~ may be construed to require a county to participate
4 in a regional plan or to prohibit two or more counties within the
5 State which are not contiguous from preparing, approving, and
6 submitting a regional solid waste management plan or one or more
7 counties, including ~~industrial solid~~ waste generators located ~~therein~~
8 in these counties, from contracting with an in-state solid waste
9 disposal facility located outside of the county or region. ~~Not later~~
10 ~~than eighteen months after the date of enactment of this chapter,~~
11 ~~each county shall notify the department in writing whether it~~
12 ~~intends to submit a single county solid waste management plan or~~
13 ~~to participate in a regional plan.”~~

14
15 SECTION 3. Section 44-96-80(K) of the 1976 Code is amended
16 to read:

17
18 “(K) The governing body of a county is authorized to enact ~~such~~
19 ordinances as ~~may be necessary~~ to carry out its responsibilities
20 under this chapter; ~~provided, however, that the governing body of~~
21 ~~a county but~~ may not enact an ordinance inconsistent with the state
22 solid waste management plan, with ~~any a~~ provision of this chapter,
23 with ~~any other~~ another applicable provision of state law, or with
24 ~~any a~~ regulation promulgated by the department providing for the
25 protection of public health and public safety or ~~for protection of~~
26 the environment. An ordinance that requires disposal of waste at
27 one or more designated solid waste management facilities or that
28 requires recovered materials to be processed or recycled at one or
29 more designated facilities is considered inconsistent with the
30 provisions of this chapter.”

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32 SECTION 4. Section 44-55-1210 of the 1976 Code is amended to
33 read:

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35 “Section 44-55-1210. The governing body of ~~any a~~ county may
36 by ordinance or resolution ~~provide that require~~ the county ~~shall~~
37 ~~engage in the collection and disposal~~ to collect and dispose of solid
38 waste. ~~Such~~ This collection and disposal may be accomplished
39 either by use of county employees and equipment or by contract
40 with a private agencies entity or municipalities municipality of the
41 county. ~~Service charges~~ A service charge may be levied against
42 ~~persons a person~~ for whom a collection services are service is
43 provided whether ~~such services are~~ this service is performed by the

1 county, a municipality, or a private ~~agency~~ entity. To the extent
2 that a county ordinance requires disposal of waste at one or more
3 designated solid waste management facilities or requires recovered
4 materials to be processed or recycled at one or more designated
5 facilities, the ordinance is void."

6
7 SECTION 5. This act takes effect upon approval by the Governor
8 and applies to ordinances in existence on or after the effective date
9 of this act. An ordinance enacted prior to the effective date of this
10 act is rendered invalid from the effective date of this act forward.
11 Nothing in this act shall be construed to impair the contractual
12 obligations of any county, municipality, or other political
13 subdivision arising from, or incurred in connection with, any
14 bonds, notes, or other evidences of indebtedness issued by such
15 entity prior to the effective date of this act, which are secured by,
16 and payable from, a solid waste user fee imposed by such entity.

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