

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2021-09

AN ORDINANCE TO RESCIND PREVIOUS ORDINANCE 2020-13 SETTING SALARIES FOR THE MAYOR AND COUNCIL MEMBERS OF THE TOWN OF KIAWAH ISLAND

WHEREAS, South Carolina Code § 5-7-170 and the Town of Kiawah Island Municipal Code Section 2-206(a) require that the salaries of the Mayor and Council Members of the Town of Kiawah Island shall be determined by Council and fixed by ordinance; and

WHEREAS, on December 1, 2020, Town Council adopted Ordinance 2020-13 providing a salary to the Town Mayor and Council Members, but also declaring that such payments did not create an employment relationship and did not entitle the Mayor and Council Members to employee benefits;

WHEREAS, the Town has since discovered that the Internal Revenue Service considers paid elected municipal officials to be “employees” and that the South Carolina Public Employee Benefit Authority (“PEBA”) requires that all employees be offered benefits, which contradicts the intent and terms of Ordinance 2020-13;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Ordinance (Not Codified)

Ordinance 2020-13 is hereby rescinded and revoked in full, and the Mayor and Council Members of the Town of Kiawah Island shall receive no salary and no benefits other than reimbursement for expenses.

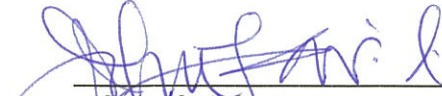
Section 2 Severability

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

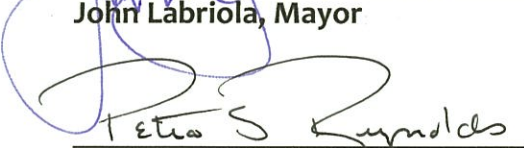
Section 3 Effective Date and Duration

This ordinance shall become effective upon its second reading.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS 3rd DAY OF AUGUST 2021.



John Labriola, Mayor



Petra S. Reynolds, Town Clerk

1st Reading: July 6, 2021

2nd Reading: August 3, 2021