

question likely stands on property of Bamberg County or the City of Bamberg. Therefore, the monument would be subject to the Act; and

WHEREAS, the third question in the determination is whether the Monument itself is owned by a public body. The ownership of the Monument is unclear, but is possible that ownership has "transferred" to a public body at some point; and

WHEREAS, the fourth question is whether or not the public body that owns the Monument located on public property can, on its own, relocate or remove the Monument. To this question, the Monument and Memorial Section states "[n]o . . . monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered." The Monument and Memorial Section allows for the repeal or amendment of the Monument and Memorial Section upon the passage of an "Act" receiving a two thirds vote of both branches of the General Assembly. Therefore, the plain language of the Monument and Memorial Section states that a political subdivision cannot act on its own without an Act of the General Assembly; and

WHEREAS, because neither the County nor the City of Bamberg can remove or relocate the monument on their own, Bamberg County Council desires to request both branches of the South Carolina General Assembly to authorize such relocation or removal of the Monument, in accordance with and pursuant to the Monument and Memorial Section, and pursuant to the terms, provisions, and procedures of the Monument and Memorial Section:

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BAMBERG COUNTY COUNCIL, IN MEETING, DULY ASSEMBLED, that Bamberg County, acting by and through its County Council, hereby requests the South Carolina General Assembly to authorize Bamberg County to relocate or remove, and adequately protect, the Monument, acting in full accordance with the terms, provisions, and procedures of the Monument and Memorial Section.

1. Should any portion of this Resolution be deemed unconstitutional or otherwise enforceable by any court of competent jurisdiction, such determination should not affect the remaining terms and provisions of this resolution, all of which are hereby deemed separable.

2. All orders, resolutions and enactments of Bamberg County Council inconsistent herewith are to the extent of such inconsistency only, hereby repealed, revoked and rescinded.

3. This Resolution shall take effect and be in full force and effect after enactment by Bamberg County Council.

[Remainder of page left blank intentionally]

RESOLVED IN MEETING DULY ASSEMBLED this _____ day of July, 2020.

BAMBERG COUNTY, SOUTH CAROLINA

By: _____
Sharon Hammond, Council Chairwoman

ATTEST:

By: _____
Rose R. Shepherd, Clerk to Council
Bamberg County, South Carolina