

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: February 10, 2021

Agenda Item: 3	Prepared By: Chris Noury, City Attorney
Agenda Section: Business. Resolution	Date: February 8, 2021
Subject: A Resolution to approve the settlement agreement between Myrtle Beach, for itself and a class of similarly situated Plaintiffs, and Horry County; Civil Number: 2019-CP-26-01732	Division: Legal

**Background:**

Attached for City Council's consideration is a Resolution to approve the settlement agreement in the hospitality fee litigation and to authorize execution of the settlement agreement.

**Recommended Action:**

Adoption of the Resolution

	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:

Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**CITY OF NORTH MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA**

**TO APPROVE A SETTLEMENT  
AGREEMENT IN THE HOSPITALITY  
FEE LITIGATION AND TO  
AUTHORIZE EXECUTION OF SAID  
AGREEMENT**

WHEREAS, the City of North Myrtle Beach (the “City”) is a member of a proposed class of plaintiffs in that certain civil action styled “City of Myrtle Beach, For Itself and a Class of Similarly Situated Plaintiffs, vs. Horry County,” brought in the Court of Common Pleas for Horry County in Civil Action Number 2019-CP-26-01732 (“Class Action”); and

WHEREAS, the City of Myrtle Beach (“COMB”) and Horry County (the “County”) have, by public vote taken by their governing bodies on February 5, 2021, reached a settlement of COMB’s claims pertaining to the County’s imposition of a 1.5% uniform service charge on prepared food and beverage, accommodations, and admissions (“Hospitality Fee”) within the corporate limits of COMB and the other six affected municipalities, including the City (“Settlement Agreement”); and

WHEREAS, the Settlement Agreement is also contingent upon the written consent of the City, the Town of Aynor, the City of Conway, the City of Loris, the Town of Surfside Beach, and the Town of Atlantic Beach, in addition to the County and COMB; and

WHEREAS, the City is willing to give its written consent to the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby approves the Settlement Agreement.
2. The City Council hereby authorizes written consent to the Settlement Agreement, the delivery and effectiveness of same being conditioned upon its execution by the County, COMB and the other municipalities as specified herein.
3. The City Council hereby authorizes its City Manager to sign the Settlement Agreement on behalf of the City.
4. This resolution is made pursuant to S.C. Code Ann. §5-7-260.

SIGNED AND SEALED THIS 10 DAY OF FEBRUARY, 2021.

ATTEST:

\_\_\_\_\_  
Mayor Hatley

\_\_\_\_\_  
City Clerk

RESOLUTION: 21-01