


**S.C. Association of Counties
Newly-Elected Council Members Orientation**

**Powers and Forms of County
Government**

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Pre-Home Rule County Government

- The role of counties was very limited; "county purpose doctrine."
- The legislative delegation, in particular the resident senator, ruled supreme.
- The county budget was passed by the legislature as local legislation and was called the "county supply bill." Once the legislative delegation agreed it was enacted automatically by the General Assembly.

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Pre-Home Rule County Government

- For all its power, the delegation could not actually administer the laws.
Bramlette v. Stringer, 186 S.C. 134, 195 S.E. 2d 257 (S.C. 1938.)
Dean v. Timmerman, 234 S.C. 35, 106 S.E. 2d 665 (S.C. 1959.)
- Therefore generally it was provided that each county should have a Board of County Commissioners (a popularly elected supervisor and two commissioners appointed by the governor on the recommendation of the legislative delegation)

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Pre-Home Rule County Government

- Reynolds v. Sims (1964) established the one-man, one-vote concept for electoral representation at the state level. This resulted in many counties losing their resident senator. This spurred the movement to revise county government.

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“Home Rule”

- In 1966 the General Assembly created a Constitution Revision Committee to recommend changes to the Constitution.
- The local changes recommended by the Constitutional Revision Committee were put before the people in 1972 and were ratified in 1973 as Article VIII of the State Constitution.

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Article VIII, Section 7

The General Assembly shall provide for the structure, organization, powers, duties, functions, and the responsibilities of counties, including the power to tax different areas at different rates of taxation related to the nature and level of government services provided. Alternate forms of government, not to exceed five, shall be established. No laws for a specific county shall be enacted and no county shall be exempted from the general laws or laws applicable to the selected alternative form of government.

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Article VIII, Section 17

The provisions of this Constitution and all laws concerning local government shall be liberally construed in their favor. Powers, duties, and responsibilities granted local government subdivisions by this Constitution and by law shall include those fairly implied and not prohibited by this Constitution.

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Home Rule Law

- Home Rule Law was enacted in 1975.
- The Act provides for 3 forms of government for municipalities and 5 forms for counties (one of which, the commission form was ruled unconstitutional)
- The Act designated the general powers of county governments.

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General Police Powers

- Counties have authority to enact regulations, resolutions, and ordinances (not inconsistent with the Constitution and general law of the State) as appears necessary and proper for the security and general welfare and convenience of the jurisdiction or for preserving health, peace, order, and good government in them. (Section 4-9-25)

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Enumerated Powers, Section 4-9-30

- Adopt, use and revise a corporate seal;
- Acquire real property by purchase or gift; to sell lease or otherwise dispose of real and personal property; and to acquire tangible personal property and supplies
- To make and execute contracts;
- To exercise powers of eminent domain for county purposes except where the land concerned is devoted to public use;

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Enumerated Powers, Section 4-9-30

- To assess property and levy ad valorem property taxes and uniform service charges, including the power to tax different areas at different rates related to the nature and level of governmental services provided and make appropriations for functions and operations of the county;
- To establish such agencies, departments, boards, commissions and positions in the county as may be necessary and proper to provide services of local concern for public purposes;

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Enumerated Powers, Section 4-9-30

- To develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of county personnel in those departments in which the employment authority is vested in county government;
 - *(This employment and discharge authority does not extend to any personnel employed in departments or agencies under the direction of an elected official or an official appointed by an authority outside county government)*

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Enumerated Powers, Section 4-9-30

- To provide for an accounting and reporting system whereby funds are received, safely kept, allocated and disbursed;
- To provide for land use and promulgate regulations pursuant thereto;
- To establish and implement policies and procedures for the issuance of revenue and general obligation bonds subject to the bonded debt limitation;

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Enumerated Powers, Section 4-9-30

- To grant franchises;
- To levy uniform license taxes upon persons and businesses engaged in or intending to engage in a business, occupation, or profession;
- To participate in multi-county projects and programs authorized by the general law and appropriate funds therefor;

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Enumerated Powers, Section 4-9-30

- To enact ordinances for the implementation and enforcement of the powers granted in this section and provide penalties for violations thereof not to exceed the penalty jurisdiction of the magistrate's courts;
- To undertake and carry out slum clearance and redevelopment work in areas which are predominately slum or blighted, the preparation of such areas for reuse, and the sale or other disposition of such areas to private enterprise for private use or to public bodies for public uses;

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Enumerated Powers, Section 4-9-30

- To conduct advisory referenda;
- To enact ordinances to regulate solicitation within the county by requiring permits therefor;
- To obtain injunctive relief on the Court of Common Pleas to abate nuisances created by the operation of business establishments in an excessively noisy or disorderly manner which disturbs the peace in the community in which such establishments are located;

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Enumerated Powers, Section 4-9-30

- To exercise such other powers as may be authorized for counties by the general law.

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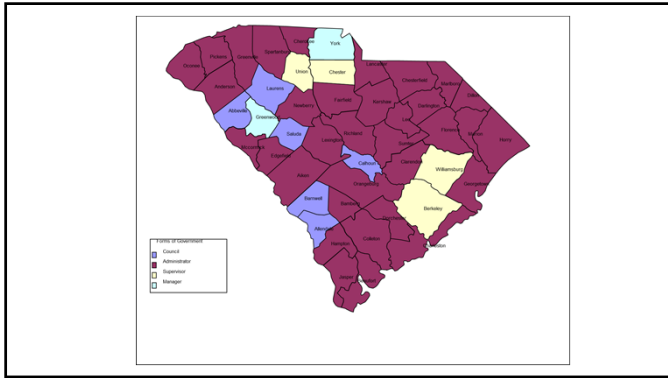
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South Carolina Counties

- 46 counties
- Four forms of government
 - Council – 6
 - Council/Supervisor – 4
 - Council/Administrator – 34
 - Council/Manager – 2

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Council Form

- 6 counties presently operate under this form
- Only form in which executive power is vested in the council
- Council has both administrative and legislative power
- Council may hire or designate someone to undertake the administrative powers at the council's discretion and direction
- Council may consist of not less than 3 nor more than 12 members
- Council is elected for 2 or 4 year terms

(Abbeville, Allendale, Barnwell, Calhoun, Laurens, and Saluda)

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Council-Supervisor Form

- 4 counties operate under this form
- Administrative power resides with an elected supervisor
- Legislative power resides with council
- Supervisor presides over council meetings; votes in the case of a tie
- Council or members can not give orders to employees under the authority of the supervisor
- Council may consist of not less than 3 nor more than 12 members
- Council is elected for 2 or 4 year terms

(Berkeley, Chester, Union, Williamsburg)

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Council-Administrator Form

- 34 counties operate under this form
- Administrative power resides with the administrator
- Legislative power resides with the council
- Administrator is hired by council and serves at the pleasure of council
- Council or members can not give orders to employees under authority of administrator
- Council may consist of not less than 3 nor more than 12 members
- Council is elected for 2 or 4 year terms

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Council-Administrator Counties

Anderson	Aiken	Beaufort	Bamberg
Charleston	Cherokee	Chesterfield	Clarendon
Colleton	Darlington	Dillon	Dorchester
Edgefield	Fairfield	Florence	Georgetown
Greenville	Hampton	Horry	Jasper
Kershaw	Lancaster	Lee	Lexington
Marion	Marlboro	McCormick	Newberry
Oconee	Orangeburg	Pickens	Richland
Spartanburg	Sumter		

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Council-Manager Form


- 2 counties presently operate under this form
- Administrative powers reside with the manager
- Legislative powers reside with the council
- Manager is hired by council and serves at its pleasure
- Council or members can not give orders to employees under authority of the manager
- Council may consist of not less than 5 nor more than 12 members
- Council is elected for 2 or 4 year terms
- County auditor and treasurer may be appointed (Greenwood and York)

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How a Bill Becomes a Law


- Bill Introduced and Title Read
- Perfunctory 1st reading
- Assigned a Bill Number
- Referred to Committee
- Subcommittee Hearing



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How a Bill Becomes a Law



- Committee Hearing
- Reported Out of Committee
- Placed on Calendar
- Amendments Proposed, Adopted
- 2nd Reading
- 3rd Reading

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How a Bill Becomes a Law

- Sent to Other Chamber
- Repeat Process
- If Different from Bill Passed by the Originating Body, then Concurrence/Ratification or Non-concurrence/Conference Committee
- Conference Committee Report Adopted



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How a Bill Becomes a Law



- Ratified
- Signed by Governor
- Becomes Law without Governor's Signature (5 Days Excluding Sunday)
- Governor Vetoes and it is Overridden by 2/3 vote of Each Body (Originating Body has First Vote)

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SCAC Legislative Development

- SCAC Requests Policy Recommendations from All County Officials
- Submitted Policy Positions Assigned to One of Four Steering Committees
- Steering Committees Make Recommended Policy Positions on Requested and Recurring Issues

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SCAC Legislative Development

- Steering Committee Meets a 2nd Time to Finalize Policy Recommendations
- Legislative Committee Finalizes Policy Positions for the Upcoming Year of the Legislative Session

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Building Relationships with Legislators

- Make Personal Contacts with Delegation Members Before Asking for Favors
- Keep Open Lines of Communication, Be Nice
- Keep Them Informed about Issues Affecting Your County



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Building Relationships with Legislators

- Create Opportunities for Both Public and Non-public Face-to-Face Meetings
- Thank Them Regardless of the Outcome of the Contact (Relationship is Bigger than the Issue)

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Communicating with Legislators

- Face-to-Face Communication
- Phone Calls/Text Messaging
- Email
- Letter Writing
- Letters to the Editor/Opinion Pieces

Communicate Results of Contacts with SCAC Staff

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