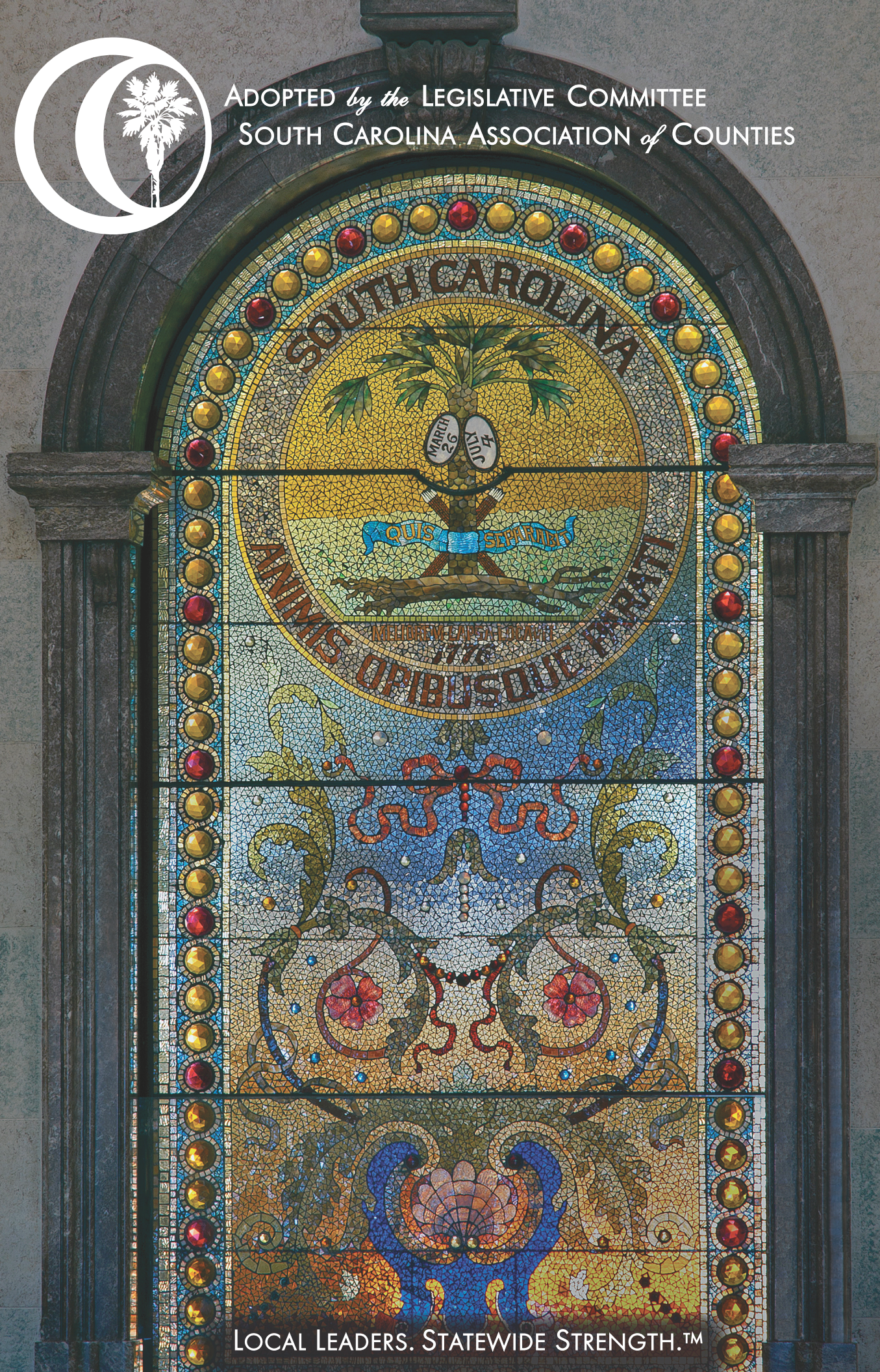


POLICY POSITIONS • 2018 SESSION



ADOPTED *by the* LEGISLATIVE COMMITTEE
SOUTH CAROLINA ASSOCIATION *of* COUNTIES



LOCAL LEADERS. STATEWIDE STRENGTH.™

2017 SCAC LEGISLATIVE COMMITTEE

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Chairman, SCAC Legislative Committee*

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Roy Costner III, Council Chairman

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UNION COUNTY

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WILLIAMSBURG COUNTY

Stanley S. Pasley, County Supervisor/Chairman
Franklin Fulmore Sr., County Council
W.B. Wilson, County Council

YORK COUNTY

Robert Winkler, County Council

POLICY POSITIONS *for the* 2018 SESSION
***of the* SOUTH CAROLINA GENERAL ASSEMBLY**

ADOPTED *by the* 2017 LEGISLATIVE COMMITTEE
***of the* SOUTH CAROLINA ASSOCIATION OF COUNTIES**



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Cover Photo by Stuart Morgan

Located on the third floor of the State House, this mosaic glass window features the front side of South Carolina's original state seal. It also includes the first of two state mottos, "Animis Opibusque Parati," meaning Prepared in Mind and Resources.

POLICY POSITIONS *for the* **2018 SESSION** *of the* **SOUTH CAROLINA GENERAL ASSEMBLY**

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LEGISLATIVE POLICY DEVELOPMENT PROCESS

GENERAL STATEMENT

The South Carolina Association of Counties (SCAC) has adopted a systematic consensus building legislative policy development process. The central goal in the process is to solicit and develop the expertise of county officials from all 46 counties on legislative issues affecting county government. Through participation in four legislative policy steering committees, county officials meet, discuss, and identify issues to be considered by the Legislative Committee.

LEGISLATIVE COMMITTEE AND STEERING COMMITTEE SYSTEM

SCAC has four legislative policy committees: 1) *County Government and Intergovernmental Relations Steering Committee*; 2) *Land Use, Natural Resources and Transportation Steering Committee*; 3) *Public Safety, Corrections and Judicial Steering Committee*; and 4) *Revenue, Finance and Economic Development Steering Committee*. It is the responsibility of each committee to study the issues and analyze information that is pertinent to its designated policy area. Each committee will develop recommendations in the form of policy statements. Each committee chairman will present the committee's draft policy statements to the Legislative Committee during the Legislative Conference in December.

The Legislative Committee is composed of the 29 members of the SCAC Board of Directors and the chairman of the governing body of the county or his/her designee from each of the 46 counties. The total membership of the Legislative Committee is 75 members. It is the responsibility of the Legislative Committee to review each legislative policy steering committee's recommendations, resolve any conflicts, and adopt the legislative policy positions for the Association. The Legislative Committee is chaired by the Association's First Vice President. The Legislative Committee meets at the SCAC Legislative Conference in December. Once the formal policy statement has been approved by the Legislative Committee, it is the responsibility of the membership of the Association and the Association staff to advocate for its implementation.

During the course of a legislative session, the SCAC Board of Directors is responsible for any revision, modification, deletion, or addition to the legislative policy positions adopted by the Legislative Committee.

LEGISLATIVE POLICY DEVELOPMENT PROCESS

TIME LINE FOR DEVELOPMENT OF LEGISLATIVE POLICY

Late August — The membership is notified of the date of the meeting of the four policy steering committees. County officials receive a list of the steering committees and a description of their areas of responsibility. County officials are encouraged to provide their thoughts and ideas on legislative issues for inclusion on a steering committee's agenda. Staff collects this input and prepares it for the steering committee meeting.

Mid-September — Each steering committee meets to discuss and analyze legislative policy issues and draft an initial report of proposed legislative policy recommendations.

Mid-September to Mid-November — The County Council Coalition meets in October to review and discuss the initial draft of proposed legislative policy recommendations. Each steering committee chairman presents the steering committee report to the Coalition. During the Fall, various groups of county official organizations meet and determine their group's legislative agenda for the coming session of the General Assembly. This information is collected and assigned to the particular steering committee responsible for that legislative area.

Mid-November — Each steering committee meets for the second time to incorporate additional issues into their proposed legislative policy recommendations. Each steering committee adopts a final proposed legislative policy recommendation.

Early December — The SCAC Legislative Committee meets at the Legislative Conference to receive the reports of the four legislative policy steering committees. Each steering committee chairman will present his/her committee report at a general session meeting of the Legislative Committee. The members of the Legislative Committee will discuss each proposed legislative policy position, and then either amend, adopt, or reject the recommendation. If adopted by the Legislative Committee, those policy positions will then be incorporated with the other steering committees' reports into an SCAC consensus legislative report. Once the SCAC consensus legislative report has been adopted by the Legislative Committee, it is the responsibility of the membership and the SCAC staff to advocate for its implementation.

RULES AND OPERATING PROCEDURES

A. Legislative Committee

1. **Committee Membership:** The Legislative Committee shall be composed of the members of the SCAC Board of Directors and the chairman of the governing body or his/her designee from each of the 46 counties. The chairman of the Legislative Committee shall be the First Vice President of the Association.

LEGISLATIVE POLICY DEVELOPMENT PROCESS

2. **Voting Procedures:** At a Legislative Committee meeting, the Chairman shall call the meeting to order and carry out the committee meeting agenda. Each committee member has one vote. All matters coming before the committee shall be decided by a majority vote of those present and voting.
3. **Proposed Policies and Amendments:** Each steering committee chairman shall present at the Legislative Conference the committee report for the steering committee. No legislative issue shall be considered at the Legislative Conference in December that does not appear in a steering committee report unless two-thirds of those Legislative Committee members present and voting vote to place the issue on the Legislative Committee agenda for consideration.
4. **Procedural Rules:** The latest edition of Robert's Rules of Order shall be used to govern the conduct of Legislative Committee meetings.

B. Legislative Policy Steering Committees

1. **Committee Membership:** The Legislative Policy Steering Committees' membership composition is as follows: (a) the SCAC Board of Directors; (b) the Legislative Committee members who are either the chairman of the governing body of the county or his/her designee; and (c) not more than twenty-five (25) county officials who shall be appointed by the President based on the expertise of the county official in the subject matter of the particular steering committee. The President shall make steering committee assignments on an annual basis. The President shall designate a chairman for each of the four steering committees. Steering committee meetings will be held at the call of the President.
2. **Voting Procedures:** At each steering committee meeting, the committee chairman shall call the meeting to order and carry out the committee meeting agenda. Each committee member has one vote. All matters coming before the committee shall be decided by majority vote of the committee members present and voting.
3. **Proposed Policies and Amendments:** Any committee member may offer a proposed policy or an amendment to an existing Association policy. Any county official may propose a policy issue by submitting it to the Association and asking that it be included on the committee's meeting agenda. The chairman of the committee will call upon members to discuss the proposal as it has been offered. At the conclusion of the discussion, the chairman will call for a vote on the proposal.
4. **Procedural Rules:** The latest edition of Robert's Rules of Order shall be used to govern the conduct of steering committee meetings.

STATEMENT OF PURPOSE *for the* 2018 SESSION

of the SOUTH CAROLINA GENERAL ASSEMBLY

The South Carolina Association of Counties hereby affirms its constitutional premise as stated in Article I, Section 2, that, "The purpose of the organization shall be to promote more efficient county government; to study, discuss, and recommend improvements in government; to investigate and provide means for the exchange of ideas and experiences between county officers; to promote and encourage education of county officials; to collect, analyze, and distribute information about county government; to cooperate with other organizations; and to promote legislation to effect more efficient administration of local government in the State of South Carolina."

The Association believes that counties cannot exist in isolation because their futures are intertwined. We realize that, as the saying goes, "Together we stand, divided we fall." Our problems are largely the same: if they are to be solved quickly and effectively, all counties must band together to work for the common good. Many common problems exist among South Carolina's 46 counties, and to solve these problems, cooperation is necessary.

The South Carolina Association of Counties establishes as a principle the goal of providing control of essential services at the level of government most capable of delivering them. Counties cannot be effective partners with the state and federal governments if their primary revenue source, the property tax, is eliminated or further eroded without replacement with revenue sources that are secure and predictable. Any restructuring of responsibilities should be coupled with a restructuring of revenue sources for counties so that the revenue sources are reflective of the economy in the same proportion as those of the state.

The Association believes strongly in maximum local authority consistent with attainment of statewide objectives. County officials recognize their responsibilities to carry out policies formulated by the General Assembly. At the same time, state policy-makers should recognize the limitations of the county revenue base and the need for the state to provide the revenue necessary to implement the increasing number of mandates.

We believe that joint cooperative action between county school board members and county council members is essential to the successful delivery of good public education. Comprehensive and efficient human services, including social services, health and mental health programs, are essential to the well-being of our society. These services must be clearly defined and adequately funded. State mandated services delivered at the county level should be financed from state revenue sources in order for every citizen of South Carolina to receive a substantially similar degree of service.

The South Carolina Association of Counties has traditionally maintained that its efforts should not be utilized on behalf of individual counties seeking legislative remedy for problems not statewide in nature. The Association staff will direct its efforts toward the support of sound legislation beneficial to the administration of all counties' affairs, and to the opposition of legislation detrimental to counties.

COUNTY GOVERNMENT

AND

INTERGOVERNMENTAL RELATIONS



COUNTY GOVERNMENT AND INTERGOVERNMENTAL RELATIONS STEERING COMMITTEE



**JOSEPH B. DILL, CHAIRMAN
GREENVILLE COUNTY COUNCIL**

The responsibilities of the County Government and Intergovernmental Relations Steering Committee include issues involving the structure of county government and all matters dealing with intergovernmental relations between counties and county officials and the federal, state, and municipal governments. Also included in the responsibilities of this committee are issues related to health and human service delivery and financing. Specific areas of concern include Home Rule authority, consolidation of political subdivisions, elections, ethics, personnel, indigent health care, indigent legal services, veterans' affairs, libraries, social services, and health boards.

STEERING COMMITTEE MEMBERS

County Representatives:

Kent C. Caudle, Florence County Council Chairman
H.L. "Robbie" Coward, Dillon County Deputy Administrator
Joyce Dickerson, Richland County Council Chairman
Virginia M. Dupont, Spartanburg County Attorney
C. Lowell Jowers Sr., Barnwell County Council Chairman
Stanley S. Pasley, Williamsburg County Supervisor/Chairman
A. Victor Rawl, Charleston County Council Chairman
Lynne West, Laurens County Registration & Elections Director
Travis Windham, Lee County Council Chairman
Craig Wooten, Anderson County Council

SCAC Board Members:

Joseph R. Branham, Chester County Council Vice Chairman
Gonza L. Bryant, Greenwood County Council
J. Clay Killian, Aiken County Administrator
R. Archie Scott, Dillon County Council Chairman
Johnnie Wright Sr., Orangeburg County Council Chairman

President's Appointees:

Mary W. Blanding, Sumter County Clerk to Council
Chris Eldridge, Horry County Administrator
Samuel Lewis, Anderson County Veterans Affairs Officer
William P. Shanahan Jr., York County Manager
Joan E. Winters, Chester County Attorney
Anna Zacherl, Orangeburg County Library Director

SCAC Staff Contact: M. Kent Lesesne

COUNTY GOVERNMENT AND INTERGOVERNMENTAL RELATIONS

GENERAL STATEMENT OF POLICY

In November of 1972, the people of South Carolina voted to empower the General Assembly to grant statutory Home Rule powers to county governments. The revised Article VIII (Local Government) to the State Constitution was implemented with the passage of Act No. 283 of 1975 and is known as the “Home Rule Act.” This structural reorganization of government service providers recognized that local elected governing bodies would meet the service needs of their communities in a more efficient and cost-effective manner. The people recognized that counties must be able to respond to changing issues without being limited by inefficient and ineffective restrictions imposed by state law. County government officials recognize that they are directly responsible for and accountable to the people in their communities for raising and allocating revenues to provide the services that their people demand.

In addition to being providers of essential traditional local government services, counties understand their role to help the state administer state programs at the local level. However, counties are charged with implementing costly state and federal mandates without sufficient appropriations or revenue sources to pay for meeting the state’s or federal government’s objectives. Counties oppose the imposition of unfunded or underfunded state and federal mandates because it breaks the line of accountability that connects the implementing government responsible for the program with the cost required to pay for the program.

Counties are mindful of their obligation to protect and preserve the health, safety, and welfare of the citizens of this state. To this end, counties play a vital role in addressing the health and human service needs of the people in their communities. The growing cost of supporting these programs and the restructuring of the role of the federal government through the block grant program are a growing concern of counties.

POLICY POSITIONS

County Government and Intergovernmental Relations

COUNTY OFFICERS AND EMPLOYEES

Building Code Changes – Oppose legislation to abandon the International Code Council building codes as well as any legislation to expand the building code adoption cycle to more than three years.

Workers' Compensation and Health Insurance Coverage for Psychological Injuries – While SCAC believes the current statutory requirements for a mental-mental claim should not be changed, the Association supports preventative mental health training and efforts to ensure that there is health coverage for all full-time employees needing treatment for mental injuries.

ELECTIONS

Absentee Ballot Witness Signature – Support legislation to delete the legal requirement of a witness signature on an absentee ballot envelope.

Ballot Questions – Support legislation to reduce the length of ballots by allowing the listing of only ballot questions short titles with “Yes” or “No” selections for ballot questions. Text, content, summary, and/or explanations would be available prior to Election Day and at polls through educational materials unless certain language is required by statute.

Early Voting – Support legislation that would provide for a period of no-excuse early voting.

Funding for Voter Registration and Elections – Support legislation to adequately fund the voting system in this state and legislation to require political parties to pay for conducting their Presidential Preference Primaries on separate dates.

Poll Manager Requirements – Support legislation to amend § 7-13-110 to permit counties to use persons who are registered to vote to serve as poll managers anywhere in South Carolina, and support legislation to increase the pay for poll workers and managers.

Postponing Elections Due to State of Emergency – Support legislation to provide that an election will be postponed if the Governor declares a state of emergency and that the election may be rescheduled for the first Tuesday after the state of emergency has been lifted.

Processing the Absentee Ballots Prior to Poll Closing – Support legislation that would allow absentee ballots to be opened and processed the day before the election. No ballot would be tabulated (counted) or

POLICY POSITIONS

County Government and Intergovernmental Relations

reported until the polls close on election day. Also, support legislation that would give permanent absentee ballot status to voters over the age of 65 and those who meet the disability standard that is established by the Social Security Administration.

Uniform Municipal Elections – Support legislation to conduct all municipal elections in November of odd years and to designate quarterly dates for all elections.

Updating Election Laws – Support legislation to create a study committee to look at reconciling the differences in the election laws found in Title 5 and Title 7.

GENERAL

Library Funding – Support legislation for the annualization of FY 2017-18 library funding at the per capita level of \$2.00 with a minimum grant of \$75,000 per county, support education lottery funding of \$2 million dollars of the unclaimed prize money to be distributed on a per capita basis, and support funding of the State Library's budget requests.

Senior Citizens and Low Income Population Issues – Support legislative efforts to use some of the unclaimed lottery funds to assist in funding programs for senior and low income citizens.

HOME RULE

Election of School Board Members – Support legislation to require school board members throughout the state to be elected rather than appointed by legislative delegation.

Enhancing Home Rule – Support legislation that enhances the powers and authority of county government as outlined under the Home Rule Act, and oppose any legislative efforts and/or policies that would limit or weaken county authority as it currently exists.

Private Entities Controlling Public Entities – Support legislation that would prevent Greenville Health System and any other public entity, other than counties, from entering into a restructuring agreement that would transfer its assets and authority to a private entity. Also, support legislation that would give counties more authority over public entities that were created prior to the Home Rule Act.

PVC Piping – Oppose H. 3652 and any legislative efforts that would limit a county's ability to determine which products are best suited for its water projects.

POLICY POSITIONS

County Government and Intergovernmental Relations

INTERGOVERNMENTAL RELATIONS

Municipal Annexation and Adhesion Contracts – Support legislation that would require all municipal annexation, including enclave annexation, by referendum as follows:

- Make adhesion contracts null and void.
- Provide a procedure for municipal deannexation in a manner similar to county boundary changes.
- Create a mechanism to freeze revenue from business licenses upon the annexation of a business by a municipality in the same manner that local hospitality taxes are treated when annexation occurs.
- Grant legal standing to counties for all annexations within their jurisdiction.
- Require municipalities to notify counties of proposed annexations. Notice should be given in time for the county to actively participate and provide input into the proposed annexation.
- Require municipalities to conduct a study to analyze and mitigate the potential impact of proposed annexations on the delivery and level of service of public services and facilities, in order to assure that adequate public services and facilities will be available to serve development after annexation.
- Prohibit the creation of enclaves (donut holes) and provide incentives for municipalities to not create enclaves. The incentives would not require approval from landowners that would be affected by the annexation.
- Strengthen the Priority Investment Act (enacted in 2007 to improve the local government comprehensive planning process) by mandating that any municipal annexation that violates the Act would result in a reduction of the Local Aid to Subdivision funds the municipality receives.

Whistleblower Act – Oppose any legislation that would remove the \$2,000 cap on rewards when the employee's report results in public money savings and oppose any legislation that removes the one-year statute of limitation that requires an employee to bring a suit for retaliatory employment termination within one year of their report.

POLICY POSITIONS

County Government and Intergovernmental Relations

Workers' Compensation for Volunteer Firefighters – Oppose legislation that would amend § 42-7-65 to increase the average weekly workers' compensation rate for injured volunteer firefighters.

**LAND USE,
NATURAL RESOURCES
AND TRANSPORTATION**



LAND USE, NATURAL RESOURCES AND TRANSPORTATION STEERING COMMITTEE



**CHARLES T. EDENS, CHAIRMAN
SUMTER COUNTY COUNCIL**

The responsibilities of the Land Use, Natural Resources and Transportation Steering Committee include growth policies, environmental issues, as well as transportation and other infrastructure issues. Specific areas of concern include issues related to land use; zoning and building code programs; solid and hazardous waste management programs; water resource systems; air quality; wetlands; energy conservation; eminent domain; parks and recreation; and state/federal transportation funding programs, to include “C” funds.

STEERING COMMITTEE MEMBERS

County Representatives:

Evert Comer Jr., Bamberg County Council Chairman
Joseph F. Flowers, Colleton County Council Chairman
Steven R. Harper, Lancaster County Council Chairman
Herman G. Kirven Jr., Greenville County Council Chairman
R. Bryan McClain, Abbeville County Council Chairman
Willie B. Owens, Orangeburg County Council
Dr. Carolyn A. Prince, Marlboro County Council
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L. Martin Sauls IV, Jasper County Council Chairman
Gwendolyn C. Shealy, Saluda County Council Vice Chairman
Columbus Stephens, McCormick County Administrator

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Alphonso Bradley, Florence County Council
Paul A. Cain, Oconee County Council
Franklin Fulmore Sr., Williamsburg County Council
L. Gregory Pearce Jr., Richland County Council
D. Paul Sommerville, Beaufort County Council Chairman
Dwight L. Stewart Jr., Clarendon County Council Chairman

President’s Appointees:

James D. Armstrong, Charleston County Deputy Administrator
Barbara B. Clark, Jasper County Council
Susan Harrison, Greenville County Environmental Engineer
Danny Knight, Horry County Solid Waste Authority Executive Director
Phillip L. Lindler, Greenwood County Planning and Zoning Director
Andrea N. Pietras, Charleston County Planning & Zoning Deputy Director
Michael Smith, Richland County Building Official

SCAC Staff Contact: Owen A. McBride

LAND USE, NATURAL RESOURCES AND TRANSPORTATION

GENERAL STATEMENT OF POLICY

South Carolina's counties have played a vital role in maintaining natural resources, governing the wise use of land, and making public infrastructure decisions. Protection of natural resources must be a shared effort between the state and local governments. Counties recognize the importance of Home Rule and community input regarding land use, natural resources, and infrastructure decisions and have traditionally opposed statewide legislation that would preempt community input and solutions tailored to local situations involving these matters. County officials acknowledge their responsibility to carry out policies formulated by the General Assembly regarding matters of statewide concern. To that end, if state law mandates that local governments assume new or expanded responsibilities, the General Assembly should provide adequate guidance and funding to accomplish legislative aims.

POLICY POSITIONS

Land Use, Natural Resources and Transportation

LAND USE

Counties and municipalities are the only entities vested with the jurisdiction to adopt and enforce zoning ordinances, development regulations, and other land use measures. County governments encourage adequate open space that contributes to the quality of life of our citizens by providing recreational opportunities, enhancing air and water quality, and preserving and protecting South Carolina's unique natural beauty. Local communities are best able to understand the most beneficial use of land. To that end, local citizens require and expect local governments to establish and enforce local land use and zoning ordinances. The South Carolina Association of Counties believes that the state and other outside entities should avoid interfering in local land use matters.

Balcony Inspections – Oppose legislation requiring counties to perform inspections of residential balconies.

Highway Construction Exempt from Local Permits – Oppose legislation exempting the S.C. Department of Transportation from obtaining local permits for highway construction projects.

Preemption of Land Use Measures – Oppose legislative preemption of local zoning or other restrictions on local land use regulation.

Public Nuisance Property – Support legislation giving counties the same authority over public nuisance property as municipalities have, including the ability to place a lien on the property for the value of cleanup costs.

POLICY POSITIONS

Land Use, Natural Resources and Transportation

NATURAL RESOURCES

***T**he task of preserving and maintaining South Carolina's natural resources encompasses numerous areas of concern and involves the exercise of authority by federal, state, and local governments. Since counties are charged with the task of balancing various interests, local community input and decision-making needs to be preserved. Counties have long recognized that efforts to ensure clean water and air and to protect wetlands transcend governmental boundaries. These efforts require close cooperation between federal, state, and local governments. To that end, the Association of Counties, and those directly impacted counties, should be included in any decisions concerning state and federal efforts to protect natural resources.*

Electronic Waste – Support legislation removing the requirement that electronic waste be separated from the solid waste stream.

Riparian Buffers – Support legislative efforts to adopt the Best Management Practices set forth by the South Carolina Scenic Rivers Program, the South Carolina Forestry Commission, the South Carolina Department of Health and Environmental Control, and the Environmental Protection Agency.

Solid Waste Flow Control – Oppose legislative efforts to undermine counties' authority to address their responsibilities regarding the disposal of solid waste.

Solid Waste Policy and Management Act – Support the following changes to the Solid Waste Policy and Management Act:

- Requiring counties to submit a description of the process by which amendments to local solid waste plans shall be drafted and adopted
- Requiring counties to submit amendments to their local solid waste plans to DHEC for review prior to adoption by the counties
- The creation of a Solid Waste Emergency Fund as long as it does not adversely affect potential grants to counties

Storm Water – Oppose any legislative efforts to shift all storm water pollution control from the Department of Health and Environmental Control to county governments without sufficient funding.

POLICY POSITIONS

Land Use, Natural Resources and Transportation

TRANSPORTATION AND OTHER INFRASTRUCTURE

As communities across South Carolina grow, many counties are faced with increasing stress on public infrastructure. This has accelerated the demand for new and expanded airports, roads, bridges, water and sewer systems, and solid waste disposal. Counties should take a proactive role in determining the direction of infrastructure and should be included in decisions at the state level affecting local infrastructure.

Key Transportation Corridors – Support working with regional councils of governments (COG) and metropolitan planning organizations (MPO) to identify key transportation corridors for manufacturing, economic development, tourism, and evacuation routes.

Road Funding – Support increased road funding through:

- Selective use of tolls
- SCDOT in-house efficiency and reform measures
- Changing the current fixed rate excise fee on fuel to a hybrid fee based on the combination of a price component and a fixed rate component
- A local option motor fuel user fee and regional local option fees whose revenue could be used across multiple counties
- The concept of vehicle-miles traveled fees, but obtain more research if legislation is introduced

Oppose any legislative efforts that would adversely affect existing local government revenue sources, such as:

- Earmarking of “C” funds or Local Government Fund money for road funding

Transfer of Roads from SCDOT to Counties – Oppose any legislative efforts to transfer roads from SCDOT to local governments.

Utility Relocation – Support the compromise agreed to by the public water and sewer utilities and the S.C. Department of Transportation. The compromise should include language stating that the legislation does not apply to utilities with prior rights. Also, the legislation should state an effective date which ensures that transportation projects where the costs have already been estimated and approved are not affected.

**PUBLIC SAFETY,
CORRECTIONS
AND JUDICIAL**



PUBLIC SAFETY, CORRECTIONS AND JUDICIAL STEERING COMMITTEE



***JULIE J. ARMSTRONG, CHAIRMAN
CHARLESTON COUNTY CLERK OF COURT***

The responsibilities of the Public Safety, Corrections and Judicial Steering Committee include issues relating to the funding and administration of law enforcement; corrections and jails; the judicial system; fire and life safety programs; and emergency disaster preparedness. Specific areas of concern include issues related to law enforcement; adult and juvenile detention; the court system, including clerks of court and registers of deeds, magistrates and probate judges; E-9-1-1 service programs; fire protection services; emergency medical services; and emergency preparedness programs.

STEERING COMMITTEE MEMBERS

County Representatives:

Steven J. Brown, Greenwood County Council Chairman
Dean Campbell, Edgefield County Council Chairman
M. Todd Cullum, Lexington County Council Chairman
G. Timothy Harper, Marion County Administrator
J. Frank Hart, Union County Supervisor/Chairman
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Bobby C. Hudson, Darlington County Council Chairman
James T. McCain Jr., Sumter County Council Chairman
Johnny Morant, Georgetown County Council Chairman
Bruce E. Rivers, Chesterfield County Council
Cornelius Robinson, Fairfield County Council
Dr. Harriett L. Rucker, Newberry County Council

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Waymon Mumford, Florence County Council
Lois H. Roddey, Chester County Probate Judge
W.B. Wilson, Williamsburg County Council

President's Appointees:

Johnathan W. Bryan, Sumter County Attorney
Doug Bryson, Spartanburg County Emergency Preparedness Director
Jeff Hammond, Lancaster County Clerk of Court
Kelvin Jones, Hampton County Detention Center Director
Thomas J. Keaveny II, Beaufort County Attorney
David W. Kerr, Lexington County Public Safety Director
Amy McCulloch, Richland County Probate Judge
Susanne D. Peeples, Hampton County Emergency Management Director
Joshua S. Whitley, Berkeley County Council

SCAC Staff Contact: James F. Knox

PUBLIC SAFETY, CORRECTIONS AND JUDICIAL

GENERAL STATEMENT OF POLICY

One of the primary responsibilities of government is to protect its citizens from those who threaten their life, liberty, and property. County government resources are being strained to the limit to provide sufficient law enforcement, to deal with the escalating complexities and backlog in the judicial system, and to cope with the crises in jail overcrowding and juvenile crime. Many of these responsibilities fall on the counties as state mandates with either inadequate or no state funding.

County government officials feel that the critical issues facing our counties cannot be solved in a vacuum, but only through partnerships with the federal, state, and local governments; the private sector; volunteer organizations; community groups; and others. The state must take a leadership role in examining the causes of crime so that we do not have to continually build more jails, to find better methods to deal with high recidivism rates, and to make improvements in a judicial system that moves at a less-than-acceptable pace and has not adequately kept up with societal changes. The federal and state governments must not only support these efforts through strong leadership, but sufficient financial support must be provided if we are to solve these issues and improve the quality of life of all South Carolinians.

POLICY POSITIONS

Public Safety, Corrections and Judicial

PUBLIC SAFETY

E xpenditures for public safety continue to be the largest program outlay for South Carolina counties, with increased spending of \$109 million from FY 2007–2013, representing a 26.1 percent increase. Higher incidences of crime, particularly juvenile crime, have placed demands on law enforcement for more and better services. Growth and changes in our communities have necessitated additional expenditures for fire and safety services.

The implementation of homeland security safeguards at the federal and state levels have placed additional demands on law enforcement and emergency services personnel. Continued devolvement of programs at the local level has resulted in more flexibility, but insufficient funding to address these critical needs.

Body Cameras – Strongly encourage the legislature to assist local governments with funding for law enforcement body cameras.

Dam Regulations – Support legislation that would require dam owners to inspect their dams and annually update their dam’s emergency action plan. Support legislation that would bring unregulated dams into DHEC’s oversight if the dam’s failure were to pose a risk to public safety, infrastructure, public utilities, and property. Support legislation that would provide DHEC with regulatory authority over all dams that have a state or county maintained road over the dam. Support an amendment to H. 3218 that allows emergency officials to take appropriate action that the officials deem necessary in the possible event of a dam or reservoir failure, as opposed to requiring officials to notify downstream residents.

EMS Personnel Liability – Support legislation that would provide an exemption to the S.C. Tort Claims Act so that EMS providers are not subject to liability while acting in the scope of their official duties.

Emergency Shelters in Schools – Support legislation requiring public schools to serve as an emergency shelter if requested by the South Carolina Emergency Management Division and coordinated with the county emergency office.

Medical Marijuana – Oppose the legalization of medicinal marijuana.

POLICY POSITIONS

Public Safety, Corrections and Judicial

Public Embezzlement – Support amending § 16-13-210 to provide mandatory minimum sentencing for public embezzlement and to provide that no part of the sentence may be suspended.

Regulation of Animal Shelters – Oppose the proposed shelter standards contained in the report of the Pet Care and Humane Treatment Study Committee. Oppose any amendments to require county shelters to report to a state agency or otherwise be regulated by a state agency.

Traffic Ordinance Preemption – Oppose legislation that would preempt local traffic ordinances or reduce the amount a political subdivision could fine for violating a local traffic ordinance that is consistent with state law.

Unmanned Aerial Systems – Oppose any legislation that restricts local government’s use of drones for purposes other than enforcing criminal laws. Support legislation that would restrict drone use over jails, courthouses, and other governmental buildings and that would keep the offense of “drone trespass” within magistrate’s jurisdiction.

Zika Virus Assistance – Support any state funding for vector control.

POLICY POSITIONS

Public Safety, Corrections and Judicial

CORRECTIONS

National jail occupancy has increased 13,384 since midyear 2013, representing a 1.8 percent increase, and South Carolina still ranked sixth in the country for the number of inmates under the age of 18 as of 2006.

There must be an equitable relationship between the state and the counties for the growing demands of adult and juvenile incarceration. The “get tough on crime” policies enacted in recent years have compounded the problems of jail overcrowding, insufficient staffing, inadequate funding, and increased violence. Continual expansion and construction of jails are poor and unacceptable answers to jail overcrowding. The state and federal governments must provide financial support and alternatives to incarceration if we are to make any headway in the criminal justice system.

Assaults on Public Employees – Support legislation to reinstate sections of law repealed in the Sentencing Reform Act that provide harsher penalties for assault on correctional facility employees, EMS providers, and firefighters.

Cell Phones in Jails – Support any legislation that would allow detention facilities to jam cell phone signals within the facility.

Indecent Exposure in Jails – Support legislation that criminalizes the willful and indecent exposure of oneself in a jail.

Keeping State Prisoners in County Jails – Oppose any attempt by the state to require counties to keep state prisoners sentenced longer than 90 days. Keeping state prisoners in county facilities represents another unfunded state mandate, using local resources to solve a state problem.

Medical Care for Pretrial Detainees – Oppose legislation that would require local entities to be financially responsible for medical care rendered by hospitals to pretrial detainees.

JUVENILE DETENTION

Juveniles in Local Detention Facilities – Oppose any attempt by the Department of Juvenile Justice

POLICY POSITIONS

Public Safety, Corrections and Judicial

to solve its funding and overcrowding problems by shifting to the counties its responsibilities for the detention and rehabilitation of juveniles entrusted to its care.

Prison Rape Elimination Act – Support necessary legislation to facilitate South Carolina’s compliance with the Prison Rape Elimination Act.

JUDICIAL

***T**he operation of the court system is a function performed by counties in their role as an arm of state government. As of July 31, 2014, a total of 193,702 cases were pending in circuit and family courts. This workload, as well as increased demands on county judicial staff and resources, has put a strain on county government finances. The state must look at methods to address the overload in the judicial system and to stop mandating additional requirements without providing sources of funding. Counties should not be the last in line to receive their portion of fines, fees, assessments, and surcharges.*

Clerks of Court Carrying Firearms – Support legislation authorizing clerks of court to carry a concealable weapon anywhere in the state, including courthouses, when carrying out their duties so long as they possess a concealed weapons permit.

Clerks of Court and Register of Deeds Qualifications – Support legislation requiring candidates for the office of clerk of court and register of deeds to be at least 21 years of age, reside in the county in which they are seeking office, and possess either a bachelor’s degree or 8 years’ experience working in the office. Current officeholders who do not meet these requirements should be grandfathered in.

Expungements – SCAC supports the ability for persons with criminal records to be able to find gainful employment and for counties to find suitable candidates that may be otherwise qualified. SCAC supports legislation to streamline the expungement process and make it uniform across the state. SCAC supports decreasing the cost of applying for an expungement and allowing for waiver of all fees for indigent applicants. SCAC supports broadening the types of non-violent crimes that may be eligible for expungement and allowing for multiple criminal convictions to be expunged after a certain time period. SCAC supports legislation requiring private entities that publish criminal records

POLICY POSITIONS

Public Safety, Corrections and Judicial

or perform background checks for employers to ensure that any information they are reporting is current and accurate.

Increasing Magistrates Court Civil Jurisdiction – Support legislation to raise the civil jurisdictional amount for Magistrates Court from \$7,500 to \$25,000.

Indigent Screening – Oppose any legislation that would require the clerk of court to perform indigency screening and collect application fees for the appointment of public defenders.

SLED Case Reporting – Support an amendment to S. 516 to extend the reporting deadlines from 10 days to 30 days and 48 hours to 10 days. To ensure accuracy and efficiency of reporting, orders falling under the expedited reporting deadline under Section 14-17-325(B) of the bill should be notated as such by the Solicitor and/or judge. SLED and Court Administration should be subject to the same reporting timelines as the clerks of court.

PROBATE JUDGES

Abolishment of Common-Law Marriages – Support legislation to abolish common-law marriages in South Carolina and to provide that those in existence prior to a certain date are valid if there is clear and convincing proof to the satisfaction of the court called upon to adjudicate the validity of the marriage.

RECORDING

Internet Accessible Tax Lien Notices – Support legislation that would have the Department of Revenue implement an internet accessible tax lien notice system to be used in lieu of the filing requirements with the county clerk or register of deeds.

**REVENUE,
FINANCE AND
ECONOMIC DEVELOPMENT**



REVENUE, FINANCE AND ECONOMIC DEVELOPMENT STEERING COMMITTEE



**BELINDA D. COPELAND, CHAIRMAN
DARLINGTON COUNTY**

The responsibilities of the Revenue, Finance and Economic Development Steering Committee include issues relating to the ad valorem tax system, to include assessment, collection, and administrative functions; Local Option Sales Tax and other specific authorizations for local use of sales taxes; business license taxes; service and user fees; franchise fees; State Aid to Subdivisions' Local Government Fund; lease-purchase financing; Fee-in-Lieu-of-Tax Agreements; and economic development incentive programs.

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Maria Walls, Beaufort County Treasurer
Kevin V. Yokim, Florence County Finance Director

SCAC Staff Contact: Timothy C. Winslow

REVENUE, FINANCE AND ECONOMIC DEVELOPMENT

GENERAL STATEMENT OF POLICY

The South Carolina Association of Counties is committed to the concept of Home Rule. It is only by allowing the citizens of the state's counties and communities to govern themselves by electing their own local governing bodies, that local communities are able to tailor the governmental services available to each community's individual needs and wishes. An integral part of providing services for the community is the ability to both adequately fund and fund in a fair and balanced manner the services provided.

In the same manner that no two communities want or need the same services or level of services, no two communities need or want the same package of revenue-raising measures. The South Carolina Association of Counties is committed to providing a menu of revenue-raising mechanisms to ensure that local governments can provide the services and levels of service that citizens demand and expect. By allowing each community a range of revenue-producing mechanisms, each community is better able to fund public services in a manner that is fair and balanced for that particular locality.

The South Carolina Association of Counties believes that no matter what revenue-raising mechanisms are used, the mechanisms must be fair to both the individual taxpayer and the community of taxpayers as a whole. Efficiency, manageability, and stability of the revenue sources used must also be factors in determining the proper method of funding locally-provided services.

POLICY POSITIONS

Revenue, Finance and Economic Development

Accommodations Fee for Beach Preservation – Support allowing a qualified coastal county, subject to a referendum, to impose a one percent fee on accommodations for beach preservation.

Alternative Energy Property Tax Exemptions – While SCAC supports the use of alternative energy, SCAC opposes legislation to create statewide property tax exemptions for alternative energy as it impacts a county's ability to offer local incentives to attract these projects.

Annual DMV Registration Fees – Support amending § 56-3-610, et seq., to apply an annual registration fee by the Department of Motor Vehicles that is revenue neutral. Support phasing in the fee to not negatively impact taxpayers or the budget of the DMV.

Application of Delinquent Tax Penalties – Oppose amending §§ 12-45-180 & 12-51-40 to change the timeline for applying delinquent tax penalties.

Assessment Ratios – Oppose legislation to decrease the manufacturing assessment ratio from 9% to 6% as it limits the county's ability to provide local economic development incentives. Oppose legislation reducing the commercial property assessment ratio from 6% to 5% because of its drastic negative impacts on local property tax revenue.

Business License Fee Restrictions – Support legislation to standardize the imposition and collection of business license taxes and/or fees but oppose any provisions that inhibit a county's ability to impose business license taxes and/or fees. Any legislation amending business license taxes and/or fees must be revenue neutral.

Capital Project Sales Tax for Economic Development – Support legislation amending § 4-10-330 to allow a Capital Project Sales Tax be imposed for economic development purposes.

County Budget Flexibility – Support any legislation that provides county budget flexibility.

Dealer Tags – Oppose any further reduction in the amount of vehicles required to be sold in order to receive dealer license plates.

Delinquent Tax Sales Notification Requirements – Support legislation to amend § 12-51-40(d) to create flexibility in the delinquent tax sales notification requirements by allowing the notification to be made electronically.

POLICY POSITIONS

Revenue, Finance and Economic Development

Dissolution of State Programs Funded by Property Taxes – Oppose this request citing the need to receive appropriate funding from the state to cover the costs of administering these programs but noting that in many cases county government is well suited to administer them.

DOR Withholding County Transportation Tax Revenue – Oppose any legislative or regulatory attempt by the S.C. Department of Revenue to withhold any revenue derived from any locally imposed tax.

Elimination of the Tourism Expenditure Review Committee (TERC) – Support legislation to eliminate TERC.

Impact Fees – Support legislation allowing South Carolina counties to make impact fees easier to impose and administer.

Items Exempted from Local Sales Tax – Oppose legislation that diminishes or eliminates the county's authority to accept or reject specific sales tax exemptions.

Local Government Fund – Support amending the Local Government Fund Formula to set the base funding level at \$223.2 million with a yearly increase in the fund that corresponds with the growth in the State General Fund up to 5%. Also, standardize a list of state mandates that all counties are responsible for in order to quantify the need for the LGF.

Magistrates' Salaries – Support increasing magistrates' salaries as long as the legislation doing so is revenue positive.

Millage Cap Exception for Library Funding – Support amending § 6-1-320 to allow county council to approve a referendum to give the voters the option of allowing the county to impose additional millage for any special purpose.

Millage Cap Opt-Out – Support legislation to allow a county to opt out of the millage cap limitation found in §6-1-320.

Multiple Lot Discount – Oppose any extension of the Multiple Lot Discount.

Municipal Capital Projects Sales Tax – Oppose legislation creating a Municipal Project Sales Tax.

POLICY POSITIONS

Revenue, Finance and Economic Development

Notification of Business Property Tax Appeals to DOR – Support legislation to require the Department of Revenue to notify, in writing, County Council, the Chief Administrative Officer, Auditor, and Treasurer initially and annually when there is an appeal of the valuation of business real or personal property. Support a three-year time limit in which DOR must resolve all valuation appeals and require that the impacted taxing jurisdictions be made parties to law suits concerning the appeal. Support the county's ability to accept or deny a final determination by DOR.

Out-of-State License Tags – Support legislation to ensure that nonresidents pay their property taxes upon establishing a domicile in this state or operating a vehicle for more than 150 days in South Carolina.

Penalty for Failing to Register a Motor Vehicle – Support increasing the penalty for failing to register a motor vehicle from \$100 to \$1,000 and provide that all violations of the registration requirements be heard in summary court.

Registration and Taxation of Boats and Motors – Support legislation that would provide that boat taxes be paid in advance in the same manner as automobiles and that DNR register boats on a yearly basis.

South Carolina Retirement System – SCAC understands the dilemma facing the State with regards to the unfunded liability of the retirement system; however, any fundamental change to the system must not affect promises made to current employees and retirees in the existing state pension system. SCAC supports having county government be involved in the administration of any new system. If the state decides to go to a defined contribution plan, SCAC supports county governments being allowed to develop and operate their own independent defined contribution plan.

State Forest Lands – Support legislation amending § 48-23-260 to require 25% of timber proceeds be remitted to the county government regardless of the agency managing the state forest land.

Taxation of Private Aircraft – Support legislation that would subject private aircraft to the same property tax situs requirements as boats in South Carolina.

Waiving Delinquent Tax Penalties for Good Cause – Oppose S. 708 which would allow a treasurer to waive delinquent tax penalties for good cause.

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What is SCAC?

The South Carolina Association of Counties was chartered on June 22, 1967, and is the only organization dedicated to statewide representation of county government in South Carolina. Membership in SCAC includes all 46 counties, which are represented by elected and appointed county officials dedicated to improving county government. SCAC is a nonpartisan, non-profit organization which operates with a full-time staff in its Columbia offices. It is governed by a 29-member Board of Directors composed of county officials from across South Carolina, selected by county officials at the Association's Annual Conference. The Association strives to "*Build Stronger Counties for Tomorrow*" by working with member counties in the fields of research, information exchange, educational promotion, and legislative reporting.

SCAC STAFF

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Timothy C. Winslow, Deputy General Counsel

Joshua C. Rhodes, Assistant General Counsel

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... Building Stronger Counties for Tomorrow

CONFERENCES

SCAC provides many opportunities for county officials to meet and learn, among them:

Mid-Year Conference — Held in late winter in Columbia, this conference enables all county officials to become better informed about the Association's legislative program. The Association also hosts a reception for all members of the legislature during the conference.

Annual Conference — Held in August, this event is open to all elected and appointed officials. The conference includes a business session, general session, workshops, group meetings, and exhibits of county products and services.

Legislative Conference — Held in December, this conference allows members of the Legislative Committee to discuss and adopt a legislative program for the upcoming year. The committee is composed of each council chairman and members of the Association's Board of Directors.

EDUCATION

The Association, in cooperation with the Joseph P. Riley Jr. Center for Livable Communities at the College of Charleston and the Strom Thurmond Institute at Clemson University, conducts an Institute of Government for County Officials (Levels I, II, and Advanced). This certificate program helps county officials enhance their skills and abilities. Courses are offered at the Annual and Mid-Year Conferences and at the County Council Coalition Meeting in the Fall.

SCAC sponsors a number of continuing education webcasts for county officials and employees throughout the year at no charge to counties. Within a few weeks after the training is broadcast live, county officials and employees are able to access the session as a video on demand via <http://www.sccounties.org>.

FINANCIAL SERVICES

SCAC offers a number of financial services to its member counties. The Association sponsors two self-funded insurance trusts, designed specifically to meet the needs and requirements of local government agencies, including the Workers' Compensation Trust and the Property & Liability Trust.

SCAC also participates with Tax Management Associates, Inc. to provide property tax audit and discovery services for county business personal property and residential property tax programs.

SCAC and the National Association of Counties are sponsors of U.S. Communities, the leading national government purchasing cooperative. U.S. Communities offers counties access to competitively-solicited contracts with national suppliers. SCAC also created a new purchasing program in cooperation with Forms and Supply, Inc. to offer substantial discounts for routine office supplies and forms.

GovDeals provides a platform for counties to sell non-essential equipment and other surplus assets via internet auction. The primary benefits of using GovDeals are increased revenue, reduced asset depreciation, and reduced storage costs.

LEGAL ASSISTANCE

SCAC provides legal assistance to county governments by rendering legal opinions, drafting ordinances, preparing amicus briefs, and consulting with other county officials. The Association provides support to counties involved in litigation which might affect other counties. It also sponsors the Local Government Attorneys' Institute which provides six hours of continuing legal education for local government attorneys.

LEGISLATIVE INFORMATION

The S.C. General Assembly convenes each January in Columbia and adjourns sine die in May. One in every four bills introduced affects county governments. SCAC monitors each bill as it is introduced and keeps its members up-to-date on all legislative activity with a weekly *Friday Report*. The Association also dispatches Legislative Action Alerts and publishes *Acts that Affect Counties*.

PUBLIC INFORMATION

SCAC publishes an annual *Directory of County Officials* listing addresses and telephone numbers of county offices and their elected and appointed officials. The Association also publishes *Carolina Counties* newsletter five times per year to keep the Association's membership informed about legislation and county news. *County Focus* magazine is published four times a year and features articles about county trends, innovation, and other subjects of interest to county officials — including a "County Update" section.

RESEARCH AND TECHNICAL ASSISTANCE

SCAC provides research and technical assistance in many areas to those counties which request it. The Association's staff annually responds to hundreds of inquiries from county officials ranging from simple requests for a sample ordinance to more complex questions requiring considerable research. The Association also develops technical research bulletins and conducts surveys on a variety of subjects. Regular publications such as the *Annual Wage and Salary Report*, *Acts that Affect Counties*, *Home Rule Handbook*, *Handbook for County Government in South Carolina*, and *Case Law Affecting Local Government* are made available to county officials.

The SCAC website provides county officials with the latest information on SCAC programs, services, and meetings as well as legislative information, research and survey results, and links to other local government resources. Visit the Association's website at: <http://www.sccounties.org>.

SETOFF DEBT PROGRAM

Counties are able to collect delinquent emergency medical services debts, magistrate and family court fines, hospital debts, as well as other fees owed to the counties through SCAC's Setoff Debt Collection Program. Debts are submitted through the Association to the S.C. Department of Revenue to be matched with income tax refunds. The debt is deducted from a refund and returned through SCAC to the claimant.

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