

Legislative Mandates and Funding Floors

ANIMAL SHELTER

The county animal shelter personnel or governmental animal control officers shall pick up and impound or quarantine any dog running at large or quarantining any cat. S.C. Code § 47-3-30.

Each county is authorized to establish an animal shelter for quarantining dogs and cats. Each county must employ personnel as necessary to administer the provisions of the article. If an animal shelter is established, funds may be provided in annual appropriations. S.C. Code § 47-3-30.

"Animal shelter" includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article. S.C. Code § 47-3-10.

ANNUAL AUDIT

Each county council must provide for an independent annual audit, by a non-interested CPA or PA, of all financial records and transactions of the county and any agency funded in whole by county funds and may provide for more frequent audits as it considers necessary. The report of the audit must be made available for public inspection. The report must be submitted to the Comptroller General no later than January 1 each year. If not timely reported, funds distributed by the Comptroller General to the county in the current fiscal year must be withheld pending receipt of a copy of the report. S.C. Code § 4-9-150.

ASSESSORS

All counties must have a full-time assessor, who must appraise and/or reappraise and list all real property, whether exempted or not, except property required to be assessed by the Dept. of Revenue or that which is owned by a governmental entity (federal, state, county or political subdivisions), and a list of these must be furnished to the county auditor. Assessors must maintain records of all recorded deed sales transactions, building permits, tax maps, and other records necessary for continuing reassessment. S.C. Code § 12-37-90. Assessors must also endorse deeds when recorded and attend continuing education courses. S.C. Code §§ 12-37-100, 110.

BUILDING CODES

Each county must enforce all building codes relating to construction, repair, occupancy, etc. of structures located in their jurisdiction. Each county must promulgate regulations to implement their enforcement. S.C. Code § 6-9-10(A). The county must enforce only national building and safety codes provided in Chapter 9 of Title 6.

Each county must appoint a building inspector or contract with other political subdivisions for unincorporated areas of the county, who may appoint or employ other personnel. If a county is unable to comply with this requirement, an affidavit in support of an exemption from the

requirement must be submitted to the Building Codes Council. The affidavit must detail the financial reasons for the county's inability to provide this service, and exemptions resulting from any such affidavit shall last until it is financially feasible for the county to provide this service or five years, whichever is less. S.C. Code § 6-9-30.

CORONER

S.C. Code § 17-5-60 requires the county to provide the coroner with an office in the county with "proper fixtures."

COURT SECURITY

A Supreme Court order dated July 10, 2001, provides for courtroom security. For Family Court, a law enforcement officer must be present while the court is in session, unless excused. For Probate Court and Circuit Court, a law enforcement officer must be present if requested by the judge. Each county must also provide adequate equipment and/or personnel to provide physical screening of all individuals entering a courtroom.

COURTS

Administrative Law Judge

This proviso requires counties to provide for each Administrative Law Judge residing within that county, upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private telephone. Recurring Part IB proviso, 58.2.

Circuit and Family Courts

This proviso requires counties to provide for each circuit court and family court judge residing within that county an office to include all utilities and a private telephone, and requires counties to provide the same for Supreme Court Justices and Judges of the Court of Appeals upon their request. Recurring Part IB proviso, 57.2.

There does exist §4-1-90 which states, "If at any time the courthouse of any county in this State shall be in course of reconstruction or repair or from any other cause shall not be in condition to be occupied, the governing body of the county must furnish suitable rooms for the accommodation of the courts and public officers." In addition, there is a Supreme Court Opinion in *Greenfield v. Greenfield* which finds that, "the construction and maintenance of courtroom facilities is now and traditionally has been a county obligation... and it is my opinion that it is the obligation of the counties to provide the facilities and support personnel other than judges and court reporters for the circuit courts assigned to a county."

S.C. Code § 63-3-350 requires each county to "provide sufficient physical facilities for the operation of the statewide family court system in that county. Section 63-3-360 provides that the General Assembly shall provide the "salaries, equipment, and supplies of family court judges and court reporters and secretaries....All other costs necessary for the operation of the family court system in a county including the salaries of necessary support personnel shall be provided for by the governing body of that county."

Magistrate

Each county must provide necessary and sufficient facilities and personnel for magistrates' courts in that county. The county must provide other personnel determined to be necessary by the county, such personnel being county employees paid by the county. S.C. Code § 22-8-30. No county may pay a magistrate a salary lower than the base salary established for that county by the provisions of subsection (B) of this section. S.C. Code § 22-8-40(K).

Master-in-Equity

Each county in which a master-in-equity serves must provide salary, equipment, facilities, and supplies of the master-in-equity, and salaries of support personnel and other necessary costs. S.C. Code § 14-11-30.

Probate Court

A probate court must be located at the county seat and open for business during reasonable hours. S.C. Code § 14-23-1010. There shall be a judge of probate for each probate court. S.C. Code § 14-23-1020.

Each county must provide necessary office equipment of the probate court, books necessary for keeping records, office space and additional support personnel necessary for the orderly conduct of business. If the probate court maintains the original of a document in the master file of a matter and a copy of that document on microfilm, a computer system, or on another similar system, it is not necessary for the probate court to maintain a second separate record with copies of those types of documents, provided a general index or an index for those types of documents is maintained. S.C. Code § 14-23-1130.

DEPARTMENT OF DISABILITY AND SPECIAL NEEDS (DDSN)

S.C. Code § 44-20-375 provides for the creation of disability and special needs boards in the various counties. The funding for these boards is covered by § 44-20-380 and is appropriated by the state. These county boards may, however, seek additional funding from the county, but there is no requirement that the counties provide the initial or primary funding for them.

DEPARTMENT OF JUVENILE JUSTICE (DJJ)

Each county is required by S.C. Code § 63-3-350 to provide facilities for intake and probation services of the Department of Juvenile Justice.

DEPARTMENT OF SOCIAL SERVICES (DSS) AND DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

S.C. Code § 43-3-65 provides, "The governing authorities of each county shall provide office space and facility service, including janitorial, utility and telephone services, and related supplies, for its county Department of Social Services."

Employees transferred from DSS to DHHS who determine Medicaid eligibility shall be provided office space and facility services for this function just as office space and facility services must be

provided by the county for DSS functions under S.C. Code § 43-3-65. Recurring Part IB proviso, 33.9.

DNA

The law enforcement agency responsible for the control of evidence during a criminal investigation must preserve, with sufficient documentation and under circumstances designed to preserve forensic value, all physical evidence and biological material related to the conviction or adjudication of a person for certain enumerated crimes. S.C. Code § 17-28-320(A).

The physical evidence and biological material must be preserved until the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in subsection (A). However, if the person is convicted or adjudicated on a guilty or nolo contendere plea for the offense enumerated in subsection (A), the physical evidence and biological material must be preserved for seven years from the date of sentencing, or until the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in subsection (A), whichever comes first. S.C. Code § 17-28-320(C).

ELECTIONS

The governing bodies of each county must audit and pay all accounts for necessary expenses incurred by the commissioners and managers of election for stationery, the making of election boxes, rents and similar expenses in elections held in this State. S.C. Code § 7-23-40.

EMERGENCY PREPAREDNESS

County governments must cooperate with state and municipal governments in developing and maintaining a plan for mutual assistance in emergencies. Each county is responsible for preparing its available resources or the resources of another county, municipality or the state to support emergency operations. Also, each county is responsible for creating a shelter/relocation plan to protect citizens from the hazards of a nuclear emergency and for provision of housing and care for persons displaced or homeless as a result of a natural or man-made emergency. S.C. Code § 25-1-450.

FINANCIAL REPORT

Counties receiving revenues from Aid to Subdivisions shall annually submit a financial report to the State Budget and Control Board, detailing their sources of revenue, expenditures by category, indebtedness, and other information as the State Budget and Control Board requires, by January 15th of each year. If no report is filed by January 15, the CAO will be notified in writing that the county has 30 days to comply. If the county doesn't comply within 30 days, the Comptroller General will withhold 10% of subsequent payments of state aid until the report is filed. S.C. Code § 6-1-50.

HEALTH DEPARTMENT / DHEC

This proviso requires each county to provide all operating expenses of the local health department other than salaries, fringe benefits and travel in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981. The proviso states that a reduction in the local health department funding level may be made in the event any county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations. Recurring Part IB proviso, 34.6.

INSURANCE

Each county, in regard to tort and automobile liability, property and casualty insurance, must procure insurance to cover these risks for which immunity has been waived by 1) purchase of liability insurance from the Budget and Control Board, or 2) the purchase of liability insurance from a private carrier, or 3) self-insurance, or 4) pooled self-insurance liability funds by intergovernmental agreement. S.C. Code § 15-78-140.

JAIL

The Department of Corrections may order a person convicted of a state offense who is sentenced to less than ninety days imprisonment to be held in the county jail. S.C. Code § 24-3-20.

Each county must furnish, at all times, access to medical care, sufficient food, water, clothing, personal hygiene products, bedding, blankets, cleaning supplies, and shelter from extreme heat or cold or rain for all persons confined in a jail. S.C. Code § 24-5-80.

LEGISLATIVE DELEGATION

The county must fund its legislative delegation budget. If a county council does not meet that funding level, the amount of the shortfall must be deducted from the county's Aid to Subdivisions allocation and forwarded to the legislation delegation of the county. Recurring Part IB proviso, 113.4.

LIBRARIES

Each county shall establish within the county a county public library system. The governing body of any county may by ordinance provide for the composition, function, duties, responsibilities, and operation of the county library system. S.C. Code § 4-9-35(A).

To receive the aid to Counties Libraries Allotment, local library support may not be less than the amount actually expended for library operations from local sources in the second preceding year. Recurring Part IB proviso, 27.1.

MEDICALLY INDIGENT ASSISTANCE PROGRAM (MIAP)

The MIAP is primarily financed through county assessments. The State Treasurer withholds a sum equal to fifty cents per capita from each county's allotted portion of the Local Government Fund.

This money is used to provide Medicaid services. County governments combined statewide are assessed an additional thirteen million dollars annually for use as matching funds for Medicaid services, and county shares of the thirteen million dollars are derived from a formula which weighs property value, personal income, net taxable sales, and the previous two years of claims against the medically indigent assistance fund against county residents. If a county has a trust fund set up for indigent care in the county, contributions on behalf of the county must be credited against the county's portion of the thirteen million dollars. S.C. Code § 44-6-146.

PROBATION, PARDON, AND PAROLE (PPP)

S.C. Code § 24-21-270 reads, "The governing body of each county in which a probation agent serves shall provide, in or near the courthouse, suitable office space for such agent."

PUBLIC DEFENDER

This proviso states that no county may contribute less money to indigent defense than the amount the county contributed as of July 1, 2001. No county shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Recurring Part IB proviso, 61.1.

S.C. Code § 17-3-590 of the Indigent Defense Act of 2007 requires the administering county to provide appropriate offices, utilities, telephone expenses, materials, and supplies to equip, maintain, and furnish the public defender's office in cooperation with the other counties in the circuit and in a pro rata share according to each county's population. S.C. Code § 17-3-540 provides that the public defender may maintain offices in the other counties comprising their judicial circuit.

No county may reduce its contribution to the public defender below the amount provided for such organization in the prior fiscal year. S.C. Code § 17-3-550. All personnel costs including fringe benefits must be paid by the administering county, but the administering county must be reimbursed from operational funds provided to the circuit public defender office from county and state appropriated funds.

RECORDS MANAGEMENT

It is a misdemeanor to unlawfully remove a public record from where it is kept or alter, deface, mutilate, or destroy it. S.C. Code § 30-1-30. The legal custodian of public records must protect them against deterioration, mutilation, theft, loss, or destruction, and make them available for easy use. S.C. Code § 30-1-70.

The governing body of each county and every public records custodian must cooperate with the Department of Archives and History in complying with this chapter and to establish and maintain an active, continuing program for the economical and efficient management of the records of the county. S.C. Code § 30-1-80.

No records of long term or enduring value created, including those filed, kept, or stored electronically, or those records converted from paper to magnetic, optical, film, or other media in

the transaction of public business may be disposed of, destroyed, or erased without an approved records schedule. All records disposals that are carried out in accordance with duly approved records schedules must be documented and reported in accordance with procedures developed by the Archives. S.C. Code § 30-1-90(D).

Records of litigation and criminal proceedings shall be retained permanently. S.C. Code § 14-13-10.

A public official or custodian of public records who refuses or willfully neglects to perform any duty required of him by Sections 30-1-10 through 30-1-140, including the transfer of records to storage facilities approved by the Archives, is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five thousand dollars. S.C. Code § 30-1-140.

S.C. Regs 12-1002 provides the required minimum standards for all records storage facilities, including construction, environment, and safety of records.

S.C. Regs 12-1100 provides the general retention schedule.

ROAD MAINTENANCE

Each county shall take charge of and manage the repair of highways in the county. Bridges shall be repaired under supervision of and expenses paid out of the money in the county treasury raised and appropriated for this purpose. S.C. Code § 57-17-70.

If the members of the governing body of any county neglect to have repaired any of the highways and bridges which by law are required to be kept in repair, they shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than one hundred nor more than five hundred dollars, in the discretion of the court. S.C. Code § 57-17-80.

At least twenty-five percent of a county's apportionment of "C" funds, based on a biennial averaging of expenditures, must be expended on the state highway system for construction, improvements, and maintenance. S.C. Code § 12-28-2740(C).

SALARY SUPPLEMENTS

This proviso states that salary supplements provided to clerks of court, probate judges, coroners, sheriffs, registers of deeds, auditors, and treasurers are in addition to amounts provided as compensation for these officials by counties. The amounts supplemented by the county for these positions' salaries shall not be reduced by the county as a result of the state appropriations. The proviso further states that reduction of county expenditures in the operations of these offices without corresponding reduction in the county's state aid to subdivisions is permissible. Recurring Part IB proviso, 113.3. In the current fiscal year, this proviso supersedes S.C. Code § 8-15-65.

SCHOOL LUNCH SUPERVISORS

Counties are required by S.C. Code § 59-63-750 to pay each lunch supervisor a salary, \$300 per year for expenses, and furnish office space and equipment for properly administering school lunch programs.

SHERIFF AND OTHER COUNTY OFFICIALS' OFFICE SPACE

The governing body of each county shall furnish the probate judge, auditor, superintendent of education, clerk of court, sheriff, treasurer and master in equity of their respective counties office room, together with necessary furniture and stationery for the same, which shall be kept at the courthouse of their respective counties, and it shall supply the offices of such officials with fuel, lights, postage and other incidentals necessary to the proper transaction of the legitimate business of such offices. The provisions of this section, as they relate to office space in the courthouse, shall not apply to Richland County. S.C. Code § 4-1-80.

SOLICITOR

This proviso states that amounts appropriated in the General Appropriations Act for solicitors' offices are in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services. Recurring Part IB proviso, 60.5.

STORMWATER MANAGEMENT

DHEC can delegate stormwater regulations to local governments. S.C. Code § 48-14-60.

To the extent possible, the S.C. Land Resources Conservation Commission intends to delegate the provisions of these regulations to local governments. Those program provisions which are subject to delegation include stormwater management and sediment control plan approval, construction and maintenance inspections, enforcement, and education and training. S.C. Regs.72-300(C).

If the Commission determines that a delegated program falls below acceptable standards established by these regulations, delegation may be suspended. During a period of suspension, the Commission shall be responsible for implementation of the program element. The Commission shall collect fees based on SC Regs.72-306 for use when the delegation is suspended.

The following actions may be cause for suspension if they represent a continuing pattern of action or in-action:

- (1) Failure of implementing agency with the responsibility for enforcement to issue a violation in the event of off-site sediment or stormwater damage resulting from non-compliance with the approved plan.
- (2) Failure of the implementing agency to assess a fine when a violation has not been corrected within the specified time frame.

- (3) Failure of the implementing agency to stop work when a violation has resulted in off-site damages.
- (4) Failure of the implementing agency to force compliance with an approved plan.
- (5) Failure of the delegated program to comply with the provisions of its application for delegation.

S.C. Regs. 72-304(L).

Where the Commission is the implementing agency, the Commission may assess a fee not to exceed \$100.00 per disturbed acre up to a maximum of \$2000.00. No fee will be charged for land disturbing activities which disturb two acres or less. A fee of \$100.00 will be charged for permit modifications. S.C. Regs. 72-306(B).

"Local Government" means any county, municipality, or any combination of counties or municipalities, acting through a joint program pursuant to the provisions of this chapter. S.C. Regs. 72-301(26).

VICTIMS' SERVICES

This proviso states that amounts appropriated in the General Appropriations Act for victim assistance programs in solicitors' offices are in addition to amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services. Recurring Part IB proviso, 60.8.

A law enforcement agency must provide any measures necessary to protect the victims and witnesses, including transportation to and from court and physical protection in the courthouse. S.C. Code § 16-3-1525(G).

A law enforcement agency must make reasonable efforts to notify victims upon changes in the custody of the person accused of committing the crime, e.g. escape, release, transfer, parole. S.C. Code § 16-3-1525 and § 16-3-1530.

A law enforcement agency must provide a victim, free of charge, a copy of the initial incident report of his case and a document describing his rights and responsibilities. S.C. Code § 16-3-1520(A).

A law enforcement agency, within a reasonable time of initial contact, must assist each eligible victim in applying for victim's compensation benefits and other available financial, social service, and counseling assistance. S.C. Code § 16-3-1520(B).

A law enforcement agency, upon request, must make a reasonable attempt to inform a victim of the status and progress of his case from initial incident through disposition in magistrate or municipal court; the referral of a juvenile offender to the Department of Juvenile Justice; or transmittal of a general sessions warrant to the prosecuting agency. S.C. Code § 16-3-1520(D).