



POPE ZEIGLER  
LAW FIRM

Why an Elected Board & How to Build One  
Legal & Financial Issues for South Carolina  
Special Purpose Districts

January 17, 2014

*Concentrating on public finance, governmental and utility representation.*

## Presentation Overview

- Many Actions by Special Purpose Districts Must be Approved.
- When did Change Come and Why?
- May Special Purpose Districts Become Autonomous?
- How does the governing body of a Special Purpose District change from being appointed to elected?

• Presently, the actions of most special purpose districts are subject to the approvals of the county council or councils within which they are located. Such actions include:

1. Approval of operating millage;
  - a. §6-11-275 (1976) – allows a statutory limit to be increased by County Council on an annual basis.
  - b. §6-11-273 (1976) – allows a statutory limit to be increased permanently by referendum.
  - c. §6-11-275 (1998) – enacted as a result of Weaver v. Recreation Dist., 328 S.C. 83, 492 S.E.2d 79 (1997).
    - i. Previously thought language authorizing “up to \_\_\_ mills,” included the lesser.
    - ii. Statute – froze millage rate at 1998 level and also applies to language not stating a particular amount.

2. Approval of issuance of general obligation debt; and
  - a. §6-11-810 through §6-11-1050 – originally enacted in 1974.

3. Approval of change of boundaries and issuance of general obligation debt

- . When did change come and why?
  - . Home Rule Constitutional change in 1973
  - . Article VIII, Section 7, of the State Constitution provides: “The General Assembly shall provide by general law 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 governmental 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.”

- . May special purpose districts become autonomous?
  - . Replace appointed boards with elected boards.
  - . Amend State legislation.

. How does the governing body of a special purpose district change from being appointed to elected?

. Statutory authorization contained in §6-11-350 through §6-11-354

. Procedure:

- A. Petition of 15% of qualified electors of district is delivered to county board of voter registration for verification; petition must contain question to be placed on ballot.
  - Must be submitted to voter registration board by August 1 of even numbered general election year in order to be placed on November ballot.
  - Voter registration board must review and verify by noon on September 1.

- Procedure (continued):
  - B. Governing body of district by resolution duly adopted by a majority of its members requests that a referendum be held on the question of the election of the members of the governing board.
  - C. General Requirements:
    - Referendum must be held at general election.
    - Terms are 4 years.
    - Elections are non-partisan.
    - Notice of referendum must be published at least 3 times with first notice published not less than 60 days prior to referendum.
    - Presently appointed members may be candidates.
    - Referendum to elect members of governing body in November of next year.



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