

January 2010

Events Calendar...

January 26, 2010 @ 10:30
SPD Board Meeting
SPD Office, Columbia, SC

October 21-24, 2010
SPD Conference
Kingston Plantation, Myrtle Beach, SC

Other SPD Officers Elected



Other elected officers for the South Carolina Association of Special Purpose Districts: **First Vice President**, Mr. Mike Medlin, Chester Metropolitan District, Chester, SC; **Second Vice President**, Mr. Jeff Field, Laurens County Water & Sewer, Laurens, SC; **Secretary**, Mr. Elbert Warren, Darlington County Water & Sewer, Darlington, SC; **Treasurer**, Mr. Arnold Lingle, Newberry County Water & Sewer, Newberry, SC; and **Immediate Past President**, Mr. Mike Hancock, Lugoff-Elgin Water Authority, Lugoff, SC. Congratulations!

LEGISLATIVE UPDATE...



The second regular session of the 118th South Carolina General Assembly began Tuesday, January 12, 2010. The

following bills are on the SPD Radar:

S.748, Senator Scott, is a bill to provide that a public or privately owned water utility operating within five miles of a landfill shall provide a water line and supply water to the landfill so the landfill may access the utility's water supply. This bill was recently referred to the Senate Judiciary Subcommittee. Members include, Senators Rankin, Hutto, and Campbell.

H.3847, Rep. Sellers, financial responsibility of a tenant for a utility bill. The bill was read and referred to the House Judiciary Committee.

H.3797, Representative Harrison, has introduced a bill to dissolve and transfer assets and liabilities of a **recreational district** to a county by resolution of the governing body and the legislative delegation of the county. The bill was referred to the House Judiciary Committee.

H.3006, Rep. Harrison, is a joint resolution proposing a Constitutional Amendment to authorize the General Assembly, by special or local law, to abolish a Special Purpose District and transfer its assets and liabilities to an assuming service provider. The bill was read a first time and referred to the House Judiciary Committee. The status of the bill has remained unchanged.

S.699, Senator Leatherman, is a bill to enact the "Financial Accountability Act" to require political subdivisions of this State to have annual Financial Audits and provide copies to the State Treasurer. The bill has been referred to the Senate Finance Committee.



Jolley Named SPD President

Charles P. Jolley was recently named 2010 President of the South Carolina Association of Special Purpose Districts (SCASPD). Jolley has served as Fire Chief for the Pelham Batesville Fire District in Greer, SC since 1989. He was born in Spartanburg, S.C. and graduated from Boiling Springs High School.

Jolley attended the University of South Carolina from 1974 – 1975, Greenville Technical College from 1980 – 1981, and various Fire Science Courses at the University of Memphis. Jolley was inducted into the South Carolina State Fireman's Association Hall of Fame in 2003 and was named Fire Chief of the Year in 2002 by the South Carolina State Association of Fire Chiefs.

Jolley has served on the Spartanburg County Fire Protection and Prevention Advisory Committee since it was first organized. He also serves as a member of the South Carolina Firefighter Mobilization Committee which is appointed by the Governor and has been specifically charged with addressing the mobilization of firefighters for disaster, terrorism, and similar statewide incidents. Prior to serving as Fire Chief for the Pelham Batesville Fire District, Jolley was County Training Director – Emergency Services for Spartanburg County Services from 1988 – 1989. From 1978 – 1989 he served as Assistant Fire Chief for the North Spartanburg Fire Department. He has been a Volunteer Firefighter with North Spartanburg Fire Department since 1971 and a member of the Fellowship of Christian Firefighters since 1985.

Jolley has two children (Angela and Asheley) and resides in Taylors, S.C. with his wife, Terri of Spartanburg, S.C. He is a member of Inman First Baptist Church where he served as a Deacon from 1996 – 2001. Jolley is an avid photographer and enjoys gardening. Congratulations Phill!



Legislative Update Continued...

H.3253, Rep. Herbkersman, is a bill that will require a "Plan of Services" before approval of all annexation proposals; requires new annexation be consistent with

local comprehensive land use plans. The bill also provides for alternate methods where a petition is signed by all or seventy five percent of landowners by giving standing to other persons or entities to challenge a proposed or completed annexation.

The House Judiciary Special Laws Subcommittee carried over debate on this bill. S.982, Senator Rose, is a similar bill in the Senate that has been referred to the Senate Judiciary Committee.

H.3774, Rep. Viers, is a bill to provide that a city may NOT require annexation as a condition to provide utility service.

The House Judiciary Committee adjourned debate on the bill.

H.3772, Rep. Viers, is a bill that will allow an SPD to continue providing service and collecting millage following annexation by a city. The bill was referred to the House Judiciary Committee.

H.3074, Rep. A.D. Young, is a bill to provide that when a city annexes property in a county that has a land use or zoning policy, plan, regulation, or ordinance and the city density allowance or regulations allow for greater density than the county allows, then the county density requirement must remain in effect for two years after annexation. **The House Judiciary Committee adjourned debate on the bill.**

S.709, Senator Bright, is a bill that will provide for the election of members of the boards of fire control of Spartanburg County. The House referred the bill to the Spartanburg Delegation effectively taking it off the House Calendar for the time being.

H.3603, Rep. M.A. Pitts, this bill provides that if a person pollutes the waters of this state as defined by DHEC they will give public notice of the pollution in a matter prescribed by DHEC. The bill passed the House and is awaiting action in the Senate.

S.936, Senator Reese, this bill provides that a property owner may not be assessed a sewer service fee or sewer connection fee, collected by means of a bill for water service or by a separate bill. This applies only if the property owner does not use the sewer service and has his own septic or sewer system. The bill was referred to the Senate Finance Committee.

S.1067, Senators Peeler & Hayes, In conjunction with and as a required part of the filing of a new or changed rate schedule for water or sewer service provided by a privately owned public utility, or if requested by the Office of Regulatory Staff, or by the commission, the utility shall provide to the public, the Office of Regulatory Staff, and the commission audited financial statements. The bill was referred to the Senate Judiciary Committee.

S.1068, Senators Rose & Davis, "The Underground Utility Safety and Damage Prevention Act" . The bill was referred to the Senate Judiciary Committee.

H.3272, Rep. Cooper, "Point-of-Sale" Bill. Under the current compromise, exempts commercial real estate, second homes and other properties taxed at 6 percent from reassessments when they are sold, which can add on a substantial tax. Below lists the highlights of a proposed compromise which is now on hold.

Highlights of the compromise on H3272

- **A cap on increases in the tax value of 6 percent property (commercial and second homes) for two years will help jump start the economy and encourage sales in the commercial real estate market .**
- In 2010, sold or transferred property goes on the tax rolls at no increase over the fair market value before sale.
- In 2011, sold or transferred property goes on the tax rolls at the fair market value before the sale plus no more than 40 percent of the difference between fair market value before the sale and the new value (60 percent of the increase is exempted from tax value).
- In 2012 and thereafter, sold or transferred property goes on the tax rolls at the fair market value before the sale plus no more than 80 percent of the difference between fair market value before the sale and the new value (20 percent of the increase is exempted from tax value).
- The capped value remains with the property until it is sold or until reassessment when it is subject to the 15 percent cap in Act 388.
- **Millage "lookback"**
- Local governments will have the flexibility to raise millage based on a rolling three-year formula. Currently local governments can increase millage only on an annual basis up to the amount allowed by the cap established in Act 388 (CPI plus percentage increase in population).
- If a government doesn't need the increase in a particular year, existing law does not allow the potential increase to be imposed in future years forcing a "use it or lose it" approach.
- This compromise allows for a three-year "lookback" for local governments to use only what millage increases they need.
- This will not allow for increases above what is already established in the Act 388 cap.
- **Technical changes will be made to the formula used to calculate the rollback of millage in reassessment years.**
- **Transfers of property to children will not trigger an increase in tax value.**
- **The compromise freezes the value of the Index of Taxpaying Ability and calls for a study of possible changes in the Index in future years**