

# MEMORANDUM

**TO:** SPD Board  
**FROM:** Kelly Smith  
**DATE:** August 3, 2005  
**SUBJECT:** Policy Fund Legal Action on Statewide Issue

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## **Policy Fund Support to Challenge Constitutionality of Local Legislation**

**The judge has given an unfavorable ruling against the SPD's on the constitutionality of local or special legislation. He removed the temporary restraining order thus allowing county council to appoint commission members to the Richland County Recreation District. The ruling needs to be appealed to a higher court or all SPD's in the state may be subject to local acts or special legislation for appointment of commissioners.**

**Because this legal action, along with the upstate suit on the same issue has statewide impact, the Association has again been asked through the policy fund to support legal action to appeal the ruling. Further legal action needs to be initiated quickly because the temporary restraining order has been lifted and Richland County Council will move swiftly to appoint new commissioners.**

**Because of the importance of this issue and swiftness of legal action, we are polling the board members. If you have objection to funding an additional commitment of \$5,000.00 from the policy fund to appeal, please contact the Association Office in response to this e-mail or call 1-800-344-4518 to respond to this request.**