

AN ORDINANCE

TO PROVIDE A PROCESS WHEREBY CERTAIN COUNTY-CREATED FIRE DISTRICTS AND CERTAIN STATE-CREATED FIRE DISTRICTS MAY CONDUCT OPERATING MILLAGE REFERENDA; AND OTHER MATTERS RELATED THERETO.

WHEREAS, there are currently 30 fire districts that provide fire protection and first responder services to the unincorporated areas of Greenville County;

WHEREAS, many of these districts have expressed an annual need for increased revenues to continue providing services at current levels citing significant increases in operating costs, changes in ISO ratings standards, population growth, and in some areas decreasing property values as strains on operating budgets;

WHEREAS, many of the fire districts that serve the citizens of Greenville County were created by the South Carolina General Assembly prior to Home Rule and the remaining districts were created after Home Rule by County Council,

WHEREAS, often times different State laws govern how a county-created district and a State-created district may adjust operating millage;

WHEREAS, some fire districts have independent taxing authority and the commissioners of these districts may adjust operating millage as necessary without Council action, but many fire districts require approval from Greenville County Council to adjust their operating millage;

WHEREAS, State-created fire districts may also raise their operating millage by conducting binding referenda;

WHEREAS, county-created fire districts may also conduct operating millage referenda; however, such referenda are advisory in nature;

WHEREAS, the result of the various fire district arrangements is that the provision of fire service can be confusing to citizens and taxpayers and creates an illusion of frequent increases in fire district millage;

WHEREAS, County Council desires to create a more streamlined process whereby fire districts provide information in a standardized form to assist Council in evaluating financial needs; and County Council desires to create a meaningful venue to receive input regarding requested operating millage increases.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Purpose. County Council desires to create an avenue for conducting referenda on the question of increasing the operating millage levy of fire districts that serve the citizens of the unincorporated area of Greenville County. Greenville County will pay for the costs of the referenda if a covered fire district desires to avail itself of the procedures set forth herein. This Ordinance is not intended to limit the options available to fire districts under State law for adjusting operating millage, but rather is intended to serve as an additional option available to covered fire districts.

Section 2. Covered Referenda. This Ordinance applies to requests from State-created fire districts to conduct binding referenda on the question of increasing the district's operating millage levy pursuant to S.C. Code Ann. § 6-11-273. This Ordinance applies to requests from county-created fire districts to conduct advisory referenda on the question of increasing the district's operating millage levy pursuant to S.C. Code Ann. § 4-9-30(16). It is the intent that no other referenda questions are covered by this Ordinance, including referenda on the question of a special purpose district adopting a new statutory limit on operating millage pursuant to S.C. Code Ann. § 6-11-273, and referenda on the question of State-created fire districts or county-created fire districts issuing debt pursuant to S.C. Code Ann. § 6-11-490 and § 4-9-30(16).

Section 3. Covered Fire Districts. This Ordinance shall apply to all fire districts described below.

A. State-Created Fire Districts. Fire Districts that were created by the South Carolina General Assembly may request that a binding referendum of the registered voters of the district be conducted on the question of increasing the district's operating millage levy. This Ordinance applies to State-created fire districts that:

- i. do not have independent taxing authority and rely on County Council to adjust the operating millage of the district;
- ii. are requesting an increase to operating millage from the previous year pursuant to S.C. Code Ann. § 6-1-320(A)(1) (consumer price index and population growth); and
- iii. are currently levying an operating millage above the district's statutory cap.

B. County-Created Fire Districts. Fire Districts that were created by Greenville County Council may request that an advisory referendum of the registered voters of the district be conducted on the question of increasing the district's operating millage levy. This Ordinance applies to county-created fire districts that:

- i. have elected or appointed commissioners;
- ii. provide services to the district through district employees and/or district volunteers; and

- iii. are requesting an increase to operating millage pursuant to S.C. Code Ann. § 6-1-320(A)(1) (consumer price index and population growth).

C. This Ordinance does not apply to the Donaldson Center Fire Service Area.

Section 4. Procedures.

A. Requests to conduct a referendum pursuant to this Ordinance may be initiated by the commissioners of the fire district by submitting to the Clerk to Council's Office by May 1 of odd numbered years a letter setting forth the basis for the proposed increase in operating millage and the Fire District Millage Request Application, attached hereto as *Exhibit A*.

B. Ordering a referendum under this Ordinance is not mandatory, but may occur upon consideration of the following:

- i. whether the fire district submitted all information requested in Fire District Millage Request Application and financial statements prepared by an independent certified public accountant;
- ii. demonstrated potential for hardship on a fire district if requested operating millage is disapproved;
- iii. measurable impact of requested millage adjustment on ISO rating;
- iv. status of fire district's capital improvement plan;
- v. feedback from County Council member(s) representing the district; and
- vi. any other considerations that Council deems appropriate.

C. County Council shall adopt a resolution to approve of conducting referenda under this Ordinance. The resolution shall be forwarded to the Greenville County Election Commission, which office shall conduct the referenda. Referenda conducted pursuant to this Ordinance are to be conducted as is prescribed by Title 7 of the South Carolina Code of Laws, as amended, and pursuant to any ordinances of Greenville County as they apply to elections.

D. Referenda conducted pursuant to this Ordinance for all fire districts, with the exception of Dunklin Fire District and Piedmont Public Service District, are to be conducted on the Tuesday following the first Monday in November of odd numbered years. Referenda for Dunklin Fire District and Piedmont Public Service District are to be conducted on the Tuesday following the first Monday in November of even numbered years.

E. For county-created districts, prior to the scheduled referendum, County Council will conduct a public hearing and give first and second reading to an ordinance imposing the requested millage increase prior to the scheduled referendum. If the referendum is approved by a majority of those voting in the

referendum, County Council will then consider adopting and implementing the proposed millage increase upon third and final reading.

F. For State-created districts, prior to the scheduled referendum, County Council will conduct a public hearing on the question of the requested operating millage increase. Pursuant to S.C Code Ann. § 6-11-273, no County Council action is necessary to affect the results of the referendum, and the results will become effective pursuant to resolution adopted by the governing body of the district.

G. Fire districts may conduct referenda to adjust operating millage under this Ordinance every two years.

Section 5. Financial Statements. All county-created fire districts must annually submit to the County financial statements prepared by an independent certified public accountant.

Section 6. Convert Appointed Fire District Commission to Elected Commission.

A. Amendment to Canebrake Fire District Ordinance. Section 3 of Ordinance No. 1325 creating the Board of Fire Control of the Canebrake Fire District is hereby amended as follows:

Section 3. Creation of Board of Fire Control. There is hereby created, for the fire service area known as Canebrake Fire District, a Board of Fire Control (hereinafter called the "Board") consisting of five (5) ~~members appointed by the Council. Of the initial appointees, two will serve terms of three (3) years, two will serve terms of two (2) years, and one will serve a term of one (1) year; thereafter, all will serve terms of three (3) years, or 'until their successors are appointed and qualify~~ resident electors of the District who shall be elected by the qualified electors of the District. The election shall be conducted by the Greenville County Election Commission, and the first such election shall be held on February 4, 2014. Thereafter elections shall be conducted pursuant to County Ordinance setting the date of elections of commissioners of special service districts. Initial terms shall begin on March 5, 2014, and terms of appointed incumbent members shall terminate on March 4, 2014. The Election Commission shall certify the five (5) candidates receiving the highest number of votes as the elected members of the Board, and the terms of such members shall be four (4) years except that of those initially elected the three members receiving the highest number of votes shall be elected for terms of four (4) years and the other two members shall be elected for terms of two (2) years. Should vacancies occur, they shall be filled for the remainder of the unexpired term by appointment of Greenville County Council. If any member moves out of the Canebrake Fire District, his position on the Board automatically becomes vacant.

Any resident qualified elector of the District may be a candidate for the position of member of the Board of Fire Control.

B. Amendment to River Falls Fire District Ordinance. Section 3 of Ordinance No. 1333 creating the Board of Fire Control of the River Falls Fire District is hereby amended as follows:

Section 3. Creation of Board of Fire Control. There is hereby created, for the fire service area known as the River Falls Fire District, a Board of Fire Control (hereinafter called the "Board") consisting of five (5) ~~members appointed by the Council. Of the initial appointees, two will serve terms of three (3) years, two will serve terms of two (2) years, and one will serve a term of one (1) year; thereafter, all will serve terms of three (3) years, or until their successors are appointed and qualify~~ resident electors of the District who shall be elected by the qualified electors of the District. The election shall be conducted by the Greenville County Election Commission, and the first such election shall be held on February 4, 2014. Thereafter elections shall be conducted pursuant to County Ordinance setting the date of elections of commissioners of special service districts. Initial terms shall begin on March 5, 2014, and terms of appointed incumbent members shall terminate on March 4, 2014. The Election Commission shall certify the five (5) candidates receiving the highest number of votes as the elected members of the Board, and the terms of such members shall be four (4) years except that of those initially elected the three members receiving the highest number of votes shall be elected for terms of four (4) years and the other two members shall be elected for terms of two (2) years. Should vacancies occur, they shall be filled for the remainder of the unexpired term by appointment of Greenville County Council. If any member moves out of the River Falls Fire District, his position on the Board automatically becomes vacant. Any resident qualified elector of the District may be a candidate for the position of member of the Board of Fire Control.

Section 7. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 8. Effective Date. This ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2013.

GREENVILLE COUNTY

Bob Taylor, Chairman
County Council

ATTEST:

Theresa B. Kizer
Clerk to Council

Joseph M. Kernell
County Administrator