

## Annexation Commission Information and General Guidelines

Prepared by the Office of the Governor

The following information and general guidelines are provided to assist the Annexation Commission in carrying out its duties and responsibilities. The Commission is also advised to carefully review all relevant statutory provisions in carrying out its duties and responsibilities, which can be found in Chapter 5 of Title 4 of the South Carolina Code of Laws.

### I. COMMISSION MEMBERS

The following four commissioners were appointed by the Governor on December 7, 2013, pursuant to Section 4-5-130 of the South Carolina Code of Laws. Contact information for each member is provided below.

Ms. Shirley R. Hinson  
127 Dresden Drive  
Goose Creek, South Carolina 29445  
(843) 214-1722  
hinsons@cofc.edu

Mr. John Henry Tiencken  
234 Seven Farms Drive  
Daniel Island, South Carolina 29492  
(843) 729-7883  
jtiencken@tienckenlaw.com

Mr. John Samuel West  
202 McCants Drive  
Moncks Corner, South Carolina 29461  
(843) 209-4315  
jwestlaw@homesc.com

Mr. Michael Allen White  
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Charleston, South Carolina 29492  
(843) 200-6398  
michael@charlestonappraisalcompany.com

### II. ADMINISTRATIVE MATTERS

#### A. Proposed Timetable

On or before December 31, 2013, the Commission is requested to present a proposed timetable to the Governor regarding a schedule of dates for her review. The timetable is expected to include a date for an initial organizational meeting, dates for additional meetings and deadlines, and a date for the issuance of the report, all of which is expected to be completed no later than April 30, 2014. The initial organizational meeting is recommended to be held as soon as practicable, taking into account the importance of this issue by all interested parties. In all matters, the Commission should commit to fulfilling its obligations both expeditiously and thoroughly, bearing in mind that a timely resolution to this issue is in the public's best interest.

#### B. Costs

Pursuant to Section 4-5-120, the petitioners have deposited \$25,000.00 with the Berkeley County Clerk of Court to cover all costs of the (1) surveys and plats; (2) commission; and (3) election. The Commission shall record a full accounting of all funds spent in the Commission's report to the Governor. (See enclosed letter from the Berkeley County Clerk of Court.)

### C. Open Meetings and Open Records Requirements

Pursuant to Section 30-4-20(a), the Commission appears to constitute a public body under the Freedom of Information Act. Accordingly, in the interest of transparency, meetings of the Commission should be open to the public. The Commission is asked to review the open meetings and records laws found in Chapter 4 of Title 30 and seek the opinion of counsel should any questions arise regarding compliance with the Freedom of Information Act.

### III. CONTENTS OF THE REPORT

Pursuant to Section 4-5-160, the Commission shall investigate all facts relating to annexing Daniel Island from Berkeley County to Charleston County and shall report in writing these facts and all such relevant matters as the Governor may direct for her information. Accordingly, the Commission's report shall include, but shall not be limited to, facts and information relating to the following:

- (1) The area of the proposed territory to be annexed and that remaining;
- (2) The population of the proposed territory to be annexed and that remaining;
- (3) The assessed property values of the proposed territory to be annexed and that remaining;
- (4) The proximity of the line to any courthouse;
- (5) The proper amount of indebtedness of the county losing area to be assessed to the county gaining such area;
- (6) Other matters deemed relevant or necessary to understanding the effects of the proposed annexation for all interested parties; and
- (7) An itemized statement of the expense of the survey and plats and a full accounting of all funds spent.

In addition to the above items, the Commission is asked to include in its report an explanation of how all statutory requirements of the Commission have been fulfilled.

### IV. ADDITIONAL INFORMATION

Should the Commission have difficulty obtaining information in the possession of a state or local government entity needed in the course of the Commission's investigation, it is encouraged to contact the Governor's Office to assist in requesting that information. Furthermore, any information that the Governor's Office receives related to the annexation process will be immediately forwarded to the Commission. The Governor's Office has provided the following contacts to be available to assist the Commission:

Swati S. Patel  
Chief Legal Counsel  
(803) 734-5095  
swatipatel@gov.sc.gov

Rebecca S. Schimsa  
Deputy Legal Counsel  
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