

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Called Meeting - February 14, 1984 - 5:00 p.m.
Linda N. Gilstrap, Clerk

M I N U T E S

PRESENT: Fred G. Alexander, District #1
Prue L. Gilreath, District #2
Robert L. Wiles, District #3, Chairman
Daniel A. Rhodes, District #4
A.M. "Al" Lynch, District #5
Billy D. O'Neal, Administrator

Mr. Wiles called the meeting to order and Councilman Prue Gilreath gave the invocation. Everyone stood and pledged allegiance to the flag. Mr. Wiles explained that the County Attorney was in deposition in Greenville and could not attend the meeting.

Mr. Wiles read a letter from Mr. Wright regarding research he had done on the Tax Amnesty Plan. Copy attached - Exhibit "A". Council discussed each item in detail. Mr. Gilreath made a motion to authorize and appropriate \$5,000 for an additional position in the Treasurer's Office for the remainder of the fiscal year and to appropriate in the 1984-85 fiscal year monies to maintain and add one or possibly two more employees to collect taxes. Mr. Alexander seconded this motion. On the motion of Mr. Rhodes, seconded by Mr. Lynch, Council voted two in favor (Mr. Rhodes and Mr. Lynch) and three against tabling the motion. Mr. Gilreath, Mr. Wiles and Mr. Alexander voted against the motion. Vote on the original motion was three for and two against. Mr. Wiles, Mr. Alexander, and Mr. Gilreath voted for the motion. Mr. Rhodes and Mr. Lynch voted against the motion. Motion passed by majority.

On the motion of Mr. Alexander, seconded by Mr. Gilreath, Council voted three in favor and two opposed not to publish any names in the newspaper. Mr. Wiles, Mr. Alexander and Mr. Gilreath voted for the motion. Mr. Rhodes and Mr. Lynch voted against the motion.

Mr. Trey Senn asked Council to execute documents concerning a contractual agreement for the FAA Flight Service Station. Mr. Wiles stated that the Council needed more time to study and would plan on the February 21, 1984 meeting agenda.

Mr. Lynch made a proposal that Council meetings be held through-out the county to give citizens a chance to see the government operate. Motion was seconded by Mr. Rhodes. Mr. Gilreath amended the motion for the proposal to take effect July 1, 1984. Mr. Rhodes seconded the amendment. Vote was two for and three against. Mr. Rhodes and Mr. Gilreath voting in favor and Mr. Wiles, Mr. Lynch and Mr. Alexander voting against the motion. Vote on the original motion was two in favor and three against. Mr. Rhodes and Mr. Lynch voted in favor. Mr. Wiles, Mr. Gilreath, and Mr. Alexander voted against the motion.

On the motion of Mr. Alexander, seconded by Mr. Gilreath, Council voted unanimously to place Mr. O'Neal on the agenda.

Mr. O'Neal asked Council to approve a budget request for Building Maintenance account #158 code 20 to 158 code 27 in the amount of \$2,500. On the motion of Mr. Lynch, seconded by Mr. Gilreath, Council voted unanimously to approve the transfer as requested.

Council heard from concerned citizens at this time.

On the motion of Mr. Gilreath, seconded by Mr. Alexander, Council voted unanimously to adjourn at 6:15 p.m.

Respectfully submitted,

Linda

Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL

Attachment

February 14, 1984 - Minutes

Exhibit "A"

LAW OFFICES

WRIGHT & TRAMMELL

SOUTH CAROLINA NATIONAL BANK BUILDING
103 EAST WHITNER STREET
ANDERSON, SOUTH CAROLINA 29622

JOSEPH G. WRIGHT, III
ERNEST C. TRAMMELL
*ALSO MEMBER OF GEORGIA BAR

POST OFFICE DRAWER 1905
TELEPHONE 803/225-6228

14 February 1984

HAND DELIVERED

Mr. Robert L. Wiles, Chairman
Anderson County Council
Rt. 1
Starr, South Carolina 29684

IN REF: DELINQUENT TAX AMNESTY PLAN

Dear Mr. Wiles:

You have requested that our office research the South Carolina law and issue an opinion related to the six items set forth in the Tax Amnesty Plan. A discussion of each item in the order presented is set forth below.

Item 1. Penalties.

All penalties legally assessed are considered a debt payable to the State of South Carolina which shall constitute a first lien on the property taxed pursuant to §12-49-10. The County Auditor is required to assess penalties on delinquent taxes at the rate set forth in §12-45-180. This section of the South Carolina law is mandatory and county officials have no discretion to waive penalties.

Item 2. Installment Plan.

The installment plan for collection of property taxes is not authorized under South Carolina law.

Item 3. Hardship Committee.

The waiver of taxes for anyone laboring under a hardship is not authorized by South Carolina law on the basis of the Equal Protection law of the United States and South Carolina Constitutions. If any person is hired by the county on a part-time basis, then such hiring must be specifically authorized by the Administrator and funds appropriated by County Council.

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Item 4. Citizens Committee.

The responsibility and authorization for collection of taxes rests with the county treasurers under the direction and supervision of the Comptroller General as set forth in §12-45-70. Accordingly, a citizens committee that usurps the responsibility or authority of the Anderson County Treasurer would be improper.

Item 5. Citizens Committee.

There is no prohibition under South Carolina law for a citizens committee, any group of citizens or an individual making recommendations to County Council.

Item 6. Special Workshops.

There is no prohibition under South Carolina law for County Council to hold a special workshop provided such meetings are held in compliance with the Freedom of Information Act, §30-4-10, et seq.

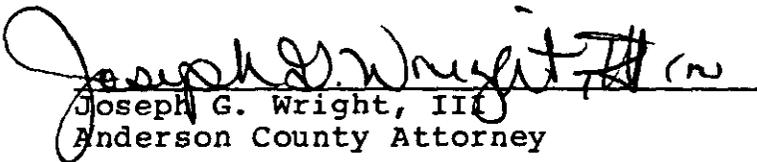
This letter is submitted since I will be in Greenville taking depositions in a case pending before the Court of Common Pleas of Anderson County and these depositions may last past the time scheduled for today's meeting.

If you or any members of County Council have any questions or wish additional research, please advise.

With kindest personal regards, I am

Sincerely yours,

WRIGHT & TRAMMELL


Joseph G. Wright, III
Anderson County Attorney

JGW, III/mcs