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Subject: please proof

Members of the Senate,

We ask for your support and hope you will vote to sustain the Governor's veto for H.3670. This bill annexes property affecting 90 residents from Darlington County into the West Florence Fire District for five years before reversing the annexation, while the West Florence Fire District is currently pending in court for possible constitutional Home Rule violations. **Neighborhoods and homes residing on border areas of a constitutionally contested Special Purpose District should not be annexed to suit the needs of the district in response to pending litigation.** It is illogical, unfair, and unprecedented to shuffle residents between services in this manner. This bill affects residents in Darlington and Florence counties and therefore has statewide implication. Every member has the responsibility to vote on this legislation.

Background information is provided below.

We ask that you vote to sustain this veto. Please let us know if you have any questions.

PENDING LAWSUIT:

- The lawsuit, *Florence County Council v. West Florence Fire District*, regarding the constitutionality of the Special Purpose District (Act 183 of 2014) was filed in Circuit Court on September 16, 2014.
- **Plaintiff's Argument (Florence County Council): Act 183 violates Home Rule by creating a SPD essentially only affecting Florence County while including only three lots in Darlington County. Also, the Special Purpose District provides services where services were already being provided by both counties, respectively.**
- In response to the lawsuit, this bill (H.3670) was filed as an attempt to cure the possible Home Rule constitutional violation.

BIZARRE SUNSET PROVISION:

- This bill includes a bizarre five-year sunset provision which would reverse the annexation of one specific neighborhood in Darlington County.
- Prior to the sunset, the residents of that neighborhood would be paying taxes to the Special Purpose District but, after the sunset, they would never see the benefits of the services.
- **As the West Florence Fire District collects taxes to fund the maintenance, equipment, and personal that 90 affected residents in Darlington County would be paying taxes for five years and would not get anything in return.**

Frequently Asked Questions:

1. *Will the annexed residents benefit from being serviced by the West Florence Fire District?*

The new fire station is not even built yet – the construction on the new fire station is not set to begin until September 2015. With the five year sunset in place, the residents will be paying towards the funding of this Special Purpose District but will receive no benefit for the taxes paid. The situation for the annexed residents includes (1) an uncertain completion date of the fire station; (2) a codified expiration date for this annexation of 5 years; and (3) no longstanding benefit for these residents for the tax dollars spent to support this **Special Purpose District**.

2. *Will the sunset provision provide flexibility to revisit this issue?*

While it has been suggested that the sunset provision gives flexibility to this issue and gives an opportunity to reevaluate the best interests of the citizens, it makes no sense – the residents still will be forced to pay taxes towards maintenance, personal and equipment for something they will not get to use in five years.

Bill History:

Introduced on February 17th in response to the lawsuit.

Passed the House with 78 for; 1 against; 3 excused; and 41 not voting.

Sat in Senate Judiciary from March 25th until it received 2nd reading on June 3rd.

Amended by the Senate on June 4th adding a bizarre sunset provision that reverses the annexation after five years if no other action is taken.

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