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**Date:** 6/23/2015 10:36:18 AM

**Subject:** Governor's Veto Message for H.3670 - West Florence Fire District

**Attachments:** [R119, H3670 West Florence Fire District.pdf](#)  
[Information Sheet for H.3670.pdf](#)  
[West Florence Fire District Articles.pdf](#)

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Members of the Senate,

Please see the attached veto message for H.3670. **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 a lawsuit against the West Florence Fire District is currently pending in court for possible constitutional Home Rule violations.

**It is illogical, unfair, and unprecedented to shuffle residents between services in this manner – especially when those residents will not reap the benefits from five years of taxes paid.** We would prefer that matters like these be addressed by county council, which is why we believe in Home Rule. **We should not continue to modify a Special Purpose District that may be in violation of Home Rule and the State Constitution.**

Background information is provided below. Also attached are articles regarding arguments from the Florence County Council and their positions concerns with the West Florence Fire District. 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. The 90-home annexation is occurring without regard to the long-term safety or quality of services provided to the citizens of Darlington county, but rather only to settle one aspect of a complicated legal battle. There is no assurance that this annexation will stop the legal challenge.

## **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 and equipment.

## **Frequently Asked Questions:**

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

Most likely not. 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?*

Most likely not. 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 and equipment for something they will not get to use in five years.

Thank you,  
Katherine

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