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Date: 5/19/2014 5:59:05 PM
Subject: FW: Proposal to H.5195 - Palmetto Rural Fire District

Representative Williams,

Per our conversation today, I have provided below proposed language to address the appointment of special purpose fire district board members as applied statewide. The language permits a county council to appoint members of the governing board in the event there are no qualified candidates that have filed to run during the general election. Please let me know if you have any questions.

Proposal to H.5195

Purpose: To provide a statewide remedy to fill vacancies on local boards whereby vacancies were caused or went unfulfilled due to the failure of candidates to file or qualify for election.

Proposal: In the event of a vacant seat on a board of a special purpose fire district due to the failure of qualified candidates to file or qualify for election, provided that no other method to fill a vacancy exists, the county's governing body shall appoint a qualified* person to the board to serve until the next election** when his successor is elected and qualified***.

**Here, qualified denotes that each fire district may have varying qualifications, including but not limited to residency requirements, that this proposal would seek to maintain.*

***Here, a provision may want to be added that would allow for reappointment or that would set a number of terms.*

****Here, this language is necessary to ensure that an appointee serves until a person can be elected and qualify to take office, which is important to ensure there is no vacancy the day after election (i.e. from November of one year until January of the next year).*

Background: There are similar remedies in the State Constitution and in the Code that provide for alternative methods of appointment or election should vacancies exist or go unfulfilled. This proposal complies with Home Rule, as a statewide provision, and with the spirit of Home Rule, by assigning the appointment authority to a local entity rather than to a legislative delegation. Also, this proposal leaves the original method of board selection intact, allowing the opportunity for future candidates to run for office with the intent of the original act.

Please let me know if you have any questions.

Thank you,
Haley

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