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DATE 11/21/13

Bobby H. Roberts
CLARENCON COUNTY ORDINANCE NO. 2013-05
CLARENCON COUNTY, SC

2013 NOV -2 AM 2:15
BEULAH G. ROBERTS
CLERK OF COURT
CLARENCON COUNTY, SC

**AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF THE
CLARENCON COUNTY ASSESSMENT APPEALS BOARD.**

WHEREAS, each county government within the authority granted by the Constitution and subject to the general law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof § 4-9-30, SC Code of Laws;

WHEREAS, among the enumerated powers is to establish such agencies, departments, boards, commissions and positions in the county as may be necessary and proper to provide services of local concern for public purposes, to prescribe the functions thereof and to regulate, modify, merge or abolish any such agencies, departments, boards, commissions and positions, except as otherwise provided, § 4-9-30, SC Code of Laws;

WHEREAS, Council shall provide by ordinance for the appointment of all county boards, committees and commissions whose appointment is not provided for by the general law or the Constitution § 4-9-170, SC Code of Laws;

WHEREAS, The South Carolina Revenue Procedures Act provides that county board of assessment appeals or county board means the board of assessment appeals which considers appeals of property tax assessments issued by the property tax assessor for the county and which also hears appeals of refund claims of property as determined by the majority of the county assessor, county auditor, and county treasurer § 12-60-30(7), SC Code of Laws; and

NOW THEREFORE, BE IT ORDAINED THAT the Clarendon County Council does hereby establish and constitute the Clarendon County Board of Assessment Appeals according to the following further terms and conditions:

I. Composition.

The Board shall be composed of five (5) members.

II. Appointment.

(A) Each member of County Council shall appoint one member to the Board. Board members shall reside in the council district from which they are appointed, with the Council Chair appointing a member at large.

(B) Members shall have staggered two-year terms. Terms of all members shall commence on July 1 of the year of their initial appointment and shall end on June 30 of the second year after

appointment. Members may be reappointed for an additional two-year term at the discretion of the appointing council member.

As determined by Council, three members' initial terms shall be for two years, and two members' shall be for 1 year with a succeeding term of two years. Subsequent appointments after the first three years will be for two years.

All members shall serve at the pleasure of Council and can be removed at any time during a member's term by a majority vote of Council.

Any member appointed during an unexpired term, shall serve the remainder of the unexpired term.

III. Annual Meeting

The Board shall meet in July of each year for the purposes of electing a Chair and Vice-Chair, and orientation of new members to the Board's functions and practices. This meeting will be called by the sitting Chair at a time convenient for all Board Members.

IV. Hearing Meetings.

Hearing meetings shall be scheduled and conducted in accordance with Section 12-60-2530 of the SC Revenue Procedures Act.

(A) The Clerk to Council shall serve as Clerk to the Board of Assessment Appeals.

(B) The Clerk shall take and prepare minutes of each Board of Assessment Appeals meeting.

(C) Should a party to a hearing request a verbatim record, costs for recording and preparation of same shall be borne by the party making the request.

(D) Testimony and evidence presented to the Board of Assessment Appeals shall be given under oath. Oaths shall be administered by the Chair or the Chair may direct administration by the Clerk.

(E) It shall be the responsibility of the Board of Assessment Appeals to assure compliance by all parties to an assessment appeal with the provisions of Sub-Article 9 of Article 9 [Sections 12-60-2510 through 12-60-2560] of the SC Revenue Procedures Act. Particular attention is to be given the provisions of Section 12-60-2530 "County Board of Assessment Appeals".

V. Appeals.

Appeals of rulings by the Board of Assessment Appeals shall be made in accordance with Section 12-60-2540, SC Statutes and not to County Council.

VI. Savings Clause.

Rights and duties that matured before the effective date of this Ordinance are preserved.

VII. Severability Clause.

If any part of this Ordinance is unenforceable, then the remainder of this Ordinance remains enforceable.

VIII. Conflicts

Should conflicts arise between this and any preceding Ordinances, Resolutions, Orders, or parts of the same, this Ordinance prevails, to the extent of the conflict.

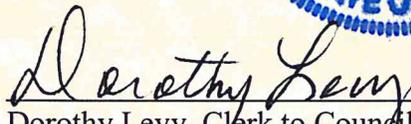
IX. Effective Date

All provisions of this ordinance shall become effective on the date of County Council's approval following three readings and a public hearing.

ADOPTED this 18th day of November 2013.



(SEAL)
ATTEST


Dorothy Levy, Clerk to Council
Clarendon County Council

CLARENDON COUNTY COUNCIL


Dwight L. Stewart, Jr., Chairman
Clarendon County Council

READINGS:

First reading: September 9, 2013

Second reading: October 14, 2013

Public Hearing: October 14, 2013

Third reading: November 18, 2013