

1978 WL 34758 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 9, 1978

*1 The Honorable J. Leon Rampey
Member
House of Representatives
State House
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Rampey:

You requested this office to advise you as to the procedure by which the unincorporated community of Piedmont might obtain police services, with some of the funding for the services coming from contributions by a local manufacturing concern. It is the opinion of this office that this service may be provided only by a joint venture between the two counties concerned.

At the outset it should be noted that this service may not be provided by a special act of the legislature. In our opinion the Home Rule Amendment prohibits special legislation concerning local governmental functions. Art. 8, Sects. 7, 10, S.C. CONST. 1895 (as amended); [Kleckley v. Pulliam](#), 265 S.C. 177, 217 S.E.2d 217 (1975); [Knight v. Salisbury](#), 262 S.C. 565, 206 S.E.2d 875 (1974).

The only permissible procedure, in our opinion, for providing this service to the residents of Piedmont community, apart from their incorporating as a municipality, is as follows:

1. The residents of the community should petition their respective county councils to create a special tax district in accordance with [§ 4-9-30\(5\) of the S.C. Code](#). The Code may require a referendum to be conducted in the community, depending on the number of signatures on the petition. The petition may request the establishment of a police commission to administer the police service in the district.
2. The respective county councils must then call in each county a county-wide referendum to approve the planned police district in accordance with [§ 4-9-30\(5\) of the S.C. Code](#), because this would involve, in our opinion, a restructuring of the county sheriffs' departments.
3. The respective county councils may then establish a joint commission to administer the police district thus created. Art. 8, Sect. 13, S.C. CONST. 1895 (as amended); [§ 4-9-30\(5\), \(13\), S.C. Code](#), 1976.
4. Any law enforcement officers appointed to serve within this district would require a state commission since their duties would require them to serve in more than one county. See §§ 23-1-60; 23-13-70, 60, S.C. Code, 1976.
5. Finally, there is no prohibition against the two counties accepting donations, from any private individual or corporation, to be applied toward the expenses of the commission. Art. 8, Sect. 17, S.C. CONST. 1895 (as amended).

I hope this will be of assistance to you. If you have any further questions about this, please let me know.
Sincerely yours,

David C. Eckstrom
Staff Attorney

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