

# PART VIII. ORGANIZATION ELEMENT

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## **PART VIII. ORGANIZATION**

Part VI of this document identified 147 public and quasi-public agencies involved in the delivery of public facilities and services, many of which are completely independent of one another.

This environment of independent facility and service providers makes comprehensive planning virtually impossible. Simply put, the existing structure of independent private facility and service agencies, boards, commissions, councils, etc. cannot plan or implement solutions comprehensively.

### **HOW DID IT GET THIS WAY?**

The present structure evolved over time. It is a product of:

- (1) urban sprawl,
- (2) historical constraints on county government (council),
- (3) financial constraints, and
- (4) lack of holistic vision

**Urban sprawl** generally is defined as “unplanned, uncontrolled, and uncoordinated single-use development that does not provide for an attractive and functional mix of uses and/or is not functionally related to surrounding land uses and which variously appears as low density, ribbon or strip, scattered, leapfrog, or isolated development.”

This type of development has been partially responsible for the proliferation of fragmented governmental units, and the creation of special purpose districts (SPD’s), and other quasi-public facility and service providers.

Prior to the conclusion of World War II, urban sprawl was essentially non-existent in South Carolina. But with the housing boom and prosperity that followed the war, development opportunities, spurred the lure of relatively inexpensive land beyond built-up municipal boundaries, became increasingly attractive. Sprawl also was fed by the desire of families to **get away** from urban areas, to less cramped and newer surroundings made possible by rising standards of living and increased automobile ownership.

The reasoning initially responsible for sprawl or the movement to suburbia and beyond is still with us today. And it has changed the landscape of Spartanburg County forever.

Unfortunately, necessary urban infrastructure and services were not in place as the movement began, nor were there responsible public service providers outside existing municipalities from which development was sprawling.

Municipalities were created by the state to provide local government and urban services. Counties were not so created. They were essentially instruments of state government, administered by county legislative delegations.

Not until 1974, with the enactment of **Home Rule**, changing the role and structure of local governments in South Carolina, did counties have the legal authority and wherewithal to govern and provide urban type services to unincorporated areas. As a consequence, urban sprawl, long in place before county governments (councils) could effectively respond to the needs of such areas, led to the creation of alternative service entities in the form of Special Purpose District(s) (SPD's).

**Special Purpose Districts** and other independent agencies predating county council involvement in the delivery of urban services, coupled with legislative constraints on municipal governments to annex sprawling urban areas have helped produce the plethora of service providers operating in Spartanburg County today.

That the county's infrastructure and service needs exceed council's financial capacity is played out annually in the budgetary process. The simple solution would be to raise additional revenue---through higher taxes, impact fees, direct service charges or other means. But these solutions generally are met by opposition from taxpayers, sometimes expressed at the ballot box. Services needed but not financed are services not provided. As a consequence, residents and developers in unincorporated areas have turned to alternative respondents, adding to the list of service providers and agencies.

**Visionary abstinence** by community leaders in the past has played a major role in creating the existing structure and composition of urban infrastructure and service providers. Vision of the future, together with the ability and courage to carry out that vision is no less needed today, if meaningful changes are to come from this planning effort.

## **HOW CAN WE IMPROVE THE SITUATION?**

As pointed out previously, comprehensive planning under the existing organizational structure of independent boards and agencies is actually a matter of cooperative planning. That is, to be effective, planning must be a cooperative effort.

But how do you bring all impact players to the table and get everyone to work together, in pursuit of the same goals and objectives? How do you get them to plan for and react comprehensively to the future development of Spartanburg County?

### **Create A Central Project Review Process**

Adoption of a Comprehensive Plan does more than formally establish by ordinance policies and goals of county council; it authorizes county involvement in all public projects.

Section 6-29-540 of the Code of Laws of South Carolina provides that where the local governing authority has adopted a Comprehensive Plan:

*“...no new street, structure, utility, square, park, or other public way, grounds, or open space or public building for any use, whether publicly or privately owned, may be constructed or authorized in (Spartanburg County)...until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan. In the event the planning commission finds the proposal to be in conflict with the comprehensive plan, the commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility. If the entity proposing the facility determines to go forward with the project which conflicts with the comprehensive plan, the governing or policy making body of the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the county council, the planning commission, and published as a*

*public notice in a newspaper of general circulation in the county at least 30 days prior to awarding a contract or beginning construction. Telephone, sewer and gas utilities or electric suppliers, utilities and providers, whether publicly or privately owned, whose plans have been approved by the county or a state or federal regulatory agency, or electric suppliers, utilities and providers who are acting in accordance with a legislatively delegated right pursuant to Chapter 27 or 31 of Title 58 or Chapter 49 of Title 33 are exempt from this provision. These utilities must submit construction information to the local planning commission.”*

While not placing with the county any veto authority over proposed projects by other agencies and boards, the Act does require that such boards and agencies present their plans and projects to the Planning Commission for compliance review with the Comprehensive Plan.

It is a relatively simple mandate, which likely would draw little resistance from affected agencies. It would involve a procedural change for processing all public projects, requiring Planning Commission review, but not approval. It would expose the plans of all agencies to the Planning Commission which, in turn, would evaluate them for compliance with the goals and objectives of the Comprehensive Plan.

To initiate the procedure, the Planning Commission need only notify all agencies and boards in the county of its intentions, and meet with such agencies and boards as necessary to establish proper lines of communication and a means of processing project proposals.

## **Agency Consolidation**

Consolidation is mentioned a number of times throughout the Community Facilities Element of this Plan, particularly in the areas of education, fire protection, and emergency services.

Clearly, consolidation would help reduce the number of agencies operating in the county, enhance the prospects of project coordination, and likely increase operation efficiency.

Consolidation should not be entered into lightly, however. Public debate and study should precede any and all consolidation efforts.

To be effective, consolidation need not result in the creation of a single agency with county-wide jurisdiction and responsibility. In fact, selective consolidations may prove to be equally as beneficial. Consolidation for the sake of consolidation is not sufficient reason to change things. Rather, consolidation should take place where:

- services and facilities may be provided more efficiently and effectively, and
- equalization of service cost and services rendered would result.

Where the above would occur, consolidation is recommended as an on-going effort to streamline county services.

### **Inter-Agency/Service Area Agreements**

Inter-agency or service area agreements permit agencies to operate more efficiently. Where service to an area may be provided more efficiently by an agency without jurisdiction, the responsible agency may enter into an agreement for the outside agency to serve the area. Inter-agency agreements have the advantage of not only increasing efficiency, but permitting the responsible agency to retain jurisdiction.

Service area agreements among and between various public agencies, while beneficial and generally in the public interests, rarely embody a comprehensive or county-wide perspective. But they could.

Such agreements may extend to and include everything from planning, to development, to operation, to maintenance. When viewed in this context, they have considerable potential as a means of effecting comprehensive solutions.

### **Create a Futures (Joint Planning) Commission, Responsible for Long Range Comprehensive Planning**

The City of Spartanburg, Spartanburg County, Greer and a number of smaller municipalities in the county have planning commissions. Each is required under the Comprehensive Planning Enabling Act of 1994, to develop and maintain a *planning process*. But most are involved, not in planning, but in the formulation and administration of development regulations. Moreover, none of these agencies has county-wide

perspective. Their authority extends to the boundaries of their respective political jurisdictions.

Long range planning is an exercise in periodic updating of individual **Comprehensive Plans**. Long range planning, as such, is not a **process** as required by the 1994 State Planning Enabling Act.

An alternative to the current set up---one designed to establish long range comprehensive planning as a process---will involve restructuring the role and responsibilities of local planning commissions, as follows:

- (1) **Reestablish all local planning commissions as Land Use and Development Regulatory Advisory Commissions** to their respective communities.

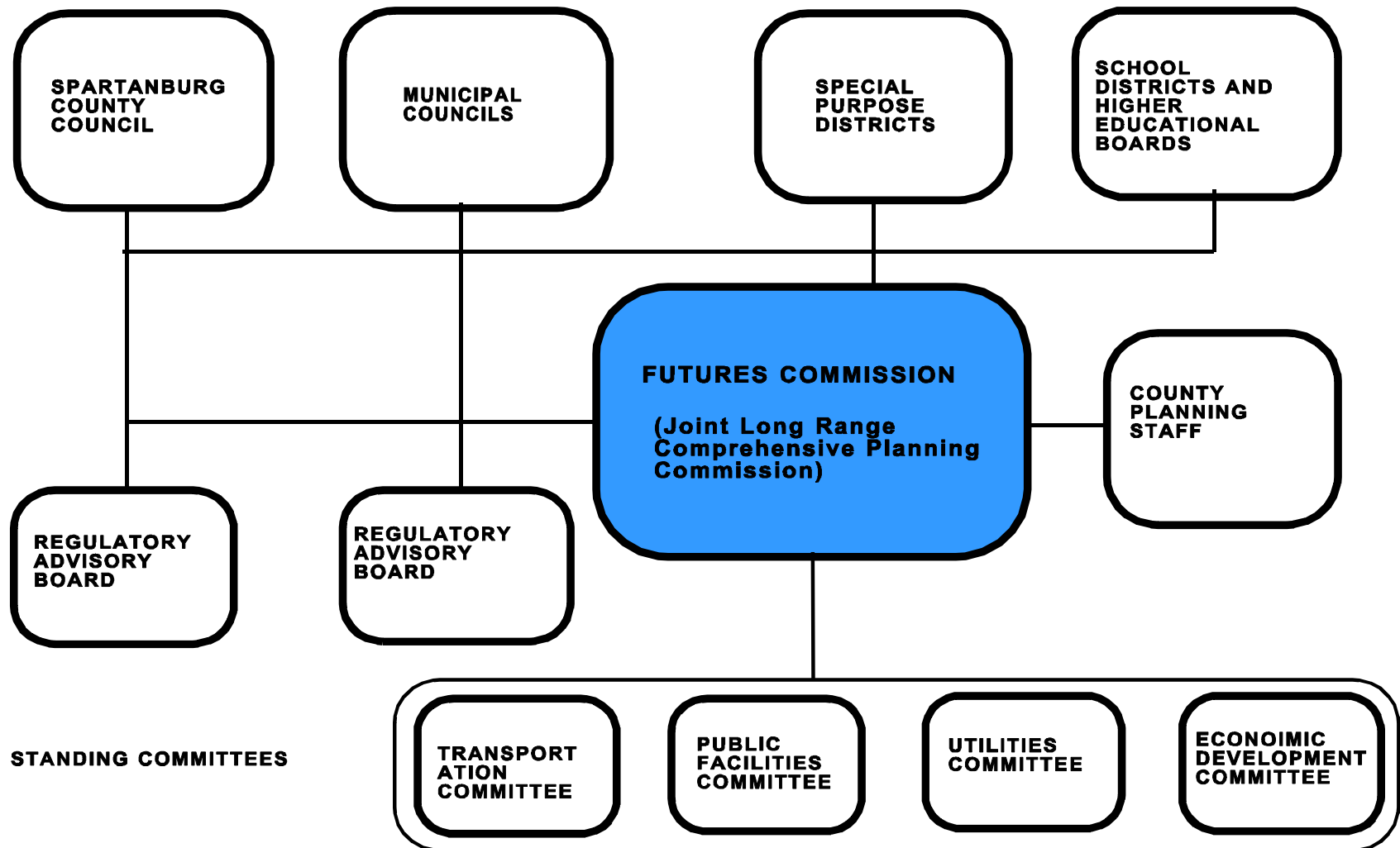
Remove from the planning commissions all long range comprehensive planning responsibilities, but retain all other responsibilities empowered by Title 6, Chapter 29 of the Code of Laws of South Carolina, i.e. drafting regulatory ordinances and assisting in the administration thereof, i.e. subdivision regulations, zoning , junk yard, noise, and other development regulations.

- (2) **Create through mutually executed agreements among all political subdivisions in the county a Joint Comprehensive Planning Commission, or Futures Commission** with geographic jurisdiction throughout Spartanburg County.

The assigned responsibility of the commission would be to establish and maintain a long range comprehensive planning process, as directed by the State Planning Code.

This would be a planning advisory commission to all political jurisdictions, boards and commissions operating in Spartanburg County. It would not be involved in regulatory matters except to advise local Development Regulatory Commissions (previously known as Planning Commissions) and Councils in restructuring development regulations and policies to carry out long range planning goals and objectives.

# COMPREHENSIVE PLANNING ORGANIZATIONAL STRUCTURE



Representation on the commission should ensure an equal voice to all participating governments, based on population. But perhaps even more important is the need for persons with visionary long range planning perspective.

- (3) **Enlist participation in the planning process by creating a subcommittee structure**, with membership from the educational community, special purpose districts, SPATS committee and economic development interest (Chamber of Commerce's), etc. as illustrated on the accompanying **Comprehensive Planning Organization Structure.**

### **Urban Service (Tax) Districts**

The creation of urban service districts, with taxing authority, could provide for the residents of greater Spartanburg and perhaps some of the smaller urban areas of the county, uniform delivery of urban services, which in most cases would also mean improved services in the unincorporated parts of such areas.

The disadvantages to this alternative are:

- (1) It would create another service provider, possibly overlapping one or more of the county's 46 existing SPDs (largest number in the state),
- (2) It would complicate and impede any attempts by local governments to annex, and
- (3) It would create a legislative quagmire dealing with the authority, jurisdiction and financial investments of existing service providers impacted by such a district.

Assuming these disadvantages could be overcome, an enlarged urban service district would simplify the delivery of urban services, equalize the cost, and establish a true urban service boundary, discerning between urban rural lifestyles and resources.

### **Governmental Mergers**

Perhaps the greatest incentive to governmental mergers is the issue of dual taxation or the elimination thereof. But an equally strong case could be

made for streamlining governmental services and improving efficiency of operation.

The merger of governmental entities in Spartanburg County need not lead to a single level of service or uniform taxation throughout the county. Such a move should be contingent on establishing a two-tier taxing system:

- A **General Service Tax District**, which would cover the entire geographic area of the county, and
- An **Urban Service Tax District**, which would include the urbanized areas of the county, as subsequently delineated.

Within the general service, tax district services which generally would extend to or be demanded by all citizens would be provided throughout the county, to include:

1. Jails and Detention Facilities
2. Courts
3. Property Assessment
4. Emergency Medical Services
5. Library Service
6. Solid Waste Disposal
7. Comprehensive Planning
8. Ordinance and Code Enforcement
9. Recreation
10. Street and Road Maintenance
11. Economic Development
12. Cultural Resources Support

Services to be provided in the Urban Service Tax District would include in addition to those provided in the general service tax district, the following:

1. Full-time Paid Fire Protection Service
2. High Level of Police Service
3. Street Lights
4. Traffic Signal Systems
5. Such other services as the governing body may determine are required in the Urban Service District

Having recommended as an alternative to the current political structure merging all local governments into a single political entity with county wide jurisdiction, we must now consider the mechanics of, and the inevitable political resistance to such a change.

The logistics of any move to consolidate should be studiously explored to determine:

- (1) Which of the county's 15 local governments should be Included in the merger?
- (2) The probable boundaries of tax service districts and what services should be provided in each district?
- (3) How to deal with general obligation bonds and indebtedness of local governments?
- (4) What to name the new political subdivision?
- (5) What the composition of the governing body should be?
- (6) Should the offices of auditor and treasurer be retained as elected offices?
- (7) How to deal with the municipal court system?
- (8) How to deal with law enforcement?
- (9) How to deal with boards and commissions operating under special state legislation?

To be sure the issues are complex, any one of which could derail the process. But it is worth investigating in the interest of better serving and meeting the needs of Spartanburg County residents.

Is the system that got us through this century adequate for the challenges posed by the next, or is it time for a change?