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S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2025-000790

South Carolina Public Interest
Foundation, Jim Mann, David
Dial, Rachel Moore, Terri
Meyerring, Carl Meyerring,
Doug Muzik, Bruce Burrell,
India Lancaster, John Wagner,
Gwen McPhail, Lillian Lusk,
and Linda Love, on behalf of all
others similarly situated,

Appellants-Respondents,

v.

Oconee County,

Respondent-Appellant.

NOTICE OF APPEAL

Oconee County hereby appeals certain portions of the Order of the Honorable R. Lawton McIntosh filed on March 11, 2025, namely, the rulings set forth in subparts I and II of the Order's Conclusions of Law section. A copy of the Order is attached to this Notice. Oconee County received a notice of appeal from Appellants-Respondents on April 24, 2025.

[Signature Page Follows]

Respectfully submitted,

/s/ Lane W. Davis

William W. Wilkins (SC Bar No. 6112)
BILLY WILKINS LAW, LLC
212 East Park Avenue
Greenville, SC 29601
Telephone: 864.616.9866
Billy@billywilkinslaw.com

Lane W. Davis (SC Bar No. 68796)
Konstantine P. Diamaduros (SC Bar No. 102231)
MAYNARD NEXSEN PC
PO Box 10648
Greenville, SC 29603-0648
Telephone: 864.370.2211
LDavis@maynardnexsen.com
KDiamaduros@maynardnexsen.com

Attorneys for Respondent-Appellant Oconee County

April 25, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

South Carolina Public Interest Foundation,
Jim Mann, David Dial, Rachel Moore, Terri
Meyerring, Carl Meyerring, Doug Muzik,
Bruce Burrell, India Lancaster, John Wagner,
Gwen McPhail, Lillian Lusk, and Linda Love,
on behalf of all others similarly situated,

Plaintiffs,

v.

Oconee County,

Defendant.

IN THE COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT

C.A. No. 2024-CP-37-00202

ORDER

This matter came before the Court upon Defendant Oconee County’s (“Defendant” or “Oconee County” or “the County”) Motion for Alteration and Amendment (“Motion”) of the Court’s prior July 29, 2024 Order, along with its superseding Order dated August 12, 2024 (together as, “Order”). The County brought its Motion pursuant to Rules 52(b) and 59(e) of the South Carolina Rules of Civil Procedure (“SCRPC”), and the Court’s inherent authority to alter, amend, and reconsider its own Orders. The Court held a hearing on Defendant’s Motion on January 30, 2025. James G. Carpenter of the Carpenter Law Firm, PC appeared on behalf of Plaintiffs. William W. Wilkins of Billy Wilkins Law, LLC and Lane W. Davis of Maynard Nexsen, PC appeared on behalf of the County.

Based upon the pleadings, filings, arguments of counsel, and the authorities cited by the Parties, the Court makes the following rulings:

1. The Court **GRANTS** Oconee County’s Motion for Alteration and Amendment of the Court’s prior Order.
2. The Court **VACATES** its prior Order in its entirety.

3. The Court **DENIES** Plaintiffs' Motion for Preliminary Injunction.
4. The Court **GRANTS** Defendant's Motion to Dismiss.

STATEMENT OF THE FACTS

On November 2, 2023, the County issued \$25,000,000 in General Obligation Bonds (the "2023 Bonds"). As part of their issuance, Oconee County Council authorized the 2023 Bonds after unanimously enacting Oconee County Ordinance 2023-13 ("Bond Ordinance").¹ The 2023 Bonds were issued for the purpose of "(i) designing, acquiring, constructing, installing, equipping or rehabilitating various capital projects, including wastewater improvements and related equipment, and other capital projects, together with all appurtenances necessary, useful or convenient for the maintenance and operation of same," and "(ii) paying costs of issuance of the Bonds." *See* Official Statement for 2023 Bonds.²

On March 17, 2024, Plaintiffs filed this action seeking declaratory judgment and injunctive relief against Oconee County relating to the 2023 Bonds. In their Complaint, Plaintiffs allege Defendant has violated the South Carolina Constitution because the County intends to allocate the bond proceeds ("Bond Allocations") for capital projects ("Bond Capital Projects") involving the construction of sewer infrastructure, which Plaintiffs claim will only benefit citizens residing in southern Oconee County. *See* Compl., ¶¶ 16, 25, 29-31. Based upon such premise, Plaintiffs maintain the County "cannot lawfully use the proceeds of the 2023 Bonds for wastewater improvements, and pledge the full faith, credit, and taxing power of the entire County." *Id.*, ¶ 29.

¹ Unanimous enactment of the Bond Ordinance followed three public hearings respectively held on July 18, 2023, August 15, 2023, and September 5, 2023. *See* Answer, Attach. Ex. B, Meeting Minutes.

² The County filed the records from the bond proceedings with the Office of the Clerk of Court of Oconee County on November 8, 2023, which were then indexed in a special book kept for that purpose. *See* Answer, Attach. Ex. A, Certificate of Clerk.

Specifically, Plaintiffs assert the County has violated Article X, § 12 of the South Carolina Constitution (“Article X, § 12”), which states:

No law shall be enacted permitting the incurring of bond indebtedness by any county for sewage disposal or treatment, fire protection, street lighting, garbage collection and disposal, water service or any other service or facility benefitting only a particular geographical section of the county unless a special assessment, tax or service charge in an amount designed to provide debt service on bond indebtedness or revenue bonds incurred for such purposes shall be imposed upon the area or persons receiving the benefit therefrom.

Id., ¶¶ 18, 30. According to Plaintiffs’ reasoning, because the Bond Capital Projects would benefit only certain citizens in a “particular geographical section of the county,” if Oconee County “want[ed] to provide sewer services and support such activities with a tax or special assessment, the [C]ounty [was] required to create a special taxing district ... [and] may thereafter impose a uniform rate of taxation within the special taxing district.” *Id.*, ¶ 20.

In response to Plaintiffs’ Complaint, Oconee County filed its Answer on April 19, 2024 with various attachments. On April 24, 2024, the County filed a Motion for Judgment on the Pleadings raising various issues including *inter alia*: standing, statutory time limitations, and failure to state claims capable of supporting relief. Plaintiffs then filed a Motion for Temporary, Preliminary, and Permanent Injunction on July 3, 2024.

Oconee County disputes that Plaintiffs possess standing to bring their lawsuit and also argues their legal action is otherwise statutorily time-barred under S.C. Code §11-15-30. However, even if Plaintiffs had standing to bring their lawsuit and had timely done so, Oconee County denies the Bond Capital Projects would confer benefits only upon citizens in the southern portion of the County. According to Defendant’s reasoning, Plaintiffs take an overly narrow view of the benefits the Bond Capital Projects will confer upon all County citizens.

In this regard, Defendant points, in part, to Oconee County Resolution 2024-18. *See* Def. Memo. in Supp. (Nov. 8, 2024), Attach. Ex. F (Cnty. Res. 2024-18, p. 2, ¶1) (cited hereinafter only as, “Bond Resolution”). As confirmed and reflected by the Bond Resolution, Defendant argues the Bond Capital Projects will, in fact, confer substantial benefits on all Oconee County citizens. Moreover, Defendant argues the authority to make such determinations falls squarely within Oconee County Council’s legislative discretion and its legislative enactments are presumed both constitutional and lawful absent a showing beyond a reasonable doubt to the contrary. *See* Def. Memo. in Supp. at 16-19; Bond Resolution at 2, ¶1.

Oconee County indicates the Bond Capital Projects, as authorized by the Bond Ordinance, confer substantial benefits upon all County citizens, including but not limited to: a countywide reduction of groundwater contamination preserving drinking water sources for all citizens; a countywide reduction in effluent in Lake Hartwell preserving the County’s natural water sources for recreation, irrigation, water supply, and redundant water supply sources for all citizens; a countywide improvement of economies of scale reducing costs per user for utilities (including but not limited to sewer) for all citizens; an increase in commercial and industrial users conferring various economic benefits for all citizens; a countywide fulfillment of economic growth needs discerned from several decades of economic studies needed to grow the County’s economy for all citizens; and relatedly a countywide increase in economic growth attracting job opportunities, increasing the tax base, increasing property values, retaining local talent, and promotion of secondary markets for all citizens. Bond Resolution at 3-8.

Based upon such factors, as discerned by Defendant, in part, from multiple economic studies that it historically conducted over the course of several decades and then reaffirmed through sworn declarations, County Council, exercising its legislative discretion, determined the Bond

Capital Projects conferred substantial benefits upon all County citizens when enacting the Bond Ordinance and reaffirming the same in the Bond Resolution. *See* Bond Resolution at 2, ¶1.³ And, so long as the exercise of such legislative discretion proves fairly debatable, the County, in turn, argues South Carolina law constrains the Court from substituting its judgment for that of County Council’s legislative decision-making, which must remain undisturbed. *See, e.g.*, Def. Memo. in Supp. (Nov. 8, 2024) at 17, n.22.

The Court held an initial hearing on the Parties’ initial motions (*i.e.*, Defendant’s Motion to dismiss and Plaintiffs’ Motion for Preliminary Injunction) on July 17, 2024. On July 29, 2024, the Court issued a Form 4 Order, which concluded: (1) the County may not use bond revenues for sewer projects that will only benefit the southern part of the County while taxing the entire County; (2) the County must create a special tax district specific to the area that stands to benefit; and (3) the case is not on “account of the issuance” of bonds which would be barred by S.C. Code Ann. § 11-15-30, but rather concerns the “use” of bond money for unconstitutional purposes. Form 4 Order (July 29, 2024), at 1. The Court’s Form 4 Order also asked Plaintiffs’ counsel to prepare a formal order. *Id.* On August 9, 2024, the Court signed Plaintiffs’ proposed Order Granting a Temporary Injunction and Denying Defendant’s Motion for Judgment on the Pleadings.

The County’s instant Motion followed and was filed on August 22, 2024. The Court then held a hearing on Defendant’s Motion on January 30, 2025. In its Motion for Alteration and Amendment of the Court’s previous Order, Oconee County moved the Court to vacate its Order and enter judgment in its favor as a matter of law based upon the record before it. For the reasons set forth below, the Court **GRANTS** Defendant’s Motion.

³ Oconee County Council considered sworn declarations from a professional engineer, a long-time Director of Economic Development in Oconee County, and the Oconee County Administrator.

CONCLUSIONS OF LAW

Oconee County's Motion raises several issues. Below, the Court addresses the Parties' positions as to those arguments and sets forth its rulings upon the same:

I. The Common Law Public Importance Exception Confers Standing Upon Plaintiffs.

Oconee County first refutes Plaintiffs' standing to maintain the instant lawsuit. According to Oconee County, the South Carolina Supreme Court's decision in *ATC South, Inc. v. Charleston County* held only three paths exist for a litigant to establish standing. 380 S.C. 191, 198, 669 S.E.2d 337, 340-41 (2008). They include: (a) by pleading and thereafter proving particularized harms sufficient to show constitutional standing; (b) by invoking a statute conferring standing; or (c) by fulfilling the rigorous showing needed to meet the public importance exception. *Id.*; see also Def. Mot. at 2 (citing *Freemantle v. Preston*, 398 S.C. 186, 728 S.E.2d 40 (2012)). Thus, the County first cites both the *ATC* and *Freemantle* decisions as authority for rejecting Plaintiffs' attempt to invoke taxpayer standing as a fourth basis to bring the instant lawsuit. Def. Mot. at 2.⁴

Based upon the foregoing reasoning and because Plaintiffs otherwise invoke neither constitutional nor statutory standing, Oconee County next focuses upon the public importance exception to standing, a common law doctrine. *Id.* at 3-4. Citing S.C. Code § 11-15-30 ("Section 11-15-30"), Oconee County argues Plaintiffs cannot invoke the public importance exception where, as here, the General Assembly has legislatively determined the need for finality in the context of bonds outweighs any potential benefit achieved by way of future judicial guidance after twenty days have lapsed following the indexing of the bond transcript records. *Id.* (citing Section 11-15-30 ("No action shall be commenced on account of the issuance of any such bonds after the

⁴ Even if taxpayer standing exists in South Carolina, which Defendant denies, Oconee County still contests the South Carolina Public Interest Foundation ("SCPIF"), a nonprofit entity that does not pay taxes, could somehow invoke it.

expiration of twenty days from the date of the filing and indexing of such records....”). However, as discussed below, the Court disagrees Section 11-15-30 applies to this lawsuit and further agrees with Plaintiffs that their action raises an issue of such public importance as to necessitate its resolution for future guidance. *See, e.g., Baird v. Charleston County*, 333 S.C. 519, 531, 511 S.E.2d 69, 75 (1999); *see also* Pl. Opp. Memo. (Jan. 28, 2025) at 8-9. Accordingly, the Court finds Plaintiffs have standing to maintain this action pursuant to the public importance exception.

II. Section 11-15-30 Does Not Apply to Plaintiffs’ Lawsuit, Which Challenges the Use of Bond Proceeds, Not the Issuance of the Bonds Themselves.

As noted, one of Defendant’s principal arguments is that the twenty-day time limitation set forth in Section 11-15-30 bars Plaintiffs’ lawsuit. Section 11-15-30 states:

No action shall be commenced on account of the issuance of any such bonds after the expiration of twenty days from the date of the filing and indexing of such records as prescribed by §§ 11-15-10 and 11-15-20, and such bonds so issued, when in the hands of a *bona fide* purchaser for value, shall be incontestable, but the period within which such actions may be commenced shall not begin to run until such records have been filed as herein prescribed.

Plaintiffs do not and cannot contest they brought this action well after expiration of the time period specified by Section 11-15-30. According to Plaintiffs, however, their lawsuit falls outside of the scope of Section 11-15-30 because they challenge the County’s use of bond proceeds, not the issuance of the bonds as contemplated by the statute. Pl. Opp. Memo. (Jan. 28, 2025) at 4-5. As a result, Plaintiffs argue their lawsuit was timely, as the time limitation of Section 11-15-30 does not apply. *Id.*

By contrast, the County argues the time limitation in Section 11-15-30 applies for two reasons. First, the Bond Ordinance specifically authorizes the County’s intended uses of the bond proceeds (*i.e.*, for use on the Bond Capital Projects) as challenged by Plaintiffs and, thus, a constitutional challenge to those Bond Capital Projects necessarily challenges the Bond

Ordinance's constitutionality. In turn, a challenge to the Bond Ordinance's constitutionality necessarily challenges the 2023 Bonds' issuance, since those bonds could not legally issue but for the Bond Ordinance's enactment. *See* Def. Memo. in Supp. (Nov. 8, 2024) at 14-16.

In this regard and during the hearing, the County distinguished the situation where a plaintiff challenges the constitutionality of a local government's use of bond proceeds for purposes falling outside the ambit of the enabling bond ordinance's authorization. In such a scenario, according to the County, a plaintiff's challenge to such unauthorized uses would not challenge the enabling ordinance and, therefore, would not implicate the legality of the bonds' "issuance." But, here, the County argues that is not the case since Plaintiffs constitutionally challenge the County's intended use of the Bond Proceeds, as *authorized* by the enabling Bond Ordinance. In this scenario, the County contends Plaintiffs' lawsuit necessarily also challenges the Bond Ordinance's constitutionality, which in turn, necessarily challenges the legality of the 2023 Bonds' issuance, which could not legally occur absent the Bond Ordinance's enactment. *Id.* Thus, the County maintains that Plaintiffs' instant challenge to the "use" of Bond Proceeds inextricably intertwines with the issuance of the 2023 Bonds and falls beneath Section 11-15-30 and its time limitation.

Second, Oconee County contends the South Carolina Supreme Court considered and rejected an almost identical argument to that of Plaintiffs in the decision of *S.C. Pub. Interest Found. v. Calhoun Cnty. Council*, 432 S.C. 492, 854 S.E.2d 836 (2021). *See* Def. Mot. at 5; Def. Memo. in Supp. (Nov. 8, 2024) at 15, n.16; Def. Supp. Memo. (Jan. 24, 2025) at 1-8. In *Calhoun County*, as it similarly does here, SCPIF attempted to distinguish between a challenge to the issuance of tax and the use of tax proceeds. Under the facts of that case, which have similarities to this case but are not identical, the *Calhoun County* Court rejected the distinction urged, here, by Plaintiffs.

The Court finds Plaintiffs’ construction of Section 11-15-30 more persuasive than that of Defendant. While the statute itself does not define the terms, a plain reading of Section 11-15-30 indicates the provision only applies to actions brought “on account of the issuance” of bonds and not the “use” of bond proceeds. The remaining language in Section 11-15-30 states, “such bonds so issued, when in the hands of a *bona fide* purchaser for value, shall be incontestable...” and validates such a construction, as does the holding of *Morgan v. Feagin*, 230 S.C. 315, 317, 95 S.E.2d 621, 622 (1956) (finding “[p]urchasers of bonds could hardly be found if the bonds in their hands were subject to attack for alleged illegality in the proceedings” and “that sales of bonds are frequently timed to take advantage of a favorable market, which might well be hindered by long delay”). As a result, the Court adopts Plaintiffs’ construction of Section 11-15-30 over that urged by Defendant.

III. Oconee County’s Intended Use of the Bond Proceeds Confers Benefits Upon All County Citizens.

As referenced above, Plaintiffs allege Oconee County violated Article X, § 12. *See* Compl.,

¶ 18. Article X, § 12 states:

No law shall be enacted permitting the incurring of bonded indebtedness by any county for sewage disposal or treatment, fire protection, street lighting, garbage collection and disposal, water service or any other service or facility benefitting only a particular geographical section of the county unless a special assessment, tax or service charge in an amount designed to provide debt service on bonded indebtedness or revenue bonds incurred for such purposes shall be imposed upon the area or persons receiving the benefit therefrom.

According to Plaintiffs, Oconee County’s plans to expend Bond Proceeds on sewer infrastructure in the southern part of the County will not benefit all County citizens but only those residing nearby.

In this regard, Plaintiffs cite various examples of County citizens whom they contend will receive no benefit from the County’s plans to expend the Bond Proceeds on the new sewer

infrastructure. *See* Compl., ¶¶ 22-25. They include: citizens residing within the municipalities of Seneca, Walhalla, and Westminster where sewer infrastructure already exists; citizens residing in the mountainous part of the County and primarily served by septic tanks; and upscale neighborhoods around Lake Keowee that are served by privately owned sewer systems. *Id.* Based upon this premise, Plaintiffs conclude the County’s stated intent to use the Bond Proceeds for the new sewer infrastructure violates Article X, § 12. *See* Compl., ¶¶ 29-30. To support such conclusion, Plaintiffs cite the decision of *Robinson v. Richland County Council*, 293 S.C. 27, 358 S.E.2d 392 (1987) (finding a downstream increase in property values in adjoining areas due to new sewer lines as insufficient benefit to satisfy Article X, § 12).

Oconee County, by contrast, does not dispute its intent to use bond proceeds to build sewer infrastructure in the southern portion of the County (*i.e.*, the Bond Capital Projects). However, Oconee County *does* dispute that such infrastructure would not directly confer substantial benefits upon all County citizens, the actualization of which it cites as its intent from inception. *See* Def. Memo. in Supp. (Nov. 8, 2024) at 16-19. As an initial matter, the County cites the decision of *Casey v. Richland County Council*, 282 S.C. 387, 390, 320 S.E.2d 443, 444 (1984)⁵ for the proposition that construction of sewer infrastructure in a specific location within a county can, in fact, confer benefits upon all county citizens, despite Plaintiffs’ contrary arguments. *Compare* Def. Memo. in Supp. (Nov. 8, 2024) at 18-19, *with* Pl. Memo. in Opp. (January 28, 2025) at 7.⁶

⁵ *Id.* (holding “[t]he benefit of improved sanitary conditions would inure to all 269,735 residents of Richland County,” including those residing in Columbia, East Richland, and those with private wells and septic tanks).

⁶ At bottom, the fundamental tension between the parties’ respective positions, as illustrated by the respective holdings of *Robinson* and *Casey*, turns upon whether the County’s citizens as a whole accrue “benefits” such that Article X, § 12 is satisfied.

And, here, Oconee County Council has made specific findings about the benefits conferred upon its citizenry.

The Oconee County Bond Ordinance, which Plaintiffs integrally rely upon when pressing their claims for relief, *see, e.g.*, Compl., ¶¶ 27, authorized revisions to the Bond Capital Project descriptions set forth in the Bond Ordinance by subsequent resolution of County Council so long as such updates did not somehow alter the fixed face value or “par amount” of the Bonds (*i.e.*, \$25,000,000.00). *See* Ordinance 2023-13, § 20. On November 4, 2024, Oconee County Council adopted Resolution 2024-18 (previously designated as, “Bond Resolution”), updating the Bond Capital Project descriptions from the Bond Ordinance and providing more detailed descriptors for the Bond Capital Projects for which the County intended to use Bond Proceeds. *See, e.g.*, Bond Resolution, at 2, ¶ 1.⁷

When adopting the Bond Resolution, Oconee County Council specifically “reaffirm[ed] its prior legislative intent and findings, when enacting Ordinance No. 2023-13,” and again concluded “the Bond Ordinance, Bond Proceeds, and Bond Allocations, as originally contemplated and adopted, would confer substantial benefits upon the County’s citizenry as a whole.” *Id.* at 3, ¶ 3. In this regard, County Council specifically found the intended capital projects would confer upon all County citizens the following substantial benefits (“Bond Benefits”):

- Countywide reduction of groundwater contamination:

Decreased reliance upon septic tanks resulting in a reduction of groundwater and surface water contamination and their impact upon drinking water sources for “all Oconee County residents, not just those residing in the southern part of the County.” *Id.* at 4.

⁷ While unnecessary in relation to the legislative acts of a constituted public body, Oconee County has asked the Court to take judicial notice of Oconee County Resolution 2024-18, along with the content and legislative findings set forth therein, pursuant to SCRE 201(a) & (d), which the Court has done. *See* Def. Suppl. Memo. (January 24, 2025) at 3, n.2.

- Countywide reduction of effluent into Lake Hartwell:

Preservation of the County's natural water sources by reducing the "discharge [of] sewer effluent into Lake Hartwell." *Id.* Such benefit reaches all Oconee County citizens who use the lake for recreation, irrigation, and a source of water. *Id.* Such projects will continue to make such resources available to all County citizens, "both directly and by way of redundant water supply sources in the event of the intermittent unavailability of other sources." *Id.*

- Countywide improved economies of scale:

Installation of additional public sewer infrastructure will increase the number of users of existing utilities, including but not limited to public sewer systems, thereby decreasing the costs per user to deliver such services, thereby conferring countywide benefits to Oconee citizens. *Id.* at 5.

- Countywide attraction of commercial or industrial utility users:

The intended capital projects will likely increase the number of commercial utility users, thereby spreading the economic burden, benefitting residential users, and decreasing default risks, which confers benefits upon all County citizens. *Id.* at 6.

- Countywide fulfillment of long-recognized economic growth needs:

For several decades, historical studies have all indicated that the intended capital projects are required to promote economic growth in Oconee County. Without such projects, the County has lost serial economic development opportunities, which would have economically benefited citizens countywide. *Id.* at 7.

- Countywide increased economic activity:

The intended capital projects will result in economic growth resulting in job opportunities, increased property values, increased revenues to the County thereby resulting in the availability of enhanced public services needed by County citizens throughout Oconee County. *Id.* Enhanced economic growth, in turn, will allow all County citizens to benefit from an ability to retain local talent, increased tax base, and promotion of secondary markets. As Governor McMaster noted, "[t]he right water and sewer systems can transform a tax base. That means jobs, good schools, strong families, and a safe and vibrant community." *Id.* at 7-8. Based upon those items, County Council concluded the Bond Allocations for the intended capital projects would accomplish such goals and benefit all County citizens. *Id.*⁸

⁸ In this regard, County Council considered three sworn declarations: one from a licensed engineer, one from the former Director of the Oconee County Economic Alliance Director, and one from the Oconee County Administrator.

Under South Carolina law, Oconee County argues that the exercise of its legislative authority, particularly when related to its police power, garners a presumption of validity and is only subject to judicial correction when arbitrary and without reasonable relation to a lawful purpose. *See* Def. Memo. in Supp. (Nov. 8, 2024) at 17, n.22; *Bear Enters. v. County of Greenville*, 319 S.C. 137, 141, 459 S.E.2d 883, 886 (Ct. App. 1995) (“[t]he decision of [a] legislative body is presumptively valid and [Plaintiffs shoulder] the burden of proving otherwise.”); *Lenardis v. City of Greenville*, 316 S.C. 471, 471, 450 S.E.2d 597, 597 (Ct. App. 1994); *see also* *G. Curtis Martin Inv. Tr. v. Clay*, 274 S.C. 608, 612, 266 S.E.2d 82, 85 (1980) (decisions relating to sewer service implicate local government’s police power); *Town of Hilton Head Island v. Fine Liquors, Ltd.*, 302 S.C. 550, 554, 397 S.E.2d 662, 664 (1990). According to Defendant, “If the propriety of [Oconee County] Council's decision is even ‘fairly debatable,’ [this Court] cannot inject [its] judgment into a review of [the Council’s] decision, but must leave that decision undisturbed.” *Bear Enters.*, 319 S.C. at 140, 459 S.E.2d at 885 (citing *Lenardis*, 316 S.C. at 472, 450 S.E.2d at 598). Moreover, “[a] legislative act will not be declared unconstitutional unless its repugnance to the constitution is clear and beyond a reasonable doubt.” *Joytime Distributors & Amusement Co., Inc. v. State*, 338 S.C. 634, 640, 528 S.E.2d 647, 650 (1999). In relation to the Bond Benefits, the Court agrees with Oconee County.

The Court finds that in its capacity as a legislative body, Oconee County Council enacted the Bond Ordinance in connection with the issuance of the 2023 Bonds. In so doing, County Council determined such course of conduct would, in fact, confer substantial benefits upon all County citizens in the form of the Bond Benefits. The Court further agrees with the County that the legislative acts of local government bodies are presumed both valid and constitutional.

Based upon the record before it, the Court finds that the Bond Ordinance, the Bond Resolution, and the Bond Capital Projects operate to confer substantial benefits upon Oconee County's citizens as a whole, such that no violation of Article 10, § 12 has occurred. The Court further finds Oconee County Council determined that its citizens, as a whole, would obtain such substantial benefits from the Bond Capital Projects based upon a series of economic studies conducted over several decades, along with the sworn declarations of a professional engineer, a former economic development director, and the County Administrator. On that backdrop, the Court finds the legislative decision-making of the County Council was, at a minimum, "fairly debatable," and, therefore, declines to second-guess the legislative decisions and acts made by public officials, duly elected to make such decisions, while sitting on a constituted public body during successive public meetings. Accordingly, the Court finds Plaintiffs' Complaint fails to state claims capable of supporting the relief they request.

1. The Court **GRANTS** Oconee County's Motion for Alteration and Amendment of the Court's prior Order.
2. The Court **VACATES** its prior Order in its entirety.
3. The Court **DENIES** Plaintiffs' Motion for Preliminary Injunction.
4. The Court **GRANTS** Defendant's Motion to Dismiss.

SO ORDERED this ___ day of _____, 2025.

R. Lawton McIntosh
Circuit Judge Presiding



Oconee Common Pleas

Case Caption: South Carolina Public Interest Foundation , plaintiff, et al VS Oconee County
Case Number: 2024CP3700202
Type: Order/Other

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH