



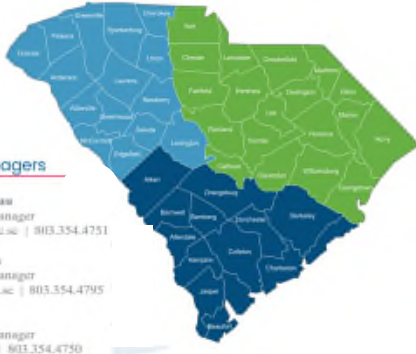
CRITICAL REQUIREMENTS FOR EVERY MUNICIPALITY

Small City Summit

July 27, 2023


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Civility Campaign

Pillars of Civility



Be the leader to listen and to speak.	Communicate on what you know. Be consistent and avoid spreading rumors.	Act on your shared respect. Acknowledge to act in your forms.
Make your voice on civility from our shared people. Act to follow.	Take time to volunteer. Get to know your neighbors.	Ask yourself how to best. Answer questions with respect.
Communicate our values. Meet. Meet.	Ask what will persuade people. If you cannot find a way to reach out, find a way.	Make your presence known. The world is a better place.





FORMS OF GOVERNMENT



Know Your Form of Government


Three forms of municipal government:

- Mayor-Council - [Title 5, Chapter 9](#)
- Council - [Title 5, Chapter 11](#)
- Council-Manager - [Title 5, Chapter 13](#)




Know Your Form of Government

Council form	Mayor-Council Form	Council-Manager Form
Powers of Mayor		
Presides over meetings by tradition, council can name another presiding officer.	Presides over meetings by law.	Presides over meetings by tradition, council can name another presiding officer.
Votes as member of council, performs administrative duties only if authorized by council. The mayor has no further authority beyond other councilmembers.	Votes as member of council. Acts as chief administrative officer, appointing and removing employees subject to personnel rules adopted by council, supervising departments, preparing budgets and capital programs for council, makes annual financial report to public and council, and reports on department operations to council.	Votes as member of council. The mayor has no further authority beyond other councilmembers.
<small>All three forms: May call special meetings, designates temporary judge.</small>		



Know Your Form of Government

Council form	Mayor-Council Form	Council-Manager Form
Powers of Council		
Has all legislative, policy and administrative power.	Has all powers not otherwise provided for by law.	Has all legislative and policy powers.
May hire administrator to assist council, may appoint officer to administer departments subject to council direction.	May employ administrator to assist mayor.	Employs manager, appoints temporary manager.
Appoints municipal clerk, attorney and judge.	Appoints municipal clerk, attorney and judge.	Appoints attorney and judge.
Prepares and adopts a balanced budget.	Adopts a balanced budget.	Adopts a balanced budget.
<i>All three forms: Establishes departments and functions, investigates departments, elects mayor pro tempore, may call special meetings.</i>		



Know Your Form of Government

Council form	Mayor-Council Form	Council-Manager Form
Powers of Administrator or Manager		
If appointed, has only the authority delegated by council.	If appointed, has only the authority delegated by council.	Is chief executive and head of the administrative branch. Appoints, sets salaries and removes employees, including municipal clerk. Prepares and administers the budget, advises council on departments and appointments.



Know Your Form of Government

SECTION 5-7-190. Mayor pro tempore elected from council membership.

Immediately after any general election for the municipal council, the council shall elect from its membership a mayor pro tempore for a term of not more than two years. The mayor pro tempore shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the office of mayor, the mayor pro tempore shall serve as mayor until a successor is elected.





MUNICIPAL ELECTIONS



Municipal Elections

Municipal Election Commission Handbook

December 2017


Executive preface

The Municipal Election Commission, comprising the Municipal Association of South Carolina and the South Carolina State Election Commission, develops information and provides for municipal election administration, including both technical and general information.

This handbook has been updated and revised to reflect the most current, statutory information or changes and is intended for the use of municipal election administrators.


While the content of this handbook reflects the current information provided to the public, it is not intended to be a legal document and should not be used as a substitute for legal advice. It is intended to be a general guide only.

The content of this publication may vary from the actual law due to the nature of the information provided. The Municipal Association of South Carolina, South Carolina State Election Commission, and the Municipal Election Commission are not responsible for any errors or omissions in this publication. The Municipal Election Commission is not responsible for any errors or omissions in this publication.



Municipal Elections

- State law states that each municipality shall provide for the election of its council by ordinance (Title 5, Chapter 15)
- Elections shall be conducted pursuant to Title 7 except as otherwise provided
- Appoint, train, and monitor Municipal Election Commission.
- If you have delegated election functions to County Election Commission, coordinate with them
- Have clear requirements to declare for office.
- Be prepared for appeal process





MEETINGS AND LEGISLATION



Municipal Meetings & Legislation




Municipal Meetings & Legislation

Meeting: FOIA defines as the convening of a quorum of the public body. Sec. 30-4-20(d).

Quorum: A majority of the total membership of the council must be present to transact business. Sec. 5-7-160 and 30-4-20(e).

Voting: May be cast by voice, hand, or roll call.

Voting: Must be present to vote; no proxies; and no secret ballots.



Municipal Meetings & Legislation

Five Types of Meetings Identified In State Law:

1. Regular council meeting
2. Special meeting
3. Emergency meeting
4. Public hearings
5. Executive sessions

- Meetings are a vehicle for achieving certain goals.
- Important that council selects the right type of meeting.
- Location and environment are important as well.



Municipal Meetings & Legislation

Common Problems:

- Failing to give reason for executive session
- Discussing matters in executive session that were not publicly stated
- Failing to give notice of work session
- Boards, commissions, committees, etc. must comply with FOIA too
- The "is it a committee or council meeting" conundrum



Municipal Meetings & Legislation

Ordinance

- Law made by a Council. Two readings on two separate days with at least six days between each reading. An adopted ordinance can only be amended by another ordinance.

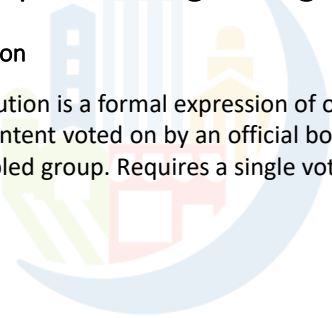
Annexation	Set Salary of Council	Conduct elections
Adopt Standard Codes	Rules of Procedure	Comp plan, zoning, land development
Establish/Abolish Dept	Est. fine or penalty	Borrow money
Annual budget	Sell or lease land	



Municipal Meetings & Legislation

Resolution

A resolution is a formal expression of opinion, will or intent voted on by an official body or assembled group. Requires a single vote.






MUNICIPAL FINANCE



General Fund

Municipal Revenue Sources

- Property Taxes
- Brokers & Insurance Tax, Telecommunications Tax (LRS)
- Permit Fees
- Local Government Fund (State Aid to Subdivisions)
- Business Licenses
- Franchise Fees
- Local Option Sales Tax (Property Tax and Municipal Revenue Fund)



Limitations on General Revenue

- Increase in millage rate limited to CPI + population growth (few exceptions)
- New Service or User Fee requirements
- Revenue restricted to pay costs of service or program for which the fee is paid



Special Funds



Limitations on Special Source Revenue Funds

- State Accommodations Tax
- Statutory restrictions
 - State definition of tourism related expenditures
- Local Accommodations and Hospitality Tax
- Local definition of tourism related expenditures
- Victims Assistance
- Statutory restrictions



Annual Budget and Finance Requirements

- Annual budget adopted by ordinance after a public hearing
- Newspaper notice minimum 15 days in advance of public hearing
- Complete independent financial audit
- Submit annual Local Government Finance Report
- Penalties for non-compliance



Finances/Budget

- Before adoption of a budget ordinance **Sec. 5-7-260**, state law requires:
 - Advertisement *Follow exactly!* **Sec. 6-1-80**
 - Public hearing

Public Notice
Hearing on municipal budget

Pursuant to Section 5-1-80 of the S.C. Code of Laws, public notice is hereby given that the council for the (Town/City) of _____ will hold a public hearing on the municipal budget for the _____ fiscal year on _____ (date) of _____ (year) (place).

Current Fiscal Year Revenue	Projected Revenue 2023-2024	Percentage Change in Revenue	Current Fiscal Year Debt
\$ _____	\$ _____	% _____	\$ _____

Current Fiscal Year Expenditures	Projected Expenditures 2023-2024	Percentage Change in Expenditures	Estimated Millage Rate 2023-2024
\$ _____	\$ _____	% _____	% _____

*Estimated Millage Rate is _____ per \$100 of Assessed Property Value



Borrowing Requirements


- Cannot just get a bank loan.
- Borrowing requires an ordinance.
- The borrowing must be in the form of a bond.
- You must specify the source of payment for the bonds – taxes or special revenues.
- For bonds payable from taxes, there is a debt limit.




Purchasing Requirements

- S.C. Code Sec. 11-35-5320 requires that “political subdivisions of the State shall adopt ordinances or procedures embodying sound principles of appropriately competitive procurement”;
- Can *and should* identify exceptions to competitive bidding (i.e. state contract, sole-source)
- MASC’s Model Procurement Ordinance (www.masc.sc keyword search “Model Procurement Ordinance”).


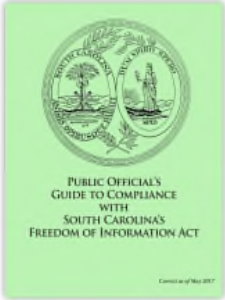





FREEDOM OF INFORMATION ACT



Freedom of Information Act (FOIA)



Freedom of Information Act (FOIA)

A Public Record is Defined as

- Any record regardless of form: books, papers, maps, photographs, cards, tapes, recordings, computer records.
- Any record prepared, owned, used, or in the possession of a public body.



Freedom of Information Act (FOIA)

Public Records Exempt from Disclosure

- Trade secrets;
- Information of a personal nature which would be an unreasonable invasion of personal property;
- Correspondence from an attorney;
- Documents concerning proposed contracts or proposed property transactions; and
- Other minor exemptions.



Freedom of Information Act (FOIA)

About FOIA Requests

- The public and the press can request a public record in writing under FOIA.
- One can request a public record in electronic format. The public body is not required to create an electronic version of the public record.
- Individuals incarcerated are barred from submitting FOIA requests.



Freedom of Information Act (FOIA)

Replying to a FOIA Request

- A public agency has 10 business days to respond to a request of a record less than 2 years old; 20 business days for those over 2 year old.
- Requires body to produce requested records within 30 calendar days from when it initially responds that the request will be fulfilled; 35 days for records over 2 years old.



Freedom of Information Act (FOIA)

Replying to a FOIA Request

- Request is considered granted if no response is received within the set limits (only for nonexempt records or information).
- Production, response, and determination timetables may be extended by mutual consent.



Freedom of Information Act (FOIA)

Replying to a FOIA Request

- An entire document isn't secret just because it contains information that can be shielded.
- In such cases, the law states that the agency must separate the exempt information and make the non-exempt information public.
- This is usually done by redacting or blacking-out the sensitive information on the copy.



Freedom of Information Act (FOIA)

Replying to a FOIA Request

Fees:

- Limits the copy rate not to exceed the prevailing commercial rate for producing copies.
- Limits the rates charged for searching, retrieving, and redacting records not to exceed the hourly wage of the lowest paid employee on the public body's staff who has the skill and training to fulfill the request.
- Fee schedule must be posted on your website.



Freedom of Information Act (FOIA)

Dealing w/ Burdensome or Improper Requests

- A public body may file a request for a hearing in circuit court to seek relief from unduly burdensome, overly broad, vague, repetitive, or improper requests.
- Allows the public body to request a hearing if it is unable to make a good faith determination regarding information's exemption from disclosure.





AMERICAN RESCUE PLAN ACT



ARP Reporting Requirements

- Cities not identified as Metropolitan Cities (under 50k in population) required to file an Annual Report – referred to as **NEU's**
- Funds were direct deposited into two equal payments – Last one received in or around first week of Oct. 2022
- Annual Report is due by April 30th every year and covers expenses made from April 1st of previous year to March 30th of current year



ARP Reporting Requirements cont.

- www.irs.gov/compliance
- Eligible Expenses? REVENUE REPLACEMENT if received less than \$10 million
- Best Practices
- Funds must be obligated (i.e. Purchase Order) by December 31, 2024 and expended by December 31, 2026





GRANTS



Hometown Economic Development Grant

- Application period opens **TODAY!** Due Friday, September 29 at 5 pm.
- <https://www.masc.sc/hometown-economic-development-grant-application>
- Up to \$25,000; match depends on population
- Requires resolution of support by Council
- Small cities in 2022...Bethune, Blacksburg, Bowman, Landrum, Ridgeway, Summerton and Ware Shoals
- A city may be awarded an economic development grant once every two years



SCRIA Infrastructure Grant

- <https://ria.sc.gov/grants/how-to-apply/>
- RIA will hold two application rounds in FY24, with due dates on **September 11, 2023** and **March 11, 2024**.
- More funds allocated than previous years. The max allowed request for infrastructure (water, waste water and storm water) and economic impact grants is \$1 million; \$250k for planning grants.



Community Development Block Grant

- <https://www.cdbgsc.com>
- Non-entitlement eligible local governments
- See eligibility requirements
- Fall Funding Round (Community Enrichment, Neighborhood Revitalization & Local Priorities)
 - Application Requests – August 15, 2023 at 5pm
 - Applications – September 15, 2023 at 5pm
- Spring Round (Community Infrastructure)





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