

UPTOWN



a publication of the Municipal Association of South Carolina

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2024 Legislative Session Begins in January

The new year will bring with it the second half of the 2023 – 2024 session of the 125th South Carolina General Assembly. Although legislators have met in Columbia off and on in recent months on various issues from high school sports to energy to election policy, these have only been subcommittee and committee meetings — the full General Assembly will have the chance to take up these issues and more when they convene in January for regular session.

Bills from the 2023 session are still active and remain in their positions — whether in subcommittee or committee, or on the calendar for debate — that they were last in when legislators adjourned in June. Lawmakers introduced new bills in the House and Senate during the pre-filing period before the 2024 session begins, and new bills can be introduced any time during the session. The Municipal Association of SC tracks all legislation that could affect cities and towns, and uses a legislative tracking system to update local officials on bill action.

Elections changing the makeup of the House and Senate, as well as divisive social issues, national politics and other considerations will lead to an interesting session.

Elections take center stage

Along with a presidential election, 2024 will also serve as an election year for members of the House of Representatives and Senate. Representatives run for election every two years and senators run every four years.

During the filing period that runs from March 16 until March 30, incumbent legislators will have to file to run for their current seats or choose to retire. Primaries will take place in June, followed by the general election in November. With the newly formed SC House Freedom Caucus allowed by a court ruling to fundraise and support candidates, primaries will be the focus in June.

Some senators and House members have already announced their retirement, while one Senate seat has been impacted by an early retirement and another by the death of Sen. John Scott. With all of these changes, the membership makeup of committees will change as well.

Committees are a key part of the legislative process, serving as the place where legislation is vetted and debated among a small group of lawmakers. Committee changes have the potential to have a big impact on policymaking.

Municipal Association Advocacy Initiatives

The Municipal Association board of directors adopted the 2023 – 2024 Advocacy Initiatives last year to work on issues that are designed to run through the two-year session. A ban on squat trucks, a new municipal audit option and increased penalties for fentanyl trafficking were all passed in 2023, but there is still work to do.

The Municipal Association advocacy team has already been working on legislation to allow cities and towns with zero millage to

NEWS BRIEFS

Tracy Rabon, city clerk for the City of Lancaster, earned the Master Municipal Clerk designation from the International Institute of Municipal Clerks.

The Municipal Technology Association of SC elected its 2023 board of directors. They are President **Jason Nixon**, City of Anderson; Vice President **Jim Ridgill**, City of Greer; Secretary/Treasurer **Leo Larkin**, Town of Summerville; Members at Large **Tom Bishop**, Greenwood County; **Alicia Domina**, City of Goose Creek; and **Travis Simpson**, Laurens CPW; as well as Past President **Jason Thomson**, Town of Fort Mill.

Condé Nast Traveler again placed some South Carolina cities on its list of best small cities in the United States for 2023. The list named the **City of Charleston** as No. 1 and the **City of Greenville** as No. 4. The City of Greenville's development of Unity Park also earned it a place on the 2023 *Reader's Digest* list of nicest places in the United States.



The Municipal Association's advocacy team includes, from left: Scott Slatton, Casey Fields, Erica Wright and Joannie Nickel. They will discuss the coming session during Hometown Legislative Action Day on February 6.

impose an operating millage. Association staff partnered with stakeholders to propose an extension to the Abandoned Buildings Tax Credit for developers in cities and towns.

Municipal officials continue to advocate for the Clementa C. Pinckney Hate Crimes Act. This bill was passed by the House of Representatives and is being blocked from debate by two senators from the Upstate.

Legislation preempting local officials from regulating short-term rental vacation homes looms in subcommittee after two hearings in the 2023 legislative session.

New issues

The second half of the session will bring new issues to the forefront as well. While municipal officials have stressed that working on hate crimes legislation and short-term rental legislation are two priorities, other legislation is always possible.

Legislators must pass a yearly budget that distributes revenues to state agencies and programs. Work on the state budget has already begun in the House Ways and Means Committee and will pick up speed in January.

Because 2024 is a national election year along with a legislative election year, social issues like gun ownership and abortion will make an appearance. Those controversial issues take up time and space on the calendar and can slow down debate on proactive municipal legislation.

As local officials gear up for the start of the second half of the 2023 – 2024 session, take time to contact legislative delegation members. Never assume someone else will make the critical contact on an issue. The tipping point for passage could be a single phone call.

Stay connected

City and town officials have several ways to stay connected with the Municipal Association legislative team during the legislative session.

- Tune into the *From the Dome to your Home* podcast on Fridays for the Association's take on the week's legislative activity and news for the week ahead. Find it at www.masc.sc (keyword: podcast).
- Read the *From the Dome to Your Home* email every Friday, also available on the Association's website, during the legislative session for action alerts and explanation of action taken by lawmakers. Find it at www.masc.sc (keyword: Dome).
- Read *Uptown* every month during the session for background articles on legislative issues and other important information on municipal government.
- Follow the Association's social media channels, including Facebook and X, for updates from the State House by the advocacy team.

Risk Management Services Recognizes Graduates, Award Winners



The Risk Management Institute recognized new graduates in November.

The SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund recognized seven new graduates of the Risk Management Institute as well as six Risk Management Services award winners during the RMS Annual Members Meeting in November.

SCMIT provides self-funded workers' compensation coverage to its member cities. SCMIRF provides all lines of property and casualty coverage, including tort liability and automobile coverage for its members. The Municipal Association sponsors both programs.

The Risk Management Institute is a continuing education program for municipal staff who have risk management responsibilities and work for cities and towns that are SCMIT and SCMIRF members.

Here are the new graduates:

Jana Boice, human resources director/risk manager, City of Newberry

Wynette DeGroot, senior human resources generalist, City of Goose Creek

Jennifer Edwards, human resources director, Town of Winnsboro

Casey McGlumphy, municipal clerk, City of Tega Cay

Katherine Welch, risk management coordinator, Town of Fort Mill

Catrina Woodruff, assistant city administrator, City of Greer

Sandra Woods, human resources specialist, City of Fountain Inn

The annual RMS Awards recognize those SCMIT and SCMIRF members who keep employees safe and reduce their total costs. RMS determines the winners using each member's record of loss experience over the previous three years.

There are three winners each for SCMIT and SCMIRF, based on population divisions. The award winners receive a plaque and a \$2,500 award. The 2023 winners for SCMIT are the Town of Blackville, the City of Georgetown and the City of Manning. The 2023 SCMIRF winners are the Town of Fort Mill, the Town of Ridgeland and the Town of Williamston.

Learn more about these programs at www.masc.sc (keywords: RMS).

Preventing Large-scale Property Losses

Large property losses can be caused by anything from lightning strikes at a water treatment plant to a fire in a public works or administration building — and they can be costly.

Here are some preventive steps that can help reduce the occurrence of large losses, and assist in managing them if they happen:

- Install lightning protection systems. Lightning rods, grounding systems and surge protectors can help reduce the risk of lightning strikes and minimize the damage they cause.
- Perform regular maintenance and inspections of electrical and other systems. The National Fire Protection Association 70B Standard gives information on electrical equipment maintenance.
- Provide training and education. Educating employees and contractors about lightning safety and procedures can help prevent accidents and minimize damage. Cities should conduct training and emergency action fire drills annually, and provide fire extinguisher training for all employees expected to extinguish an incipient-stage fire.
- Develop preparedness plans and an emergency response plan. The plan for large losses should include procedures like evacuating the facility, shutting down critical systems, and contacting emergency services.
- Establish a communication plan. It should address notifying employees, contractors and others of the situation and providing updates on response efforts.
- Install fire alarms, smoke detectors and an approved fire suppression system. The system should be appropriate for the type of materials that would catch fire in an emergency, whether it be combustibles, flammables or lithium batteries.
- Install backup power systems and redundant equipment.
- Conduct a post-incident analysis. This should aim to identify the causes of the loss, evaluate the effectiveness of the response plan and make any necessary changes to prevent similar losses in the future.

For questions or additional information on the prevention of large property losses, contact John Ciesielski, loss control consultant, at 803.354.4752 or jciesielski@masc.sc.

BRINGING CIVILITY TO VERBAL CONFLICT



Harry Dolan, a retired police chief, led a civility training session for both the Municipal Association of SC and the SC School Boards Association in October.

Imagine a regularly-called public meeting and an angry group of residents in attendance.

It might be about a controversial incident, or a policy or a decision that the governing body has pursued. No matter what created the tension, concerned people have come to the meeting and want to say something about it.

This situation can be familiar to both municipal councilmembers and to school board members. Because these types of public officials often face some of the same challenges, the Municipal Association of SC partnered in 2023 with the South Carolina School Boards Association in pursuit of initiatives that focus on civility in public life.

Most recently, this partnership led to a joint training session for elected officials of both groups, “Bringing Civility to Verbal Conflict.” Led by Harry Dolan of the Dolan Consulting Group, a retired police chief, the session gave public officials communication skills to deescalate volatile situations and help maintain a governmental organization’s professionalism.

South Congaree Mayor Cindy Campbell was one of the elected officials to attend the session.

The session, Campbell said, was “an essential tool for individuals aspiring to become better leaders and elected officials. This training has been proven to be effective, and Chief Dolan provided practical takeaways that, if implemented, can make a significant impact in our community and the people we serve.”

Hometown Happenings podcast with Dolan

Those who did not attend the session can hear from Dolan on the *Hometown Happenings* podcast with Municipal Association

Executive Director Todd Glover, found at www.masc.sc (keyword: podcast). Glover and SC School Boards Association Executive Director Scott Price came together to talk about why verbal conflict training is so critical.

In the podcast, Glover used a famous quote from the boxer Mike Tyson, “everybody has a plan until they get punched in the mouth,” to illustrate how rapidly incivility can derail a public meeting.

Councilmembers might be prepared for a meeting, Glover said, but in the face of an unexpectedly contentious public comment period, “the whole meeting plan goes away.”

A key solution to this, as Dolan described, is the “life skill” of being able to verbally deescalate situations, but it’s also one that appears to have become less and less common as people have grown more willing to voice their anger publicly.

One key to the process, he said, is the ability to listen to someone expressing why they are upset, giving them adequate time to express their feelings, and paraphrasing what they are saying back to the person to demonstrate understanding.

“The most powerful word in the English language, in my opinion, is empathy — to be able to see the world through someone else’s eyes,” Dolan said.

He added that nonverbal indicators also play a critical role in the process.

“Your nonverbal is 93% of your message,” he said. “93% of my message is the accent of my voice, my intensity, ebb and flow, all of that.”

Civility Initiative

The Municipal Association’s and SC School Board Association’s civility work did not begin overnight. For the SCSBA, Price said that the need for written standards of civility and “making sure you’re working well together as a board” became apparent in part because of the anger seen in the national political environment after the 2020 elections.

Glover described the joint training with SCSBA as “the first of many. This is not going to be a one-and-done, this is going to be something that we are working together on for the long haul.”

All of the Association’s civility resources are available on its website. This includes the “Pillars of Civility,” a sample civility resolution, a ceremonial version of the sample resolution that councils can display, as well as a letter-size and poster-size version of the civility resolution. Find these materials at www.masc.sc (keyword: civility).

2023 Hometown Economic Development Grant Recipients Announced

The Municipal Association of South Carolina has awarded Hometown Economic Development Grants to 12 cities and towns.

Available in amounts of up to \$25,000 each, the grants fund economic development projects that will produce measurable results for a municipality's quality of life, can be maintained over time and illustrate innovative practices that can be replicated in other cities. The grants have matching requirements of either funds or in-kind contributions ranging from 5% to 15% depending on the size of the municipality.

Here are the winners of the 2023 cycle:

Town of Allendale

Revitalizing Allendale Community Center: Restoring Hope and Unity

Through a combination of renovations, innovative design, and community engagement, Allendale will aim to restore the Allendale Community Center into a vibrant hub of opportunity. This collaborative project seeks to revitalize the center, making it a welcoming space catering to the diverse needs of the community.

Town of Blackville

Blackville Downtown Facelift

Blackville will create a Façade Improvement Mini-Grant program, which will incentivize property owners to comprehensively enhance the facade of commercial and mixed-use buildings. The program is part of the town's initiative

to support revitalization efforts that will create jobs, reduce blight, and preserve and improve structures in the community.

Town of Carlisle

Planning For Carlisle's Future

Carlisle will use grant funds to create a comprehensive plan, which will include a vision for recreational spaces, future housing and commercial developments, as well as amenities to accommodate industrial growth in the area.

Town of Clio

Park and Playground Project

To engage young families and promote economic development in its historic downtown, Clio will develop its first-ever park and playground adjacent to its new municipal building and local post office. The park will feature traditional design elements and a specialized sensory area to cater to a diverse range of children's needs and interests.

City of Dillon

Targeting the Highest Potential

Building on the momentum from a previous HEDG award for a master plan, Dillon will use its funds to conduct a city-wide market analysis focused on targeted, informed recruitment and expansion of business opportunities. The project will collect market data paired with stakeholder input to target realistic market opportunities that will advance the city's revitalization efforts.

City of Johnsonville

Kayak Through History

Johnsonville intends to provide visitors and residents a new way to enjoy the cypress-lined banks of the Lynches River and Mill Creek by offering the experience of floating through the scenic wetlands that were once traveled by Revolutionary War Patriots engaged in guerrilla warfare against the Loyalists. The city will partner with Paddle SC, Visit Florence and Discover SC to increase public awareness and enjoyment of paddle recreation opportunities on waterways throughout South Carolina by purchasing an eight-bay, self-service kayak rental station.

Town of Lane

Farmer's Market

Designated as a food desert, the Town of Lane will use grant funds to establish a weekly farmer's market and create an opportunity to teach canning and other methods of food storage to local residents.

Town of Lockhart

Town Square Market Plan

As the first step in implementing its Lockhart Tomorrow visioning plan, the town will use grant funds to guide the development of the town square market into the economic hub of Lockhart. The town square market pavilion will host pop-up markets and other events to encourage future business development in the town's center that will serve tourists and residents alike.

City of Marion

Bringing LIVES to Downtown Marion

Seeking to fill an unmet need for downtown living space and bring residential living into its downtown, the City of Marion and the Historic Marion Revitalization Association will use grant funds to help convert an unused, upstairs commercial space into three apartment units.

City of Mauldin

City Center Village Master Plan

Mauldin will use its grant funds to craft a plan to transform the city's underdeveloped, crossroads downtown into a true urban village. Through parcel acquisitions, public-private partnerships

and now with development partners onboard, a new City Center Village Master Plan will build upon recent development efforts and provide a roadmap for the future of Mauldin.

City of Simpsonville

South Main Street Archway

As a part of its Downtown Revitalization and Traffic Realignment Project, Simpsonville's "Festival Street" will be set apart by an archway to delineate the space, letting visitors know that they have arrived in the heart of the central business district. The archway will feature a public engagement platform where visitors and residents can affirm their city as "Simply Home."

Town of Winnsboro

Downtown Economic Redevelopment Plan

Poised to grow exponentially in the near future because of the construction of the Scout Motors Manufacturing campus nearby, the Town of Winnsboro must prepare for how to manage its growth. The town will use its grant funds to immediately create a plan to manage its future and best utilize state funding for the development of its downtown.

The Municipal Association launched the Hometown Economic Development Grants in 2016 and has awarded grants each year since then. Learn more about past winners at www.masc.sc (keyword: hometown grant).

Apply for the 2024 Achievement Awards

Last year's Municipal Achievement Awards covered everything from the development of the Cayce River Arts District to Bluffton's Neighborhood Assistance Program, which helps residents stay in their homes in Bluffton's historic communities. Once again, the time is nearly here for cities and towns to showcase the best of their projects for the 2024 awards.

The Municipal Achievement Awards provide a way to showcase a city or town's hard-to-see projects — the kind that are undertaken by city and town governments to innovate and improve their operations and enhance their communities. In addition to recognizing excellence in local government, the awards help share ideas among municipal officials and staff.

Categories and requirements

The Municipal Association of SC accepts Achievement Award submissions each year in either a population category or one of five subject categories: communications, economic development, public safety, public service or public works.

Municipalities with a population of 20,000 or fewer, as counted in the 2020 census data, can choose to compete in either a population

or subject category. Municipalities with a population greater than 20,000 can compete only in one of the five subject categories. Each city or town can only submit one entry and in one category.

Projects need to be substantially complete to be eligible and can be submitted only once more if they do not win. For help with brainstorming award submissions, cities can find information about past winners and the award application at www.masc.sc (keyword: Achievement Awards).

Applying

The submission deadline for the 2024 awards is February 7. Cities submitting in the subject categories must make an oral presentation at an assigned time on February 26 or 27. The Association will recognize award winners at the Annual Meeting on July 19 in Greenville.

For more information on the Achievement Awards, contact Meredith Houck at 803.933.1215 or mhouck@masc.sc.

Hometown Legislative Action Day to Explore Workforce Housing Act



For years, South Carolina and many other parts of the U.S. have suffered from a lack of workforce housing. As a result, businesses have struggled to find workers who can afford to live and work in their communities.

In an effort to address this problem, the South Carolina General Assembly earlier this year passed into law Act 57, which allows cities and towns across the state to use up to 15% of their state and local accommodations taxes for the development of workforce housing.

Because workforce housing presents challenges unique to each city and town, the “development of workforce housing” is undefined in the law, thereby providing cities and towns with the flexibility to tailor their workforce housing development ideas to suit their communities’ needs.

Act 57 defines workforce housing as “housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty percent of the median income for the local area.”

Before cities and towns may use the accommodations taxes to develop workforce housing, they must conduct

a housing impact analysis and adopt it into their state-mandated comprehensive plans. The housing impact analysis must include information about the effect a city’s comprehensive plan has on:

- the cost of developing, building, rehabilitating, improving, maintaining, or owning single-family or multifamily dwellings;
- the purchase price of new homes or the fair market value of existing homes;
- the cost and availability of financing to purchase or develop housing;
- housing costs; and
- the density, location, setback, size, or height development on a lot, parcel, land division, or subdivision; and
- an analysis of the relative impact of the ordinance on low- and moderate-income households.

The analysis must include a brief summary of the methodology the city used to develop its housing impact figures.

While cities and towns are developing their housing impact analysis and the housing element of their comprehensive plans, they should solicit input from homebuilders, developers, contractors and

housing finance experts. Consultation with these individuals is required for use of the local accommodations tax.

Once the housing impact analysis is complete and prior to its inclusion in a city’s comprehensive plan, it must be submitted to the SC Department of Revenue and the SC Tourism Expenditure Review Committee. Neither agency’s approval or review is required before a city adopts the analysis into its comprehensive plan.

Several cities in the state have either begun crafting their housing impact analyses or are nearing completion of them.

The Town of Hilton Head Island, which introduced the concept that led to Act 57, has completed its analysis and is moving forward with a workforce housing development plan. Town officials will be on hand at the Municipal Association’s Hometown Legislative Action Day in Columbia on February 6 to discuss how the town developed its analysis and the role it will play in the town’s workforce housing program in the future.

Learn more about the Hometown Legislative Action Day agenda at www.masc.sc (keyword: HLAD).

EV Charging Infrastructure Growing in South Carolina

In 2017, the number of electric vehicle, or EV, registrations in South Carolina — battery EVs and plug-in hybrid EVs — stood at 2,790. By 2022, it grew to 20,239.

Recent economic development announcements have also pointed toward EVs becoming a significant commercial force in South Carolina. From August 2022 to August 2023, private industry announced 20 new clean energy projects in the state, totaling \$11.17 billion and creating 13,543 jobs. These include \$3.5 billion for a Redwood Materials battery recycling facility, \$2 billion for Scout Motors EV manufacturing, and \$1.7 billion for BMW EV and EV battery manufacturing.

“We’re one of the few states that really has the whole lifecycle of electric vehicles being made or produced or processed in South Carolina — anywhere from processing critical minerals to making the batteries to making the cars themselves, to recycling,” said Sara Bazemore, director of the SC Energy Office.

In October, Bazemore presented to the SC Community Development Association on the accelerating development of EV charging infrastructure in South Carolina. She was joined by Rene Kelly, the clean transportation coordinator for the SC Energy Office and director of the Palmetto Clean Fuels Coalition.

The growth of the EV industry, just like the growth of South Carolina’s population overall, has its challenges.

“We’ve got to figure out how we’re going to make sure everybody can have affordable power for their homes and for these electric vehicles, as these automakers are moving more and more towards electric vehicles,” Bazemore said. “There’s a lot of federal funding that is on the horizon, some available, some not quite yet.”

Kelly drew attention to the difference between the three levels of EV charging. Level 1 charging using an ordinary 120-volt outlet is by far the most time-consuming, typically taking 40 to 50 hours and therefore limited to residential applications. Level 2 chargers, by far the most common type installed now, will often take four to 10 hours. These are the charger types found not only in homes but also in public spaces like offices, retailers and restaurants. Level 3 chargers can take 15 minutes to an hour, and are the types used for a quick, on-the-road stop, but require dedicated electrical service for 480 volts of direct current.

So far, EV registrations have clustered in the most metropolitan parts of the state. Charging stations have grown in the same locations, but they have also followed major highways, especially Interstate 95.

Kelly noted that South Carolina saw a 19% increase in charging stations from late 2021 through mid-2022, and added that “we

expect these percentages to increase, especially with the funding that’s coming down.”

Some of that funding is coming from the National EV Infrastructure, or NEVI, Program, aimed at establishing 500,000 EV charging stations by 2030 — a fund from which the SC Department of Transportation has received \$70 million for five years. NEVI also has a Charging & Fueling Infrastructure program, with \$2.5 billion available in competitive grants for publicly accessible EV charging and alternative fueling projects.

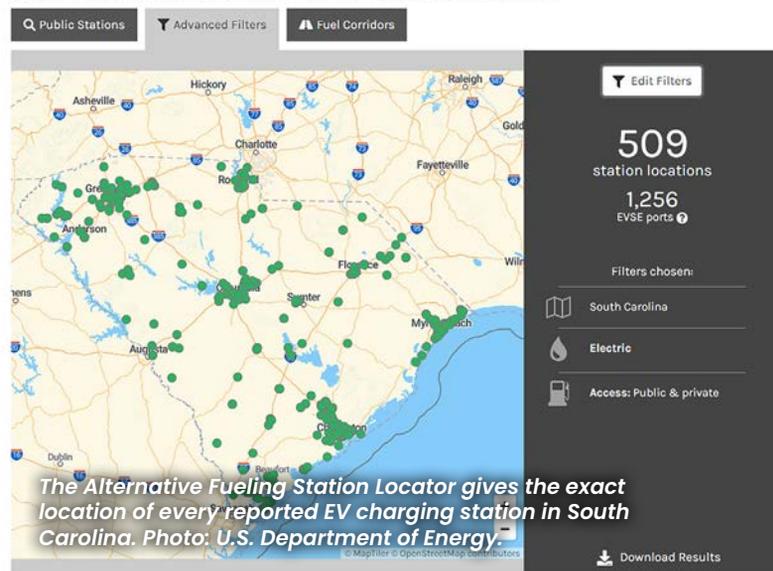
The SC Energy Office and the Palmetto Clean Fuels Coalition also launched the SC Electric Vehicle Stakeholder Initiative to promote EV deployment, including the “PLUGinSC” campaign of branding and consistent statewide signage to help drivers identify places to charge.

Bazemore and Kelly highlighted the value of getting charging stations listed on the Alternative Fueling Station Locator of the U.S. Department of Energy, found at <https://afdc.energy.gov/stations/#/find/nearest>, which counts more than 500 stations and 1,200 charging ports in South Carolina.

They also identified questions for municipal officials to ask themselves about any EV chargers they offer. Those that own chargers should think about whether they are publicly accessible and listed on the AFDC station locator website. Those looking to provide charging infrastructure, she said, should ask themselves where they intend to place the chargers, and whether there is enough electrical capacity at the location to support the location, and what kind of public and private investments will help pay for it.

Alternative Fueling Station Locator

Find alternative fueling stations in the United States and Canada. By default, this tool displays only available, publicly accessible stations. You can use the advanced filters to expand your search. For U.S. stations, see [data by state](#). For Canadian stations in French, see [Natural Resources Canada](#).



Help Minimize Opioid Abuse



Unintentional poisonings, such as drug overdoses, are the single largest cause of unintentional deaths in the United States, according to the Centers for Disease Control and Prevention. Nationwide overdose deaths, driven primarily by the opioid epidemic, have risen drastically in recent years, and added up to 105,452 in 2022.

While some opioids are illegal, like heroin and fentanyl, others are prescription drugs. Doctors may prescribe opioids such as oxycodone, hydrocodone, morphine and oxymorphone, for the kinds of injuries typical to workers' compensation cases to reduce pain. The most common injuries that lead to opioid prescriptions are back, shoulder and knee injuries.

Patients who use prescribed opioids might eventually develop an opioid use disorder, misusing the prescription by taking the medication longer than necessary — a behavior pattern that worsens the danger of overdoses.

As the issues involved with opioids have become increasingly well-understood, the CDC has established new recommendations for prescribers — for example, prescription amounts should be limited, and evaluations for side-effect risks should be periodically conducted in cases where opioids are treating chronic pain.

105,452 overdose deaths were recorded in the U.S. in 2022, according to the Centers for Disease Control and Prevention

There are steps that employers can take to promote awareness of opioid issues:

Educate employees on the risks of opioid use.

Employers can use the website of the National Safety Council, found at www.nsc.org, to request its “Opioids at Work” toolkit for employers. It offers sample drug-related policies, fact sheets, presentations, posters and other materials.

Recognize signs of opioid impairment.

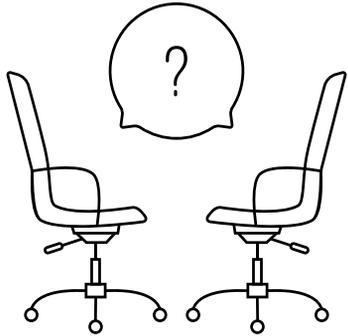
Some of the signs of impairment are behavioral in nature — unexplained periods of absence, declines in work performance or growing isolation. Others are physical changes — weight fluctuations, slowed reflexes or declined motor coordination.

Obtain and add naloxone to first aid kits, and train employees how to administer naloxone.

Naloxone is a medication delivered either as a nasal spray or injectable, which can reverse an opioid overdose and potentially save a life when it is administered in time. In addition to maintaining it for employees suffering an overdose emergency, it is often carried by police officers and fire departments to help save the lives of those they encounter suffering from an overdose.

The SC Department of Health and Environmental Control developed the Law Enforcement Officer Naloxone, or LEON, program to train and equip officers for naloxone administration, as well as the Reducing Opioid Loss of Life, or ROLL, program for firefighters. Also, members of the SC Municipal Insurance Trust can use the SCMIT fire service and law enforcement officer safety grants. Members can learn more about these at www.masc.sc (keyword: SCMIT).

Do Chance Meetings Need FOIA Notices?



Cases of an incidental quorum of council occurring outside a called meeting, sometimes called a chance meeting, can lead to questions about how to handle the situation under the SC Freedom of Information Act. According to SC Code Section 30-4-20(d), a meeting is “the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.”

The problem is that a majority of council might assemble outside the context of a noticed public meeting. For example, a majority of council might attend a conference, a local holiday party, or even the same church. Must public notice be provided every time a majority of council is together, even inadvertently or by chance?

To understand the issue, it’s important to carefully read the definition of a meeting in the law — the gathering is a meeting only if the council will “discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.”

Elsewhere in FOIA law at SC Code Section 30-4-70(c), the General Assembly made this point explicit: “No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.”

The law does not require that notice be provided every time a quorum of council will be in the same place at the same time. Instead, it requires that, if notice has not been provided, the quorum may not act on or discuss any matter within its government supervision, control, jurisdiction or advisory power.

When council is gathered it is remarkably easy to slip into such action or discussion, even without any intention to do so, therefore the safest course is to provide FOIA notice whenever a majority of council is expected to gather. In cases in which notice is not or cannot be provided, councilmembers should make every effort to avoid acting upon or discussing municipal business.

Know the Basics for Public Official Bonds

A public official bond is a surety bond — a type of bond that makes guarantees about performance. In this case, it provides a guarantee that public officials covered will perform the duties of their offices faithfully, and will comply with all relevant laws while doing so. When obtaining such a bond, public officials agree to personally indemnify, or compensate, the bond company if that carrier must pay claims on the bond.

The bonds typically cover a variety of financial issues, including

- fraud,
- employee theft or embezzlement, and
- illegal fund transfers.

City and town councils may decide to require public officials to be bonded. If so, they would enact an ordinance that re-

quires the bond, names the amount of the bond to be used, sets any requirements for the bond company, and typically specifies that the city or town will pay the required premiums.

Because a public official bond is individually underwritten, the public officials who apply for them must provide their Social Security number to the bond company so that it can check the applicant’s credit score.

Managing financial controls

When theft goes undetected for extended periods, a municipality can eventually experience significant losses. Cities and towns can benefit from financial checks and balances aimed at either preventing or detecting fraud:

- Use background checks or verify information about employees when

hiring them. Confirm their employment history and degrees, and check their references.

- Maintain written policies for handling theft and fraud.
- Avoid allowing a single person to have total control over funds. For example, have checks be countersigned, and don’t allow a person who is authorized to write checks also be someone authorized to make deposits or reconcile bank statements.

For more information on public official bonds, contact Robert Collins, underwriting manager, at 803.933.1279 or rcollins@masc.sc.

Who Can Set or Change an Agenda?

An illustration of a whiteboard with various business-related graphics. A hand in a blue suit sleeve is on the left, another in a green suit sleeve is on the right, and a hand in a red sleeve is at the bottom right. The whiteboard features a bar chart with a red arrow pointing up, a pie chart, a line graph, and several sticky notes in yellow, pink, and blue. At the bottom of the whiteboard are five colored circles: red, brown, purple, yellow, and blue.

Since 2015, the South Carolina Freedom of Information Act has required public bodies to prepare and post in a timely manner an agenda for every meeting, whether regularly scheduled or specially called. Even without this requirement, it would be scarcely possible to conduct public meetings without an agenda.

Agendas are fundamental organizational tools that ensure the effective and transparent functioning of local government. They provide a structured framework for each meeting, helping councilmembers stay focused on critical issues, make informed decisions, and allocate meeting time efficiently. By setting clear priorities and detailing the topics to be discussed, agendas promote transparency, enabling both elected officials and the public to anticipate and prepare for discussions.

Sometimes, however, the preparation and execution of an agenda can create questions.

Who sets the agenda for a meeting?

In most cases, agenda preparation is an informal process in which elected officials and staff provide the municipal clerk with items to be included on the agenda, subject to internal deadlines, and the clerk prepares the agenda for distribution.

In some cases, however, controversy may arise over whether an item should be included on the agenda. What if a

councilmember wants to include an item on the agenda, but one or more other councilmembers disagree? What if many councilmembers want to include an item, but the mayor opposes it?

South Carolina law does not directly answer these questions. Regardless of the form of government — whether council, mayor-council, or council-manager — the powers allocated by state law do not include setting the agenda for regular meetings. However, general government principles establish that the authority to set the agenda belongs to the governing body, acting through a majority of its council. One way to establish the agenda would be for council to gather and vote on the items to be included in the next upcoming agenda.

Because this approach would be inefficient, most local codes delegate the power to set the agenda to a single person, usually the mayor or the manager. In the absence of a specific delegation by ordinance, most councils simply allow the clerk to set the agenda through an informal process.

In 2016, the South Carolina Court of Appeals heard a case, *Atkins v. Wilson*, in which the local code delegated agenda preparation to the mayor, who in turn refused to place an item on a regular meeting agenda against the wishes of the majority of council. The court agreed that the town was free to delegate the power to set the agenda for regular meetings to the mayor.

On the other hand, the court found that state law indicates “special meetings may be held on the call of the mayor or of a majority of the members,” in accordance with SC Code Section 5-7-250(a). Therefore, the council could force consideration of the item by calling a special meeting.

A better approach would be to use an ordinance to include in the local code the council’s power to add an item to the agenda for a regular meeting. Language similar to that contained in Section 5-7-250 would suffice — for example, in a council-mayor form of government, “the clerk shall prepare the agenda for regular meetings at the direction of the mayor. Items may be included on the agenda for a regular meeting by call of the mayor or a majority of the council.”

With this language, the clerk would ordinarily prepare the agenda in consultation with the mayor. For an item opposed by the mayor, however, a majority of council could insist that it be included on the agenda without having to call a special meeting.

How can council add items added to the agenda after distribution or posting?

In the same amendment to South Carolina’s FOIA law that required posting an agenda for a regular meeting, the South Carolina General Assembly addressed the process by which items may be added to an agenda. Under the current law, once an agenda for a regular, special, or called meeting is posted, no items may be added without an additional 24-hour notice to the public. The revised notice must be made in the same manner as the original posting.

After the meeting begins, an action item for anything other than a final action may be added to the agenda by a two-thirds vote, provided that public comment on the added item will be received at a future, duly noticed meeting. A final action item, or one for which there will be no opportunity for future public comment, may be added to the agenda by a two-thirds vote and a finding that an emergency or exigent circumstance exists. An exigent circumstance would be considered an urgent or time-sensitive issue.

Given the restrictions on adding action items less than 24 hours before the meeting, councils should be careful to establish their agenda in a timely manner, and ensuring that all important items are included in the original notice.

Can council add an executive session to the agenda?

It seems clear that, even under the newer version of the FOIA law, council can call an unnoticed executive session during a meeting. The reasoning is that an ordinary executive session is not an “action item.”

Under SC Code Section 30-4-70(b), “No action may be taken in executive session except to (a) adjourn or (b) return to public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.”

It follows that the council cannot take action on an item discussed in an unnoticed executive session even after returning to open session, except in cases where the item was on the agenda or the council takes a vote to add an item to the agenda.

What actions by council would be considered adding an item?

FOIA does not define the terms “agenda” or “item,” and so confusion may arise in determining whether an unnoticed act by council is adding an item. In an unpublished recent decision, the SC Court of Appeals ruled that making a change to an item included in the agenda packet is not adding an item. The issue in that case was that the distributed agenda packet — the supporting materials accompanying the agenda — included a resolution with an exhibit listing proposed projects. At the meeting, without prior notice, the council added a project to the exhibit list.

The plaintiff argued that the resolution was part of the agenda and the project was an item. The court rejected this argument, concluding that the agenda itself was the short list of matters to be considered by the council. The resolution was not part of the agenda, but was merely supporting information.

Municipalities can avoid the issue presented in this case by clearly distinguishing and labeling the agenda and the agenda packet.

Keeping meetings effective

The agenda is a critical tool for orderly, efficient and effective public meetings. Municipalities should be thoughtful in establishing the process by which their agendas are set, as well as diligent in making sure that all relevant items are timely included.

A Day in the Life of a Municipal Court Administrator

Technical knowledge, organizational skills and an ability to work with people and diffuse some tense situations are all necessary to run a clerk of court's office, whether that is a one-person office or a larger city operation.

And, as Greenville Clerk of Court Pam Larson said, the municipal clerk of court position is something of an anomaly.

"There is no degree for it or credentials for it; however, the responsibility is astounding," she said.

Municipal clerks of court around South Carolina took myriad routes to arrive at their career, and work to keep up their knowledge of the job and its responsibilities.

"There was not a moment growing up that I dreamed about being a clerk of

court. It just happened," Larson said. "My dream job growing up was to be a Disney artist."

Larson started her career in the 1990s as a police officer, writing tickets and investigating accidents. Her supervisors noticed she was "administratively inclined," and she was pulled more into the office. She later left the police department to work for a municipal judge, earning her bachelor's and master's degrees while working for the court. She left public service for a couple of years to work for a software firm, and returned as Greenville's clerk of court when her predecessor retired and suggested she apply.

In Greenville, two clerks of court work together simultaneously. Diana Brock is the clerk of finance, and Larson is the clerk of operations. Splitting the positions has allowed the court to grow and expand equally across both functions, Larson said. "Operationally, I manage the overall business processes and subprocesses including evaluating and re-engineering them for the courthouse and our judicial services office at the detention center. I am responsible for the high-risk liability area of records information management, and ensuring the safety and security of the courthouse and detention center office — not only for our staff but also all of our stakeholders," she said.

Her duties also include issuing arrest warrants, conducting bond hearings, signing search warrants and swearing in officers, when needed. She is the court's liaison to the police department.

After years of working in the clerk's

office, she said she understands the importance of training and development, calling it her passion. It's why she and Kirsten Pressley, municipal court administrator in Greer, developed "Municipal Court Administration Association 101," a course offered by the Municipal Court Administration Association of SC and designed to provide other municipal clerks of court and court staff with the skills necessary to do their jobs.

Larson said they created the in-depth training program after listening to questions and concerns from other clerks at meetings and conferences, knowing that some clerks were unclear about their responsibilities and regulations.

"For example, having the clerk of court under the police department in the municipality's hierarchy is a huge violation of the court's purpose of being a neutral party providing an objective voice of reason in the criminal justice process," she said. "The court, and especially the clerk of court, is on no one's team. We are the umpire, the official ensuring the rules and requirements are being followed at all times and treating each party the same."

Larson understands the importance of keeping up with the law, and said she and Pressley are working on an advanced curriculum for those who have completed MCAA 101. She also teaches a "Know Your Role" session at the Municipal Court Administration Association of SC Annual Meeting.

"When we stop learning as human beings, we become obsolete. When we stop learning as clerks of court, we



Greenville Clerk of Court Pam Larson, along with Greer Municipal Court Administrator Kirsten Pressley, developed the "Municipal Court Administration Association 101" training. Photo: City of Greenville.



Amanda Phillips serves as Kingstree's clerk of court. Photo: Town of Kingstree.

become vulnerable to letting our court, its staff and the municipality down and also become obsolete," Larson said.

For Patricia McTeer, the clerk of court in the Town of Hampton, training, organization and people skills help guide her in her job. Her responsibilities include filing legal documents, working with judges and attorneys to assure they have the administrative staff they need to work efficiently, recording court proceedings, creating calendars for cases and preparing and distributing court orders, bench warrants and arrest warrants.

She has been working as a clerk of court for about 10 years, including more than six years as the clerk in Hampton. Before that, she worked in municipal court in Gifford and the magistrate's office in Hampton County.

"I've always been passionate about helping people. I was looking for something challenging and different and rewarding at the same time," she said.

She found that in the clerk of court's office.

"No two days will ever be the same. You learn to deal with people, and you try to be considerate. A lot of people are scared because they have never been to court, or they are mad because they've never been to court," McTeer said.

She's able to make the job work through time management and prioritizing tasks, saying the job can be fast-paced at times.

For example, there are days when the phone is ringing, people are waiting at the window to pay a ticket and a judge may be asking for information — all at the same time.

"You have to get used to that," she said. "Take a deep breath and just move forward."

She also attends training sessions offered through MCAA, and has served on the group's board of directors.

"You have to make learning a habit. When I go to a conference, I come back and implement what I learned while I was there," McTeer said.

She said along with knowing all of the rules and regulations of municipal courts, clerks need to be compassionate. "We need to be firm but fair. You have to be a good listener and be able to deescalate stressed-out defendants."

"I like helping people," McTeer said. "People that come in here are looking for help to be guided through his process. They're afraid when they go to court."



In Hampton, Patricia McTeer serves as clerk of court. Photo: Town of Hampton.

I try to reassure them, saying, 'It'll be okay. Let me guide you through this.'" Amanda Phillips, the clerk of court in the Town of Kingstree, had worked for the police department for about 11 years before moving over to the clerk of court's position when the previous clerk left the job about 12 years ago.

She handles all traffic tickets, takes payments, schedules preliminary hearings and oversees weekly court sessions in town.

"I love interacting with people and being able to help. Of course, everyone's not happy when they get a ticket, but I have met some people who have taught me wonderful life lessons," she said. "The job is a lot of dealing with the public. You're in a customer service field. You have to be able to listen and be mild-tempered."

Phillips understands the importance of keeping up with new information and taking full advantage of the training sessions available.

"I go through all of the municipal court trainings that I can attend. They are awesome. I'm so thankful that we have it. You're able to communicate with other clerks there about issues you may be having that they have a suggestion or answer to help you do your job better," she said.

"The law changes all the time so we are constantly updated with new laws and any type of new procedures. The Municipal Court Administration Association is fantastic about getting all that information in."

Learn more about the MCAA 101 courses at www.masc.sc (keyword: MCAA 101). Learn more about MCAA, including joining or renewing membership, on the Association's website as well (keyword: MCAA).



Municipal Association of South Carolina

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Calendar

For a complete listing of the Association's training opportunities, visit www.masc.sc to view the calendar.

DECEMBER

8 SC Municipal Attorneys Association Annual Meeting and Continuing Legal Education Seminar. Hilton Columbia Center. Topics include a federal law update, municipal case law updates, indemnification, electronic records retention, civil infractions, code enforcement liens, and short-term rental regulation.

19 Business Licensing Essentials – H-Tax, A-Tax, Caterers, Personal Chefs, Food Trucks. Virtual.

2024 FEBRUARY

6 Hometown Legislative Action Day. Marriott Columbia. Topics include civility in politics, an economic outlook, a legislative briefing, as well as Act 57 and affordable housing. Find more information on page 8.

7 Municipal Elected Officials Institute of Government. Marriott Columbia.

7 SC Other Retirement Benefits Employer Trust Annual Members Meeting. Municipal Association of SC, Columbia.

20 – 21 Municipal Court Administration Association 101 Session C. Municipal Association of SC, Columbia. Topics include court financials.

27 Risk Management Services Hazard Identification and Assessment Training. Cooperative Conference Center, Columbia.

MARCH

6 SC Business Licensing Officials Association Spring Academy. Cooperative Conference Center, Columbia.

7 SC Association of Stormwater Managers First Quarter Meeting. Cooperative Conference Center, Columbia.

11 – 13 SC Utility Billing Association Annual Meeting. Marina Inn at Grande Dunes, Myrtle Beach.

21 Municipal Technology Association of SC Spring Meeting. Cooperative Conference Center, Columbia.

APRIL

12 Municipal Court Administration Association of SC Spring Meeting. Cooperative Conference Center, Columbia.

25 SC Municipal Human Resources Association Spring Meeting. Cooperative Conference Center, Columbia.

MAY

8 – 10 SC Community Development Association Annual Meeting. Cambria Rock Hill – University Center, Rock Hill.

14 Risk Management Services: Law Enforcement Training. Cooperative Conference Center, Columbia.

JUNE

2 – 5 SC Association of Municipal Power Systems Annual Meeting. Embassy Suites, Myrtle Beach.

6 SC Association of Stormwater Managers Second Quarter Meeting. Cooperative Conference Center, Columbia.

25 – 26 MCAA 101 Session A. Municipal Association of SC, Columbia. Topics include the judicial system, case lifecycle, types of proceedings, initiating a case, bonds and courtroom processing.