

Get Ready for Advocacy in 2020

The second half of the 2019 – 2020 legislative session begins January 14, when legislators return to Columbia to work on funding state government and passing the laws governing South Carolina.

The General Assembly plays a critical role in regulating and funding the activities of local government. As with each session, there will be critical issues for cities and towns under consideration, creating a need for local officials to stay involved and engage their legislators. Two of the Municipal Association's Advocacy Initiatives for the two-year cycle have already been achieved in 2019 — the General Assembly passed the bill providing improved funding reliability for municipalities from the Local Government Fund, and the state budget included \$3.2 million in recurring funding for the SC Criminal Justice Academy, which can help decrease wait times for admitting new officers.

One initiative remains — flexibility with hospitality and accommodations tax. In the last session, the Senate passed S217, which gives municipalities the ability to use revenues from these taxes to control and repair flooding and drainage in tourist-related areas. S217 is now in the House Ways and Means Committee for consideration, but advocacy efforts from cities and towns in the coming year can help it cross the finish line.

Staying informed

The Municipal Association provides local leaders with several vital ways to know what's going on and get involved with their legislators. Find all of these at www.masc.sc with the relevant keywords listed below.

From the Dome to Your Home (keyword: dome) provides the easiest and fastest way to learn more. It is a weekly recap email on Friday during the legislative session on all legislative activity



that can impact municipalities, including suggested action steps. The website provides subscription signup and the archive of past issues.

The *City Quick Connect* podcast (keyword: City Quick Connect) also includes *From the Dome to Your Home* content with added discussion from the legislative team available every Monday during the legislative session.

The *South Carolina Municipal Officials and Legislative Directory* (keyword: municipal directory) now allows for searching for municipality by representative and senator,

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showing which municipalities are in the district of each legislator.

Communicating with legislators

Local officials wanting to gain a grasp on how to communicate effectively with their lawmakers can learn more in the Municipal Association's advocacy handbook, *Raising Hometown Voices to a New Level of Influence*, found at www.masc.sc (keyword: advocacy handbook). The biggest takeaway is the importance of establishing a relationship with the local legislative delegation before asking for something.

"It's critical to establish the relationship before you make 'the ask' and then to stay in touch, even at those times when you don't need anything," said Casey Fields, the Municipal Association's manager for municipal advocacy. "Find ways to involve your legislative delegation in events in your hometown. Invite them to attend council meetings, ribbon cuttings and other special events."

To be effective, Fields said, local officials need to make contact early and often.

"Make it personal. Be accurate and make your point. Be sure of your facts and don't exaggerate," she said. Always give the local angle and include examples of how a particular issue helps or hurts your city or town. Meet in person and make phone calls when possible, write letters when necessary, but never form letters. Always follow up on interactions, since hundreds of others are contacting the same legislator."

Finally, Fields said to never to be afraid to ask for action. "If you are talking about

a specific bill, ask if your legislator will vote no or yes. Be honest, be accurate and be efficient. These tips and your winning personality will always prove effective in communicating with your legislative delegation on behalf of your city or town."

The Municipal Association's Hometown Legislative Action Day, a time to learn more about legislative issues and meet with representatives and senators, will take place in Columbia on February 4. Learn more at www.masc.sc (keyword: HLAD).

Legislative terms

These are a few terms from the glossary of important terms in the *Raising Hometown Voices to a New Level of Influence* guide.

Act – legislation enacted into law. A bill passed by both houses of the General Assembly, enrolled, ratified, signed by the governor or passed over the governor's veto or becomes law without signature. An act is a permanent measure having the force of law until repealed.

Bill – a draft of a proposed law presented to the legislature for consideration.

Caucus – an informal meeting of a group of the members of the House of Representatives or Senate with a common interest.

Committee – members appointed to consider and recommend disposition of bills, resolutions and other related matters.

Sponsor – legislator who introduces a bill, amendment or resolution. A bill can have multiple sponsors.



New Year's Fireworks Concerns

The end of the year, like the Fourth of July, brings with it a demand for fireworks. Here are a few firework-related issues for cities and towns to consider as the new year approaches and seasonal fireworks stands open for business.

Local fireworks ordinances

State law does not allow municipalities to pass ordinances prohibiting or criminalizing the use of fireworks, but cities and towns can take steps to regulate the use of fireworks within their boundaries. Making sure that municipal ordinances do not conflict with state law is an important part of any firework regulation effort.

SC Code Section 23-35-175 allows for the creation of Fireworks Prohibited Zones. Both municipalities and property owners may establish such zones. Municipalities also have the authority to regulate the times when fireworks may and may not be discharged — for example, setting an hour in the evening after which they cannot legally be fired.

A 2011 South Carolina Attorney General opinion noted that local officials should be careful to make violations of local fireworks ordinances punishable only with civil penalties, much like the penalties found in smoking prohibitions. Legal precedent, the opinion said, finds

local regulation is unreasonable if it effectively bans something that is legal under state law.

Regulation of fireworks sellers

Anyone who is a wholesale distributor of fireworks, as well as anyone who stores or sells fireworks, must have a license with the SC Department of Labor, Licensing and Regulation's Board of Pyrotechnic Safety. The board's staff also performs inspections and receives complaints.

The board's website, llr.sc.gov/pyro, has a licensee lookup feature and also provides the relevant state laws and regulations for pyrotechnics as well as the National Fire Protection Association's code for all pyrotechnic-related activities.

Fireworks Fire Hazards

The National Fire Protection Association reports these damages and injuries from fireworks in an average year:

- 18,500 fires, including 1,300 structure fires and 300 vehicle fires;
- three deaths;
- 40 civilian injuries; and
- \$43 million in direct property damage.

NEWS BRIEFS

Members of the **Municipal Court Administration Association of SC** recently elected their 2019 – 2020 board of directors. They are President Brittany Burns, Town of Pine Ridge; First Vice President Kimberly Poulin, City of Anderson; Second Vice President Kirsten Pressley, City of Greer; Members at Large Belinda Davis, City of Camden; Patricia McTeer, Town of Hampton; Crystal Brooks, City of Charleston; and Past President Lacresha Dowdy, City of Clinton.

Members of the **Municipal Technology Association of SC** recently elected their 2019 – 2020 board of directors. They are President Jason Thomton, Town of Fort Mill; Vice President Tommy Sunday, Town of Bluffton; Secretary/Treasurer Mike Blizzard, City of Greenville; Members at Large David Eldridge, City of Newberry; Anna Huffman, City of West Columbia; Jason Nixon, City of Anderson; and Past President Ryan Byrd, City of Goose Creek.

Members of the **SC Business Licensing Officials Association** recently elected their 2019 – 2020 board of directors. They are President Shaun Greenwood, City of Forest Acres; Vice President Pam Davis, Richland County; Secretary/Treasurer Lakesha Shannon, City of Columbia; Members at Large Alten Driggers, Horry County; Amyee Rogers, Town of Pendleton; Karine Thomas, City of Hartsville; and Past President Constance McMichael, Orangeburg County.

Three Questions with the New Executive Director



The Municipal Association's new Executive Director Todd Glover, left, discusses plans for the 2020 Hometown Legislative Action Day and the Municipal Elected Officials Institute of Government with Staff Associate for Distance Learning Erica Floyd and Manager of Member Services Ken Ivey.

Todd Glover moved into the offices at 1411 Gervais St. on November 11 to begin his tenure at the Municipal Association of South Carolina's seventh executive director. Here are Glover's answers to several questions about the future of the South Carolina's cities and towns, and the future of the Association.

What are your goals for the Association over the next year?

My goal for the Municipal Association for the next year and for many years to come is to increase our value to cities and towns. The Association was founded on the idea that when cities come together and work together, they create a more efficient and effective way of doing things. I believe in this idea, and I believe that the Association has fulfilled this promise with many of the current programs we offer. However, change can be good, especially when it creates a greater value in the services and trainings the Association provides. Whether that means we expand existing programs that currently enjoy success, like the Municipal Elected

Officials Institute of Government, or creating new programs like a cooperative purchasing program for cities, we need to look at every service we provide and ask how can we make it better.

How do cities and towns bring value to the state?

Cities and towns are the backbone of our state's economic development success. More and more people and businesses are moving to urban cores. Tourism is booming in municipal boundaries and not just along our coast, but in our inland and upstate cities and towns as well. Businesses, both large and small, are choosing to locate in our urban centers where employees can go to school, live, work and enjoy restaurants, sports, arts and other recreation opportunities. Cities and towns in all parts of the state are the economic drivers of our state's economy. While South Carolina still boasts a large agriculture economy, our cities are the cores of progress and innovation leading our state into the future. Local government is my passion. My entire career

has been in local government and I truly believe that cities and towns are the key to our state's prosperity.

What are the biggest legislative issues facing cities and towns for the 2020 General Assembly?

Every legislative session, there are bills introduced that can help cities and towns govern at the local level and improve services to residents and businesses. There are also bills introduced that negatively affect the ability of officials in cities and towns to govern at the local level — state preemption on local decisions being the most common. Removing local authority ties the hands of locally elected leaders to make decisions directly affecting their residents and businesses, whether those decisions deal with environmental hazards or revenue to pay for city services. The attack on business licensing is always at the forefront. This locally generated income goes directly into general fund budgets of cities and towns to pay for public safety, fire services, recreation, events and many other services that benefit businesses and residents alike. These services are what initially attracted the businesses and industries to locate in our South Carolina hometowns. Cities and towns are supportive of increased flexibility with local accommodations and hospitality taxes to help repair flooding in tourist areas. Legislation that would give cities and towns this flexibility is a priority for the Association this session.



2019 Hometown Economic Development Grant Recipients

The Municipal Association of South Carolina has awarded the 2019 Hometown Economic Development Grants to 14 cities and towns in amounts of up to \$25,000 each. The Association's board of directors created the program to fund projects that will produce measurable economic and quality-of-life results, can be maintained over time and illustrate best practices that can be replicated in other cities.

City of Abbeville

The City of Abbeville will use grant funds as leverage for upgrades to the historic Abbeville Opera House, located in the heart of the city. Upgrades to the Opera House's sound and lighting systems, its roof and environmental systems will allow for additional performances that will boost attendance.

Town of Awendaw

Seeking to further capitalize on its growing ecotourism industry, the Town of Awendaw will use grant funds to develop a master plan for its large municipal park. The park will tie in to the East Coast Greenway and allow the town to host a variety of ecotourism events to attract visitors.

Town of Calhoun Falls

In 2017, the Town of Calhoun Falls established a farmers market to cater to Lake Russell visitors and resident senior citizens participating in the Senior Farmers Market Nutrition Program. Having outgrown its current location, the town will use grant funds to construct a market pavilion to better accommodate visiting senior citizens and more vendors.

Town of Cheraw

Upfit Downtown is a pilot project the Town of Cheraw will use to spur rehabilitation of historic commercial buildings and add residential space in its downtown area.

City of Dillon

In an effort to slow the decline of its downtown and take advantage of potential economic growth opportunities, the City of Dillon will develop a downtown master plan with its grant funds. The plan will rely on stakeholder input to help envision the future of the downtown.

Town of Edgefield

The Town of Edgefield was home to "Dave the Potter," an enslaved person whose pottery is treasured for its unique character and quality. The town will use its grant funds to develop a downtown park and event facility in honor of Dave's important effect on South Carolina.

City of Inman

The City of Inman will use its grant funds to help construct its first center-city events pavilion to house its farmers market and many annual events.

Town of Jackson

In need of more event space, the Town of Jackson will use grant funds to expand its Community Center Park to host outdoor activities, which will attract more visitors and economic activity.

Town of Jonesville

After years of decline due to the loss of the textile industry, the Town of Jonesville has started planning for its future. The town will use grant funds to develop

its first-ever strategic plan to help the community focus on revitalization and the future.

City of Marion

The City of Marion will use grant funds to expand its highly demanded facade improvement grant program. The expansion will allow more buildings to be improved and attract more economic activity.

Town of Prosperity

Planning for revitalization, the Town of Prosperity's historic depot was completed in 2012, but the town has been unable to fund all of the work needed. The town will use its grant funds to make the depot ADA compliant, thereby making it accessible to all of the town's residents.

Town of Sellers

Parents seeking a place for their children to play in the small Town of Sellers must leave town to find a playground. The town will use its grant funds for the replacement of equipment at the town's only park.

Town of Six Mile

The Town of Six Mile's current comprehensive plan calls for the development of more green space and recreation. In pursuit of this vision, the town will use grant funds to develop and construct a community park in the central business district to attract visitors and business.

City of Union

With its grant funds, the City of Union will turn a burned-out building into a multiuse outdoor space that will connect Main Street to public parking and other amenities.



Making Sense of Municipal Elections

Local officials need a solid understanding of the laws governing how municipal elections are operated in order to provide residents with a voice in the future of their hometown.

In many cases, cities and towns contract with their county elections office to administer the elections, for reasons such as cost savings, or a lack of volunteers available to serve either on municipal election commissions or as poll workers. Whether or not the county handles the municipal elections, there are critical parts of the process that municipal officials should know.

The upcoming Hometown Legislative Action Day, taking place in Columbia on Tuesday, February 4, will spotlight the topic of local elections. Charlie Barrineau and Jeff Shacker, the Municipal Association's field services managers, will share an overview of crucial requirements for municipal elections, answer a number of election-related questions they often receive from local officials, and present a few unusual scenarios that they have been confronted with in their travels across the state.

As in past years, multiple educational offerings for the Municipal Elected Officials Institute of Government and Advanced Municipal Elected Officials Institute of Government will take place in Columbia on Wednesday, February 5, the day after HLAD. For those who have graduated from the Advanced Institute, offerings will also include courses of the

Advanced Continuing Education track, including "Municipal Elections 101."

Anyone interested in diving into the specifics of administering a city election can take a look at the *Municipal Election Commission Handbook*, which the Municipal Association developed in partnership with the SC State Election Commission. That handbook can be found at www.masc.sc (keyword: election handbook).

Here are a handful of takeaways from it:

- Municipal election commissions need to begin planning for an election at least six to seven months before the date of the election to provide enough time for all of its duties — publishing notices, coordinating with the county election commission and training poll workers, among other needs.
- Public notice of elections must first be published in a newspaper of general circulation in the municipality at least 60 days before the election, but the best practice is to time it about 90 days before the election. A second notice must be published exactly two weeks after the first. The 90-day window helps with candidate filing deadlines — 75 days before the election for candidates filing by petition, and 60 days for candidates filing a statement of intention of candidacy.
- In cities and towns using the majority-runoff method of election, runoffs are held two weeks after the election if no candidate for an office receives a majority of the votes cast. Also, runoff

elections are required when there is a tie result in which two or more candidates receive the same number of votes. State law requires special elections when an office becomes vacant more than 180 days before the next election.

2020 HLAD, MEO Institute details

Find information at www.masc.sc (keyword: HLAD).

Hotel reservations deadline

Friday, January 3

Make hotel reservations at the Columbia Marriott by calling 1.800.593.6465 or 1.803.771.7000 and asking for the Municipal Association of SC HLAD rate of \$159 plus taxes.

Preregistration deadline for HLAD and MEO Institute

Thursday, January 23

Hometown Legislative Action Day

Tuesday, February 4
Columbia Marriott

Municipal Elected Officials Institute of Government, Advanced Institute and Advanced Continuing Education

Wednesday, February 5
Columbia Marriott

Take Advantage of Training Opportunities in 2020

The job functions of municipal employees often have no direct counterparts in the private sector, leaving workers without an easy way to participate in focused professional development organizations.

The Municipal Association of South Carolina's affiliate associations cover many professional development needs for cities and towns. These groups aim to create a community of peers who can network, learn through specially-tailored training, both in person and online, and share best practices and experiences. Each affiliate receives management support from the Municipal Association and guidance from a board of directors elected from the affiliate's membership.

All affiliates have membership applications and renewals opening up for 2020 on January 2. The nominal membership costs give each participant discounted training registrations as well as access to that group's closed email listserve for users to post questions and seek feedback from colleagues.

These are the 11 affiliate organizations:

Building Officials Association of SC

BOASC focuses on the challenges of administering and enforcing building and related codes in order to protect the life, health and property of building occupants. *Staff contact: Elizabeth Copeland*

Municipal Court Administration Association of SC

MCAA provides training for court administrators, clerks of court, municipal judges and other employees involved in court administration. *Staff contact: Sara Snell*

Municipal Technology Association of SC

MTASC exposes members to a broad range of technology systems, platforms

and solutions. It offers training for IT staff, those with GIS responsibilities and employees working in other departments but whose duties include technology services. *Staff contact: Sara Snell*

SC Association of Municipal Power Systems

SCAMPS focuses on legislative initiatives, mutual aid and provides training for elected officials, management staff and operational personnel of the electric cities in the state. *Staff contact: Elizabeth Copeland*

SC Association of Stormwater Managers

SCASM offers quarterly training on stormwater management policies and best practices. Training addresses topics like proposed changes to stormwater regulations and case studies of innovative practices. *Staff contact: Sara Snell*

SC Business Licensing Officials Association

BLOA promotes best practices for administering the local business and professional license tax through training, networking and the Accreditation in Business Licensing and Masters in Business Licensing. *Staff contact: Elizabeth Copeland*

SC Community Development Association

CDA training focuses on economic and community development needs, best practices and successful case studies. Members come from local and state government as well as private industry, elected positions and volunteer positions. *Staff contact: Sara Snell*

SC Municipal Attorneys Association

The MAA annual training, designed for city and town attorneys, complies with the Supreme Court of South Carolina Commission on CLE and specialization requirements for continuing education credits. *Staff contact: Eric Shytle*

SC Municipal Finance Officers, Clerks and Treasurers Association

MFOCTA training covers the diverse job responsibilities of its members. MFOCTA sponsors the Municipal Clerks and Treasurers Institute with the Municipal Association and the Joseph P. Riley Jr. Center for Livable Communities. *Staff contact: Elizabeth Copeland*

SC Municipal Human Resources Association

MHRA helps members stay current on state and federal labor law and court rulings. Its trainings are accepted by national human resources organizations for continuing education credits. *Staff contact: Sara Snell*

SC Utility Billing Association

SCUBA trains members on utility billing, collections and customer service. Programs frequently focus on customer service skills, workplace safety, and best practices in utility billing and collections. *Staff contact: Ken Ivey*

Current members will receive a renewal notice the first week of January. Join an affiliate online or by contacting the Association's staff. Learn more at www.masc.sc (keyword: affiliate).





Why Local Self Governance Matters

By Scott Slatton, *Legislative and Public Policy Advocate, Municipal Association of SC*

City and town councils in South Carolina are provided with broad authority to meet the requests and needs of their residents. This authority is found in Article 8, Section 17 of the South Carolina Constitution, which states, “The provisions of this Constitution and all laws concerning local government shall be liberally construed in their favor. Powers, duties, and responsibilities granted local government subdivisions by this Constitution and by law shall include those fairly implied and not prohibited by this Constitution.”

What this means is that action taken by municipal councils is presumed to be lawful unless state or federal law prohibits the action. This presumption, which is the basis for “Home Rule,” has allowed cities and towns to lead policy debates that have made tremendous differences in the quality of life of South Carolina residents.

In the past, cities have led the way to better air quality in public places by passing indoor smoking restrictions. Towns across the state recognized the safety issues caused by texting while driving and enacted ordinances to ban the practice. Municipalities are using their

land use authority to address the affordable housing crisis. And while cities and towns are on the leading edge of making good policy, municipal governments are sometimes thwarted by preemption of their authority at the state and federal level — specific pieces of legislation that prohibit local governments from taking action in certain areas.

From property tax caps to banning the use of certain law enforcement tools, municipal authority under the South Carolina Constitution has eroded over time. But careful consideration of issues facing cities and towns by local officials and communication of the importance of local decision making to state legislators are useful tools in preserving local authority.

Take local business licensing for instance. Efforts are underway in the South Carolina General Assembly to preempt local authority to levy a business license tax. Not all state legislators support the effort because their local elected officials have exercised their constitutional authority to demonstrate that preemption is unnecessary. First, cities and towns have standardized administration of their business license ordinances to use a common application, due date and license year.

The mayors and councilmembers in those municipalities have also communicated clearly to their legislators the harmful effects business license preemption will have on businesses and the cities and towns where they operate.

Similarly, municipal officials are listening to their residents demanding action to slow the negative effects of vaping in their communities. Local officials are listening to their residents’ and business’ requests to regulate plastic pollution. But like with business licensing, legislation is pending in the General Assembly that will preempt cities and towns from meeting their residents’ demands on these issues.

Certainly some issues like building codes, environmental quality standards and others deserve attention at the state level. But most issues that affect the daily quality of life of our state’s residents should be addressed at the local level since local officials are most familiar with the unique qualities of their communities.

For all these reasons, it is critical that local elected officials talk with their state legislators about working together to preserve local authority and make sure legislators understand how cities and towns are directly addressing their residents’ requests and how the state can assist.

2020 Achievement Awards



Residents and other stakeholders need to learn about the valuable work of local governments — the ways local officials keep a municipality running smoothly and the new ways they find to make improvements. The Association's Municipal Achievement Awards offer a ready-made way for local governments to show off their efforts. The awards honor excellence in local government programs, and they also encourage the sharing of ideas among cities and towns.

How to find a winning Achievement Award entry

Every city and town likely works on an award-worthy project at some point each year, but discovering that project may take some collaboration.

- Ask every department to create a list of their best completed projects. Ask them also to consider what projects have had the most meaningful effects on residents.
- Create an interdepartmental competition to decide which department's work should be submitted for the Achievement Award entry.
- Take a look at the videos and descriptions of previous Achievement Award winners at www.masc.sc (keyword: achievement awards).

Projects need to be substantially complete to be eligible and can be submitted only one additional time if they do not win. Municipalities with a population of 20,000 or less can 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.

The entry form is available at www.masc.sc, and the 2020 submission deadline is January 29. The designated contact person for each entry will receive a receipt confirmation email by January 31.

Cities submitting in the subject categories must make an oral presentation at an assigned time on February 24 or 25 in Columbia at the Municipal Association's office.

The Association will recognize award winners at the Annual Meeting Awards Breakfast held in Charleston on July 18, 2020.

For more information, contact Meredith Houck at 803.933.1215 or mhouck@masc.sc.



Test yourself monthly quiz

True or False: The person responsible for preparing the proposed budget under each form of government is the city or town's finance officer.

Answer: False

The person responsible for preparing the proposed budget varies under each form of government. In the council form, the council designates who is responsible

for preparing the budget. In the mayor-council form, the mayor prepares the budget. In the council-manager form, the manager prepares the budget. For more information about forms of government, see Page 14.

The Municipal Elected Officials Institute of Government offers

in-person and online courses. "Basic Budgeting and Municipal Finance" is offered as an on-demand course online. In-person courses will take place February 5, 2020, the day after Hometown Legislative Action Day, in Columbia.

Learn more at www.masc.sc (keyword: MEOI).



Pursuing Grants With Passion



Securing grants for community development projects requires creativity and persistence, and although the competition for limited funds can be intense, grant writers never know when an application might come to fruition.

For Katharine Spadacenta, Main Street program manager for the City of Camden, success came when she had been on the job for only four months — Camden won a Community Challenge grant from the AARP Livable Communities initiative, which it used to build out improvements in a downtown alleyway.

The city had earlier developed the Town Green, a dedicated downtown green space, but the area connected to the Broad Street thoroughfare only by a long, poorly lit alleyway that many found concerning at night. The grant — combined with a match from the city, mostly through in-kind contributions — allowed for the installation of lighting, seating and planters. The Town Green alley has since been the site of public art projects and even dance events, Spadacenta said.

Spadacenta was one of several Main Street directors to present their grant-writing experiences at a Main Street South Carolina training session in Orangeburg in September. She advised those interested in grants to have projects in mind, or at least categories in which they want to improve their cities, when writing grants. In her case, she looks for grants involving health and wellness, or arts and culture.

“If you’re interested, if you don’t even really know where to look, I would say to subscribe to as many email lists as you possibly can,” she said.

William Freeman, director of Main Street Kingstree, described his efforts to find grants, including a successful application for a Duke Energy Water Resources Fund grant and Pee Dee Land Trust grant, to go towards the city’s purchase of land along downtown and on the Black River. The vision for the property is to improve recreational opportunities — things like a boardwalk, amphitheater and playground. He learned about the Duke Energy grant

opportunity from one of many contacts he has built in the course of his job.

Freeman noted the importance of going after individual grants that may cover just one part of a much larger vision. He said that grant writing does not require “an English major,” but rather someone who can advocate like a salesperson, and who has a passion for the targeted project, as he has for building a better connection between the riverfront and downtown Kingstree.

“It’s what I think will really boost our economy, is tying our downtown into our Black River,” he said.

Elisabeth McNeil, Bennettsville’s director of tourism, parks and recreation, as well as Brittany Jones, assistant director of tourism, parks and recreation, discussed their grant-writing efforts. These efforts centered around improving access to parks for all residents as well as using park facilities, even dog park facilities, to lure in beach travelers who might otherwise pass by Bennettsville.

Jones advised subscribing to many newsletters to find grants. She noted that one of the successful grant efforts highlighted, a 10-Minute Walk Planning Grant from the National Recreation and Park Association, became possible only because of an email forwarded to them just in time. That grant in particular is part of a national effort to spread the availability of parks within a 10-minute walk of residents’ homes, and Bennettsville is using it towards the development of a city park master plan.

Jones also echoed Freeman’s advice about pursuing grant opportunities for those projects for which staff members have passion.

“As long as you really care, and can convey that you care — and your community cares — about what you’re applying for, it’s going to go a long way,” she said.

Association Highlight: *City Quick Connect* Podcast

The Municipal Association of South Carolina’s *City Quick Connect* podcast offers short discussions from Association staff on many of the areas and issues touched by the Association — legislation, risk management, economic development and training opportunities, among others.

During the legislative session, the podcast includes episodes providing the legislative action updates available through the *From the Dome* to

Your Home reports, plus insights from the advocacy team about late-breaking activity at the General Assembly and opportunities for local leaders to engage in the process.

Find current and past episodes at www.masc.sc (keyword: *City Quick Connect*), or through iTunes and Google Play.





Running Council Meetings Effectively

City councils can sometimes slip into dysfunction, and the disorder can cause lasting damage. Whether residents and businesses are seeing it in person, hearing about it or seeing it in the media, council dysfunction gives them the sense that their local government cannot handle the problems and needs of the community.

Many of the issues that can derail the work of council can be addressed by enforcing rules of procedure, and SC Code Sections 5-7-250 and 5-7-270 require all municipalities to adopt such rules by ordinance. Not only do rules of procedure promote order and efficiency in council proceedings, they also help to provide impartiality and fairness for all members of council. Rules of procedure allow all members of council to have an opportunity to have their voices heard during meetings.

Rules can cover many things:

- how items are placed on an agenda,
- amending motions,
- the order in which motions are considered,
- how people can appear before council to speak,
- time limits on debate,
- appeals of the presiding officer's rulings and
- the conduct of councilmembers.

Councils adopt their own local procedures, which can be customized to fit local needs as long as they meet legal requirements. In addition, councils often adopt by reference *Robert's Rules of Order* to supplement local rules. This can create multiple levels of rules, so the order of application should always be:

- state law,
- local rules, and
- *Robert's Rules of Order*, if adopted.

Waiting until there is a problem to adopt or enforce rules of procedure may be too late. Rules need to be clear, easy to understand, and most importantly, already in place when an issue arises. Officials should review their city's rules of procedure for clarity and simplicity. If they lack clarity, council should consider amending its rules so they are more effective.

The Municipal Association of SC offers a *How to Conduct Effective Meetings* handbook at www.masc.sc (keyword: conduct effective meetings). The handbook digs into many issues of how to appropriately and effectively operate a meeting:

- Presiding over meetings – Presiding officers need to be knowledgeable about rules, and be able to apply them consistently when running meetings both firmly and courteously.

- Entering executive session – The SC Freedom of Information Act provides for specific instances in which a council can enter executive session. Before doing so, the council must vote in public to enter executive session, and the presiding officer must give the reason for entering executive session.
- Participating in meetings – While rules adopted by council can be specific to that council, the guide offers some recommendations for councilmember actions that are valuable in any setting. For example, when making a motion, the motion should be stated affirmatively — in other words, describing something the council will do, rather than something it will not do. Councilmembers should avoid comment or discussion until after a motion is seconded by another councilmember and the presiding officer calls for discussion.

The guide also includes model rules of procedure that councils can either adopt or use as a starting point. The model rules appear as Appendix B in the guide.

Conducting meetings effectively is also a part of the curriculum of the SC Municipal Clerks and Treasurers Institute. Learn more at www.masc.sc (keyword: MCTI).



Time for the Mid-Fiscal-Year Budget Check

January marks the midpoint of the fiscal year for any municipality that begins its fiscal year on July 1. This makes now a good time for these cities and towns to give their budgets a careful review.

A review can help city officials get a sense of

- whether the revenue projections and expenditure estimates on which the budget was originally based are proving to be accurate;
- whether the budget is helping the council meet its goals for the year. The council can ask whether the goals are likely to be met by the end of the fiscal year; and
- whether adjustments are needed for the second half of the year. Generally, by

the fiscal year midpoint, the municipality should have made half, or less than half, of budgeted expenditures.

When examining revenues at the halfway point of the fiscal year, items like utility payments and hospitality taxes should total about half of their estimated amounts. This is not the case for property tax revenue and business license revenue. Payments for those are typically due in the third and fourth quarter of a fiscal year beginning July 1.

Six months' worth of data is typically enough for council to see overall trends large enough to require adjustments to the budget. For example, fuel costs are notoriously volatile. Higher prices lasting for a single month may not reveal a trend,

but six months of increases can call for budget changes.

Steps for revising a budget

State law requires councils to amend the budget ordinance when revisions are made to the annual budget. The ordinance must have readings at two meetings, separated by at least six days. Some cities and towns have established procedures requiring additional readings for budget ordinances and amendments.

Council must also conduct a public hearing on the amended budget ordinance before adopting it. The city should advertise this hearing the same way it provided notice for the public hearing on the original budget ordinance.

Don't Forget the Annual Notice of Meetings

The SC Freedom of Information Act requires all public bodies to give written notice of regularly-scheduled meetings at the beginning of each year.

This applies to

- city and town councils,
- public utility boards,
- planning commissions,
- boards of zoning appeals,
- architectural review boards, and
- all other boards, commissions and committees appointed by council.

The notice must give the dates, times and locations of all regularly-scheduled meetings. It must be posted on a bulletin

board in a publicly accessible place at the public body's office or meeting place. If the public body maintains a website, it must place the annual notice there as well.

These posting requirements are similar to the requirements for the posting of agendas of individual meetings. Individual meeting agendas must also be placed on a publicly accessible bulletin board at the meeting place and posted on a website, if available. The agendas must also be provided to all individuals, news outlets and organizations who request that agendas be sent to them. All of this must be done at least 24 hours in advance of the meeting.



Managing Job Finalists Under FOIA



In 2003, Spartanburg School District 7 was engaged in a thorough search process for a new school superintendent. From about 30 applicants, the school district cut the pool to five semifinalists, and then again cut the pool to two finalists before making a final decision.

The Spartanburg *Herald-Journal* newspaper then sent the school district a request under the South Carolina Freedom of Information Act for materials “relating to not fewer than the final three applicants.” The language of the request mirrored SC Code Section 30-4-40(a)(13), which allows public bodies to exempt from disclosure “[a]ll materials, regardless of form, gathered by a public body during a search to fill an employment position,” except for materials relating to “not fewer” than three finalists.

The school district, noting that there were only two finalists, offered materials relating only to those two candidates. The newspaper argued that this response did not comply with FOIA and sued the school district. The case went all the way to the South Carolina Supreme Court, where the newspaper won.

In the 2007 decision to the case, *New York Times Co. v. Spartanburg County Sch.*

Dist. No. 7, the Supreme Court reasoned that “the term ‘final’ ... refers to the last group of applicants, with at least three members, from which the employment selection is made.”

Because of this ruling, the school district had to provide materials relating to all candidates in the pool of five semifinalists, despite having assured those candidates that only the finalists — which it considered to be the smaller group of two people — would be publicly identified. The unsuccessful applicants would most likely have preferred to remain anonymous because of potential implications with their current employers.

This outcome of this case might create some surprises for public bodies. For example, if a city council conducts only one round of interviews with eight candidates and selects from that pool, then all eight candidates are “finalists,” for the purposes of FOIA, and the city must disclose materials for all eight. On the other hand, if city council interviews eight candidates and calls four of them back for second interviews, the “finalists” for the position are the four candidates who were interviewed a second time.

But consider in that second scenario — four candidates who are interviewed twice — what would happen if two drop out before the final decision, leaving only two people in the group. In that case, council would have to disclose materials either on the four candidates who interviewed twice, including the two withdrawn candidates, or on all eight candidates. Council cannot disclose information on only the two remaining candidates.

There are best practices that municipalities can adopt to limit these surprises. Most importantly, high-profile searches, especially for management positions that are likely to attract FOIA requests, should have at least one cut to a pool of no less than three candidates, who received notice that their names may be disclosed. Otherwise, council may have to disclose materials on the entire pool.

Making high-profile hires is a consequential process for cities and towns and not just because of the performance and leadership of the new hire. The degree of professionalism shown in the process itself can impact the municipality’s reputation, and handling the announcement of finalists appropriately is an important part of that.



Breaking Down the Three Forms of Government

South Carolina law allows municipalities to organize under one of three forms of government. It also allows municipalities to change the form of government by referendum.

Although each of the three forms have unique structures, some things remain the same in all instances. For example, in all three forms of municipal government in South Carolina, all legislative and policy making authority rests with the council. All councils must meet at least one time per month and comply with the notice and agenda requirements in the SC Freedom of Information Act. In all cases, the mayor, or a majority of council, can call special meetings.

Full information is available in the *Forms and Powers of Municipal Government* handbook at www.masc.sc (keyword: forms of government), along with a list of which municipality has which form of government. Here are some basics for each of the forms:

Mayor-council form – also known as the strong mayor form (SC Code Title 5, Chapter 9)

The council

- has four or more councilmembers, plus the mayor.

- Holds all legislative and policy power.
- can hire an administrator to “assist the mayor in his office.”
- appoints the municipal clerk, attorney and judge.
- adopts the balanced budget, which is prepared for council by the mayor.

The mayor

- votes as a member of council and presides over council meetings.
- serves as chief executive officer, supervising departments, as well as appointing and removing employees in accordance with personnel rules adopted by council.
- prepares and submits the budget and capital program to council, and makes the annual financial report to the public and to council.

Council form – also known as the weak mayor form (SC Code Title 5, Chapter 11)

The council

- has either five, seven or nine councilmembers, including the mayor.
- holds all legislative, policy and administrative power.

- can hire an administrator to assist council and can appoint an officer of the city other than a councilmember to administer departments with the direction of council.
- appoints the municipal clerk, attorney and judge.
- prepares and adopts a balanced budget.

The mayor

- has no other additional authority compared to other councilmembers.
- performs administrative duties only if authorized to do so by council.
- presides at council meetings by tradition, not statutory authority.
- may exercise informal authority as leader of council and staff as spokesperson for the council.

Council-manager form (SC Code Title 5, Chapter 13)

The council

- has either four, six or eight councilmembers, plus the mayor.
- holds all legislative and policy power.
- employs a manager, attorney and judge.
- adopts a balanced budget, which is prepared for council by the manager.

The mayor

- has no additional power compared to other councilmembers.
- has no administrative responsibilities.
- presides at council meetings by tradition, not statutory authority.
- may exercise informal authority as leader of council and staff as spokesperson for the council.

The manager

- serves as chief executive and head of the administrative branch, appointing and removing employees, including the clerk, and setting salaries.
- prepares and administers the annual budget and makes financial reports.
- Advises council on departments and appointments.

The forms of municipal government are also included as part of the curriculum of the Municipal Elected Officials Institute of Government. Learn more at www.masc.sc (keyword: MEOI).



Ordinances and Resolutions

Councilmembers and staff often face the question of whether or not a specific action requires the passage of an ordinance or a resolution.

Ordinances

State law requires ordinances in a number of specific circumstances, but in cases where it does not, councils have the flexibility to use either an ordinance or resolution. Generally, councils should use an ordinance anytime the law or rule under consideration would be broadly applicable, and have a major and long-lasting impact. Some ordinances require public hearings.

Both ordinances and resolutions are public records under the SC Public Records Act, so a paper or electronic copy of the originals must be retained perpetually by the municipality.

South Carolina law requires the passage of an ordinance for these actions:

Administration

- Adopting or amending an administrative code – SC Code Section 5-7-260(1)
- Establishing, altering or abolishing a municipal department, office or agency – SC Code Section 5-7-260(1)
- Granting, renewing or extending franchises – SC Code Section 5-7-260(4)

Council operations

- Conducting a municipal election – Title 5, Chapter 15

- Establishing council rules of procedure – SC Code Sections 5-7-250 and 5-7-270
- Setting councilmember salaries – SC Code Section 5-7-170

Financial operations

- Adopting budgets – SC Code Section 5-7-260(3)
- Levying taxes – SC Code Section 5-7-260(3)
- Setting procurement procedures – SC Code Section 11-35-5320
- Authorizing the borrowing of money – SC Code Section 5-7-260(5)
- Establishing a fine or other penalty, or create a rule on whether a violation is subject to a fine or penalty – SC Code Section 5-7-260(2)

Land use and regulation

- Annexing property – Title 5, Chapter 3
- Adopting a comprehensive plan – SC Code Section 6-29-530
- Adopting zoning and land development regulations – Title 6, Chapter 29, Article 5
- Adopting building codes – SC Code Sections 5-7-280 and 6-9-60
- Selling, leasing or contracting to sell or lease any lands of the municipality – SC Code Sections 5-7-40 and 5-7-260(6)

Every proposed ordinance must be introduced in writing and in the format required for final adoption. No ordinance

has the force of law until it has had at least two readings on two separate days with at least six days (a day must be a complete 24-hour period) between each reading. If local rules of procedure call for three readings, council must follow that requirement.

Once adopted, municipal ordinances must be typewritten or printed, maintained in a current form, indexed, codified — in other words, put into an organized system — and be made available for public inspection at reasonable times. This ensures council used a deliberative process to adopt the ordinance and the enacted ordinance is an accessible public record. Once an ordinance is adopted, council can only amend it or repeal it by adopting another ordinance.

Resolutions

A resolution is a written motion of council which generally expresses a policy or position on an issue. The policy or position is generally considered to have a limited duration because it can be changed at any time by one vote of council. Unlike ordinances, resolutions require only one reading and vote by council.

A written resolution is no different from a verbal motion approved by council. Resolutions are often used instead of verbal motions when council wants to put greater emphasis or visibility on an action item.



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Calendar

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

DECEMBER

4 SCMIT and SCMIRF Public Works and Utilities Risk Management Training. DoubleTree by Hilton Hotel Columbia. Topics include top risk management issues facing public works and utilities officials, public works and utilities safety and a claims overview.

6 SC Municipal Attorneys Association Annual Meeting and Continuing Legal Education Seminar. DoubleTree by Hilton Hotel Columbia. Topics include updates on federal and state law, First Amendment audits, ethics and potential legislation relating to the Federal Communications Commission.

JANUARY

29 Main Street South Carolina First Quarter Training. Camden, SC. Topics

include the Main Street Four-Point Approach, tax credit perspectives from local experts and abandoned buildings.

FEBRUARY

4 Hometown Legislative Action Day. Columbia Marriott (see Page 6).

5 Municipal Elected Officials Institute of Government Session A and B, Advanced Institute and Advanced Continuing Education. Columbia Marriott. Topics for Session A include an overview of local government planning and zoning; conducting public meetings; and strategic planning. Topics for Session B include municipal annexation; business license tax administration; and ethics and public accountability. Advanced Institute Courses are “Advanced Budgeting and Finance” and “Advanced Leadership and Governance.” Advanced Continuing Education topics include a more in-depth overview municipal elections and harassment prevention.

19 – 20 Municipal Court Administration Association 101 – Session A. Municipal Association of SC, Columbia. Topics

include an introduction to court administration, charges, bonds and court basics.

20 SC Association of Municipal Power Systems Associate Member Lunch. Seawell’s, Columbia.

25 Main Street South Carolina New Director Orientation. Municipal Association of SC, Columbia.

26 – 28 Municipal Clerks and Treasurers Institute – Year 2, Session A. Hyatt Place Columbia/Downtown/The Vista. Topics include technology in the workplace, interpersonal skills, payroll administration, risk management, time management, grants administration, notary public and roundtable sessions.

MARCH

5 SC Association of Stormwater Managers First Quarter Meeting. Seawell’s, Columbia.

11 SC Business Licensing Officials Association Spring Training Institute and Advanced Academy. Seawell’s, Columbia.