



UPTOWN

a publication of the municipal association of south carolina

Legislative Session Returns in January *Defensive Advocacy Work to Play Key Role*

January 11, 2022, welcomes the second half of the 2021 – 2022 legislative session of the South Carolina General Assembly. The state’s 170 legislators will be back in Columbia to debate issues left over from the 2021 session and new issues introduced for the 2022 session.

Legislators must, as always, introduce and adopt a state budget. In this session, legislators will be faced with allocating federal American Rescue Plan dollars to state projects, distributing Savannah River Site lawsuit settlement dollars and adopting redistricting plans to redraw House and Senate district lines based on the 2020 Census. Lawmakers will have to address all these major items in addition to working on bills still in process from 2021, and new bills pre-filed by House and Senate members in November and December.

The Municipal Association’s legislative tracking system, available at www.masc.sc (keyword: tracking system) tracked more than 300 bills for the 2021 session. This count will almost double in size by the end of the 2022 session. Once the session is over, all the bills that the General Assembly did not pass into law will only be able to advance if they are reintroduced for the 2023 session, beginning the legislative process anew.

In addition to crafting policy during 2022, all 124 House members will be up for reelection, with the deadline to file to run for office coming on March 31. All statewide constitutional



officers, including the governor, attorney general, secretary of state and others are also up for reelection. After filing, partisan primary elections will take place in June with the general election in November.

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President:

Councilmember Kathy Pender,
Rock Hill

Executive Director:

Todd Glover tglover@masc.sc

Managing Editor:

Meredith Houck mhouck@masc.sc

Editor:

Russell Cox rcox@masc.sc

Editorial Assistant:

TJ Lundeen TLundeen@masc.sc

Contributing Writers:

**Dena DiOrio, Casey Fields,
Urica Floyd, Scott Slatton**

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While the Association develops, writes, advocates for and works on proactive legislation for cities and towns, it's inevitable that issues arise requiring the Association to take a defensive stance. The Association's legislative team considers defensive issues those that could harm cities and towns and preempt local authority and decision making.

The bills below are examples of defensive issues that were introduced last session. Other defensive bills can be introduced at any time during prefilings or the regular session, and can be found in the Association's legislative tracking system. A list of proactive bills contained in the Association's 2021 – 2022 Advocacy Initiatives can also be found on the Association's website.

Attack on business licensing

H4387 would exempt from the business license tax some businesses that are owned by the same owner or owners. This bill was introduced by Rep. Jay Jordan (R-Florence), the same House member who sponsored Act 176, and is cosponsored by 34 other House members. This bill was introduced on the last day of the 2021 session and would affect Act 176, a new law that does not go into effect until January 1, 2022. This bill was referred to the House Ways and Means Committee.

Attack on tree ordinances

H3989, sponsored by Rep. Jeff Johnson (R-Horry) prohibits a political subdivision such as a city or town from adopting or enforcing an ordinance or resolution that restricts the removal of trees on private property. This bill was introduced in March 2021 and referred to the House Judiciary Committee. The House Judiciary Special Laws subcommittee held a 15-minute hearing on the bill the day before the 2021 session was over. Subcommittee members received testimony overwhelmingly against the bill. Nevertheless, the bill was given a favorable report by the subcommittee and sent to the full House Judiciary Committee for review in January 2022.

Attack on out-of-city water rates

H3195, sponsored by Rep. Tim McGinnis (R-Horry) prohibits a municipality from charging water customers who live outside of the corporate limits more than it charges municipal residents. This bill was pre-filed in the House in December 2020 and referred to the House Labor, Commerce and Industry Committee. This bill has not received a committee hearing yet.

These are only three examples of defensive issues that negatively affect cities and towns and the ability of local leaders to make local decisions.

Stay in the Know During the Legislative Session

City and town officials can learn about many issues of the upcoming session during the 2022 Hometown Legislative Action Day in Columbia on February 1. Learn more at www.masc.sc (keyword: HLAD).

Plenty of information on the Municipal Association's website, under the "Advocacy & Legislation" tab, can also help local officials advocate more effectively. Here are some of the resources:

- Archives of *From the Dome to Your Home*, the weekly email sent during the legislative session recapping the week's major legislative events and previewing the upcoming week's activities. The legislative team expands on the report with additional information through regular episodes of the *City Quick Connect* podcast. The email report returns in December and begins its regular weekly schedule in January.
- The 2021 annual legislative report.
- The Association's legislative tracking system.
- The Association's 2021 – 2022 Advocacy Initiatives.

Main Street Laurens, Main Street Walhalla Receive Placemaking Grants

Main Street Laurens and Main Street Walhalla each received \$3,500 toward projects to make their downtown districts more welcoming and usable. These Vibrant Placemaking Grants came from a partnership between AARP South Carolina and Main Street South Carolina.

“Main Street organizations are uniquely positioned to inspire change and make their downtown commercial districts more livable and age-friendly. We are currently exploring additional partnerships to increase grant awards in 2022,” said Main Street SC Manager Jenny Boulware.

Here’s how the programs are using the grant funds:

Laurens’ Downtown Pedestrian Plaza

The City of Laurens has been closing off a parking lot on its downtown square for seating and activities during its Friday Night Live events. Now, the city is expanding that effort into a permanent pedestrian gathering space, fulfilling the desires of businesses for more outdoor seating areas. The city also established a new parking area to increase the total downtown parking capacity despite the spaces lost in the plaza.

Main Street Laurens is using grant funds for Adirondack chairs, pedestrian crossing signage, streetlamp banners identifying the plaza and event marketing signage. The plaza will become a place for scheduled events including the farmers market, other existing events and regular live music offered by Laurens’ new taproom.



Photo: Main Street Laurens

Walhalla’s Main Street Shade Sail Pavilion

The City of Walhalla purchased a lot at a major downtown intersection to control development and established the property as Browns Square, a greenspace suitable for events. Now a partnership between the city and Main Street Walhalla is seeking to move Walhalla’s farmers market from a low-visibility location to this space.

Main Street Walhalla is using grant funds to add a shade structure at the square and Adirondack chairs for the space. Because the structure has large, colorful sails, it is intended to draw travelers’ attention to events in the space and the city itself.



Photo: Main Street Walhalla

Learn more about Main Street SC at www.masc.sc (keyword: Main Street).

NEWS BRIEFS

The Association of SC Mayors elected new officers and board members for 2021 – 2022. These include **Greg Habib**, City of Goose Creek, as president; **Alfred Mae Drakeford**, City of Camden, as vice president; and **Barbara Blain-Bellamy**, City of Conway, as immediate past president. The newly elected board members are **Stephen Murray**, City of Beaufort; **Nathan Senn**, City of Laurens; and **Teresa Myers Ervin**, City of Florence. Returning board members are **Brandy Amidon**, City of Travelers Rest; **Brendon Barber**, City of Georgetown; **Michael Butler**, City of Orangeburg; **Jimmy Carroll**, City of Isle of Palms; **Brian Peterson**, City of Liberty; and **Brian Ramey**, City of Westminster.

Members of the SC Municipal Finance Officers, Clerks and Treasurers Association recently elected their new board members. The new board includes **President Cammie Hayes**, City of North Augusta; Vice President **Amanda Childers**, Town of Harleyville; **Secretary/Treasurer Barbara Denny**, City of York; Directors **Erika Moore Hammond**, City of Columbia; **Patricia Brown**, City of Marion; **Amber Barnes**, Town of Pendleton; **Laura Snelling**, City of Abbeville; and **Past President Annette Moore**, Town of St. George.

Members of the SC Business Licensing Officials Association also elected their new board. Board members now include **President Amyee Rogers**, Town of Pendleton; **Vice President Karine Thomas**, City of Hartsville; **Secretary/Treasurer Alten Driggers**, Horry County; At-Large Members **Joy Krutek**, Dorchester County; **Jarrett Epperson**, City of Cayce; **Cynthia Oliver**, City of Hardeeville; and **Past President Lakesha Shannon**, City of Marion.

In-Person Hometown Legislative Action Day Returns in 2022

Hometown Legislative Action Day, the day for municipal officials to gather in Columbia to discuss how to engage with the legislative process and meet with members of the General Assembly, will return to an in-person format on February 1, 2022, at the Marriott Columbia for the first time since the beginning of the COVID-19 pandemic. In addition to the regular updates just ahead of the beginning of the second half of the 2021 – 2022 legislative session, participants will also hear about several key legislative issues involving first responders and public safety.

Law enforcement reform

Following high-profile policing events including the killing of George Floyd by Minneapolis police in May 2020, improvements to law enforcement training and procedures have developed as a widespread topic of concern. A panel discussion on reform efforts will feature House and Senate members who have sponsored legislation on this topic.

A key piece of active legislation filed in 2021, H3050, would require noncertified law enforcement officers to be accompanied by certified law enforcement officers in the course of their duty. This bill was amended to include penalties for officers failing to intervene when observing misconduct, a prohibition of unjustifiable chokeholds, minimum standards for local agencies and new mechanisms for enforcing standards. Most recently, this bill was passed by the House and referred to the Senate Judiciary Committee.

Assistance for first responders and the Open Carry with Training Act

The 2022 Hometown Legislative Action Day will introduce concurrent sessions during the afternoon. One of these sessions, featuring Adam Whitsett, general counsel for the SC Law Enforcement Division, and Ryan Alphin, the

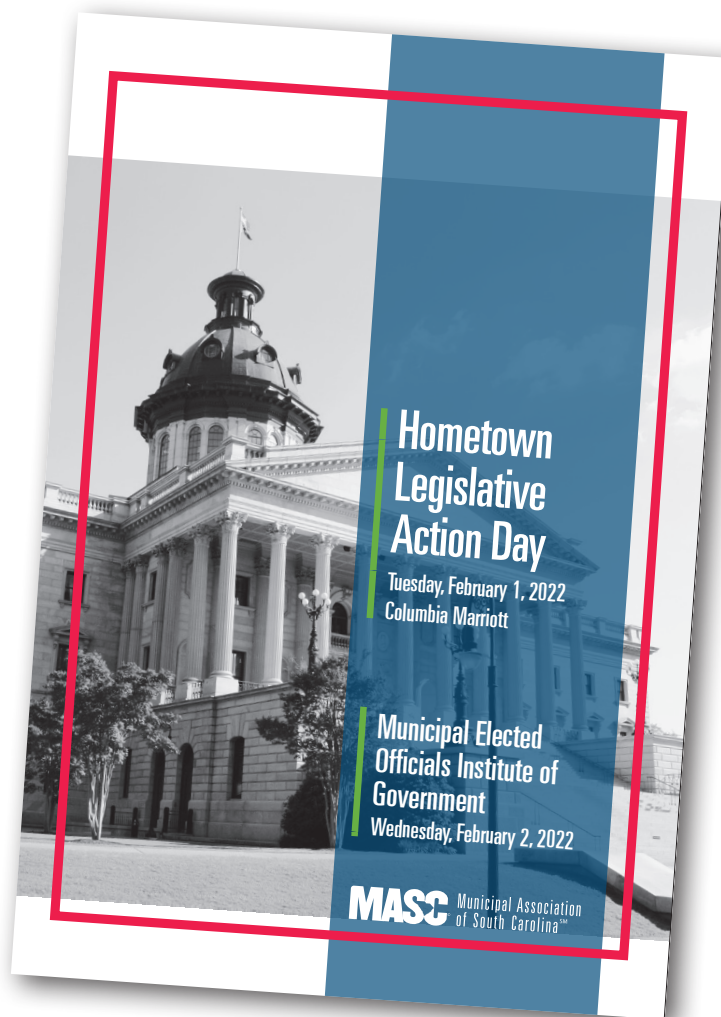
executive affairs director for SLED, will highlight a couple of underused programs designed to help with the mental health of first responders: the SC Law Enforcement Assistance Program and the SC First Responder Assistance and Support Team. The SC LEAP program provides behavioral health assistance to help first responders and their families manage trauma and stress, while the SC FAST program provides behavioral health awareness training for first responders.

The same session will review the Open Carry with Training Act, which went into effect last August and which allows the permitted open carry of firearms. Under the new law, local governments can establish open-carry restrictions during

certain organized events as long as they follow signage requirements. A number of municipalities have now enacted ordinances to exercise this power.

Additional general and concurrent sessions will discuss civility in city and town council meetings as well as the implications of 2020 Census data trends.

After Hometown Legislative Action Day on February 1, the Municipal Elected Officials Institute of Government will take place on February 2 at the Marriott Columbia, offering Sessions A and B. The hotel reservations deadline for HLAD is Monday, January 10, and the preregistration day for HLAD and the MEO Institute is Friday, January 21. Learn more and register at www.masc.sc (keywords: HLAD, MEO).



Association Highlight

Handbook for Municipal Officials in South Carolina

The Municipal Association of South Carolina offers city officials and staff access to publications covering a wide variety of local government topics. This includes the *Handbook for Municipal Officials in South Carolina*, which serves as the primary reference for the Municipal Elected Officials Institute of Government.

When councilmembers are first elected to office, they enter into a world of unfamiliar state laws that govern how city and town councils, departments, boards and commissions operate. Newly elected

officials will also often find themselves unfamiliar with how local governments are financed and how human resources for municipal staff are managed. The handbook for municipal officials explains many of these concerns. Other key topics covered in the handbook include municipal elections, ordinances, tax revenue, municipal debt, the SC Freedom of Information Act, public utility operations, municipal courts, risk management, as well as planning and annexation.

Find the handbook at www.masc.sc (keyword: *municipal officials handbook*).



Test yourself monthly quiz

True or False: One mill levied by a municipality generates one dollar in tax revenue for the municipality per \$1,000 in assessed value of the taxed property.

Answer: True.

Municipalities collecting property taxes must set an annual property tax or millage rate. A “mill” is a unit of measure equal to 1/1000, and is expressed decimally as 0.001.

From the municipality’s perspective, each mill of property taxes charged generates \$1 of property tax revenue for every \$1,000 of taxable property located in the municipality. From the property owner’s perspective, each mill creates \$1 of tax liability for every \$1,000 of the assessed value of taxable real and personal property owned in the municipality.

The Municipal Elected Officials Institute of Government offers the required course “Basic Budgeting and Municipal Finance” as an online, on-demand course. The next in-person courses are scheduled for February 2, 2022, the day following Hometown Legislative Action Day in Columbia. The MEO Institute will offer Sessions A and B, while the Advanced MEO Institute will offer “Advanced Municipal Economic Development” and “Advanced Advocacy and Intergovernmental Relations.” Learn more about the MEO Institute at www.masc.sc (keyword: MEO).

\$100,000	Appraised Value
x 0.04	Assessment Ratio
= \$4,000	Assessed Value
x 0.090	Tax Rate in Mills
= \$360	Taxes Received
x 89%	Collection Rate
= \$320.40	Budgeted Taxes

Business License Renewal Notices to Work Differently in 2022

When the SC Business License Tax Standardization Act, or Act 176, takes effect on January 1, 2022, and establishes uniform licensing processes across the state, it will bring numerous changes for business license officials. The statewide license period will run from May 1 to the following April 30. Both those dates and other stipulations of Act 176 will change how cities and towns should handle the renewal notice process for business licensing.

Determining business license tax amounts

Under Act 176, taxing jurisdictions will assign categories of businesses to the standardized class schedule, created every odd year by the Municipal Association of SC and approved by the SC Revenue and Fiscal Affairs Office. The class schedule affects the amount that each type of business pays for licenses, and the conversion to the new class schedule will cause some individual businesses to pay more or less than they previously did.

In calculating how much an individual business owes for the license, cities and towns will use Act 176's definition of gross income. For most businesses, the

definition includes "the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within a taxing jurisdiction." The law creates special definitions for real estate agents and brokers, as well as insurance companies, manufacturers and telecommunication companies.

When determining the gross income amount for a particular jurisdiction, businesses will be allowed to deduct the income that they report and pay to other taxing jurisdictions. The business may be asked to provide proof of payment and gross income deduction. Also, Act 176 allows taxing jurisdictions to require tax returns to verify the accuracy of the gross income amount.

Sending out renewal notices

Act 176 created a new statewide standard business license year beginning May 1 and ending the following April 30. For the first year under this new schedule, cities and towns should, as a courtesy, aim to send out renewal notices to businesses in January or February 2022.

The notice should ideally feature some explanations of the new law, including:

Act 176 came about as a solution to the concerns raised by businesses for years about inconsistent and complicated licensing processes across the state. The act streamlines this process for businesses.

Many licensing practices will be standardized, including the due date, license year, class schedule, gross income definition and application. The renewal notices should also state the nonpayment penalty date and penalty amount — items which the taxing jurisdiction can set individually, even though the due date cannot be changed.

Act 176 established the Local Business License Renewal Center, an online payment portal where businesses can renew all their local business licenses at one time. For those cities and towns that are set up to use the renewal center by the time they send out renewal notices, be sure to include information about it including the web address, www.localblrenewal.com.

Full details on how to communicate with businesses about the changes can be found under Step 7 of the Municipal Association's recommended standardization process for 2021. Find more information at www.masc.sc (keyword: standardization).



2021 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 support those economic development projects that will have positive effects on a municipality's quality of life. The program also promotes and recognizes innovation in economic development practices.

The Municipal Association board of directors created the program to fund projects that will produce measurable results, can be maintained over time and illustrate innovative and sustainable 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 2021 grant cycle:

City of Beaufort

South Coast Cyber Center

Beaufort will repurpose a former school facility into the downtown headquarters for the South Coast Cyber Center, a world-class facility dedicated to cybersecurity, cyber defense education and innovation.

Contact: Carrie Gorsuch, 843.986.5609

City of Cayce

Cayce River Arts District

Cayce will infuse more public art in the Cayce River Arts District through everyday objects to continue the area's redevelopment and growth.

Contact: Sarah Harris, 803.550.9545

Town of Donalds

Municipal and Historical Preservation Park

Grant funds will help fully restore, renovate and optimize the building and parcel of the Donalds Grange No. 497, a historic property that is a part of the South Carolina Heritage Corridor and is listed on the National Register of Historic Places.

Contact: William O. Scoggins Jr., 864.992.3650



City of Georgetown

Multi-Purpose Outdoor Marketplace and Park

In partnership with multiple organizations, Georgetown will redevelop the empty downtown site of the former city hall into a multipurpose facility to host farmers markets, food trucks, holiday markets and a variety of other attractions.

Contact: Christopher Inglese, 843.545.4075

Town of Greeleyville

Historic Downtown Streetscape Improvement Project

The town will use grant funds as part of a Community Development Block Grant match to fund streetscape upgrades to the Greeleyville Town Centre.

Contact: Carlether Nesmith, 843.372.4248

Town of Honea Path

Main Street Facelift

Honea Path will assist business owners ready to make positive changes to their facades in an effort to continue downtown revitalization efforts.

Contact: Jan Bratcher, 864.314.3359

Town of Moncks Corner

Miracle League Field

Building on the planning work it has pursued in recent years, Moncks Corner will use grant funds for construction of its Miracle League Field.

Contact: Douglas Polen, 843.719.7913

Town of Pacolet

Continuing the Pacolet Tradition

The Pacolet Amphitheater grounds and infrastructure will be rehabilitated and upgraded to ensure its continued use as a traditional gathering place for town residents and community events.

Contact: Allison Gantte, 864.431.3935

Town of Pelion

Revitalization, Restoration and Reuse of the Former Pelion Train Warehouse

Grant funds will restore Pelion's former train warehouse into a museum and event space that will host meetings.

Contact: Janice Poole, 803.894.3535

Town of Seabrook Island

Gateway and Wayfinding

Helping visitors find their way to local attractions and businesses will become easier with Seabrook Island's grant-funded project to install gateway and wayfinding signage.

Contact: Joseph Cronin, 843.768.9121

Town of Society Hill

1822 Library Historic Preservation

In preparation for its bicentennial in 2022, Society Hill will conduct rehabilitation and preservation work on one of the oldest surviving public lending libraries in the state.

Contact: Tommy Bradshaw, 843.616.6304

City of Westminster

Gateway to Revitalization

Westminster will enhance its Commercial Building Improvement Grant Program in an effort to include more downtown buildings in the city's revitalization.

Contact: Kevin Bronson, 864.647.3200

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

Join or Renew With an Affiliate Association in 2022

Educational efforts are a key function of the Municipal Association of SC, which offers professional development that allows elected officials and staff serve their cities and towns better.

The Association has affiliate organizations that help communities of peers in various fields of local government to network, learn through specially developed training and share best practices and experiences. The affiliate associations have listserv systems that make sharing information and best practices around the state easier and faster.

The Municipal Association provides management support to the boards of directors for each affiliate, a group elected by that affiliate's membership.

All of the affiliates' membership applications and renewals for 2022 will be available on January 4. The nominal membership costs provide each participant with discounted training registrations and access to that group's closed listserv.

The affiliate organizations available through the Municipal Association include these:

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 Whitaker*

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 Whitaker*

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 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 credentials. *Staff contact: Elizabeth Copeland*

SC Community Development Association

SCCDA 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 Whitaker*

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 Whitaker*

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 of each affiliate association 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).



Apply for the 2022 Achievement Awards

The work performed by cities and towns to create a valuable place to live and work often goes unnoticed. The Municipal Achievement Awards provide a way to showcase the hard-to-see projects that local governments undertake to make their operations run smoothly and to enhance their communities. The awards recognize excellence in local government programs and help share ideas among municipal officials and staff.



communications, economic development, public safety, public service or public works. Municipalities with a population of 20,000 or less, as counted in the 2020 census data, 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. 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 one more time if they do not win.

completed projects that have had the greatest impact for residents and businesses. Also, taking a look at the videos and descriptions of past Achievement Award winners can help with brainstorming.

Information about past winners and the award application can be found at www.masc.sc (keyword: Achievement Awards).

Applying

The 2022 submission deadline is February 9. The designated contact person for each entry will receive a receipt confirmation email by February 16. Cities submitting in the subject categories must make an oral presentation at an assigned time on February 28 or March 1. The Association will recognize award winners at the Annual Meeting on July 16.

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

Categories and requirements

The Association accepts award submissions each year in either a population category or one of five subject categories:

Brainstorming entries

When identifying promising award submissions, municipal leaders may want to ask all departments to list their

Risk Management Services Recognizes Graduates, Award Winners

The SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund recognized 14 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.

The new graduates include:

- Jason Hendrix, assistant town manager, Town of Batesburg-Leesville
- Richard Hathaway, battalion chief, City of Isle of Palms



- Shannon Tanner, fire chief, City of Florence
- Kevin Cornett, police chief, City of Isle of Palms
- Joab Dowling, staff sergeant, Town of Port Royal
- Joe R. House, risk manager, City of Aiken
- Sandra M. McKinney, clerk/treasurer, Town of McCormick
- Ashley Balazovich, administrative coordinator, City of Cayce
- Fran S. Anderson, assistant city manager, City of Abbeville
- John Griffith, captain, Town of Port Royal

- Jennifer B. Hayes, public safety sergeant, City of Aiken
- Mark D. Aakhus, assistant town administrator, Town of Edisto Beach
- Neil Parsons, director of administrative services, City of Hardeeville
- Lynn S. Smith, human resources director, City of Conway

The annual RMS Awards recognize those SCMIT and SMIRF members who reduce their total costs and keep employees safe. RMS determines the winners using each member's record of loss experience over the previous four years. There are three winners each for SCMIT and SMIRF, based on population divisions. The award winners receive a plaque and a \$2,500 award.

The 2021 winners for SCMIT are the Town of Lake View, City of Union and City of West Columbia. The 2021 SCMIRF winners are the Town of Hemingway, City of Mullins and City of Newberry.

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

Breaking Down the Three Forms of Government

South Carolina state law allows municipalities in to choose their governance model from one of three forms of government authorized in SC Code Section 5-5-10.

The three forms all have some elements in common, especially the fact that every power granted by the state to municipalities rests with the city or town council, except as otherwise provided for

specifically by law. The council is considered a legislative body, and is the only entity within the municipality with the power to enact ordinances, adopt resolutions and establish policies. The council cannot delegate away any of this power.

Differences do exist between the three forms, especially for administrative functions. A full summary of the differences as defined by South Carolina law

can be found in the *Forms and Powers of Municipal Government* handbook, and the online, on-demand Municipal Elected Officials Institute of Government course “Forms of Municipal Government,” both available at www.masc.sc (keyword: forms of government).


Here’s an overview of some of the key differences:


General Governance

Council form	Mayor-Council Form	Council-Manager Form
Powers of Mayor		
Presides over meetings by tradition.	Presides over meetings by law.	Presides over meetings by tradition.
Acts and votes as member of council, performs administrative duties only if authorized by council. The mayor has no additional statutory authority beyond other councilmembers.	Acts and votes as member of council. Also acts as chief administrative officer, appointing and removing employees subject to personnel rules adopted by council, supervising departments, preparing budgets and capital programs for council, makes annual financial report to public and council, and reports on department operations to council.	Acts and votes as member of council. The mayor has no additional statutory authority beyond other councilmembers.
<i>All three forms: May call special meetings, designates temporary judge.</i>		
Powers of Council		
Has all legislative, policy and administrative power.	Has all powers not otherwise provided for by law.	Has all legislative and policy powers.
May hire administrator to assist council, may appoint officer to administer departments subject to council direction.	May employ administrator to assist mayor.	Employs manager, appoints temporary manager.
Appoints municipal clerk, attorney and judge.	Appoints municipal clerk, attorney and judge.	Appoints attorney and judge.
Prepares and adopts a balanced budget.	Adopts a balanced budget.	Adopts a balanced budget.
<i>All three forms: Establishes departments and functions, investigates departments, elects mayor pro tempore, may call special meetings.</i>		
Powers of Administrator or Manager		
If appointed, has only the authority delegated by council.	If appointed, has only the authority delegated by council.	Is chief executive and head of the administrative branch. Appoints, sets salaries and removes employees at will, including municipal clerk. Prepares and administers annual budget, makes financial reports, advises council on departments and appointments.


Prep for 2022 With a Beginning-of-Year Checklist

The beginning of a new year is a great time for councils to handle crucial action items. Here is a review of the annual meeting notice required by state law, and some things that can help improve the municipal budgeting and goal-setting processes:


 **Send out the annual notice of meetings**
Public bodies, including councils, committees and commissions, must comply with the annual notice of meetings requirement in the SC Freedom of Information Act. The notice should indicate the date, time and location planned for regular meetings where a quorum will attend during the calendar year. This is useful not only for the public and media, but also members of the public body as well.


 **Submit finance reporting**
The beginning of the year is a good time to submit the Local Government Finance Report, which is due to the Revenue and Fiscal Affairs Office by March 15. The revenues and expenditures to be reported are those from the most recently completed fiscal year. Municipalities with a fiscal year that begins July 1 should have an audit of completed financial statements by January. Cities and towns that do not submit this report on time face the penalty of losing 10% of the municipality's share of the Local Government Fund from the state.

Also, remember that cities and towns have 13 months after the end of a fiscal year to submit a completed audit to the State Treasurer's Office — February, for a city with a January 1 fiscal year start date. The penalty for not submitting this audit is the state withholding 100% of the city's share of state revenues, including local option sales tax, where applicable.


 **Plan a budget calendar**
Prepare a budget calendar, and have the council adopt it by a motion and vote. This calendar helps

everyone understand agreed-upon dates, as well as council's duties and responsibilities, when preparing the municipality's annual budget. January serves as a good time for planning out a calendar because councils can do it while also setting the meeting calendar for FOIA compliance.

 **Conduct a mid-year budget review**
For those whose fiscal year begins July 1, January is a useful time to look at the budget and see how expenditures are lining up with it. Staff can then bring needed adjustments to council for consideration. Because councils adopt their budgets by ordinance, they must amend them by ordinance as well. It's also a good idea to host a public hearing when amending the budget.

 **Begin the new budget process**
The annual budget process can begin with a look at the current budget as it stands at mid-year, along with a request for the new budget's proposed expenditures from department heads with deadlines for submission. Leaders

can then begin the process of projecting revenues and refining them during the spring as current-year revenues come in and available information becomes more accurate.

 **Consider a goal-setting and planning session**
The Municipal Association of South Carolina's two field services managers, Charlie Barrineau and Jeff Shacker, help with goal-setting sessions for city and town councils — a way of combining the goals of each councilmember into consensus about what the council will address in the coming years. Participating in these sessions at the beginning of the year can help councils identify priorities and work plan items that will inform the budget process, including specific funding needs. Learn more about field services at www.masc.sc (keyword: field services).

The Handbook for Municipal Officials in South Carolina has more information on FOIA compliance and preparing, adopting and executing a budget. Learn more at www.masc.sc (keyword: municipal officials handbook).





A Day in the Life of a

Municipal Clerk

State law mandates that all cities and towns have a council-appointed municipal clerk, making the job the only staff position required of every municipality in South Carolina. The responsibilities of the job are generally administrative and sometimes financial in nature: providing public notice for all council meetings, taking and distributing minutes, treasury duties, as well as other tasks deemed necessary by the council.

Many municipalities will set the job up with financial duties as well, which is the case in the Town of Gray Court. There, Doris Hamilton wears many hats, serving as the town clerk, and treasurer, and also as the clerk of court. Describing herself as a natural “people person,” Hamilton said she loves being of service to others.

Hamilton, a native of nearby Woodruff, said that the road to becoming the town clerk led her through many other professions beforehand: working for the Federal Communications Commission in Washington, D.C., the University of South Carolina, 17 years as a personnel clerk for an electronics plant, and an assistant manager at a bank. She first learned of the job in municipal government through a friend, and pursued it because of her passion for people and being of service to others.

Hamilton became town clerk for Gray Court in 2012, and now also oversees the town’s municipal court. She said she has enjoyed the work, and found that it keeps her busy. There have been challenges along the way, including never-ending technology changes.

“Just when I think I have everything down pat, they come up with something new,” she said.

New technology has not stopped Hamilton from tackling the challenges



Crystal Bouknight Parker, right, is the city clerk for West Columbia. Photo: City of West Columbia.

of the job. To overcome new technology hurdles, she took classes to keep on top of technological trends.

Near the southern tip of the state in the Town of Yemassee, Matt Garnes has served as town clerk since 2017. His job takes him into many aspects of the town’s operations, overseeing all functions of the administration department, including business licensing, finance, human resources as well as planning and zoning.

Seeing the challenges of not having a fully functional website, Garnes worked to update the town’s outdated single-page website to one full of new information and resources. Using CivicPlus software, he created a full-service website enhanced with online payments, minutes and agendas, employment and housing information, and a documents library. Updating the website not only allowed public access to information but it also saved time, said Garnes. The new site now averages about 10,000 hits per month.

Garnes also took on establishing a social media presence for the town, implementing Facebook, Twitter, Instagram and

LinkedIn accounts. He also manages the Yemassee Police Department’s Instagram and Twitter profiles.

His career also had numerous steps on the road to becoming a town clerk. A native of New York, he first worked there as an EMT and emergency dispatcher, and later worked in those jobs in Beaufort County. In late 2017, he took a part-time position with the Town of Yemassee, which in 2018 turned into a full-time position, and in July 2018 he formally received the title of town clerk.

In addition to his work as town clerk, Garnes has functions in human resources, payroll, finance, and planning and zoning.

For Garnes the work is both challenging and rewarding. Speaking of the rewards, he said, “I credit that to my 911 dispatcher days in Beaufort.”

In West Columbia, City Clerk Crystal Bouknight Parker has the municipal clerk responsibilities, and she also carries the titles of executive assistant and administrative supervisor. In 2020, Parker obtained her Certified Municipal Clerk certification from the International



Doris Hamilton serves as town clerk for Gray Court. Photo: Town of Gray Court.

Institute of Municipal Clerks, helping her hone the skills necessary to handle her many job functions.

The Spartanburg County native's first career was working for a public school district. She initially transitioned to city government by taking a customer service job for West Columbia's water department before the clerk position for the City of West Columbia opened up.

Parker's daily activities in the job include preparing minutes for city council meetings, notes for all of the city administrator's meetings, serving on the city's safety committee, and working on the West Columbia Beautification Foundation. She credited the way that she manages all of it to her notebook.

"Everything goes into my notebook so that I don't forget to do something," she said.

With her notebook in tow, she keeps detailed notes of conversations and to ensure that she has everything that's necessary on her to-do list.

Challenges in a position such as city clerk are many.

With the COVID-19 pandemic, Parker said, "It was a challenge to work remotely for a while, to set up a complete office at the house, and to get nine council members set up with technology working properly."



Yemassee Town Clerk Matt Garnes is interviewed by WSAV-TV at a ribbon cutting. Photo: Town of Yemassee.

She said virtual meetings helped the staff to weather the storm. Although the city building was closed for five weeks, she said that the public was very understanding as she and her team worked hard to clean and sanitize before reopening fully last June.

"It was interesting, but we didn't seem to miss a beat," Parker said.

The work of a municipal clerk can be challenging at times and require balance between numerous job requirements, but it can also be rewarding for those who serve in the position.

SC Municipal Finance Officers, Clerks and Treasurers Association

The SC Municipal Finance Officers, Clerks and Treasurers Association offers training programs covering the diverse responsibilities of its members, including clerks. All of the training sessions qualify for a combination of continuing education credits for certified municipal clerks, certified public accountants and certified public treasurers. MFOCTA sponsors the Municipal Clerks and Treasurers Institute with the Municipal Association and the College of Charleston's Joseph P. Riley Jr. Center for Livable Communities. Learn more at www.masc.sc (keyword: MFOCTA).

Preparing and Vetting Board Appointees

South Carolina municipalities have the authority to establish boards ranging from a municipal election commission to planning and zoning boards or commissions of public works. Those that serve as part of these bodies are responsible for providing reliable and legally sound government services and regulations. In the case of municipal election commissions, they carry responsibility for administering free and fair elections.

For these reasons, city and town councils must make certain that they select appointees who can cultivate trust and credibility in their service. Here are some ways that municipalities can prepare board, committee and commission members for service:

Adopt codes of conduct and “removal for cause” in enabling ordinances

A code of conduct should specify requirements for service on the board, committee or commission, including those rules established by the council, and they can also reiterate requirements of state law.

For example, SC Code Section 7-13-75 bars any municipal election commission member from participating “in political management or in a political campaign over whose election the member has jurisdiction during the member’s term of office.” This includes state and federal elections as well as local elections. These commission members are also barred from contributing to candidates or attending fundraisers for candidates in races where they have jurisdiction.

Board of zoning appeals members and planning commissioners, meanwhile, are generally not allowed to engage in ex parte communication, or communication with permit applicants outside of public meetings. This is the case when the body is acting in a quasi-judicial capacity, such as when an applicant seeks a zoning variance or is making an appeal, but not when acting in a legislative capacity, such as adopting a comprehensive plan,

according to a July 9, 1997, SC Attorney General opinion.

The International City/County Management Association has a Code of Ethics that focuses on equity, transparency, integrity and stewardship in local government. That code, which can provide a starting point for cities and towns looking to incorporate ethical standards into their code of conduct for board members, is available at <https://icma.org/icma-code-ethics>.

The enabling ordinance also needs to establish the method by which the city or town council will remove members of the board, committee or commission when those members violate the code of conduct.

Review candidates’ backgrounds

Social media has emerged as a potential source of difficulty for municipal officials. When officials make inflammatory social media statements or suggest that they may have conflicts of interest when discharging their duties, they can damage the reputation or legitimacy of their city or town.

Asking for access to a candidate’s social media accounts for a full review can

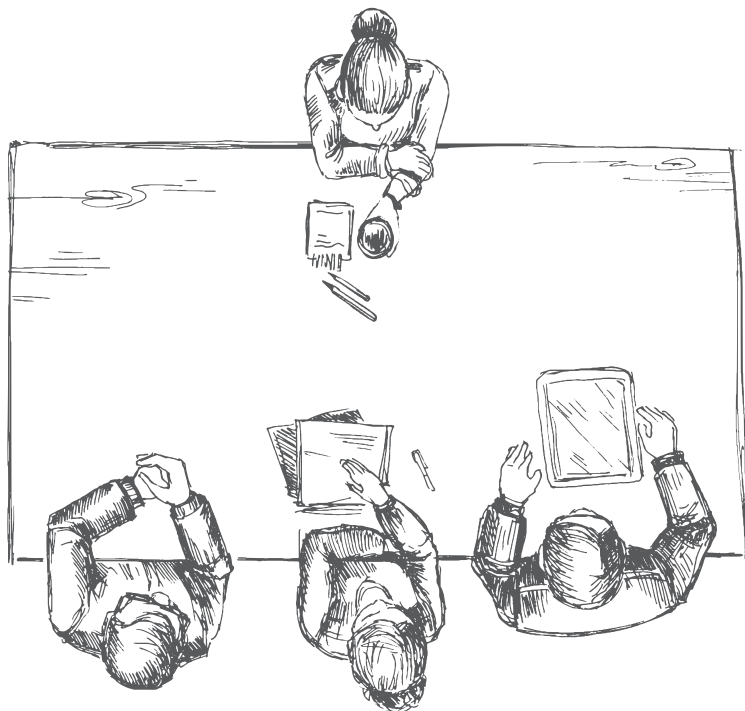
help avoid surprises, and it can also help remind candidates that their social media activity will reflect on their official work. When screening candidates, be willing to ask, “Is there anything in your social media history that the council should know about?”

Background checks can also assist when evaluating candidates.

Provide orientation

As members begin service on a board, committee or commission, make sure to explain to them the legal restrictions for their position and the applicable code of conduct. Commissioners on a municipal election commission, for example, should know that political activity involving any election touched by the city or town will lead to their removal from their positions.

Be sure also that new members understand that they are obligated to comply with the SC Ethics Reform Act, which aims to make all public servants, including employees, public officeholders and public members of bodies more accountable to their communities. A short description of the law’s provisions is available at www.masc.sc (keyword: ethics act).





Do the 'Ayes' Have It?

Voting is the cornerstone of every action that a city or town council takes, whether it's for enacting ordinances or adopting resolutions. Because every vote can have a meaningful impact on the community, councilmembers, residents and news organizations often pay attention to the processes involved to determine that the council handled the votes correctly.

Here are some key issues to consider when taking votes:

Voting process

When voting, councilmembers should use the rules of procedure they have adopted by ordinance. If there are no specific rules in place, but the council has adopted *Robert's Rules of Order*, then a vote on a motion is usually taken by voice, with members stating "aye" or "nay," or by asking for a show of hands, as determined by the chair or by customary practice of the council. The chair must always ask for negative votes. A roll-call vote may be required, either by motion or by tradition. Generally, councils and other public bodies should not vote by ballot.

Tie votes

Approving a motion requires a majority of the members participating in a meeting, and therefore a vote that results in a tie means that the motion

has failed. This rule is often found in the city or town's code, but it also appears in *Roberts Rules of Order*, which states that a "majority means 'more than half.'"

Conflicts of interest and abstentions

Public officials in South Carolina cannot use their offices in a way that provides them or members of their immediate family with financial gain, according to SC Code Section 8-13-700, and this includes making decisions that affect the financial interests of anyone with whom they are associated. As a result, they should abstain from votes, deliberations and other actions where a potential conflict of interest exists. When they observe a potential conflict of interest arising, they should create a written statement describing the potential conflict and submit it to the council. The SC Ethics Commission advises that members who recuse themselves physically leave the room for the portion of the meeting concerning the conflict of interest.

Because abstentions can otherwise interfere with the business of the council, councils should consider including in their rules of procedure the requirement that all members present must vote on every motion except when a conflict of interest exists.

Quorums

In most cases, council action requires the presence of a majority of the body, and this quorum can then act as the body. A seven-member body, for example, needs four members for a quorum, and an eight-member body needs five members present.

Quorums can be complicated by councilmembers having a conflict of interest on a particular vote. If the members remain physically present but they abstain from voting, then their presence counts toward establishing the quorum. If members vote even though they have a conflict of interest, then their presence does not count toward establishing the quorum, and the quorum would be determined as if they were absent, as affirmed most recently in *Anderson County v. Preston*.

In the unusual situation in which it is impossible to obtain a quorum without counting the conflicted members, the members should properly recuse themselves. They should remain physically present for the vote, and state clearly on the record that their only reason for doing so is to preserve the quorum.

For more information about conducting public meetings and voting, see the Handbook for Municipal Officials in South Carolina at www.masc.sc (keyword: Handbook for Municipal Officials).



1411 Gervais Street | PO Box 12109
 Columbia, South Carolina 29211
 Tel: 803.799.9574 | Fax: 803.933.1299
 www.masc.sc

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Calendar

Scheduled in-person meetings are subject to change based on the Municipal Association's COVID-19 restrictions in place at the time of the meeting. Information about events and how members can access the virtual events will be updated on the Association's website.

DECEMBER

3 SC Municipal Attorneys Association Annual Meeting and Continuing Legal Education Seminar. Marriott, Columbia.

8 SCMIT/SCMIRF Public Works/ Utilities Risk Management Training. Cooperative Conference Center, Columbia.

2022 JANUARY

12 Business License Essentials – Sending Out Renewals. Virtual.

FEBRUARY

1 Hometown Legislative Action Day. Marriott, Columbia.
 See page 4 for more information.

2 Municipal Elected Officials Institute of Government. Marriott, Columbia.

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 MEO Institute courses are “Advanced Municipal Economic Development” and “Advanced Advocacy and Intergovernmental Relations.” Advanced Continuing Education topics include a movie screening and discussion about municipal fraud and a session on strategic planning and goal setting.

9 Business License Essentials – Manufacturers. Virtual.

MARCH

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

9 Business License Essentials – How to Calculate Business License & Declining Rates. Virtual.

14 – 16 SC Utility Billing Association Annual Meeting. SpringHill Suites Greenville Downtown.

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

APRIL

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

13 Business License Essentials – Gross Receipts, Deductions, Verification, Documentation. Virtual.

