



UPTOWN

a publication of the municipal association of south carolina

Bringing Predictability Back to the Local Government Fund



Veterans of local government have probably heard the story too many times: the Local Government Fund is not fully funded as required by state law. This has been the case since 2009 when the General Assembly froze funding during the Great Recession.

Each year since then, the Municipal Association of South Carolina has asked the General Assembly to fully fund the LGF. The Association’s 2019 Advocacy Initiatives, however, take a different approach. Rather than requesting full funding for the LGF, the Association is seeking a new formula that is fair and consistent for cities and towns of all sizes.

This initiative connects back to the creation of the the fund in 1991, which simplified the system of distributing funds from the complicated and unpredictable funding for local governments that existed until that time. Once it went into effect, the fund provided stability for nearly two decades. That dynamic changed in the aftermath of Great Recession in the 2008 – 2012 period. As was the original intention for the LGF, when state revenues went down, so did its funding.

The economic impacts of the recession have faded in the years since, but the funding turbulence never has. The percentage at which the LGF is funded has shifted every year for the past decade, ranging as high as 94 percent in FY 2009 and as low as 65 percent in FY 2019. This kind of chaos leaves cities and towns unable to make plans for their distributions since the amount cities will receive remains uncertain until the General Assembly passes its budget in May or June.

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President: **Councilmember
Octavia Williams-Blake**
Florence

Executive Director: **Wayne George**
wgeorge@masc.sc

Managing Editor: **Meredith Houck**
rcampbell@masc.sc

Editor: **Russell Cox**
rcox@masc.sc

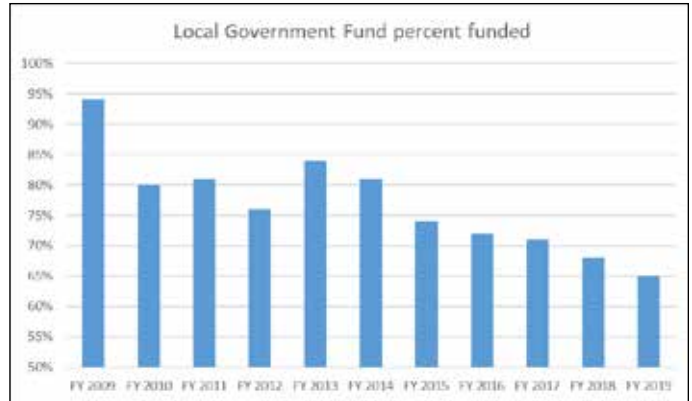
Editorial Assistant: **Ashleigh Hair**
ahair@masc.sc

Contributing Writers:
**Jenny Boulware, Urica Floyd,
Venyke Harley, Megan Sexton
and Todd Williams**

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Local officials can help the Municipal Association legislative staff inform legislators about how cities use their LGF dollars by picking one thing that uses this funding, then addressing how that funding impacts residents and local businesses every day, and what could change if the city had a more dependable level of funding.

The Local Government Fund, along with the other advocacy initiatives, will be



discussed at Hometown Legislative Action Day on February 5. Learn more of the history and details of this issue at www.masc.sc (keyword: Local Government Fund).

Other 2019 Advocacy Initiatives

The Municipal Association's Advocacy Initiatives arise from feedback received during Regional Advocacy Meetings. The Municipal Association's legislative committee and board of directors then approve the initiatives. There are three initiatives for 2019. In addition to updating the Local Government Fund, the Municipal Association has identified these:

- Expand flexibility for using accommodations and hospitality taxes to allow expenditures for infrastructure and law enforcement in tourist-related areas.
- Reduce the wait time for local law enforcement hires to be admitted to the Criminal Justice Academy.

A Call for Bright Ideas

The deadline to enter the Municipal Association of South Carolina's Achievement Awards is on February 13. This program celebrates excellence in local government programs, shares the ideas with other cities and towns and highlights their value to residents and businesses.

Municipalities with a population of 20,000 or less can choose to compete in either a population or subject category. Those greater than 20,000 may only compete in one of the five subject categories.

Cities participating in the subject categories must make an oral presentation to a panel of judges on March 4 or 5 in Columbia at the Municipal Association's office. Association staff will assign presentation times after receiving all entries.

The Association will recognize award winners at the Annual Meeting Awards Breakfast held in Greenville on July 20.

The city-designated contact person for each entry will receive a receipt-confirmation email by February 18.

For more information about the 2019 Achievement Awards, visit www.masc.sc (keyword: achievement awards) or contact Meredith Houck at 803.933.1215 or mhouck@masc.sc.



Risk Management Institute Graduates Eight

The South Carolina Municipal Insurance Trust and South Carolina Municipal Insurance and Risk Financing Fund recently recognized eight graduates of the Risk Management Institute.

The institute provides continuing education for municipal staff who have risk management responsibilities and work for cities and towns that are SCMIT and SCMIRF members. It aims to help these employees improve their understanding of their responsibilities, broaden their skills, expand their peer network and identify resources to help solve local challenges.

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.

To complete the institute, participants must take a total of eight classes over two

years, half of which are core classes, and half are electives. Throughout the year, the institute offers courses at various locations around the state covering defensive driving, crisis communications, employment liability, the basics of risk management, public works risk management and leadership. Based on the complexity of topics, attendees should expect a mix of half-day seminars along with full-day workshops.

The newest graduates are Dorothy B. Archie, City of Rock Hill; Jennifer L. Krawiec, City of Florence; Robert McGee, City of Union; Jerry Ryan Metts, City of North Augusta; Rosalind Partee, City of Rock Hill; Judith Pavese, City of Rock Hill; Dora Perry, City of Tega Cay; and Mitchell Bryan Turner Jr., City of Mauldin.

The institute is open to employees of SCMIT and SCMIRF members. There is no fee to participate. Register online at www.masc.sc (keyword: Risk Management Institute).



Risk Management Institute participants graduated after completing eight courses during a two-year period.

NEWS BRIEFS

Members of the **SC Municipal Human Resources Association** recently elected their 2018 – 19 board of directors. They are President Rebecca Mejia-Ward, City of Hartsville; First Vice President Deborah Hargis, Town of Edisto Beach; Second Vice President Terri Hooper, City of Columbia; Member at Large Leonard Lowery, Town of Kingstree; and Past President Dora Perry, City of Tega Cay.

The **SC Business Licensing Officials Association** recently awarded three individuals with the Master in Business Licensing designation: Victoria Bell, Horry County; Alten Driggers, Horry County; and Scott Lang, City of Easley.

The **Town of Summerville** won the Outstanding Planning Project, Large Urban category, for its Green Infrastructure Plan by the South Carolina Chapter of the American Planning Association. The SCAPA Planning Awards recognize "outstanding efforts and achievements that advance the art and science of planning." Also, Doyle Best, Summerville's park and recreation director, was recently named president for the SC Recreation and Park Association.

Verizon ranked the **City of Greenville** No. 21 in the company's list of the top 50 startup-friendly cities, "Best Small Cities to Start a Small Business Report." Verizon gathered data from nearly 300 cities across the country and evaluated levels of higher education in a city, per capita income, broadband access, loans per capita, travel time to work and other indicators.

Main Street SC Offers More Opportunities



Valuable, well-attended events, beautification, rehabilitation incentives and recruitment of unique, viable businesses — cities often have many goals for their downtowns. Still, many separate community groups work toward these ambitions, and getting them to work in harmony can be a daunting challenge.

The Main Street program offers a time-tested approach for coordinating efforts and achieving downtown success. It helps build a comprehensive revitalization effort using strategies based on existing community assets, reminding stakeholders that a healthy downtown is a key part of sustainable economic development.

Main Street South Carolina, the state affiliate of the National Main Street Center, has served as a valuable downtown revitalization resource since 1984. It helps strengthen member cities using the Main Street Four-Point Approach: design, outreach, economic development and promotion.

Currently, 20 communities participate in the Main Street SC network: Aiken, Beaufort, Bennettsville, Camden, Cheraw, Clinton, Gaffney, Georgetown, Hartsville, Kingstree, Lancaster, Laurens, Manning, Moncks Corner, North Augusta, Orangeburg, Pickens, Summerville, Sumter and Williamston. The structure of the program in each of these varies depending on local resources and funding. Several communities maintain a nonprofit organization, but most house their programs inside city government. The programs are clearly effective: in 2018 alone, Main Street SC member communities saw an increase of 68 new businesses, 155 new jobs and \$140 million of private sector reinvestment.

In the past year, Main Street SC has seen local interest in downtown

improvement grow. To meet this increasing demand and to support continued progress in existing member cities, the Municipal Association of South Carolina is reorganizing Main Street SC so it can provide greater assistance tailored to each community's needs and readiness.

Friends of Main Street

At the startup level, any community with an identifiable Main Street district and the desire to learn the national Main Street Four-Point Approach can join at the Friends of Main Street level. This can help build capacity for downtown revitalization with a fee that helps programs meet their budget needs. This level provides phone consultations, quarterly trainings, technical assistance a la carte and use of the state's impact reporting system.

Classic Main Street

At the more engaged level, Classic Main Street, there are two ways to participate:

- Apply for entry and complete three years of **Aspiring Main Street** training. This level was previously known as Boot Camp. Annual fees are based on population. This level provides three years of technical assistance to programs in their formative years. Acceptance allows communities to participate in training, community assessment and receive local capacity building support. After three years, participants become Classic Main Streets.
- **Accelerated Entry.** Communities that can demonstrate that their local program meets and administers the Main Street Four-Point Approach and that maintain an annual membership

with the National Main Street Center may be accepted without the three-year Aspiring Main Street period. Cities must identify a point of contact/downtown liaison, and areas of emphasis that could be shared with local partners.

Greater benefits available at this level include use of the National Main Street Center logo, quarterly trainings, executive director training, access to technical resources, eligibility for national conference scholarships, use of state impact reporting system, and annual organizational visits.

The community's application must describe the downtown area, historical identity, goals, readiness, support and funding commitments.

Accredited Main Street

Accredited Main Street members are members of the National Main Street Center and meet national accreditation standards. Requirements include an annual application demonstrating excellence in administering the Main Street Four-Point Approach and mentoring younger programs.

Getting Started

Communities wanting to participate at the Friends level and the Accelerated level are welcome each year, and membership is based on a calendar year. Main Street SC accepts and reviews applications for new Aspiring members and Accredited members in the fourth quarter of each calendar year for admission into the program January 1 of the following year.

To learn more, contact Jenny Boulware, Main Street SC manager, at jboulware@masc.sc or 803.354.4792.

Get Ready for HLAD 2019

The Municipal Association's Hometown Legislative Action Day arrives Tuesday, February 5. Here's what attendees need to know:

The app

The HLAD app gives users a way to create a personalized schedule from the HLAD agenda and, if applicable, the agenda for the Municipal Elected Officials Institute on February 6. Users also have access to internal social media for the event.

To get the app, visit l.masc.sc/2019 HLADapp on your device and follow the instructions on the page. You'll be asked to install Yapp from the app store (if you don't have it already). Open Yapp and tap the HLAD graphic.

Parking

Limited parking for HLAD participants can be found in the parking garage behind the Marriott, with entrances on Hampton and Sumter streets. Parking in the garage costs \$10 per day, payable by cash or credit card. Meeting attendees and hotel guests may not park above level 4-A in this garage, or they will be towed.

Additional parking will be available at the Cannon parking garage located at 1227 Taylor St., which is one block from the hotel. At the Cannon Garage on Taylor Street, a special events attendant will be in the garage from 7 – 11 a.m. Attendees must pay the special events attendant \$10 (cash only) and place a parking ticket on the car dashboard.

Shuttle service

The Marriott will provide a shuttle between the hotel and the Cannon Garage on Taylor Street. For HLAD on February 5, the shuttle runs 8 to 10:30 a.m. and 4 to 7:30 p.m. For the MEO Institute on February 6, the shuttle runs 8 to 10 a.m. and 4 to 5:30 p.m.



Municipal Elected Officials
Institute of Government

Test yourself monthly quiz

True or False:

A municipal council is prohibited from voting while in executive session, a portion of the meeting closed to the public.

Answer: True

When in executive session, a municipal council may not take any actions with the exception of a vote to return to

open session. All other council actions or votes must occur while in open session of a properly convened and noticed meeting. The Municipal Elected Officials Institute of Government offers in-person and online courses. Elected officials who complete all of the required coursework graduate from the

institute and are eligible to participate in the Advanced Institute. The next in-person courses, held February 6, will be MEO Sessions A and B. The next Advanced MEO Institute sessions also on February 6 will be "Advanced Municipal Economic Development" and "Public Safety Policy and Administration."



Local Taxes From Online Retailers

U.S. Supreme Court ruling sets the stage for sales taxes on retailers with no in-state presence

Online retailers have seized an enormous presence in the marketplace, and now they have a tax liability with local governments to match, following a major decision from the U.S. Supreme Court. Even so, several questions remain in how collecting the sales tax for each online sale will work.

The Supreme Court brought about this change on June 21, 2018, when it handed down its decision in *South Dakota v. Wayfair, Inc.* The decision on the matter came from a couple of cases, the most recent was the 1992 case *Quill Corp. v. North Dakota*. The decisions in those cases prohibited states from collecting sales tax from online retail sales in all cases where the retailer did not have a physical location inside the state.

Two and a half decades later, and after years of online retail commerce growing dramatically, the *Wayfair* ruling threw out the physical presence requirement, noting that it gave “some online retailers an arbitrary advantage over their competitors who collect state sales taxes.”

The ruling is expected to increase total sales tax revenue collection by a potentially significant percentage. The U.S. Government Accountability Office estimated that in 2017, state and local governments in South Carolina could have received anywhere from \$132 million to \$193 million more in tax revenue had they been able to collect sales tax from remote sellers.

How South Carolina is impacted

After the ruling, the SC Department of Revenue issued an advisory opinion giving some clarity on how the sales tax process will now work. The opinion stipulates that remote sellers must collect sales taxes and remit them to SCDOR as long as they generate \$100,000 in sales in South Carolina during the current or previous calendar year. These retailers must also get a South Carolina retail license. Every month, retailers must file a sales tax return with SCDOR, unless the total state and local sales tax due for that month amounts to less than \$100.

Several unknowns remain. There is no existing mechanism for auditing retailers’ reports. Also, retailers owe cities the local option sales taxes for online sales for which the purchase is delivered



to addresses inside their city limits. However, difficulties may arise in accurately connecting the address for a specific sale to a municipality. The complexities of municipal boundaries can also complicate the question of whether a sale took place in a particular city. Other issues may result from discrepancies that exist among city boundary maps coming from different sources.

How do cities receive disbursements?

SCDOR began collecting sales tax from sellers without a physical presence on November 1, 2018. It now disburses the tax revenue as appropriate to the counties, which in turn provide any applicable local option sales tax amounts to the municipalities.

Help Available for Brand New Elected Officials

Candidates who win election to a city or town council for the first time demonstrate that they have mastered the task of running for office. Leading the city, however, can require an entirely different kind of knowledge.

Newly elected public officials need to know how to work with their fellow councilmembers and for their residents.

This includes conducting meetings correctly and effectively. They also need to know how to comply with the laws governing public service, and may not have any familiarity with state laws like the SC Freedom of Information Act and the SC Ethics Act.

[Help Available, page 7 >](#)

Think Before Clicking: Improving Email Security

The internet can be a dangerous place for computers, as anyone who has logged many hours online can attest. City and town employees conducting their business by email often have multiple safeguards working alongside them. The City of Anderson, for example, uses network and email scanning at both the server level and desktop level, alongside spam filters to keep unwanted or potentially harmful emails away from employee inboxes in the first place, according to Jason Nixon, systems administrator.

Still, a computer's security in many ways rests in the hands of its user, and emails provide a critical opening for scammers to attack users. In recognition of National Safer Internet Day on February 5, consider these email security tips.

Be willing to be skeptical

Unsolicited emails arriving from unknown senders can provide hackers a useful way for getting malware into your computer. Viruses can spread through personal email accounts, and unknown senders can exploit methods to make an email appear as if it is coming from a known sender. "If an email arrives in your inbox from someone you know but you

weren't expecting an attachment, delete it or contact the sender by an alternate method to confirm," Nixon said.

The more tempting the link or attachment is, the more likely it's fake

Emails can give a false impression of an urgent message of a problem from a bank, credit card company or government source. Links on these can go to websites meant to look like those of the real institutions, or they can appear as links to the real thing when they aren't. When seeing a link in an email, Nixon suggests hovering over the link and allowing the address to be displayed. "If it looks suspicious or you aren't certain of its destination, don't click it," he said.

Train for the attack

Proactive training and collaboration with IT can help as well. "If we see a headline in the news such as a ransomware attack," Mike Jann, IT manager for the City of Greenville said, "we may take that article, send it out, and use it as an example of the need to remain aware and vigilant of suspicious emails. We'll also highlight areas in that specific example



where warning signs were missed."

Jann said his office also encourages employees to give them notification of suspicious emails, allowing them to identify the threat level and give the user or the entire user base feedback. "As we've ramped up our training and education of users, we've seen a corresponding rise in the number of emails our employees are flagging," he said. "In terms of whether the users are correctly flagging harmful email, I'd say they're right more than 80 percent of the time, which means our efforts are paying off."

Anderson also utilizes harmless dummy phishing emails as a drill, encouraging user vigilance and identifying training needs.

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For this reason, the Municipal Association created a Newly Elected Officials Orientation training last year with the title "You've Been Elected, Now What?"

The training has benefits beyond just the education opportunity, according to Urica Floyd, manager for the Municipal Elected Officials Institute of Government.

"This is a great opportunity for newly elected officials to begin networking with other towns across the state, and with peers who are going through the same experiences," she said.

The officials who participate in this training receive an overview of the basics of serving their municipality as an elected official, giving them a first look at the issues addressed in the Municipal Association's *Handbook for Municipal Officials in South Carolina*. They also learn many of the ways the Municipal Association can help them: advocacy, outreach, education and training, collection services, and risk management.

Officials who want to start their credited education can do so on Wednesday, February 6 with MEO Session A; followed by the Newly Elected Officials

Orientation training one month later on Wednesday, March 6.

Floyd added that that "many of these officials, if they stay on track, will also graduate from the MEO Institute together in February 2020 during that year's Hometown Legislative Action Day."

The Newly Elected Officials Orientation will take place Wednesday, March 6, at the Municipal Association's office in Columbia. Learn more and register at www.masc.sc (keyword: You've been elected, now what?). For more information about the training, contact Urica Floyd at 803.354.4754 or ufloyd@masc.sc.

Officers Helping Officers

SC LEAP Supports Law Enforcement After Trauma and Stress

Charles Barranco had been the Aiken police chief for just seven days on January 8, 2012, when one of his officers, Sandy Rogers, was fatally shot. It was the second officer the Aiken Police Department lost in the line of duty in 37 days. Officer Scotty Richardson was shot and killed during a routine traffic stop in December 2011.

One of the first phone calls Barranco made after he got the news of Rogers' death was to Eric Skidmore, program manager of the South Carolina Law Enforcement Assistance Program. "I knew we would need their assistance," Barranco said.

SC LEAP provides services for law enforcement employees and their families in times of stress and trauma. It conducts training sessions for peer counselors and has a network of volunteers, mental health professionals and chaplains across the state. The program — a partnership between the State Law Enforcement Division and the state departments of Natural Resources, Public Safety, and Probation, Parole and Pardon Services — was created to serve the more than 17,000 sworn officers in 260 local law enforcement agencies across South Carolina, along with their family members.

"It's a great resource. In law enforcement and fire service, we're here to help others. There are times when we're the ones that need assistance. Having folks available throughout the state that have real life experience in similar situations, it really makes a

difference," Barranco said. "We deal with some things that most folks don't see on a daily basis. The day-to-day stress becomes cumulative. When you have a critical incident, like an officer-involved shooting, people need help, and they deal with it differently."

That's where Skidmore and his staff come in — taking calls 24 hours a day, ready to provide assistance with trauma and other issues officers face.

"I describe (SC LEAP) like the hub of a wheel with spokes going out. In the center is the staff of SC LEAP, three full time staff and one full time volunteer and probably 200 peer support personnel. They're mostly sworn officers who have been through training, mental health

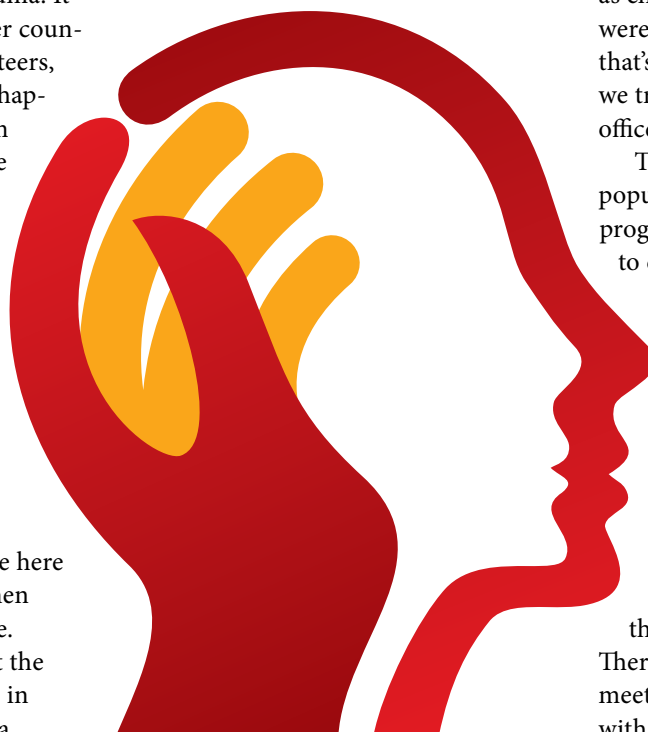
professionals, chaplains and nonsworn personnel. We're in the center of the hub, and we're constantly being deployed around the state."

Skidmore said police chiefs call in SC LEAP to provide peer teams to lead sessions in their departments, help departments counsel and address addiction issues, find referral resources for their officers who are struggling with work-related or personal issues, and assist in the wake of an officer's death or line-of-duty injury. The SC LEAP staff and peer support team is deployed to serious incidents — such as an officer-involved shooting or an officer suicide — more than 50 times a year.

"It used to be a few times a year, but as chiefs and sheriffs realized what they were getting was a peer support element, that's made an incredible difference as we try to provide care to state and local officers," he said.

The peer support element is especially popular with departments that use the program's services. "Officers will listen to chaplains and mental health professionals, but if it's on a scale of one to 10, they will listen to other cops at a maximum level. They will listen to another officer who has had a line of duty shooting. It's the power of peer support," Skidmore said.

Peer team members who have been through a line of duty death will talk about their own experiences and offer thoughts on how they made it through the tragedy. There are debriefing sessions, open meetings, and one-on-one counseling with officers and families taking place





in the hours after the tragedy until days, weeks and months later.

SC LEAP also provides seminars for officers who have been through a traumatic event and continue to suffer lingering effects, whether they are dealing with PTSD or simply don't feel like themselves after an incident. Some of the typical high-stress incidences include a line-of-duty killing of a fellow officer, a multicasualty incident, any significant event involving children, a serious line-of-duty injury, an officer involved shooting or an incident that draws excessive media coverage.

York Police Chief Andy Robinson said SC LEAP responded to his community in early 2018, when a York County Sheriff's Office detective was killed and three other officers wounded, including an officer with the York Police Department.

Robinson said he reached out to Skidmore to be sure the York Police Department was doing everything it could to support the officer and his family.

SC LEAP hosted a crisis management briefing, gathering all law enforcement personnel to explain the facts of the case and allow for questions. Representatives of SC LEAP held a brief teaching session on stress reactions and then talked about next steps. SC LEAP also met with families of the officers.

"I think it is important that services such as SC LEAP are available to law enforcement because, first, smaller agencies do not have the resources nor the experience to handle many situations that representatives from SC LEAP are able to provide," Robinson said. "Second, and thankfully, most agencies rarely experience incidents of such magnitude as the shooting we experienced this past year, and if they do, it is not very often. Having access to trained and experienced professionals such as those who volunteer and work for SC LEAP are invaluable resources to agencies of all sizes across our state."

"Without SC LEAP," he said, "many officers and agencies may not receive the

assistance they need to handle traumatic events and the stresses created by these events, or at a minimum they would have a difficult time trying to navigate the recovery process on their own."

Robinson suggests other departments become familiar with SC LEAP's service and attend one of the training sessions the group hosts around the state.

"If you have not used SC LEAP, hopefully it is because you have not needed them, but that can all change in an instant, so knowing where to go and who to contact when serious incidents occur is critical and time sensitive," Robinson said. "Better to be prepared and not need this service than to need it and not know what it is or what they can do to assist you."

Aiken's Chief Barranco had similar advice for other departments dealing with a difficult event: "Take care of the situation at hand, but make the call to SC LEAP early. The earlier you get folks in to help your staff, the better off you're going to be."

Standard Operating Procedures: *The Value of Fire Department Policies*

In the world of fire fatality statistics, “nightclub fire” is its own category. One of the most deadly fires of this type in the U.S. took place at the Station nightclub in Warwick, R.I. in 2003.

A band used stage pyrotechnics during a performance that night, which in turn ignited the sound insulation foam installed around the stage, quickly creating a massive fire in a small, crowded space. The fire caused 100 deaths and 230 injuries.

The lawsuits that followed named 97 defendants, and legal settlements amounted to at least \$115 million. The list of defendants was diverse, including the tour group itself; the club owners; both the state and the town government; the company that manufactured the foam and the company that sold it; and several others, including a local radio station that promoted the show that night.

Paul A. Doughty, who lives in Rhode Island and investigates arson for the Providence Fire Department, described this case to members of the SC Municipal Insurance Trust and the SC Municipal Insurance and Risk Financing Fund during a fire liability training session on November 28.

Liability works very differently for fire departments than private entities, since laws generally work to protect departments that are following their policies. Even so, the Station nightclub fire illustrated the many groups which could be legally found to have a duty to an injured party and breached that duty.

As Doughty explained, good policies can reduce the likelihood that avoidable problems will happen and create liability. Policies are just like training,

supervision and other tools to prevent problems.

“The best way to reduce liability,” he said, “is to prevent liability-causing events from happening.”

He also noted that policies help departments keep up with changes in law and professional standards, standardize operations and help departments learn from experience.

“Otherwise, you’re relying on people with gray hair, and when they leave, the institutional knowledge leaves,” Doughty said.

Key high-risk areas for fire departments include structural fire operations, technical rescue, self-contained breathing apparatus, digital images,

social media, discipline and professional standards, sexual harassment, hazing and bullying. The majority of lawsuits brought against fire departments are actually employment-related rather than incident-related.

SCMIT provides its members with access to a professionally developed comprehensive manual of fire policies that departments can adopt. Departments can also seek out help from organizations like the SC Firefighters Association, SC State Association of Fire Chiefs and from their fellow fire departments.





Know the Compensation Rules for Volunteer Firefighters

Staffing a department with volunteer firefighters means the city has no requirements for paying the volunteers. This changes, however, if these firefighters ever stop meeting the definition of a volunteer, and the Fair Labor Standards Act regulates that definition. Once a firefighter is no longer a volunteer, then FLSA rules on minimum wage and overtime apply.

Under the FLSA, volunteer firefighters can never receive hourly pay. This requirement falls well short of establishing a complete ban on payments, however. The city or town can pay the firefighters a nominal fee as well as expense reimbursements and some reasonable benefits, and payments are taxable income. While the fee cannot be tied to productivity, it can be paid on a per-call basis, and it can be paid as a monthly or annual stipend. According to the FLSA, the fee cannot

amount to more than 20 percent of the total compensation a city would pay to a full-time firefighter.

In the City of Hartsville, the effort to ensure FLSA compliance for volunteer firefighters included a review by a labor attorney and auditors, according to Rebecca Mejia-Ward, human resources manager. She said that making sure existing volunteers understand when and how they will receive a fee and expense reimbursement is important, “and new volunteer training keeps the process going.”

Volunteers are also limited in the agencies they can serve, since they cannot volunteer services to the employer who pays them. Paid firefighters working for a specific fire department cannot volunteer for that same department when they are off duty. If they respond to a call, they must be compensated for hours worked based on their salary. Paid firefighters

can volunteer their services for separate, independent agencies.

City employees who are not paid firefighters can volunteer for the city’s fire department, since they are not providing the same service for which they are employed.

Finally, if volunteers are eligible for a South Carolina retirement system through their volunteer work, they can choose to participate and contribute to that system or waive participation. Those with an existing retirement system account must participate. The SC Public Employee Benefit Authority can determine whether a firefighter is allowed to waive participation.

This information is partially taken from Managing Volunteer Firefighters for FLSA Compliance: A Guide for Fire Chiefs and Community Leaders, a publication of the International Association of Fire Chiefs.

Simulating the Heat of the Moment for Police Officers

“Sir, let me see your hands,” the police officer says to a man digging through a desk drawer. The officer is responding to a call indicating someone had broken into a warehouse.

“Get that light out of my eyes,” comes the response. “Is that really necessary? I work here!”

Several more times, the officer makes the order, and several more times the man refuses. Suddenly, he pulls something out from beneath the desk — and it’s a staple gun.

Police officers participating in the Municipal Association’s Risk Management Services response to resistance simulator training face this scenario, and in a split second, they must choose whether to shoot as the man is moving suddenly. Participants are less likely to shoot after the training, according to Todd Williams, public safety loss control consultant.

“Over the past few years, there has been a decline in training participants shooting in this scenario, while participants have improved their skills in areas such as verbal judo,” he said.

This interactive simulator offers more than 500 scenarios like an officer ambush, hostage situation or suicide threat. The point of the exercise is to create a real-time sensation of the kind of tense, critical moment officers could face at any time and help officers understand how they handled the decisions they made. It allows them to use multiple degrees of force — stun guns and batons are also options, along with the firearm. Scenarios can be played back so officers and trainers can analyze reactions and train on correctly documenting a confrontation after it’s over.



The train-the-trainer sessions at the Municipal Association’s office allows agencies to check out the simulator and use it in their cities and towns.

The Municipal Association's Risk Management Services has offered the simulator training since 2017. In a time of greatly increased public scrutiny of police conduct, the training has proven popular. In 2018, more than 960 people trained on the system.

Police departments participating in the SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund can send their training officers to the train-the-trainer courses offered in Columbia. This allows the agency to check out the system for onsite training in their city. The public safety loss control

consultant is available to provide onsite training for agencies. Some cities have invited councilmembers, media and local community leaders to participate in this training to learn more about the challenges officers face.

Learn more by contacting Todd Williams at 803.354.4764 or twilliams@masc.sc. See the calendar for upcoming trainings at www.masc.sc (keyword: resistance simulator).



Understanding the School Resource Officer Retiree Earnings Limitation



Typically, working retirees of the South Carolina Retirement System or Police Officers Retirement System are subject to a \$10,000 earnings limitation. The limitation applies when employees retire under their retirement system so they can begin to receive a retirement benefit, then begin to work again in a job covered by one of South Carolina's retirement systems. If the employee earns \$10,000 in a calendar year through their covered employment, then the retirement benefit is suspended for the remainder of the calendar year.

Some exceptions exist to the earnings limitation, allowing working retirees

who meet certain criteria to earn money through covered employment beyond the \$10,000 limit without impacting their retirement benefit. The General Assembly created the most recent exception through a proviso in the state budget for fiscal year 2018-2019, and it applies specifically to retirees working as school resource officers.

The retiree in this case must be a Class 1 law enforcement officer, and must have retired under the Police Officers Retirement System on or before December 31, 2017. If this person returns to work as a school resource officer in a position founded to be a

critical needs position, then this person is exempt from the earnings limitation. The proviso also indicates that if the retiree has been inactive for a year or more, then there cannot be a requirement of recertification through basic training.

Unlike many of the rules of the state's retirement system, this exception is not set in statute, but rather created by a budget proviso which is in effect through June 30, 2019. For the exception to continue beyond that date, the legislature would need to take additional action by placing the proviso in the next budget.

A Day in the Life of a *Firefighter*

Conway Fire Chief Phillip “Le” Hendrick Jr. isn’t exaggerating when he says he was born into the fire service.

His father, who retired as the assistant chief of the Conway Fire Department, took his infant son to the fire station for a visit before the family even made it home from the hospital. Le Hendrick started at age 15 as a cadet in Conway, and hung around the fire station every day after school and on weekends. He became a volunteer firefighter and later worked for the Horry County Fire Department because nepotism rules prevented him from working in Conway. Once his father retired, Le moved to the Conway department, where he worked his way up, serving as a full-time firefighter, lieutenant, captain and battalion chief before being named chief in 2014.

“I’ve been here my whole life, literally,” Hendrick said. “It’s all I’ve ever known. All I wanted to do was work here. I put my whole life into it.”

That longevity is not unusual in fire departments — large and small — around the state. Firefighters are known for dedicating their lives to the fire service, working 24-hour shifts, responding to fires and explosions, automobile accidents and medical emergencies. They clean trucks and service equipment, talk to groups about the importance of fire safety, and take part in physical fitness training. And they belong to what many



Hilton Head Island Fire Chief Brad Tadlock began firefighting as a volunteer, and has served with Hilton Head Island Fire Rescue and its predecessors for more than 30 years.

Photo: Town of Hilton Head Island.

of them refer to as the brotherhood of firefighters.

“To be a firefighter, it has to be in your heart. You want to do it all the time. You have that passion to help people,” said Hampton Deputy Chief Thomas Smith, who has been with the fire department since 1988. “It’s rewarding helping people in their time of need. That’s why you find people that want to do it forever.”

Whether departments are staffed with full-time career firefighters or a combination of paid firefighters and volunteers, they all adhere to a standard daily routine.

Many work 24 hours on and 48 hours off schedules, with the shifts typically starting and ending at 7 a.m. or 8 a.m. The first order of business is checking all the apparatus, making sure the trucks, equipment, breathing apparatus and other devices are ready for service. Most departments usually do at least an hour of physical fitness training during each shift. Then there are public talks, training and other duties assigned through the shift commander. Firefighters may spend time working on pre-emergency plans, inspecting businesses or hydrants, or talking to schools and community groups.

“That’s the utopia, the roadmap,” Hendrick said. “I usually look at my schedule when I wake up and do the complete opposite. Every day is different.”

The set daily schedules don’t include the fires or the vehicle accidents or medical first response calls that more departments now cover. Those medical calls account for about 65 percent of the calls the Conway department handles, he said. That percentage is typical in many departments around the state.

As Hilton Head Island Fire Chief Brad Tadlock said, “We build a day, and then run calls and plug in the day around it.”



Born into a firefighting family, Conway Fire Chief Phillip Hendrick Jr.'s career began as a 15-year-old cadet. Photo: City of Conway.

While firefighters on Hilton Head Island work a 24-hour shift and have a full schedule of work activities planned between 8 a.m. through 5 p.m., “very seldom do we get through a day and stay on schedule because we have calls,” he said.

Tadlock has served with Hilton Head Island Fire Rescue and its predecessors more than 30 years, starting when the island was a quieter and smaller tourist-heavy community. He had been a volunteer firefighter in the Midwest when he decided he wanted to pursue a career in the fire service.

The Hilton Head Island department, like many others, provides fire and EMS services, with all firefighters trained as basic emergency medical technicians and half of the 108 line firefighters doubling as certified paramedics.

“That’s becoming more common. When I started there weren’t many fire departments that had paramedic transport. There are a lot more now,” Tadlock said. “Fire stations are strategically located to have good response times to fire. So you already have location and infrastructure in place.”

The call volume increases on Hilton Head Island from April through Labor Day, although the town’s winter and year-round population is growing. Fire Rescue has 145 employees, with 108

firefighters on trucks. It also manages the 911 center for Hilton Head and Daufuskie islands.

Many smaller South Carolina cities and towns, such as Hampton, rely on a combination of full-time and volunteer firefighters to staff their stations. Hampton has two full-time firefighters, including a deputy chief, who share the workload with part-time and volunteer firefighters.

The full-time firefighters work 8 a.m. to 5 p.m. weekdays, while the volunteers help with after-hour calls and response. Most of those 20 to 22 volunteers — 60 to 70 percent — are full-time firefighters in other departments, says Thomas Smith, the Hampton deputy chief. That type of support is common, with departments quick to volunteer and help out their fellow firefighters.

“I’ve been a full-time firefighter since ‘89, but I’ve also always volunteered somewhere,” Smith said.

Full-time firefighters are not allowed to volunteer for the department that employs them (*See page 11 for more information on compensation rules*).

Working in Hampton, population 2,500, Smith also understands the side of responding to vehicle accidents or fires where friends and neighbors are affected. The majority of the department’s full-time and volunteer firefighters are EMTs, while a few are also paramedics.

“Being a small town, when we respond it’s usually somebody we know or we have heard of. That can be a difficult side of it,” Smith said.

Firefighters also help their communities through natural disasters — something Conway has seen plenty of in recent years. Hurricane Florence flooded the city last September, guaranteeing Hendrick, the fire chief who also serves as the city’s emergency manager, will be working for months on the recovery. After an ice storm in 2014, a flood in 2015, Hurricane Matthew in 2016 and Hurricane Irma in 2017, he feels as if he’s becoming an expert dealing with FEMA.

“Five years in a row. It’s a skillset I don’t want, but we’re getting pretty good at it,” he said.





1411 Gervais Street | PO Box 12109
Columbia, South Carolina 29211
Tel: 803.799.9574 | Fax: 803.933.1299
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Calendar

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

FEBRUARY

5 Hometown Legislative Action Day. Columbia Marriott.

6 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; intergovernmental relations; and ethics and public accountability. Advanced Institute Courses are "Advanced Municipal Economic Development" and "Public Safety Policy and Administration." Advanced Continuing Education topics

include a more in-depth overview of ethics and the Freedom of Information Act.

12 SCMIT and SCMIRF Fire Arms Simulator Train the Trainer. Municipal Association of SC.

21 SCMIT and SCMIRF Fire Arms Simulator Train the Trainer. Municipal Association of SC.

MARCH

7 SC Association of Stormwater Managers First Quarter Meeting. Seawell's, Columbia.

10 - 12 SC Utility Billing Association Annual Meeting. Embassy Suites by Hilton Charleston Airport Hotel and Convention Center. Topics include communication in the workplace, professional and personal awareness, electronic payment security, ethics and harassment.

13 - 15 Municipal Clerks and Treasurers Institute Spring Session - Year 1, Session A. Hyatt Place Columbia/Downtown/The Vista. Topics include the role of the municipal clerk, records management, interpersonal skills and forms of government.

20 SCMIT and SCMIRF Risk Management 101. Municipal Association of SC.

21 Municipal Technology Association of SC Spring Meeting. Newberry Firehouse Conference Center. Topics include best practices for establishing technology-related policies, SC Law Enforcement Division's Criminal Justice Information Services updates, disaster recovery and future technology trends.

28 SC Municipal Finance Officers, Clerks and Treasurers Association Spring Academy. Seawell's, Columbia. Topics include legislative updates, overview of programs by the State Treasurer's Office, cyber security, office health and leadership.