Repeal and Replace
Adopting the Model Business License Ordinance in 2021

Standardization: New Law, New Action

Last year, the General Assembly passed Act 176, the SC Business License Standardization Act, which adds many specific standardization requirements for the cities and towns that administer this tax to implement by January 1, 2022.

The law requires that these taxing jurisdictions now all use a single due date — April 30 — and a standard license year period of May 1 to April 30. Other licensing practices must be standardized as well, including the method of calculating a business's gross income, the setting of rate classes, as well as acceptance of a standard license application and acceptance of payments from a statewide online payment center.

To assist with the process of complying with the law, the Municipal Association of SC created a revised model business license ordinance. The revised model ordinance addresses the specific requirements found in the new law. Because of the new law's complexities, the Association strongly encourages municipalities to repeal their existing ordinances and replace them with the revised model ordinance, rather than altering and correcting their current ordinances. Adoption of business license ordinances that comply with Act 176 must take place by January 1, 2022.

The Association's revised model ordinance includes the current standard business license class schedule required by law, which cities and towns must update at the end of every odd-numbered year. It also contains a comprehensive definition of a business' gross income as required by Act 176.

Here are some other business license issues covered by the model ordinance:

- Applicability to businesses lacking an established location in the municipality
- Requirements for display or carrying of a license
- Inspections
- Audits
- Assessments
- Penalties for nonpayment
- Denials, suspensions and revocation of licenses
- Violations

Next steps to comply with new law

Adopting the model ordinance is one of several steps that cities and towns will need to take throughout 2021 to comply with Act 176, and the Association will be offering guidance throughout the process. Some other critical early steps include making sure that licensed businesses are assigned a North American Industry Classification System code, or NAICS code, and exporting business license records into an Excel spreadsheet so that municipal staff and the Association's staff can work to review the records for compliance with the law.

Find more information about the standardization process, visit www.masc.sc (keyword: standardization). For questions, contact Melissa Harrill at mharrill@masc.sc and 803.933.1251, or Caitlin Cothran at ccothran@masc.sc and 803.354.4786.

In This Issue

MEO, Advanced Institutes Recognize New Graduates

During Hometown Legislative Action Week in early February, the Municipal Elected Officials Institute of Government and Advanced Institute together graduated 85 municipal elected officials, including 69 graduates of the MEO Institute and 16 graduates of the Advanced MEO Institute. Find press releases for all graduates from both programs at www.masc.sc (keyword: newsroom).

For more than three decades, the MEO Institute has worked to give elected officials the knowledge they need to help their municipalities operate responsively, efficiently and effectively. Graduating from the MEO Institute requires officials to complete two daylong sessions, Session A, which digs into such topics as public meetings, strategic planning and goal setting, as well as Session B, which includes such topics as business license tax administration, ethics, liability and annexation.

Graduation also requires officials to complete five other sessions, available as online, on-demand sessions, and which will resume as in-person sessions at locations around the state after the pandemic disruptions end. These courses are

- Basic Budgeting and Municipal Finance,
- Forms of Municipal Government,
- Freedom of Information Act in SC,
- Municipal Economic Development, and
- Municipal Governance and Policy.

The Advanced MEO Institute gives MEO Institute graduates an opportunity to continue their education. Graduation from the Advanced MEO Institute requires participants to complete any four of the six available courses, ordinarily offered each February and October. The courses are

- Advanced Advocacy and Intergovernmental Relations,
- Advanced Budgeting and Finance,
- Advanced Leadership and Governance,
- Advanced Municipal Economic Development,
- Municipal Utility Policy and Administration, and
- Public Safety Policy and Administration.

Learn more about the MEO Institute and register for courses at www.masc.sc (keyword: MEO Institute).

On-Demand Training Can Help Municipal Clerks

Clerks fulfill a critical role for South Carolina's cities and towns — something that is reflected in the fact that the clerk is the only municipal staff role required by state law in all three forms of municipal government. They support elected officials and any other administrative positions, and they frequently serve as the public's access point to municipal services.

Several years ago, the Municipal Association of SC introduced a series of training modules to help clerks grow in their understanding of the duties and responsibilities of their job. The courses are free, are organized in segments of 30 minutes or less, and can be especially useful to newly appointed clerks.

The first module, "Municipal Association as a Valuable Resource," overviews those services of the Association that can help assist municipal clerks — offerings like the Association's field services managers, the Municipal Finance Officers, Clerks and Treasurers Association, and the *Handbook for Municipal Officials in SC.*

The second course, "Role of the Municipal Clerk," lays out how a municipal clerk is appointed in each of the three forms of government. It also takes a look at the duties and responsibilities of the municipal clerk as outlined by state law — items such as giving notice of public meetings, keeping minutes, and making adopted ordinances, codes and regulations available.

The last course, "State and Municipal Law," takes a look at the legislative and administrative authority granted by the state to its municipalities. This session also digs into ways that city and town councils can pass ordinances, repeal and amend them, and the role of resolutions and proclamations. Finally, this section digs into the critical and required task of codifying ordinances — collecting and systematically organizing a city or town's laws.

To receive more in-depth training, all municipal clerks can participate in the Municipal Clerks and Treasurers Institute. MCTI is a series of six 2½-day sessions, with two sessions available annually. The Institute covers in detail how to perform the municipal clerk's duties using the most efficient and effective methods, with practical examples.

To get more information about MCTI and the on-demand clerks training, visit www.masc.sc (keyword: MCTI; keyword: clerks training).
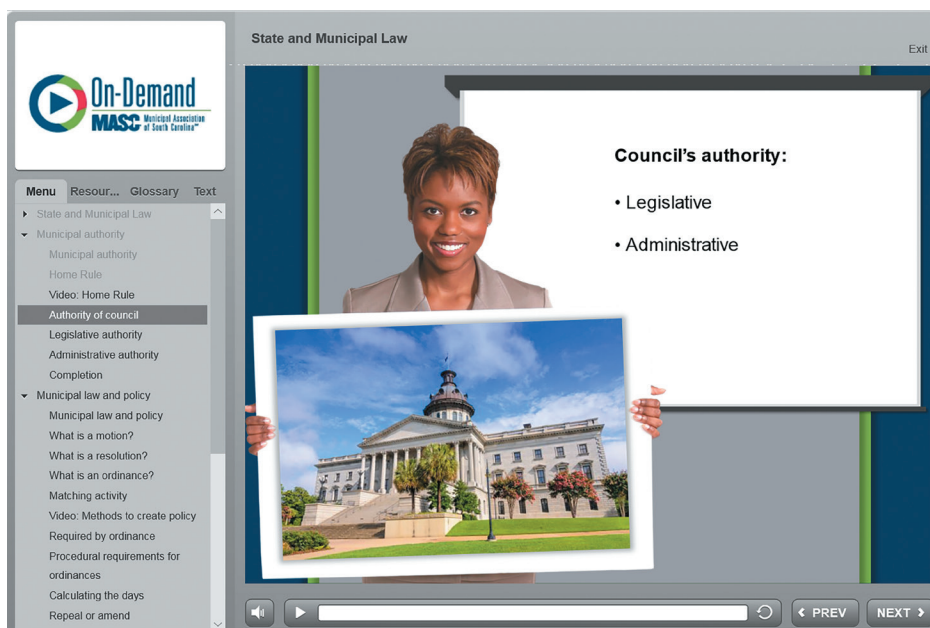
On-demand Municipal Clerks Training is a quick interactive tutorial on basic duties and responsibilities of a municipal clerk in South Carolina.

Expanding Broadband Takes Focus

COVID-19 has further demonstrated the need to expand broadband internet into rural areas, and Congressional leaders are pushing to make that happen.

Rep. Jim Clyburn and Rep. Jeff Duncan both provided video discussions for the Municipal Association's virtual Hometown Legislative Action Week, and both addressed the issue of broadband deployment.

Clyburn, who is the House majority whip, represents South Carolina's 6th District. Last year he joined the House Rural Broadband Task Force and other Democrats in introducing the Accessible, Affordable Internet for All Act. That legislation would invest $100 billion to build high-speed internet infrastructure in communities that lack it or are otherwise underserved.

"I've always treated broadband as a part of infrastructure, and I'm pleased that Congress has now taken on that mantle and made broadband deployment an integral part of our funding of infrastructure programs going forward," Clyburn said.

He praised the South Carolina General Assembly's work in committing a portion of the state's funding allocation from the Coronavirus Aid, Relief, and Economic

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Hometown Legislative Action Week Videos

The discussion of broadband by members of the Congressional delegation and Municipal Association staff are some of the videos found at www.masc.sc (keyword: HLAD). Other videos include

- The State Budget
- Law Enforcement Reform
- The SC Textiles Communities Revitalization Act
- The SC Abandoned Buildings Revitalization Act
- Municipal Enclaves
- Code Enforcement Liens
- Naloxone Expansion

Security Act to fund broadband. He also drew attention to the General Assembly allowing rural electrical cooperatives to use their existing rights-of-way for broadband installation as well.

"I believe that the next greatest thing, for the 21st century, is to have broadband in every house," Clyburn said. "Broadband can do for rural communities in the 21st century what electricity did in the 20th century."

Duncan, who represents the 3rd District, also serves on the Energy and

Commerce Committee, which oversees broadband policy. Duncan said broadband deployment needs Congress to first make the permitting process easier.

For that reason, he said he introduced the Expediting Federal Broadband Deployment Reviews Act "to ease the regulatory burdens and speed up the permitting process for broadband permits on federal lands, like the forest land in my district. I have also cosponsored bipartisan legislation to speed up the FCC auction process in a way that would allow co-ops to more quickly develop rural broadband resources while competing for those federal contracts."

"More than 21 million Americans could not access broadband before COVID-19, and that number is shocking," he said. "So that's why it's so important that we don't stop the progress now. We can work on expanding broadband in a bipartisan fashion here in Congress, and on the state level."

The Municipal Association's 2021-2022 Advocacy Initiatives include amending the newly adopted broadband expansion law to allow cities and towns to not only lay fiber, but also light the fiber or partner with a third party to light it. Learn more about the initiatives at www.masc.sc (keyword: Advocacy Initiatives).

"Broadband can do for rural communities in the 21st century what electricity did in the 20th century."

– Rep. Jim Clyburn

"More than 21 million Americans could not access broadband before COVID-19, and that number is shocking."

– Rep. Jeff Duncan

Association Highlight
New Listserves

The Municipal Association of SC recently launched an updated listserve platform to provide expanded features for sharing best practices and connecting with colleagues across the state. The platform features individual listserves for 12 affiliate organizations, while other listserves assist planning and zoning officials, city managers and administrators, and public information officers.

The new platform is more collaborative and user-friendly than the previous system. It features discussions grouped together in a single easy-to-find and searchable location, so that users no longer have to dig through their email to find a particular piece of information. It also allows users to set up polls to ask questions and share documents.

Everyone with a current affiliate membership is already a member of the new listserve, which they may access through their member home page on the Association's website. Approved listserve members must first assess their listserve by logging in to www.masc.sc, selecting "Member Home," then setting communication preferences, such as whether they want to receive email notification of posts. To join other listserves, visit www.masc.sc (keyword: listserves). Under the appropriate listserve, select "request access." After logging in, follow the prompts to sign up for the new listserve. For assistance, call the helpline at 803.933.1297.

MEO Municipal Elected Officials
Institute of Government

Testyourselfmonthlyquiz

True or False:
Councils must give notice of public hearings for their budgets before adopting them.

Answer: *True.*

The public hearings that city and town councils must conduct for their budgets, required by state law, have special public notice requirements. Municipalities must give public notice of the hearing in a newspaper of general circulation in the municipality at least 15 days before the hearing.

The published public hearing notice must

- be at least two newspaper columns wide;
- have a bold headline and include the governing entity's name;
- include the time, date and location of the public hearing;
- state the revenue, expenditures and millage for the current fiscal year's operating budget and for the proposed budget; and
- provide the millage rate that is required to generate the revenue total in the proposed budget.

State law also requires the use of an ordinance to adopt the budget. All ordinances must have at least two readings, with a minimum of six days between each reading.

The Municipal Elected Officials Institute of Government offers online courses. In-person classes will resume when COVID-19 activity drops to safe levels. To register, participants should go to the Municipal Association's website at www.masc.sc and log in with their user identification number and password.

Making the Budget Process Run Smoothly

The key to a good budget process is a well-organized budget plan, executed by a council and staff working together as a team. Preparing a budget can be time-consuming, but it can help make sure the council is using the best budgeting practices while also complying with state law.

The budget process

The South Carolina Constitution, in Article X, Section 7(b), requires all municipalities to adopt a balanced annual budget, with revenues equaling expenditures. As cities and towns craft their budget ordinances, they must use public meetings. General budget discussions do not qualify for executive session.

The SC Freedom of Information Act spells out the requirements for giving notice of all public meetings. This includes posting an agenda at the meeting site at least 24 hours in advance and notifying the press and anyone else who has requested notice at that time as well. Cities and towns must also post the agenda on the municipal website, if one exists.

Under SC Code Section 6-1-80, councils must conduct a public hearing on the budget, giving at least a 15-day public notice in a newspaper of general circulation in the area. The law also lists the specific details of what the notice must include.

The budgeting process should start a minimum of three months before the budget adoption date. Many municipalities begin budget preparation six months before the start of the new fiscal year. Detailed budget calendars, agreed upon by councilmembers ahead of time, can help with the process. A prioritized list of council goals can guide decisions on how to allocate scarce resources.

For municipalities using the council form of government, the council should designate the individuals responsible for preparing the budget. For the other two forms of government, state law designates who is responsible for budget preparation. In the mayor-council form, the mayor is charged with preparing the budget for the council's consideration. In the council-manager form, this responsibility rests with the city or town manager.

Millage cap

Municipalities wishing to increase a property tax millage rate are constrained by Act 388 of 2006. A municipality may increase millage for general operating purposes in one year by the previous calendar year's average consumer price index increase and the percentage increase in the municipality's previous year population as provided by the South Carolina Revenue and Fiscal Affairs Office.

The law also allows a "look-back" period of three years. Councils that did not impose the millage increase allowed by Act 388 during the previous three years may still impose that increase in addition to their current-year allowance.

In reassessment years, municipalities must adjust the millage rate to account for the change in the assessed value after reassessment, excluding the increase in value associated with new construction, the renovation of existing structures and the resale of a property to produce no more property tax revenue than the previous year. This is referred to as the rollback millage calculation.

Forecasting the budget

Staff can expedite budget forecasting by maintaining detailed historical records on revenue and expenditures in a format that can be easily compared and analyzed for a minimum period of three to five years.

Council can avoid unexpected budget problems by examining and adjusting prior-year revenues and expenditures carefully to account for unique situations. Examples on the revenue side include one-time dollars budgeted the previous year, such as grants, collection of past-due revenues, cash from insurance settlements, and opening or closing of businesses or industries. Health insurance premiums, state retirement contributions, utility rate increases and one-time payments are examples of items to double-check on the expenditure side.

Some key issues to consider when forecasting in 2021 are coronavirus revenue disruptions as well as budget

changes related to the business license standardization process, now required by Act 176. For more information on the standardization process, visit www.masc.sc (keyword: standardization).

Councils may want to wait as late as possible when finalizing revenue projections. For example, a city with a July 1 fiscal year start date may want to consider a budget work session in May, followed by two readings of the budget ordinance in June.

Annual reporting

The council is responsible for ensuring that the municipality has submitted the required financial information and payments to the appropriate agencies. The start of the budget process is a good time to confirm that the municipality has completed these tasks:

- Submit an annual audit to the Office of the State Treasurer by the 13th month after the end of the city's fiscal year, or the city's share of state revenues may be withheld, including any local option sales tax funds.
- Submit the Local Government Finance Report, which his generally due to the Revenue and Fiscal Affairs Office by March 15. The state can withhold the municipality's share of the Local Government Fund for failing to submit this report on time. Some municipalities choose to include the preparation of this report in their annual audit contract's scope of services. This practice relieves municipal staff of this challenging task.
- Confirm the municipality is current on submitting state court fines and victim assistance assessments to the Office of the State Treasurer.
- Submit the city's annual audit to creditors, grant agencies and local banking institutions with which the city conducts business.

Learn more about the budget process in the Handbook for Municipal Officials in South Carolina*, found at www.masc.sc (keyword: municipal officials handbook).*

Understanding Lockout/Tagout Procedure

The Occupational Safety and Health Administration provides employers with standards for operations to promote safe, healthy workplaces when enforced. Many of these standards can help guard against the hazards found in public works jobs. They include Standard No. 1910.147, the energy control program, known as "lockout/tagout."

Lockout/tagout refers to the processes that employees need to use to prevent the unexpected startup of machinery or equipment while they service or maintain the equipment. The procedures also aim to prevent the unexpected release of hazardous energy, whether it be electrical, mechanical, kinetic, hydraulic, pneumatic or thermal.

Lockout/tagout procedures require that employees either lock or tag energy-isolating devices and also take steps to verify that they have isolated the energy that could harm them. Lockout devices require a key or other unlocking mechanism. Tagout devices warn employees not to reenergize a machine during service or maintenance.

OSHA Standard 1910.147(c)(6)(i) requires employers to conduct inspections at least annually. The inspections aim to make sure that employees are following lockout/tagout procedures and requirements. The employee conducting the inspections cannot be someone that works in a job that must follow the procedures under inspection.

SC OSHA often counts failure to maintain an energy control program on its list of the most frequently cited OSHA standards during inspections. In 2019, failure to use a lockout/tagout program was the fourth-most frequently cited standard. Even so, it's not the only high-incidence area. Failure to provide written hazard communication programs, employee hazard communication programs and machine guarding are the first three most frequently cited standards. Also, violations of permit-required confined spaces regulations, electrical safety, and trenching and shoring exposures also present safety hazards in cities. Learn more at www.osha.gov and scosha.lloronline.com.

SC Municipal Insurance Trust members have access to several risk management training videos, including Required Annual Inspection Energy Control Procedure, *addressing lockout/tagout procedures. The other videos released so far are* Fall Protection, *addressing those safety measures that are is required for employees working on any platform of as least 4 feet in height, and* Heat Stress, *which covers the symptoms, prevention and treatment. Learn more at www.masc.sc (keyword: SCMIT).*

Redistricting and the 2020 Census

Once data from the 2020 Census becomes available, cities and towns will have the information they need to redraw council districts in accordance with population changes before their next election cycle. Ordinarily, Census data becomes available by April of the year following the Census, but that timing is less certain this year. COVID-19 disruptions in 2020 led to data collection lasting three months longer than usual, leading to delays in census processes since then.

The process of redistricting is a complex one. Redistricting should work to keep districts compact and logical, and preserve the general location of existing districts while trying to avoid splitting voting precincts.

Districts need to follow the principle of "one person, one vote," which derives from the equal protection clause of the 14th Amendment to the U.S. Constitution. In practice, the principle means working to divide single-member council districts so that each district has the same number of residents in it, or as close to the same number as possible.

South Carolina law does not set a specific timeline for city and town councils to complete a redistricting effort, but they need to do so promptly and ahead of their next election. The responsibility for redistricting rests with the council, which must pass a redistricting ordinance complete with maps, district descriptions or both.

Councils working to redistrict often obtain assistance from the SC Revenue and Fiscal Affairs Office for mapping, calculations and even public hearings to help residents understand how and why districts are being redrawn. RFA is the official state contact with the U.S. Census Bureau, and it maintains official precinct maps. Some cities and towns engage private professional firms for redistricting, or handle the work internally with their own staff.

The Voting Rights Act of 1965 has long played an important role for redistricting in South Carolina. Under the law, South Carolina and several other states were subject to administrative and judicial review of its redistricting. After the ruling in the 2013 U.S. Supreme Court case *Shelby County v. Holder*, South Carolina is no longer subject to Section 5 of the law, which required preclearance of redistricting.

Even so, South Carolina remains subject to Section 2 of the law. Unlike Section 5, Section 2 applies nationwide and was not intended as a temporary measure. Section 2 prohibits election practices that have the effect of discriminating against a racial minority or language minority.

Redistricting plans must meet numerous standards — equal protection under the 14th Amendment, voting rights under the 15th Amendment, and the portions of the Voting Rights Act that are in effect. Cities and towns need to take care when redrawing their districts to make certain their residents are receiving fair and evenly distributed representation.

Learn more about the mapping work of the SC Revenue and Fiscal Affairs Office at www.rfa.sc.gov.

Avoiding Negligent
Hiring and Training for Police

L aw enforcement agencies are duty-bound to protect employees and the public from injuries caused by officers. Properly recruiting, selecting and training the right person for the job is critical for law enforcement leadership.

A city or town can be held liable for the actions of a police officer who injures a third party if the department knew, or should have known, something about an employee's background that would indicate a dangerous or untrustworthy character. Adopting a policy for hiring practices that outlines and directs the hiring process for candidate selection is imperative for departments. Having a policy in place will also help to make sure the department hires qualified employees.

The hiring process should include all of these elements:

- Physical agility and aptitude testing
- An oral interview
- A background investigation
- A conditional offer
- A medical physical
- Drug testing
- Psychological testing

No matter the background or journey of the candidate, the hiring and selection process should be consistent. Standardizing the way that hiring takes place prevents negligent hiring and helps law enforcement leaders choose candidates who can be held to a high standard — the standard that the community expects.

Once officers are hired, training begins. Initial training consists of departmental training and then training through the SC Criminal Justice Academy to become certified. Law enforcement officers in South Carolina must have 40 hours of training every three years for recertification. This includes mandatory training for legal updates, domestic violence, emergency vehicle operation and mental health. Training should go well beyond the standard yearly training — it should be a key component in developing an officer. Every person hired has an interest in some area of law enforcement, so try finding the person's interest and building on that.

A department that fails to perform due diligence when hiring and training an officer is doing a significant disservice to the officer and their community. Officers who stay in the profession long enough can be expected to encounter difficult incidents. As protests and unrest following law enforcement incidents around the nation in recent years have shown, an officer that engages in a wrongful act or unnecessary action can create substantial damage in a community.

Residents need to be able to place their trust in the officers of their local police department. As the rank of an individual officer advances, that level of needed community trust will continue to increase. While there can be no scientifically precise measure of what makes the best hiring selection, departments need to be doing all they can to make the best choice possible.

The Municipal Association of SC Risk Management Services provides a law enforcement hiring process for its member departments. SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund members can find information at www.masc.sc (keyword: law enforcement model policies).

Minimize Risk With an Employee Handbook

Employment relationships are complex, and they can be a common problem area for municipalities. Cities and towns can help minimize the potential for employee difficulties by developing, implementing and maintaining an employee handbook that formalizes employment policies and procedures. As a best management practice, municipalities should have a labor attorney review the municipality's employee handbook at least every five years to ensure it complies with state, local and federal regulations as well as laws and constitutional provisions.

The *Model Employee Handbook for South Carolina Municipalities* can help officials develop an employee handbook or revise an existing one. This resource is a product of the Municipal Association of South Carolina, the SC Municipal Human Resources Association, and Gignilliat, Savitz & Bettis, LLP.

The handbook, which receives periodic updates, is designed to comply with federal and state employment laws and includes a specific disclaimer on the first page declaring the handbook is not a contract. SC Code Section 41-1-110 requires the disclaimer to appear in all employee handbooks. The disclaimer must be conspicuous, and to meet the law's requirements it must be

- underlined and in all capital letters,
- on the first page of the document, and
- signed by the employee.

Policies included in the handbook range from harassment to employment status, probationary periods and employee leave.

Other model policies cover discipline, grievance procedures, outside employment, conflicts of interest and the State Ethics Act's rules about public employees accepting gifts or political activity. The policies also address evolving technology issues of workplace privacy, use of computer and handheld devices, and internet policies. Because technology often changes rapidly, these policies need to address user behavior rather than specific devices, websites or social media networks.

Labor attorneys drafted the handbook's policies to help employers deal with the practical issues of employment. Each policy features an explanation of its purpose and provides specific language choices that municipalities can choose to best suit their circumstances. In some sections, a municipality using the policy would choose between referring to a city manager or administrator, mayor or council as the relevant authority on a matter, depending on the municipality's form of government.

The explanations for the policies also address how federal and state laws might impact the policy. For example, the Equal Employment Opportunity policy notes that civil rights laws cover those employers with 15 or more employees. Even so, municipalities with less than 15 employees should consider anti-discrimination policies because employees may still bring lawsuits about discrimination.

Although the handbook provides a useful resource for policy development, it is not something that cities and towns can adopt without modification. Officials need to have legal counsel review all of their policies to make sure the policies comply with current law.

This model handbook is available at www.masc.sc (keyword: model employee handbook).

What Municipalities Need to Know About
Web Accessibility

By David Collins, director of marketing, VC3

With a rising number of lawsuits and residents expecting online services, municipalities need accessible websites. In simple terms, web accessibility is providing website content and features without barriers to those with disabilities or who need assistance.

To understand what accessibility requires, it's important to know about Section 508 of the Rehabilitation Act of 1973. Section 508 requires government agencies to provide disabled employees and members of the public access to information that is comparable to the access available to others.

It's also important to know about Web Content Accessibility Guidelines 2.0 AA Standards of Accessibility, known as the WCAG. These guidelines offer a more detailed picture of what is needed for a compliant website. The World Wide Web Consortium, the internet's primary international standards organization, publishes the WCAG. The document outlines how a government website should interact with a variety of assistive technology tools, including screen readers, screen magnification and alternative input devices, such as an eye tracker or modified joystick.

Why is accessibility important?
Better service
An accessible website that engages and serves all residents can be a powerful tool. A municipal website should be a central hub of communication with residents, pushing out notifications, encouraging participation and simplifying payments. It serves a critical role for a municipality, and local officials need to ensure everyone can use it efficiently and easily.

Avoiding lawsuits
In 2018, plaintiffs filed 2,258 lawsuits under the Americans with Disabilities Act concerning websites from all industries, government and otherwise. This represented a 177% increase in lawsuits over 2017. Average settlements amounted to around $15,000, with penalties of up to $75,000. Costs incurred by ADA lawsuits over websites can come on top of the cost of updating a website and making it accessible. Municipalities can save money and avoid lawsuits by ensuring their websites are accessible now, not after a lawsuit.

What to do next
First, municipalities need a modern, properly developed website to meet many of the requirements from the WCAG 2017 update. If a city or town developed its website before 2017, it's a good idea for it to ask its website partner about performing an audit to check for accessibility compliance.

Some common compliance errors include:

- insufficient color contrast,
- text that is too small,
- a website menu that isn't keyboard-accessible, and
- issues that interfere with screen reader software.

Second, municipalities need to consider the website content. Accessibility is an ongoing effort that requires accessibility education for everyone adding content to the website.

Here are a few common items to check:

- Proper HTML header tag order — no skipping from "<h1>" to "<h3>" because it can interfere with assistive technologies
- Alt tags applied to all photos — a written description of the image's content to help visually impaired users
- PDF documents that are accessible for screen readers
- Text transcripts for audio files
- Avoiding images with text written into them, which screen readers cannot pick up

Tools to check a website's accessibility health
For those who would like to get some information about your website accessibility health, there are a few useful online tools that can help. Keep in mind that these tools are not equivalent to a company performing a full accessibility audit, but they can help leaders understand at a high level if a website needs attention.

Web Accessibility Checker
https://achecker.ca/checker/

WAVE Web Accessibility Evaluation Tool
https://wave.webaim.org/

WebAIM Contrast Checker
https://webaim.org/resources/contrastchecker/

Information and education
https://webaim.org/

David Collins is the director of marketing at VC3, the Municipal Association's technology partner.

Technology Drives Transparency
Cities Adapt to Virtual Meetings

As COVID-19 brought an abrupt end to many in-person city and town council meetings in March 2020, councils worked to master the move to virtual meetings. With many choosing to avoid gatherings of people, the question became: how does the public still communicate concerns and get its questions answered?

Municipalities have innovated to ensure residents can make their voices heard – whether through emailed statements, questions sent in advance of meetings or comments made during livestreamed meetings.

The change to new technology and practices hasn't always been easy or smooth. Even so, some cities say they've had increased participation and interest from the public with virtual gatherings, and they pledge to continue to consider ways to improve transparency and enhance engagement going forward.

"Maintaining transparency throughout this pandemic was of utmost importance as critical decisions were made at a rapid pace and there was some business such as project approvals that needed to proceed," said Eric DeMoura, Mount Pleasant town administrator. "Transparency and access are most important during times of crisis and uncertainty."

Mount Pleasant uses Microsoft Teams and streams its virtual committee meetings through YouTube, allowing the town to use a conference call feature so the public can call in to provide comments. The town masks private phone numbers from public view.

"This is critical for ensuring that our citizens maintained their rights to address public bodies, but also to do so in a way that protected their personal information," DeMoura said.

The town set up individual streaming links before posting agendas so that the links were available on the agendas. It was already streaming full council meetings before the pandemic, but the town expanded this effort to include council's committees as well as other boards and commissions such as the design review board and the board of zoning appeals.

The town purchased the Agenda Center module through its website provider, allowing it to share agendas and meeting minutes in various formats. The module makes finding specific files among the enormous amount of meeting minutes and agendas easier and more intuitive.

"Now, our meetings are arranged by public body and by year. There is also an advanced search function that enables users to search for specific topics if they don't happen to know the specific date a topic was brought before the public body," DeMoura said.

After posting to the Agenda Center on the town's website, Mount Pleasant adds streaming links and agendas to the town's Facebook page the day of the meeting, since Facebook is its most active page with the largest audience.

The Darlington City Council met on Zoom and had strong viewership when it broadcast its meetings for about three months after the pandemic began. Residents offered written comments – by mail or email – in advance that were verified with the sender and then read at the meetings.

But a proposal to increase water and sewer rates after the collapse of one of

While the City of Clemson put new safety measures into place for council meetings because of COVID-19, it began streaming meetings online before the pandemic. Photos: City of Clemson.
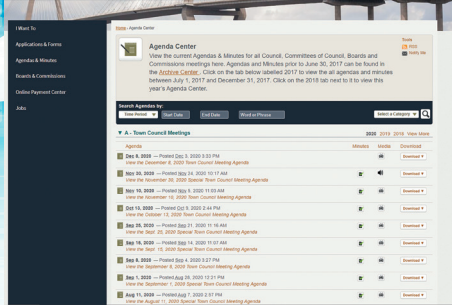
Mount Pleasant's online Agenda Center allows the town to share meeting agendas, minutes and recordings easily. Photo: Town of Mount Pleasant.

Darlington City Council met using Zoom for a time before eventually streaming meetings from its municipal courtroom. Photo: City of Darlington.

the city's main sewer trunk lines caused Darlington to explore the best way to gauge public input, said Howard Garland, Darlington city manager.

"We had to raise our sewer rates 60% and our water rates 40%. We didn't feel like taking virtual comments was the proper thing to do," Garland said. "So, in May, we moved our meetings to the Harmon Baldwin Gym."
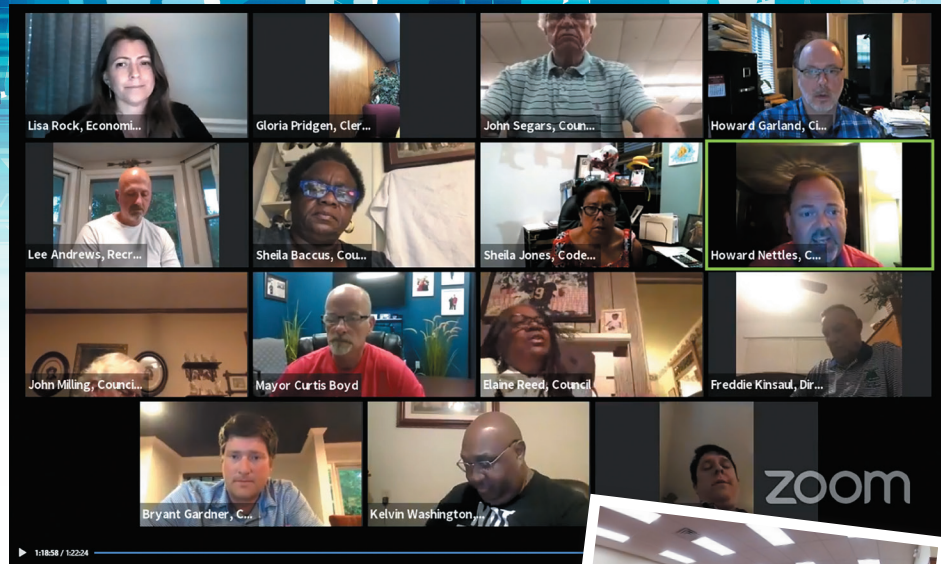
About a dozen people showed up to voice their concerns at the in-person meeting, which was also streamed on Facebook. Broadcasting meetings from the cavernous gym proved difficult because of internet access and sound issues.

"Nobody could hear. The people watching on Facebook were like, 'We can't hear you. You're trying to hide something from us.' No, we're just in the gym. That was a frustrating thing. We tried enhancing microphones and having microphones for each council member," Garland said.

The council later moved its meetings to its municipal courtroom, where members and department heads can socially distance and there is space available for members of the media to attend.

"We've kept the component of streaming live on Facebook. That goes over very well. We have lively meetings … Folks like to watch that," he said. "Streaming has caught on. I believe we will keep that aspect of it once everything shakes out."

Lisa Chalian-Rock, the director of planning and economic development and director of downtown development, has taken the main role in streaming the meetings. She said the reaction from Darlington residents has been positive.

"When you look at the numbers, hundreds are reached by Facebook. It's like, 'Wow, people care about what happens in their local government.' I'm happy to see people excited about civic activity. That was a good thing, that more people were getting involved," she said. "It definitely helps with transparency and giving people access. As soon as we did it the first time on Facebook, I had comments from citizens saying, 'I'm so glad you're doing this.'"

As for the future of streaming, Chalian-Rock said with a laugh, "As soon as the first meeting was over, I knew I was stuck with it."

In Clemson, live streaming meetings on YouTube began more than a year ago. At that time, a powerful sound system had been installed in council chambers and municipal court. The city also installed a new phone system with conference bridges that can handle up to 20 incoming calls at a time, allowing the public to call-in with comments, said Lowell C. Arwood II, director of information technology for the City of Clemson.

"COVID kind of swept the legs out from underneath all of us. But city council has been very supportive over the years to get to the point we're at now," Arwood said.

Clemson invested more funds after COVID-19 for a system that ties into the city hall sound system and allows the IT department to better control the software for live streaming. It also provides two conference calling bridges, including one for the public to call in during the public comment period.

Arwood said one of the biggest challenges was getting the public to understand video conferencing meeting etiquette. "If you have pets, get somebody to watch them. If another person is speaking to council, click your mute button. It took a month or two for people to figure that out," he said.

Cities also need to stay alert and closely monitor real-time public comments that are broadcast live, he said.

"It's challenging when dealing with public meetings. All council members want you to be as transparent as you can, but you also have some constraints," he said.

Making meetings virtually accessible brings challenges and opportunities, and it's likely to keep doing so long after the pandemic is over.

Open Government

Freedom of Information Act FAQs

The Municipal Association's field services managers, Charlie Barrineau and Jeff Shacker, often receive questions about the SC Freedom of Information Act. Here are some of the most common questions.

1. Are council work sessions considered public meetings subject to FOIA?

Yes. These meetings count as special meetings, and must comply with all requirements for notices, agenda release, public access and minutes.

2. Are cities required to release draft minutes of meetings?

Yes. Once a city has created a draft, it is a public record. To clarify that council has not yet approved the draft, it's advisable to stamp or watermark the document as "draft," "unapproved" or both.

3. How can items be added to the agenda within 24 hours of the meeting?

If the agenda item does not require a vote, the council should use their adopted rules for adding an item.

If the item requires a vote and there has been a noticed public comment period, then adding the item requires a 2/3 vote of councilmembers present.

If the vote is the final vote, or if there has not been a public comment period, then adding the item requires a 2/3 vote of members present and a finding of emergency or exigent circumstances.

Cities can cancel meetings with less than 24-hour notice when following their municipal code procedure.

4. Should elected officials be required to submit FOIA requests to obtain public information from their municipality?

A June 28, 2019, opinion from the SC attorney general would suggest that the answer is likely no. That opinion centered on a school board member seeking financial records, and concluded that "an elected official has the right to access financial documents possessed by the governmental entity that he or she is elected to oversee. Further, it is this Office's opinion that a member of a school district board of trustees may request a detailed statement of what expenses are being incurred by the school district."

5. What should a city do when responding to blanket requests from what appear to be commercial firms?

SC Code Section 30-2-50 prohibits anyone from "knowingly obtain[ing] or [using] personal information obtained from a state agency, a local government, or other political subdivision of the State for commercial solicitation." When fulfilling requests for releasable information, the law requires that governments give notice of this section of the law to the requester. It's helpful to include the prohibition language in the response.

6. What information must cities withhold, and what must they release for FOIA requests on city-issued business licenses and permits?

Information that cities must withhold includes gross income, the value of the job in question and personal identifying information, such as a tax ID and Social Security number. They must also withhold the license tax paid or fee paid, if someone can use the amount to calculate the original gross income or job value. The job value, especially on major projects, can be a much-sought-after piece of information even though it is unreleasable.

Items cities must release include the names of businesses and individuals the city has licensed or permitted during the period requested. Also releasable are the location for a license or permit, the mailing address, other obtainable contact information and rate classifications.

Making information available when possible

Field Services Manager Charlie Barrineau noted that websites give cities and towns a way to be proactive about pushing out public documents like agendas, minutes, draft ordinances, city code, budgets and bid results.

"When you push out public information as it becomes available," he said, "you can respond to FOIA requests as they come in by saying, 'follow this link,' which can save time and the costs of printing."

Learn more about FOIA in The Public Official's Guide to Compliance with the Freedom of Information Act *at www.masc.sc (keyword: publications).*

Statements of Economic Interest Form Due

The State Ethics Commission's mandatory Statement of Economic Interest forms is a tool public officials must use to disclose any potential personal benefit he or she might receive as a result of holding a public position.

Officials must complete the forms by March 30 to report their income and any economic interest in real, personal or business property. Beyond elected officials, the law applies to candidates for office, managers, administrators, chief finance officials and chief purchasing officials.

The Ethics Reform Act, found in SC Code Section 8-13-100(11)(a), defines a reportable economic interest as a transaction in which the public official or employee may "gain an economic benefit of at least $50." The Act also requires the reporting of the source and amount of any gift regardless of the dollar amount or value received because of the official's public office.

Those completing the form must include all income, including source and type, of all immediate family members, including spouses, children living at home, and any other dependent.

Officials must disclose any real estate interest they or their immediate family have if it can be reasonably expected to create a conflict of interest. They must also disclose the interest if there has been $200 or more of public improvements, such as streets, lighting or water systems, made on the property or adjoining properties. They must report any real or personal property sold, leased or rented by a public official or immediate family member to the state or any other public agency.

Public officials must also report the name and relationship of every business or other entity in which they or their immediate family has a 5% or greater interest in the entity's value, so long as the value of the interest exceeds $100,000.

If a municipality contracts with a business where the public official works, has an ownership interest or investment in, or has any other association, the official must disclose the relationship and compensation received from the business.

SEI forms are due by electronic filing by noon on March 30. File the form at www.ethics.sc.gov.

Entering Into Executive Session

The SC Freedom of Information Act generally requires city or town council meetings to be open to the public. Even so, exceptions exist when confidentiality can be beneficial to the overall public good.

At those times, public bodies can enter into executive session, but only under the exceptions spelled out by law. A council must vote, in open session, to enter into executive session, and state the reason for doing so as specifically as possible without compromising the issue.

SC Code Section 30-4-70 lists the allowable reasons:

1. Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or an appointment to a public body. There is no requirement to name the person or entity being discussed.
2. Discussion of negotiations relating to proposed contractual arrangements, discussions of a proposed sale or purchase of property, receipt of legal advice, settlement of legal claims or discussions of the public entity's position in a legal case.
3. Discussion regarding the development of security personnel or devices.
4. Investigative proceedings or allegations of criminal misconduct.
5. Discussion of matters concerning the proposed location, expansion or provision of services that would incentivize a business to locate or expand within the jurisdiction. The body does not need to identify the business to be specific enough.

The motion to enter executive session should be specific. For example, the presiding officer can announce a specific purpose "to go into executive session to discuss applications for employment within [a specific department]" or "to discuss negotiation of a contract and receipt of legal advice related to a building project."

Once in executive session, council can only take two actions — return to public session, or adjourn the meeting. Polling councilmembers in executive session is improper.

Learn more about FOIA requirements in The Public Official's Guide to Compliance with the Freedom of Information Act *at www.masc.sc (keyword: publications).*

Calendar

Scheduled in-person meetings are subject to change based on 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.

MARCH

4 South Carolina Association of Stormwater Managers First Quarter Meeting. Virtual Meeting.

15 – 17 SC Utility Billing Association Annual Meeting. Embassy Suites, Myrtle Beach.

17 South Carolina Business Licensing Officials Association Spring Training and Advanced Academy. DoubleTree, Columbia.

25 Municipal Technology Association of SC Spring Meeting. Seawell's, Columbia.

31 South Carolina Municipal Finance Officers, Clerks and Treasurers Association Municipal Clerks and Treasurers Institute: Year 2, Session B. Cooperative Conference Center, Columbia.

APRIL

8 SC Municipal Finance Officers, Clerks and Treasurers Association Spring Academy. Cooperative Conference Center, Columbia.

16 Municipal Court Administration Association of SC Spring Meeting. Seawell's, Columbia.

20 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Walterboro Wildlife Center.

21 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Newberry Fire House Conference Center.

22 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Dillon Wellness Center.

29 SC Municipal Human Resources Association Spring Meeting. Seawell's, Columbia.

MAY

2 – 5 Building Officials Association of South Carolina Annual Meeting. Embassy Suites, Myrtle Beach.

3 – 5 SC Community Development Association Annual Meeting. Sonesta Resort Hilton Head Island.

19 SCMIT/SCMIRF: Fair and Impartial Policing: Understanding Bias and Duty to Intervene. Cooperative Conference Center, Columbia.

20 SC Municipal Finance Officers, Clerks and Treasurers Association Municipal Clerks and Treasurers Institute: Year 2, Session B. Cooperative Conference Center, Columbia.

JUNE

3 South Carolina Association of Stormwater Managers Second Quarter Meeting. Seawell's, Columbia.