

UPTOWN

Home Rule has proponent in Governor Sanford

Although Gov. Mark Sanford was unable to speak at MASC's Winter Meeting and Legislative Conference in February, he sent his longtime friend and adviser, Tom Davis, in his stead. Davis, a Beaufort attorney, recently cochaired Sanford's Restructuring Government and Campaign Finance Reform Task Force.

According to Davis, Sanford follows Thomas Jefferson's ideal that the government closest to the people governs best. Davis explained Sanford believes the state should not interfere with local governments' levying of property taxes. Instead, local governments should be given multiple revenue alternatives to property taxes.

As a congressman, Sanford followed Jefferson's precept. Davis said Sanford was vigorously criticized for opposing bulletproof vest and violence against women legislation, but his opponents didn't tell the full story. Sanford opposed the bulletproof vest legislation because he saw it as the federal government dictating how local governments could spend certain tax money. He felt it took the decision-making power out of their hands. He supported similar legislation that gave the same amount of money to police departments but did not tie local governments' hands on how to spend it. He voted against the Violence Against

HOME RULE continued on page 4



At MASC's Winter Meeting, Tom Davis, longtime friend and adviser to Gov. Mark Sanford, said Sanford's Home Rule beliefs follow Thomas Jefferson's ideal that the government closest to the people governs best.

Important Annual Meeting dates

MASC's 63rd Annual Meeting	July 9-13 at Kingston Plantation, Myrtle Beach
Hotel and registration information mailed to municipal officials	April 29
Registration brochures available at MASC's office and on its Web site	April 30
Hotel reservation deadline	June 9
Annual Meeting registration deadline	June 13

Please note the hotel registration form in the Annual Meeting registration brochure (which will also be available on MASC's Web site) is required to receive MASC's group rate.

Inside This Issue

What's your liability?
page 2

2002 Achievement Award winner
page 5

30 graduate from Elected Officials Institute
page 6

What's your liability?

Being a local elected official and providing municipal services bring certain amounts of liability. At MASC's Winter Meeting and Legislative Conference, a series of breakout sessions focused on three different areas of municipal liability.

Law enforcement liability

"Suing government is the second-most enjoyed indoor sport in the country," joked speaker Vinton D. Lide, an attorney with Lide & Associates. On a more serious note, he said that there are more than 30,000 suits against law enforcement agencies each year in the United States. In about 8 percent of these, the cities are found liable for judgements of more than \$1 million.

According to Lide, there are two main areas of liability for law enforcement agencies: customs and training. The customs of a police department carry similar weight as written policies in a lawsuit.

"When the execution of a policy or a custom inflicts injury, the city is liable," said Lide. He recalled a case in which the police chief encouraged officers to use force during arrests, even when not absolutely necessary. (The encouragement can be by omission or commission.) Witnesses corroborated the victim's story that violence was the custom of that particular police department. The court ruled in the victim's favor, awarding him \$900,000 in damages and \$36,000 in attorneys' fees.

Another main liability area is inadequate training of officers. If police departments do not adequately train or supervise law enforcement officials, the department can be found liable in lawsuits.

"This is usually shown by a series of incidents — a track record of this kind of behavior," explained Lide.

South Carolina requires law enforcement officers to be certified, so this area of liability exposure is not as common here as in other states. However, Lide urged municipalities to be careful when allowing officers not yet certified to patrol — always make sure the officer is supervised by a certified officer.

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Lide mentioned other liability exposures that can be found in police departments:

- Excessive force — Force can be used when necessary, but it needs to be a reasonable amount.
- High-speed pursuits — This is often a no-win situation. If the police do not pursue and the suspect hurts someone after evading the police, it reflects badly on the police department. If they do pursue and someone gets hurt as a result of the chase, this also looks bad for the police department.

Lide offered some suggestions for municipal officials to help law enforcement agencies reduce their potential liability:

- Require written, updated policies and procedures — Lide encouraged municipal officials to be familiar with their police department's policies. MASC's Risk Management Services offers sample policies developed in cooperation with the S.C. Criminal

Justice Academy. For more information on the sample policies, call Jeff Thompson at 803.933.1216 or e-mail jthompson@masc.sc.

- Support your officers — Municipal councils should offer adequate funding to ensure their police officers receive proper training.
- Fund video cameras in police vehicles — Although cameras are an additional expense, they protect officers and help refute a suspect's allegation of being mistreated by the officers. Supervisors can review the tapes and offer suggestions to officers on how to handle similar instances in the future.

- Forward complaints — Take citizens' complaints about police department activities to the police chief to handle. Make sure the department documents and investigates all complaints.

Labor-related liability

All municipal employees are entitled to certain protection under the law. According to Linda Edwards, an attorney with Gignilliat, Savitz & Bettis, labor-related liability can be broken down into several areas.

Discrimination issues are rising in the workplace. Forms of discrimination include:

- Reserve status — You cannot refuse to hire someone because they are in the military reserves
- Political affiliation
- Tobacco use — Although you can designate your building as non-smoking, you cannot refuse to hire someone because they use tobacco products

Wage issues are important to recognize because most insurance companies do not cover wage claims. It is important for all municipalities to follow the regulations for overtime

LIABILITY continued on page 3

Liability continued from page 2

pay set by the federal Fair Labor Standards Act.

“It’s also very important to keep accurate records,” said Edwards. She explained that the S.C. Wage Payment Law requires employers to provide employees with notice of their wages, benefits, deductions, paydays and expected hours of work when they are hired. She advised officials the best way to avoid wage claims is to pay what is owed when it is owed. She reminded officials that even if they win the lawsuit, it will be expensive to pay lawyers’ fees and court costs.



Working conditions must meet certain criteria to avoid claims. The Family Medical Leave Act, which affects municipalities with 50 or more employees, says employees can take up to 12 weeks as a leave of absence for medical reasons. This time cannot be used against employees during evaluations.

Edwards encouraged municipal officials to adopt an anti-harassment policy that includes a procedure for reporting harassment problems. “Give an alternate route in case the harasser is part of the normal chain of command,” she suggested. If the employee files a claim but did not follow the proper reporting procedure, the suit would most likely be dismissed.

Discipline issues should be handled carefully. Edwards suggested municipalities adopt a policy expecting employees to sign reprimands. If the employee does not sign the reprimand within a set time period, it would imply the employee has resigned. Instead of firing someone immediately after the person is accused of violating policy, Edwards advised, a better idea is to suspend that person, investigate, then fire if necessary.

Grievance procedures are not required by law. However, if you adopt grievance procedures, they must

Then and Now



Instead of simply explaining to lawmakers how expensive it is to provide essential services, MASC decided to show them by providing a visual display at the Statehouse during MASC’s Winter Meeting on Feb. 26. The displays contrasted the cost of providing basic municipal services 20 years ago with the cost of providing the same services today. The displays included fire trucks and playground equipment.

comply with the County and Municipal Employees Grievance Procedure Act (S.C. Code, Sec. 8-17-110 through 8-17-160). Edwards advised municipal officials to try to remain uninvolved with employee issues if possible — they should let their manager or administrator handle these issues.

Municipal officials liability

By nature, most municipal officials are not afraid to speak up. But reacting too quickly to issues can cause problems. “Saying the wrong thing can make you liable,” said speaker Donna Givens, an attorney with Woods & Givens.

Givens suggested officials develop a “war chest” of responses to use as necessary. When citizens ask you for a personal favor, tell them you have written down their problem, you want their problem to be addressed and you will refer it to the proper department. If they have not heard from that

department in a week’s time, they should call you back. “But promise no action,” said Givens. “Use the channels you already have in place.”

She explained personal favors lead to liability because if you get involved, you may not know the proper procedures and might handle it incorrectly. You may also be setting a custom, which would cause problems if you treat someone else differently.

Another area in which officials are liable is when they have a personal connection to a decision the council has to make, such as a zoning change that would affect their house or business. Givens suggested disclosing this information in a public forum and recusing themselves if necessary.

Slander claims are often large claims, so officials should be careful what they say or write to refute claims against the city. Any defamation of

LIABILITY continued on page 4

News Briefs



■ MASC is pleased to welcome two new staff members. Michelle James, former town manager of Kingstree, is now on board in a newly created position, assistant director of programs and services. She will handle MASC's personnel issues and building operations and will oversee many projects in the Programs and Services Department. She can be reached at 803.933.1228 or via e-mail at mjames@masc.sc. Nancy Jones is MASC's new financial manager. Her primary duties are financial management of the Association's three insurance programs and coordination of investments and banking. Nancy is filling the position formerly held by Milum Livesay. She can be reached at 803.933.1258 or via e-mail at njones@masc.sc.

■ S.C. Municipal Insurance Trust members recently re-elected board members Shane Atkins of Spartanburg as chair and Trey Eubanks of York as vice chair.

■ The American Council of Engineering Companies awarded the City of Cayce its top overall project award, the CESC Palmetto Award, for its work with American Engineering Consultants Inc. to create a new raw water intake and reservoir after the City's existing water plant was shut down due to toxic pollutants from an upstream industry.

■ Debra Herrmann, clerk for the Town of Surfside Beach, has been awarded the Certified Municipal Clerk designation by the International Institute of Municipal Clerks for achieving its educational, experience and service requirements.

■ Bonnie Ammons of the S.C. Department of Commerce has been named to the 2003 Advisory Committee for the S.C. Housing Trust Fund, representing MASC affiliate, the S.C. Community Development Association.

Home Rule continued from cover

Women Act because it dictated how local governments could exercise certain police powers. After the Act passed, the courts found most of it unconstitutional.

As governor, Sanford has vetoed legislation that affected only one area of the state, commonly referred to as local legislation. Local legislation is unconstitutional, but the General Assembly often passes these bills. According to Davis, Sanford believes it makes no sense for the Legislature to be involved with issues that should be decided at the local level.

Davis mentioned two pieces of legislation MASC is fighting, saying he felt Sanford would not support these bills and would veto them if passed by the Legislature. The first one, H3497, would limit local government spending of property tax revenues to an amount no greater than last year's property tax revenues plus 6 percent or the total property tax revenues for the prior year adjusted for inflation and growth, whichever is less. This legislation would severely impede local governments' ability to provide the services needed by citizens. "I can't put words in Governor Sanford's mouth, but everything I know about the man, it's not going to get by his desk," Davis told an attentive crowd.

Davis explained that H3497 fundamentally goes against the governor's Home Rule beliefs. Davis also said he believes Sanford would not support S110, which is a constitutional amendment to prohibit a political subdivision from increasing the property tax rate in even-numbered years unless the increase is necessary to meet an emergency, beginning in 2006. Beginning in 2005, the tax rate may be increased in odd-numbered years only after a favorable referendum.

Davis predicted that although Sanford has a strong respect for the General Assembly, there would be more vetoes and clashes between Sanford and the General Assembly because of his philosophy on government.

Davis urged municipalities to join Sanford in the fight for Home Rule. "The Legislature will not give up power easily," he said. The Winter Meeting delegates enthusiastically agreed with Davis.

"A strong commitment to Home Rule is long overdue," said Mayor Joe Riley of Charleston. "Governor Sanford will have an army of thousands to support him in his fight for Home Rule. Let the Legislature attend to state business and let us attend to local business."

Liability continued from page 3

character can lead to a slander suit. Givens reminded officials that most insurance companies do not cover "intentional acts or those done with malice," and therefore normally do not cover defamation of character claims. The courts hold public officials to a different standard than citizens when it comes to being on the receiving end of slander. Public officials have to prove actual malice or that harm was done by the slander, but citizens do not.

In summary, Givens reminded officials to make sure they follow their policies.

2002 Achievement Award Winner

Public Works Category: City of Rock Hill

City continues expanding comprehensive recycling program

Rock Hill began one of South Carolina's first recycling programs in 1990. The recycling program serves more than 15,000 homes and boasts a participation rate of 40 percent to 50 percent. In 1996, the City began a commercial recycling program and a corrugated cardboard route. In 1997, the commercial collection expanded to include schools. During fiscal year 2000-2001, Rock Hill kept more than 6.5 million pounds of materials out the landfill because of its recycling program. This represents more than 125 pounds for every man, woman and child in the City of Rock Hill.

The City funds a full-time environmental educational specialist to bring the recycling message to local classrooms and civic groups. The City's educational program has won numerous awards from Keep America Beautiful and the S.C. Department of Health and Environmental Control (DHEC). As part of its annual Earth Day Birthday celebration, the City sponsors a T-shirt design contest for students. The winning design is printed on promotional literature.



The City of Rock Hill began its composting program in 2001, which will save hundreds of thousands of dollars in landfill tipping fees.

In 2001, City Council voted to consolidate its recycling processing operations with York County to allow the City to pursue an additional area of solid-waste reduction: composting. The City collaborated with Winthrop University to supply an intern majoring in biology to monitor the materials at the composting facility. Besides

yard waste, DHEC allows food waste to be included in Rock Hill's composting program. This facility will keep 125,000 cubic yards of material out of the landfill and save more than \$600,000 per year in landfill tipping fees.

Contact: Dana McKnight,
803.329.5539.

Don't miss the bus!



You still have time to enter MASC's 2003 Achievement Awards.

Remember, you can resubmit a previous year's non-winning entry. Municipalities of all sizes can enter! The categories are populations 1-1,000; 1,001-5,000; 5,001-10,000; and 10,001-20,000; and subject categories Economic Development, Public Safety, Public Service and Public Works.

All mailed entries must be postmarked by April 11 and received by MASC by April 22. MASC must receive hand-delivered entries by 5:00 p.m. April 11.

Entry brochures were mailed in March and are available on the "Featured Links" section of MASC's Web site at www.masc.sc.

For more information, call Mary Brantner at 803.933.1206 or e-mail mbrantner@masc.sc.



FAQ

How do I graduate from the S.C. Municipal Elected Officials Institute of Government?

To graduate from the Institute, municipal elected officials must complete Session A, Session B and the core courses. Sessions A and B are offered prior to MASC's Winter Meeting each February. Officials must take Sessions A and B in consecutive order. Core courses are offered as three evening satellite broadcasts on the Hometown Network, which municipal officials can view at the 10 regional councils of governments. Officials can take these classes in any order at any time prior to graduating.

The next session, "You've Been Elected — Now What?" and "The Freedom of Information Act," will be held May 1. For more information, visit MASC's Web site (www.masc.sc), call Mary Brantner at 803.933.1206 or e-mail mbrantner@masc.sc.



Classifieds

■ The City of North Myrtle Beach is accepting applications for a city manager. Position requires a bachelor's degree in public administration or related field with at least five years of experience as a city manager or assistant. Send resumes by April 30 to James L. Mercer, President, The Mercer Group Inc., 5579B Chamblee Dunwoody Road, #511, Atlanta, GA 30338 or e-mail them to mercerv@mindspring.com. EOE

For more information on these and other job opportunities, visit MASC's Web site at www.masc.sc.

30 graduate from Elected Officials Institute

MASC, along with the USC Institute of Public Service and Policy Research and Clemson University's Strom Thurmond Institute, recognized 30 municipal officials for graduating from the S.C. Municipal Elected Officials Institute of Government (MEOIG). Graduates received their certificates during MASC's Winter Meeting and Legislative Conference in February. Established in 1986, the Institute gives municipal officials a better understanding of how local government

operates, the role of elected officials and administrative staff, and the relationships municipal officials have with other local governments and with state and federal government. The Institute includes two daylong sessions, offered the day prior to the Winter Meeting, and three evening satellite broadcasts. Institute topics address the varied concerns of local government, such as powers and duties of elected officials, finance and team building.



The 2003 winter MEOIG graduates are (in alphabetical order): Councilmember Brenda Adair of Cowpens, Mayor Tyrone Aiken of Lincolnville, Councilmember Alice Baughman of Ridgeville, Mayor Lenneau Berry of Latta, Councilmember Levy Berry of Hanahan, Councilmember Thomas Butler of Meggett, Councilmember Robert Cavanaugh of North Myrtle Beach, Councilmember Sonny Davis of Honea Path, Councilmember Trudy Drawhorn of Latta, Mayor Todd Etheredge of Jackson, Councilmember Henry Fishburne of Charleston, Councilmember Gregg Gowan of Reidville, Councilmember Patsy Greene of Andrews, Councilmember Susan Grissom Means of Myrtle Beach, Mayor Elaine Harris of Pacolet, Councilmember Robert Johnson of Chesnee, Councilmember David Kizer of Moncks Corner, Councilmember Betty Littlejohn of Pacolet, Mayor Eddie Matthews of Coward, Councilmember Reid McBride of Cheraw, Councilmember Theodore Parker of Honea Path, Councilmember Wilhelmina Pegues of Bennettsville, Councilmember Kenneth Sims of Coward, Councilmember Diane Smock of Greenville, Councilmember Henry Stevenson of Great Falls, Councilmember Gregg Summer of Newberry, Councilmember Charles Sweat of Walterboro, Councilmember Jeanette Timmons of Timmonsville, Councilmember James Williams of Ridgeville and Councilmember Woodrow Wilson of Holly Hill. Note: Not all graduates listed appear in the photo.

Achievement Awards program recognizes local government excellence

Each year, MASC honors outstanding local government projects in South Carolina.

In 2002, 35 municipalities entered the Municipal Achievement Awards Program.

The eight winners (Trenton, Ridgeland, Fountain Inn, Orangeburg, Newberry, Bennettsville, Honea Path and Rock Hill) have been featured in recent issues of **Uptown** and in the current issue.

Below is a description of other 2002 entries. The description will continue in the May issue of **Uptown**.

City of Aiken

The City was spending an inordinate amount of time and money making copies of SLED-required videotapes of DUI cases. The City began copying the videos onto computer disks (CD-Rs), which cut the copying time in half. CD-Rs are significantly cheaper than videotapes. In one month, Aiken saved almost a week and a half of staff time and almost \$190 by copying onto CD-Rs instead of videotapes. CD-Rs offer other advantages, too. They allow users to locate specific segments of the video quickly instead of having to rewind or fast forward a videotape, which is especially important when using them in court. They are less cumbersome, which makes them easier to transport and store. They also allow copies of relevant documents to be stored on the same medium as the arrest footage.

Contact: Dwayne Courtney, 803.642.7665

Town of Batesburg-Leesville

After the towns of Batesburg and Leesville consolidated into one town in 1993, municipal services were steadily combined. In 1994, the volunteer fire departments were joined under one chief appointed by the town manager. With the consolidation came the goals of uniting volunteers and improving communications, training, equipment

and the Town's water system. To achieve these goals, all Town departments had to work together. The Town hoped these improvements would lead to a lower ISO rating, which would lower insurance rates for citizens. To help finance new equipment, the fire department created three fund-raisers that continue to bring in \$20,000 per year. With all departments working toward common goals, the Town's ISO rating has dropped from a Class 6 rating to a Class 4 rating.

Contact: Tommy Shealy, 803.532.4601

City of Belton

The Belton Area Partnership (BAP) joined the City to spearhead a downtown revitalization effort focusing on the Town square. They commissioned a charrette to gather input from area leaders and citizens, leading to a master plan for downtown. The BAP and the City applied for grants to help fund the project. Area citizens — including many who did not reside in the City — volunteered equipment and manpower to assist with the revitalization, saving the City more than \$330,000. The efforts included restoring the square to its historically accurate appearance by replacing awnings, broken windows, parking areas and sidewalks and by planting trees and installing shutters. Anderson County, whose library is located in the railroad depot on the square, purchased the

railroad property and is working on a new library and walking track. The Depot Committee is preparing to renovate the depot and improve the community room in the depot. With the combined efforts of the Belton Area Partnership, the City and citizens, the Town square has experienced a significant, visible improvement that encourages the community to continue its downtown revitalization efforts.

Contact: David Watson, 864.338.6613 extension 206

City of Cayce

Recognizing that young people are our future, Cayce's School Resource Officer Program has two goals: to enhance the safety of schools and to develop a positive relationship with students and their parents. As a way to continue this relationship during the summer, Cayce created Camp Cayce, a two-week summer camp for middle-school students. Camp Cayce allows public safety officers to interact one on one with students and offers instruction on topics and skills that will help the students become positive role models for their peers. Topics include the judicial system, first aid, conflict resolution and horticulture. The camp concludes with an awards banquet recognizing students who have excelled in each instruction area. The mayor, councilmembers and police chief present the awards.

Contact: John Sharpe, 803.796.9020



Educational Opportunities

Hometown Connection

■ April 30, municipal officials from Abbeville, Chesterfield, Clarendon, Darlington, Edgefield, Greenwood, Kershaw, Laurens, Lee, Marlboro, McCormick, Newberry, Saluda, Sumter and Union counties visit with their state legislators. Officials should meet at MASC's office in Columbia at 10:30 a.m.

S.C. Association of Municipal Power Systems

■ April 30, SCAMPS will hold its annual legislative event at Seawell's in Columbia.

Hometown Network

■ May 1, the Municipal Elected Officials Institute of Government will present "You've Been Elected — Now What?" and "The Freedom of Information Act." These sessions will be broadcast via satellite to the 10 regional councils of governments.

S.C. Business Licensing Officials Association

■ May 7, will hold its Spring Meeting at Seawell's Banquet and Reception Center in Columbia.

S.C. Association of Municipal Power Systems

■ May 7-8, will hold its Lineman Training Program at Pine Island Club in Columbia.

S.C. Community Development Association

■ May 18-20, will hold its Annual Meeting at the Francis Marion Hotel in Charleston.

For more information about these meetings or other MASC meetings not listed, please call 803.799.9574, or visit our Web site at www.masc.sc

Hometown Connection

■ May 28, municipal officials from Beaufort, Berkeley, Charleston, Colleton, Dorchester, Dillon, Florence, Georgetown, Hampton, Horry, Jasper, Marion and Williamsburg counties visit with their state legislators. Officials should meet at MASC's office in Columbia at 10:30 a.m.

S.C. Association of Stormwater Managers

■ June 6, will hold its Quarterly Meeting in Columbia.

MASC

■ July 9-13, will hold its Annual Meeting at Kingston Plantation in Myrtle Beach.

S.C. Association of Municipal Power Systems

■ July 24-27, will hold its Annual Meeting at the Hilton Oceanfront Resort in Hilton Head Island.

UPTOWN

Municipal Association of South Carolina

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