

UPTOWN

New governor supports local governments

Gov. Mark Sanford, who is invited to be keynote speaker at MASC’s Winter Meeting on Feb. 26, is a strong supporter of local government. He emphasized the importance of local government in his restructuring plan, *A Comprehensive Proposal to Reform and Restructure South Carolina’s State Government*.

The plan calls for Home Rule to reach its full potential. The plan states in part,

*“As a general rule, I believe all government functions that can effectively be performed at the local level **should** be performed at the local level, where government is closest to the people it serves. A fundamental conservative precept is that there needs to be a bias toward empowering local governments — not state government. In as many instances as practical, power should devolve to the lowest, most local level, and the state’s role should be to support and assist the local body in carrying out its tasks. I propose we do this by helping local governments in their fight against unfunded federal mandates and increasing their fiscal autonomy, eliminating the vestiges of legislative rule in local agency appointments, empowering local governments to consolidate for the purpose of providing local services and streamlining state/local government interaction.”*

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Gov. Mark Sanford was inaugurated as the 115th governor of South Carolina on Jan. 15 at the Statehouse in Columbia.

Show and tell: Explaining the rising costs of providing municipal services

Visual display planned for MASC’s Winter Meeting

There’s no question the costs of providing municipal services are increasing, just like the cost of running a household or a business. Citizens depend on services provided by the municipality, but often do not understand the increasing cost and any subsequent tax increases. Many of these cost

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increases are related to rising gas prices, higher insurance rates and many other items that affect the general public, government and businesses equally. Like any other business, municipalities must pay their employees and offer them at least cost-of-living raises.

"Municipalities do not want to increase millage rates or fees," said Gary Cannon, MASC's director of intergovernmental relations. "We tighten our belts just like our citizens, but there is only so much tightening you can do without compromising the level of services you offer."

As citizens increase pressure for reduced property taxes, municipalities have no alternative but to find other revenue sources. However, the law limits the revenue sources available to municipalities.

"We just want to make the legislators aware of municipalities' limited sources of funding so they will be more open-minded toward our concerns when they consider actions that increase the cost to municipal governments or reduce their revenues," said Cannon. "Municipal government is the closest government to the people, so it's imperative for municipalities to receive the proper funding."

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.

"We believe showing the legislators something tangible will have a greater impact than just telling them numbers," explained Cannon.

The displays will contrast the cost of providing basic municipal services 20 years ago with the cost of providing the same services today. The displays will also detail why many of the costs have risen, such as inflation and federal/state-mandated regulations.

The displays will be on the first floor of the Statehouse beginning at 9:30 a.m. on Feb. 26. Equipment such as police cars, fire trucks, garbage trucks and ambulances will be placed on or near the Statehouse grounds with cost comparisons for legislators to view. Please encourage your legislators to visit the displays so you can discuss them during the Legislative Reception that evening.

MASC's Winter Meeting and Legislative Conference will be held Feb. 26 at the Adam's Mark Hotel in Columbia. Registration forms are available on MASC's Web site at www.masc.sc (see "Featured Links" on the home page). For more information on the meeting, call Nancy Walborn at 803.933.1205 or e-mail nwalborn@masc.sc.

New Governor continued from cover

"It is a big step in the right direction when the governor's plan calls for honoring the state's commitment to Home Rule," said MASC President Dan Breazeale, mayor of Lexington. "We look forward to hearing more about the governor's plan at our Winter Meeting."

Sanford spent six years representing South Carolina in the U.S. Congress before stepping down to honor his term-limit promise. Prior to running for Congress, he worked in real estate finance and investment in New York and Charleston.

"Because of his career outside state government, we expect Governor Sanford to approach the restructuring process from a fresh perspective," said Howard Duvall, MASC's executive director.

News Briefs



■ Mary Greer, assistant administrator/municipal clerk for the City of Greer, and Carla Roof, municipal clerk for the City of Chester, were awarded the Certified Municipal Clerk designation from the International Institute of Municipal Clerks for achieving its high educational, experience and service requirements.

■ In November, Easley Mayor Chris Christopherson was elected president of the S.C. Association of Regional Councils, which represents the state's 10 councils of governments.

■ As announced in 2002, the Internal Revenue Service's Federal, State and Local Governments office has begun auditing S.C. municipalities with populations below 2,500 to ensure municipalities are complying with IRS regulations. For more information, call Cliff Brown at 803.253.3523 or e-mail cliff.brown@irs.gov.

■ The S.C. Department of Health and Environmental Control and the S.C. Mosquito Control Association are sponsoring the 2003 West Nile Virus and Mosquito Control Training Program. The program is offered on four dates around the state: March 11 in Columbia, March 13 in Simpsonville, March 25 in Florence and March 27 in Ehrhardt. For more information, call Carolyn Morgan at 803.896.0655 or e-mail morgancl@dhec.sc.gov.

■ March 10 is the deadline for more than 50 S.C. cities to implement the National Pollutant Discharge Elimination System's (NPDES) Phase II. For more information about NPDES Phase II or for a model permit application, visit MASC's Web site (under the "Research/Resources" section, click on "Model Policies/Procedures"), or call Gary Cannon at 803.933.1203 or e-mail gcannon@masc.sc.

General Counsel joins MASC staff

MASC welcomes veteran attorney Danny Crowe as its newest general counsel. "Danny is not a new face to MASC," said MASC Executive Director Howard Duvall. "He is a former president of the Municipal Attorneys Association, and we frequently called on him to give presentations to both elected officials and staff on topics ranging from the role of the municipal clerk to zoning."

Roy Bates, former MASC corporate counsel, said he will now be referring all municipal-related calls to Crowe.

"Danny has an extensive background in municipal law and will be a tremendous resource for MASC members," explained Bates. "He has skillfully dealt with a wide range of local government issues and litigation for a quarter of a century as attorney for several municipalities, municipal judge and defender of public employees in civil lawsuits. Over the years, I have worked with him on many

court cases. When MASC or a local government needed a lawyer, I referred them to Danny. The Municipal Association is very fortunate to have him on staff."

Crowe will be coordinating the legal activities surrounding all programs of MASC and its entities (1411 Gervais, S.C. Municipal Insurance Trust, S.C. Municipal Risk and Financing Fund, and the S.C. Local Government Assurance Group). He will also be available as a technical resource for municipal attorneys.

Crowe comes to MASC from the Columbia law firm of Turner, Padgett, Graham & Laney, P.A. His areas of focus in litigation include liability of local governments and their employees in tort and civil rights actions. He has litigated cases involving incorporation and annexation issues and has represented local governments in lawsuits involving redistricting, construction contracts, franchise fees and the Freedom of Information Act. He

recently represented the City of Conway in the landmark decision of the S.C. Supreme Court (*Sloan v. City of Conway*), which supported municipal authority to require annexation as a condition of receiving municipal utilities.

Crowe has served in numerous legal capacities in S.C. local governments throughout his 28-year career. He served as assistant city attorney for the City of Columbia, town attorney for the Town of Irmo and currently serves as town attorney for the City of Cayce and the Towns of Saluda and St. Matthews.

He has also served on the other side of the bench as an administrative hearing officer for violations of water and wastewater permit conditions and regulations. For 20 years, he was a substitute municipal court judge for the City of Columbia.

Crowe can be reached at 803.933.1270 or by e-mail at dcrowe@masc.sc.

Municipal legal victory

Court rules city can regulate bar hours

The S.C. Supreme Court recently upheld the City of Charleston's ordinance requiring bars to close from 2 a.m. to 6 a.m. Monday through Saturday. "This ruling is a victory for local control," said Howard Duvall, MASC's executive director. "Local governments have the right to determine the best way to maintain the quality of life in their communities, and MASC is glad the state Supreme Court recognized that right."

The Court unanimously overturned a circuit court decision against the

City, saying the Charleston case was similar to an older one in which the Court upheld the Town of Hilton Head Island's right to require store owners to follow the Town's sign law in addition to state regulations.

In Charleston, bar owners had contended only the General Assembly had the power to regulate bar hours and that state statutes required bars to close just on Sundays. They also argued the City's ordinance conflicted with a state statute that gives the S.C. Department of Revenue

authority over the sale of alcoholic beverages. The Court disagreed, saying the state statutes do not provide businesses with a blanket right to sell beer and wine at all times other than those prohibited by the statutes.

To view the Court's opinion on this case (Denene Inc., et al, v. City of Charleston, December 2002), visit MASC's Web site at www.masc.sc. Under the "Links" menu, click on "State Resources," then on "S.C. Supreme Court Decisions, December 2002 Decisions."

Court's ruling on playground standards could increase municipal liability

by David L. Morrison, Esq., Davidson Morrison & Lindemann, P.A.

A November S.C. Supreme Court ruling regarding playground maintenance could increase municipalities' liability if a playground accident occurs.

In *Elledge v. Richland/Lexington School District Five*, Op. Number 25559, the Court ruled both the Consumer Products Safety Commission (CPSC) Guidelines for Playground Safety and the American Society for Testing and Material (ASTM) Standards for Playground Equipment can be used to determine the proper standard of care local governments must exercise for playgrounds and playground equipment. These guidelines apply to any group — including municipalities — providing playground equipment for public use.

Because neither the General Assembly nor Richland/Lexington School District Five had adopted the standards at the time of Elledge's accident, the School District contended the guidelines did not apply. The Court disagreed even though the guidelines may not have the force of law, the Court said they illustrate "evidence of safety practices or rules generally prevailing in the industry." Although the guidelines have existed for many years, this is the first time the Court ruled national guidelines apply to public bodies in South Carolina.

The Court rejected the District's argument, finding that the guidelines are intended for playground safety — including the maintenance of existing playground equipment. The Court concluded, "Simply because the District did not utilize the guidelines in 1994 with regard to existing equipment does not mean that it should not have."

The Court added that the guidelines serve to define "the District's **duty of**

care." The Court ruled that the standards are admissible as evidence of what the District should have done to maintain its playgrounds in a safe condition. Failure to follow the standards is evidence of negligence for a jury to consider.

"As a result of this case, we can expect playground accident litigation to increase," said Howard Duvall, MASC executive director. "One one hand, we now have clear guidelines — the CPSC and ASTM standards — for maintaining our playgrounds. However, the plaintiff's attorneys now have a clear method of evaluating potential liability following any playground accident, and the courts have clear guidelines to instruct jurors on a public body's duty regarding playgrounds and playground maintenance.

"No longer do juries have simple negligence principles to guide them," he added. "Now a jury will have negligence principles and specific standards by which to judge public bodies. The result will likely be an increase in litigation and in liability for those not complying with the standards."

What are the guidelines?

According to CPSC, more than 200,000 children are treated in hospital emergency rooms each year for injuries associated with playground equipment. Both CPSC and ASTM guidelines emphasize accident prevention. The guidelines address designing, constructing, operating and maintaining public playgrounds. They consist of specific standards to which municipalities will be held accountable. CPSC's free *Handbook for Public Playground Safety*,

which is available on CPSC's Web site (www.cpsc.gov), addresses issues surrounding particular pieces of equipment and includes a public playground safety checklist. ASTM's *F1487, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*, is available on its Web site (www.astm.org) for a \$45 fee. Playworld Systems, a producer of commercial playground equipment, offers a free *ASTM/CPSC Playground Audit Guide* on its Web site (www.playgroundsystems.com) that may help municipalities comply with the guidelines.

"Complying with these standards can be an expensive undertaking, but municipalities should familiarize themselves with the guidelines, because ultimately you may be held accountable in court for complying with them," explained Duvall.

For more information on playground safety guidelines, visit CPSC at www.cpsc.gov and ASTM at www.astm.org.



FAQ

When should councils elect a mayor pro tem?

After every general election.

2002 Achievement Award Winner

Public Safety Category: City of Bennettsville

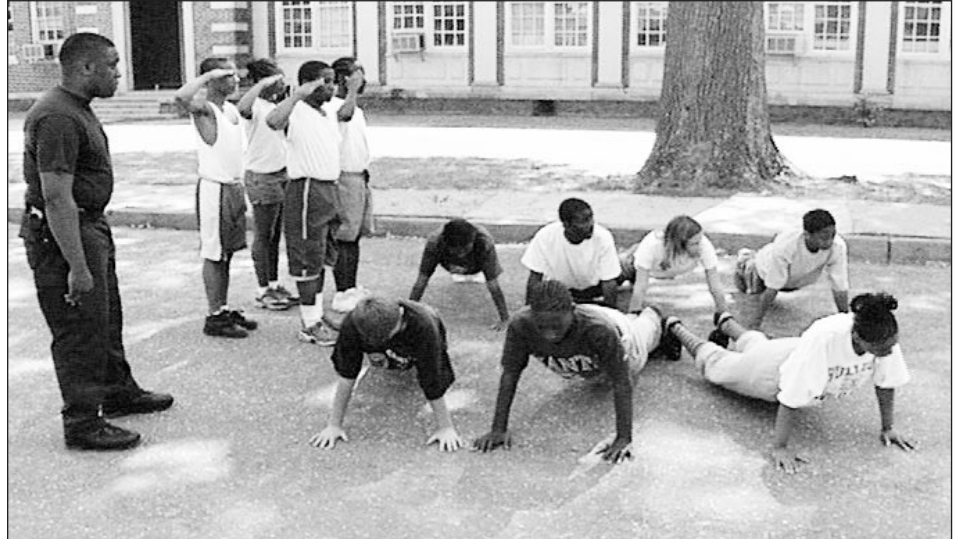
Innovative programs help reduce juvenile delinquency

Like many municipalities, Bennettsville struggles with juvenile delinquency. To combat this problem, the Police Department implemented three programs focusing on the reasons for delinquent behavior instead of simply punishing students.

The first program, called Crossroads, is a voluntary program designed as a suspension alternative. Suspended students normally are free to roam the streets with no supervision, and their learning is stalled because they are out of the classroom. The Crossroads program allows students to remain in their regular classes while attending a three-hour after-school session for 15 days. The Police Department runs the program, which is headed by a sergeant who instructs students in military-style drill and physical fitness. He also tutors and counsels students. The program's goals are to teach students discipline and responsibility, improve their self-esteem and offer them an opportunity to interact with police mentors. Representatives from such agencies as the Department of Social Services, the Department of Juvenile Justice and Tri-County Mental Health spend one hour per week with students and refer them to additional assistance at their agencies if necessary. These representatives help determine the reason behind students' misbehavior.

Crossroads allows suspended students to receive needed discipline and attention without interrupting their education.

The second program, Officer Read, works to improve community relations and communication between elementary school students and police



In the Crossroads program — an alternative to suspending students — a police sergeant instructs students in military-style drill and physical fitness.

officers. Officers spend time each week reading to students at local elementary schools. Officers also teach children about such topics as bicycle safety and drug awareness.

The final program, Explorer's Cadet Program, provides students who are interested in a law enforcement career an opportunity to experience a police officer's daily activities. Cadets participate in mock police events, including arrest and search, bomb threat response, finger printing and crime scene searches. Cadets also participate in law-related education classes, a ride-along program and monthly field trips to law-enforcement institutions. These activities offer insight into South Carolina's criminal justice system.

Working together, these three programs are addressing the issue of juvenile delinquency in Bennettsville.

Contact: Angela Ward, 843.479.9001 extension 319

Get ready for the Achievement Awards

Do you have a unique or innovative program to share with other S.C. municipalities? If so, plan to enter the 2003 Municipal Achievement Awards program. MASC will recognize winners at the 2003 Annual Meeting in July.

Winning entries are featured in a video shown at the Annual Meeting, the Achievement Awards brochure, *Uptown* and during Hometown Network broadcasts.

This is your opportunity to let others know about the exciting things happening in your municipality. MASC will mail entry information in March, which will also be available on MASC's Web site at www.masc.sc under the "Featured Links" section of the home page. Proposals must be submitted by April 11. Judging will take place May 5.

Web policy and management

Government Web sites, notably those of local governments, have evolved considerably over the last five years. But just as important as having a presence on the World Wide Web is having an Internet site that maximizes a positive impact for your city. An effective Web site for local government may depend on the size and location of the jurisdiction and the Web site's goal. Internet sites of rural jurisdictions will likely look extremely different from urban jurisdiction sites. A city of 850 with an Internet presence will promote different aspects of the city than those of New York City, Los Angeles and Chicago. Some Web sites may be focused strictly on economic development, tourism or the downtown area. But other local governments want more interactive and transaction-based sites to respond to citizens' needs.

The three pillars

Public Technology Inc. believes a successful Web site **promotes democracy, encourages economic activity and enhances service delivery to citizens.**

Mission statement

Identifying a clear set of goals for your Web site should be part of a larger electronic government strategy. Articulate these goals with a mission statement on the Web site, and promote it with the community and staff.

"A priority should be to keep the Web site up to date with fresh, timely information," advised Miriam Hair, MASC's deputy director. "This can be done very easily with a Web content management tool that only requires users to have basic word processing skills."

Security

Over the last two years, a number of local government Web sites were hacked into, causing a disruption in service to users. As governments develop more online services, it is vital that they have security procedures in place to

prevent these attacks. Security is also a matter of trust — as governments develop more online services and encourage residents to use these services, people must be able to trust that what they are doing doesn't get into the wrong hands.

"For municipalities with an IT staff, they should consider having a third party with security measures in place to host their Web site," suggested Hair.

Privacy

Be sure to articulate a clear policy on the types of information collected from visitors to your Web site. If you ask users to complete forms online, who has access to this data? Does your Web site use "cookies"? Cookies are text files stored on the user's computer and created to track specific information. If your jurisdiction provides an e-mail subscription service (residents sign up for e-mail alerts on traffic or changes to recreation schedules), you should be able to tell subscribers who has access to their e-mail address.

Advertisements

Whether to allow advertisements on government Web sites has been a hotly contested topic. Only a handful of local governments (including Salt Lake City, Utah, and Honolulu, Hawaii) allow ads. However, many local governments have researched or explored the issue, trying to identify the possible pros (revenue opportunities) and possible cons (control of what ads say, possible ads from "inappropriate" businesses.)

Links

Control is a factor when it comes to links that connect the user from your Web site to another site. The City of Seattle considers its Web site a portal to community information. Therefore, the City provides a rich resource of links connecting the user from the City Web site to other, non-City Web sites.

There are, however, risks that need to be addressed when providing links

from your government Web site. A link may no longer be valid, or it is implied that by maintaining a link, your jurisdiction is endorsing or promoting that Web site. The links policy for Battle Creek, Michigan, states, "the city cannot and does not make any representation to you about these sites or the materials available there. The fact that the city has made these links available to you is not an endorsement or recommendation to you by the city of any of these sites or any material found there."

A policy is also needed because a jurisdiction has to determine what is appropriate in terms of links. Battle Creek allows links to Web sites maintained by a non-profit charitable, educational, hospital, scientific or cultural organizations serving the local area; local news-gathering organizations that meet certain guidelines; government; local school or library boards; and organizations that receive direct financial support from the City.

Marketing

One important aspect that is often overlooked is the marketing and promotion of your government's Web site. The site may be graphically pleasing and contain useful content, but if no one is using the site, you have not met your goal. Local governments are now beginning to develop comprehensive marketing strategies.

Additional information is available by contacting Dale Bowen, PTI's director of online services, at 202.626.2456 or e-mail bowen@pti.org. For help in planning, developing or implementing a municipal Web site, call Miriam Hair with MASC at 803.933.1204 or e-mail mhair@masc.sc.

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South Carolina well-represented at national conference

About 35 S.C. officials attended the National League of Cities' annual Congress of Cities meeting in Salt Lake City in December. During the conference, Councilmember E.W. Cromartie of Columbia was elected president of the National Black Caucus of Local Elected Officials, and Councilmember Anne Sinclair of Columbia was selected as chair of NLC's Community/Economic Development Steering Committee.



Classifieds

■ The City of Woodruff is accepting applications for a city manager. Prefer MPA, MBA or related degree and at least five years' experience as manager, administrator or assistant, or equivalent combination of education and experience. Send resume and references to City of Woodruff, City Clerk, Attn: City Manager Position, 231 East Hayne Street, Woodruff, SC 29388. EOE.

■ The Town of Branchville is accepting applications for a police officer. Applicants must be at least 21 years old with a high school diploma or GED. Send resume to Branchville Police Department, PO Box 85, Branchville, SC 29432. EOE.

■ The City of Barnwell is accepting applications for a police chief. Applicants must be certified by the S.C. Police Academy. Send resume by Feb. 16 to City of Barnwell, ATTN: Thomas R. Higgs, PO Box 776, 124 Burr Street, Barnwell,

GASB 34 reminder



GASB 34 established new financial reporting requirements for state and local governments. The first implementation date has already passed, but two more are pending:

- Phase 1: Municipalities with **\$100 million or more** total annual revenues were required to implement GASB 34 by **June 30, 2002**.
- Phase 2: Municipalities with **at least \$10 million but less than \$100 million** total annual revenues must implement GASB 34 by **June 30, 2003**.
- Phase 3: Municipalities with **less than \$10 million** total annual revenues must implement GASB 34 by **June 30, 2004**.

For general GASB information, visit the "Links" section of MASC's Web site (www.masc.sc) and click on "Finance." For information specific to your municipality, contact your financial adviser.



Educational Opportunities

Municipal Elected Officials Institute of Government

■ **Feb. 25**, Sessions A&B will be held at the Adam's Mark Hotel in Columbia.

MASC Winter Meeting and Legislative Conference

■ **Feb. 26**, will be held at the Adam's Mark Hotel in Columbia. See related article on page 1.

S.C. Association of Stormwater Managers

■ **Feb. 28**, will hold its Quarterly Meeting at the State Museum in Columbia.

S.C. Utility Billing Association

■ **March 19-21**, will hold its Annual Meeting at Ocean Drive Resort in North Myrtle Beach.

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

■ **March 26**, municipal officials from Aiken, Allendale, Bamberg, Barnwell, Calhoun, Lexington, Orangeburg and Richland counties visit with their state legislators. Officials should meet at MASC's office in Columbia at 10:30 a.m.

Hometown Network

■ **March 27**, the Municipal Elected Officials Institute of Government will present "Basic Budgeting." This session will be broadcast via satellite to the 10 regional councils of governments.

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.

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. Association of Municipal Power Systems

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

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.

UPTOWN

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