

UPTOWN

Telecommunications bill passes in final minutes

With 10 minutes left in the 115th session, the Senate agreed to the 1 percent tax rate increase on retail telecommunications services previously passed by the House. Passing H3530 was a major legislative initiative for MASC this year.

The Telecommunications Act raises the permitted municipal business license tax rate from 0.75 percent to 1 percent beginning January 2005. This increase will help meet the 1999 promise of the legislature to hold harmless municipal revenue, as the tax base for retail telecommunications shifted from the

traditional franchise fee to a business license tax.

The effort to pass H3530 to increase the telecommunications tax rate began last June. In the closing days of the 2003 session, Senator Tom Moore of Aiken sponsored an amendment to H3530 that eliminated a Board of Economic Advisors study of the telecommunications collections and set the final rate at 1.25 percent. The House refused to concur with this amendment. This inaction forced the business license tax rate in 2004 to be set at 0.75 percent in accordance

with the Telecommunications Act of 1999.

In the last few weeks of the 2004 session, Representative Harry Cato of Travelers Rest, chairman of the House Labor, Commerce and Industry Committee, received a letter from the Board of Economic Advisors stating that preliminary information indicated a 1 percent rate would keep whole the municipal revenue base. Chairman Cato received unanimous consent from the House on June 2 to recall H3530 and amend it with the 1 percent rate.

The bill went back to the Senate, where it was caught up in a last-day filibuster that almost prevented it from being considered. At 4:48 p.m., just

BILL PASSES continued on page 2

Annual Meeting program for first time attendees will provide toolbox for officials

Sometimes, a councilmember may need a precision tool to whittle numbers into a balanced budget. Additional tools, found in sharp legal advice, are required when it comes to negotiating cable franchises or drafting personnel handbooks. At other times, local government officials need heavy tools such as annexation ordinances to construct larger municipal boundaries. These tools and more can be obtained by attending the First Timers Program during the 64th Annual Meeting, July 15-18 at the Hilton Head Marriott Beach and Golf Resort in Hilton Head Island.

BENEFITS continued on page 3

July 2004

Inside This Issue

SCCDA recognizes community development excellence
page 4

Master plans: An important part of your community vision
page 5

minutes away from adjournment for the year, Senator Moore was able to get unanimous consent from the Senate to take up the legislation and concur with the House's amendment.

"The fact that both the House and Senate gave unanimous consent to take up this legislation in the closing days of the session shows they heard and understood our message from the Hometown Legislative Action Day [MASC's annual legislative meeting]," said MASC President Lillian Flemming. "This legislation was critical for our cities. Thanks to everyone for contacting your legislator. Together, we made the difference."

The bill now goes to Governor Mark Sanford for his signature.

MASC will prepare an amendment to the telecommunications business license ordinance to reflect the 1 percent rate. Each municipal council must adopt the ordinance before it takes effect in that municipality.

SC Textile Community Revitalization Act

Another positive note from this year's legislative session was the addition of another tool for municipal governments to renovate and re-develop abandoned textile facilities. The SC Textile Community Revitalization Act, which becomes effective July 1, is in addition to the SC Historic Tax Credit already on the books.

Since 1997, 65 textile plants have closed their doors, taking with them more than 14,000 jobs.

"This act should be an encouragement for the re-development of these abandoned facilities," said Howard Duvall, MASC executive director.

The act allows a 25 percent tax credit on rehabilitation expenses incurred for re-developing abandoned textile facilities. The definition of "textile facilities" is broad enough to encompass mill villages and stores owned by textile manufacturers. To be eligible for the tax

credit, the developer and the municipality must reach a development agreement. If the project is approved, the developer may choose to use the credit either against real property taxes or personal/corporate income taxes.

If the developer chooses the real property tax credit, the credit may be used for up to eight years to pay up to 75 percent of the taxes due. The taxing entities must authorize the use of the tax credit.

If the developer chooses the income tax credit, the Department of Commerce must be notified and must certify the project. The 25 percent tax credit may be used for up to 10 years against income taxes due to the State of South Carolina.

"In Rock Hill, we have major projects which will benefit from this legislation," said Mayor Doug Echols. "The ability to attract private investment is crucial for these projects."

Hilton Head Island's action spurs Adelphia refund to cable subscribers

Because of the Town of Hilton Head Island's pro-active steps, Adelphia Communications settled its rate dispute with the Town and refunded \$16.50 to every subscriber. This is about \$330,000 to 20,000 households, according to Greg Fender, primary consultant for MASC's Cable Franchise Advisory Program.

Fender and legal consultants with the Cable Franchise Advisory Program assisted Hilton Head Island

by reviewing Adelphia's rates, preparing a resolution to order refunds and lower rates and by negotiating the final settlement with Adelphia.

Adelphia also agreed to reduce its monthly basic rate from \$16 to \$13 and to eliminate its additional outlet charges for basic tier-only subscribers.

"Local governments are able to regulate a cable company's 'basic service tier rate,' which is the

smallest package a subscriber can purchase," said Fender.

"Local governments can also regulate installation and equipment charges, such as converter boxes and additional outlets."

For more information about cable television rate regulation or the Cable Franchise Advisory Program, contact Michelle James, director of Education and Training, at 803.933.1228 or Greg Fender at 866.280.5030.

Benefits continued from cover

The program for first timers begins Thursday from 3:45 p.m. to 5:00 p.m., when participants will open their toolbox filled with MASC resources. Designed just for first timers, this program is highly interactive and will address top challenges participants have identified that face their local government. Staff will recommend the best equipment to outfit yourself with to resolve these challenges once you return home.

The First Timers Program wraps up Saturday with lunch from 11:30 a.m. to 12:45 p.m. You must attend the Thursday meeting to participate in Saturday's lunch. By the end of the conference, you will be on your way to making long-lasting professional relationships with other first timers, MASC staff and board members.

"Networking is the greatest tool you can have when working on challenges in local government," said Howard Duvall, MASC executive director. "Your phone list is your best asset."

All officials, not just first timers, will find helpful tools throughout Annual Meeting sessions. If you find budgets an overwhelming challenge in your municipality, attend "Preparing a Budget from Scratch" on Thursday at 1:30 p.m. Attendees will learn basic budgeting techniques, from the planning process to building the budget document. Discover federal, state and foundation resources available to municipalities in the session "Find Me the Money" on Saturday at 1:00 p.m. Don't forget to visit the Welcome and Technology Center for the latest in technology to help advance your city or town through the 21st century.

Is your municipality spending crime victim money wisely?

by Laura Hudson, Public Policy Coordinator for the SC Victim Assistance Network

Assisting crime victims has become an important and ever-growing responsibility for municipalities. State law requires municipalities, regardless of size, to provide certain services for crime victims (Title 16, Chapter 3, Article 15 of the SC Code). These mandatory services are known as "first-priority" expenditures. State law also requires municipalities to designate 12 percent of municipal court assessments on fines, in addition to the conviction surcharges required by Section 14-1-211 (A)(1), to be used for crime victim services.

By law, municipalities must use this crime victim money exclusively for providing crime victim services. The municipality must carry over any unused funds to the next year for victim services. The governing body cannot use these funds to balance the general fund or make up for a shortfall.

Permitted uses of crime victim monies are divided into "first-priority" expenditures, which are those mandated by state law, and "second-priority" expenditures, which are services beyond those mandated by the state. Myrtle Beach has been able to provide first-priority services, including 24/7 coverage by hiring three full-time victim advocates and equipping them with automobiles, computers, Internet service and communication equipment. The City has also provided brochures, training for its personnel and separate building facilities for interviewing victims. Under second-priority authority, Myrtle Beach has provided generous funding for Citizens Against Spouse Abuse (CASA) and the Grand Strand Community Against Rape.

Easley has one dedicated advocate on 24/7 call, an automobile, computer, communication equipment (laptop, cell phone, radio), brochures, a private office and a victim-friendly interview room. The program served 430 victims last year.

If the municipal court system does not generate enough funds, officials must look elsewhere to pay for mandated services. West Columbia

CRIME continued on page 6

Examples of first-priority expenditures:

- Providing brochures for crime victims about their rights and resource contact numbers
- Hiring a victim advocate or paying a portion of a law enforcement officer's salary to provide crime victim services
- Providing an automobile for a victim advocate to transport crime victims to court appearances
- Providing a computer and Internet access for crime victim advocates
- Providing communication equipment (cell phone, radio) for the victim advocate to provide updated information to the victim about the case

Examples of second-priority services:

- Providing funding to rape crisis centers, women's shelters, victim support groups or child advocacy centers
- Providing matching funds for criminal domestic violence grants

SCCDA recognizes community development excellence

The SC Community Development Association (SCCDA) recognized excellence in community development during its Annual Meeting in May by presenting its Hettie Rickett Award to Mary Louise Resch and its Award of Excellence to Charleston's Mayflower Court.

Hettie Rickett Award

The Hettie Rickett Award honors a community development volunteer, staff member or official who went above and beyond the call of duty to make a difference in their hometown. This year, SCCDA presented the award to Mary Louise Resch, grants administrator for the Town of Lexington.

Through the past 25 years, Resch has demonstrated her leadership and community-building skills by bringing together individuals and organizations with diverse backgrounds and experiences to implement community initiatives and programs to better her community.

In her role as grants administrator for the Town of Lexington, Resch was instrumental in the creation of the Lexington Police Department's "Adopt-a-Cop" program and the Lexington Latchkey Collaborative program. For the Adopt-a-Cop program, Resch has successfully generated more than \$15,000 in donations from local businesses and organizations for the police department. The Lexington Latchkey Collaborative was developed when Resch brought together 15 community-based agencies, churches and other organizations to oversee the Lexington Keeping Every Youth Safe (KEYS) afterschool program serving

55 low- and moderate-income children in Lexington.

Resch also serves a number of community associations such as the Governor's Juvenile Justice Advisory Council, American Legion Post Six, Sexual Trauma Services of the Midlands, SC Association of Prevention Professionals and Advocates and the Palmetto Chapter of the National Contract Management Association — just to name a few.

"Mary Louise Resch continues to go above and beyond the call of duty to make a difference in her community," said 2004 SCCDA President Henrietta Woodward of Charleston.

Award of Excellence

SCCDA presents its Award of Excellence to organizations whose projects have significantly improved their community and have the potential to be a catalyst for further quality-of-life improvements. The project must involve diverse segments of the community, address the community's most important needs and involve creative use/leveraging of community resources. This year, SCCDA presented the award to the City of Charleston for its Mayflower Court project.

The Mayflower Court project involved the complete relocation and renovation of 14 World War II era cottages, formerly used to house parishioners of the local Greek Orthodox church. The plan was to relocate the cottages in an effort to beautify the Mt. Pleasant Street area and preserve the historical character of the cottages while providing affordable housing for disabled seniors. The project was developed through a combined

effort of the City of Charleston, Charleston County, the Greek Orthodox church, the Charleston County Housing and Redevelopment Authority and the Lowcountry Housing and Economic Development Foundation.

Partnerships were key to the project's success. The Greek Orthodox church donated the houses in lieu of a requested payment of \$1,300 per house. The City of Charleston paid in excess of \$100,000 to have the houses moved. Charleston County extended a \$70,000 zero interest, flexible term loan to Charleston County Housing and Redevelopment Authority (CCHRA), which in turn granted the money to the Lowcountry Housing and Economic Development Foundation to develop the properties. CCHRA also donated 1.6 acres of land as the site for the new Mayflower Court.

This collaboration of local partners literally moved this project off the ground. The cottages were moved from their original location and totally reconstructed. Each of these two-bedroom units received new mechanical, plumbing and electrical systems and new kitchens and bathrooms; the 55-year-old hardwood floors were also refinished.

The completion of Mayflower Court has beautified the area surrounding Mt. Pleasant Street. The new location features underground utilities, a new sewer system and new curbs, sidewalks and handicap ramps.

SCCDA, an affiliate of the Municipal Association of South Carolina, assists its members in addressing housing, community development and economic development issues.

Master plans: An important part of your community vision

Many municipalities across the country are considering completing or updating their master plans. Why are master plans important for your community? Who should be involved in the process? How do you hire the right consultant team? What process do you use? And, most important of all, what should you expect to get out of a master plan process and product?

Without a master plan to guide planning decisions, communities run the risk of being viewed as places without a cohesive image. With a master plan, you can make short-, mid- and long-range planning decisions that are consistently moving you toward a meaningful end that emphasizes your community's unique strengths while minimizing its weaknesses.

"Master plans are totally different than a city's comprehensive plan mandated by state law," said Bill Steiner, Community Builders director. "The comprehensive plan deals with broader issues such as quality of life, infrastructure and zoning. The master plan is a specific design solution for a specific area/project."

Having a well-designed master plan provides a city with a road map of things to do (or projects to say "Yes" to) and gives you an objective rationale for saying "No" to the wrong projects. Many communities feel pressure to "just do something" and end up saying "Yes" to the wrong project or putting the right project in the wrong place. This can cripple a city's long-term plan of a cohesive place and image.

The best master plans are those that include maximum community participation to ensure consensus on as many issues as possible is achieved. This approach increases public buy-in and limits the perception of the city imposing the plan on the community. As a starting point for potential public stakeholders, consider the following entities to join your team:

- Downtown organizations
- County government
- Businesses
- Citizens
- Neighborhood groups
- Tourism groups
- Chambers of commerce
- Quality-of-life groups, such as beautification, arts and historic preservation

Community Builders, a service of the Municipal Association of South Carolina, specializes in public facilitation and conceptual master planning. The conceptual plan paints in broad strokes what the community wants to accomplish.

"We help facilitate the process and provide our expertise to construct the skeleton," Steiner said.

After the conceptual planning process, Community Builders encourages communities to hire planners from the private sector to flesh out the plan. This specialized expertise is needed to fill in the necessary details to actually implement the plan. Community Builders can direct you to qualified local and national master planning firms.

The right consultant team is also critical. Who is on the team will largely depend on the nature and scope of the master plan desired. However, the following list provides a good starting point for the types of professionals to be considered for your consultant team:

- Planners
- Landscape architects
- Engineers
- Architects
- Market analysts
- Economic developers
- Public facilitators

While the initial conceptual phase can cost between \$10,000 and \$30,000, complete master plans can range in price from as little as \$30,000 to as much as \$300,000 or more. Therefore, it is important to know exactly what components are needed in your master plan so you can draft a clear and concise Request for Qualifications (RFQ) and subsequent Request for Proposal (RFP) documents. Some typical master plan components to consider in your scope development include, but are not limited to:

- Physical plans
- Analysis
- Illustrations
- Area plans
- Economic plan
- Implementation strategy
- Organizational strategy
- Marketing strategy

For more information, contact Randy Wilson of Community Builders at rwilson@masc.sc or 803.933.1225.

News Briefs



■ In May, the SC Community Development Association elected its 2004-2005 board: President — Harold Young, Orangeburg County; Secretary/Treasurer — Carol Mason McMeekin, Catawba Regional Council of Governments; First Vice President — Valeria Jackson, Columbia; Second Vice President — Howard Garland, Mullins; Third Vice President — Darryl Bullock, Berkeley-Charleston-Dorchester Council of Governments; Fourth Vice President — Dianna Gracely, Landrum; Past President — Henrietta Woodward, Low-country Housing & Economic Development Foundation; Ex-Officio Members — Bonnie Ammons of the SC Department of Commerce, Valerie Williams of the SC State Housing Finance & Development Authority, Pat Dixon of the Economic Development Administration and Larry Floyd of the US Department of Agriculture.

■ In June, the SC Association of Municipal Power Systems elected its 2004-2005 board: President — Ken Barnett, Greenwood CPW; Vice President — Coleman Smoak, Laurens CPW; Members At-Large — John Bagwell of Orangeburg DPU, William Medlin of the Town of Winnsboro, Donnie Hardin of Gaffney BPW and Sam Bennett of the City of Clinton; Past President — Jimmy Bagley, City of Rock Hill.

■ Stephen Riley, manager of Hilton Head Island, was nominated by the governor and confirmed by the Senate to serve on the State Advisory Committee on Educational Requirements for Local Government Planning or Zoning Officials and Employees.



Classifieds

■ The City of North Myrtle Beach is accepting applications for the position of zoning enforcement officer. Submit letter of interest with resumé and salary requirement to Personnel Division, City of North Myrtle Beach, 1018 2nd Avenue S., North Myrtle Beach, SC 29582.

E-mails and FOIA

Q. Are e-mails related to city/town matters subject to disclosure under the Freedom of Information Act (FOIA)?

A. Yes. E-mails related to city/town business are subject to disclosure, assuming there is no other basis for exempting them. Such e-mail, whether internal e-mail from and to government employees or e-mail received from outside parties, is a government record. The FOIA broadly defines a public record as any record (i.e., papers, maps, photographs and other documentary materials) regardless of physical form or characteristics.

Q. From his home, the mayor e-mails the town manager concerning an agenda item for the next council meeting. Does this e-mail to the

manager have to be disclosed under FOIA?

A. Yes. A public record is “any record prepared, owned, used or in the possession of a public body.”

Q. Using his personal computer, a candidate e-mails campaign literature to municipal employees at their offices. Is the candidate in violation of the SC Ethics Act?

A. Yes. In a September 2002 SC State Ethics Commission advisory opinion, the commission determined “the sender is using government personnel and equipment when he e-mails campaign material to public employees at their workplace. The sender is using public property to influence the outcome of an election ...”

Crime continued from page 3

supplements victim service revenues with other City funds. Some small municipalities have contracts with their county to ensure seamless services. A city that lacks enough funds to hire someone full time might consider contracting with a sheriff's department to provide these services. For example, Hilton Head Island contracts with Beaufort County for crime victim services. The contract should specify the exact duties expected from both entities and the exact monies expended. The contract should be renewable annually to ensure the satisfaction of all parties.

Each year, local governments must have an independent, external audit on the collection, reporting and distribution of the monies. “It is a good idea to show the victim assistance revenues and expenditures as separate line items

in the budget,” suggested Howard Duvall, MASC executive director.

Many local governments choose to set up a separate account for crime victim monies. Collections on the surcharge for convictions are required to be deposited into a separate account (SC Code Section 14-1-211 (A)(1).

“Regardless of the accounting method chosen, the governing body should make the decisions on how the funds are expended,” said Duvall. “Law enforcement, municipal courts and other entities should submit their requests to the governing body for approval.”

For a partial list of recommended expenditures for both first-priority and second-priority funding and a statewide compilation of fines, fees, assessments and surcharges by county, visit www.scvan.org.

Back to the basics

If the last experience you had with a health and wellness program involved a handwritten risk appraisal and a suggestion to join an aerobics class, you are in for a surprise.

As in many areas of modern life, technology has enabled drastic changes in the health and wellness field. Health professionals are now able to compile claims, prescription and screening data to develop a targeted, comprehensive program that produces a positive return on investment (ROI).

So whether you are trying to revitalize an existing program or get one started, the prescription to maximize these programs is the same: go back to the basics. In softball, if you can't throw or catch, you'll have trouble winning the game. If you don't know your employees and if you don't provide the needed programs in an attractive and accessible way, your worksite health promotion won't be successful.

So how do you get back to the basics? Invest in a comprehensive program with a sound, strategic approach. While health promotion programs will continue to evolve, the following four steps provide the basis for any successful worksite health promotion.

1. Evaluation: Evaluating your employees' health needs and interests is a critical first step. Identify the current climate and where you want to go before building a plan to get there. Determine the program's focus by reviewing aggregate medical claims data, utilization and injury reports. Health risk appraisals can provide important and specific information on self-reported employee health behavior. Add objective measures to your assessment by using biometric screenings, such as blood pressure and cholesterol screenings. Finally, the best way to find out what employees are concerned about and if they are ready to change is to ask.

Surveys or focus groups are simple and effective measures.

2. Promotion: While assessment results on their own will encourage some employees to seek resources for health improvement, a significant number need additional motivation to initiate a health behavior change. With the goal of moving employees to a greater stage of readiness for change, provide updates on other wellness programs and various articles. Also consider offering self-help awareness materials in brochure racks, educational displays in high-traffic areas, lunch-and-learn sessions and recognition of monthly health observances.

3. Targeted Programs: Early health promotion programs were often criticized for attracting only those employees who were already healthy and engaged in health improvement activity. In response, health promotion programs over the past decade have implemented disease management programs specifically for high-risk employees. Following a thorough consent process, employees identified to be at high risk are invited to participate in a confidential condition management program. In August, the South Carolina Local Government Assurance Group (SCLGAG) will implement this type of program for its members. Employees will be invited to join one or more of the Healthy Endeavors for Life Promotion (HELP) programs. These programs will focus on educating employees about their condition and provide assistance for navigating through the health care system. HELP's mission is to enable a better quality of life for the employee, decrease lost time at work and lower health care costs for everyone. The HELP program includes one-on-one education for diabetes, coronary artery disease (CAD), congestive heart failure (CHF), cancer and obesity.

4. Population-Based Programs:

Reducing the employee's risk is essential for successful worksite health promotion programs. However, you have to balance your risk management efforts with providing programs that appeal to the entire spectrum of employees. If left unattended, many low-risk employees will migrate to moderate- and high-risk levels over time. Programs that cross risk levels are usually targeted toward primary prevention behaviors such as tobacco use, sedentary lifestyle, nutrition, weight management, back care and stress management. These topics are usually best presented as lunch-and-learns or at health fairs.

To be effective, modify this basic model to meet your specific needs, taking into account demographics, health needs, program goals and budget. The program must also be well-integrated with other internal and external health management efforts. Internal efforts include benefits, training and development, workers' compensation and safety programs. External efforts include implementing and maintaining compliance with such programs as HELP. Encourage employees to use these resources.

SCLGAG, one of MASC's three self-funded insurance programs, provides health benefits programs for municipal employees.

For more information or assistance, contact Anne Shissias, MASC's new health and wellness manager, at 803.933.1272 or at ashissias@masc.sc.

Find out how the Healthy Endeavors for Life Promotion (HELP) programs can help you educate and promote wellness and disease management to your municipal employees by attending the Annual Meeting session, "Are Your Employees Healthy and Fit?" on Saturday, July 17 at 10:30 a.m. Fifteen-minute service demonstrations will be held Friday, July 16 at 8:30 a.m. and Saturday, July 17 at 10:15 a.m.



Educational Opportunities

Municipal Association of SC

■ **July 15-18**, will hold its Annual Meeting at the Marriott Beach and Golf Resort in Hilton Head Island. See related story on page 1.

SC Association of Stormwater Managers

■ **August 20**, will hold its Quarterly Meeting at the State Museum in Columbia.

Municipal Clerks and Treasurers Institute

■ **September 15-17**, will hold its Fall Session at the Adam's Mark Hotel in Columbia.

Municipal Elected Officials Institute of Government

■ **September 30**, will present "The Forms of Municipal Government" and "Benefits and Pitfalls of Economic Development."

SC Municipal Personnel Association

■ **November 10-12**, will hold its Annual Meeting at the Holiday Inn Oceanfront in Hilton Head Island.

SC Municipal Insurance and Risk Financing Fund

■ **November 18**, will hold its Annual Members Meeting.

SC Municipal Insurance Trust

■ **November 18**, will hold its Annual Members Meeting.

SC Association of Stormwater Managers

■ **November 19**, will hold its Quarterly Meeting at the State Museum in Columbia.

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.



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