

# UPTOWN

## Legislative session ends with several municipal successes

*By Gary Cannon, Director of Intergovernmental Relations for the Municipal Association*

**W**hen the 116th session of the General Assembly adjourned June 1, municipal interests could claim some success in the major legislative battles of the session.

At the beginning of the session, we identified several high profile issues that would likely be front and center on the General Assembly's agenda — reform of the state's property tax system and changes in cable franchising and eminent domain laws. These and other issues regarding use of local accommodations and hospitality taxes, termination of electric and gas services, changes in billboard regulations and municipal tax liens made for a busy session.

The session started with a number of proposed bills that could have had significant negative impact on municipal

interests. Through persistent work by the Municipal Association's staff, board and membership and with the help of several supportive legislators, many of the swipes at Home Rule were tempered, and provisions in several of these potentially negative bills were eliminated by the end of the session.

"We had our work cut out for us this year before the General Assembly even came back to Columbia," said Howard Duvall, executive director of the Municipal Association.

The property tax debate began before the legislature convened in January, with House and Senate committees starting the process with widely divergent priorities that put local government revenues at risk. The original language of a pro-

posed cable franchise bill held significant negative consequences for cities' and towns' ability to control their rights of way and ensure the quality of local cable service. Last year's *Kelo* case in Connecticut prompted legislation that would limit the use of eminent domain by municipal government. And legislation restricting the control over billboards in municipalities was one vote from being passed by the Legislature.

By the end of the session, however, municipal interests could claim several positive outcomes in these legislative battles. Highlights of the Municipal Association's top issues are outlined in this article. More detailed information is available on the Association's Web site at [www.masc.sc](http://www.masc.sc).

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## Blog your way to MASC's Annual Meeting

**W**ith 73 percent of adults online and 42 percent using broadband, it's little surprise that the Web continues to grow and innovate. The Web has always been a great way to find information, but it's usually been a one-way flow of information. Today this is changing.

Web users are posting content on their own Web sites and blogs. Short for "Web log," blogs are often used as online journals, but some include photographs and audio files (sometimes called podcasts). Blogs are a type of Web page that are easy, usually free and facilitate conversation.

In June, the Municipal Association launched its first blog to extend the learning opportunities of the 2006 Annual Meeting. Achievement Award winners and meeting speakers are already blogging away on the site.

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## Legislative session continued from cover

### Property tax reform

Two property tax reform bills passed the General Assembly this session. The first swaps property taxes for a 1 cent sales tax effective June 1, 2007. The revenue collected from this new sales tax will be used to replace property taxes on owner-occupied homes for school operations. Any surplus revenues can be used to replace property taxes on owner-occupied homes for county operations.

Several versions of the property tax reform legislation included municipal governments in the tax swap, so the good news was municipalities were not included in the final tax swap compromise. Sen. Wes Hayes, chair of the Senate subcommittee, was a strong advocate of Home Rule and fought against major negative impacts on local government.

The second property tax bill calls for a constitutional amendment to cap increases in property values in reassessment years. The constitutional amendment will be on the ballot for the November 2006 election. The cap on the natural increase in property values, coupled with a restriction on the ability of local governments to raise the millage rate to compensate for the decrease in assessed value, will create new pressures of finding other revenue sources to fund municipal services required by local citizens.

If the constitutional amendment passes in November, there will be a new property tax reassessment method limiting property value increases in reassessment years to 15 percent, unless the property has been sold or transferred or any major improvement has been made to the property. If this occurs, the property values will be increased to the appraised value.

### Local accommodations and hospitality taxes

A major victory for municipal governments came when the governor signed a bill allowing municipalities and counties to use 20 percent of the local accommodations and hospitality tax revenues for operations and maintenance of the tourism facilities and activities initially constructed with funds from this tax source. Special thanks to Sen. Hugh Leatherman and Rep. Converse Chellis for their efforts in sponsoring and working to get this legislation passed.

Previously, only municipalities in counties collecting more than \$900,000 in state accommodations tax funds were allowed to use any of the local accommodations and local hospitality taxes for operations and maintenance of these tourism facilities.

### Cable franchises

A bill to change the process for issuing cable franchises was introduced early in the session and contained language significantly limiting local governments' authority to manage and control rights of ways by moving to a statewide cable franchise process.

The Municipal Association had serious concerns about the language in the initial bills. Municipal franchise fees could have potentially been reduced, and municipalities could have lost the constitutional right to grant approval of the use of its public rights of way.

The final compromise bill signed by the governor on May 23 was the result of many hours of negotiations by representatives from the Municipal Association, telecommunications companies, cable service companies and consumer advocacy groups. The resulting compromise legislation is far better for local governments than the original language because it maintains the municipality's right to grant approval of

the use of the rights of way, expands the definition of gross revenues used in calculating the franchise fee and allows the municipality to increase the franchise fee to 5 percent.

Special thanks to Sen. Tommy Moore, chair of the Senate Judiciary Subcommittee, who helped broker the compromise legislation.

### Eminent domain/takings

Two pieces of legislation passed that deal with local governments' authority to use eminent domain to take private property. The first creates a study committee to review the condemnation authority exercised by any entity that possesses the power of eminent domain. The study will evaluate if the condemnation authority meets or exceeds the constitutional, statutory and case law requirements.

The second bill that passed is a joint resolution calling for a referendum to amend the South Carolina constitution to prohibit private property from being taken by eminent domain for any economic development purpose or benefit unless the condemnation is for public use. While the original language passed by the House included regulatory takings, this provision was removed before final adoption. However, regulatory takings will be included as one of the issues to be evaluated by the study committee.

### Other legislation

Other pieces of legislation enacted this year that were of interest to MASC dealt with retail facilities revitalization, electric and gas utilities' termination of service policies, an increase in the daily fee from \$25 to \$50 charged by the Department of Juvenile Justice for pre-trial detention of juveniles, and municipal tax liens.

*A full summary of the Municipal Association's legislative agenda is available at [www.masc.sc](http://www.masc.sc).*

## Blog continued from cover

Conversations on the Annual Meeting blog will encourage attendees to learn more about sessions and help speakers learn more about their audience. Similarly, everyone can learn more about the Achievement Award winners and share ideas on related efforts.

Steve Willis, Lancaster city manager, was the first Achievement Award winner to blog. He wrote about his experience with Communities In Schools, a success story that can be duplicated in other cities and towns. Coincidentally, the first comment on an Achievement Award was by Peter Bine, administrator for the Town of Surfside Beach, concerning Communities In Schools. He discussed his favorable impression of the program in North Carolina.

"We hope others interested in best practices from their peers in other cities around the state will find these online conversations useful as they consider

### Additional Web resources from the Annual Meeting

After the Annual Meeting, visit the MASC Web site for photos, copies of speakers' handouts and streaming video of many of the speakers. Information on all the Achievement Award winners and the video presentation will also be available. Links to newly announced plans for the Vision SC initiative will be posted following the Annual Meeting, too.

similar options in their own communities," said Mary Brantner, who is managing the blog site for the Municipal Association.

Annual Meeting speakers and breakout session leaders are also blogging on the site. Hugh Munn, speaker for the "Communicating in a Crisis" session, posted a long entry providing blog

visitors an excellent flavor of the session's offerings. Those unable to attend the Annual Meeting can also learn about this important topic by reading Munn's posts and asking questions.

As in prior years, MASC's technology partner, VC3, is conducting technology demonstrations during the Annual Meeting. A pre-meeting exchange between meeting registrants and technology consultants will result in quick answers to posted questions and improve the quality of presentations during the meeting.

Participating in the Annual Meeting blog is easy. Open a Web browser, go to [www.masc2006summermeeting.com](http://www.masc2006summermeeting.com) and click on "How To" in the top navigation bar.

Following the Annual Meeting, the conversations will continue, with additional questions posed and answered on the blog.

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## Preventing discrimination: Equal employment opportunity

**N**egotiating the minefields of equal employment opportunity laws and regulations is a difficult task made even more challenging by internal policies that are not always consistently followed throughout the organization.

The South Carolina Human Affairs Commission is the state agency charged with preventing discrimination in employment. The agency receives, investigates and resolves complaints of employment discrimination.

Herb Lanford, director of the Commission's public sector investigations division, investigates claims of employment discrimination and gave

some pointers on avoiding legal action during a presentation at a recent meeting of the Municipal Attorneys Association.

Lanford said that numerous equal employment opportunity laws and regulations protect employees and prohibit discrimination based on membership in any of the protected classes: race, gender, religion, age, color, national origin and disability. Unlawful discrimination makes a distinction in treatment by showing partiality in favor of or prejudice against an individual because of class membership.

During state fiscal year 2004-2005, 2,300 new complaints of employment

discrimination were filed with the Commission, an increase of almost 700 complaints over the previous fiscal year. With the number of complaints on the rise, Lanford said it is important for employers to make sure they have sufficient policies and procedures in place and to follow them.

The number-one complaint Lanford said he sees involves an employer having a written policy that is followed in one department, but overlooked in another. When a complaint is filed with the Commission, he immediately asks, "Who else did the same thing, and how were they disciplined or treated?"

**DISCRIMINATION** continued on page 5

## Municipal Association launches disaster recovery program

Thomas Buckhannon, Isle of Palms police chief, has watched with understanding and empathy as the Gulf Coast struggles with the devastation caused by Hurricane Katrina. He remembers all too well when South Carolina's coast was ripped apart by Hurricane Hugo in 1989.

"When we have these disasters, it literally wipes out everything you have," Buckhannon said.

When a hurricane or other natural disaster strikes, a city can become disabled. Power and phone lines are often taken out. Computers and records could be damaged or destroyed. If this happens, a city often cannot perform its normal functions for its constituents — collecting taxes, granting building licenses or permits, and writing checks.

Isle of Palms is taking steps to prevent this. The city will be the first in South Carolina to implement a new disaster recovery program offered through the Municipal Association of South Carolina.

This program allows cities to save and use computer data at a disaster recovery site, said Howard Duvall, Municipal Association executive director.

The Municipal Association has been working for the past few years with the North Carolina League of Municipalities to develop a disaster recovery plan, Duvall added. Working with the Association's technology partner, VC3, the agencies in South and North Carolina have developed and tested their own disaster recovery plan. This plan is now available to cities.

Isle of Palms is in the process of implementing the program and hopes to be up and running by the active part of the hurricane season in August or September, said Linda Tucker, city manager/administrator.

The program would allow cities to access their critical computer data and files in a matter of hours, rather than in the days it currently takes following a natural disaster.

"It's a lesson learned when other local governments found themselves unable to render services quickly for constituents," Tucker added. "We've all become so dependent on the use of technology. This is one way we could be independent and up and running."

The approach is to capture full images of all production systems on a monthly basis. Nightly, data that has changed in the last 24 hours will be captured so the most current information is available in the event of a disaster. This approach ensures that applications and data are up and running at a remote location within 24 hours of a disaster, said Sandy Reeser of VC3. A client has remote access to the disaster recovery site and can access it from any computer on the Internet.

"This offers us the ability to still function," Tucker said. "Even though we might be in a different physical location, we still can function."

The sooner communications are restored after a disaster, the sooner the city can become self-sufficient, said Michael Sottile, Isle of Palms mayor.

"It's important because it will help us get the needed services back to constituents," Sottile added.

Even the ability to allow residents to return home after a hurricane requires technology, Tucker said. The city generates hurricane re-entry stickers through a computer program, she added.

Although most cities already back up their computer data, this system allows this data to be stored — permanently and safely — and easily accessed from any remote location, Duvall said.

"Once we get this operational with cities, we expect this to be a new and exciting program of the Municipal Association," Duvall added.

Tucker and Sottile hope Isle of Palms can serve as an example of successful disaster recovery for other cities.

"It's an honor for Isle of Palms to be the first city in this program," Sottile said. "We hope we can set an example for how this should be done."

It's important all cities have a plan for recovering data in an emergency, said Miriam Hair, Municipal Association deputy executive director. City officials should also establish a business continuity plan in case of emergencies, asking themselves whom their critical employees are and where they will report in a crisis, she added.

"We can't just sit back and wait for another Katrina to hit," she said.

*For more information about disaster recovery for your city, contact Miriam Hair, deputy executive director for the Municipal Association, at 803.933.1204 or mhair@masc.sc.*

# We asked, you talked, we listened

By Reba Campbell, Director of Communications for the Municipal Association

This spring, the Municipal Association of South Carolina surveyed readers of the monthly *Uptown* newsletter to find out what you like and think we could do better. We were excited by the number of responses we received and the insightful comments submitted by our readers. Overall, readers gave *Uptown* high marks, with 98 percent of respondents rating the publication “good” to “excellent.”

*Uptown* is targeted to a general readership of the “municipal family,” so we’ve always tried to include stories that are free of jargon and would appeal to a cross section of elected officials and municipal staff. The survey gave us positive feedback that readers do prefer stories that are not necessarily directly related to their areas of responsibility, but are useful to their general understanding of municipal issues.

Overall, readers found *Uptown* easy to understand, clearly written, current and up to date. The primary suggestion regarding format was to add more graphics and color.

## Highlights of survey results

Top three issues readers like to see covered:

- Legislative
- Finance/taxes
- Calendar/news briefs

Online responses: 80 percent

Paper responses: 20 percent

84 percent of respondents read every issue of *Uptown*.

The whole idea behind a readership survey is not only to learn what readers like, but also to learn what we can do better. The MASC Communications Department staff is looking at how we can make *Uptown* more reader friendly and useful to our members. This survey gave us some great direction on what you want.

While readers were happy with the current format of *Uptown*, a large number said they would like to see an online version with more detailed content than the

print version. We do recognize many members still want a print version, but this response tells us to consider adding more detailed content to an online version of the publication.

Starting this month, we are launching a pilot project with some additional online content. Each month, members subscribing to our affiliate listserves will receive an e-mail the day *Uptown* is mailed with a link to the *Uptown* PDF file, in addition to links that add depth to some of the stories covered. By the end of the year, we will evaluate if there is a real interest in this more detailed content and make some decisions on how to best integrate increased online content into *Uptown*.

So we asked, you talked, and we listened. Please continue to give us feedback. We want new story ideas, good resources we can share with others and general feedback on how we are doing in communicating with you.

*Send your ideas, thoughts and comments to Reba Campbell at rcampbell@masc.sc or 803.933.1245.*

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## Discrimination continued from page 3

The key to avoiding this common mistake is to ensure your municipality has “well-trained first-line supervisors with the proper understanding and application of policies. Most problems that arise could have been addressed by a front-line supervisor,” Lanford added. “Consistent application of set policies and procedures is the key to avoiding

employment discrimination claims. In addition to the lack of training, poor communication skills also lead to discrimination claims.”

Lanford recommended that employers have a system in place so employees can address their concerns and know their concerns are taken seriously. “If employees know these allegations are

considered objectively, many claims could be avoided,” he added. Employers must also prepare, maintain and keep records and avoid relying on memory.

*The SC Human Affairs Commission routinely conducts training for employers. For seminar information, contact the Commission at 803.737.7800.*

# South Carolina Community Development Association develops new goals

The South Carolina Community Development Association (SCCDA) is making changes to support its new goals of expanding and broadening its perspective on community development.

In May, the association voted to revise its bylaws during its annual business meeting held in Myrtle Beach.

The need is great for partnerships and cooperation among agencies working toward economic and community development, said Carol Mason McMeekin, SCCDA president.

The mission of SCCDA continues to be building vibrant and sustainable South Carolina communities through development, partnerships and education, McMeekin added. The new goals have been reshaped to better accomplish this mission.

The goals are to promote community and economic development in South Carolina; provide a forum to share information regarding opportunities, activities, needs and problems between association members and other groups; promote cooperation and coordination between members and other organizations or agencies involved in community and economic development; and sponsor and encourage educational and informational activities designed to enhance members' professional performance.

McMeekin said SCCDA wants to reach out and include any group involved in community development. The association's current membership includes municipal, county, regional and state community development professionals; employees of private companies and nonprofits with an interest in community development; elected officials and volunteers.

SCCDA aims to broaden its membership to include other development professionals such as planners and consultants, engineers and architects.

"We could build better projects, combine funds and offer education. We know there's a huge need for partnership," McMeekin said. "Hopefully, we can provide cooperation among all these agencies."

Although planners and other agencies have their own associations, SCCDA hopes to reach out to these groups and work together to meet the same goals, McMeekin added.

"The Municipal Association of South Carolina thoroughly supports the new mission of SCCDA and its progressive thinking in embracing other community and economic development groups in the state to try to build consensus on the issues," said Beppie LeGrand, manager of MASC's Main Street South Carolina program and staff liaison to SCCDA.

The association began to explore the possibility of expanding its membership partly because some nonprofits approached SCCDA to see how they could work together to combine funds, McMeekin said.

Developing a strong community involves more than building houses or setting up water or sewer lines, she added. Communities need things to help residents, such as senior citizens' centers or workforce education.

The new bylaws will allow SCCDA to build partnerships among like-minded parties.

"I'm hoping SCCDA can be out front in helping pave the way for all this to come together," McMeekin said.

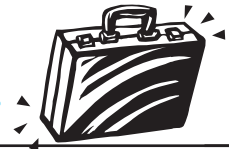
Through the new partnerships, SCCDA hopes to offer additional educational opportunities for its members.

The association has long provided a forum for learning about the community development process through workshops and seminars.

The association also has plans to market itself around South Carolina and develop a new Web site.

*For more information about SCCDA, contact Beppie LeGrand, Main Street South Carolina manager, at 803.933.1231 or [blegrand@mac.sc](mailto:blegrand@mac.sc).*

## News Briefs



■ In April, South Carolina Local Government Assurance Group members elected their 2007 board of directors: Chairman — Belinda Harper of Seneca, Vice Chairman — David Hudspeth of Fort Mill, Members-at-Large — Sharon Boyles of Ridgeland, Lois Canady of Mount Pleasant Waterworks, Myron Corley of West Columbia, Trey Eubanks of York, Sam Leaman of Upper Savannah Council of Governments, John Smithson of North Myrtle Beach and John Yow of Orangeburg.

■ In May, South Carolina Community Development Association members elected their 2006-2007 board of directors: President — Carol Mason McMeekin of Catawba Council of Governments, Vice President — Howard Garland of Darlington, Secretary/Treasurer — Shannon Munoz of Pee Dee Council of Governments, Members-at-Large — Darryl Bullock of Berkeley/Charleston/Dorchester Council of Governments, Dale Culbreath of the SC Department of Commerce, Diana Gracely of Travelers Rest, Valeria Jackson of Columbia, Joy Locke of Main Street Beaufort USA and Barbara Mickens of Fairfield County.

# Business licensing training program graduates twenty-two

**T**wenty-two business licensing professionals graduated from the SC Business Licensing Officials Association (BLOA) training program in May. The three-year program is designed to improve the professional and administrative skills of participating licensing

officials through a series of educational sessions.

Completing the program is one of the requirements for receiving the Accreditation in Business Licensing (ABL) designation. Successful candidates must also pass a comprehensive examination.

BLOA, an affiliate of the Municipal Association of South Carolina, helps members remedy the problems associated with administering and enforcing the local business and professional license tax. BLOA addresses these issues through its training sessions, listserve and newsletter.



The spring 2006 BLOA graduates are, in alphabetical order: Sandra Barrs of North Augusta, Debra Bivens of Georgetown, Betsy Boulware of Winnsboro, Josephine Ferguson of Walterboro, Derrell Blake Foster of Belton, Patricia Fowler of Williston, Sharron Gleaton of Columbia, Amyee Hammonds of Pendleton, Timothy Harper of Marion, Deborah Hawkins of Newberry, Laverne Haynes of Orangeburg, Lisa Holden of Anderson, Ginger Johnson of North Augusta, Jean Jones of Springdale, Barbara McCall of Union, April Mouzon of Lake City, Carole Murriello-Hines of Hilton Head Island, Sherri Tiedemann of Columbia, Kim Vargo of Barnwell, Kathy West of Lancaster, Jim Wharton of North Myrtle Beach and Kathy Wilson of Abbeville. (Note: Not all graduates listed appear in photo.)



## Classifieds

■ The City of North Augusta is accepting applications for the position of public works engineer. Send an application to Tom Zeaser, Director of Engineering/Sanitation Services, PO Box 6400, North Augusta, SC 29861. For more information and an application, visit [www.northaugusta.net](http://www.northaugusta.net).

■ The City of Hartsville is accepting applications for the position of police officer. Send applications to HR Office, City Hall, Second Floor, 133 W. Carolina Avenue, Hartsville, SC 29550. For more information and an application, visit [www.hartsvillesc.com](http://www.hartsvillesc.com).

■ The City of Mauldin is accepting applications for the position of chief of police. Submit cover letter, resumé, salary history and professional references to Russell G. Treadway, City Administrator, City of Mauldin, PO Box 249, Mauldin, SC 29662-0249. For more information, visit [www.mauldin-sc.gov](http://www.mauldin-sc.gov).

*For the most up-to-date job listings, visit [www.masc.sc](http://www.masc.sc).*



## Educational Opportunities

### Municipal Association of South Carolina

■ **July 27-30**, will hold its Annual Meeting at the Marriott Beach and Golf Resort in Hilton Head Island. (See related article on page 1.)

### Setoff Debt Collection Program

■ **August 8**, will hold a mandatory training session for new program participants at MASC's office at 1411 Gervais Street in Columbia from 9 a.m. to 1 p.m. This session will explain all aspects of the program and train new employees on using the application.

### Setoff Debt Collection Program

■ **August 9**, will hold a mandatory refresher training session for all current program participants from 9 a.m. to noon at the Columbia Radisson, formerly the Sheraton Hotel and Conference Center.

### Setoff Debt Collection Program

■ **August 15**, will hold a mandatory programmer's training session for any programmer representing new participants to the program at MASC's office at 1411 Gervais Street in Columbia from 9 a.m. to 11:30 a.m.

### Municipal Court Administration Association

■ **August 24**, will hold its first meeting and training session at the Embassy Suites in Columbia.

### SC Association of Stormwater Managers

■ **September 8**, will hold its third quarter meeting at the SC Hospital Association in Columbia.

### Municipal Elected Officials Institute of Government

■ **September 14**, will present "Forms of Municipal Government" and "Benefits and Pitfalls of Economic Development." The session will be broadcast via satellite to the 10 regional councils of government.

### SC Municipal Finance Officers, Clerks and Treasurers Association

■ **October 24-27**, will hold its Annual Meeting at the Hilton Hotel in Hilton Head Island.

### SC Business Licensing Officials Association

■ **October 24-27**, will hold its Annual Meeting at the Hilton Hotel in Hilton Head Island.

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](http://www.masc.sc).



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