

# UPTOWN

## Municipal government loses great advocate

By Howard E. Duvall, Jr.

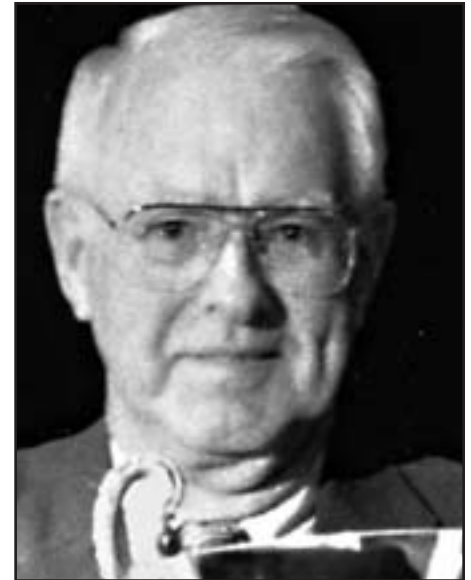
**M**unicipal government lost a great advocate with the death of J. McDonald (Don) Wray on June 1, 2005. Don served as executive director of the Municipal Association from 1974 to 1992. Under his leadership, MASC developed a firm foundation which has benefited all cities and towns in South Carolina.

He guided MASC and municipal governments through a period of immense change. Under his direction, the Association successfully lobbied for the passage of home rule legislation, improved annexation laws, accommodations tax, tax increment financing law, comprehensive planning legislation and the local option sales tax.

During his tenure, MASC expanded its mission beyond legislative advocacy. Don led the effort to start the Municipal Elected Officials Institute of Government, three self-funded insurance programs, collection programs on behalf of municipalities and six affiliate associations which provide training to municipal employees.

Don's forty-two year career was entirely devoted to public service spanning all levels of government - federal, state and local.

He served two years as the alternate federal co-chairman of the Coastal Plains Regional Commission and as special assistant to the federal co-chairman of the Commission. Established **GREAT ADVOCATE** continued on page 5



J. McDonald Wray  
1925 - 2005

### Pre-conference sessions offer additional learning opportunities

**M**ASC will offer two pre-conference workshops this year during its 65th Annual Meeting, July 28-31 at the Marriott Beach and Golf Resort in Hilton Head Island. Pre-conference workshops are open to all municipal elected officials and anyone working in municipal government. As an additional benefit, you will receive credit for the National League of Cities' Leadership Training Institute

when you attend a pre-conference workshop.

The National League of Cities' Leadership Training Institute (LTI) promotes excellence in municipal leadership through high-quality education and training seminars for local elected officials. Through the Institute, local leaders learn practical leadership skills, abilities and strategies to lead change

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and innovation in their cities and towns. There are four certification levels offered by the Institute. The first level is a Bronze Certification. Sixteen credits are required, and it usually takes a participant one year to achieve this level. The highest graduate level is the Platinum Certification. Sixty-seven credits and leadership participation on a national level are required to graduate with this distinction. To learn more about enrolling in the Institute, visit the NLC Web site at [www.nlc.org](http://www.nlc.org) or call the NLC's Leadership Training Institute at 202.626.3170.

MASC offers pre-conference workshops as an additional learning opportunity. They are not part of the Annual Meeting, so a separate fee of \$50 is required. You may only attend the workshop for which you are registered.

The two pre-conference workshops offered this year are "Communicating the Value and Vision of Cities" and "Beware of the Good Times."

### Communicating the Value and Vision of Cities

Great cities and towns have effective leaders. They are leaders who envision the possibilities and give hope to others that the city's and the state's future will be bright. Effective leaders also cultivate positive partnerships and develop resources for quality results.

By exercising effective leadership in every activity, these elected officials create a great city or town.

Municipal elected officials can prove they are powerful, effective leaders by using the FRSR Test: Future, Relationships, Simple and Results.

### Future

Effective leaders focus on creating the future. They define what they want the city to become by outlining a value-based description of the city's future — a vision.

They believe and give hope to others that the city's future will be bright if the vision is followed. They invite others to help make the vision a reality.

### Relationships

Effective leaders cultivate positive relationships that are based upon mutual trust and shared power.

The relationship begins with getting to know and understand one another's motives and desires. It is listening to one another, caring about one another and understanding one another.

These relationships are not based upon one party wanting something from the other party. It is the power of a friendship, in which a friend does "A" when they would prefer to do "B." Why? Because a friend is asking for help.

### Simple

Effective leaders keep it simple. They keep the vision and goals simple so others can understand and appreciate them.

They keep communications simple, which adds value to the final outcome.

"Simple" means keeping the concept easy to understand so people can relate to it and its value in their daily lives.

### Results

Effective leaders produce results by making things happen. They establish an annual work program with doable tasks and defined responsibilities. They define performance standards, demand progress reports and hold others accountable for bottom-line outcomes.

Plans and resources are adjusted to produce quality results. When the city delivers on a commitment, the community has growing confidence about the next project or task.

Being effective is a leader's ability to influence others, to create a shared vision with common goals, to make

critical decisions that will be supported and implemented by others and to produce results that enhance the community's and the individual's life.

Lyle Sumek is president of Lyle Sumek Associates Inc. He focuses his teaching on municipal management, local government politics, strategic goal setting and organizational behavior and development. Sumek will lead this pre-conference workshop Thursday, July 28 during MASC's 65th Annual Meeting.

### Beware of the Good Times

How can you ever forget? You were only in office for a few months before you were confronted with a ghastly budget deficit. The proposed budget showed a 10 percent gap existed between proposed expenditures and available revenues. Your first reaction was, "Why me? I ran for office to do good things for my community, not dismantle needed municipal services."

After reality sank in, you faced the task head-on. You and your colleagues took a combination of actions that eventually brought the budget into balance.

It wasn't easy, and you took a lot of heat from your constituents.

You learned that cutting budgets is much more demanding and heart wrenching than increasing them. You also decided to never go through it again.

Fortunately, the budget outlook this year is much better. The recession appears to be over, and revenues are sufficient to cover expected expenditures. In fact, a modest surplus is projected.

But beware — it is precisely during anticipated good times that cities are most vulnerable to setting themselves up for future excruciating cutbacks. Financial deficits that lead to devastating cutbacks do not develop overnight and most often have roots in decisions made during previous good times.

The full fiscal impact of many local

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government decisions may not be felt until a year or more later.

For example, an aggressive capital improvements program will not show its full fiscal impact until debt service payments are due and operating expenses are required to maintain the new improvements and facilities. Or if a city grants generous wage and benefit increases, the full-cost impact may not be felt until several years later. Or it may be a combination of decisions that establishes the groundwork for severe fiscal problems.

Once the groundwork is in place, it only takes a recession (local, regional or national) to put a municipality in the danger zone. So how do you avoid being forced to make cutbacks? Obviously, a large, vigorous tax base provides insulation against this problem. But most municipalities do not have this luxury and must face the fact that its financial condition will fluctuate.

Municipalities have good, neutral and tough years. While you may not be able to avoid the tough years, you can take steps to minimize their impact.

### Financial steps for cities

**1** Have a long-range financial operating plan. Most local government

operating budgets only cover a one-year period. Deferred problems and costs may be lurking in the future. A long-range financial plan will identify problems on the horizon.

**2** Determine the full cost of all wage and benefit packages. What are the total, ongoing operating costs of this package? Get this question on the record: "What is the full cost of this package, and can we afford it?"

**3** Request an operating budget for every major capital improvement. Too often, cities will build a structure and not anticipate the staffing, operating and maintenance costs.

**4** Require a proforma for grants that require the hiring of new personnel. A plan for paying the full cost for the new personnel should be developed before committing to the grant.

**5** Link issues. Look for links between budget proposals. If the parks division decides to prune trees along a highway, this will have an impact on the street maintenance division's workload. Street maintenance must remove concrete or asphalt and replace it after the tree roots are cut.

Or, if more police patrol officers are hired, more civilian staff is needed to provide administrative and clerical support.

**6** Insist upon a structurally balanced budget. A balanced budget can be achieved by using on-time money.

Most municipalities do not have the resources to deflect the blows delivered by intruding forces — natural disasters, federal and state mandates, state take-aways, economic downturns and recessions, community shifts and internal problems.

These forces are going to exert themselves. A well-led and well-managed city will anticipate these problems and aggressively address them in their infancy. They know that the sooner a potential deficit is dealt with, the less pain.

Len Wood is president of the Training Shoppe, a local government training and publishing firm. He has written six books about local government that may be viewed at [www.trainingshoppe.com](http://www.trainingshoppe.com). Wood will lead this pre-conference workshop Thursday, July 28.

*For more information about the Annual Meeting, call MASC's Conference Manager Ken Ivey at 803.933.1205, or visit the MASC Web site at [www.masc.sc](http://www.masc.sc).*

## SCLGAG offers wellness grants

**T**he SC Local Government Assurance Group will provide wellness grants to member municipalities for the startup or enhancement of a long-term worksite wellness program. Cities will be awarded \$20 per employee, with a maximum amount of \$2,000 and a minimum amount of \$100.

Wellness program applications will be given preference in the review process if they include the status of the program to date, an effective plan

for allocating the budget proposed and the proposed long-term strategy to make the program self-sustaining.

### Cities are required to:

- Establish an in-house wellness committee;
- Engage in an annual employee health screening with Health Risk Appraisal (HRA);
- Promote fitness activities;

- Provide four health and wellness educational sessions (lunch and learns) per year.

*For more information about the wellness grants or the Healthy Endeavors For Life Program (HELP) offered by SCLGAG, visit the Welcome Center at MASC's 2005 Annual Meeting in Hilton Head Island, July 28-31, or contact Anne Shissias at 803.933.1272 or [ashissias@masc.sc](mailto:ashissias@masc.sc).*

*SCLGAG is a self-funded health benefits program offered by MASC for municipal employees.*

# Stop - Look - Research before signing a cable transfer request

The cable industry is no stranger to mergers and acquisitions. Adelphia, a small cable provider serving rural cities and towns in two states, was purchased in May. Time Warner purchased Adelphia in South Carolina, while Comcast secured its assets in Georgia. While this activity is business as usual for cable providers, it's not for the municipalities and citizens they serve.

The Town of Santee's cable service has been transferred three times this year. Each transfer of service arrived without warning, complete with FCC forms to sign and immediate deadlines to meet. "I'm just glad I didn't sign the paperwork to transfer the service over to another company," said Donnie Hillard, Santee's town administrator. "If I had signed the paperwork immediately, I would have thrown away the opportunity to negotiate better cable services."

Under federal law, a franchising authority, like the Town of Santee, has 120 days from the date it receives a transfer notice to deny or approve the transfer. The notice is a Federal Communications Commission (FCC) Form 394 that requests transfer of the cable television franchise and system in its community. The form includes numerous attachments that provide information regarding the new cable company's legal, technical and financial qualifications.

The municipality must notify the cable operator within 30 days of the filing of FCC Form 394 if it questions the accuracy of the form. If the municipality fails to act upon the transfer request within 120 days, the request is granted unless the municipality and the requesting party otherwise agree to an extension of time.

## Conditions for transfer

**Approval** — Before a municipality approves a transfer request, careful consideration of the transfer resolution should be made. Be particularly careful when using a form resolution submitted as part of FCC Form 394. Cable operators may often include provisions within such a resolution that may result in a waiver of existing franchise violations, resulting in a "clean slate" for the proposed cable provider.

In other words, if a transfer resolution is executed with language indicating that the proposed cable provider assumes the franchise free and clear, the municipality may be prevented from pursuing the collection of past due franchise fees.

**Denial of Transfer** — A municipality may deny a transfer request based on a variety of reasons:

1. The proposed cable provider may lack the necessary legal, technical or financial qualifications;
2. The proposed cable provider may not agree to comply with valid franchise obligations; or
3. The proposed cable provider may eliminate or reduce competition in the community in violation of 47 U.S.C. § 533.

The rules governing a transfer review are found in federal law at 47 U.S.C. § 537 and FCC regulations at 47 C.F.R. § 76.502. Also, municipalities must carefully consider applicable state law and relevant provisions of the local franchise. Particular attention should be paid to the local govern-

ment's existing franchise, as it may contain additional transfer obligations and deadlines.

A review of Santee's existing cable franchise revealed the cable provider leased town property to house its cable equipment for \$1.00 a year. "If the Town of Santee had signed the transfer form, it would have given up the right to negotiate a better lease agreement," explained Greg Fender, primary consultant of MASC's Cable Franchise Advisory Program. "Instead, we were able to negotiate with the new cable provider during the transfer and increase the amount of the property lease considerably."

When reviewing a proposed transfer, municipalities should document the ownership structure of the proposed cable provider. Is the proposed operator a corporation or partnership? Who are the principals? Inquiries should be made into the following:

1. Current cable franchises;
2. Criminal or civil proceedings involving the proposed cable provider;
3. Revocations, suspensions, non-renewals of any business license of the transferee;
4. Other cable systems sold by the proposed cable provider or any pending cable franchise applications;
5. Cable franchise violations.

With respect to the technical qualifications of the proposed cable operator, it is essential to identify any changes it may seek in the operation of the cable system or the franchise document. Inquiries should be made into the following:

1. Changes to the system. Is the proposed cable provider changing the system including, but not limited to programming, equipment, institutional

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## Great advocate continued from cover

under Title V of the Public Works and Economic Development Act, this Commission provides for a federal-state partnership to foster economic development in the coastal counties of North Carolina, South Carolina and Georgia.

On the state level, Don served as administrator of the governmental field services division of the Institute of Government at the University of Georgia. He also represented the governors of North Carolina, South Carolina and Georgia in the areas of policy interpretation and regional programming as the states' regional representative at the Coastal Plains Regional Commission.

The majority of his career, thirty-five years, was devoted to local government. He served as assistant county manager for Charleston County, SC and as city manager for Beaufort, SC and Waycross, Georgia. While serving as executive director for the Oconee Area Planning and Development Commission, he directed an 11-member staff in formulating an

economic development program for seven middle-Georgia counties.

Don was a strong force behind the formation of the Southern Municipal Conference (SMC) for which he served

**"...the work of this Association, my contact with our municipal officials and the Association staff have been the biggest part of my life. It has been a beautiful and meaningful experience for me."**

as executive secretary. Comprised of the municipal leagues from twelve Southern states, SMC provides a forum for the exchange of information and supports an open exchange of ideas on public policies and political issues affecting the Southeast.

He was honored for his contributions when he was awarded the

Municipal Association's Allison B. Farlow Award in 1990 for his significant contributions to the advancement of municipal government in South Carolina and was named Public Administrator of the Year in 1992 by the state chapter of the American Society of Public Administrators.

In his final Executive Director's Report in 1992, Don wrote "For the past nineteen years, the work of this Association, my contact with our municipal officials and the Association staff have been the biggest part of my life. It has been a beautiful and meaningful experience for me. I want to thank all municipal officials for the opportunity to have been of service to local government in South Carolina. The memory of this service will sustain me for many future years."

It is the legacy of Don's service that will sustain SC local governments for many future years.

*Memorials may be sent to Shandon Presbyterian Church, 607 Woodrow Street, Columbia, SC 29205.*

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network services, customer service, reporting, etc.?

2. Changes in the operation of the system. Is the proposed cable provider changing the operation of the system, including, but not limited to billing practices, personnel, technical oversight, call center consolidation, etc.?

3. Changes to the franchise. Is the proposed cable provider requesting any changes to the franchise document? In other words, will the company seek relief from any obligations that may require capital contributions or other burdensome requirements contained within the franchise?

A review of the financial qualifications of the proposed cable provider is a critical element in the transfer review

process. The financial capability of the company will directly affect the quality of service and its ability to live up to its commitments under the franchise. At a minimum, municipalities should receive the following information:

1. Copy of a letter of intent and/or purchase agreement;
2. Corporate or business information documents, such as articles of incorporation, partnership and limited partnership agreements, and management agreements;
3. Financing documents, such as a bank loan agreement or commitment letter;
4. Current and historical financial statements of the proposed cable provider.

"Knowing your rights and understanding how to evaluate a transfer request is very important," Hillard said. "I am pleased the town council took the time allowed by law to negotiate with the new company and ensure better cable service for its citizens."

*If your city is interested in participating in MASC's Cable Franchise Advisory Program, contact Michelle James at 803.933.1228 or Greg Fender at 770.279.5030. For more information on cable transfers, attend MASC's 65th Annual Meeting, July 28-31 at the Marriott Beach and Golf Resort in Hilton Head Island.*

# Take your best shot with the MASC photo contest

The Municipal Association of South Carolina needs your best photographs to help tell the positive municipal story.

Send MASC your best South Carolina city and town photographs depicting this year's Annual Meeting theme, "Celebrating Success ~ Envisioning Possibilities." MASC will accept only digital photographs, and the contest is open only to municipalities, not individuals. Winners will be announced during the Annual Meeting Awards Breakfast on Saturday, July 30. The first-place winner receives a digital camera and two free registrations to MASC's 2006 Annual Meeting. The second-place winner receives two free registrations to the Annual Meeting, and the third-place winner will receive one free registration to the Annual Meeting.

For more information, call Eric Meyer, manager for Municipal Advocacy, at 803.933.1256 or visit MASC's Web site at [www.masc.sc/photocontest.htm](http://www.masc.sc/photocontest.htm).

## Contest rules

- Entries are due July 1, 2005.
- Up to five photographs may be submitted.
- Photographs may only be submitted by a South Carolina municipality.
- Photographs must have been taken in a South Carolina municipality.
- Photographs must have been taken in the last two years.
- Photographs may not be substantially altered from the original photos.
- Photographs must be digital (jpeg, tif or psd) and high-quality (larger than 200K and at least 200 dpi).
- Submittal must include municipality's name, contact person's name, address, e-mail address, a daytime phone number and a brief description: Who's in the photo, what's going on and where, who shot it and when.
- Submittals must agree to "Terms of Use".
- Photographs must be submitted via e-mail to [emeyer@masc.sc](mailto:emeyer@masc.sc).
- A municipality can only win one prize.

## Terms of Use

*By submitting photographs, you are representing you are the owner of such photos, or are making your submission with the express consent of the owner. By submitting photos, you agree that the Municipal Association of South Carolina has full rights to reproduce, modify, adapt, publish, publicly perform and publicly distribute such photos, in any format or medium. You also agree that MASC may identify you as the owner of any photos you submit; such identification may include, but is not limited to your full name, as we see appropriate. MASC also reserves the right, but assumes no obligation to delete, move, modify or edit any photo considered unacceptable or inappropriate, whether for legal or other reasons.*

## News Briefs



■ The Municipal Association of South Carolina has been chosen to staff the Commission on Columbia City Government Reform and Restructuring. The City of Columbia established the commission to examine the City's current form of government and determine its effectiveness, responsiveness and accountability to its citizens. Columbia currently has a council/manager form of government.

■ Twenty-seven municipal linemen competed in the annual Pole Climbing and Hurtman Rescue Training Competition sponsored by the SC Association of Municipal Power Systems at Pine Island, April 20-21. Winners of the competition were Stan Robinson of Greenwood CPW and Ryan Hair of Bamberg BPW. Runners-up were Robert Green of Easley Combined Utility Systems and David Hope of Rock Hill.

# Achievement Awards program recognizes local government excellence

Each year, MASC honors outstanding local government projects in South Carolina. In 2004, 30 municipalities entered the Municipal Achievement Awards program. The seven winners (Wagener, Travelers Rest, Mullins, Greer, Meggett, Aiken and Sumter) were featured in previous issues of *Uptown*. Following is a description of other 2004 entries. MASC will feature the 2005 entries in the August issue.

## Simpsonville

Simpsonville City Council believed the community needed a gathering place that would commemorate the men and women who have served in the armed forces. Veterans Corner became a reality through the efforts of the City of Simpsonville with minimal expenditure of City funds and no corporate funding.

A council-appointed committee spearheaded the veterans' memorial project, which features a monument dedicated to veterans. Fund-raising efforts included seeking individual donations and selling engraved bricks for the monument's base; the bricks are engraved with veterans' names. The City's public works department contributed labor and equipment to prepare the site and install the monument. Clemson University students designed a wooden model of the monument, which was then used to cut the actual monument from Georgia marble. The monument sits on a prominent corner in the downtown and is the focal point for the City's Veterans Day and Memorial Day observances. The monument is surrounded by flagpoles that display a flag from each branch of the military, in addition to South Carolina, United States and POW/MIA flags. The Upstate South Carolina Association of Lawn and Landscapers landscaped the area surrounding the monument. Veterans Corner, with its marble sculpture of a waving American flag, is a source of pride and remembrance for the citizens of Simpsonville.

Contact: Russell Hawes, 864.967.9525

## Trenton

In 2003, Trenton tackled three projects that made considerable improvements to the town's quality of life without spending any Town funds. Using a Community Development Block Grant matched by funds from the local sewer authority, 15 houses received public sewer services. Department of Transportation "C" funds were used to install new sidewalks at numerous locations throughout Trenton and to pave a dirt road that has served a state housing apartment complex and numerous other residents since 1950.

Contact: Bernie Welborn, 803.275.2538

## York

In the fall of 2003, York City Council adopted a five-year capital improvement plan. The broad scope of the projects funded, the innovative revenue sources and the open public process resulted in a comprehensive plan for the City. The plan includes police department renovations; city hall expansion and improvements; renovations to the city gymnasium, including a new roof and new sports floor; a master plan for the downtown area; a new public works building; and enhancements to the gateways into the city. The projects, which total almost \$4 million, will be funded via general obligation debt, a hospitality tax, the county and an increase in revenues from a franchise fee.

The creative process associated with developing the plan was a major

factor in its success. York conducted a needs assessment, studied the City's comprehensive plan and reviewed a previously adopted re-development plan. Officials also opened up the process by advertising the plan and discussing it in open public meetings. The openness and availability of the work in progress resulted in communitywide support for the plan.

Contact: Trey Eubanks, 803.684.2341



## Classifieds

■ The City of Seneca is accepting applications for planner and building inspector. Submit resumé, cover letter and employment history to the City of Seneca, Planning & Development, PO Box 4773, 250 East North Second Street, Seneca, SC 29679. For more information, contact Ed Halbig at 864.885.2726 or [ehalbig@seneca.sc.us](mailto:ehalbig@seneca.sc.us), or visit [www.seneca.sc.us](http://www.seneca.sc.us).

■ The City of Wilmington, NC, is accepting applications for deputy chief of police. Submit cover letter, current resumé and application packet to Human Resources, 320 Chestnut Street, Wilmington, NC 28401 by Friday, June 17, 2005 at 5:00 p.m. For more information, call 910.341.7840 or visit [www.ci.wilmington.nc.us](http://www.ci.wilmington.nc.us).



## Educational Opportunities

### SC Municipal Personnel Association

■ **June 16**, will hold its Summer Meeting at Embassy Suites in Columbia. Topics include "Recruitment and Retention: Avoiding Hiring Pitfalls and Recordkeeping," "Retention Schedules" and "The Freedom of Information Act."

### Municipal Technology Association of SC

■ **June 23**, will hold its Summer Meeting at the Lexington Municipal Complex. Topics include "The Freedom of Information Act and Technology," "Disaster Recovery" and "Network Security."

### SC Association of Municipal Power Systems

■ **June 26-29**, will hold its Annual Meeting at the Marriott Beach and Golf Resort in Hilton Head Island.

### Municipal Association of SC

■ **July 28-31**, will hold its Annual Meeting at the Marriott Beach and Golf Resort in Hilton Head Island. See related article on page 1.

### SC Association of Stormwater Managers

■ **August 19**, will hold its third quarterly meeting at Seawell's in Columbia.

### Municipal Elected Officials Institute of Government

■ **September 8**, will present "The 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.

### Municipal Clerks and Treasurers Institute

■ **September 14-16**, will be held at the Clarion Town House Hotel in Columbia.

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

■ **October 11-13**, will hold its Annual Meeting at the Hilton Resort at Kingston Plantation in Myrtle Beach.

### SC Business License Officials Association

■ **October 12-14**, will hold its Annual Meeting at the Hilton Resort at Kingston Plantation in Myrtle Beach.

### SC Municipal Personnel Association

■ **November 16-18**, will hold its Annual Meeting at the Bay Watch 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](http://www.masc.sc).



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