National columnist to kick off Hometown Legislative Action Day

John Avlon, CNN contributor and senior political columnist for Newsweek and The Daily Beast, will provide the keynote address for the Hometown Legislative Action Day on February 13. He will discuss the recent national election and the call for bipartisan, “purple politics” for governing post-election.

“In the horse race coverage of political campaigns, we sometimes forget that elections are just exciting preambles to the main event – governing,” Avlon said.

“Now’s the time when the parties return to Washington and try to implement the people’s wishes as expressed in the election. And unlike 2008 and 2010, neither party is likely to misinterpret the results as an ideological mandate.”

Avalon observes that this is a good thing. But he notes it’s also a mistake to read the election results as simply an endorsement of the status quo.

“Despite the fact that Americans returned President Barack Obama to office while keeping Democrats in control of the Senate and Republicans in charge of the House, this was no seal of approval on the political division we’ve seen in Washington for four years. Instead, it was a decided endorsement for balanced bipartisan plans,” Avlon said.

An election night poll by the center-right Main Street Advocacy Fund found that 62 percent of voters said that Washington needs leaders with a “willingness to compromise to get things done.” This specifically extends to the “fiscal cliff” and “grand bargain” negotiations to deal with the deficit and debt. Sixty-nine percent of Republicans and 68 percent of Democrats chose balancing the budget over preventing tax increases as the bigger priority for the next Congress.

“The broad outlines of a balanced bipartisan plan are well-known — cut spending, change entitlements and raise revenue. That’s the ground defined by the Bowles-Simpson Commission, the Gang of Six and the Obama-Boehner grand bargain,” Avlon said.

In his keynote, Avlon will address the fact that we have urgent problems to confront in our country and the capacity to solve them.

“What’s been missing is the political courage to stand up to the extremes in our own parties and reach across the aisle,” he said. “That is specifically what voters want to see in our next Congress -- a spirit of constructive compromise and principled problem-solving that defines the common ground on any given issue and then builds on it.”

Information provided in this article originally published at CNN.com.
Every city has its own unique assets that allows it to gain competitive economic development advantages. Three mayors will discuss their cities' successes leveraging the city's unique assets during a session at the Municipal Association's Hometown Legislative Action Day on February 13 at the Marriott in Columbia.

Mayor Knox White of Greenville will share a behind-the-scenes look at the transformation the downtown area has experienced. The city has focused on developing a walkable, pedestrian-friendly downtown and creating a sense of place where people want to be.

White will discuss the importance of having a plan then executing the plan, being persistent in overcoming obstacles to carrying out the vision, paying attention to details and celebrating incremental victories.

White has steered Greenville to invest in infrastructure and public projects to leverage private investment. He acknowledges that public/private partnerships are essential elements for success.

Mayor Steve Benjamin of Columbia will talk about competing in a global information age. He will focus on the city's efforts to build a critical mass of excitement and economic activity that have the potential to fundamentally reshape the City of Columbia, but also the entire Midlands region.

“Competing in this new world and building a sustainable economy that both grows our tax base and provides high-paying jobs for our citizens requires a new commitment to building a broad coalition of stakeholders and uniting them behind a shared vision of growth,” explains Benjamin.

To do that, Columbia officials have focused their efforts on creating new public/private partnerships and developing a multi-pronged regional economic development strategy.

Travelers Rest Mayor Wayne McCall will share how his small town has used its favorable location near Greenville as an asset. He will focus on how Travelers Rest, Greenville and other partners developed and promote the Swamp Rabbit Trail, a 13.5-mile pedestrian and bike trail. The Trail has transformed an abandoned railroad right-of-way into a local attraction that promotes exercise along a scenic and relatively traffic-free route.

Additionally, McCall will share the ways his town capitalized on the Trail’s popularity with traffic calming and streetscape improvements to foster economic development, resulting in 21 new downtown businesses.
Playing catch-up with the Local Government Fund

Playing financial catch-up is difficult in the best of times, whether it is a personal budget, a municipal budget or the state budget. The South Carolina legislature begins its budgetary process this month, and legislators will have a financial catch-up issue facing them when they debate the Local Government Fund.

This is significant for cities and towns because the LGF has been one of the few stable sources of revenue for municipalities. For the past five budget years, however, the LGF has seen substantial reductions due to a shrinking state general fund and additional reductions imposed by the General Assembly. With each year that the LGF isn’t fully funded based on the statutory formula, the gap between the formula and the actual funding increases.

The legislature has not fully funded the LGF since 2008. Every year the LGF falls further and further behind full funding as required by state law. The debate begins in the House Ways and Means Committee this session with an $81 million hole in the LGF funding (see chart).

For the Fiscal Year 2014 budget, the legislature needs an additional $81 million to fund the Local Government Fund at the amount calculated by the statutory formula. The state calculates the LGF distribution based on 4.5 percent of the previous year’s state general fund revenues. The total amount needed for the next budget year is $263.6 million.

Because general fund revenues have stabilized, city leaders are seeking to have this revenue source restored to full funding based on the statutory formula so cities and towns can continue to provide the programs, services and amenities that residents demand and businesses seek when determining where to locate. This issue will be a top priority for cities and towns during the 2013 session.

Many of the taxes were collected locally, remitted to the state treasurer for processing then sent back to the local governments based on the calculation for each tax. Not only was each tax calculated differently, but the timing for collection and distribution also varied from annually to quarterly to monthly. The system was an administrative nightmare for both state and local officials.

In 1991, the General Assembly set out to simplify Aid to Subdivisions and proposed establishing a Local Government Fund. Legislators created the LGF to give local governments state shared funds that would grow annually at the same rate as the state general fund. Local governments would experience the same economic “booms” and “busts” that affected the state budget.

With this new Local Government Fund, the revenue from seven tax sources: banks, beer, wine, gasoline, motor transport, alcohol (mini bottle) and income taxes, was allocated directly to the state general fund. Instead of local governments receiving revenues directly from these seven tax sources, the state calculates the amount of revenue local governments receive based on 4.5 percent of the previous year’s state general fund base revenue. This percentage represents the amount of revenue local governments received from these seven taxes in 1990.

According to state law, legislators must set aside the revenue for the LGF before making other state budget commitments, guaranteeing a consistent revenue stream to municipalities and counties annually.

County governments receive 83.278 percent of the LGF, and municipal governments get 16.722 percent. This represented the percentage of Aid to Subdivisions distributed between county and municipal governments in 1990. Today, the distribution to individual cities and towns is based on the last official census figures.

To bar against midyear cuts to the LGF, the law requires the Budget and Control Board to approve such cuts by majority vote in a separate vote from state government cuts. No cut is permitted that would send less revenue back to the counties and municipalities than they received in the previous year. Finally, legislators can make changes to the Local Government Fund only by separate legislation dealing solely with the LGF.
Around the world, cities are seeking the recipe for economic success in a rapidly changing global marketplace. Indispensable assets in a post-industrial economy include well-educated people, the ability to generate new ideas and to turn those ideas into commercial realities, connectivity to global markets, and multi-modal transportation infrastructure.

Another critical – but often forgotten – asset is community distinctiveness. If I have learned anything from my career in urban planning, it is this: a community’s appeal drives economic prosperity. I have also learned that, while change is inevitable, the destruction of a community’s unique character and identity is not. Progress does not demand degraded surroundings. Communities can grow without destroying the things that people love.

In 2010, the Knight Foundation teamed up with Gallup pollsters to survey 43,000 people in 26 cities (where Knight-Ridder had newspapers). The so-called “Soul of the Community Survey” was designed to answer questions such as: What makes residents love where they live? What attracts people to a place and keeps them there?

The study found that the most important factors that create emotional bonds between people and their community were not jobs and the economy, but rather “physical beauty, opportunities for socializing and a city’s openness to all people.” The Knight Foundation also found that communities with the highest levels of attachment also had the highest rates of gross domestic product growth and the strongest economies.

Place is more than just a location on a map. A sense of place is a unique collection of qualities and characteristics – visual, cultural, social, and environmental – that provide meaning to a location.

Sense of place is what makes one city or town different from another, but sense of place is also what makes our physical surroundings worth caring about.

Author Wallace Stegner once said, “If you don’t know where you are, you don’t know who you are.” We all need points of reference and orientation. A community’s unique identity provides that orientation, while also adding economic and social value. To foster distinctiveness, cities must plan for built environments and settlement patterns that are both uplifting and memorable and that foster a sense of belonging and stewardship by residents.

Planners spend most of their time focusing on numbers – the number of units per acre, the number of cars per hour, the number of floors per building. In the future, they will need to spend more time thinking about the values, customs, characteristics and quirks that make a place worth caring about. Unfortunately, many communities are suffering the social and economic consequences of losing their distinctiveness.

When it comes to 21st century economic development, a key concept is community differentiation. If you can’t differentiate your community from any other, you have no competitive advantage. Capital is footloose in a global economy. Natural resources, highway access, locations along a river or rail line have all become less important.
Education, technology, connectivity and distinctiveness have all become more important. Joseph Cortright, a leading economic development authority and president and chief economist of Impresa, a consulting firm specializing in regional economic analysis, says that “the unique characteristics of place may be the only truly defensible source of competitive advantage for communities.” Likewise, Richard Florida, author of The Rise of the Creative Class says, “How people think of a place is less tangible, but more important than just about anything else.”

Unfortunately, the subtle differences between places are disappearing. Today, if you were suddenly dropped along a road outside of most American cities or towns, you wouldn’t have the slightest idea where you were because it all looks the same, including the building materials, the architectural styles, the chain stores, and the outdoor advertising.

Technology and the global economy make it easy for building plans drawn up at a corporate office in New Jersey to be applied over and over again in Portland, Phoenix, Philadelphia or a thousand other communities. Over the past 50 years many of the world’s cityscapes and townscapes have gone from the unique to the uniform, from the stylized to the standardized.

In recent months, there have been several surveys published, such as Zipcar’s Future Metropolis Index and Fast Company’s Most Innovative Cities list, ranking cities based on sustainability, innovation and efficiency. Some of the factors that were evaluated included the number of green buildings, the percentage of hybrid cars and the number of patents issued. These are all important, but sustainability is about more than new technologies.

At its most basic, “sustainable” means enduring. A sustainable community is a place of enduring value. Doug Kelbaugh, the dean of the University of Michigan School of Architecture, put it this way, “If a building, a landscape or a city is not beautiful, it will not be loved; if it is not loved, it won’t be maintained and improved. In short, it won’t be sustained.”

Distinctiveness involves streetscapes, architecture and historic preservation, but as Cortright points out, it also involves cultural events and facilities, restaurants and food, parks and open space and many other factors. “Keep Austin Weird” is more than a slogan; it is a recipe for economic success. A distinctive city is a city that the young and well-educated want to live in, that boomers want to retire to, and most certainly a city that people want to visit.

According to the World Bank and the World Travel and Tourism Council, tourism is the largest industry in the world. Tourism is about visiting places that are different, unusual and unique. The more one city comes to look and feel just like every other city, the less reason there is to visit.

On the other hand, the more a city does to enhance its uniqueness, whether that is cultural, natural or architectural, the more people will want to visit. It is no accident that Paris – a city that looks and feels different - gets 27 million visitors per year, more than any city on the planet, according to Lonely Planet.

Arthur Frommer, one of the world’s leading travel experts and founder of the well-known travel guide company, says that among cities and towns with no recreational appeal, those that preserve their past continue to enjoy tourism. Those that haven’t, receive almost no tourism at all. Frommer has been quoted as saying, “Tourists simply won’t go to a city that has lost its soul.”

In the future, planners will have to help communities adapt to change while maintaining or enhancing the things that they value most. Lyman Orton, the principal of the Orton Family Foundation, a philanthropic organization that supports community development, calls this “heart and soul planning.” It is both a process and a philosophy. The process seeks to engage as many people as possible in community decision making. The philosophy recognizes that special places, characteristics and customs have value.

Given all of this, I believe that one of the big questions for cities in the future will be: Do you want the character of your city to shape the new development, or do you want the new development to shape the character of the city?

Edward T. McMahon is the senior resident fellow and Charles Fraser chair on sustainable development and environmental policy at the Urban Land Institute.

Reprinted with permission from Virginia Town & City, June 2012

On the 85th anniversary of Dizzy Gillespie’s birth, the Town of Cheraw dedicated a seven-foot bronze statue of the Cheraw native playing his trademark bent horn on the Town Green.
As gas prices remain high and efforts to be more ecologically friendly increase, bicycles offer an affordable, nonpolluting, greenhouse gas-preventing form of transportation.

Cities across the country are capitalizing on the growing popularity of biking, and they are reaping the economic and quality of life benefits from building and supporting a bike-friendly community.

“Communities that have fostered that popularity by providing bicycle infrastructure for transportation and recreation have seen considerable economic benefits by attracting businesses, tourism and active residents,” according to Advocacy Advance – a partnership of the League of American Bicyclists and the Alliance for Biking & Walking.

“Building such a [bike-friendly community] can translate into a more connected, physically active, and environmentally sustainable community that enjoys increased property values, business growth, increased tourism, and more transportation choices,” according to the League of American Bicyclists.

“The nation’s 60 million recreational bicyclists spend $46.9 billion on meals, transportation, lodging, gifts and entertainment,” reported the League. It also cites a study by the Outdoor Industry Foundation that estimates the spillover effects of all bicycling-related activities could be as large as $133 billion, supporting 1.1 million jobs and generating $17.7 billion in federal, state, and local taxes.

In October, Rock Hill became the state’s newest Bronze Level Bicycle Friendly Community, a designation awarded by the League of American Bicyclists. Rock Hill joins other South Carolina Bronze Level Communities – Charleston, Columbia, Greenville and Spartanburg. Hilton Head Island is the only community in South Carolina to achieve the League’s silver level.

The League, through its Bicycle Friendly Community Program, recognizes cities and towns for their commitment to improving conditions for bicycling through investment in bicycling promotion, education programs, infrastructure and pro-bicycling policies.

A Bike Friendly Community must demonstrate achievements in each of the program’s five categories: engineering, education, encouragement, enforcement, and evaluation and planning. “Any city — regardless of size or geography — can take cost-effective steps to increase bicycling in their community,” said League President Andy Clarke.

“Receiving this designation from the League of American Bicyclists is not only a tremendous honor, but it is also a testament to Rock Hill’s commitment to providing the highest quality of life for all citizens,” said Rock Hill Mayor Doug Echols.

Part of creating a bicycle-friendly community is providing safe, convenient and secure bike parking. Without some accommodation, cyclists are forced to either lock the bikes to a parking meter or compete with trees, pedestrians and newspaper racks for sidewalk space.

In response, communities across the country are turning to bike corrals. Typically installed in a single-car parking space, corrals provide on-street parking for up to 12 bicycles. By locating these corrals on city
The SC Municipal Insurance and Risk Financing Fund and the SC Municipal Insurance Trust issued a combined total of $5 million in participation credits to their members.

The Municipal Association’s **online compensation survey** is open until February 28 for clerks/human resources staff to enter 2013 wage and salary data for municipal staff.

Members of the **SC Association of Stormwater Managers** recently elected their 2012-13 officers and board of directors. President Thom Roth of Horry County, Vice President Tanya Strickland of North Augusta, Secretary/Treasurer John Batson of Anderson County and Member-at-Large James Riddle of Woolpert, Inc.

Members of the **SC Municipal Human Resources Association** recently elected their 2012-13 officers and board of directors. President Mardi Valentino of West Columbia, First Vice President Ingrid Crawford of Spartanburg, Second Vice President Steven Jarvis of Orangeburg and Member-at-Large Peggy Bowers of Camden.

**Scott Slatton**, previously senior field services manager for the Municipal Association, has moved into the position of legislative and policy advocate. As part of the legislative team, he is responsible for long-range legislative policy planning.

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streets, officials ensure the bicycle parking spaces are out of the way of pedestrians, visible to motorists and, most importantly, easily spotted by cyclists.

Basically, bike corrals are just longer sidewalk bicycle racks — a fixed structure with upside-down U-shapes. However, some cities are unleashing their creativity and showing off their community’s unique character. With the help of a local college’s art class, Eugene, Oregon has made the corrals a part of its public arts plan. The corrals showcase the city’s history and culture.

The corrals offer a number of benefits. They give bikes a designated place to park at popular locations and acknowledge the bicyclists’ importance to the community. Business owners like the additional traffic and unobstructed view of their businesses that the corrals provide. By freeing up sidewalk space, pedestrians enjoy a safer place to walk.

In September, Charleston installed the state’s first bike corral on King Street. Mayor Joe Riley explained, “Bike corrals … serve as a signal to everyone that bicycling is an important part of our community. Promoting bicycling downtown and in other parts of the city helps address the problems associated with congested areas.”

Charleston plans to install three additional corrals in the downtown area. They are part of the city’s overall effort to meet increasing demand for bicycle parking in the downtown area. The corrals provide an innovative solution to the challenges of Charleston’s historic streets where sidewalk space is already claimed by pedestrians and other streetscape elements.

In October, Columbia installed four bike corrals in three of its hospitality districts – Five Points, the Vista and City Center. Groups representing the hospitality districts have supported the city’s efforts, which included agreeing to a 50 percent cost share for the corrals.

“While Five Points, the Vista and City Center each have their unique features, the corrals provide a great sense of connectivity, helping to form a stronger, more viable city,” commented Mayor Steve Benjamin.

The bike corral initiative is one of several initiatives the City of Columbia and its Bicycle Pedestrian Advisory Committee are working on to enhance Columbia’s bicycle/pedestrian infrastructure.

**Learn more about the Bicycle Friendly Communities Program at www.bikeleague.org/communities.**
Great downtowns don’t just happen. They are the result of vision coupled with public and private investment and collaboration.

Three South Carolina business leaders in cities of varying sizes say their hometowns have found the right formula and can serve as a lab for other cities and the businesses located in them.

Greenville’s renaissance began with a vision more than 30 years ago. The downtown Greenville of today in no way resembles the city of the 1970s. Downtown Greenville has emerged with a strong mix of residential, retail and office, and a pedestrian-oriented Main Street.

Anne S. Ellefson, managing director of Haynsworth Sinkler Boyd says, “We have been blessed in Greenville to have visionary leadership. A creative combination of public and private efforts has allowed us to create development beyond normal expectations.”

And Haynsworth Sinkler Boyd is putting its money where its mouth is. The law firm’s Greenville office opened on Main Street 125 years ago later moving to several other locations around the city. In 2013, the firm’s office will move back to Main Street.

“The decision to move back that way was a return to our roots,” Ellefson says. “The evolution of Main Street over the past 30 years has been awesome to watch. The area where our new One Building is located will be the link between the north end and the south end of Main Street, tying lots of development efforts together. We are excited to help make that happen.”

Greenville Mayor Knox White is a partner in Haynsworth Sinkler Boyd, and this dual role allows him to live what he preaches. “The city has a tradition of working in partnership with private businesses. Together we create an environment that is beautiful and full of life.”

In Lake City, businesswoman Darla Moore also felt the pull of her hometown when she decided to help revive downtown Lake City.

“This is my hometown,” Moore says. “Lake City is where I learned critical values and work ethic I needed to succeed in my profession. And, as such, it is a town I want to see succeed. Our research tells us Lake City has the assets necessary to succeed, and I believe, with a little help, we can use these assets to transform Lake City.”

“Our town leaders, led by Mayor Lovith Anderson, have committed their time and resources to be part of a huge public/private partnership effort to improve the economic viability of Lake City,” Moore says. “This collaborative is demonstrating to everyone involved the importance of working together to solve problems.”

Moore says downtown Lake City has been able to retain its early 1900s façade. And the town has passed an historic preservation district ordinance to ensure the preservation of the downtown area. The town is also working to offer downtown property owners grants and tax incentives to improve the facades of their buildings.

She believes that this Pee Dee town can become a destination many people will want to visit in order to reconnect with a small town atmosphere that has mostly disappeared from our countryside.

“I envision a vibrant, active downtown full of restaurants, retail stores, apartments and hotels to accommodate all the people who will want to spend some time visiting museums, viewing the agriculture history of Lake City, honoring the life of the distinguished astronaut, Ronald E. McNair, and enjoying the beautiful gardens and rivers in the Lake City community,” Moore says.

This article appeared in the December issue of South Carolina Business, a publication of the SC Chamber of Commerce.
For more than two decades, the Municipal Association’s Achievement Awards have recognized excellence in local government programs. Past winners say the program provides a valuable opportunity to share ideas with colleagues, boost morale among employees and showcase the value of city programs to residents.

The City of Aiken has won an award nearly every year since the program began some 25 years ago. Aiken City Manager Richard Pearce said the keys to his city’s success include elected officials and visionaries who work hard to create the best plan for Aiken’s future, a team of volunteers who willingly share their expertise, and open dialogue with other cities.

“Aiken has put a lot of effort into being innovative through encouraging ideas that make sense for a better community,” Pearce said. “We have always been willing to travel to other cities that have faced similar challenges and observe first-hand their innovative, creative and cost-effective approach to problem-solving.”

Winning the Achievement Award has become a source of pride for city employees, with departments engaging in friendly competition to determine which projects the city will submit.

“Our employees care a great deal about Aiken. Management has put a lot of effort into encouraging employees to speak up and point out items needing attention as well as offering their ideas for addressing concerns that arise out of our daily operations,” Pearce said.

“We are always humbled when we are recognized by the Municipal Association for our work,” Pearce added. “We believe in what we do. We also believe that other South Carolina cities and towns can use our approaches as they work through their ‘issues of the day’ as well as planning for a brighter future for their cities and towns.”

For many cities, the award highlights their efforts to attract businesses and residents. The City of Sumter won for its Sumter Pride Program, a residential demolition assistance program that has improved residential areas and assisted struggling homeowners by identifying and removing dilapidated structures.

“Winning awards, such as the Achievement Award’s economic development category, not only endorses the validity of our program but also highlights the progressive nature of our city government and the changing landscape of Sumter as a whole,” said City Support Services Manager Shelley Kile. “Since winning the award, we have had inquiries from numerous neighboring cities in South Carolina like Lake City, Florence and Hartsville, seeking similar solutions to their own uninhabitable dwellings.”

Being the recipient of an Achievement Award also helps at home to build support within the community, said Hartsville Mayor Mel Pennington. When city projects are recognized, it legitimizes the work and money put into them, he said.

The City of Hartsville won in 2011 for its work on the Hartsville Veterans Memorial. Along with honoring those who have served in the military, the memorial serves as both a learning tool for area educators and a tourist destination, and provides public green space downtown.

“It shows that the ideas we have are perceived as worthy statewide,” Pennington said. “Our citizens realize – ‘wow – other people in the state think that project is valuable, too.’”

The Achievement Awards provide a forum for both large cities and small towns to highlight their efforts. The Town of Ridgeway won for its downtown economic revitalization plan, which has successfully created a vibrant downtown area.

For Ridgeway, the award serves as a source of pride for the community and confirms that others are noticing big things happening in this small town, said Mayor Charlene Herring.

“The Achievement Award continues to resonate proudly with our citizens, visitors and neighboring towns,” Herring said. “Community pride is high especially when we see the number of cars on Main Street each day of the week shopping and touring.”

The submission deadline for the 2013 awards is January 28. Mailed entries must be postmarked by January 28 and received by February 1. The Association will recognize award winners at the Annual Meeting Awards Breakfast in Greenville on July 20.

For more information or for an entry form, visit www.masc.sc (keyword: achievement awards).
Public officials can be sued for a variety of reasons, ranging from land use decisions to denying or revoking a license. Increasingly, plaintiffs are alleging “ex parte communications” to support their lawsuits. They are claiming these communications show a lack of impartiality and fairness in the official’s decision making process.

Historically, “ex parte communication” has described communication between legal counsel and the court when opposing counsel is not present. Individuals unhappy with a public official’s action are now using the term to describe any communication that excludes any interested party, suggesting all such communications are improper.

Whether an “ex parte” communication with a public official is prohibited typically depends on whether the official is engaged in a legislative or quasi-judicial process.

South Carolina law (Section 1-23-360) states, members or employees of an agency “assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or its representative, except upon notice and opportunity for all parties to participate.” (Emphasis added)

Likewise, Rule 6(b) of the Model Rules of Parliamentary Proceedings of South Carolina provides:

“When conducting a quasi-judicial hearing, county council takes on the role of an impartial trier of fact in a dispute involving the legal rights of one or more parties . . . . Further, council members must base their decisions on the evidence presented at the hearing and must not discuss the case beforehand or be influenced by the opinions of others who are not a part of the proceedings.” (Emphasis added)

Both state law and the model rules address situations where the public official is acting in a quasi-judicial role. What if a public official is performing a legislative function?

The South Carolina Supreme Court has not stated directly and conclusively that “ex parte” communications with public officials are permissible in all matters involving legislative functions. However, most courts that have dealt with this issue have permitted it.

In 2002, a Tennessee court explained why “ex parte” communications are treated differently depending upon the official’s role.

“In judicial and administrative proceedings, the litigants are entitled to the cold neutrality of an impartial tribunal. . . . The same cannot be said for the legislative arena. . . . Members of legislative bodies are not acting like judges when they consider a proposed change in an existing zoning ordinance. . . . They listen to their constituents; they test the wind; they try to please as many people as possible consistent with the constitution and good conscience. They are not to be condemned for doing so. That is their job.”

Prohibiting “ex parte” communications in matters traditionally considered to be within the legislative function, such as rezoning, continues to be raised and tested in the courts. Some courts have prohibited “ex parte” contacts if a council is considering a site-specific rezoning. They ruled this situation is more quasi-judicial than legislative in nature.

Because of its potential for being the basis of a lawsuit, it is important for all public officials to be aware of whether “ex parte” contacts are allowed in specific situations before them.

James Jolly will conduct an afternoon session on public officials’ liability during the Hometown Legislative Action Day on February 13.
Does the form of government really matter?

There are three approved forms of municipal government in South Carolina: mayor-council (strong mayor), council (weak mayor) and council-manager. When the Home Rule Act was adopted in the mid-1970s, all municipalities had to choose to operate under the form that most closely matched how they were structured at the time.

The city can change its form of government only following approval through a public referendum initiated by either a certified petition of 15 percent of the city’s qualified electors or by an ordinance of council.

It is important for elected officials to understand their form of government, how it is designed to operate, and the responsibilities of elected and appointed officials. Beyond understanding how their form of government operates, both elected and appointed officials must respect their form of government and operate within the bounds of their respective roles. Dysfunction occurs when the boundaries become blurred or are ignored.

**Roles and responsibilities**

State law clearly defines the authority of the mayor and council in both the council-manager and mayor-council forms. In the council form, all authority is vested in the council with the mayor and council members sharing equal authority.

For the council-manager form, state law clearly defines the city manager’s role and responsibilities. The law does not, however, address the authority, roles and responsibilities of an administrator, if employed, in the council and mayor-council forms.

To avoid confusion, council (the governing body which includes the mayor) should establish the administrator’s authority, roles and responsibilities in both a job description and approved rules of procedure. Council cannot give the administrator any authority or responsibility that state law has granted to another municipal official.

**Whose job is it to play referee?**

Council is responsible for ensuring all of its members play by the rules. If necessary, council should challenge actions that run counter to properly established authority, roles and responsibilities. When not otherwise set in state law, council as a body has the authority to act. It is important for council to act as soon as problems arise to prevent a situation from escalating.

**Which form of government is best?**

While there are advantages and disadvantages associated with all three forms, each is successfully being used across the state.

The City of Anderson operates under the council-manager form of government. Mayor Terence Roberts explains, “Our council is very committed to this form of government and understands that our role is that of policy makers. We establish goals and priorities for the enterprise and give full authority to our city manager to carry them out. We also understand that our role is not in the day-to-day operations. We don't micromanage those functions.”

Although similar in size to Anderson, the City of Greer operates under the council form of government. Greer employs and empowers an administrator to manage its day-to-day operations.

Mayor Rick Danner explains, “As a part-time mayor with a full-time job in a rapidly growing city, I can’t imagine a better form of government for this type of situation than the council form. Given the vast amount of skills, knowledge, supervision and time that it requires to run a city on a daily basis, having a full-time administrator has been one of the keys to Greer’s success and continued growth. While having a qualified administrator and well-trained, committed staff eases the burden of being involved in the day-to-day operation of the city, it also acts as a buffer between management and the city council which is beneficial to both. Understanding the roles and responsibilities of the council form of government allows staff to accomplish more and council to focus on their responsibilities in a more effective manner.”

The Town of Fountain Inn utilizes the mayor-council form. Mayor Gary Long believes that this form works well for his town because he has the statutory authority to make decisions in a timely manner without need to convene the full council for every decision. For the city to be successful, Long added, “I understand I must keep council fully informed of my decisions and respect the policies and budgetary restrictions which council has the right to impose. Maintaining the support of council and communicating effectively is essential to the success when using this form of government.”

For more information about forms of government, visit www.masc.sc (keyword: forms of government). The Association also offers the Forms and Powers of Municipal Government handbook.
Once elections are over, the hard work of governing begins. And when someone moves from the role of private citizen to candidate to elected official, there are different challenges to consider.

Cayce Mayor Elise Partin said she hit the ground running when she was first elected mayor in 2008 but quickly saw the difference between campaigning and governing. “Running for office is about getting your message out about how much homework you have done and how that information can help your city,” Partin said. “Governing is actually testing those theories and putting theory to action in effecting positive change. However, no matter how much homework someone does there are always differences in learning and implementation.”

Partin says she turned to the Municipal Association Municipal Elected Officials Institute as her first source of information following her election. The Municipal Association offers a variety of training opportunities that give newly local elected leaders the tools they need to make a seamless transition from candidate to elected official.

“People who run for elected office have a real passion and love for their communities,” says Miriam Hair, executive director of the Association. “But when campaigning turns to governing, it’s kind of like starting a new job. You know what you want to accomplish, but you aren’t necessarily familiar with all of the details, policies and regulations associated with the job. The same holds true for someone elected to municipal office. It’s important, for example, to learn quickly about state laws relating to municipal government, rules of procedure for conducting council meetings and fundamentals of municipal finance.”

Newberry Mayor Foster Senn signed up for the Municipal Elected Officials Institute right after he was elected to council in 2006. Senn says all of the training works toward good, effective, open government.

“Through this training right after I was elected, I learned not only what to do, but also what not to do, missteps that I needed to avoid,” Senn said. “Government and proper government procedures are complicated - more complicated than I expected.”

For more than 20 years, the Municipal Association has partnered with Clemson University’s Strom Thurmond Institute of Government and the University of South Carolina’s Institute for Public Service and Policy Research. Institute curriculum is delivered in two parts. The first is two day-long classes offered every February in Columbia, and the second is classes streamed to the councils of governments around the state three times a year.

Elected officials can complete the entire Institute curriculum in one year. Both the in-person classes and the streamed classes use local government experts, lawyers, business leaders, higher education instructors, and municipal government and Municipal Association staff to teach the sessions.

At the day-long sessions offered each February, topics include conducting public meetings, ethics and public accountability, planning and zoning, and business license administration.

The classes streamed to the councils of governments give local leaders a chance to get training three times a year without having to travel to Columbia. Plus the officials get the added advantage of networking and brainstorming time with peers in their region.

During these streamed sessions, elected officials learn from leaders in both the private and public sectors about the importance of partnerships in economic development. They hear from staff with the Municipal Association and the SC
Budgeting for success

The budget process entails more than just preparing a spreadsheet with a string of numbers. Because implementing any policy usually relies on money, many municipal finance experts maintain that all public policy is ultimately made during the budget process. It is critically important for all those involved to understand their role.

What are the responsibilities of the mayor? Council? Staff?

Generally, the city’s form of government dictates who is responsible for the logistical task of assembling and presenting a recommended budget to council. According to state law, the mayor has the responsibility under the mayor-council form. In the council form, it is the council’s responsibility. It is the manager’s responsibility under the council-manager form.

Regardless of the form of government, the council, as the governing body, has the sole responsibility for adopting an annual balanced budget.

Determining which expenditure requests to fund is usually the most difficult part of the budget process. Typically, there are more requests than available revenue to fund them.

An effective budget process includes identifying and estimating revenue then allocating the available revenue in a carefully planned manner. Policy statements and multiyear strategic plans should guide this effort.

During the strategic planning process, council sets and prioritizes goals then identifies specific tasks to reach those goals.

Council should adopt policy statements defining taxing strategies, reserve funds, debt practices and the desired levels of services and program expenditures. These policies will clarify the amount of available money and agreed-upon options for generating additional revenue or reducing services, if necessary.

When analyzing expenditure requests, officials should ask two key questions, “Does the requested expenditure fund an item that advances goals critical to the mission of the municipality?” and “Where does the goal being addressed rank on the prioritized goal list?” Council should fund only expenditures that advance the city’s strategic plan and provide the desired levels of services and programs.

Appropriately estimating revenue, setting strategic goals for the city and properly matching the money with the goals are the keys to wise and effective budgeting.

For more details on the budget process see previous Uptown articles at www.masc.sc (keyword: Budget Process, Annual Budget Preparation).

Similar to most service-oriented businesses, municipalities dedicate a large part of their budgets to personnel-related expenditures. More than 80 percent of the state’s 270 municipalities have at least one full-time employee to carry out council’s policies and deliver services on a day-to-day basis.

What a municipality can accomplish is often inextricably linked to its employees. Recruiting the best possible employees, providing the highest level of training then retaining those employees are key factors to achieving organizational success.

**Recruitment**

Attracting quality applicants starts with developing a comprehensive job description, a profile of the characteristics of the ideal applicant, and a strategy for distributing the job notice to get a broad and diverse pool of applicants.

Many municipalities are posting their job notices online as a cost-effective way to advertise their openings. There are a host of free options including the Municipal Association and the SC Department of Employment and Work Force’s websites.

When recruiting professional-level positions, an effective strategy to target highly qualified applicants is to advertise through the International City/County Management Association, Governmental Finance Officers Association and other state or national professional organizations. Obtaining a small, but diverse, pool of highly qualified applicants should be more desirable than having a large group of marginally qualified applicants. The key is quality not quantity.

- Rank applicants based on how their skills and experience match the levels specified in the job notice/description and the ideal candidate profile.
- Develop a preferred list of applicants based on the comparison/ranking then verify education, job experience and references provided by the applicants.
- Ask the short-listed applicants to sign a release authorizing additional background screening, including criminal history, and driver’s license and credit checks, if appropriate, for the position. Municipal employers often make employment offers conditional based on a negative drug test.

**Training**

City staff should provide new employees with a thorough orientation period and on-the-job training with an experienced staff member. An employee will be more productive and satisfied if he understands the job requirements, workplace policies and work environment.

Allowing employees to participate in continuing education opportunities can be valuable for both the employee and the city. State and national professional organizations offer many opportunities for municipal staff to receive training. Groups such as the SC Fire Academy, SC Criminal Justice Academy, Government Finance Officers Association, the Society of Human Resource Managers, and the Municipal Association’s affiliate organizations provide relevant training and opportunities to share best practices to local government professionals working in specific functional areas.

**Retention**

To retain quality employees, a city should maintain a workplace that values the employee, provides a fair rate of pay for acceptable job performance and encourages professional development. Experts advise conducting a formal classification and compensation study every three to five years. During the study, the employer’s pay structure is evaluated to ensure it is competitive for recruiting and retaining quality employees. To determine compatibility of salaries with peer municipalities, the Association offers an annual online compensation report. Access the report at www.masc.sc (keyword: compensation).

Paying market rate salaries and providing benefits can often be less expensive in the long run when compared to the cost of lost productivity due to vacant positions, recruitment costs due to frequent turnover or settling for a lesser qualified employee.
A n important responsibility for all local elected officials is advocating in many arenas on behalf of hometown residents and businesses. There are different types of advocacy, but at this time of year when the legislature is gearing up for a new session, advocacy at the state level becomes a priority.

One opportunity for advocacy is attending the Municipal Association’s Hometown Legislative Action Day on February 13. This is the one day each year when municipal officials come together in Columbia to hear from legislators and learn about issues.

A successful advocacy strategy, however, goes beyond only making contact with your legislator at Hometown Legislative Action Day or being willing to call your local legislators when a bill important to your city is on the floor for a vote.

Advocacy is a year-round commitment. The effort made throughout the year to get to know legislators’ interests and develop relationships with them will pay off when the time comes to advocate for a specific bill or issue.

Here are a few tips for being a year-round advocate for your hometown.

1. **Develop a good relationship with your House and Senate members before you need to ask for something.** Don’t assume that your legislators will have a deep working knowledge of what’s going in your city. Provide your delegation with periodic updates about city projects. Make sure they understand the strategy behind your new downtown revitalization project or sewer project. Take your state legislators on a tour of your city to show your city’s successes and challenges. Invite them to tour your new fire station or sewer facility. Not only will this help your delegation understand council decisions, but they may also be able to help identify funding sources or other helpful resources for delivering city services.

2. **Invite legislators to your council meetings to provide an update from the State House.** Legislators may not know the exact dates and times of your council meetings. Extend an invitation to every member of your delegation to attend a specific council meeting and report on their priorities at the State House.

3. **Thank your legislators publicly when they do something helpful for your city.** Drop them a short note. Better yet, invite them to your council meeting to thank them in person. Perhaps say “thank you” in a letter to the editor in the local paper.

4. **Remember you and your legislators represent the same people and have the same interests at heart.** You can often make your strongest case about an issue when you connect your issue to the people you both serve.

5. **Stay on top of the issues in the General Assembly that affect your hometown.** The Municipal Association’s weekly legislative report, “From the Dome to Your Home” is your best source of information on legislation that impacts municipalities. In addition, use the Association’s legislative tracking system to stay informed about the status of individual bills as they go through the legislative process. Access both resources from the Association’s website at www.masc.sc (keyword: legislative).

The session “Advocacy 101” at the Hometown Legislative Action Day on February 13 will focus on tips for visiting the State House, engaging legislators in city activities and understanding the legislative process. Newly elected officials, in particular, are encouraged to attend this session to learn more about available resources for becoming an effective hometown advocate.
Calendar

JANUARY
16-18 International Institute of Municipal Clerks Region III Annual Academy and the SC Municipal Finance Officers, Clerks and Treasurers Association Spring Academy. Embassy Suites Hotel, North Charleston. Topics include use of technology in the council chambers, media relations and preventing fraud.

17 South Carolina Local Government Management Training Program: Employment Law. Madren Center, Clemson. Designed for city and county managers/administrators new to the profession or to South Carolina.

13 Hometown Legislative Action Day. Marriott, Columbia. See related article on page 1.


28 SC Association of Municipal Power Systems Associate Member Luncheon. Seawell’s, Columbia.

FEBRUARY
6 SC Other Retirement Benefits Employer Trust Annual Meeting. 1411 Gervais St., Columbia.

12 Municipal Elected Officials Institute of Government Sessions A and B. Marriot, Columbia. Topics include conducting public meetings, planning and zoning, intergovernmental relations, ethics and public accountability, and liability of municipalities and elected officials.

13 Municipal Elected Officials Institute of Government Sessions A and B. Marriot, Columbia. Topics include conducting public meetings, planning and zoning, intergovernmental relations, ethics and public accountability, and liability of municipalities and elected officials.


21 SC Association of Stormwater Managers 1st Quarter Meeting. Columbia Conference Center, Columbia.