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## Short Takes on Hot Topics

2023 Municipal Association of SC  
Annual Meeting  
Greenville, SC

Charlie Barrineau, Field Services Manager  
Caitlin Cothran, Manager for Local Revenue Services  
Ashley Kellahan, Field Services Manager  
Eric Shytle, General Counsel  
Scott Slatton, Director of Advocacy and Communications



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## Municipal Law

Eric Shytle  
General Counsel



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## Rules for Public Comment Periods

- Attorney General's Opinion, June 5, 2023. Applies to optional public comment periods, not mandatory public hearings.
- A court would likely hold:
  - "A regulation directing speakers to confine their comments to issues under the jurisdiction of the Town Council does not violate the First Amendment...."
  - "A three-minute time restriction per speaker is a reasonable restriction that does not violate the First Amendment."
  - Rule that a speaker may not "stack each person's allotted time and defeat the intended three-minute time restriction" does not violate the First Amendment.



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### Adding an Item to the Agenda

- Unpublished decision, Holcomb v. City of N. Augusta, 2023 WL 3000661 (S.C. Ct. App. Apr. 19, 2023).
- Agenda included a proposed resolution with an exhibit listing proposed capital project sales tax projects.
- Is adding a project to the exhibit adding an item to the agenda under FOIA? The distinction is between the agenda and the agenda packet.
- “[W]e understand the term ‘agenda’ to describe a list of things to be done such as items to be considered at a meeting [and not to] include background material, however it is labeled.”




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### Remote Participation by Councilmembers in Meeting

- Permitted under FOIA, so long as the councilmember attending remotely can hear all discussion and can be heard by all attendees.
- You should have a policy before allowing remote attendance.
- Consider the effect on the quorum – will remote councilmembers be counted for the quorum?
- Consider the voting protocol, executive session, and limitations on the ability to participate remotely (e.g., physical attendance policy, reasons for absence, council approval, and so on).




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### Social Media and Livestreaming

Charlie Barrineau, Field Services Manager  
Ashley Kellahan, Field Services Manager




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## Social Media & Being Accessible

- Balance between being responsive and communicating successfully
- Unified Message
- Create a Social Media Policy and Follow it
- Effectively using your personal Social Media Profile
- Best Practices

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## Livestreaming Your Meetings

- Increasing expectation of a virtual presence
- Doesn't have to be costly - YouTube
- Monitoring by staff
- Managing Virtual Public Comment
- Practice Makes Perfect
- Justifying investment into more sophisticated platforms, i.e. integrated agendas

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## Business Licensing

Caitlin Cothran  
 Manager for Local Revenue Services




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- SC Business License Standardization Act – Act 176
- NAICS Codes and Class Schedule Update
- Standard Appeals Process
- Local Revenue Services

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### NAICS Codes and Class Schedule Timeline

Act 176, the Business License Standardization Act, establishes a standardized class schedule, where businesses are grouped into classes using the latest edition of every three-year industry classification (NAICS) code based on NAICS 2012. The class schedule must be updated every five years and approved by ordinance. The Municipal Association of SC will provide sample ordinance for every update. The MAISC will be required to review every five years to keep the classification system current with changes to economic activities. The update to the NAICS code does not require an ordinance or approval by council.




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### Business License Assessment and Appeal Process

When a business is subject to the assessment for the payment of the business license fee, it is subject to the assessment and appeal process. The assessment process is outlined in the Business License Assessment and Appeal Process, Act 176.




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# The "Less than audit" bill

Scott Slatton  
Director of Advocacy and Communications



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## Act 71

- Allows some cities/towns to prepare a compilation of financial information *instead* of preparing an audit
- CPAs must use "agreed upon procedures" prepared by SC State Treasurer and Auditor
- \$500K or less in recurring revenues (indexed to CPI)
- Once every 3 years for cities without a court
- Annually for cities with a court
- Cities may choose full audit if desired



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