

Time for New Legislative Action

2021 Advocacy Initiatives Address Broadband, Public Safety Funding and Planning

The Municipal Association's board of directors approved the issues that the Association staff, along with local officials in cities and towns, will pursue during the 2021 legislative session, beginning next month.

In the fall, the Association hosted 10 Regional Advocacy Meetings through a virtual platform to share information from the 2020 session and to gather information and ideas for the 2021 Advocacy Initiatives. Legislative committee members considered the recommendations, discussed additional issues and adopted these initiatives to work on for 2021. Kathy Pender, first vice president of the Association board and chairman of the legislative committee, presented these recommendations to the board.

Some are items that cities and towns have advocated for in the past, while others are new issues. All of these initiatives create additional tools for cities and towns to govern more effectively and efficiently.

Broadband expansion

The Association will seek to amend the newly adopted broadband expansion law to allow cities and towns to not only lay fiber, but also light the fiber or partner with a third party to light it. Lighting fiber, or activating the cable to make internet access available, is critical to expanding broadband. To further make broadband accessible to everyone, cities and towns should be allowed to make this service available.

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Enclave annexation

Allowing cities and towns to close enclaves, also known as doughnut holes, in their municipal limits through a local annexation process is a long-standing issue. Cities and towns have long advocated for closing enclaves that prevent consistent and efficient service delivery.

Law enforcement reform

Supporting reform measures to aspects of law enforcement training and practices will be important in 2021. Both the House and Senate are currently studying and taking testimony from experts on changes to current law enforcement practices.

Code enforcement

Requiring code enforcement liens to be billed and collected, similar to property taxes, is critical in the fight against blight. Cities and towns struggle with paying for the remediation of dilapidated buildings and properties. Recovering these costs through the property tax collection process would allow cities and towns to maintain property standards more effectively.

Abandoned buildings tax credit

Extending the current abandoned buildings tax credit to 2022, which provides for additional local economic development incentives, will be valuable as the state's economy recovers. These

incentives have proven successful for cities, towns and developers in attracting new projects to communities.

Local Government Fund

Because of the coronavirus, legislators did not pass a state budget for fiscal year 2020-2021. The continuing budget resolution they passed did not include any additional funding in the Local Government Fund. Calling for the Local Government Fund to be funded in accordance with current law will be important for the fiscal year 2022 budget.

Firefighter Healthcare Benefit Plan

The Municipal Association supports the inclusion of money in the state budget to fund the Firefighter Healthcare Benefit Plan. Legislators passed a bill in 2020 that would offer monetary benefits to South Carolina firefighters diagnosed with cancer. For the bill to take effect, lawmakers must appropriate money in the budget.

PTSD funding

Supporting money to be included in the state budget to fund the Post Traumatic Stress Disorder programs for first responders is an ongoing issue. For several years, the General Assembly has included \$500,000 in the state budget for programs to support first responders who experience a traumatic event. The Association will seek to ensure funds continue to be included.

Being an advocate

To get these issues introduced and moved through the legislative process as bills, cities, towns and Association legislative staff must work together as a team to find legislators willing to sponsor and champion these bills through the process. Developing relationships with legislators before the session begins is critical – especially for those who have new legislators elected in November – in order to make the important ask for support. Whether that request is for money in the budget or for sponsorship of legislation, relationships are important.

Advocates delivering their messages also need to know the subject matter and

stick to it. Be ready to get to the point in three minutes or less. Always present both sides of the subject, both supporting and opposing. Tell stories and back those stories up with data.

The most important thing to remember is to be an honest broker of accurate information. Local officials should want their legislators to come to them first as a reliable source of information every time. Always remember to share information about bills and action with Association legislative staff.

For more information on the 2021 Advocacy Initiatives, contact Casey Fields at 803.933.1256 or cfields@masc.sc.

Zero millage

Cities and towns with no property tax millage should be allowed to impose a millage with certain limitations. There are some cities and towns that do not impose an operating millage who now need to do so. The restrictions in Act 388 prevent them from adding this millage. The Senate passed a zero millage bill in 2020, but the bill came to a stop on the House floor later in the session.

Municipal Capital Projects Penny

Creating a Municipal Capital Projects penny tax for municipal residents to approve for capital projects within the city limits is an initiative important to cities and towns within counties that do not have a capital projects tax.

Expansion of naloxone

The Municipal Association supports expanding the availability of naloxone, the medication used to revive individuals suffering from drug overdoses, to fire and emergency medical services first responders.

Textiles Communities Revitalization Act

The Textiles Communities Revitalization Act needs to be amended to include as one site those parts of abandoned mill properties that are separated by way of an intervening connector, such as a railroad or waterway.

It's Time for the 2021 Achievement Awards

City residents need to know the valuable work that local governments do on their behalf. It helps them to see why their hometown is a good place to live and work. The Municipal Achievement Awards offer a way for local governments to show everything they do to run their communities smoothly and find opportunities for improvement. The awards honor excellence in local government programs, but they also encourage the sharing of ideas among cities and towns.

Find a winning Achievement Award entry

Here's some ways to find a promising submission:

- Ask every department to create a list of their best completed projects. Ask them also to consider what projects have had the most impact on residents.
- Create an interdepartmental competition to decide which department's work should be submitted for the Achievement Award entry.
- Take a look at the videos and descriptions of previous Achievement Award winners at www.masc.sc (keyword: Achievement Awards).

Projects need to be substantially complete to be eligible and can be submitted only one additional time if they do not win. Municipalities with a population of 20,000 or less can compete in either a population or subject category. Municipalities with a population greater than 20,000 can compete only in one of the five subject categories.

The entry form is available at www.masc.sc and the 2021 submission deadline is January 27. The designated contact person for each entry will receive a receipt confirmation email by January 29.

Cities submitting in the subject categories must make a virtual oral presentation at an assigned time on February 22 or 23. The Association will recognize award winners at the Annual Meeting on July 24.

For more information on the Achievement Awards, contact Meredith Houck at 803.933.1215 or mhouck@masc.sc.

NEWS BRIEFS

The SC Arts Commission named the **City of Camden's downtown district as the state's ninth South Carolina Cultural District.**

These districts are walkable areas with a substantial amount of cultural opportunities. The other districts are found in Beaufort, Bluffton, Columbia, Florence, Greenwood, Lancaster, Rock Hill and Spartanburg.

Members of the SC Business Licensing Officials Association recently elected their new board. The new board includes **President Pam Davis**, Richland County; **Vice President Lakesha Shannon**, City of Columbia; **Secretary/Treasurer Amyee Rogers**, Town of Pendleton; **At-Large Members Karine Thomas**, City of Hartsville, **Alten Driggers**, Horry County, **Joy Krutek**, Dorchester County; and Past President **Shaun Greenwood**, City of Forest Acres.

Members of the SC Municipal Finance Officers, Clerks and Treasurers Association recently elected their new board. Board members include **President Annette Moore**, Town of St. George; **Vice President Cammie Hayes**, City of North Augusta; **Secretary/Treasurer Amanda Childers**, Town of Harleyville; **Directors Erika Moore Hammond**, City of Columbia; **Joel Seavey**, City of Clemson; **Barbara J. Denny**, City of York; **Amber Barnes**, Town of Pendleton; and **Past President David Seifert**, City of Greer.

Engaged Leadership Drives Safety

Health and Safety



Employee safety requires engaged leadership.

Cities and towns with leadership that cares about safety tend to have fewer employee injuries and losses, according to the Municipal Association's Risk Management Services staff. Cultivating a safety and wellness culture is key to establishing and sustaining long-term loss reduction and minimizing workplace injuries.

"A safety culture is the product of a proactive approach that identifies and addresses potential hazards and risks before an injury occurs. This type of safety environment begins with leaders who not only practice safety, but who also inspire others through a shared vision and thoughtful plan," said Bethany Pendley, loss control manager for the Municipal Association's Risk Management Services.

The South Carolina Municipal Insurance Trust is a member-owned program created by the Municipal Association to provide workers' compensation benefits to city employees injured on the job. SCMIT has 130 cities and towns in the program.

Members of Risk Management Services workers' compensation and property and liability programs issue an annual memo to their employees outlining their safety policy statement. This memo is signed by the administration and council, and it states the municipalities' commitment to the prevention and control of losses. An action as simple as distributing this memo is a foundational component in creating a safety culture. It emphasizes the town or city's commitment to safety and sets expectations for employees and leaders.

Collaboration is key

Risk management requires good communication.

"Effective risk management programs encourage employee engagement through safety committees and employee involvement," Pendley said. "This helps create an environment whereby employees are part of the solution when it comes to implementing safe working practices. Also, soliciting input and feedback from employees creates a sense of safety ownership in day to day work."

Know how things work

Taking the time to understand all of the city's activities is crucial to workplace safety because it's easy to focus on just one area. For example, a city manager who once served as a planning director may have a natural tendency to keep a closer eye on the city's planning activities.

"For a comprehensive view of operations, leaders should force themselves out of their comfort zone to learn the risk and safety challenges that exist throughout the entire city," said Heather Ricard, director of the Municipal Association's Risk Management Services.

Having the mindset that injuries are merely an acceptable cost of doing business can hurt morale and employee performance and result in additional claims costs.

Don't skimp on safety

It can be easy to cut training resources and funding for items like personal protective equipment. But strong organizations make funding these items a priority.

"They understand that city employees at any moment can be literally placed in the line of fire as a police officer or called to respond to a fire as a firefighter," said Ricard.

Leadership steps for sustaining safety

- **Establish a vision.** Set goals and effectively communicate within the organization.
- **Allocate resources.** People, tools, equipment and time are absolute necessities for safe work environments. Depending on the size of the organization, it may be necessary to hire a risk/safety manager who can work full-time to reduce losses.
- **Follow the rules.** Risk leadership requires management to follow the rules and set clear expectations.
- **Organize and incentivize.** Many cities establish safety committees with regular meetings to talk through potential hazards and solutions. Some create incentive programs for safety records, health and wellness or hazard reporting. Some even hold banquets or other recognition events to call attention to safety efforts.

For questions about risk management, contact Bethany Pendley, loss control manager, at bpendley@masc.sc or 803.933.1210.

Association Highlight:

Daily News

The Municipal Association of South Carolina's *Daily News* email offers links to news stories from around the state that dig into the projects, services and concerns of municipalities small and large. The collection of news clippings serves as a quick way to see some of the most important issues facing cities and

towns each morning. On Wednesdays, the *Daily News* is replaced by *The Uplift*, another collection of news showcasing the state's cities and towns at their best.

Subscribe to the *Daily News* at www.masc.sc, using the Member Home button in the upper-right corner. Users logging in for the first time may be prompted

to create a profile and password. Once logged in, choose the "update now" option under My Profile to make adjustments to all Municipal Association email subscriptions, including *Daily News*.

For more information, contact Russell Cox at 803.933.1206 or rcox@masc.sc.



Test yourself monthly quiz

True or False:

Municipalities may borrow up to 8% of the assessed value of their taxable property.

Answer: True.

Article X, Section 14, of the South Carolina Constitution allows municipalities to issue general obligation bonds in amounts of up to 8% of the total assessed value of all taxable property in the municipality. Municipalities may exceed the 8% limit only with voter approval through a referendum.

The Municipal Elected Officials Institute of Government offers online courses. In-person classes will resume when COVID-19 activity drops to safe levels. To register for the on-demand courses, go to the Municipal Association's website at www.masc.sc and log in with your user identification number and password. The on-demand courses can be accessed 24/7 from any computer, tablet or mobile device that has internet connection and may be taken in any order.





2020 Hometown Economic Development Grant Recipients

The Municipal Association of South Carolina has awarded Hometown Economic Development Grants to 12 cities and towns. Up to \$25,000 each, the grants are intended to support those economic development projects that will have positive effects on a municipality's quality of life. The grant program also promotes and recognizes innovation in economic development practices.

The Municipal Association board of directors created the program to fund projects that will produce measurable results, can be maintained over time and illustrate best practices that can be replicated in other cities.

City of Belton **Façade Mini-Grant Program**

In an effort to improve the look of its downtown area and recruit new business, the City of Belton will provide matching grants of up to \$2,500 for businesses to rehabilitate storefronts.

Town of James Island **James Island Arts and Cultural Center**

With the loss of the library as an educational and social focal point for residents, the Town of James Island will repurpose its former library into an arts and cultural center. Grant funds will be leveraged with other funding to help renovate the interior of the building.

Town of Lake View **Lake View Strategic Plan**

The need for a strategic plan for the Town of Lake View has become more important as the town acquires its most prominent natural asset, Page's Mill Pond. Seeking to plan properly for the pond to become a destination, the town will use grant funds for the development of its future.

Town of McClellanville **Preserving McClellanville's Working Waterfront: Phase II Implementation**

Continuing the town's efforts to preserve its working waterfront, the Town of McClellanville's grant will fund efforts to build capacity and market the town's seafood industry and culture.

Town of McConnells **Community Center Renovation**

Built in the 1990s, the McConnells Community Center is a focal point of this rural, agricultural community. However, the center's interior spaces were never completed. The town will use its grant to renovate the center's interior, which will allow for more use in the future.

Town of Pageland **Downtown Farmers Market**

Building on investments the town has made to improve its downtown and attract visitors, the Town of Pageland and its local partners will use grant funds to establish a downtown farmers market. Planned to be located next to the town's green space, the market will host educational and entertainment events as well.

Town of Patrick **Revitalize Downtown Landscaping**

Seeking to improve the aesthetics of its downtown and attract business, the Town of Patrick will use several partners to revitalize and renovate public landscaping along the lengths of its main roads.

Town of Pinewood **Rehabilitation of Historic 1889 Depot**

Seeking to preserve and make use of the last train depot in Sumter County, the Town of Pinewood will rehabilitate the interior of its historic structure for use as an event center and museum.

Town of Salley **Destination Downtown Septic Study**

The Town of Salley has lost out on opportunities for downtown growth because of a lack of adequate wastewater disposal options. The town will use its grant to conduct an engineering study in support of applications for funding construction of a wastewater system to serve downtown businesses.

Town of Springfield **Seeing Springfield**

Inadequate lighting downtown and along the town's walking trail is an obstacle to attracting visitors after dark. In partnership with Dominion Energy, the Town of Springfield will use grant funds to convert existing street lights and install new ones with energy-efficient LED fixtures.

Town of Troy **Town Hall Polling Place Modernization**

After years of the Town of Troy's town hall being used as a polling place, it was deemed unsuitable due to its lack of Americans with Disabilities Act compliance. The town will use grant funds to make its town hall ADA-compliant to restore it as a polling place for all residents.

City of Woodruff **Block 224, A Downtown Multi-purpose Space**

The City of Woodruff will use its grant to transform a dilapidated downtown building from an eyesore into a shining public space that connects downtown businesses with off-street parking. The space will have a modern vibe and be used for public and private events, outdoor dining and relaxation.

Setting the Right Fund Balance

City and town officials often debate the appropriate level of their fund balance — the municipality’s current net assets minus its current liabilities.

A fund balance is similar to the working capital of a business, necessary for ongoing operations, but municipal fund balances use public funds instead of private dollars. These balances are sometimes misunderstood and criticized as an unnecessary accumulation of money, but they are necessary for cash flow and risk management.

Value of a fund balance

A fund balance can smooth the cash flow from revenue cycles. Municipal services have recurring costs — personnel, utilities, fuel and other operating expenses. Many revenue sources, like property tax and business licensing, have annual payment cycles that do not match with the timing of expenses, creating a need for available cash.

Fund balances can also serve as an alternative to tax anticipation notes and their associated expenses. Balances also impact the municipality’s credit rating, which influences loan decisions. Historically, both banks and credit rating agencies have relied heavily on the size of a municipality’s fund balance level when determining credit worthiness. Having a reasonable fund balance makes borrowing money easier and less expensive.

Maintaining a healthy fund balance can also help a municipality weather revenue shortages, such as from economic downturns or natural disasters. Disasters often require spending local funds before insurance reimbursements or state and federal aid can flow into the municipality. Expending 20% to 25% of the annual budget before assistance becomes available is not unusual.

Determining the right amount

Determining an appropriate fund balance requires looking at the weaknesses, risks and financial goals of the municipality, as well as understanding the local political beliefs and risk tolerance on funding matters.

Other things to consider in the analysis are the relationship to the beginning of the fiscal year to the timing of major revenues and large expenditures, the volatility of both expenses and revenues, natural disaster vulnerability, desired creditworthiness, and local economic conditions.

The Government Finance Officers Association recommends that “at a minimum, those general-purpose governments, regardless of size, maintain unrestricted fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures.” This minimum equates to a fund balance of at least 17% to 20% of the general fund, before taking into consideration any unusual local factors that may require higher or lower fund balance levels.

Fund balance policy

Cities and towns should adopt, by ordinance, a formal fund balance policy. It should specify:

- a mandatory minimum level of funding,
- when use of the balance is appropriate, and
- what items can be funded if the fund balance exceeds the minimum level set by council.
- Thoughtfully created fund balance policies can counteract criticism for maintaining a fund balance.

In the long run, a municipality will be well served by maintaining a reasonable fund balance, which helps to bridge cash flow, avoid interest costs from short-term borrowing, preserve a credit rating, and provide a buffer against revenue shortfalls or expenditure overruns.

The Municipal Elected Officials Institute of Government addresses key aspects of local government finance in its on-demand course “Basic Budgeting and Municipal Finance.” Learn more at www.masc.sc (keyword: MEO Institute).



Provide an Annual Notice of Meetings for the New Year

At the beginning of each year, the SC Freedom of Information Act requires all public bodies to give written notice of their regularly scheduled meetings. This annual notice needs to provide a date, time and location for each of a city’s regular meetings.

The notice must appear on a bulletin board in a publicly accessible place at the public body’s office or meeting space. Public bodies that maintain a website must place the annual notice there as well.

These posting requirements are similar to the FOIA requirements for posting individual meeting agendas. Those agendas also need to be placed on a publicly accessible bulletin board at the meeting place, and posted on websites, if available. Public bodies also need to provide these agendas to all those individuals, news outlets and organizations who request that the body send agendas to them. The body needs to publicize the agenda in this way at least 24 hours in advance of the meeting.

Annual notices and meeting agendas are frequently associated with city and town councils, but the FOIA rules apply to several other public bodies as well. The rules apply to all of these:

- City and town councils
- Public utility boards
- Planning commissions
- Boards of zoning appeals
- Architectural review boards
- All other boards, commissions and committees appointed by a city or town council

Find the Public Officials Guide to Compliance with the S.C. Freedom of Information Act at www.scpres.org.

Take Advantage of Educational Opportunities in the New Year

The Municipal Association of South Carolina's affiliate associations provide many opportunities to meet the professional development needs of staff within cities and towns. These groups aim to create a community of peers who can network, learn through specially-tailored training, and share best practices and experiences. Each affiliate receives management support from the Municipal Association and guidance from a board of directors elected from the affiliate's membership.

This year, the affiliate associations are gaining access to a new listserve system to make sharing information and best practices easier.

All of the affiliates' membership applications and renewals for 2021 are available on January 4. The nominal membership costs provide each participant with discounted training registrations and access to that group's closed listserve. The listserves, which are using an improved platform in 2021, allow users to post questions and seek feedback from colleagues.



These are the 11 affiliate organizations:

Building Officials Association of SC
BOASC focuses on the challenges of administering and enforcing building and related codes in order to protect the life, health and property of building occupants. *Staff contact: Elizabeth Copeland*

Municipal Court Administration Association of SC
MCAA provides training for court administrators, clerks of court, municipal judges and other employees involved in court administration. *Staff contact: Sara Whitaker*

Municipal Technology Association of SC
MTASC exposes members to a broad

range of technology systems, platforms and solutions. It offers training for IT staff, those with GIS responsibilities and employees working in other departments but whose duties include technology services. *Staff contact: Sara Whitaker*

SC Association of Municipal Power Systems
SCAMPS focuses on legislative initiatives, mutual aid and provides training for elected officials, management staff and operational personnel of the electric cities in the state. *Staff contact: Elizabeth Copeland*

SC Association of Stormwater Managers
SCASM offers quarterly training on stormwater management policies and best practices. Training addresses topics like proposed changes to stormwater regulations and case studies of innovative practices. *Staff contact: Sara Whitaker*

SC Business Licensing Officials Association
BLOA promotes best practices for administering the local business and

New Listserve Platform Is Here

The Municipal Association is excited to offer an updated listserve platform to provide expanded features for sharing best practices and connecting with colleagues across the state. The new platform makes the tool more valuable, collaborative and user-friendly.

Connect

The new listserve brings an improved experience and opportunity to stay connected to fellow affiliate association members and trends in South Carolina.

- Discussions are presented together in one easy-to-follow and searchable location. Users no longer have to dig through email to find a specific response.
- Users are in total control of the listserve experience. Log in to the listserve to

take advantage of the added features of the new tool. Stay current on topics, quickly respond to questions and polls or research past responses. Log in to set preferences to be notified anytime a new discussion begins.

Inquire

Gain valuable information and advice from colleagues easily by using either the discussions or email.

- Track topics of interest using the Favorites feature so users can return to discussions and review them at a later date.
- Need to know how other cities and towns are handling a common issue? Set up a poll and learn from colleagues.

Inspire

The more collaborative platform allows members to share best practices, to learn from the experiences of

peers and to build strong professional networks.

- Share documents with a discussion to provide more resources. Files are automatically saved to a document library so members can easily find them at any time.
- Search past discussions by using keywords to find specific messages and documents.
- Does staff from another city or town need help solving a common issue? Answer a poll or post ideas to assist colleagues.

In November, everyone who had a current affiliate membership automatically became a new listserve member, which they may access through their member home page. To join other listserves, visit www.masc.sc (keyword: listserves). Under the appropriate listserve, select "request access." After logging in, follow the prompts to sign up for the new listserve. For assistance, call the helpline at 803.933.1297.

professional license tax through training, networking and the Accreditation in Business Licensing and Masters in Business Licensing credentials. *Staff contact: Elizabeth Copeland*

SC Community Development Association

SCCDA training focuses on economic and community development needs, best practices and successful case studies. Members come from local and state government as well as private industry, elected positions and volunteer positions. *Staff contact: Sara Whitaker*

SC Municipal Attorneys Association

The MAA annual training, designed for city and town attorneys, complies with the Supreme Court of South Carolina Commission on CLE and specialization requirements for continuing education credits. *Staff contact: Eric Shytle*

SC Municipal Finance Officers, Clerks and Treasurers Association

MFOCTA training covers the diverse job responsibilities of its members. MFOCTA sponsors the Municipal Clerks and Treasurers Institute with the Municipal Association and the Joseph P. Riley Jr. Center for Livable Communities. *Staff contact: Elizabeth Copeland*

SC Municipal Human Resources Association

MHRA helps members stay current on state and federal labor law and court rulings. Its trainings are accepted by national human resources organizations for continuing education credits. *Staff contact: Sara Whitaker*

SC Utility Billing Association

SCUBA trains members on utility billing, collections and customer service. Programs frequently focus on customer service skills, workplace safety, and best practices in utility billing and collections. *Staff contact: Ken Ivey*

Current members will receive a renewal notice the first week of January. Join an affiliate online or by contacting the Association's staff. Learn more at www.masc.sc (keyword: affiliate).

Municipal Official Training Available Online

The interruption of in-person meetings in 2020 as a pandemic precaution has not stopped online training opportunities from the Municipal Association. The Municipal Elected Officials Institute of Government offers online, on-demand courses. Registrations for these online opportunities have increased since COVID-19 disruptions began.

One of these courses, "The Five Basics of Effective Governing," is a free session. It helps officials in their first few months in office make the transition from running a campaign to leading a municipality.

"This course is one that really helps give newly elected officials get a jump start in their position," Urica Floyd, staff associate for distance learning, said.

These are the five credited courses which count toward MEO graduation:

- "Basic Budgeting and Municipal Finance," covers the budgeting process from preparation to implementation and monitoring.
- "Forms of Municipal Government," explains the roles of councilmembers, mayors and managers/administrators.
- "Freedom of Information Act in SC," introduces this critical state law for governmental accountability.
- "Municipal Governance and Policy," explores the source of municipal authority in state law.
- "Municipal Economic Development," examines the strategies and methods cities and towns can use to attract new businesses and grow existing ones.

Beyond the on-demand courses, the MEO Institute has moved some other courses online as well. The Institute will host sessions A and B virtually on January 19. Session A addresses the city as an employer, conducting public meetings, goal setting as well as planning and zoning. Session B examines business licenses tax administration, ethics, intergovernmental relations liability of municipalities and their elected officials. On January 21, the Institute will host "Advanced Budgeting and Finance" and "Advanced Leadership and Governance" virtually.

Learn more at www.masc.sc (keyword: MEO Institute).

The passage of Act 176 means that South Carolina's cities and towns are now required to standardize their business license practices before January 1, 2022.

For years, many municipalities have been working voluntarily toward standardization to improve the ease of the licensing process for businesses, with a

- standard license year and due date,
- standard application, and a
- standard class schedule, as found in the model business license ordinance.

The new law means these steps are now mandatory for every municipality.

The Municipal Association is developing guidance to assist cities and towns with implementing the provisions of the bill. The guidance will include instructions on adjustments to local ordinances, rate schedules and more.

Learn more at www.masc.sc (keyword: standardization).



Building (and Rebuilding) City Hall

A city hall plays many roles. It's a headquarters of government, and a place where staff and elected officials make decisions that affect every resident. It's where bills are paid and plans are filed. It's also where residents gather to learn and share information. Sometimes those heart-of-the-city experiences happen in classic downtown government buildings. Other times, the structures are a bit more unusual.

Whether it's a former doctor's office converted to city offices or a new municipal building that replaces an abandoned grocery store or a city hall that was built to resemble a historic town's long-gone railroad depot, towns and cities in South Carolina often get creative while creating dedicated spaces for municipal governments.

That's what happened in Lowrys, a town in Chester County that decided to



repurpose a vacant building in the center of town.

Built in 1949, the brick structure once housed a community health center with clinics taking place one day a week with nurses from the county health department.

"Locals, who were children at the time, remember it as a place to get shots with long needles," said Marilyn Pressley, Lowrys town clerk.

In 1985, the town rented the building to Dr. Sam Stone, who eventually doubled the size of the building to accommodate his growing medical practice. After Dr. Stone moved to a larger space in Chester, the building housed a few businesses and later served as storage space.

"Mayor Joey Wilson, who had met with town council over the years at the fire department and Lowrys School Community Building, thought turning the building into a town hall would be beneficial to the town council and citizens of Lowrys," Pressley said.

With the help of a \$20,000 Hometown Economic Development Grant from the Municipal Association, Lowrys renovated the building and opened its town hall in 2019. It has become the spot where residents can learn about everything from how to rent out the community center building to details about the famous



Rowesville's town hall is built in the style of the town's former railroad depot. Photo: Cory Brecklin, The Times and Democrat.



Johnsonville has built a new city hall where a vacant grocery store had once stood. Photo: City of Johnsonville.

Lowrys Christmas Parade. It also offers spaces for community meetings.

“The town is small, but it has great people within and surrounding the town. First and foremost, the town hall was renovated for use as a place to conduct the business of the town. There is a dedicated office for the mayor, a workspace for the administrative assistant and a room for council meetings. The lobby of the building is meant to be an inviting area that greets people as they enter the building and as a place to showcase local art,” Pressley said. “Another room in the building houses some photos and artifacts from the town. There are a few pieces from the old school, post office and train depot.”

The new town hall in Rowesville can trace its roots to 1998, when Orangeburg County voters first passed its penny sales tax. But the town can trace the look of the new building back much farther.

Council previously met in a 1950s-era 30-by-30-foot concrete block building. One side housed a fire truck; the other served as a meeting hall with no insulation, said Mayor Paul Bishop. By the time Bishop came into office in 2014, the town’s portion of the penny tax had been earmarked for a new town hall.

“My first order of business was to decide on what we were going to build for a new town hall,” he said.

After looking at options, Rowesville decided to build a town hall that resembled the town’s old railroad depot. It had some 1920s and 1930s photographs of the former building, offering a starting point for the design.

“When that decision was made, we searched high and low to find the right one. We searched the Southern Railway line to find a depot that was similar to ours. We found one in Heath Springs,” Bishop said.

So Bishop visited the site, took snapshots and had an architect draw plans for the building.

The town hall, which opened in 2019, doubles something as a museum. The



Lowrys Town Hall served as medical offices for many years before its conversion to a governmental space. Photo: Town of Lowrys.

interior is designed in a Victorian style, with a 1919 parlor stove, a luggage cart piled with bags and a hand-cranked telephone.

Doors from an old mercantile were recovered, refinished and used at the entrance to the council chambers.

“When the town was first incorporated in 1876, the first election to elect superintendents and managers of the town was held at the railroad depot,” Bishop said. “Being a new town hall, what could be more fitting than to have the railroad depot rebuilt?”

Some cities decide to construct new city halls. In the Florence County City of Johnsonville, the council purchased property on East Broadway Street where an abandoned supermarket had once served the town.

“It hadn’t operated in years. There was a 30,000-square-foot building sitting empty on the back of a lot. It was an eyesore,” said City Administrator Jim Smith.

Council decided to use the property as the site for a new municipal building, offering needed space for city offices along with the opportunity to make an investment and potentially spur growth and development in downtown Johnsonville. The previous city hall was a 2,500-square-foot building that was originally a bank

branch, but it no longer served the city’s needs, Smith said.

“We worked with Florence County to tear down the building. Then the site was vacant for six to nine months, and we used that time to develop a plan for a new municipal complex,” he said.

The town put together a \$2.2 million construction budget, with a 20-year loan at an attractive 2.5% interest rate. Johnsonville’s 8,000-square-foot multipurpose building will house administrative and utility offices, a payment drive-thru and municipal court along with council chambers that seat 120 people, meeting areas and an emergency operations center.

“We have a full emergency operations center inside the building which I think, for the size of our town, will rival any town in South Carolina,” Smith said. “It’s not huge, the EOC, but it’s going to be functional. The first hurricane or tornado that comes through here, we’ll get our money’s worth out of it. We can consolidate everything here, with everyone under one roof. Police, fire, all in one. We can manage any disaster out of it.”

The construction project took about 12 months.

“This will be a 50-year building. This is a fully bricked, floor-to-ceiling building. The council wanted to build something that would service the needs of the future for the citizens of Johnsonville,” Smith said.

He said some residents were skeptical when plans were announced.

“Some people thought it was overkill, or that we didn’t need it in a city with only a couple thousand people. But as the building was built, people have stopped by to check on the progress. They’ve been curious,” he said. “Once they see the building operational and see the capabilities, they see it’s a wise investment.”

However it gets built, a city hall promises to be a key part of that government and that community, often for many years to come.



A Day in the Life of an

Assistant City Manager/ Administrator

General Governance

As cities grow, their management needs can become more than a single city manager or administrator can address. This can lead to the hiring of assistants, additional leaders who can take over some responsibilities or major projects while also being trained to one day be a city manager or administrator.

Fort Mill Assistant Town Manager Chris Pettit understands the value of serving as an assistant before taking the reins in the top job. He served as an assistant in the planning department before becoming the planning director.

A Fort Mill native, he now serves as the town's first assistant city manager and takes on the management of major projects, such as technology improvements for permitting, licensing and inspection services and for creating a new website. Working with all departments has not only broadened his experience, Pettit said, but also is what he likes best about his daily routine.

"My favorite part in this current position is my ability to cross departmental lines and work on things in multiple departments — having that variety throughout the day. I might be working on planning and building then go over to stormwater and I'm working on finance in the afternoon," Pettit said. "I think the variety of that is quite enjoyable and I'm interested in what they all do. I like to learn new things and this position really gives me that opportunity."

Giving someone that experience is part of the town's plan for being prepared for the future.



Left: Chris Pettit serves as Fort Mill's assistant town manager. Photo: Town of Fort Mill.

Above: West Columbia Deputy City Administrator Michelle Dickerson has worked on such projects as the all-inclusive Carraway Park. Photo: City of West Columbia.

"Certainly over the last several years, the town has put a big focus on succession planning and trying to make sure that no one person, losing them to retirement or what have you, would put the town under," Pettit said. "That is something the town has been cognizant of and has started to put things like this into place, whether it's assistant town manager or assistant department heads to prep those folks for taking on the next responsibilities when that becomes available."

Pettit is interested in being a city manager one day, but that day is well in the future, he said.

"I have a lot of growth that I want to do before I would take that step," he said.

"I appreciate the position I am in now because it gives me so much exposure, it does set me up well for one day taking that step."

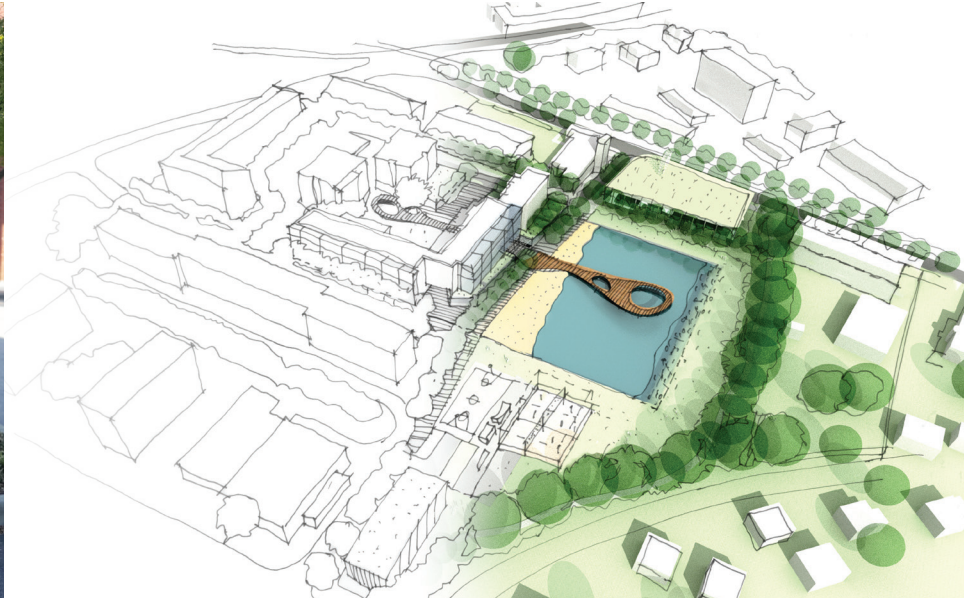
While Pettit is not in charge of any specific area of the town's operations, some assistants take on key areas where they have expertise.

Michelle Dickerson served as an attorney in private practice before she joined the City of West Columbia as deputy city administrator four years ago. There is an assistant city administrator, Justin Black, who also serves as city treasurer.

Dickerson has specific areas of oversight: code enforcement, planning



Walterboro Assistant City Manager Hank Amundson, right, worked with Nicole Holmes, owner of downtown restaurant Carmines Italian Trattoria, to help the business obtain an emergency capital loan and endure the pandemic. Photo: City of Walterboro.



and zoning, the building department and economic development.

“But that doesn’t mean that I am only dealing with those departments on a daily basis,” Dickerson said.

She also reviews contracts and helps write or revise ordinances because of her legal background, and she works with economic development, planning, zoning and building.

This teamwork approach helps the city “bring in the type of development we feel West Columbia needs and wants,” she said.

“We do that with weekly almost daily meetings to make sure that we are all working together,” Dickerson said. “We pride ourselves on eliminating bureaucracy and saying ‘yes,’ while holding our standards high.”

That teamwork element carries over to how Dickerson, City Administrator Brian Carter and Black work together.

“We don’t work in silos,” she said. “We meet to make sure all our departments are a cohesive group.

“The three of us get along really well. We have the same work ethic and values

and work to make West Columbia the best it can be.”

One recent project Dickerson worked on was developing the city’s Carraway Park, which is accessible to children and people of all abilities and which opened in fall 2019.

“Being a part of Carraway Park, building that park and watching our staff really work together to get that park done, has been one of my favorite parts of my professional life,” Dickerson said. “This a park that my children’s children can come play in one day.”

Leaving a legacy is a large part of the motivation for Walterboro Assistant City Manager Hank Amundson.

A native of Miami, Amundson said he and his wife, who is a native, chose to live in Walterboro precisely because of its size.

“I didn’t know that small towns like this existed,” Amundson said. “I thought it was a fake thing that Disney World created for their Main Street.”

Amundson’s background was in golf course management. He had been a PGA professional at country clubs, including in Pinehurst and Charlotte in North Carolina.

“The reason I moved here is hopefully the same reason that a business or person would want to and that is to slow down and have time with your family, but still be productive and contribute. I feel like working for the city does just that,” he said.

Since arriving in Walterboro more than a decade ago, Amundson worked

with the city as economic development coordinator before joining the Lowcountry Council of Governments as director of workforce development and the area’s agency on aging.

He rejoined the city nearly four years ago when the assistant city manager post was created. Because of his background, his areas of responsibility include economic development.

“That’s what fires me up,” he said.

He works across several departments to help new and prospective businesses find what they need in the city.

“A lot of the job is being a translator,” Amundson said. “Water and sewer engineers speak a special language and they’re very good at it and it’s very specialized. Private business speaks a whole different language. I help get everybody in the room and help coordinate communications.”

Amundson wears many hats and is responsible for planning, code enforcement, permitting, special projects, downtown development and tourism in addition to economic development.

“The fun part of the job and the challenging part of the job is there is no standard day,” Amundson said. “It’s not a desk job, it’s not a construction job, it’s not a management job, it’s all those jobs.”

In a way, he said, it is a bit like playing golf: “You come into work with a plan, then you adjust.”

Residency Requirements for Elected Office



Does a councilmember of a given city or town actually live inside that city or town? The question often arises in municipal politics.

Both the eligibility to vote and the right to run for and hold office have residency requirements. The question of whether councilmembers meet these requirements can sometimes be difficult to answer.

Standards for residency

The South Carolina Constitution establishes the needed qualifications in Article VI, Section 1 and Article XVII, Section 1. Those who are elected to an office or who are appointed to an office need the “qualifications of an elector,” or in other words, they must be eligible to vote for the office they propose to hold.

SC Code Section 5-15-20 applies these eligibility rules to service on city council:

“Mayors and councilmen shall be qualified electors of the municipality and, if they are elected subject to residential or ward requirements as provided in this section, they shall be qualified electors of the ward prescribed for their election qualification.”

The qualifications to vote in a municipal election appear in SC Code Section 7-5-610. Among other requirements, the person must have resided within municipal limits for at least 30 days prior to an election. This requirement would be applicable also for serving as a councilmember. If the council seat represents a specific ward, then the person must have lived within that ward specifically.

The rules for determining residency then come from SC Code Section 7-1-25. It defines a person’s residence as the single place the person intends to return to after

an absence. It also states that for voting purposes, a person changes a “domicile” by abandoning the previous home and establishing a new one where the person has “no present intention to leave that place.”

This section of law also offers a list of factors to consider in determining a person’s residence, including the person’s income tax returns, declared residence for property tax purposes, driver’s license, automobile registration and other objective indicators.

Although these factors can help to determine a person’s residence, the truth of the residency, from a legal standpoint, requires the person’s intent to reside there.

Responsibility of council

The residency requirement for office applies to the duration of the councilmember’s tenure. Under SC Code Section 5-7-200(a), mayors or councilmembers will forfeit their offices should they lack any qualification of the office — which includes residency — “at any time.”

According to state law under SC Code Section 5-7-210, enforcing qualification requirements is primarily the responsibility of the council itself. Council may formally investigate a sitting member of council to determine the member’s residency. If its investigation warrants, council may remove a councilmember from office.

Declaratory judgment

It is possible for individual residents to challenge the residency of a sitting councilmember by bringing an action in court. A declaratory judgment action has the advantage of determining a residency issue conclusively, but court actions are

often lengthy, time-consuming, and expensive.

Residency of candidates

Residency questions also arise for candidates who are not yet elected. If the question goes undetermined until after the election, the council might be forced to not only conduct its own investigation of someone elected with questionable residency, but also to call a special election to fill any vacancy caused by a determination that the councilmember was not a resident.

Because eligibility to hold an office is based on eligibility to vote for that office, it would seem that a successful challenge to a candidate’s voter registration would also mean that the candidate was ineligible to hold office. When an eligible person challenges someone’s voter registration, the county election board has only 10 days to hold a hearing, accept evidence and rule.

The State Election Commission, however, generally requires a court determination of residency before it will remove a candidate’s name from the ballot. A county election commission’s residency determination, standing alone, will not suffice to prevent a candidate from running for office.

Determining residency

State law provides no simple answer for resolving residency challenges. In most cases, a court action will be required to determine residency. A council itself might remove a sitting councilmember based on residency, but even in that case a court action would most likely be less controversial and difficult.



Beginning an Elected Term of Office

The election is over, the municipal clerk has received written certification of who has won a seat as a mayor and as councilmembers. Now it's time for the newly-elected officials to begin the work of their offices. Among the critical first questions for everyone is exactly when do the elected officials' terms begin, and how to conduct the oath of office for each of them.

Effective dates

State law does not provide for an effective date of a municipal official's term of office. Effective dates vary by municipality, and so cities and towns should make sure they have clarified the date by ordinance.

Oaths

According to the South Carolina Constitution, all municipal officers must take an oath of office. The requirement includes elected officials, but it also includes nonelected officials in public offices. Court and attorneys general opinions consider a public office to exist if the position is created by statute or ordinance; the position's duties involve the exercise of the state's sovereign power, including the exercise of discretionary powers; and the position and its duties are ongoing and continuing.

Article VI, Section 5 of the South Carolina Constitution specifies the exact wording of the oath required of all officers:

"I do solemnly swear (or affirm) that I am duly qualified, according to the constitution of this state, to exercise the duties of the office to which I have been elected (appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the constitution of this state and of the United States. So help me God."

State law provides for a second oath of office for elected mayors and councilmembers, found in SC Code Section 5-15-150:

"As mayor (councilmember) of the municipality of _____, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me God."

Neither the constitution nor state law specifies the method for taking the oath, such as placing a hand over a religious text or raising one hand.

The Municipal Association recommends that a judge or notary public read the oaths in the presence of the official taking the oaths. The official should verbally

acknowledge acceptance of the oaths and sign and date a written copy of them. The municipality should then make sure the signed oaths are notarized and filed as a permanent record. It should make sure the signed oaths are retained for at least two years, according to the SC General Records Retention Schedules for Municipal Records, and the Municipal Association recommends retaining oaths for at least for the length of each official's current term. Retaining documentation of the swearing in can help to prevent legal challenges to the actions of a governing body.

Requiring an official to repeat the oaths or conducting the swearing in at a public meeting or a ceremony may be part of an optional practice, but it is not required unless directed by local ordinance or rules of procedure. Administering the oaths at a public meeting provides the benefit of further documentation in the meeting's minutes.

Newly elected officials and board or commission members should take the required oath or oaths before performing any official duties. For other municipal officers, the oaths should be administered on or before their first day of employment.

Learn more in the Municipal Association's Handbook for Municipal Officials in South Carolina at www.masc.sc (keyword: handbook).



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Calendar

To ensure the safety and well-being of our members, the Municipal Association of SC will host its training sessions and meetings through at least the end of 2020 virtually when possible.

Information about events and how members can access the virtual events will be updated on the Association's website.

DECEMBER

4 SC Municipal Attorneys Association Annual Meeting and Continuing Legal Education Seminar. Virtual event.

9 SCMIT and SCMIRF Public Works/ Utilities Risk Management Training. Virtual event.

10 Building Officials Association of South Carolina Virtual Fall Training - Session 2. Virtual event.

2021 JANUARY

19 Municipal Elected Officials Institute of Government Sessions A and B. Virtual event.

21 Municipal Elected Officials Institute of Government Advanced Budgeting and Finance, and Advanced Leadership and Governance. Virtual event.

FEBRUARY

1 - 5 Hometown Legislative Action Week. Virtual event.

MARCH

15 - 17 SC Utility Billing Association Annual Meeting. Embassy Suites Kingston Plantation, Myrtle Beach.

25 Municipal Technology Association of SC Spring Meeting. Seawell's, Columbia.

APRIL

16 Municipal Court Administration Association of SC Spring Meeting. Seawell's, Columbia.

20 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Walterboro Wildlife Center.

21 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Newberry Fire House Conference Center.

22 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Dillon Wellness Center.

MAY

2 - 5 Building Officials Association of South Carolina Annual Meeting. Embassy Suites Myrtle Beach.

3 - 5 SC Community Development Association Annual Meeting. Sonesta Resort Hilton Head Island.

19 SCMIT/SCMIRF: Fair and Impartial Policing: Understanding Bias and Duty to Intervene. Cooperative Conference Center, Columbia.