

UPTOWN

MASC offers opportunities for local officials to become involved in state and federal initiatives

It's November, the campaigning is over, the election is over and it's time for the governing to begin. As the General Assembly opens its 116th session on January 11, it's also time for local officials to become involved in promoting municipal initiatives to state and federal officials. MASC offers several opportunities to do this.

Hometown Legislative Action Day

February 15 will be the day municipal officials travel to Columbia from across the state to bring the hometown voice to the Statehouse. The message municipal officials will be emphasizing is one of partnerships: "Cities and State: Partners in Progress."

"South Carolina is faced with many tough challenges that can only be met when all levels of government work together," said Howard Duvall, MASC's executive director.

In his acceptance remarks, 2004-2005 MASC President Tom Peeples pointed out, "Local officials must make efforts to know state legislators on a personal level, and they must foster an atmosphere in which they can both bring forward their concerns and also listen to those of state government." During Hometown Legislative Action Day (HLAD), attendees will visit the Statehouse and host their legislative delegation at a reception in the evening. MASC board and staff will provide in-depth briefings for local officials on the

top legislative initiatives facing municipalities during the current legislative session. Officials will also learn how to develop and present messages so that the "municipal voice" can be heard above the clutter.

The message development workshop will be repeated twice during the afternoon. Steve Allen of Sheehan and Associates, a Washington, DC, communications training firm, will lead the session. Allen was scheduled to present the workshop during the 2004 Annual Meeting, but travel delays forced MASC to cancel the class. Allen has worked with MASC and the National League of Cities, teaching how to develop messages on complex public

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MASC introduces a model wellness program for South Carolina cities

Statistics continue to show that Americans are an unhealthy nation. We are overweight and don't exercise enough. The same statistics show these unhealthy behaviors lead to more serious problems, such as diabetes, coronary artery disease and cancer. As more of these illnesses and diseases surface, our nation has seen a dramatic increase in health care costs —

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policy issues and how to stay disciplined using them. Through an interactive process, Allen will demonstrate these techniques, which will help public officials at all levels build effective messages on any issue.

In late December, MASC will mail and post on its Web site information about Hometown Legislative Action Day. The hotel reservation deadline for the Adam's Mark Hotel is January 24.

Please note: The Municipal Elected Officials Institute of Government will be held the day *after* the HLAD meeting. Sessions A and B will be presented Wednesday, February 16.

Hometown Connection

Every month, MASC offers officials the opportunity to attend a Hometown

Connection session. The Hometown Connection brings municipal officials to Columbia, giving them the opportunity to talk to their legislators about the local impact of Statehouse actions. For approximately one hour, MASC staff briefs the visiting officials on pending legislation of municipal interest, gives them a House and Senate calendar of the day's activities and answers questions. Following the briefing, the officials go to the Statehouse to meet with their legislators, attend committee meetings and listen to the floor debates.

Legislative listserve/MASC Web site

"The responsibility to promote the municipal agenda is not a once-a-year or

once-a-month commitment," explained Gary Cannon, MASC director of intergovernmental relations. "It is an everyday obligation." Legislative listserve subscribers receive timely updates and calls to action during the legislative session. Both federal and state legislative issues are broadcast on the listserve. To sign up for the listserve, visit www.masc.sc/resources/listserves.htm.

MASC's Web site (www.masc.sc) offers access to information for local officials to stay up to date on pending legislative action. The site tracks bills of municipal interest, offers the ability to search for specific state or federal bills and provides a listing of state representatives and senators by municipality.

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costs that have been the focus of many political debates. The best way to contain medical costs is for individuals to change their unhealthy behaviors, which lead to serious medical problems.

In an effort to get to the root of the problem, the South Carolina Local Government Assurance Group (SCLGAG), MASC's health insurance pool, kicked off its Healthy Endeavors for Life Promotion (HELP) program in August.

One element of the program is to identify and assist employees from SCLGAG member cities who are dealing with or are at high risk for diabetes, coronary artery disease, congestive heart failure, obesity and cancer. Almost 350 employees have enrolled in HELP.

The second element promotes employer-sponsored wellness programs. Employers encourage, provide incentives and educate employees

about eating right, exercising and getting regular checkups to help prevent future medical problems which, in turn, reduces medical expenses not only for the individual, but also for the city and SCLGAG.

In October, MASC kicked off its own wellness program for MASC employees. Each year, MASC employees participate in a health screening, but the new wellness program goes far beyond this. "We wanted to implement a model wellness program for the Association's most valuable asset — its employees," said Howard Duvall, MASC executive director. "As with our technology initiatives, we want to practice what we are teaching our members. We want to show our members a comprehensive wellness program at work."

"Our major goals are to decrease the percentage of employees who are above the recommended weight range, increase the number who participate in

fitness activities, increase the number who have good nutritional habits and to have a 90 percent participation rate in the wellness program," said Anne Shissias, MASC's health and wellness manager.

MASC has developed a two-prong program: the *Palmetto Health Trip* and the Empowerment Program.

Through the *Palmetto Health Trip*, a monthly newsletter, employees can increase their awareness about the benefits of regular physical activity and the benefits of adopting other healthy lifestyle behaviors. The goal is to provide an exercise-based mileage tracking/incentive system with overall health education on other important health topics and issues. As employees practice healthy lifestyle choices, they log their activity points and receive recognition and rewards along the way in the form of incentive prizes.

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The Empowerment Program is a one-on-one personal training program that measures and evaluates an employee in three categories: physical fitness, nutritional fitness and emotional fitness.

MASC's annual health screening report will evaluate each employee's health. Then employees will be referred to a personal trainer, nutritionist and the Employee Assistance Program (EAP). Employees will receive one-on-one instruction, a personalized fitness plan and a nutrition analysis. Goals will be established and measured on a regular basis. Employees will receive three one-hour sessions each month for a period of six months with the personal trainers. If the employee meets their personal goals (set by the trainers), they will receive a coupon book from MASC. The coupon book provides additional sessions with the personal trainer/nutritionist to help them maintain their personal goals.

Several cities across the state have begun developing their own city-sponsored wellness program.

The City of Aiken collaborates with Aiken Regional Medical Center to offer free skin cancer screenings and discounted wellness screenings to City employees. The City also offers fitness classes three days a week during the lunch hour. The City pays for the classes as long as participants attend at least six classes per month. The City also pays for employees to attend a smoking cessation program.

The City of Clinton is working with Shissias to develop its own wellness program and hopes to provide incentives to employees who participate. "When developing a wellness program," Shissias said, "it is important to focus on the needs and abilities of

your employees. The appropriate program will increase employee morale, health, safety and their sense of well-being while decreasing the risk of disease, illness and injury."

Shissias explained the six fundamentals for a successful wellness program:

- 1. Assessment** — An assessment is a catalyst for health behavior change and provides data for planning and evaluation. It is used to assess the health needs and interests of the employee population. An assessment helps identify the current climate to provide a road map. Examples of assessment tools include medical claims reports, OSHA logs, satisfaction reports, Health Risk Appraisals (HRAs), health screenings and focus groups.
- 2. Awareness** — Awareness provides additional stimuli to increase employee readiness for health behavior change. Awareness tools include e-mail, a Web site, bulletin boards, self-help materials, educational displays and lunchtime seminars.
- 3. Targeted Programs** — Targeted programs are interventions for high-risk employees. The Healthy Endeavors for Life Promotion (HELP) program is a targeted program for employees with diabetes, cardiovascular disease, cancer and obesity.
- 4. Population Based Programs** — Population based programs are interventions to activate employees as consumers. These programs are targeted toward primary prevention behaviors and can be presented in

convenient and engaging ways. Intervention options for populations include tobacco cessation, nutrition, weight management, back care and stress management.

- 5. Relapse Prevention** — Relapse prevention programs and reminder systems assist employees in maintaining the behavior change. Relapse prevention tools include ongoing program follow-up, support groups, annual incentive programs and ongoing awareness and educational programs.
- 6. Environmental and Cultural Change** — Environmental and cultural changes are needed to support the employee's health behavior change. Make sure the workplace supports the city's health promotion efforts. Environmental and cultural change options include implementing a no smoking policy, offering healthier choices in food services and vending machines, developing an on-site fitness center or offering reimbursement toward a fitness center membership, providing lactation rooms for new mothers and access to an Employee Assistance Program.

For more information on MASC's wellness program or how to implement a tailor-made program for your city, SCLGAG members should call Anne Shissias at 803.933.1272.

For more information or to enroll in the HELP program, SCLGAG member employees can call 888.451.4908 or visit www.matriacares.com/sclgag/help.

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



Classifieds

■ The City of Sumter is accepting applications for the position of human resources manager. Send resumé to HR Manager, PO Box 1449, Sumter, SC 29151.

■ The City of Travelers Rest is accepting applications for the position of city administrator. Submit detailed resumé emphasizing employment history, management experience and salary requirements to City Administrator Committee, 6711 State Park Road, Travelers Rest, SC 29690.

■ The City of Hanahan is accepting applications for a paramedic/firefighter and a part-time code enforcement officer. Send resumé to 1255 Yeaman Hall Road, Hanahan, SC 29406.

■ The City of Lake City is accepting applications for an assistant public works director and a maintenance mechanic for its wastewater treatment facility. Submit resumé to City of Lake City, Human Resource Department, PO Box 1329, Lake City, SC 29560.

■ The City of Forest Acres is seeking applications for the position of business license administrator/city clerk. Apply online to mhadley@sc.rr.com or mail resumé to Miles Hadley, PO Box 6587, Forest Acres, SC 29206.

■ The Town of Mount Pleasant is accepting applications for a planning and engineering division chief. Send resumé to Town of Mount Pleasant, Municipal Complex, Personnel Division, PO Box 745, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.

Billboards: Is this a "sign" of things to come?

Every year, legislation challenging municipal authority is introduced in the General Assembly. One bill that continues to surface is supported by the outdoor advertising industry and relates to billboards or off premise advertising signs. Over the years, municipalities, with the support of several key senators and representatives, have held back challenges to their authority from the outdoor advertising industry. As the new legislative session approaches, MASC anticipates the outdoor advertising industry will initiate the bill again.

Many municipal zoning ordinances prohibit billboards. In most cases, existing billboards are treated as non-conforming uses and are allowed to remain under certain circumstances as a non-conforming use. An existing billboard may be allowed to remain as long as the billboard company remains in existence, a specified percentage of the structure is not damaged or the billboard does not go unused for a specified period of time. Several municipalities offer amortization programs to outdoor advertising companies that have billboards considered non-conforming by the zoning ordinance. The amortization program allows the company to keep its sign in place for a reasonable period of time, usually seven to 10 years, allowing it to recoup a reasonable return on its investment.

The outdoor advertising industry claims the amortization program is unfair, and removing the sign is a "taking" of property or business. They advocate being compensated for the revenue lost due to the sign's removal. Because the signs can be relocated, billboards are classified as personal property, not real property, by the county assessor. Governments are required to compensate the property owner only for "taking" real property, not personal property.

During the last legislative session, MASC proposed a compromise to address the issue. The compromise combined both amortization and compensation to a billboard company for the removal of a sign. Under the proposal, the city and company would negotiate a combination amortization and compensation settlement equal to the sign's actual cost. If they could not negotiate an amount, the matter would go to arbitration. The billboard industry fought this proposal. It wanted to eliminate the amortization part and include future lost income as part of the compensation package. South Carolina did not pass billboard legislation last year. MASC expects the outdoor advertising industry to introduce this legislation once again when the General Assembly meets in January. "The industry will want to capitalize on its success in North Carolina, where they were successful in passing legislation that did not include amortization as a part of the compensation package for the removal of a billboard," said Gary Cannon, MASC director of intergovernmental relations.

"It is imperative for all municipal officials to become involved in this issue, whether billboards directly affect your municipality or not," added Cannon. "A larger issue is at stake." If the outdoor advertising industry is successful, it will affect local governments' ability to establish local zoning land-use control standards. In this particular case, it intrudes on a local governments' ability to establish community appearance standards. "It is important that cities across the state have the flexibility and authority to make the decisions that are best for their city," said Cannon.

Follow the progress of this issue in MASC's legislative alerts, which will resume in January.

Disaster recovery: The day after

Do you know where your records are?

Webster's Dictionary defines a disaster as "an adverse or unfortunate event, a sudden and extraordinary misfortune; a calamity; a serious mishap."

In the world of information technology, a disaster affects an organization's ability to access vital information and to communicate information to others. Most organizations or municipalities focus attention around natural disasters such as hurricanes, tornadoes or fires. While it is certainly important for the municipality to address its ability to function after a natural disaster, in the computer world, it is much more likely the organization will face smaller scale disasters such as a computer disk drive failure, data corruption or a system failure.

Whether small or large, municipalities need to be prepared to handle any level of "disaster." Many have spent hundreds or thousands of dollars setting up a tape- or disk-based backup system, and municipal employees have spent time and energy to ensure the information is backed up on a daily basis. But is this enough?

Imagine arriving at city hall one day to find the financial server has crashed. Not to worry; you've got a backup of the data, and you're prepared to reload the data. To your shock and surprise, you discover none of your financial data is on the backup tape. Although your staff has diligently swapped tapes on a daily basis, you now determine your backups have been failing for the past five months and no one has noticed. This scenario is not extreme. In fact, it occurs on a regular basis where weeks, if not months, of vital electronic data is lost because some basic procedures were not in place.

Why did this happen? Unfortunately, like many adults who don't make the time to visit a doctor for regular checkups, many organizations set up their disaster procedures one time and never look at them again until an actual disaster occurs. Many will wait until they experience the pain of data loss before investing the time and funding necessary to perform regular checkups to ensure that everything is running smoothly.

The fact of the matter is most organizations need to develop their internal data recovery procedures before focusing on disaster recovery methods designed to circumvent an entire loss of their computer facilities. Today, more than ever, there are cost effective solutions to help organizations rapidly recover their environment at a remote location. Make no mistake, however, that you must walk before you run, and ensuring recovery at your local site is the first step.

The following checklist will allow you to perform a quick, high-level review. If your answer to any of the following is "No" or "I don't know," you may not be as protected as you think:

- Is all data being backed up on a nightly basis?
- Are backup logs checked on a daily basis?
- Has data been recovered from backup media in the past six months?
- Can data deleted 14 days ago be recovered? From 30 days ago?
- Can deleted e-mail be restored from backup media for a specific user?

- Is backup media stored at an off-site secure location?
- Can lost files be recovered within 24 hours? Can server failure recovery be complete within 48 hours? Has a server failure recovery been performed within the past 12 months?

If you cannot answer these questions, have someone assess your current status. While this can be done with internal resources, it is recommended to have an outside expert provide an unbiased view of your current status and help you formulate a plan. Use the following steps to review your organization's needs and options and to ensure the right measures have been put in place to achieve your objectives:

1. Assess your present state.
2. Identify your requirements.
3. Determine current weaknesses.
4. Formulate and document a plan.
5. Implement improvements.
6. Review and update the plan annually.

As we all become more dependent on information technology and the data we build to run an organization, disaster recovery must become a major focus. If you know where your data is stored and how you can recover it, you will be more confident in the wake of a disaster.

This topic and others will be discussed at the SC Municipal Technology Association's first training session November 9 at the MASC offices in Columbia. For more information, contact Margaret Lumpkin at 803.933.1238 or mlumpkin@masc.sc.

Municipal committees subject to the Freedom of Information Act

As the demands and complexities of municipal governance increase, municipalities, like other organizations, turn more and more to committees to consider complicated or detailed issues and to recommend approaches to these issues. Municipal councils, for example, may wish to establish citizens' committees, advisory committees, liaison committees with other governments or committees of the council. While final decision-making remains with the council as a whole, committees may be an important step in the process that leads to these decisions. Committees involved in the functions of government are also subject to the state Freedom of Information Act.

The state FOIA applies to any "public body." The statutory definition of "public body" [contained in SC Code Section 30-4-20 (a)] is broad and is not limited to formal groups such as the municipal council and the zoning board. The legal definition specifically includes "committees, subcommittees, advisory committees, and the like of any such body by whatever name known."

In a 2001 case, the state Supreme Court held that a committee of city employees, selected by the city manager to review and evaluate Request for Proposal (RFP) responses for inclusion on the city's wrecker rotation, was a "public body" subject to the FOIA [*Quality Towing, Inc. v. City of Myrtle Beach*, 345 S.C. 156, 547 S.E.2d 862 (2001)]. The court ruled that it did not matter that committee members were not appointed by the city council or were not

Municipal Attorneys Association Annual Meeting on December 3

Curious about the impact on municipalities of new state legislation on tattooing, vested rights in land development, and rights granted to federal military installations concerning zoning? How have Home Rule and municipal utility services and municipal franchises fared this year in our state appellate courts? Can city councils deliberate in closed session on business license appeals? When is "contiguity" not "contiguity" for purposes of municipal incorporation? Is an inmate under contract from the Department of Corrections entitled to the minimum wage? Whatever happened to the contractor's defense of "completion and acceptance"? Is our "no left turn" sign a "taking"? Does a city resident have a legal right to city sewer service? These and other topics in municipal law will be discussed at the

Municipal Attorneys Association's Annual Meeting on December 3.

The program features a three-part presentation on downtown re-development covering economic incentives, the nuts and bolts of re-development, and funding sources through TIFs, the hospitality tax and grants.

Two hours of Ethics CLE will be provided, including the mandatory (for 2004) one-hour Attorneys' Oath Seminar with administration of the new Oath by the Honorable Costa M. Pleicones, Justice of the South Carolina Supreme Court. The MAA has applied for a total of 6.25 hours of CLE credit for the Annual Meeting.

For more information about the Municipal Attorneys Association's Annual Meeting, contact Michelle Willm at 803.933.1259 or mwillm@masc.sc, or visit www.masc.sc.

members of the council. The court found that "a committee formed to give advice to a public body or official is performing a governmental function" and was subject to the FOIA.

As a body subject to the FOIA, a committee is required to comply with the Act's provisions for public notice of meetings, the keeping of minutes of meetings and records

disclosures. A committee performing a governmental function is subject to the Act's open meetings requirement and can close a meeting for executive session only as allowed by Section 30-4-70. MASC General Counsel Danny Crowe will review this topic in detail at the Municipal Attorneys Association's Annual Meeting on December 3 in Columbia.

Two graduate from Clerks and Treasurers Institute

In September, two individuals graduated from the Municipal Clerks and Treasurers Institute (MCTI), a three-year program designed to provide municipal clerks and treasurers with the skills critical to their profession. The fall 2004 graduates are Erika Moore, clerk for the City of Columbia, and Melvenia Riley, deputy clerk/secretary for the City of Sumter.

To receive their certificates, the graduates attended more than 100 class hours on such topics as financial management, overview of government, public administration, conducting meetings and the role of the municipal clerk.

During the fall Institute, Janet Bethea, financial director for the City of Dillon, received a three-year scholarship to attend MCTI. The scholarship is sponsored by the Municipal Finance Officers, Clerks and Treasurers Association and is underwritten by SCANA Corporation.

Completion of MCTI satisfies the education requirements for certification from the International Institute of Municipal Clerks (IIMC) and the Association of Public Treasurers.



Two individuals graduated from MCTI in September: Erika Moore, clerk for the City of Columbia, left, and Melvenia Riley, deputy clerk/secretary for the City of Sumter.

MCTI is sponsored by MASC, the SC Municipal Finance Officers, Clerks and Treasurers Association (MFOCTA) and the Center for Governmental Services at the University of South Carolina's Institute of Public Service and Policy Research.

For more information, visit the MASC Web site (www.masc.sc) or contact Margaret Lumpkin at 803.933.1238 or mlumpkin@masc.sc.



Thomas Chandler, president of the Municipal Finance Officers, Clerks and Treasurers Association, presents Janet Bethea of Dillon with a scholarship to attend the Municipal Clerks and Treasurers Institute.

News Briefs



■ Cheryle Ratliff, CMC, clerk for the City of Greenville, has been accepted into the second level membership of the International Institute of Municipal Clerks' (IIMC) Master Municipal Clerk Academy.

■ Teresa Meeks, clerk/executive secretary for the City of Lancaster; Frances Richardson, clerk/treasurer for the City of Westminster; and Dell Bagwell, clerk/

treasurer for the Town of Blacksburg, have earned the Certified Municipal Clerk (CMC) designation by meeting the educational, experience and service requirements of the International Institute of Municipal Clerks.

■ The Public Entity Risk Institute (PERI) will award \$1,000 scholarships to up to 60 individuals to attend the 2005 Public Risk Management Association's (PRIMA) Annual Conference scheduled for June 5-8 in Milwaukee, Wisconsin. Applications are available at www.riskinstitute.org or by calling 703.352.1846. The deadline for applications is February 18.

■ Mayor John W. Dawsey of Aynor received the Order of the Palmetto, the state's highest civilian honor bestowed by the governor for a lifetime of exceptional, dedicated service to South Carolina. Dawsey has served as Aynor's mayor since 1992.

■ Frank Hodge Jr., director of building and fire codes for the Town of Hilton Head Island, was elected the 2004-2005 president of the International Code Council's Board of Directors. The council is a membership association dedicated to building safety and fire prevention and develops the codes used to construct residential and commercial buildings, including homes and schools.



Educational Opportunities

SC Municipal Technology Association

■ **November 9**, will hold its first training session at the MASC offices in Columbia. Topics include Voice Over Internet Protocol, disaster recovery and panel discussions on Microsoft licensing, computer usage policies and e-government. See related article on page 5.

SC Municipal Personnel Association

■ **November 10-12**, will hold its Annual Meeting at the Holiday Inn Oceanfront in Hilton Head Island. Topics include "Municipal Personnel Legal Bloopers," the Fair Labor Standards Act and the Family Leave Act.

SC Community Development Association

■ **November 17**, will hold its Fall Meeting at the State Museum in Columbia. Topics include "Community Restoration," "The Housing Continuum" and "Community Assets as an Economic Engine."

SC Municipal Insurance and Risk Financing Fund

■ **November 18**, will hold its Annual Members Meeting at the Columbiana Hotel and Conference Center (formerly the Sheraton) in Columbia.

SC Municipal Insurance Trust

■ **November 18**, will hold its Annual Members Meeting at the Columbiana Hotel and Conference Center (formerly the Sheraton) in Columbia.

SC Utility Billing Association

■ **November 18**, will hold its Fall Meeting at the Columbiana Hotel and Conference Center (formerly the Sheraton) in Columbia. Topics include "Electronic Payments," "The Legal Nature of SC Water Systems" and "Meter Tampering."

SC Association of Stormwater Managers

■ **November 19**, will hold its Quarterly Meeting at the State Museum in Columbia.

SC Municipal Attorneys Association

■ **December 3**, will hold its Annual Meeting at Seawell's in Columbia. See related article on page 6.

For more information about these meetings or other MASC meetings not listed, please call 803.799.9574, or visit our Web site at www.masc.sc.



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