



UPTOWN

a publication of the municipal association of south carolina

Hometown Legislative Action Day highlights legislative engagement



The second year of a two-year session typically means many of the issues left unresolved at the end of the previous session remain in play. The same is true for the legislative priorities that the Municipal Association sets forth on behalf of cities and towns.

Through a comprehensive process that involved more than 300 municipal officials during the summer and fall, the Municipal Association board has set the legislative priorities for the second half of the 2013-2014 session. Following the ten Regional Advocacy Meetings and input from a variety of affiliate organizations and staff groups, the legislative committee recommended the following priorities to the Association's board. The board adopted the priorities on October 26.

"It's important that all of our local officials communicate the importance of these issues to their residents, business owners and legislators," said Sumter Mayor Joe McElveen, president of the Municipal Association. "Our cities and towns remain focused on creating places and delivering services that

support a healthy local economy and offer a positive quality of life. These legislative priorities reflect that focus."

Councils are encouraged to endorse the priorities by passing a resolution that is available on the Association's website www.masc.sc (keyword: legislative priorities).

These priorities and other issues facing the General Assembly will be the focus of the 2014 Hometown Legislative Action Day on Wednesday, February 5, in Columbia. This year's meeting is a week earlier than it has been in the past several years to avoid the annual House furlough in February.

Local officials attending the meeting will hear from several legislators who will bring diverse perspectives on the major issues facing the General Assembly in 2014, the second year of a two-year session and an election year. Meeting participants will also hear about two major municipal issues on Capitol Hill—the Marketplace Fairness Act and the threat to the exemption on municipal bond interest.

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A theme running throughout the Hometown Legislative Action Day will be continuing to increase local engagement between municipal officials and their legislators. Recently Representatives Gilda Cobb-Hunter and Kenny Bingham encouraged members of the Municipal Association's board to make sure their legislators have a real picture of how the cities they represent work. These House members encouraged local officials not to assume that their legislators understand the challenges associated with providing public safety or balancing a local budget or prioritizing infrastructure projects.

The legislators' comments tied to discussions at the fall Regional Advocacy Meetings where the Association rolled out the Hometown Tour program for local officials to invite legislators to their hometowns, show off the programs they are proud of, communicate the long-term vision of the city and point out challenges for the future. These tours will help legislators make the connection between issues being debated at the State House and challenges local officials are facing back home. A Hometown Legislative Action Day session will explore this idea further to give local officials tools and ideas for educating their legislators.

Legislative Priorities – 2013-2014 Legislative Session

The 2013-2014 legislative priorities identify three major challenges cities and towns of all sizes face and offer immediate legislative solutions to meet these challenges.

Dilapidated structures

Challenge: Dilapidated structures are unsafe and create a dangerous environment, often thwarting economic development opportunities and job creation. These properties also diminish

surrounding property values and create a financial and economic drain on community resources.

Solution: Give cities and towns an option that invites partnerships with the private sector and nonprofits to remedy these problems and create jobs. Support the Dilapidated Buildings Act (S375/H3948) that gives South Carolina cities and towns more flexibility in rehabilitating or removing dilapidated structures. (See November *Uptown* for more details about the DBA).

Dependable revenue sources

Challenge: Residents and business owners in cities and towns expect services and infrastructure that support a healthy local economy, provide safe neighborhoods and business districts, and offer a positive quality of life. To meet these expectations, local leaders need dependable revenue sources to invest in police and fire protection, utility infrastructure, downtown and neighborhood revitalization, public spaces, and recreation.

Solution: Ensure cities and towns have flexibility and consistency in their funding sources to meet current and future needs. This includes funding the Local Government Fund as required by state law.

Quality Transportation and Infrastructure Maintenance

Challenge: Residents and business owners expect cities and towns to provide transportation systems that meet the demands of the community and ensure roads are safe and well maintained.

Solution: Bring together local and state elected leaders and experts to develop long-term and stable funding sources for roads, bridges and infrastructure maintenance, improvements and expansion.



2014 Achievement Awards entry form available on December 13



NEWS BRIEFS

Guidelines for reimbursing elected officials' expenses

South Carolina state law is very clear about how mayors and councilmembers should be compensated for expenses. Reimbursement is limited to "...actual expenses incurred in the performance of their official duties within the limitations prescribed by ordinance."

Municipal elected officials may receive payment for only those expenses that are able to be documented at the time of payment. State law does not authorize a fixed-amount expense allowance to cover future unknown expenses. In numerous opinions, the state attorney general has concluded that paying expense allowances or a daily allowance, called per diem, would likely be found by a court to be in violation of state law.

An official can receive a travel advance to cover anticipated expenses. However, the official must provide documentation, such as receipts, of actual incurred expenses. The official must reimburse any overpayment to the municipality in a timely manner.

The municipality should reimburse only expenses for the elected official, not spouse or guest expenses. In 1985, the state Supreme Court concluded that

expenses incurred by a spouse or guest accompanying a municipal councilmember while on business were not an "actual expense incurred in the performance of their official duties" and did not meet the public purpose test.

Council's rules of procedure should spell out the method for requesting and approving reimbursement of actual expenses incurred in the performance of official duties. The rules of procedure should also require reimbursement requests be accompanied by a signed voucher certifying that the expenses were incurred in the performance of official duties and be accompanied by receipts for the expenses.

When developing rules of procedure, council can define which type of expenses are eligible for reimbursement and put in place a cap on amounts to be reimbursed.

If the elected official has a municipal credit card, he can use the card only for actual expenses incurred in the performance of his official duties. Council should adopt a clear policy on appropriate credit card use and implement a system to carefully monitor usage and require proper documentation of the purpose for the expense to ensure policy compliance.

The SC Municipal Insurance and Risk Financing Fund Board of Trustees elected **Bill Graham**, administrator of Conway, to serve as its chairman. The board also elected **Jeff Molinari**, assistant administrator of Goose Creek, to serve as vice chairman.

Members of the **SC Municipal Finance Officers, Clerks and Treasurers Association** elected their 2013-14 officers and board of directors. President Steven Gibson of Rock Hill; Vice President Heather Fields of Ware Shoals; Secretary-Treasurer Steffanie Dorn of Greenwood; and Directors Carrie Johnson of Orangeburg; Lisa Wallace, CMC, of Summerville; Camilla Pitman, MMC, of Greenville; and David Seifert, MBL, of Greer.

Members of the **SC Business Licensing Officials Association** elected their 2013-14 officers and board of directors. President Edra Stephens, MBL, of Beaufort County; Vice President Cindy Thompson, MBL, of Columbia; Secretary/Treasurer William Hall, MBL, of Lake City; and Members at Large Connie Standridge, MBL, of Pendleton; Nicole Combs, ABL, of Spartanburg and Karen Proctor, ABL, of Lancaster.

The online Achievement Awards entry form will be available on December 13 at www.masc.sc (keyword: achievement awards). Municipal officials will receive a mailed entry form in early January.

The "fill-in-the-blank" online application provides an easy-to-use format to

highlight a project's key points. Judges will look for projects that show effective partnerships, innovation, adaptability to other hometowns, efficient use of resources and quantifiable results.

The submission deadline is February 12 for online and hand-delivered submissions. Mailed entries must be postmarked by

February 12. The main contact person for each entry will receive an email confirmation by February 19 from the Association confirming it has received the entry.

For more information regarding the 2014 Achievement Awards, contact Meredith Houck at 803.933.1215 or mhouck@masc.sc.

It's time for affiliate membership renewals

Did you know that the Municipal Association of South Carolina manages almost a dozen affiliate organizations? These affiliates offer relevant and timely training to municipal employees working in specialized professional fields.

Participating in the affiliate groups is an excellent way to stay current on issues and increase organizational knowledge and readiness to effectively deliver municipal services.

Beyond traditional face-to-face learning, the affiliate groups offer members opportunities to share best practices, experiences and specific questions related to their profession. Members receive discounted registration fees for all training sessions.

Listserves are a significant member benefit. They allow questions to be sent simultaneously via email to all listserv members. The members see all responses, which are maintained in an online archive.

Affiliate memberships run on a calendar basis. Existing members will receive a renewal notice in December. All municipal officials and staff are eligible to join by going to www.masc.sc (keyword affiliates) or by contacting the affiliate's staff contact. Online membership applications and renewals will be available on January 2.

"The Association urges elected officials and management staff to encourage their professional staff to participate

in one or more of the affiliate associations," commented Eric Budds, deputy executive director.

Municipal Court Administration Association of SC

MCAA offers training to court administrators, clerks of court, municipal judges and other employees involved in court administration. MCAA, which has 225 members, also offers opportunities for members to share ideas to make the business of court administration more efficient.

Staff Contact: Lesley Stone

Municipal Technology Association of SC

With 104 members, MTASC promotes the effective use of technology by municipalities. Recent training sessions included information about network administration, cloud computing, geographic information systems and mobile applications.

Staff Contact: Lesley Stone

SC Association of Municipal Power Systems

All of the state's 21 municipal electric utilities are members of SCAMPS. Originally, SCAMPS existed solely for the utilities to help one another during times of disaster. Today, the group also focuses on legislative initiatives and provides training for elected officials, management staff and operational personnel.

Staff Contact: Eric Budds

SC Association of Stormwater Managers

SCASM offers its 196 members quarterly training on stormwater management policies and best practices. Training regularly includes updates on proposed changes to stormwater regulations and case studies featuring innovative programs and practices.

Staff Contact: Lesley Stone

SC Business Licensing Officials Association

BLOA, with its 314 members, promotes best practices for administering and enforcing the local business and professional license tax through training sessions and the professional designations of Accreditation in Business Licensing and Masters in Business Licensing.

Staff Contact: Scott Slatton

SC Community Development Association

SCCDA provides educational forums for its 149 members to address economic and community development needs as well as share best practices and successful case studies.

Staff Contact: Lesley Stone

Municipal Finance Officers, Clerks and Treasurers Association

MFOCTA offers its 217 members training programs covering the wide range of responsibilities of finance officers,



End of the year to-dos

File Local Government Finance Report with the SC Budget and Control Board.

The deadline for filing the FY2013 report is January 15. Cities that do not submit the information by the deadline will have 10 percent of the current year's distributions from the State Treasurers Office due to the city withheld until they send in the LGF Report. Submit information online at ors.sc.gov/economics/localgov.html.

Set, approve and post 2014 council meeting dates.

State law requires all local governments give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times and places of meetings. Written public notice must include, but need not be limited to, posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

Review and update contact information.

Access the Association's Municipal Information Dashboard on the Association's website. Only city clerks or a designated representative can review, update and certify the information. The Association relies on the information to communicate on issues important to cities and towns. The information is printed in the annual "South Carolina Municipal Officials and Legislative Directory" and appears in the Association's online municipal directory.

Gather information for Statement of Economic Interests.

While not due until April 15, information supplied on the SEI is based on the previous calendar year. All

clerks and treasurers. It also sponsors the Municipal Clerks and Treasurers Institute with the Municipal Association and the University of South Carolina's Institute for Public Service and Policy Research.

Staff Contact: Jeff Shacker

Municipal Human Resources Association

MHRA promotes sound human resources administration and encourages innovative programs. Through its training programs, MHRA provides information and the opportunity to exchange ideas among its 214 members and stay up to date on ever changing state and federal labor law and court rulings.

Staff Contact: Lesley Stone

SC Utility Billing Association

SCUBA provides training to its 157 members on utility billing, collections and customer service. Programs frequently include topics such as customer service skills, workplace safety, and best practices in utility billing and collections.

Staff Contact: Ken Ivey

During the past year, the Association's affiliate groups conducted approximately 38 days of specialized training with more than 2,300 municipal staff members and associate members participating.

municipal elected officials, candidates for municipal office, chief administrative officers (regardless of the name of the position, including city administrators or city managers, chief financial and procurement officers—or similarly titled positions) must file an annual Statement of Economic Interests with the State Ethics Commission. Failing to file or intentionally misrepresenting information is a misdemeanor and could result in a fine, jail time or both.

Review insurance schedules.

For property and liability insurance, review all covered exposures including the list of buildings and contents, number of reported law enforcement officers, inland marine items and scheduled vehicles. For workers compensation insurance, closely monitor the breakdown of payroll by payroll classification codes. Be sure to request valid certificates of insurance from subcontractors.



(above) *Swan Lake Visitors Center, City of Sumter.*
 (right) *“Recovery” sculpture, City of Sumter*



Strategic tourism development benefits locals and visitors alike

There’s no “if we build it they will come” approach for Midlands cities and towns that are using tourism to bring jobs, increase visitors and, at the same time, leverage dollars to increase the quality of life for residents and businesses.

Strategic tourism development is increasingly a major economic force in many Midlands cities and towns. “Facilities, natural attractions and events are three major drivers when it comes to tourism as an economic development tool,” says Sumter Mayor Joe McElveen, Municipal Association president. “Tourism related facilities and activities should serve the purpose of both visitors and residents. When a city or town holds an event and generates outside interest for the community – not to mention outside dollars - many positives can result.”

McElveen points out Sumter’s Swan Lake Iris Gardens is by far the most popular tourist destination in Sumter County with walking trails, wildlife and natural habitats for park visitors to experience. Both locals and visitors alike benefit from Swan Lake which is the only public park in the United States to feature all eight swan species. The park is also home to some of the nation’s most intensive plantings of Japanese iris.

The 150 acres of land were donated to the city by two local families between

1927 and 1949. “Since then, the development has taken place through accommodations and hospitality tax dollars, the local penny sales tax and some local donations and sponsorships,” says McElveen.

Expansion and renovation at Swan Lake continue, increasing its attractiveness by adding visitor amenities and attractions every year. “Recovery,” a 14-foot sculpture by acclaimed local artist Grainger McKoy was added in 2010 using a combination of penny sales and hospitality tax plus local partnerships with businesses and organizations. The Swan Lake Visitors Center serves as the only designated visitor information center in the city or county and was built using a combination of hospitality tax and local partnerships funding as well.

Sumter’s Swan Lake Gardens are a win/win for locals and visitors, says McElveen. “From an economic development perspective, the Gardens help us bring new dollars and new people into our community. From the perspective of residents and businesses, the Gardens add a quality of life amenity that is so important to people when deciding where to live and work.”

The City of Newberry has successfully leveraged an historic landmark to anchor its downtown district to benefit tourists and the local community. The 426-seat

Newberry Opera House hosts more than 270 performances and 100,000 visitors annually.

Deborah Smith, long-time director of the Newberry Opera House points out, “Our mission is directed toward the economic and cultural development of Newberry County and the Midlands. The main thing our founders wanted was an economic engine for downtown Newberry. The Opera House has now become a real marketing arm for the city, the county and the entire region.”

Smith credits city officials for using the local accommodations tax to allow the Opera House to advertise and promote its programs in the county, state and regionally. “Now more than 100,000 visitors come through the Opera House doors annually, and we are able to support our downtown restaurants, merchants



Monor at Doko Meadows, City of Blythewood

and hotels. We have developed downtown as a tourism center with some of the best restaurants in the state, a major hotel chain and support for downtown businesses that likely wouldn't have happened without the Opera House as a strong and consistent tourism draw."

In Blythewood, Doko Meadows is the town's new 25-acre park that is part of a 10-year vision to create a center of community activity for recreation, music and arts, celebration events, cook offs and competitions. "Our goal for this park facility is for it to be "a place within a place" where locals and visitors can come and enjoy individual and group activities," says Mayor Michael Ross.

One of the first realities of the park is the Manor at Doko Meadows that opened in March 2013 as a 7500-square foot venue that has already hosted more than 100 events as diverse as Rotary Club meetings, wedding receptions, festivals and bridal showcases. The Manor at Doko Meadows also exhibits local artists' work and showcases natural assets that attract locals and visitors alike.

The park and the manor facility are used by residents and tourists so the funding of the project is supported both by town general funds as well as accommodations and hospitality tax revenues.

"The dollars tourists bring to the community by visiting a facility like the Manor at Doko Meadows help grow the local economy and make the community more attractive to bring in even more visitors. This in turn increases the quality of life and the quality of services available to residents and businesses," says John Perry, town administrator.

This article originally appeared in the November issue of the Columbia Business Monthly magazine.



First on-demand Institute course available

In November, the Association began offering its first credited, on-demand course as part of the Municipal Elected Officials Institute of Government. The course, "Municipal Economic Development," focuses on the role of municipal leaders in economic development.

Within the next two years, the Association will offer on-demand versions of the Institute's five core courses as an alternative to the sessions streamed to the ten Councils of Governments' offices. "We recognize we must offer training in multiple formats to meet the preferences and needs of our elected officials," said Executive Director Miriam Hair.

Rather than waiting for the once-a-year core course offerings, officials can take on-demand courses when it fits their schedule. The Association also offers a noncredited, on-demand course for newly elected officials. "The Five Basics of Effective Governing" provides basic information about municipal governance that will be helpful during a newly elected municipal official's first few months in office.

Municipal Economic Development

From identifying local assets to using the most relevant financing tools, local economic development is about municipal elected officials working collaboratively with other officials representing the state, county and other neighboring towns, as well as with residents, local business owners and utility providers.

This course provides information and tools for elected officials to develop a collaborative approach to economic development. Topics covered include identifying a community's economic development assets, developing a strategic plan, using available tools to finance projects, and attracting businesses through revitalization.

To access the course, visit www.masc.sc (keyword: MEO). From the Institute Requirements section, select the "Register" button for the "Municipal Economic Development" on-demand option.



Courses needed to complete MEO

1. Session A (Daylong session in Columbia each February before Home-town Legislative Action Day. Next session: February 4.)

2. Session B (Daylong session in Columbia each February before Home-town Legislative Action Day. Next session: February 4.)

3. Basic Budgeting and Municipal Finance (Streamed to councils of governments each March. Next session: March 20)

4. Governance and Policy for Municipal Government (Streamed to councils of governments each May. Next session: May 15)

5. Freedom of Information Act in SC (Streamed to councils of governments each May. Next session: May 15.)

6. Municipal Economic Development (Streamed to councils of governments each September and available on demand. Next session at councils of governments: September 18)

7. Forms of Municipal Government (Streamed to councils of governments each September. Next session at councils of governments: September 18. On-demand option coming soon.)

For more than 25 years, the Municipal Elected Officials Institute of Government has provided South Carolina elected officials with valuable training to help them be more effective leaders for their hometowns. In November, the Association announced a new Advanced Institute for MEO graduates. For more information about MEO or the Advanced Institute, visit www.masc.sc (keyword: MEO).

Textile communities revitalization credits



The Cotton Factory, City of Rock Hill

The following article is the third in a series about economic development tools and how to use them.

In addition to historic rehabilitation credits discussed in November issue, owners/developers of a building may be eligible for tax incentives based on a property's former use. Credits are available under the Textiles Communities Revitalization Act, Abandoned Buildings Revitalization Act and Retail Facilities Revitalization Act credit programs.

The textiles communities revitalization tax credit is available for renovating, rehabilitating and redeveloping abandoned textile mill sites. To be eligible for the tax credit, the property owner/developer must not have owned the site before it was

abandoned nor have previously received a textile mill credit.

Definitions

An **eligible textile mill site** is a "textile mill together with the land and other improvements on it which were used directly for textile manufacturing operations or ancillary uses."

Abandoned is defined as "at least 80 percent of the textile mill has been closed continuously to business or otherwise nonoperational as a textile mill for a period of at least one year immediately preceding the date on which the taxpayer files a 'Notice of Intent to Rehabilitate.'"

Eligible rehabilitation expenses are considered "expenses or capital expenditures incurred in the rehabilitation, reno-



vation or redevelopment of the textile mill site."

Choices

A taxpayer who rehabilitates an abandoned textile mill site can choose between two available tax credits. *SC Code of Laws 12-65-30*

Option 1: The credit is taken against state taxes including: income tax, license tax or both; bank taxes (income/bank/license tax credit); or insurance premium taxes. The credit is equal to 25 percent of eligible rehabilitation expenses.

Option 2: Property tax credit is equal to 25 percent of the eligible rehabilitation expenses multiplied by the local taxing entity ratio for each local taxing entity consenting to the credit.

Process

To receive the tax credit, the owner/developer must first prepare and submit a “Notice of Intent to Rehabilitate” to the state Department of Revenue for option one (state tax credit) or the municipality or county for option two (property tax credit)... “ indicating the taxpayer’s intent to rehabilitate the textile mill site, the location of the textile mill site, the amount of acreage involved in the textile mill site, and the estimated expenses to be incurred in connection with rehabilitation of the textile mill site.” The notice also must indicate which buildings will be renovated or demolished and whether new construction is involved.

The amount of the credit is equal to a maximum of 25 percent of the actual rehabilitation expenses made at the textile mill site after filing the Notice of Intent. A textile mill site acquired after December 31, 2007, is eligible for the credit if the final costs fall within 80 – 120 percent of the estimate of the rehabilitation expenses provided in the Notice of Intent to Rehabilitate. Rehabilitation expenses falling below 80 percent or above 120 percent are not eligible for the tax credit.

To claim the state credit, the taxpayer must submit the NIR to the state Department of Revenue then take the credit on his income tax return. To claim the property tax credit, the taxpayer must file the NIR with the local government where the textile mill is physically located. The local government must determine eligibility, then certify eligible and proposed rehabilitation expenses by a resolution approved by a positive majority vote. Council must then hold a public hearing and approve the tax credit by ordinance.

At least 45 days before holding the public hearing, the governing body must give notice to all affected local taxing entities where the textile mill site is located of its intention to grant the property tax credit. The notice must include the amount of estimated credit based on

the amount of estimated rehabilitation expenses. If the other local taxing entities do not file an objection, they are deemed to have consented to the credit.

The owner/developer can take the property tax credit against up to 75 percent of the real property taxes due on the textile mill site each year for up to eight years.

He must take the state income tax or corporate license fee credit in equal installments over a five-year period, beginning when the property is placed into service. Any unused portion may be carried forward for the next five years. The law

limits the use of this credit to 50 percent of the taxpayer’s state income tax liability or corporate license fees.

The owner/developer can combine textile credits with state and federal historical rehabilitation tax credits, resulting in a potential credit equal to 55 percent of eligible rehabilitation expenses—20 percent federal, 10 percent state and 25 percent textile. The textile credit may also be passed through to lessees or purchasers of the property.

See SC Code Section 12-65-30(C)(6) for more information.



Institute participants can track progress online

Municipal elected officials and staff who participate in any of the Association’s four training institutes now have 24/7 access to their certification records.

In November, the Association began providing transcripts on its website to participants in the Municipal Elected Officials Institute of Government, the Risk Management Institute, the Municipal Clerks and Treasurers Institute, and the Accreditation in Business Licensing program.

To view their Institute progress, individuals must first log on to the Association’s website with their user

identification number and password. Once logged in, individuals should go to the main program page for each institute either from the member home page or using the site’s navigation. If eligible to participate in the Institute, the user will see his progress for completing the requirements as well as the schedule of upcoming sessions. Users can also download a PDF copy of their transcript for printing.

Municipal clerks also have online access to Municipal Elected Officials Institute transcripts for all elected officials from their municipality.

A Day in the Life of a Police Chief

This is part of a series of articles on the duties and responsibilities of municipal employees. For this article, we spoke with six police chiefs from across the state about the changes they have witnessed in law enforcement during their tenure, as well as the many challenges and rewards of the job.

Technology changes at warp speed, and its impact can be seen in nearly every facet of modern life. Police chiefs from around South Carolina say that growth of technology has been the most prominent trend in law enforcement over the years.

Lexington Police Chief Terrence Green has been with the department for 20 years and has served as chief for seven. In that time, technology has become a major player in the law enforcement field, Green said. From computers in cars, crime mapping, license plate readers, facial recognition, the use of DNA, and the use of cameras, technology has transformed the law enforcement community.

“Technology has given us a hands-up on solving crimes,” Green said.

It also plays a role in keeping officers safe. Central Police Chief Kerry Avery said that devices like Tasers help decrease officer injuries because they don’t have to get hands-on with combative suspects.

Clemson Police Chief Jimmy Dixon first started in law enforcement while in college in the 1970s. He’s spent his career working at the state police academy, various sheriff’s departments and the Clemson police department. He has seen technology advance by leaps and bounds during his tenure.

“Law enforcement is law enforcement; policing is policing,” Dixon said. “But the way that we police has changed immensely in my 30-plus years.”

Clemson officers have mobile laptops and printers in their cars, Dixon said.

“We try to stay abreast and stay on top of technology changes,” he added.

Irmo Police Chief Brian Buck noted that when he first became a patrolman, law enforcement officers traditionally used bulky walkie-talkies that had four channels and required lots of codes. Now they’ve moved to smaller, more powerful



The Darlington Police Department equips officers with on-person camera to document events, actions and statements made by victims, witnesses and defendants.

radios. Around the country, officers have cell phones, and some have portable fingerprint scanners to conduct identification checks in the field.

Along with the advancements in technology, there have been other changes over the years—some with less positive impacts.

Chief Jackie Swindler has been chief of police in Newberry for 21 years. He has been in the department in Newberry for 38 years, having started work there in college. Over the years, Swindler has seen a sharp increase in multistate crime. It used to be when someone committed a crime, the person was from your jurisdiction, Swindler said. Today, officers work cases where people travel on the Interstate and commit crimes through several states.

Increasingly, law enforcement officers also have to worry about threats of litigation, according to Darlington Police Chief Danny Watson.

“We record and video everything

we do so we don’t have to worry about someone saying we did something,” said Watson, who has been with the department for 20 years, and has served as chief for the past two. “We defend everything we do because we have to. We live in a litigation society.”

Buck said he constantly battles the “us vs. them” mentality in police work. This requires officers to work hard to keep open lines of communication with all segments of the community, said Buck, who has been chief since 2005 and has spent his whole career—more than 22 years—with the Town of Irmo.

Policing typically is a local matter, but social media and the Internet have created opportunities for local issues to become global news, Buck said. He cited a recent incident involving an officer who had to take deadly force against a dog. There was a lot of controversy surrounding why it happened and whether it was called for—not only from local residents but also

from people around the world. Buck said he personally handled scores of phone calls and explained the situation to each caller. These are the times when communication skills come in handy.

“It’s difficult to squash misinformation and put out accurate information unless you have those bridges of communication,” Buck said.

Another current challenge in law enforcement is finding qualified candidates for the job, according to Green. Today’s police candidates need to be well rounded to handle the different situations that are thrown at them. They must have experience with computer technology, great communication skills, and the ability to recognize the differences in other cultural backgrounds, Green said. Many college graduates are bypassing the law enforcement field for better paying jobs, making recruitment difficult.

Plus, each municipality deals with its own unique set of hurdles. The Town of Lexington is struggling with tremendous growth, Green said. With growth comes traffic congestion problems, an increase in property crime, and the issue of the police department trying to keep pace with the size of the population.

Dixon faces the specific challenges of policing a college town. With a transient population, Clemson officers must find a balance between “letting the students do what students do” while not offending year-round residents, he said.

Dixon said he knows that, as a college town, they will not be able to stop the issues of alcohol use, but he’d like to stop the alcohol abuse.

“I’d love to be able to know I changed behaviors—that there was greater responsibility in the way we celebrate the college life,” he said.

The focus in Irmo is maintaining quality of life for its residents. What once was a small town with upper-middle class residents has grown larger with more middle-class residents, Buck said.

“It makes us a stronger town with a broader sense of experience,” Buck said. “We’ve had to evolve as a police department, to maintain that sense of community as the

demographics change.”

Despite the challenges and risks, the police chiefs agreed that law enforcement is a deeply rewarding career. Avery enjoys helping others, especially victims of crime. Green is proud to make a difference and solve problems in the community.

Swindler said he’s seen the difference law enforcement can make in people’s lives and he hopes to serve as a role model for young people. He said many young men grow up without fathers or positive male figures in their lives and he hopes that his example and his presence in the community will show them how to behave responsibly.

Dixon said he feels rewarded simply by being in his position.

“I feel blessed that we’re a transient community, but we have 100 different nationalities in Clemson,” he said. “I can learn about nationalities and cultures all over the world just by staying in Clemson.”

And protecting all those individuals is of utmost importance, Dixon added.

“We have parents who send their children here from all across the world. Their parents expect these young men and women to be in a safe environment. And we have a responsibility to do the same thing for those who are here year-round,” he said. “I don’t think public safety is something that can be cut or toyed with. We need to do everything we can possibly do to make the City of Clemson the safest municipality possible.”

Buck said all municipalities have a fundamental responsibility to provide law enforcement for their communities.

“One of the very earliest things people did when they came together as a society was protect each other,” Buck said. “We’re vested in this community. Our job—at a very elemental level—is to protect our



Top - Clemson Chief Jimmy Dixon (right) and Captain Matt Culbreath (left) discuss city crime data.

Bottom - Irmo Police Officer Schylur Wells uses his in-car computer system to quickly share information to provide better public safety.

fellow man. The most important thing a city can do is look out for its own.”

For Watson, safety is intrinsically linked to a high quality of life for residents.

“I’ll walk through any neighborhood in Darlington at any time,” Watson said. “You should not be afraid to walk down your street.”

Indeed, providing public safety should be the number one priority for a town or city, Green said. A municipality that does not provide adequate public safety will not flourish and will be on the path of dying, he said. Swindler agreed, noting that public safety sets the tone for everything else in a community.

“If you don’t have a safe city, why would businesses want to come there? Why would developers want to build good, safe communities for people to live in? Everything is based around that,” Swindler concluded.

Chiefs address recruitment *and retention challenges*

Some of the biggest challenges facing law enforcement today involve recruiting new officers and retaining good ones on the force.

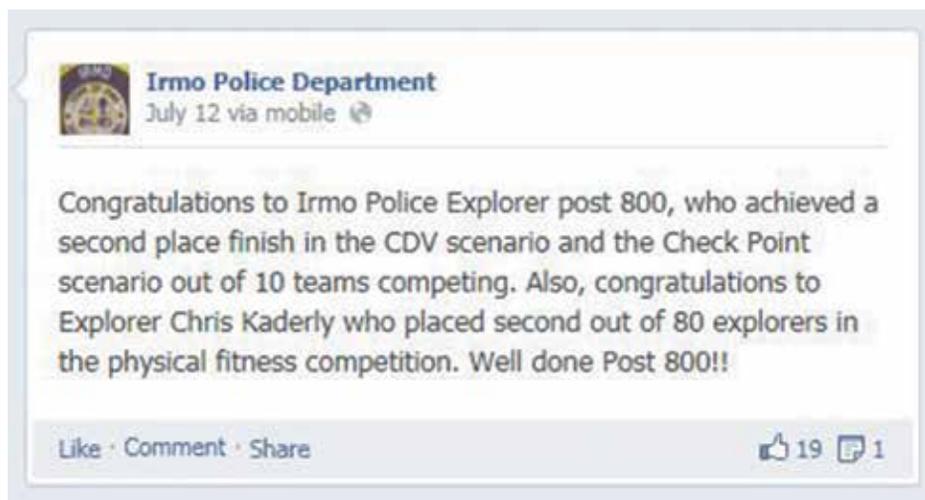
Recruiting is an important function that needs to be valued within the department, according to the International Association of Chiefs of Police. Larger municipalities may have recruiting departments, while smaller departments may handle recruiting on a part-time basis or through employee referrals. Some provide bonuses such as time off or cash payments for officers who refer candidates who go on to become employed by the department.

Not surprisingly, the Internet is one of the most popular ways for police departments to advertise vacancies and recruit candidates. It's cheap, available round-the-clock and widely accessible. The Irmo Police Department utilizes its Facebook page and Twitter feed to attract potential candidates, according to Police Chief Brian Buck. Darlington Police Chief Danny Watson said he also utilizes social media as a recruitment tool.

Newspapers, career fairs, and developmental programs like internships, explorer posts and community service positions are other means to successfully recruit candidates, according to IACP.

As an adjunct professor at a technical college, Watson has a leg up on recruiting. He looks for people in his classes who would make good candidates. Watson said this affords him the opportunity to see how these potential candidates behave, how they interact with others, and what their work ethic is like. Many of his students are nontraditional students who are making a career change and looking for stability.

Newberry Police Chief Jackie Swindler has built relationships with academic institutions—the University of South Carolina, Newberry College and technical



The Irmo Police Department utilizes its Facebook page and Twitter feed to attract potential candidates.

schools—and recruits from there for jobs and internships.

“It’s all about building a reputation and building relationships,” Swindler advised.

Newberry is an accredited agency, which is a selling point because it shows candidates that the department has certain policies and procedures, and that the atmosphere is positive and professional, Swindler said. Newberry also offers incentives for further education and performance appraisal evaluations with monetary incentives often attached, he said.

Often, the best advertisement for a department is the people who work there.

“Current employees are your best or your worst recruiters,” Buck said. “That’s why we try to have a good work environment.”

A positive work environment, benefits and incentives are all important factors in both recruitment and retention.

Lexington Police Chief Terrence Green said he offers officers a great starting salary. After three years on the job, patrolmen receive merit increases. Like many other cities, Lexington has a take-home vehicle policy, which allows officers to drive their patrol cars to and from work, and

purchases all of the officers’ equipment, including bullet-proof vests, guns, boots and uniforms.

“Providing an enjoyable work environment, training our officers with latest techniques in law enforcement, and providing reliable equipment is how the Lexington Police Department is able to attract and retain officers,” he said.

The Town of Central offers its police officers a half-price membership to the local recreation center. In addition, the town pays all of its officers’ medical benefits (health, dental and vision), according to Police Chief Kerry Avery. Officers in Irmo are eligible for incentives, such as a monetary reward for passing the department’s physical fitness test. They also offer an in-town housing subsidy and a take-home patrol car, as well as in-house and vendor-provided training for career advancement, Buck said.

Clemson Police Chief Jimmy Dixon said his department has a supportive council that understands the value of public safety. Clemson offers a salary comparable to, if not higher than, other area agencies. The city also offers a three-year master patrol officer upgrade. This

gives officers a pay bump if they're with the agency for three years.

Many times officers leave because they are seeking better pay or benefits, or an improved quality of life. Others are looking for career growth or better opportunities. Some leave because they are dissatisfied with their training or with the type of equipment they receive, according to IACP. To improve retention rates, cities should offer competitive salaries and benefits, training opportunities, and career counseling. It's also helpful to offer job-related feedback and to recognize good behavior to improve morale, IACP advises.

Training is an important part of advancement, Dixon said. As a former staff instructor at the state police academy for 10 years, Dixon said he is a strong proponent on keeping up to date with the latest supervisory techniques.

Green said they are constantly sending officers who are in leadership roles to leadership classes. Those classes may be at the SC Criminal Justice Academy, other law enforcement agencies or through private vendors. Avery said his agency takes advantage of a supervisor/leadership class offered through the Appalachian Council of Governments.

Swindler said the most important factor of retention is doing a thorough job on the front end and hiring the right person.

It's important that the candidate fits the team, with a personality, morals, value and integrity that matches the agency, Swindler said. Once that person is hired, keep him as well-trained as possible. Find out a person's skills and goals and match them to opportunities. Provide them with good equipment and a good work environment, he advised.

"The more equipped and better trained they are, the more satisfied they will be in their job," Swindler said.

Uniform Traffic Ticket vs. Ordinance Summons

State law authorizes two kinds of tickets, or charging documents, for municipalities to use for misdemeanor crimes and offenses. One is the Uniform Traffic Ticket. The other is the municipal ordinance summons. Confused as to which ticket is used for what offense? You are not alone. Each ticket has specific crimes or infractions for which it can be used.

Certified law enforcement officials must use the Uniform Traffic Ticket exclusively, instead of an arrest warrant, for traffic offenses. This includes offenses specifically listed in SC Code Section 56-7-10, such as disorderly conduct, open container, littering and trespassing, and offenses within the subject matter jurisdiction of municipal court that are committed in the presence of a law enforcement officer. No other ticket may be used for the offenses listed under Section 56-7-10. The use of UTTs to write violations of local ordinances is limited to municipal ordinance violations committed in the presence of a certified law enforcement officer.

In 1992, the legislature gave local governments the ability to adopt the municipal ordinance summons by ordinance to enforce local ordinances. *Section 56-7-80* Before this, the only enforcement tool for municipal code violations was an arrest warrant. The ordinance summons



is a ticket for enforcing local ordinances and may be issued by both certified law enforcement and authorized code enforcement officers. The ordinance summons requires the defendant to appear in municipal court to show cause for the violation.

Two problematic areas related to the use of an ordinance summons involve regulating motor vehicles and collecting state assessments and surcharges. State law is clear that under no circumstances is the ordinance summons to be used to perform a custodial arrest or to regulate the use of motor vehicles on public roads, including careless or negligent operations.

State law is equally clear that the use of ordinance summons is not exempt from state assessments and surcharges. As part

of the unified court system, municipal courts must collect state-mandated assessments and surcharges on all charges resulting in a conviction, guilty plea or plea of *nolo contendere*, or forfeiture of bond for a crime or infraction.

Uniform traffic ticket and ordinance summons are two equally effective law enforcement tools when used properly. The UTT should be used by certified law enforcement officers exclusively for state code violations and may be used for municipal ordinance violations committed in the presence of the officer. The ordinance summons should be the sole method for enforcing municipal ordinance violations when issued by an authorized code enforcement officer.

Managing moonlighting concerns

In the current economic climate, moonlighting among governmental employees has grown significantly, particularly the demand for off-duty police officers by private industry. Private employers prefer hiring off-duty police officers over private security officers because of the law enforcement officers' police powers, training and "presence."

However, moonlighting by police officers can be problematic because of the number of potential legal issues that arise for the secondary employer as well as for the municipality if police action must be taken. If secondary employment is permitted but not controlled, the potential for liability increases significantly, especially if the municipality allows the officer to use department uniforms, weapons and equipment.

Secondary employment also carries Fair Labor Standards Act, workers' compensation and liability insurance concerns. To properly manage these risks, the department should have procedures in place to govern both "off-duty" employment that does not require actual or potential use of law enforcement powers and "extra-duty" employment that is conditioned on the actual or potential use of law enforcement powers.



The off-duty employment does not create significant issues because there is no potential conflict of interest or threat to the status of the department and municipality. Extra-duty employment has those risks. Individuals, businesses or organizations should request officers for extra-duty assignment through the municipality, similar to contracting with a third party for security services. The municipality then assumes responsibility for liability, workers' compensation and officer payment.

Benefits of municipal/police department control of "extra-duty" employment

- Centralized control and administration
 - Type of assignments permitted
 - Staffing, scheduling and supervision
 - Use of equipment

- Clearly delineated officer duties and responsibilities
 - Departmental policies and procedures in place to minimize risk
 - Compensation policy that compensates officers on a standardized basis, complies with the Fair Labor Standards Act, deducts proper taxes and state retirement, and covers department-related costs
 - Workers' compensation and liability covered by municipal entity
 - Written agreement between the department/entity and the contracting party for the services to be performed

Municipalities that have no direct control over secondary employment may run the risk of running up against the Fair Labor Standards Act governing payment of overtime. If the officer has to use his law enforcement powers, the time involved is considered "on the clock."

A number of police departments operate on 12-hour shifts and maximize the amount of time permitted before overtime pay begins. The FLSA requires all covered nonexempt employees receive overtime pay at no less than time and a half their regular rates of pay, except for police and fire protection employees of a public agency which employs less than five employees in law enforcement or fire protection activities.

Frequently asked questions

Victim Services

Do all municipalities with a police department have to provide victim assistance services?

A. Yes. The city can provide these services directly or contract with an approved service provider, including another law enforcement agency such as the county sheriff's department. A properly constructed and executed service contract, approved by the State Office of Victim Assistance, transfers the responsibility and liabilities for victim services to the contractor.

How are victim assistance services funded?

A. The state allows municipalities to retain 11.16 percent of the 107.5 percent assessment on court fines processed through their municipal court. Municipalities must use these funds exclusively for notifying victims of their rights and providing victim support services/programs within the guidelines established by SOVA.

How are the restrictions on victims service funds monitored and enforced?

A. Municipalities must submit their annual budget to SOVA within 30 days of adoption. The adopted budget must specifically identify victim service revenue and expenditures. The victims service revenue and expenditures must be capable of being traced through the financial system. State law also requires municipalities carry forward any unused victim assistance funds each year and to use the revenue exclusively for providing victim services. To ensure the proper use of victim assistance funds, SOVA is authorized to perform audits and require the repayment of unauthorized expenditures.

The value of social media for law enforcement

The bottom line for encouraging community engagement is communication, specifically opening the lines of communication to allow for a two-way dialog. Social media offers an avenue to engage community members to a degree that has not been possible before.

Many cities and towns are successfully using social media within their police departments for both investigative purposes and community engagement.

There are numerous free or inexpensive social media tools available, and new ones appear almost daily. Should you have a profile on Facebook or Google Plus? Should you be using Group Me or Viber for group messaging? Ustream or Bambuser to stream video?

The actual tool used is not that important. In fact, it should be last item on the list of decisions that need to be made. It is more important to determine why you want to use the tools, who you want to reach, what resources are available to sustain the initiative and how will you know if you have succeeded in meeting your goals. Once these questions have been answered, it is time to pick the right tool for the job.

Microblogs (Twitter, Nixle)

Police departments are using microblog services like Twitter to issue breaking news, dispel rumors, host tweet-alongs and answer questions directly from the public. Encourage the media to follow your account for alerts. Tip: Have Twitter designate your account as an authentic government Twitter account. Verified accounts are designated by a blue verified badge on the account's profile. Twitter does not accept requests for verification from the general public.

Video sharing (UStream, Vimeo, YouTube)

Using an Ipad or even a smart phone, officials can share audio and video from events, press conferences or media interviews. Both UStream and Bambuser allow for live streaming.

Networking (Facebook, MySpace, Google Plus, LinkedIn, BlueLine)

Facebook is the name that first comes to mind when thinking about social networks, but there are a host of others, depending on what you are trying to do and who you are trying to reach. LinkedIn, a professional network, is better suited for recruitment purposes than information about a Crime Watch meeting.

The number of adults using social networks is up to 72 percent, and police



departments are using these networks to share relevant information and encourage two-way communication.

The police chief of Brimfield, OH, has reached global "rock star" status in the social media world. From a township of a little more than 10,000, the department's Facebook page has more than 89,000 likes. The only police department with more likes is New York City.

"Our followers know that good news or bad news, we're going to tell you the truth," said Oliver in a recent interview with *Governing* magazine. "We have some fun, but we also tell some sad stories along

the way. You'll always know that we're trying to do what's right."

Chief Oliver posts relevant content with a healthy dose of humor and straight talk. His goal for using Facebook and other social media is to allow the public an inside look at police work. He credits the Facebook page with showing his residents and followers as far away as Australia and Japan that keeping a community safe is a team effort.

"If we're going to reduce crime, the people have to be willing participants," explained Oliver during the interview. "We wanted to have any means of communication available so our department is the most functional operation it can be. I think the paradigm is shifting a little bit toward using social media as an outreach tool rather than just picking up the phone to call the police department."

Looking to replicate the type of communities created by Facebook and other social and professional networks, Bratton Technologies launched the BlueLine™ in October. The web-based, free professional network is open exclusively to law enforcement professionals.

"Information sharing helps cops do a better job of keeping our communities safe," said CEO William Bratton, former chief of the Los Angeles Police Department and commissioner of both the New York and Boston Police Departments. "BlueLine crowdsources the best and brightest in American policing, so innovations in crime-fighting and training and all manner of expertise can be shared to the instant benefit of everyone."

The International Association of Chiefs of Police maintains a website that serves as a clearinghouse of social media information to help officers integrate social media tools into their daily operations.

The site shares best practices, offers model policies and procedures and provides concise explanations of the tools and their potential uses.

Learn more about the tools mentioned in this article and others at www.iacpsocialmedia.org.



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Tel: 803.799.9574 | Fax: 803.933.1299
www.masc.sc

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Calendar

For a complete listing of training opportunities, visit www.masc.sc to view the calendar.

DECEMBER

3 Public Information Officers Training.

1411 Gervais St., Columbia. Topics include social media and civic engagement, creative ways to cut through government-speak to tell the “municipal story,” and online emergency communication. The day will conclude with a hands-on Joint Information Center exercise for an emergency. The session is targeted to public information officers and city staff who have public information as part of their job responsibility.

6 Municipal Attorneys Association of SC Annual Meeting. Embassy Suites, Columbia. Topics include employment law update, Voting Rights Act and ethics.

9 Employment Liability Training.

North Hope Center, Sumter. Open to SC Municipal Insurance Trust and SC

Municipal Insurance and Risk Financing Fund members. Core course for the Risk Management Institute.

10 Employment Liability Training.

Municipal Center, North Augusta. Open to SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund members. Core course for the Risk Management Institute.

12 Employment Liability Training.

Visitors Center, Gaffney. Open to SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund members. Core course for the Risk Management Institute.

JANUARY

15 South Carolina Local Management Training Program: Working Effectively with Council. Hilton Garden Inn, Aiken. Designed for city and county managers/administrators new to the profession or to South Carolina.

FEBRUARY

4 Municipal Elected Officials Institute: Session A, Session B. Marriott, Columbia.

4 Advanced Municipal Elected Officials Institute. Marriott, Columbia.

5 Municipal Association of SC’s Hometown Legislative Action Day. Marriott, Columbia. See related article on page 1

12 Defensive Driving. Aiken Public Safety Training Facility. Open to SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund members. Core course for the Risk Management Institute.

12 SC Other Retirement Benefit Employer Trust Members Meeting. Municipal Association Office, Columbia.

13 Defensive Driving. Town of Central Council Chambers. Open to SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund members. Core course for the Risk Management Institute.

18 Defensive Driving. Goose Creek Police Department Training Room. Open to SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund members. Core course for the Risk Management Institute.