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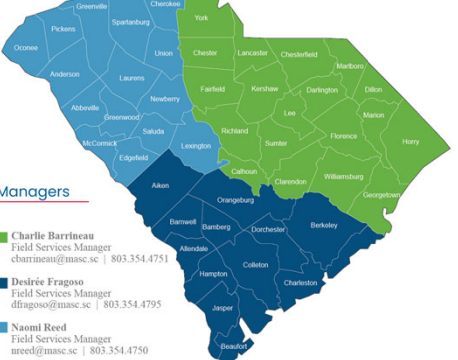
Business Licensing Officials Association

Association

Overview of Municipal and County Government


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Civility.
Respect.
Solutions.

MASCO Municipal Association of South Carolina™



A Note to Begin

- Presently the following counties impose a business license tax:
Beaufort, Charleston, Dorchester, Horry, Jasper, Marion, Orangeburg, Richland and Sumter



It's Complicated

- 1 Governor
- 8 other constitutional officers
- 46 Senators
- 124 House Members
- 46 counties
- 82 school districts (?)
- 271 municipalities
- 231 special purpose districts (?)
- 10 councils of government



 Municipal Association of South Carolina



Home Rule

Navigating Local Government

 Municipal Association of South Carolina

Dillon's Rule

U.S. Constitution is silent on local governments, each state is in charge of granting broad or limited authority to each branch as it sees fit – counties, cities/towns/, school districts, SPDs, etc.

The Dillon Rule, or Dillon's Rule, named after Iowa Supreme Court Justice John F. Dillon:



Justice John Forrest Dillon

Local governments are “creatures of the state,” and therefore have **ONLY** the powers expressly **granted** to them by the state (1868)

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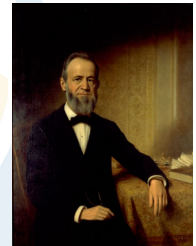
Home Rule

In response to Dillon's Rule, Chief Justice of the Michigan Supreme Court Thomas M. Cooley was a proponent of the Cooley Doctrine:

Local government is a matter of absolute right; and the state cannot take it away.

The Cooley Doctrine evolved into Home Rule:

Local government powers are implicitly **allowed** unless specifically **denied** by the state (1871)



Chief Justice Thomas M. Cooley

 Municipal Association of South Carolina

Home Rule



Photo: 1964 Governor Donald Russell addressing General Assembly; South Carolina Political Collections, The University of South Carolina Libraries



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Home Rule

Home Rule Act of 1975

- Passed to implement the revised Article VIII of the state constitution adopted in 1973.
- Established standardized forms of city and county government. –
- Three forms of municipal government:
 - Mayor/Council, Council and Council-Manager
- Four forms of county government:
 - Council, Council-Supervisor, Council-Administrator, and Council-Manager



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Home Rule

Under home rule, local governments exercise powers:

- Delegated by state law
- Fairly implied from state law
- Not prohibited by state law
- Not inconsistent with the state constitution and state law



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Forms of Local Government

Navigating Local Government



Municipal Association of South Carolina

County Form of Government (FOG)



County Form of Government (FOG)

Operate under 4 forms of government:

- Council-Manager (2 – Greenwood and York).
- Council-Supervisor (3 – Berkeley, Union, Williamsburg);
- Council (5 - Abbeville, Allendale, Barnwell, Calhoun, and Laurens)
- Council-Administrator (36 - all others)

County Form of Government (FOG)

Council-Manager (2 – Greenwood and York)

- The county manager is an appointed official who reports to the county council. Powers and duties are identical to those of the county administrator. In fact, the differences between the council-manager and council-administrator FOGs concern the county treasurer and auditor, and the number of council. State law provides that in the manager FOG the treasurer and auditor may be appointed by the county council rather than elected.

County Form of Government (FOG)

Council (5 - Abbeville, Allendale, Barnwell, Calhoun, and Laurens)

- In the council FOG, all responsibility for policy making and administration is vested in the county council. This form is unique in that there is no county executive. The council retains executive and legislative power. However, it may designate one of its members, such as the Chairman, to act in its behalf and assign additional administrative duties, or it may designate some other appointive employee at the council's discretion.

County Form of Government (FOG)

Council-Supervisor (3 – Berkeley, Union, Williamsburg)

- The supervisor is elected at-large and shall serve as chairman of the county council and is elected also for a two or four year term of office. The law states that the supervisor may vote only to break tie votes on the council.

County Form of Government (FOG)

Council-Administrator (36 - all others)

- The administrator is an appointive official employed by the council who is to be the administrative head of the county government responsible for administration in all departments subject to the council's control.

Council Form of Government (FOG)

Top 10 of 46 Population

No	County	2020 Pop.	FOG
1	Greenville	525,534	Council-Administrator
2	Richland	416,147	Council-Administrator
3	Charleston	408,235	Council-Administrator
4	Horry	351,029	Council-Administrator
5	Spartanburg	327,997	Council-Administrator
6	Lexington	293,991	Council-Administrator
7	York	282,090	Council-Manager
8	Berkeley	229,861	Council-Supervisor
9	Anderson	203,718	Council-Administrator
10	Beaufort	187,117	Council-Administrator

Council Form of Government (FOG)

Bottom 10 of 46 Population

No	County	2020 Pop.	FOG
1	Allendale	8,039	Council
2	McCormick	9,526	Council-Administrator
3	Bamberg	13,311	Council-Administrator
4	Calhoun	14,119	Council
5	Lee	16,531	Council-Administrator
6	Hampton	18,561	Council-Administrator
7	Saluda	18,862	Council-Administrator
8	Barnwell	20,589	Council
9	Fairfield	20,948	Council-Administrator
10	Abbeville	24,295	Council

County Ordinance Section 4-9-120

The council shall take legislative action by ordinance which may be introduced by any member. With the exception of emergency ordinances, all ordinances shall be read at **three public meetings** of council on three separate days with an interval of not less than seven days between the second and third readings. All proceedings of council shall be recorded and all ordinances adopted by council shall be compiled, indexed, codified, published by title and made available to public inspection at the office of the clerk of council. The clerk of council shall maintain a permanent record of all ordinances adopted and shall furnish a copy of such record to the clerk of court for filing in that office.



Municipal Form of Government (FOG)



Municipal Form of Government (FOG)

- ❑ General Information
 - 271 municipalities
 - Most are very small (124 less than 1,000, 209 less than 5,000 and 233 less than 10,000 in population)
 - Great variation in population and complexity of municipal governments
- ❑ Three Authorized Forms
 - Mayor-Council - 135 (85 under 1K, 3 over 25K)
 - Council - 102 (36 under 1K, 3 over 25K)
 - Council-Manager – 34 (1 under 1K, 11 over 25K)



Municipal Form of Government (FOG)

- The major difference is where the executive and administrative powers and responsibilities of the local government are vested
 - The legislative function resides with the council under all forms of municipal government.
 - The performance of executive / administrative functions pursuant to state law or local ordinance is what differs between the forms.



Municipal Form of Government (FOG)

- **Mayor/Council FOG**
 - Often called the *strong mayor* form because the Mayor is granted by state law the right to exercise legislative as well as executive and administrative authority
 - Mayor acts as Chief Executive Officer
 - Council adopts policy
 - Council may hire an administrator to assist Mayor



Municipal Form of Government (FOG)

- **Council FOG**
 - Sometimes called the *weak mayor form* or *governance by committee* which refers to the Mayor's lack of formal executive authority
 - No separation of powers between the executive and the legislative functions
 - May hire an administrator to assist council (define duties by ordinance)
 - Mayor - No formal authority under state law beyond that of serving as a member of council



Municipal Form of Government (FOG)

- **Manager FOG**
 - Council must employ a manager - selected based on qualifications
 - Most utilized form nationally
 - The Council and Mayor are *forbidden by law* from interfering with the operation of the departments, offices and agencies under the direction of the manager
 - The first formal adoption of the council-manager plan in the United States took place in **Sumter, South Carolina**, in 1912, though Staunton, Virginia claims to have appointed a "general manager" in 1908.



Municipal Form of Government (FOG)

Top 20 of 271 Population

Pop. Rank	Name	2020 Pop.	FOG
1	Charleston	150,227	Mayor/Council
2	Columbia	136,632	Manager
3	North Charleston	114,852	Mayor/Council
4	Mount Pleasant	90,801	Council
5	Rock Hill	74,372	Manager
6	Greenville	70,720	Manager
7	Summerville	50,915	Council
8	Goose Creek	45,946	Mayor/Council
9	Sumter	43,463	Manager
10	Florence	39,899	Manager
11	Spartanburg	38,732	Manager
12	Hilton Head Island	37,661	Manager
13	Myrtle Beach	35,682	Manager
14	Greer	35,308	Council
15	Aiken	32,025	Manager
16	Anderson	28,106	Manager
17	Bluffton	27,716	Manager
18	Conway	24,849	Council
19	Mauldin	24,724	Council
20	Fort Mill	24,521	Manager



Municipal Form of Government (FOG)

Bottom 20 of 271 Population

Pop. Rank	Mun. Name	2020 Pop.	FOG	Pop. Rank	Mun. Name	2020 Pop.	FOG
1	Cope	37	Mayor/Council	11	Troy	83	Mayor/Council
2	Jenkinsville	40	Mayor/Council	12	Luray	98	Mayor/Council
3	Peak	51	Mayor/Council	13	Williams	98	Mayor/Council
4	Smyrna	55	Mayor/Council	14	Snoaks	98	Council
5	Govan	56	Mayor/Council	15	Blenheim	115	Mayor/Council
6	Ulmer	65	Council	16	Windsor	115	Mayor/Council
7	Jamesstown	68	Mayor/Council	17	Ward	119	Mayor/Council
8	Plum Branch	72	Mayor/Council	18	Parkeville	120	Mayor/Council
9	Tatum	76	Mayor/Council	19	Salem	120	Council
10	Lodge	82	Mayor/Council	20	Lowndesville	120	Mayor/Council

Municipal Ordinance Section 5-7-270

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Each municipality shall by ordinance establish its own rules and procedures as to adoption of ordinances. No ordinance shall have the force of law until it shall have been **read two times** on two separate days with at least six days between each reading.


Municipal Utility Operations

- Various forms of municipal utility operation statewide
- Some separate municipal boards and/or commissions
- Examples:
 - Moncks Corner Water Works Commission
 - Mount Pleasant Water Works

Municipal Electric Cities


- 21 municipalities in SC operate electric distribution systems
 - 14 by city councils
 - 7 by commissions or boards of public works
- Elected leadership sets policy, rates, etc.

City of Abbeville	Gaffney Board of Public Works	Oranburg Department of Public Utilities
Bamberg Board of Public Works	City of Georgetown	Town of Prosperity
City of Bennettsville	Greenwood Commission of Public Works	City of Rock Hill
City of Camden	Greer Commission of Public Works	City of Seneca Light & Water
City of Clinton	Laurens Commission of Public Works	City of Union
City of Due West	McCormick Commission of Public Works	City of Westminster
Easley Combined Utilities	City of Newberry	Town of Winnsboro




Public Service/Special Purpose Districts

Navigating Local Government




Public Service/Special Purpose District

S.C. Code of Laws §6-11-1610 defines a special purpose district as a district created by an Act of the General Assembly or pursuant to general law and which provides any governmental power or function including, but not limited to, fire protection, sewerage treatment, water or natural gas distribution or recreation. A special purpose district also means any rural community water district authorized or created under the provisions of Chapter 13 of Title 6 of the S.C. Code of Laws.



Public Service/Special Purpose District

- **Some examples:**
 - James Island Public Service District – provide wastewater, solid waste and fire services in the James Island area in Charleston County
 - Fripp Island Public Service District – provides water and sewer services to Fripp Island in Beaufort County
 - Berea Fire Public Service District – provides fire protection and sewer service in a defined area of Greenville County
- SC Special Purpose District Assoc. - www.scspd.com




Intergovernmental Relations

Navigating Local Government



What is intergovernmental relations?

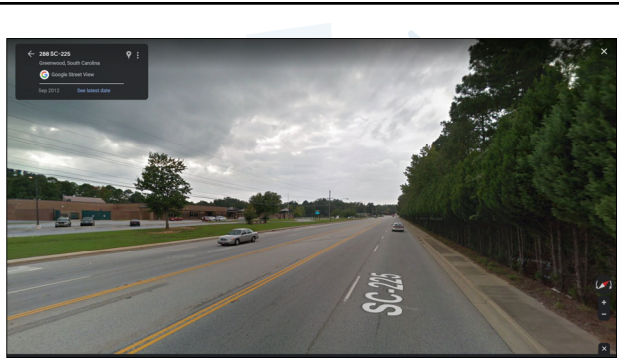
- Interaction between governmental entities
- Understanding the roles and responsibilities
- Developing effective working relationships
- For the purpose of collaborating and sharing resources



A Simple Story



Christy Hall
Retired Secretary of Transportation
South Carolina
Department of Transportation



Another Quick Story



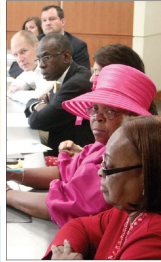
Informal Gatherings

GREENWOOD

Discussing collaboration

City and county council conduct joint meeting

By CHRIS TRAINOR
ctrainor@indexjournal.com



CHRIS TRAINOR | INDEX JOURNAL
City of Greenwood and Greenwood County officials gathered Tuesday for a joint meeting at Greenwood County Library.

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Informal Gatherings



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Promotion Is Key!



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Elected and Non-Elected Officials

- It's all about relationships. And, **trust** matters.
- Good communication skills
- Who is giving the message?
- A newly elected official's orientation is critical
- When having to work with difficult people, remain professional.

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