

A work session of the Beaufort City Council was held August 19, 2014 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling and Council members Donnie Beer, Mike Sutton, Mike McFee, and George O'Kelley, and City Manager Scott Dadson.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

### **CALL TO ORDER**

Mayor Keyserling called the work session to order at 5:00 p.m.

### **FINANCIAL TRANSPARENCY PRESENTATION OF THE OPENGOV PLATFORM**

**Kathy Todd** said that the mayor had told her about OpenGov, because she had been looking for an easy way to meet council's desire for financial transparency. At professional conferences, she had learned of some financial extraction software, but the costs ranged from \$20-25,000.

OpenGov is a tech company that builds business intelligence and transparency software for governments. She ran a demo of the software. A municipal government can show all of its data – such as budgets – including particular aspects of it such as taxes, expenses, revenues, etc. for multiple years on a public platform in various views. There are multiple filters that can be run.

Mr. Dadson said this is a benefit, especially because it can do all of the things that staff does not have time to do, which is “number-crunching.” Ms. Todd said most of OpenGov's clients are on the West Coast. Municipalities in South Carolina have been contacted and some are looking at it or have purchased it. In Alpharetta, which uses MUNIS, they told Ms. Todd it couldn't be beat for the price.

Ms. Todd said that OpenGov will import the data from MUNIS, and it will be integrated seamlessly and on to the city's web site. There's an annual contract with no upfront costs. Councilman McFee asked for a rate history. It's \$4900 now, and she said it might be going up. It might fit a short-term need if MUNIS, which is working on something similar, works in the future. They have nothing in the current platform or their next iteration. This is the first software she has found that does this at a reasonable cost. It's a reporting system, she said, not an enterprise / accounting system. Councilman Sutton said this will save staff time, and staff won't have to fulfill FOIA requests.

Mayor Keyserling said it seems user-friendly, and asked, “for those who want to make trouble,” how easy is it to misinterpret something and use it against the city (e.g., when the city is spending more than its collecting at certain times of the year, as naturally occurs)? Mr. Dadson said this is unaudited information, and that disclaimer will be put on there. Council will still get quarterly financial reports, and they still will get budget amendments to approve, for example. Mr. Dadson said “the

city doesn't have any wild cycles," and if someone is looking at historic comparisons, what Mayor Keyserling mentioned, "will be obvious as a periodic trend." Ms. Todd said they would also have a disclaimer that this is a single item and should be looked at in conjunction with the budget, CAFIR, and quarterly reports for a complete picture of the financial condition of the city. Councilman O'Kelley asked if it would satisfy a FOIA request if someone were referred to this site. Mr. Dadson said it's a good question, and if all people have is a question about is a spending trend on salaries, for example, they could be sent to this site and walked through that. Councilman O'Kelley said if someone doesn't want to go through the website and wants to FOIA it, then staff can pull the information and print it off through this site.

Councilman Sutton asked how much of a staff time commitment this entails to keep the data updated. Councilman McFee said he would assume that they would do this monthly. Mr. Dadson said this system is the extractor. They give it permission, and it goes into MUNIS and extracts it. Ms. Todd explained how and when she closes out a month. This would be part of that process, and she could pull and send it as she finishes it out and prepares to roll over to the next month. Ms. Todd said this may provide better detail and further comparisons, so it could help her with preparing her own quarterly reports for council. Being able to capture, extract, and import into Power Point will allow her to focus on the explanations of the data. Mayor Keyserling said any extra time it takes to feed the data in is saved on the other end. Ms. Todd said, "And you'll get a better product." Mr. Dadson said they have been looking for something like this that builds the presentation, which is "fun" but takes a lot of time. Ms. Todd said they could group it, "so there's congruency between how information is presented in the CAFIR vs. how it's presented here."

Ms. Todd said people would be able to see things at a layperson level – such as the specifics of what goes into particular budget areas – that is in the CAFIR but at a very high level. She feels the price is very good for what it does, and they can reevaluate annually. If MUNIS comes up with something similar, they can switch it. Councilman Sutton asked about putting a counter on it to see how often it is used. Mayor Keyserling said they should ask that question, but he assumes that OpenGov would want that data themselves, so the company would look at how people use it in their various clients' communities. Mayor Keyserling said there is a lot of stuff people might want to be made available to them.

Mr. Dadson said there is money in the budget for this, "as modules that they need to stay up to speed." Councilman O'Kelley said this "sounds like its transparent," but asked if it make Ms. Todd's job easier. She said it will allow her to spend more time on the explanations for the quarterly reports she gives to council and to give them more comprehensive information than she can provide now. Councilman O'Kelley said he doesn't think they can "overcome FOIA...because people want us to give more detail."

Mayor Keyserling said **Lauren Kelly, Libby Anderson**, and Ms. Todd had "knocked the ball out of the park" with their presentation to county council on the Bailey Bill.

The committee vote was unanimous, so it will go right on to the consent calendar. The 2 council people who weren't there aren't likely to pull this off the county council calendar, he feels.

### **CODES ENFORCEMENT DUTIES**

Mr. Dadson said this is a fixed cost for the city and has been contractual. Staff is recommending merging the fire marshal's and Code Enforcement's duties. This would save \$15-20,000. That money would be used to help Ms. Anderson and Mr. Dadson to "cure," Code Enforcement problems such as an overgrown lot in Spanish Point "that has to be paid for to cure it," or a demolition that requires money to be available to deal with an issue. Code Enforcement has spikes and lulls, Mr. Dadson said, and there has to be someone there to answer complaints, which is most of their work, but they also need someone to go around town and *look* for violations of the city's codebook – nuisances, trash violations, etc. Some of the feedback they got about the position was from the neighborhood improvement teams, who said that they like doing some things but wanted staff back up. The association members will go and knock on their neighbor's door, but they need the enforcement ability the city has.

Mr. Dadson said, with contracting, they still need to enforce codes. Mayor Keyserling asked the additional cost to the fire department. Mr. Dadson said they would transfer dollars from one line item to another. **Fire Chief Sammy Negron** would add the Code Enforcement duties to those of the current fire marshal staff, and another firefighter would be hired. There would be several people who would be trained to do this job. \$75-\$80,000 is being spent, Mr. Dadson said, to contract it out. Councilman McFee clarified that the people in the fire department do multiple jobs as well as this job, so that's why there's a \$15-\$20,000 savings, and Chief Negron said that's correct.

Mayor Keyserling said in 2008-2009, they contracted at least a dozen people, and he asked if that process had worked. The first time was free and done by the city to make the overgrown lots manageable. He asked if people had kept them that way. Ms. Anderson said "some of them." They have tried to keep up with the overgrown lots, but the rain has made them all grow a lot. They are sending letters out, and some of the same names are popping up. Those lots were very overgrown and needed bush hogs, so now it's easier for them to maintain, but some people need reminding. Mayor Keyserling asked if the reminder works, and Ms. Anderson said, "sometimes." Mayor Keyserling said the "hammer" was if they didn't maintain it, then they could get a ticket. Mr. Dadson said they also would send a bush hog out, and people generally do it: at about an 80% rate, people will do it themselves.

**Bruce Skipper** said that someone was complaining about an overgrown lot, and Chief Negron, Ms. Anderson, **Isaiah Smalls**, and he had seen that people had put wood on the vacant lot, and the people next door to it knew that the property manager had told the people cutting down trees to put the wood there. He said there's "a lot of behind the scenes work besides the filing of the complaint."

Councilman Sutton said, "This shouldn't be on Libby's desk." When the private sector did it, it was consistently enforced for 8-10 months, and so many players were involved, which was a cost that couldn't be recouped. "As soon as Dawn left," he said, "there's no one picking up the slack." A second pile of construction debris (loose insulation) showed up on Charles Street. Mr. Skipper handled it within hours, Councilman Sutton said. A notice was given, and then the debris pile was gone in hours. If it hadn't been taken care of, it would have involved many more costs: for staff's work and getting Waste Pro to take it away and could've scattered everywhere.

Councilman Sutton said he's not sure how shift work can make this better, because he doesn't see how they will have continuity. He liked it with one person who was the go-to "because some of these things are timely, like this pile of debris." There needs to be a Code Enforcement official who can ride the streets, inform, and go to court if necessary. Councilman O'Kelley said the lawn debris pick up used to be early at his house. But recently, they were at his house after 6 p.m., and they stopped at a yard where people hadn't bagged the debris, and they took several trips back and forth to gather it because it wasn't boxed, bundled, or tied. The placards will have the ordinance on it, and they won't pick it up. That leaves it for the owner to fix it. For a long time, that worked, but it hasn't been done that way for a while. Councilman Sutton said, "There's a sense in the city that if it's put on the curb, they will come and get it." He's frustrated that everyone doesn't "understand that there's a cost to it." He shared an example of a church that had cleaned up a man's yard and left a mountain of stuff in front of his house that Councilman Sutton and Ms. Anderson had to deal with.

Councilman Sutton asked about various issues and what department deals with them such as pets. Councilman O'Kelley said, "Call the county," and Councilman Sutton said the county wouldn't deal with it in the city "unless it's dire." Councilman Sutton said that could be something Code Enforcement should do. The growth in the vistas that make it hard to see is the responsibility of Public Works, Mr. Dadson said. Councilman Sutton said it "will bounce around and people will get pissed off." Councilman O'Kelley said when Ms. Anderson goes to the neighborhood meetings, she tells the attendees about what's going on, "and if they're aware, it will help." He and neighbor went and cut back growth in an abandoned yard to enable people to be able to see better. Mr. Skipper said the message gets out every month.

Councilman Sutton said people who call City Hall don't know who to talk to when they call to complain about something. He doesn't even know what department they are supposed to talk to about an issue. If Mr. Skipper hadn't jumped up the debris problem, it would have gone down Charles Street for 2 blocks. Mr. Dadson said there are 3 functions in Planning, and "the idea is to receive the information and then get it to the right folks." They will continue to do that. It will come through Planning, and that's the right department - "that, plus the fire department and Public Works, is the way it's traditionally done." They must ensure *someone* is doing it.

Councilman Sutton said **Al Johnson** was at Councilman Sutton's job site that day, and his goal was to see who was working and if they had a license. Mr. Dadson said he "also does signs and is aware of other things going on," just as Mr. Skipper knows about business licenses. Councilman Sutton said he notices "when Al isn't out there." This can't be desk job, and in that way, the fire department could be good, but he doesn't know how the shifts will work.

Mayor Keyserling said Councilman Sutton has convinced him that this function could get lost in the fire department with so many people, so he asked Chief Negrón what the system is to ensure that "the people doing it are doing it." Chief Negrón said he recommends that if they proceed with the merger of the fire marshal and Code Enforcement, "some of it will include a PR approach with **John Williams** to inform citizens how it will work." Code Enforcement used to be in the fire department at one point, Chief Negrón said, and it took people awhile to know where to find Codes when it moved to City Hall, so it will happen again that way. They have a system – a secretary, phones, links on the city website to what the Code Enforcement officer's duties are, etc., he said. As to how the job will get done, he wouldn't pursue it if he didn't think it could be done. The Code Enforcement officer didn't need to be a full-time position, Chief Negrón said. While it's imperative that complaints be followed up on, it's not a full-time position, so he will make the FM responsible – which makes *him* responsible for ensuring that everything is addressed the way Councilman Sutton wants it addressed: "the same day, as soon as possible."

The fire marshal will have available and each shift will have 2 inspectors who will follow up every day with the fire marshal, so the complaint will not get lost, and the work will be spread around to the people available. The fire marshal will have a system with the inspectors to follow up, so "they will bring an amicable, friendly approach to the code violator." They will knock on doors, and if they're not there, they will leave a door hanger. "The system is in place to handle the issues they have," Chief Negrón said. Mr. Smalls and Public Works "are both big players in this," he added.

People are not reporting the things piling up on the street, or they aren't calling the right person, Chief Negrón feels. With this system, "it will be done every day, including the weekends and they won't have to wait for a result." The fire department is there 24-7 and gets snakes out of fireplaces, so they can solve whatever issue arises. Councilman Sutton said he doesn't doubt the fire department's abilities, "but there is a shift in ideals for the fire department...The friendly approach is great," he said, but they have to have enforcement.

Councilman Sutton said he likes the 7 days a week aspect for responsiveness, "but it goes back to how the call-in is set up." They need to determine who takes the call on a yelping dog, for example – is that the fire marshal/Codes Enforcement officer? Or is it the police? Martie Kay gets most of the calls and sends them out, "but she has

institutional memory, so she knows who to send it to.” He knows how frustrating it is for a citizen to be transferred around among departments because it’s happened to him. Councilman Sutton said the line of communication needs to be very clear. The right person can determine to whom it should go: fire department, police department, building code issues (Mr. Skipper) and the potholes, ditches, etc. (Public Works).

The fire marshal will be in City Hall, Chief Negrón said, and work side by side with Building Codes. He will have a direct line, but he won’t be able to answer if he’s on the street; that’s something that can be solved internally. After so many rings, it will be forwarded to Tracy at the fire department, who will make sure it gets to the right person. Councilman Sutton said he will endorse this if they “can answer this kind of question and not add bureaucracy.”

**Stephen Murray** said continuity and being able to track is a good point, and he asked if they are currently routing and putting in reports so that a complaint and action taken is traceable. Mr. Dadson said Code Enforcement is done on a spreadsheet, but there’s no monitoring system now; “with Code Enforcement, it’s logged in and dealt with the old-fashioned way.” Mr. Dadson said the fire department and police department have tracking systems. Ms. Todd said MUNIS has a Code Enforcement tracking feature that Dawn wasn’t using.

Mayor Keyserling said, “It’s a spider web, and they created a slot for it, but the intention didn’t come to reality.” Mayor Keyserling said he doesn’t know whom to call for a complaint. He said Public Works has a computer system that follows all their calls, and if they don’t return a number of them, it’s because it’s being taken care of, so that is another thing to look at. Someone needs to enforce the codes, Mr. Dadson said. Mr. Murray asked about the repeat offenders, if there was a way to track them now. Ms. Anderson said they are trying to get more aggressive about that now, such as “when an overgrown lot pops up 3 times.” Ms. Anderson said Councilwoman Beer was tracking on an Excel spreadsheet, and the goal is to start utilizing the MUNIS code enforcement system. Chief Negrón said they have a module. Ms. Todd said that using MUNIS would be in the codes module and more accessible to whoever needed it, so it’s an integrated system for the other departments that might need it. “A hold” can be put on someone, so if a violator comes in for a building permit, for example, it can be communicated that they must mow a lot first. The fire department can use the MUNIS system, Ms. Todd said. Chief Negrón said they “are exploring how to do that,” and they “will most likely use MUNIS.” Mr. Murray said “the software will help with the continuity feature,” and Councilman Sutton and Councilman McFee agreed that it won’t work unless it’s used.

Mr. Dadson said staff needs to move forward. They wanted to discuss this with council and “now we have your nod.” Mayor Keyserling asked Ms. Anderson, whom he said is in the middle of it all, if this made sense to her, and Ms. Anderson said yes. Mayor Keyserling said Planning absorbs a lot, and Mr. Dadson said they would make

it as seamless as possible. Ms. Anderson said they would work a lot with the fire department, and her department is very invested in this issue as they “try to make great neighborhoods.” Even if it’s not directly within her responsibilities, she will stay involved and looks forward to meeting the fire marshal. Councilman McFee said it makes sense on paper, but the integration is the key part and educating the public, so they need to integrate this system *now* that they spend a lot of money for. The big red fire truck won’t be going to the Code Enforcement duties, Chief Negron assured Councilman Sutton. They will use a white pickup.

Mr. Dadson said the Neighborhood Improvement program is Ms. Anderson’s, and she pushed for it to happen. He said it’s as good for staff as it is for the neighborhoods. Departments report issues, and “then it crosses to another department that is appropriate.” The monthly meetings are good, Councilwoman Beer agreed.

### **UPDATE ON PROCUREMENT POLICY AND PROCEDURES**

Ms. Todd made a presentation about the procurement code and, among other things, how to get more information on opportunities, policies, a procurement ordinance or procedures, how methods are determined for bids, whether the city can establish preferences, when a competitive sealed bid is required, and how to find out about them .

Ms. Todd shared the current city ordinance. The city manager has designated the administration of procurement to be under the finance department. The ordinance requires 3 levels of competitive bids:

- For greater than \$5000 but less than \$10,000, it must be documented with at least 3 verbal quotes.
- Greater than \$10,000 but less than \$25000 requires 3 written quotes with a purchase requisition.
- Greater than \$25,000 requires a minimum of 3 sealed bids.

By ordinance the City of Beaufort must advertise in a newspaper of general circulation twice and publically open the bids, which are read aloud by the purchasing agent. All contracts require city council authorization and council’s directing the city manager to execute them. Ms. Todd said this is also on the website, where all bids are published and their current status. Many companies register with services that send them bid notifications, so the opportunities are advertised via those services, too, not just with the newspaper advertising. The answers to the initial questions, Ms. Todd said, would be answered and on the website the following morning.

How does the resident vendor preference apply to a resident? State and federal grants for the most part will not allow the application of a preference of any kind, Ms. Todd said. “The ordinance describes and defines a resident vendor,” and she read from that description; they can be in Beaufort or Beaufort County. Ms. Todd the

read “the threshold that evokes the resident vendor preference.” The resident vendor’s bid can’t exceed the lowest qualified bid by a non-resident vendor by 1% or \$2,500. If the resident vendor is “responsive and responsible,” and their price is within the range, it would be considered; first, they would give preference to a city vendor, and then if the criteria aren’t met, a county vendor. In FY 2012, they had 4 contracts for capital projects, and out of those, 2 were for resident vendors. In FY 2013, of 20 contracts, 12 were awarded to resident vendors. In 2014, 8 of 14 contracts went to resident vendors. Ms. Todd said these figures show that they “have been applying the resident vendor preference when it is applicable and appropriate.”

The current procurement policy was established in 2007 and was revised in January 2013. They want to maximize the value of each tax dollar spent. Ms. Todd said the procurement policy and procedures are accountable, ethical, impartial, professional, service-oriented to stakeholders, and transparent. These principles for public procurement apply also to the RFPs and the building of the website for posting opportunities and amendments in regard to bids.

MASC has some sample ordinances, and Ms. Todd said she’d compared them with the City of Beaufort’s ordinance. The City of Beaufort ordinance and policy could be enhanced in some ways, Ms. Todd said and described how. “The lowest responsible bidder” is policy, but it is not defined, and they could adopt MASC’s policy, for example; the percentage for when a local vendor preference (1% or \$2500) is used could be increased. Others are in the \$5-\$10,000 range to make the gap a little wider and to give the local vendors a little more opportunity.

Ms. Todd said she had talked with Mr. Williams about enhancing transparency on the website, and there are some ideas for that: a meeting with local vendors and partnering with the Chambers to make the local vendors aware of the meeting so as to gather as many local vendors as possible; get the Chambers to host a meeting, to endorse it and to provide a link to the bid opportunities as another way to enhance local vendors’ knowledge of when the city goes out to bid.

Mayor Keyserling when discussing qualifying for bids, they had talked about the potential for a prequalified list for local vendors who would be likely to be considered. Ms. Todd said they currently have a vendor list, and anyone can get on it, but in terms of prequalification, she has spoken to people in other municipalities, and it’s not used in every situation, “though it could usually be done in complex construction projects with a lot of specs and a lot of factors that are outside the city’s control.” Usually with a service – like an audit firm to do the annual audit – the organizations have the basic requirements, and then they have to present in order for staff to measure the service level, so it’s usually architects, engineers, and accounting firms this applies to. In construction, prequalification is only used rarely. Councilman Sutton said if you use prequalification as the basis of the first round, “you lose some vendors who might be best.” Mayor Keyserling said he was thinking of, for example, not getting responses from references, which can be out of the local

vendors control, so that needn't be done every time a company bids, so that no one would be excluded; there might be areas that are redundant over the course of a year if the references could be valid for a year or two.

Councilman Sutton said they don't have as much construction as they did 7 years ago. He said, "Any of the enhancements that could be done are right on the money." They need definitions for things like what to do if there's a tie. They "need a policy so it's clearly not a coin toss." Councilman McFee said he feels that the price percentage needs to be increased, definitely.

**Merritt Patterson** said as a construction manager, he does a lot of procurement. Prequalification for the City Hall upfit and the fire station is unprecedented on jobs of the scale these are, he said: "If you need specialized skills, then it makes sense." But "these are straightforward construction jobs," so he doesn't know "why the architect is saying that prequalification is a good idea" for something like the City Hall upfit. He feels like some of the practices Ms. Todd had iterated, like the reading of the bids, could be protested. Often the whole bid isn't read out, or the alternates aren't read out. He said the procedures need to be read out, including who the subs are and reading *everything* that's written, which wasn't done in the last round.

In regard to vendor preference, Mr. Patterson said these are set up for capital projects, but consultancy, for example, is an element that should be addressed in the procurement process that isn't necessarily construction. "These things aren't just government projects," he said. The process should be consistent for all the services the city does above a certain level. Ms. Todd said there's "not even a dollar threshold if it's for services, no matter the cost." It all has to go through the sealed bid process. Mr. Patterson said, "A Beaufort architect wouldn't know that." Ms. Todd said as long as she has been here, *all* services have gone through this same process. Mayor Keyserling said the Redevelopment Commission is an exception, and Mr. Patterson "is talking about Redevelopment Commission stuff." They have a different process by state law, he told Mr. Patterson.

Mr. Patterson shared example of some experiences he has had. Ms. Todd said the RFP itself describes rankings, how things will work, the criteria, etc., so they have good reasons to share the process and to get vendors' feedback, as well as allowing them to be more responsive and leveling out the playing field. She said the City of Beaufort "wants to improve the process and heighten accountability." Mr. Patterson gave more examples of his experiences; in regard to the school district, he said, to build a high school, you have to *have built* a high school, and therefore, his company "can't get into the scoring matrix for the county." He used the facetious example of someone running for council if doing so required experience of that specific type; anyone without such experience is thought to be unqualified to serve on council.

Mr. Murray asked if it would be possible for the procurement process to include sending out a bid to everyone who holds a business license in that category. Ms. Todd said they also post on Skeebo, and if you want to be on a list, you can contact

the finance department. Then, if an RFQ or RFP goes out, you're automatically sent it. Mr. Murray said that's only if you request it. He was suggesting that it be to anyone with a business license.

Councilman Sutton said Mr. Patterson is qualified to do civic buildings now because of a building his company did in Town of Port Royal; Mr. Patterson said they "have done many before that." He said that for the fire station, a question was, "Have you ever built a fire station before?" but he said there's no difference between that and "another building with a bunch of trucks parked in it like SCE&G."

Councilman Sutton asked if there's a provision to notify the vendor if they are turned down for a reason other than price. Ms. Todd said they respond to all vendors, and they try to provide basic information as to why they weren't selected. They put in as much information as they can; some people want to know, and some people don't. If they want more detail or to know how they were ranked, that information can easily be provided.

Mr. Patterson said there are procurement officials at Beaufort County and at the hospital, and they have 30-40 years of experience between them, and they could provide input to the city.

#### **EXECUTIVE SESSION**

An executive session was held, pursuant to Title 30, Chapter 4, Section 70 (a) (2) of the South Carolina Code of Laws, to discuss pending contractual matters.

**Councilwoman Beer made a motion, second by Councilman Sutton, to move from the work session to Executive Session. The motion passed unanimously.**

**Councilman O'Kelley made a motion, second by Councilman McFee, to come out of Executive Session, and, as there being no further business to come before council, adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 8:15 p.m.**