



**MEETING OF FLORENCE PUBLIC SAFETY CITIZEN REVIEW BOARD
THURSDAY, OCTOBER 5, 2023 – 2:00 PM
CITY CENTER – CITY COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

- I. CALL TO ORDER**
- II. APPROVAL OF MINUTES**

April 6, 2023—Regular Meeting
April 27, 2023—Board Training
- III. PSCRB HEARING**
(Note: This hearing may be held in Executive Session.)
- IV. EXECUTIVE SESSION**
 - a. Hearing**
- V. ADJOURN**



**MEETING OF FLORENCE PUBLIC SAFETY CITIZEN REVIEW BOARD
THURSDAY, APRIL 27, 2023 – 9:00 AM
FIRE TRAINING CENTER
2502 PROSPERITY WAY
FLORENCE, SOUTH CAROLINA**

PRESENT: Larry Jackson, Wattie Snowden, Howard Simons, and David Jones

ABSENT: Marion McDowell and Isaac Wilson

City Staff: Jennifer Krawiec

Notices of this training of the Public Safety Citizen Review Board were provided to the media and individuals requesting a copy of the agenda informing them of the date, location, and time of the training.

The training started at 9:00am.

Members received an overview of the training and the equipment. Members viewed personal PPE and SCBA. Members also observed a hose advancement, fire simulation, rope rescue, and elevated master streams. The training ended with a forcible entry demonstration.

The training adjourned at 10:58am.



FULL LIFE. FULL FORWARD.
FLORENCE
SOUTH CAROLINA

**MEETING OF FLORENCE PUBLIC SAFETY CITIZEN REVIEW BOARD
THURSDAY, APRIL 6, 2023 – 2:00 PM
CITY CENTER—CITY COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA**

PRESENT: Larry Jackson, Randy Propps, Isaac Wilson, Wattie Snowden, Howard Simons, David Jones, and Trenton Gore

ABSENT: Marion McDowell and Justin Head

City Staff: Jennifer Krawiec

Notices of this meeting of the Public Safety Citizen Review Board were provided to the media and individuals requesting a copy of the agenda informing them of the date, location, and time of the meeting.

The meeting was called to order at 2:00pm by Chairman Larry Jackson.

Randy Propps made a motion to approve the minutes, and Wattie Snowden seconded. The January 5, 2023 minutes were approved unanimously.

David Jones introduced himself as the newest member appointed to the Board.

Chairman Jackson reminded all members to attend the required Fire and Police training. Members received a schedule of training dates prior to the meeting.

Chairman Jackson introduced City Attorney Jim Peterson to address the Board. City Attorney Peterson presented information on the roles and responsibilities of the Board, the Freedom of Information Act (FOIA), and the Rules of Conduct found in the SC Ethics Reform Act. (Outline of presentation attached).

Chairman Jackson mentioned the timeliness of the ethics review as public officials and ethics have been in the news recently. He also discussed the importance of sunshine laws such as FOIA. Chairman Jackson serves on a similar committee with Florence County, and he commended the City Manager, City law enforcement, and City fire department staff.

The meeting adjourned at 2:36pm.

Outline of Presentation

Public Safety Citizen's Review Board

1. Our Goal Today

In doing this overview, we are going to hopefully give you the “big picture” view of the Public Safety Citizen's Review Board, it's role, and your role as a member of the Board and then we will address some particular issues w/ more specifics. Hopefully we will successfully give everyone a better understanding of your duties.

2. Purpose and Powers of the Board

(a) The role of the Board is critical, can be hard, but is limited.

(1) City Council recognized that the demands and challenges for uniformed employees serving in the public safety are different from those of employees serving in other city departments.

(2) In certain circumstances, there is merit in having independent citizens of good character and good judgment make conclusions and recommendations after reasonable inquiry about general departmental practices and specific events which are brought to their attention. This division establishes the mechanism by which such inquires can be made and such conclusions can be reached in a way that protects the public interest, public safety personnel and promotes the integrity of the city organization.

(3) The city council felt citizens and city officials will benefit from an independent board that is empowered to consider larger policy issues as they pertain to public safety departments and to hear specific concerns from the public at large concerning the departments when those concerns are significant enough to warrant scrutiny and independent judgment.

(b) What are the powers of the Board?

(1) The board is basically a “complaint driven” board with a couple of exceptions.

(2) Types of Complaints are the following:

(i) Internal complaints. Any uniformed employee of a public safety department who believes that the policies and practices of that department result continually in acts of unfairness, or believes that on a single occasion, there has been an especially damaging impact, may file a written statement requesting the board to review those practices, or to address the circumstances of the single event. The complaint must specify what actions the employee has taken to seek a redress of the issue internally and should say in what respects the department's internal procedures have not or will not address the problem.

- The following complaints in ordinary circumstances shall not be addressed to the board:

Annual employee evaluations.
Job assignments.
Amounts of compensation.
Disciplinary actions.

- Notwithstanding the list of exclusions in subsection (a)(2) of this section, such items may be presented to the board for review when there is a compelling reason to do so and the employee describes succinctly how departmental procedures otherwise in place fail to properly evaluate the employee's circumstances.

(ii) External complaints. Any person who has a complaint about the conduct or statements of a uniformed employee of a public safety department may initiate a complaint with the department, through the human resources department or directly with the board. All external complaints, regardless of how received, shall first be investigated by the affected department, and the complainant shall be informed of the final departmental determination. If the complainant is not satisfied with the determination, he or she may seek further review by the board in accordance with the procedure outlined in this division. All final departmental determinations must inform the complaining person of this opportunity.

- (3) Upon receipt of a complaint, the board has up to 30 days to determine the necessity of an investigation. The board may undertake an inquiry through its own membership, or through city staff from outside the public safety department, or through some combination of those resources to determine the accuracy of the facts and circumstances set forth in the complaint. Upon completion of the inquiry, the board shall summarize its findings and recommended actions and shall submit those to the complaining employee or to the complaining member of the public and shall submit the same findings and recommendations to the chief of the affected department and to the city manager. The chief and the city manager may designate one or more persons to receive and assess such reports and recommendations on a regular basis.
- (4) All hearings or meetings conducted by the board to address complaints are held in executive session unless the complaining party requests, at least 24 hours prior to the hearing, that it be held in open session. The official recording and the official minutes of all such hearings or meetings are subject to the control and disposition of the city manager.
- (5) In exercising its duties under subsection (a) of this section, the board shall have access to personnel records or records related to personnel, except to the limited extent such access is specifically precluded by state or federal law, that pertain to the issue. Personnel records which are not relevant shall not be made available. The board shall have access to records and files kept in the ordinary course of departmental operations. The board shall have access to other investigations and inquires within the department and relevant to the inquiry before the board. Any assertion by a department head or a person keeping the records to be provided that their disclosure to the board would breach confidentiality of highly personal information, threaten public security, or harm an ongoing investigation shall be resolved by the city attorney.

- (6) The board shall not have the authority to summon for interview any city employee. Nor shall the elected officials of the city be subjected to a summons from the board. The board has authority to invite for interview any member of the public having knowledge of the facts. The conversations may be held in private to the full extent otherwise permitted by law. The board may delegate one or more members to conduct private interviews, provided their meetings and discussions occur in compliance with state law. The board or delegated board members may hold such conversations in private without notifying the chief of the affected department.
- (7) The board on its own may initiate its own inquiry into established practices of the department, or into the facts giving rise to a specific occurrence, provided the board first delivers to the city manager a written statement of its intent to do so. Upon completion of such inquiries, the board shall make a summary of its findings and present them along with any recommendations to the city manager.
- (8) The board may request legal advice from the city attorney. Such legal advice will be provided in executive session.
- (9) The board may, at times, request to speak with the city manager to discuss items of interest or concern related to the management or operations of the public safety department. The city manager shall inform the city council of the board's concerns.
- (10) Information which is lawfully classified as confidential and which is received as confidential information by the board shall not be disclosed, directly or indirectly, by board members to media representatives, other members of the public, or to employees. Failure to obey the confidentiality rules set forth herein is grounds for removal of a board member. Nothing in this subsection shall preclude the disclosure of all relevant information to the extent necessary or appropriate by the committee in its reports to the public safety chief and the city manager.

3. Meetings & Records

- (a) City Staff will assist with minutes and record keeping.
- (b) Your committee adopts rules necessary to conduct the Board's meetings.
- (c) All meetings are open to the public, and the Board shall keep minutes of its proceedings and show the vote of each member upon each vote. Records shall be kept of all actions taken by the Board, and those records shall be filed in the City offices. Note, however, that your Board's enabling ordinance calls for certain discussions to be in executive session.
- (d) Quorum for the Board is a majority of the board members.
- (e) Action by the Board requires a simple majority of the Board present at the meeting.

4. A Couple of Highlights of Freedom of Information Act (FOIA)

- (a) Why are we even discussing the Freedom of Information Act (FOIA)?

- (1) Because FOIA applies to any “public body”, and since this Board is appointed by Council to take actions and make recommendations, it is defined as a “public body” under FOIA.
 - (b) What constitutes a meeting?
 - (1) “Meeting” is defined in §30-4-20(d).
 - the convening of a quorum of the membership of the public body
 - whether in person or by electronic means
 - to discuss or act on any matter over which the public body has supervision
 - (2) “Quorum” is defined in §30-4-20(e).
 - a simple majority of the membership
 - (3) “Public Body” is defined in §30-4-20(a).
 - long list that would include any advisory Board appointed by Council.
 - (4) Summary
 - a trap for the unaware
 - any gathering, conference call, or group email can turn into a meeting if majority is present
 - it is OK for up to 3 to gather, but 4 is trouble.
5. **As a “Public Member”, you are subject to the Rules of Conduct found in the SC Ethics Reform Act.**
- (a) See the attached summary of those Rules of Conduct.
 - (b) Some key concepts:
 - (1) Conflicts of interests;
 - (2) Using position for personal benefit;
 - (3) Receiving value in return for action.
6. **Florence’s “Form of Government” – How it affects your role.**
- (a) By ordinance from the 1970’s, the City of Florence follows the “Council Manager Form of Government”.

- (b) This means that the City Manager, who is hired by City Council, is the Chief Executive Officer of the City, and, by state statute, is charged with making all employment decisions for the city and running the day-to-day operations of the city.
- (c) Neither City Council, the Mayor, nor a Board appointed by City Council can lawfully interfere with those statutory powers.
- (d) That is why the powers of this Board are advisory in nature.

7. **As a “Public Member”, you are subject to the Rules of Conduct found in the SC Ethics Reform Act.**

- (a) See the attached summary of those Rules of Conduct.
- (b) Some key concepts:
 - (1) Conflicts of interests;
 - (2) Using position for personal benefit;
 - (3) Receiving value in return for action.



State Code 30-4-90 (Paraphrased)

Below are summaries of the Rules of Conduct found in South Carolina Ethics Reform Act. These can be found on the SC Ethics Commission Web site:

<http://ethics.sc.gov/rulesofconduct>

Each rule is described by the title and chapter in the law: Title 8 – Public Officers and Employees, Chapter 13, Ethics, Government Accountability, and Campaign Reform. Additionally, the section of the law is listed. In this case, for Rules of Conduct, the sections are numbered 700 through 795.

All public employees, public officeholders, and public members are expected to adhere to and follow the Rules of Conduct as outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.

- 700 A public official, public member, or public employee may not knowingly use his official office, membership, or employment to influence a government decision to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.
- 705. A person may not directly or indirectly give, offer, or promise anything of value to a public official, public member, or public employee with intent to influence the public official's, public member's, or public employee's official responsibilities, nor is the public official, public member, or public employee to ask, demand, solicit, or accept anything of value for himself or for another person in return for fulfilling his official responsibilities or duties.
- 715. A public official, public member, or public employee may not receive anything of value for speaking before a public or private group in his/her official capacity. A meal can be accepted if provided in conjunction with the speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. A public official, public member or public employee may receive payment or reimbursement for actual expenses incurred.
- 720. Public officials, public members, or public employees may not receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.
- 725. No public official, public member, or public employee may disclose confidential information gained as a result of his responsibility as a public official, public member, or public employee that would affect an economic interest held by himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.
- 730. No person may serve as a member of a governmental regulatory agency that regulates any business with which that person is associated.

735. No person shall serve on the governing body of a state; county; municipal; or political subdivision, board, or commission and serve in a position of the same governing body which makes decisions affecting his economic interests.
740. A public official occupying a statewide office, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before a governmental entity.
745. No member of the General Assembly or an individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case before an agency, a commission, board, department, or other entity if the member of the General Assembly has voted in the election, appointment, recommendation, or confirmation of a member of the governing body of the agency, board, department, or other entity within the 12 preceding months.
745. A public member occupying statewide office, an individual with whom associated, or a business with which associated may not knowingly represent a person before the same unit or division of the governmental entity for which the public member has official responsibility.
740. A public official, public member, or public employee of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before any agency, unit, or subunit of that county or municipality.
740. A public employee, other than of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before an entity of the same level of government for which the public employee has official responsibility.
750. No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages. A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's, or public employee's family member.
755. A former public official, former public member, or former public employee holding office, membership, or employment may not serve as a lobbyist or represent clients before the agency or department on which the public official, public member, or public employee formerly served in a matter in which he directly and substantially participated for one year after terminating his public service or employment.
760. It is a breach of ethical standards for a public official, public member, or public employee who participates directly in procurement to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the public official's, public member's, or public employee's official responsibility.
765. No person may use government personnel, equipment, materials, or an office building in an election campaign. A person may use public facilities for campaign purposes if they are available on similar terms to all candidates and committees. Likewise, government personnel may participate in election campaign on their own time and on non-government premises.
775. A public official, public member, or public employee may not have an economic interest in a contract with the state or its political subdivisions if the public official, public member, or public employee is authorized to perform an official function (including writing or preparing the contract, accepting bids, and awarding of the contracts) relating to the contract.