

COUNTY COUNCIL OF BEAUFORT COUNTY  
ADMINISTRATION BUILDING  
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COUNTY ADMINISTRATOR

SARAH W. BROCK  
CLERK TO COUNCIL

AGENDA  
EXECUTIVE COMMITTEE

Monday, June 17, 2019

4:30 p.m.

Executive Conference Room, Administration Building  
Beaufort County Government Robert Smalls Complex  
100 Ribaut Road, Beaufort

Committee Members:

Stu Rodman, Chairman  
Brian Flewelling, Vice Chairman  
Alice Howard  
Lawrence McElynn  
Joseph Passiment  
Paul Sommerville

1. **CALL TO ORDER – 4:30 p.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **CITIZEN COMMENTS** (*Comments regarding agenda items only.*)
5. **PRESENTATION / Fiscal Year 2019-2020 Beaufort County Budget Proposal** – Ashley M. Jacobs, Beaufort County Administrator ([backup](#))
6. **DISCUSSION / Council Rules and Procedures** – Chris Inglese, Deputy Beaufort County Attorney ([backup](#))
7. **EXECUTIVE SESSION**
  - A. Receipt of legal advice regarding a person regulated by County Council.
8. **MATTERS ARISING OUT OF EXECUTIVE SESSION**
9. **APPOINTMENT / Southern Carolina Alliance Board**
10. **ADJOURNMENT**



**Beaufort County, South Carolina**  
**Fiscal Year 2020 Summary Budget Increase Requests**

	<u>REQUESTED</u>	<u>RECOMMENDED</u>	
<b>Fiscal Year 2019 Beaufort County General Fund Total Appropriation</b>			<b>\$ 126,775,491</b>
County Compensation Plan increase	\$ 3,740,000	\$ 3,070,000	
Cost difference as a result of self-insured initiatives	\$ (1,500,000)	\$ (1,500,000)	
Personnel Increases	\$ 1,093,045	\$ 573,223	
Operations Increases	\$ 1,801,324	\$ 1,240,324	
Beaufort County Sheriff's Office Increase	\$ 1,968,785	\$ 1,968,785	
14th Circuit Solicitor Increase	\$ 642,500	\$ 642,500	
Magistrate Court Increase	\$ 150,919	\$ 150,919	
14th Circuit Public Defender Increase	\$ 50,000	\$ 50,000	
Transfer to Daufuskie Ferry Transportation Fund decrease	\$ (82,075)	\$ (82,075)	
Subsidies Increase	\$ 502,013	\$ 502,013	
Economic Development (separately stated millage rate)	\$ 8,594	\$ 8,594	
Higher Education (separately stated millage rate)	\$ 126,742	\$ 126,742	
Indigent Health Care (separately stated millage rate)	<u>\$ 34,467</u>	<u>\$ 34,467</u>	
<b>Grand Total FY 2020 Budget Increases</b>	<b><u>\$ 8,536,314</u></b>	<b><u>\$ 6,785,492</u></b>	

**Fiscal Year 2020 Beaufort County General Fund Recommended/Proposed Appropriation** **\$ 133,560,983**

Capital (one-time) Increase Requests	\$ 1,367,003	\$ 1,288,734
<i>Recommendation to identify separately stated millage rate to fund capital/one-time requests</i>		

**Beaufort County, South Carolina**  
**Fiscal Year 2020 Personnel Budget Increase Requests**

	<u>REQUESTED</u>	<u>RECOMMENDED</u>	<u>FTEs</u>
<b>County Council/Clerk to Council</b>	\$ 50,000	\$ 55,575	1.00
This new FTE is for a third administrative position to assist with the workload of the clerk to council office.			
<b>Auditor</b>	\$ 31,466	\$ -	-
The Auditor states this increase is due to utilizing vacancy funds to increase current staff compensation.			
<b>Clerk of Court</b>	\$ 49,600	\$ 49,600	1.00
The Clerk of Court is requesting a new FTE for an office manager.			
<b>Coroner</b>	\$ 44,062	\$ 44,062	1.00
The Coroner is requesting one new FTE for a deputy coroner.			
<b>County Attorney/Legal</b>	\$ 78,726	\$ 78,726	1.00
The County Attorney is requesting one new FTE for an entry level attorney.			
<b>Finance</b>	\$ 200,000	\$ 200,000	3.00
Finance Committee discussed in April 2018 that the Finance Department would add two FTEs for Accounts Receivable/ Revenue purposes. This amount also includes a third FTE for a Grants Accountant due to the volume of grants within Beaufort County.			
<b>Information Technology - Systems Management</b>	\$ 93,000	\$ 93,000	1.00
This includes a new FTE for a network technician due to additional growth/demands.			
<b>Emergency Medical Services</b>	\$ 74,400	\$ 74,400	1.00
New FTE for an administrative and support officer.			
<b>Building Codes</b>	\$ 78,120	\$ 78,120	1.00
New FTE for a commercial plans examiner.			
<b>Codes Enforcement</b>	\$ 32,240	\$ 32,240	0.50
This includes a transition from a PTE to a FTE.			
<b>Animal Services</b>	\$ 39,050	\$ 39,050	2.00
This includes a transition from two FTEs to four FTEs - two Animal Care Techs to four Kennel Techs.			
<b>Public Works Administration and General Support</b>	\$ 236,285	\$ (38,169)	-
<b>Roads and Drainage</b>	\$ (132,252)	\$ (176,781)	-
<b>Solid Waste &amp; Recycling</b>	\$ 174,948	\$ -	-
<b>Veterans Affairs</b>	<u>\$ 43,400</u>	<u>\$ 43,400</u>	<u>1.00</u>
New FTE for an administrative support technician.			
<b>Total Fiscal Year 2020 Personnel Budget Increase Requests</b>	<b><u>\$ 1,093,045</u></b>	<b><u>\$ 573,223</u></b>	<b><u>13.50</u></b>

Note: All County departments, **EXCEPT** the Beaufort County Sheriff's Office, Magistrate Court, Solicitor and Public Defender participate in the County's compensation plan.

All adjustments as a result of the County's compensation plan are being calculated in total, not included in the above data and will be allocated during Fiscal Year 2020 as applicable.

**Beaufort County, South Carolina**  
**Fiscal Year 2020 Operating Budget Increase Requests**

	<u>REQUESTED</u>	<u>RECOMMENDED</u>
<b>County Council</b>		
Internal Audit process	\$ 75,000	\$ 75,000
Increased stormwater fees for county owned property	\$ 22,405	\$ 22,405
<b>Auditor</b>		
Postage, web page development, value guide books and training/conferences	\$ 10,739	\$ 10,739
<b>Treasurer</b>		
Software annual license fee	\$ 9,000	\$ 9,000
<b>Clerk of Court</b>		
Jurors/Witnesses fees, Stage Front maintenance contract, postage and telephone	\$ 49,391	\$ 49,391
<b>Probate Court</b>		
Computer and scanners	\$ 4,542	\$ 4,542
<b>Coroner</b>		
Medical/Dental services related to autopsies	\$ 20,000	\$ 20,000
<b>County Administrator</b>		
Reduction of contingency from \$215,301 to \$100,000	\$ (115,301)	\$ (115,301)
<b>Finance</b>		
Tyler Munis (financial enterprise software) increased annual cloud based cost	\$ 60,000	\$ 60,000
<b>Risk Management</b>		
Safety training and software for workers' compensation and liability claims	\$ 30,000	\$ 30,000
<b>Purchasing</b>		
Annual costs for Vendor Registry and eProcurement Module (Tyler Munis module)	\$ 15,000	\$ 15,000
<b>Register of Deeds</b>		
Scanning and indexing of old images to merge into online search system	\$ 28,500	\$ 28,500
<b>Community Development</b>		
EnerGov, increased annual software costs	\$ 59,883	\$ 59,883
Comprehensive plan update	\$ 27,000	\$ 27,000
<b>Business License</b>		
EnerGov, increased annual software costs	\$ 7,000	\$ 7,000
<b>Emergency Medical Services</b>		
Medical physican and maintenance contracts	\$ 117,794	\$ 117,794

**Beaufort County, South Carolina**  
**Fiscal Year 2020 Operating Budget Increase Requests**

	<u>REQUESTED</u>	<u>RECOMMENDED</u>
<b>Building Codes</b>		
EnerGov, increased annual software costs	\$ 40,000	\$ 40,000
<b>Codes Enforcement</b>		
EnerGov, increased annual software costs	\$ 20,000	\$ 20,000
<b>Animal Services</b>		
Increased operating costs for new facility	\$ 129,000	\$ 129,000
<b>Public Works Administration and General Support</b>		
Long term recovery group disaster relief funds	\$ 561,000	\$ -
Grant match: (warning sirens, hazmat mitigation plan and Buckwalter generator)	\$ 102,271	\$ 102,271
Disaster Recovery Staff Training	\$ 10,000	\$ 10,000
Sidewalk and parking lot repairs/stripping	\$ 50,000	\$ 50,000
<b>Solid Waste and Recycling</b>		
Increased costs due to growth/demand	\$ 528,100	\$ 528,100
<b>Social Services</b>		
Medicaid workers' contract local match reduction	\$ (60,000)	\$ (60,000)
 <b>Total Fiscal Year 2020 Operating Budget Increase Requests</b>	 <b><u>\$ 1,801,324</u></b>	 <b><u>\$ 1,240,324</u></b>

**Beaufort County, South Carolina**  
**Fiscal Year 2020 Other Budget Increase Requests**

	FY 2019 APPROPRIATION	FY 2020 REQUESTED	FY 2020 RECOMMENDED	FY 2020 PROPOSED APPROPRIATION
<b><u>Beaufort County Elected Officials (not participating in County's compensation plan)</u></b>				
Beaufort County Sheriff's Office <i>(includes Emergency Management)</i>	\$ 31,410,047	\$ 1,968,785	\$ 1,968,785	\$ 33,378,832
14th Circuit Solicitor	\$ 1,245,000	\$ 642,500	\$ 642,500	\$ 1,887,500
Magistrate Court	\$ 2,063,293	\$ 150,919	\$ 150,919	\$ 2,214,212
14th Circuit Public Defender	\$ 849,809	\$ 50,000	\$ 50,000	\$ 899,809
<b>Total</b>	<b><u>\$ 35,568,149</u></b>	<b><u>\$ 2,812,204</u></b>	<b><u>\$ 2,812,204</u></b>	<b><u>\$ 38,380,353</u></b>
<b><u>Transfers to Other Funds</u></b>				
Daufuskie Ferry Transportation Fund	<b><u>\$ 262,075</u></b>	<b><u>\$ (82,075)</u></b>	<b><u>\$ (82,075)</u></b>	<b><u>\$ 180,000</u></b>
<b><u>Subsidies</u></b>				
Economic Development				
Southern Carolina Alliance contract	\$ -	\$ 120,000	\$ 120,000	\$ 120,000
Econ Dev Corp requested increase	\$ 270,000	\$ 105,000	\$ 105,000	\$ 375,000
LRTA/Palmetto Breeze	\$ 228,844	\$ 120,013	\$ 120,013	\$ 348,857
Military Enhancement Committee (MEC)	\$ -	\$ 62,000	\$ 62,000	\$ 62,000
Hilton Head Island Recreation Association	\$ 215,000	\$ 60,000	\$ 60,000	\$ 275,000
Beaufort Soil and Water Conservation District	\$ -	\$ 25,000	\$ 25,000	\$ 25,000
Small Business Development	\$ 25,000	\$ 10,000	\$ 10,000	\$ 35,000
<b>Total Subsidy increases</b>	<b><u>\$ 738,844</u></b>	<b><u>\$ 502,013</u></b>	<b><u>\$ 502,013</u></b>	<b><u>\$ 1,240,857</u></b>
<b><u>Increases funded by separately stated millage rates</u></b>				
Economic Development	\$ 500,000	\$ 8,594	\$ 8,594	\$ 508,594
Higher Education	\$ 4,509,290	\$ 126,742	\$ 126,742	\$ 4,636,032
Indigent Health Care	\$ 1,550,000	\$ 34,467	\$ 34,467	\$ 1,584,467
<b>Total separately stated millage rate increases</b>	<b><u>\$ 6,559,290</u></b>	<b><u>\$ 169,803</u></b>	<b><u>\$ 169,803</u></b>	<b><u>\$ 6,729,093</u></b>

**Beaufort County, South Carolina**  
**Fiscal Year 2020 Capital Budget Increase Requests**

	<u>REQUESTED</u>	<u>RECOMMENDED</u>
<b>Facilities Maintenance</b>	\$ 350,000	\$ 350,000
Detention Center Generator		
<b>Public Works Administration and General Support</b>	\$ 180,000	\$ 180,000
Dump truck replacement		
<b>Parks and Recreation</b>	\$ 156,600	\$ 156,600
Six new vehicle replacements and aerator for field use		
<b>Coroner</b>	\$ 117,403	\$ 39,134
Three vehicle replacements including equipment for each vehicle		
<b>Building Codes</b>	\$ 98,000	\$ 98,000
Four new truck replacements		
<b>Traffic and Transportation Engineering</b>	\$ 90,000	\$ 90,000
Bucket truck replacement for signal maintenance		
<b>Information Technology - Mapping and Applications</b>	\$ 80,000	\$ 80,000
Software upgrades for GIS webtool, App Extender and MS4 Coastal Hazards		
<b>Engineering</b>	\$ 32,000	\$ 32,000
New vehicle replacement		
<b>Emergency Medical Services</b>	\$ 45,000	\$ 45,000
One Quick Response Vehicle (QRV) replacement		
<b>Treasurer</b>	\$ 43,000	\$ 43,000
Renovation/update of the Hilton Head office; security camera retention/improvements; and software acquisition.		
<b>Voter Registration and Elections</b>	\$ 35,000	\$ 35,000
One new vehicle addition		
<b>Risk Management</b>	\$ 32,000	\$ 32,000
Two vehicle replacements		
<b>Animal Services</b>	\$ 30,000	\$ 30,000
Two vehicle replacements		
<b>Mosquito Control</b>	\$ 28,000	\$ 28,000
New truck and winch replacement		
<b>Broadcast Services</b>	\$ 25,000	\$ 25,000
One vehicle replacement		
<b>Veterans Affairs</b>	<u>\$ 25,000</u>	<u>\$ 25,000</u>
One vehicle addition		
<b>Total Fiscal Year 2020 Capital Budget Increase Requests</b>	<u><u>\$ 1,367,003</u></u>	<u><u>\$ 1,288,734</u></u>

## Fiscal Year 2020 Budget Requested Increases to be considered

<u>Budget Item</u>	<u>Dollar Amount</u>	<u>Millage</u>
Beaufort County Sheriff's Office	\$ 1,968,785	1.01
County Compensation Plan (pay for performance)	\$ 1,500,000	0.77
3% Cost of Living Adjustment (COLA)	\$ 1,300,000	0.66
14th Circuit Solicitor	\$ 642,500	0.33
LRTA/Palmetto Breeze	\$ 120,013	0.06
Military Enhancement Committee	\$ 62,000	0.03
Hilton Head Island Recreation Association	\$ 60,000	0.03
Small Business Development	\$ 10,000	0.01
<b>Total Increases to be considered</b>	<b><u>\$ 5,663,298</u></b>	<b><u>2.90</u></b>

### Items not currently included in the FY 2020 Proposed Budget

Public Defender additional request	\$ 123,430	0.06
Housing Trust Fund	\$ 65,000	0.03
<b>Total items not currently included</b>	<b><u>\$ 188,430</u></b>	<b><u>0.10</u></b>



Beaufort County, South Carolina  
FY 2020 MILLAGE IMPACT SUMMARY

	Countywide Rates		Rates below include operations and debt. Rates only apply to each jurisdiction.				
	County Operations	School District Operations	Bluffton Fire District	Burton Fire District	Daufuskie Island Fire District	Lady's Island/St. Helena Fire District	Sheldon Fire District
Proposed Millage Increase	1.74	9.70	0.15	1.51	1.74	0.82	2.26
Millage rate increase impact on \$100,000 value (4%)	\$ 6.96	\$ -	\$ 0.60	\$ 6.04	\$ 6.96	\$ 3.28	\$ 9.04
Millage rate increase impact on \$100,000 value (6%)	\$ 10.44	\$ 58.20	\$ 0.90	\$ 9.06	\$ 10.44	\$ 4.92	\$ 13.56



## Memorandum

DATE: May 7, 2019

TO: Chairman Stewart H. Rodman and County Council with copy to Ashley Jacobs, County Administrator and Thomas J. Keaveny II, County Attorney

FROM: Christopher S. Inglese, Deputy County Attorney *CIS*

SUBJECT: Draft of updated Rules and Procedures

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I am pleased to present a first draft of updated Rules and Procedures. The draft is a conglomeration of the existing Council rules, SC Assoc. of Counties Model Rules of Parliamentary Procedure (SCAC's Model Rules), John Weaver's draft, Stu's comments, and my own experience. There has been expressed interest in maintaining the booklet format, thus I do intend to format for booklet printing once a final version is produced.

The first half should look very familiar. It addresses items such as voting for the Chair and Vice Chair, meetings, public hearings, ordinances, etc. The second half is a summary of commonly used motions and breaks down the technical rules for application of those motions. The second half is a condensed version of Roberts Rules and serves as a quick reference guide for your use in meetings. The final version will have a quick reference table of the motions in Rules 12 through 18 as provided for in SCAC's Model Rules.

SCAC's Model Rules was a good starting point because it directly address the S.C. Ethics Act, Freedom of Information Act, and legislative procedures, unlike Robert's Rules of Order. Therefore, the experts at SCAC went through an exercise of modifying procedural rules for application to legislative bodies such as County Councils.

I recommend that the proposed updated Rules and Procedures be placed on an agenda for a work session of an upcoming Executive Committee meeting. Some items to consider for discussion include:

- Telephonic participation of council members
- Discipline of a council member
- Ex-officio status of non-committee members and voting rights
- Appointment of a Parliamentarian
- Nomination and appointment of board and commission members

ORDINANCE 2019/\_\_\_

**AN ORDINANCE ADOPTING THE SOUTH CAROLINA ASSOCIATION OF COUNTY'S MODEL RULES OF PARLIAMENTARY PRODECURE FOR SOUTH CAROLINA COUNTIES, THIRD EDITION AS AMENDED HEREIN FOR USE BY BEAUFORT COUNTY COUNCIL AND ITS COMMITTEES.**

**Rule 1. Short Title.**

This Ordinance may be cited as the Beaufort County Rules of Parliamentary Procedure and shall replace and supersede all prior rules adopted by the Beaufort County Council governing the subject matter hereof.

**Rule 2. Applicability; Deviation from Rules.**

These Rules shall apply to all meetings of county council, including committee meetings. As used in these Rules, the term "Meeting" means the convening of a quorum of the membership of county council to discuss or act upon a matter over which county council has supervision, control, jurisdiction or advisory power; the term "Quorum" means a simple majority of the voting membership of county council, or committee of county council. A quorum must be established for the transaction of any official business.

**Commented [IC1]:** How does the ex-officio status of committee members, currently allowed to vote, effect establishing a quorum?

These Rules were adopted as guidelines to assist county council and its committees, in conducting orderly and productive meetings. Any deviation from or waiver of these Rules, when a quorum is present, shall not affect or void any action taken by county council. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties not otherwise imposed by law.

**Rule 3. Model Rules of Parliamentary Procedure for South Carolina Counties and Robert's Rules of Order Newly Revised (current edition) to Govern Other Cases.**

County council will refer to these Rules, as the primary resource in determining the intent and meaning of these Rules. Further reference may be had to the South Carolina Association of County's Model Rules (3<sup>rd</sup> Edition or a current edition) "comment" sections for guidance on application of these rules. In all cases not covered by these Rules, county council shall be governed by such rules as are set out in the most recent edition of Robert's Rules of Order Newly Revised (RONR). Provided, however, that state and federal law shall take precedence over these Rules in all cases. Whenever possible, these Rules should be interpreted to conform to state and federal law; if an irreconcilable difference occurs, only the portion of the Rule or Rules directly in conflict with state or federal law is to be overruled, the remaining portions surviving.

### **Rule 3.1. Role of the Individual Council Member.**

County council is a policy-making, legislative body. It provides a vision for the county and provides guidelines to county administration regarding how the county is to be run. County council members have authority only when acting together, speaking with one voice, and have no individual authority over county operations. (*Wilson v. Preston*, 378 S.C. 348 (2008)).

### **Rule 3.2. Officers.**

Council shall elect one of its members to serve as Chair for a two-year term on the first business day in January following each County General Election. Nominations for Chair must be made by a Council member. Six votes shall be required to elect the Chair.

On the first business day in January following each County General Election, Council also shall select one of its members to serve as Vice Chair for a two-year term. The election of Vice Chair shall be in the same manner as set forth above for the election of Chair.

Chair. The Chair shall preside at all meetings of the council, and may execute on behalf of the council all official instruments or documents unless otherwise directed by a majority vote of council. The Chair or Chair's designee shall read the title of all Ordinances and Resolutions (other than those appearing on the consent portion of the agenda), and other matters, as they come up during the course of the meeting for council consideration and action. The Chair shall preserve order and decorum at all meetings, and shall state every question coming before the council, announce the decision of the council, and decide questions of order. Any council member may appeal the decision of the Chair on a question of order, and two-thirds of those members present shall conclusively determine such question of order. The Chair shall have the authority and responsibility for formatting, reformatting, setting, amending and overseeing the agenda and the council's order of business of regular and special meetings of the council.

The Chair shall serve as an *ex-officio* member of each standing committee of Council and shall be entitled to vote at committee meetings.

Vice-Chair. In the event that the Chair is absent or unable to serve, the vice-Chair shall serve as Chair. In the event the office of Chair is vacated, the vice-Chair shall serve as Chair until such time as the vacancy of Chair is filled through the appointment by the governor, reinstatement by the governor, in the next general election, or by special election if the vacancy occurs one hundred eighty (180) days or more prior to the next general election. The term "vacated" means that the Chair's office has been vacated either by resignation, suspension, removal from office, or death. In the event the office of Chair is vacated or the Chair will remain absent for an extended period of time, the council may elect a "successor vice-Chair," who shall serve in the place of the vice-Chair who is serving in the Chair's position. The successor vice-Chair shall serve until the vice-Chair resumes the office of vice-Chair or the

successor vice-Chair's term is terminated by the council. When the Chair is absent from a regular or special meeting of the council, or unavailable at the time execution of documents on behalf of the council is necessary, the vice-Chair shall execute on behalf of the council all official instruments or documents, unless otherwise directed by a majority vote of council.

Parliamentarian. The Chair may appoint one member of Council to serve as Parliamentarian, or may delegate to the administrator the appointment of a Parliamentarian.

#### Rule 4. Meetings, Notice.

Regular meetings of council shall be held on the second and fourth Mondays of each month beginning at 6:00 p.m. At the beginning of each calendar year, Council shall publish its meeting schedule and include dates, times and places of each meeting. Council may vary this schedule upon concurrence of a majority of council, provided that, public notice as described herein, is provided. Written public notice shall be given for all regularly scheduled meetings at the beginning of each calendar year and not later than the first Monday in January. Notice shall include the dates, times, and places of the meetings.

Notice for all meetings of public bodies must be posted on a bulletin board at the meeting place for county council, or other suitable place, as early as practicable, but not less than twenty-four hours prior to each meeting. In addition, notice shall be posted on the county's regularly-maintained and publically-accessible website. The notice must include an agenda and the date, time, and place of the meeting. The 24 hour requirement for posting notice does not apply to emergency meetings.

All persons, organizations, and news media requesting notification of county council meetings shall be notified of the times and places, and given copies of the agenda for all meetings, whether scheduled, rescheduled, or called. Freedom of Information Act (FOIA) requirements must be met for all meetings. Efforts made to comply with FOIA notice requirements shall be announced at each meeting, and noted in the minutes.

Special meetings may be called by the chair or by the majority of county council, provided that the notice requirements are met. Meetings, whether scheduled, rescheduled, or called, may be canceled or rescheduled by the chair or by a majority of county council, provided that the requirement for at least one meeting per month is met. Meeting notice requirements apply to committee meetings as well as meetings of the full council. The Chair, or in his absence the vice-Chair, may call an emergency meeting in accordance with 1976 S.C. Code section 4-9-130, as amended.

**Commented [IC2]:** Efforts to comply with FOIA must be noted in meeting minutes 30-4-80(E). A placeholder on the agenda will prompt the Chair to inquire of the Clerk "have notification requirements of FOIA been complied with for this meeting" and an affirmative response will be reflected in the minutes to comply with the statute.

**Rule 4.1. Workshop Sessions.**

- (1) The Chair may call a workshop session or such meeting may be scheduled as part of a regular council meeting.
- (2) All council members shall be given written notice of a workshop session that specifies the subject matter to be discussed at least two (2) working days before the meeting. Only those items mentioned in the notice or on the accompanying agenda shall be discussed at the meeting.
- (3) The primary purpose of a workshop session shall be to present in-depth information and to provide an opportunity for the council to raise questions for the purpose of making more informed decisions on complex issues that would take undue time from a regular meeting. No vote on any subject shall be taken during the course of a workshop session.
- (4) Notice requirements of Rule 4 above for regular meetings shall be observed for Workshop Sessions, and all such workshop sessions shall comply with the requirements of FOIA.

**Rule 4.2. Executive Session.**

- (1) The council may hold an executive session for any purpose permitted by FOIA, as amended from time to time.
- (2) To hold an executive session, a motion must be made stating the purpose for which the executive session is to be had, seconded, and adopted to go into executive session for a permitted purpose. Executive session may be ended by consensus of the members present, or if no consensus, by the Chair's announcement of the end of executive session. Following the executive session, a public announcement should be made as to the general nature of the executive session.
- (3) No vote may be taken in executive session. When action is to be taken as a result of an executive session, it shall be taken by motion, second, and a majority vote of members present and in open session.

**Rule 4.3. Alternative Attendance by a Member.**

A member of the body may attend any meeting by electronic means subject to the following requirements:

1. A quorum of the body is physically present at the meeting location; and
2. The electronic means used allows both the member to hear all proceedings, and those in attendance at the physical location to hear the member.
3. A member wanting to attend by electronic means must notify the Clerk to Council and the Chair (or when the Chair wishes to attend by electronic device notice shall be given to the Clerk to Council and to the Vice-Chair) in writing in advance of the meeting.

4. No member may attend a meeting by electronic device more than two (2) times in a calendar year.
5. A member attending by electronic device shall be permitted to participate in the meeting as if present, including the privilege to vote.

**Rule 4.4. Conduct at Meetings.**

(1) Pledge of Allegiance. Each Council meeting shall open with the Pledge of Allegiance to the Flag and follow with an invocation.

(2) Decorum in Speaking. Every member of Council, when about to speak, shall address the Chair and, in speaking, avoid disrespect to Council and any personalities, and shall be confined to the question under consideration. In debate, each member has the right to speak twice on the same question on the same day (except on an appeal), but cannot make a second speech on the same question as long as any member who has not spoken on the question desires the floor. No one can speak longer than three (3) minutes at a time without permission of a majority of Council members present.

(3) Addressing the Chair. The Chair, when addressed by a member shall recognize the member by name, using no title but that of "Mr.," "Mrs.," "Miss," "Ms.," "Councilman," "Councilwoman," or "Councilmember."

**Rule 4.5. Order of Business.**

- (a) Right and authority of council Chair. The council Chair, or in his/her absence the vice Chair, having the responsibility of presiding over all council meetings, shall have the right and authority to establish for each meeting the order of business.
- (b) Public comment period. In the event a public comment period is provided for by the Chair or by the council, said comment period may be limited to thirty (30) minutes.
  - (1) Those persons desiring to participate during the public comment segment shall notify the clerk to council of their intention before or at the meeting's scheduled time of commencement. The clerk shall be provided with the speaker's name, address and the topic of discussion. Time before council shall be allocated on a first come-first served basis.
  - (2) A speaker shall be permitted no more than three (3) minutes to complete their comments to council.
  - (3) There shall be no predetermined number of persons permitted to address council during the public comment segment, but only in extraordinary circumstances as determined by the Chair, may the thirty-minute allotment of time be exceeded. As a matter of right and course, no person normally should expect to address council more than once within any sixty-day period.

- (4) This rule in no way is intended to be applicable to or in any manner restrict the public's right to comment during the *public hearing* segment of council's consideration of a specific ordinance.

Decorum and Debate.

- (a) The Chair or in his absence the vice-Chair is charged with the responsibility to maintain decorum and to strictly enforce the requirements of these rules. No person shall conduct himself/herself in a disorderly or boisterous manner and such conduct will be cause for immediate removal of the offending person from the meeting. When a measure is before the council for consideration, the Chair or in his absence the vice-Chair ("the presiding officer") shall recognize the individual to speak, and when two (2) or more members wish to speak, the presiding officer shall determine in which order the speakers may speak.
- (b) No member of council shall interrupt another while speaking, except to make a point of order or make a point of personal privilege.
- (c) The presiding officer may limit debate or discussion as he may deem appropriate and may limit any member of council to five (5) minutes on any question, speaking one time unless to a point of order or other privileged motion, unless such limitation is overridden by a majority vote of council.
- (d) If a member is transgressing the rules of the council, the presiding officer shall, or any council member may, call him or her to order. In such case, he or she shall immediately cease unless permitted to explain. The council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise.
- (e) Any member found in violation of the rules of council by a two-thirds vote of council shall be liable to discipline as provided in Rule 18, censure or such other punishment as the council may deem proper.

**Rule 4.6. Ordinances and Resolutions.**

- (a) Readings. The council shall take legislative action by Ordinance. Resolutions shall not have the force of law, but shall express the opinion of that council concerning a particular matter, authorize the Administrator to take a particular action, or set forth a policy not otherwise imposed by law. With the exception of emergency ordinances, all ordinances shall be read at three (3) public meetings of the council on three (3) separate days with an interval of not less than seven (7) days between the second and third reading; provided, that a verbatim reading of an ordinance shall not be required unless such reading is requested by a member and approved by a majority vote of those members present.
- (c) Emergency ordinances. To meet public emergencies affecting life, health, safety of the property of the people, council may adopt emergency ordinances, but such ordinances shall not levy taxes, grant, renew, or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and shall describe the emergency. An emergency ordinance is effective immediately upon its



enactment without regard to any reading, public hearing, publication requirement, or public notice. Such ordinances shall expire automatically as of the 61st day following enactment.

- (d) Codification. All ordinances shall be compiled, indexed, codified, published by titles and made available to public inspection at the office of the clerk of council.
- (e) Effective date of ordinances. Ordinances shall take effect on the day the ordinance is given third reading unless other date is specified in the ordinance.
- (f) Resolutions. A resolution shall require only one reading for its adoption, and may be adopted at either a regular or special meeting by a majority vote of the members present at the meeting.
- (g) Standard codes or technical regulations. The council may adopt any standard code or technical regulation by reference. Copies of any adopted code or technical regulation shall be made available by the clerk for distribution or for purchase at a reasonable price.

**Rule 4.7. Committees.**

- (a) All committees, including any sub-committees which become necessary, shall be appointed by the Chair and the Chair of the individual committees shall be appointed by the council Chair. The committee may, at its discretion, elect a vice-Chair and such other officers as it may choose.
- (b) Standing committees. Standing committees may be established at the discretion of county council. Examples of such committees include, without limitation:
  - Community Services.
  - Finance.
  - Governmental.
  - Natural Resources.
  - Public Facilities.
  - Executive.
- (c) Assignment of county government functions to a committee, committee structure, committee assignments. The Chair of county council shall provide a list of the various county divisions, departments, boards and commissions and other activities that are assigned to any standing committee established. These assignments may be changed, as necessary, by the Chair of the county council, with the advice of the county administrator. Any change in the committee assignment of various government functions shall not become effective until it is announced at a regularly scheduled meeting of the county council and the administrator has been notified in writing by the Chair of county council.
- (d) Member assignments. After consulting with council members regarding their preferences for committee assignments, the Chair of county council shall appoint council members to any standing committee established. Committee assignments shall be made for a period of two (2)

years beginning with the first regularly scheduled council meeting in January following a County General Election. The Chair of county council may, from time to time, make changes to committee assignments for any of the following reasons: to fill a vacancy; to accommodate a new council member; to respond to a formal request from a council member to change committees; to solve a schedule conflict; or to make changes in a committee Chair.

- (e) Chairpersons. The Chair, in exercising duties under subsection (a) above, may make changes to committee chair assignments as deemed fit, but must make the initial and any subsequent changes to committee chair assignments at a public meeting of the county council. The Chair of county council will make committee chair and vice-chair assignments for two-year terms.
- (f) Council attendance. All council members may attend any committee meeting, but a member may cast a vote on a matter only if he or she is a voting member of that committee. If a member of council is in attendance at a committee meeting where he or she is not a voting member, that member may participate in the meeting, including voting at the meeting. Committee members not in attendance at committee meetings may not cast a vote by proxy.
- (g) Quorum. A minimum of three (3) members of a committee will constitute a quorum. If a quorum is not met at any scheduled committee meeting, the matters scheduled to be discussed may be forwarded to the full council and clearly marked "forwarded without recommendation." If a particular item does not receive a majority vote, it will be forwarded to the full council and clearly marked "forwarded with a negative recommendation."

The committee Chair shall be the presiding officer over committee meetings. In the absence of the committee Chair, the committee vice-Chair shall fulfill the duties of the committee Chair. Committees shall follow all the parliamentary and procedural rules of the county council.

- (h) Meeting schedule. Committees shall meet as necessary to conduct the work of the committee. The Chair of each committee shall schedule committee meetings at a time decided by majority vote of the committee members. Committee schedules for each year, will be approved by the first meeting of February, by written resolution of council in order to ensure that meeting schedules do not conflict. The Chair of each committee shall schedule special meetings of the committee as necessary. A scheduled committee meeting may be canceled by the Chair of the committee with at least twenty-four (24) hours' notice to the committee members.
- (i) Subcommittees. Subcommittees shall not be established unless these council rules and procedures are amended by ordinance. However, the chair may establish ad hoc committees as needed to address a particular item. An ad hoc committee may hold public hearings, meetings and work sessions in the same manner as provided in these rules. Once an ad hoc committee provides a final report or recommendation to full council it shall automatically dissolve.

**Commented [IC3]:** These two highlights are contradictory and one is reflected in the current rules and the other is reflected in current practice. Recommendation: non-committee members should be allowed to participate in the discussion but not be permitted to vote.

**Commented [IC4]:** No subcommittees but does provide for ad hoc committee

#### Rule 4.8 Standing Committees.

4.8.A. Assignments. All committee chairships and tasks shall emanate from the Chair. Upon approval by the Chair, the County Administrator may assign to a Standing Committee or Ad Hoc Committee, specific requests and/or tasks which emerge either from Council discussions,

incoming correspondence or memoranda. Each assignment shall be added to the appropriate committee's work in progress and completed status report.

4.8.B. Status Report. The Clerk to Council shall furnish Council, on a monthly basis, a register of all Standing Committees reflecting work in progress and completed status report.

4.8.C. Conclusion of Council's Term. At the conclusion of each Council term, each Standing Committee Chair shall purge that committee's file of unnecessary correspondence and notes, put all records and documents in chronological order, and return the file to the Clerk to Council for use by succeeding Councils.

4.8.D. Reporting. Complete minutes from each committee meeting, shall be posted on the county's website, and distributed to all Council members. Committee Chairs shall report their committee's results and recommend to full Council approval or disapproval of action items.

**Rule 5. Agenda.**

Every public meeting shall have an agenda. The clerk to council, or such other person as may be designated, will compile the agenda at the direction of the council chair in consultation with the Administrator. The agenda shall be posted, pursuant to Rule 4 and as required by FOIA, at least 24 hours prior to meetings. A copy of the agenda shall be provided as part of the notice given to any person, organization, or news media requesting notification of county council meetings. The agenda will designate the time and location of the meeting and the type of meeting to be held: council session, committee meeting, public hearing, public comment, workshop, or emergency session.

A single council member may submit matters for consideration by the full council by providing the appropriate documentation at least seven (7) calendar days prior to the council meeting in question. The requirement for appropriate documentation is not necessary for matters which impact a particular district only. The Chair of the county council has the sole discretion to determine whether or not an item as submitted meets the requirements of these rules.

Agenda packages are prepared and distributed on the Friday immediately preceding the Council meeting. Backup information on a particular agenda item shall be enclosed in the package.

**Rule 5.1 Consent Agendas.**

Consent agendas (called a consent calendar in RONR) are used to more quickly dispose of routine business by allowing the council to approve more than one item at the same time, and without debate, amendment, or individual motions. The council Chair may present a consent agenda at the beginning of council meetings. Only routine or noncontroversial items are listed under a consent agenda. If a council member requests discussion about a particular item, that item must

be removed from the consent agenda and placed on the regular agenda to be discussed later in the meeting. Removing an item from the consent agenda should be done prior to approving the agenda at the beginning of the meeting.

A council member who has a question about a consent agenda item should request the information before the meeting. An item should not be removed from the consent agenda just to answer a question. Clarification should be sent to all council members to ensure each one has the same information before the meeting.

**Rule 5.2. Amending an Agenda.**

S.C. Code of Laws §30-40-80(A) restricts the ability of members of county council to amend an agenda once notice and the agenda have been provided to the public. Prior to the noticed meeting, an item may be added to the agenda, as long as an additional public notice period is provided. The additional notice must be given in the same manner as the original notice.

After the meeting has begun an additional item, upon which action can be taken, may be added to the agenda by a two-thirds (super-majority) vote. If the new item to be added is one upon which final action can be taken at the meeting, and there will not be an opportunity for public comment, it can only be added to the agenda by a two-thirds (super-majority) vote, and a finding that an emergency or an exigent circumstance exists if the item is not added to the agenda. See Model Rule 16.3: Motion to Suspend the Rules.

**Rule 6. Hearings; Public Hearings.**

**A. Public Hearings**

Public hearings are the method required by the Home Rule Act for county council to gain input from the public at large. Members of council should refrain from making comments during the public hearing and should neither enter into debate with the public nor with other council members during the public hearing. Public hearings are required before final action is taken to:

1. Adopt annual operational and capital budgets;
2. Make appropriations, including supplemental appropriations;
3. Adopt building, housing, electrical, plumbing, gas, and all other regulatory codes;
4. Adopt zoning and subdivision regulations;
5. Levy taxes;
6. Sell, lease, or contract to sell or lease real property owned by the county;
7. Development Agreements and/or Amendments to Development Agreements (2 public hearings required, second one to be announced at the first one);

8. Impose ad valorem property taxes upon a fire service area; or
9. Provide for the distribution of assets following the abolishment of a special purpose district.

Final action for any of the first seven (7) matters must be in the form of an ordinance. A minimum of 15-days' notice of the time and place of the hearing must be published in at least one newspaper of general circulation in the county prior to conducting a public hearing for any of the previously discussed categories of ordinances.

Items eight (8) and nine (9) are addressed by S.C. Code §§ 4-19-20 and 4-9-85. Notice for item eight (8) must be provided once a week for three (3) successive weeks in a paper of general circulation in the county, and the hearing must not occur fewer than sixteen (16) days following the first notice. Item nine (9) requires at least two (2) public hearings with ten (10) days prior notice to be published in a newspaper of general circulation prior to each meeting. Following the abolishment of a special purpose district located within the county, two (2) public hearings are required prior to distributing assets and/or refunding taxes.

Ordinances not dealing with one of the eight enumerated subjects do not require a public hearing. For example, an ordinance to adopt these Rules would require neither public hearing nor the notice requirements of S.C. Code Ann. § 4-9-130.

#### B. Procedures of Public Hearings.

- (a) Public hearings shall be advertised as required by law. If there is no applicable law, public hearings shall be advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to such hearing.
- (b) A public hearing is understood to be a forum for people interested in the subject matter to present information to the council for their consideration as they deliberate an issue.
- (c) Each speaker shall be limited to three (3) minutes. Time limits may be reduced or enlarged by the Chair if announced at the beginning of the public hearing that the time limit will be different. Giving of a speaker's time to another is not allowed.
- (d) The chair, or other presiding officer, may terminate a presentation if the presiding officer determines that enough input has been presented on a particular point or that any further input would be redundant. Such speakers shall be encouraged to simply state their agreement with a previous speaker and bring only new information to the subject.
- (e) In addition to verbal presentations, written material may be submitted to the council for their consideration.
- (f) Public hearings may be limited to a total of thirty (30) minutes; provided no speaker shall be allowed to exceed the three (3) minute limitation as provided in subsection (c) above. These limits may be extended at the discretion of the chair under extraordinary

circumstances and depending upon the length of the agenda and the number of speakers to be heard.

### C. Quasi-Judicial Hearings.

When conducting a quasi-judicial hearing, county council takes on the role of an impartial trier of fact in a dispute involving the legal rights of one or more parties. In a quasi-judicial hearing, council members must be careful to provide basic rights due under state and federal constitutions and statutes. Among these basic rights, which council must protect, are the right to an attorney, the right to cross examine witnesses, and the right to due process. Further, council members must base their decisions on the evidence presented at the hearing and must not discuss the case beforehand or be influenced by the opinions of others who are not a part of the proceedings.

Quasi-judicial hearings are important because fundamental constitutional rights are involved. The 5th and 14th amendments of the U.S. Constitution prohibit the taking of property without the due process of law. Due process has been described by the courts as notice and an opportunity to be heard. Other rights at play include the right to be represented by counsel (at the petitioner's expense), and the right to cross-examine witnesses. Because federal rights are involved, failure by county council to afford these rights can lead to individual liability for anyone violating these rights.

### **Rule 7. Minutes; Ordinances to Be Codified; Correspondence of Council.**

All proceedings of county council shall be recorded and all ordinances shall be indexed, codified, and published by title. The clerk to council shall make a permanent record of all ordinances adopted, shall make them available to the public, and shall furnish a copy of the record to the clerk of court for filing at that office.

Written minutes shall be kept of all meetings. Copies of the minutes shall be kept in perpetuity. Copies of any audio or video tapes may be destroyed by the clerk to council 24 calendar months after final approval of the written minutes. Minutes shall include, as a minimum:

1. Date, time, and place of the meeting;
2. Members of county council recorded as either present or absent;
3. Substance of all matters proposed, discussed, or decided and, if requested by a member, a record by member of any votes taken;
4. If any member of council has a conflict of interest on a matter before council, that member shall recuse himself or herself and provide a written statement describing the matter and the potential conflict as required by S.C. Code Ann. § 8-13-700 and by Model Rule 11.

5. Any other information that a member of council requests to be included or reflected in the minutes.

Minutes are public records and shall be made available within a reasonable time after the meeting, except any information not subject to disclosure under the Freedom of Information Act. Minutes are not subject to disclosure until approved as written by the county council.

Requirements for retention of county records are set out in the State Department of Archives and History's General Records Retention Schedules for County Records (1999), p. 12, which can be found at the Department's website at [www.scdah.sc.gov](http://www.scdah.sc.gov). The requirement for retaining minutes and tapes can be found in the Retention Schedules, in §§ 12-503.2 and 12-503.1, respectively.

The Clerk to Council will open mail addressed to the Chair of Council, scan and distribute via email to Council. The Clerk to Council shall also retain the scanned copy in Council's correspondence file.

#### **Rule 8. Voting.**

The preferred method of voting by county council is by voice vote, although the chair may call for a show of hands or a roll call vote at any time. Any council member may demand a show of hands or a roll call vote. The demand is in order before or immediately after the voice vote has been taken, even though the chair may have announced the results of the voice vote. A council member may not explain his or her vote while voting but may change his or her vote at any time prior to the Chair announcing the result. **A member in attendance by electronic means provided for in Rule 4.3 may participate by voice vote provided the vote is clearly indicated and confirmed by the Chair.**

##### **A. Number of Votes Required for Passage.**

RONR, and/or state law may require differing number of members to vote in support of an action. The term "majority" or "simple majority" means more than half of those members present and voting. When a two-thirds majority is required, the term "two-thirds majority" or "super-majority" means at least two-thirds of those present and voting. The term "positive majority" means a majority of the members of council must vote in support of the action, regardless of the number of members present or not.

Any ordinance, resolution or motion, unless otherwise required by these Rules, or by state or federal statute, passes if it receives a simple-majority of the votes cast. State and federal statutes

and, in some cases, these Rules may require passage by more than a simple- majority. The following actions are included in those requiring a super-majority:

Two-thirds Majority [Super-majority]:

1. Adoption of an emergency ordinance (§ 4-9-130);
2. Sale or transfer of the county library assets for a non-library purpose (§ 4-9-39);
3. Defeat of a Motion to Follow the Agenda (Rule 14, ¶ 5);
4. Passage of Motion to Suspend the Rules (Rule 16, ¶ 3); and
5. Passage of a Motion to Call for the Question [Vote Immediately] (Rule 15, ¶ 2).

#### B. Voting on Motions.

In the case of debatable motions, the vote can be proposed in one of two ways:

(1) If debate has been completed and no other council member wishes to speak, the chair can call for the vote. If there are no objections, the chair can proceed with the vote;

(2) If the Chair calls for the vote and there is an objection, a council member may make a Motion to Call for the Question [Vote Immediately]. If this motion is approved by a two-thirds vote, debate will stop. The chair will then read the proposed motion to county council and ask for the votes of the council members.

In the case of non-debatable motions, the vote shall occur immediately after the motion is recognized by the chair. The chair shall read the proposed motion to county council and then call for the vote.

#### C. Voting to Elect Boards, Committees, and Commissions.

Prior to nominations for vacancies on any County Boards, committees or commissions, candidates must file with the Clerk to Council an application and authorization for a background check. Once the application and background check are complete, the Clerk to Council will notify the Chair for the appropriate Committee that is liaison to the board, committee or commission applied to by the candidate. Nominations shall first arise out of Committee and be recommended to full Council.

The full Council shall consider the recommendation of Committee. Any other nominations may also be made at the Council meeting in which the nomination is considered, provided that the requisite application and background check have been reviewed and approved by the Clerk to Council. When council is voting to elect one or more persons to open positions on a board, committee, or commission, ballot elections should be used if the number of candidates exceeds the



number of positions available. As an alternative to the ballot method, a majority of council may decide to vote on each nominee individually, taking them up in the order nominated. If the number of vacant positions equals or exceeds the number of candidates available, the council may dispense with the process under this Rule and appoint by acclamation or similar method.

Once Council votes to appoint a candidate, the decision is final and the candidate is appointed.

**Commented [IC5]:** Eliminates the onerous and unnecessary two week waiting period.

Once the election process begins, motions are limited to Rule 14 Privileged Motions (Adjourn, Recede, Raise a Question of Privilege, Convene an Executive Session, or Follow the Agenda); to the following Rule 15 Subsidiary Motions: Motion to Postpone and Motion to Commit; and to the Rule 16 Incidental Motion of the Point of Order. All other motions are out of order until the election process is completed.

With a ballot election, each council member shall vote—on one ballot—for up to as many positions as are open. Each member shall sign or otherwise mark his or her ballot and the minutes will reflect each member’s vote. Members may vote by ballot for someone who was not nominated.

Each ballot is considered one vote cast, and a candidate must receive a majority of votes to be elected. If no candidate receives a majority vote, balloting continues as needed until all positions are filled. If fewer than the proper number of candidates receive a majority vote, those candidates receiving a majority are elected, and balloting continues with all other candidates remaining on the ballot. If more candidates receive a majority vote than there are positions open, those receiving the largest number of votes will be elected and those receiving a majority, but tied for last of those receiving a majority, will remain on the ballot for repeat balloting, as needed. If all positions are not filled after the first vote, no candidates shall be involuntarily eliminated.

As a general rule, an election is a two-phase process. In the first, or nominating phase, the universe of potential candidates is reduced to a short list. In the second, or election phase, the successful candidate(s) is/are selected from the short list. RONR § 46 discusses the nominating and election processes, including potential problems that should be avoided. Nominations from the floor (by council members, including the chair), or by a nominating committee with additional nominations from the floor, seem to be the preferred methods. Generally, the nominating process should be inclusive, as opposed to restrictive, to encourage more interest and participation by the public. Nominations should not be closed if council members still have additional nominations they wish to make.

For a discussion of election procedures for unopposed appointments see RONR § 46.

If the number of candidates exceeds the number of available positions, the choice of election methods boils down to dealing with the nominees one by one or all at one time. Dealing with the candidates one by one may be done by voice vote, show of hands, or similar method. As each nominee is taken up in the order nominated, this method presents fairness problems to those who were not nominated first.

It will be seen that, under the procedure just described, it is necessary for members wishing to vote for a later nominee to vote against an earlier one. This fact gives an undue advantage to earlier nominees and, accordingly, a voice vote is not a generally suitable method for electing the officers of organized societies.

RONR § 46: For the reasons previously discussed, the ballot election method is preferred when there are more candidates than positions available. The ballot election method is set out in Model Rule 8C, above, and is discussed in RONR § 46.

Although no candidates shall be involuntarily eliminated, candidates receiving fewer votes may choose to withdraw their candidacy. RONR discourages runoff elections, as runoffs usually occur between two competing factions. Repeated balloting allows a third or fourth candidate receiving fewer votes, initially, to emerge as a compromise candidate.

#### **Rule 9. Ordinances and Resolutions.**

County council shall take action by passing ordinances and resolutions. An ordinance is local legislation passed by the governing body of the county, duly enacted pursuant to proper authority, describing general, uniform and permanent rules of conduct relating to the corporate affairs of the county. A resolution is an expression of opinion or policy concerning some particular item of business coming within the county council's official cognizance and often deals with matters of special or temporary character.

Proposed ordinances and resolutions are introduced for discussion by any member of council offering the ordinance or resolution as a main motion. Resolutions are passed after a single period of debate (or reading) and vote; ordinances require a reading at three public meetings on separate days, with at least seven days between the second and third reading.

County council may introduce an ordinance and give first reading "by title only." When giving first reading by title only, the minutes of the meeting should show that council believed there was a valid reason for expediting the ordinance and that there was a general understanding by the council of what the first draft of the ordinance would have said, had it been in writing.

Emergency ordinances - valid for only 60 days - may be passed after a single reading if a public emergency exists affecting the life, health, safety, or property of people. An emergency ordinance is effective immediately upon enactment, without regard to reading, public hearing, publication requirements, or public notice requirements. Every emergency ordinance shall be designated as such and shall contain a declaration of the emergency and describe it. Emergency ordinances require a two-thirds majority for passage.

Legislation affecting the following issues can only be enacted by ordinance and require a public hearing, as set out in Rule 6, prior to passage:

1. Adopting annual operational and capital budgets;
2. Making appropriations, including supplemental appropriations;
3. Adopting building, housing, electrical, plumbing, gas, and all other regulatory codes;
4. Adopting zoning and subdivision regulations;
5. Levying taxes;
6. Selling, leasing or contracting to sell or lease real property owned by the county.
7. Development Agreements and/or Amendments to Development Agreements

#### **Rule 10. Debate.**

Debate is the discussion on the merits of a pending question to determine if the issue should be adopted or not. Debate shall be managed by the chair in an impartial manner. Council members can participate in the debate only when they are recognized by the chair. Debate can be interrupted (i.e. a member may interrupt another member who has the floor), only to make a Motion to Adjourn, a Motion to Raise a Point of Privilege, a Motion to Raise a Point of Order, or a Motion to Convene an Executive Session. The council member making a motion is entitled to speak first; members who have not spoken on the issue shall be recognized ahead of those who have previously spoken.

#### **Rule 11. Conflicts of Interest.**

No member of county council, or of a county board or commission, may knowingly use his or her official office to obtain an economic interest for himself or herself, an immediate family member, or an individual or business with whom he or she is associated. Any member who, in order to discharge his or her official responsibilities, is required to take an action that affects the economic interest of any such person or business shall prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest. A copy of the statement shall be furnished to the chair of county council, or other board or commission, as appropriate. The chair shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter in which the

**Commented [IC6]:** Insert Flow Chart of Ordinance Passage from existing rules

potential conflict of interest exists. The chair will ensure that the disqualification and the reasons for it are noted in the minutes.

It is the responsibility of the individual member to notify the chair of the potential conflict and, once notification is made, to refrain from participating in the discussion, deliberation, and voting on the issue. It is generally expected that the member with the conflict will leave the council chambers while the issue is being discussed, deliberated, or voted upon, but the member may remain in the chamber if a quorum would be lost in his or her absence. If the council member remains in the chamber, the minutes should reflect this fact and should indicate a reason.

Enforcement of this Rule is left to the individual member. The chair will not require the member to leave the chamber, nor will the chair prohibit the member from participating in the debate or in voting.

**Rule 12. Main Motions.**

In order for county council to take official action on any subject, a council member must first propose a main motion. A proposed main motion will not be recognized by the chair until another council member seconds the motion. A second does not require the council member seconding the motion to support the motion. A council member may withdraw a main motion that he or she has made at any time before the council has voted on that motion.

**Rule 13. Procedural Motions.**

During the course of debate, council members may introduce procedural motions, which are limited to those specific motions described in Rules 14 through 17. Procedural motions are used to facilitate the orderly discussion of business before county council. They limit, but allow for, interruptions and allow county council to focus on one issue at a time. Procedural motions are divided into privileged, subsidiary, incidental, and recall motions and are further described in Rules 14 through 17, respectively. Privileged motions and Points of Order do not require a second; all other incidental motions and all subsidiary and recall motions require a second.

Privileged, subsidiary, and recall motions have a precedence or rank assigned. The incidental motions have no rank among themselves; except as described in Model Rule 16, they rank below the privileged motions and the Motion to Lay on the Table. A main motion has the lowest rank and does not take precedence over any other motion, nor can a new main motion be introduced when another main motion is pending.

**Rule 14. Privileged Motions.**

The five privileged motions are the highest ranking group of procedural motions, with the Motion to Adjourn having the highest precedence of the group. Only the Motion to Reconsider has higher precedence. Privileged motions can be made at anytime; the Motion to Adjourn, the Motion to Raise a Point of Privilege, and the Motion to Convene an Executive Session can interrupt another member who has the floor. When making one of these three motions, the council member should get the attention of the chair. The chair, interrupting anyone then speaking, recognizes the council member, who then states the motion.

Privileged motions require no second, cannot be reconsidered and, except for the Motion to Recede [Take a Recess], are not debatable. All privileged motions pass by simple majority. Specific characteristics of each privileged motion, listed in order of precedence, are set out below.

1. Motion to Adjourn.

An unqualified Motion to Adjourn is the highest ranking privileged motion and requires, if approved by a majority vote, that the meeting end immediately and reconvene at the next regularly scheduled or called meeting. As the highest ranking privileged motion, the Motion to Adjourn can be raised at anytime, except when a vote is being taken or being counted. It can be interrupted only by the motion to reconsider; it can interrupt any person having the floor. The Motion to Adjourn cannot be amended, debated, or reconsidered; it requires a majority for passage. Like all privileged motions, it does not require a second.

2. Motion to Recede [Motion to Take a Recess].

A recess is a short intermission, taken immediately upon passage. Following the recess, the meeting takes up at the same point where it was interrupted. The motion cannot be debated or reconsidered, but can be amended as to the duration of the recess. It requires a majority for passage. Also, the Motion to Recede is out of order if anyone has the floor or a vote is being taken or counted. Like the Motion to Adjourn, the Motion to Recede is privileged only if the recess is to be taken immediately; a Motion to Recede at some point in the future is a main motion. Like all privileged motions, it does not require a second.

3. Motion to Raise a Question of Privilege.

A Motion to Raise a Question of Privilege is a device to allow county council to take up a matter for immediate consideration because of its urgency; it can interrupt any person having the floor. The motion cannot be amended, debated, or reconsidered, but it can be appealed. It is generally ruled on by the chair, but a vote may be taken if the decision of the chair is appealed. If

approved, what follows will be a main motion taken out of order. Generally there are two types of questions of privilege: questions relating to the privilege of county council; and questions of personal privilege. If the two come up together, a question of council privilege should take precedence over a question of personal privilege. Like all privileged motions, it does not require a second.

4. Motion to Convene an Executive Session.

Executive sessions must be convened and conducted in accordance with the Freedom of Information Act and may be convened only for one or more of the specific reasons enumerated in the Act. A properly stated motion provides an appropriate reason for convening the executive session. If a valid reason is not stated, the chair may inquire or, if the reason is obvious, provide the reason when restating the motion. The reason for convening the executive session must be recorded in the minutes, in accordance with Rule 7. The motion may be amended and debated with regard to stating the appropriate reason or reasons for convening the session; however, it cannot be reconsidered. A public vote is required on the motion prior to convening the executive session; a majority vote is required for passage. The Motion to Convene an Executive Session can interrupt any person having the floor. Like all privileged motions, it does not require a second.

5. Motion to Follow the Agenda.

This motion is used to get a meeting back on schedule and is appropriate when the meeting has been allowed to digress or when a specific time scheduled for an item of business has arrived and the chair has failed to take notice. Once the motion is made, the chair must conform with the agenda or put the motion to a vote. The motion cannot be amended, debated, or reconsidered; a two-thirds majority vote is required to overrule this motion. Like all privileged motions, it does not require a second.

**Rule 15. Subsidiary Motions.**

The six subsidiary motions help deliberative bodies reach a decision on other pending motions, usually a main motion. Subsidiary motions are always applied to another pending motion. Three subsidiary motions – Motion to Amend, Motion to Limit/Extend Debate, and Motion to Call for the Question [Motion to Vote Immediately] – can be applied to other subsidiary motions and the Motion to Amend can be applied to the Motion to Recede [Take a Recess], a privileged motion. All subsidiary motions are out of order when another person has the floor.

All subsidiary motions share the following four characteristics:

1. They are always applied to a motion that is pending at the time and, when adopted, the subsidiary motion changes the motion it is applied to without adopting it;
2. They can be applied to any main motion (and some other motions, as well);
3. They are in order from the moment the motion they are to be applied to is stated by the chair until a vote has begun on that motion; and
4. They conform to the hierarchy as listed below (no motion in the hierarchy is in order if a motion listed above it in the order is pending).

1. Motion to Lay on the Table [Motion to Table].

A Motion to Lay on the Table proposes that the consideration of a motion be postponed until a later time. It is an appropriate motion to take up a more pressing matter, out of order, and to return later to the tabled motion. The main motion can be brought back for consideration if a Motion to Recall is later passed by county council. A motion that has been laid on the table will die if it has not been taken from the table by the close of the meeting following the meeting in which the motion was tabled. Amendments and debate are not allowed on a Motion to Lay on the Table and it cannot be reconsidered; it requires a majority vote for passage. The Motion to Lay on the Table is out of order if another speaker has the floor.

2. Motion to Call for the Question [Motion to Vote Immediately].

If passed, this motion cuts off debate and forces an immediate vote on the pending issue. The Motion to Call for the Question is neither debatable nor amendable, but it can be reconsidered up until a vote is taken on the called question. A two-thirds majority is required for passage. The Motion to Call for the Question can be applied to any motion requiring a vote.

3. Motion to Limit/Extend Debate.

The Motion to Limit Debate and the Motion to Extend Debate change any time constraints placed on the length of debate. The details of such motions are to be provided by the council member making the motion. Either motion can be applied to any motion that is debatable (not just to main motions). Debate is not allowed on either motion, nor can either be reconsidered. A two-thirds vote is required for passage. The motions can be amended as to the length of the time limitation.

4. Motion to Postpone/Motion to Postpone to a Time Certain.

A Motion to Postpone and a Motion to Postpone to a Time Certain are appropriate when a council member believes that the pending main motion should not be considered until some point in the future. These motions are in order even though debate has already occurred on the main motion. The Motion to Postpone to a Time Certain sets a particular time for the main motion to be considered again, which may be later in the same meeting, at a future meeting or upon the occurrence of a specified event, or the issuance of a necessary report. The motion is debatable, amendable as to the duration of postponement, and can be reconsidered. If the motion sets the matter for a date and time certain, a two-thirds majority is required for passage; if the motion does not set a specific time for consideration, it is referred to as a Motion to Postpone and only a majority vote is required for passage. If the motion is set for a time certain, the chair will bring the motion back to county council for further consideration at the specified time.

5. Motion to Commit [Motion to Refer to Committee].

The chair may refer any matter to a committee. If the chair does not refer a matter to a committee and a council member believes that further information or study is needed before the county council can act on a matter, he or she may propose that it be referred to a committee or to a particular office in county government for further study. If an appropriate committee does not already exist, a special committee can be formed as a part of the motion. A Motion to Commit may specify the date that the committee or department will report back to council. If a special committee is formed, the chair will appoint its members and its chair. This motion is debatable and can be amended as to where the motion is to be committed and the date and time that the committee will report back; it can be reconsidered. The motion requires a majority for passage.

6. Motion to Amend.

A Motion to Amend is used to make a change to a pending motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. A Motion to Amend can itself be amended, but the Motion to Amend an amendment cannot. These rules are to be enforced by the chair.

In addition to main motions, some subsidiary motions and the Motion to Recede [Take a Recess], can also be amended. Debate is allowed on a Motion to Amend only if the original motion is debatable, and is limited to the proposed amendment. The Motion to Amend can be reconsidered. A majority vote is required to adopt an amendment. If the amendment is adopted, county council will then consider the amended version of the motion.

**Rule 16. Incidental Motions.**



Six incidental motions allow council members to appeal rulings by the chair, raise points of order, question precedence of motions, and raise objections to consideration of matters that are incidental to the discussions at hand but do not directly relate to the main question under discussion. Incidental motions are in order only if they pertain to the motion then pending or to the business at hand. If the incidental motion is in order, it takes precedence over any other motions that are pending. Points of Order may interrupt another member who has the floor. Incidental motions have no rank among themselves; except as described below, they rank below the privileged motions and the Motion to Lay on the Table.

1. Point of Order [Motion to Raise a Question of Order].

The Point of Order takes precedence over any question from which it arose. It yields to any privileged motion and a motion to lay the underlying question on the table. The Point of Order is not debatable (except that the chair may ask the member raising the point to explain it), is not amendable, and cannot be reconsidered. It does not require a second. The Point of Order is in order when another person has the floor and can interrupt a person speaking if the point genuinely requires attention at the time it is raised. Normally, the point is ruled on by the chair and no vote is taken, unless there is an appeal or the chair is in doubt.

2. Appeal.

The duties of the chair include making rulings on questions of parliamentary procedure. An Appeal is the vehicle available to members of council who believe that the chair's ruling was erroneous. The Appeal is in order when another has the floor, but must be taken immediately after the ruling and is out of order if other business has intervened. It is debatable unless the underlying question is not debatable or if the Appeal relates to decorum or priority of business; it is not amendable.

The decision of the chair stands unless reversed by a majority of the members; the chair may vote to create a tie and thus sustain the ruling. An Appeal takes precedence over any pending question at the time the chair makes the ruling. It yields to all privileged motions, incidental motions arising from itself and, if debatable, to the following subsidiary motions: Motion to Limit/Extend Debate, Motion to Call for the Question [Vote Immediately], Motion to Commit, Motion to Postpone/Motion to Postpone to a Time Certain, and the Motion to Lay on the Table. If debatable, each member may speak only once. An Appeal can be reconsidered.

3. Motion to Suspend the Rules.

The Motion to Suspend the Rules allows county council to do something it could not ordinarily do without violating one or more of its regular rules. The motion cannot be used to

suspend a rule in violation of state or federal law, nor can the suspension violate a fundamental rule of procedural law.

A Motion to Suspend the Rules can be made anytime there is no question pending. When a matter is pending, this motion takes precedence over any other motion if it applies to the pending matter of business. No subsidiary motion can be applied to this motion. It is out of order when another council member has the floor; it is not debatable, not amendable, and cannot be reconsidered. It requires a two-thirds majority vote for passage.

It is not necessary to state the rule to be suspended when making the motion, but the purpose for the suspension should be stated (e.g. “Mr. Chair, I move to suspend the rules to take up, out of order, the matter of ...”).

The Motion to Suspend the Rules has such potential for abuse that the chair must be aware of and must be quick to preclude not only the abuse itself, but also the appearance of abuse. For example, the majority, by suspending the rules, “cannot deny any particular member the right to attend meetings, make motions, speak in debate, and vote.” RONR § 25.

#### 4. Motion to Divide the Question.

The Motion to Divide the Question allows members of county council to require a question dealing with a single subject to be divided into parts and to have each part considered and voted on separately, but only if each part is capable of standing alone. This motion is not debatable, cannot be reconsidered and requires a majority vote for passage. It is amendable only with regard to how the question should be divided.

This motion is out of order when another has the floor. It takes precedence over the main motion. If applied to an amendment, it takes precedence over the amendment, but it cannot be made to the underlying matter with an amendment pending. It yields to all privileged motions, to all applicable incidental motions and to all subsidiary motions with the following exceptions: Motion to Amend and Motion to Limit/Extend Debate.

#### 5. Motion to Consider by Paragraph/Motion to Consider by Section.

Motions to Consider by Paragraph or by Section allow county council to break down complex proposals into their component parts and to consider, debate, and amend each paragraph or section separately. This procedure can be applied by the chair on his or her own initiative or by the county council following the adoption of a motion by any member.

These motions are not debatable, cannot be reconsidered, and require a majority vote for passage. They are amendable only with regard to how the question should be divided. These motions are out of order when another has the floor. They take precedence over the main motion. If applied to an amendment, they take precedence over the amendment, but cannot be made to the main motion with an amendment pending. They yield to all privileged motions, to all applicable incidental motions, and to all subsidiary motions with the following exceptions: Motion to Amend and Motion to Limit/Extend Debate.

6. Requests and Inquiries.

From time to time, council members may need additional background information or may wish to provide such information, so that the council can better understand the issue under discussion. Requests and inquiries provide the vehicle for exchanging this information. Parliamentary Inquiries and Points of Information may interrupt another who has the floor, but only if the matter requires immediate attention. Requests and inquiries are not amendable, debatable, or subject to reconsideration. No votes are taken on Parliamentary Inquiries or Points of Information; other requests/inquiries require a majority vote for passage, except that reading of papers requires unanimous consent. All share similar characteristics and procedural requirements and can be subdivided into the following categories:

A. Parliamentary Inquiry

Such inquiries are always directed to and answered by the chair and are used to clarify specific parliamentary or organization rules that have bearing on the issue at hand.

B. Point of Information

This inquiry is addressed to the chair or to another member through the chair, for information relevant to the business at hand, but not related to parliamentary procedure.

C. Reading of Papers

No member of council has the right to read or have another person read from any papers or books as part of that member's debate on any matter without unanimous consent of the other members of council. Even so, it is customary to grant leave to members to read short, pertinent printed matter, so long as the privilege is not abused.

D. Any Other Privilege

Examples of other privileges include requesting to address the council on a personal or non-business matter or, if there is no motion pending, requesting to make a presentation.

Together, these requests and inquiries have the following characteristics which are universally shared unless otherwise indicated:

1. They all take precedence over any motion they are connected with and may be made at any time no other business is pending. They yield to all privileged motions and other incidental motions;
2. No subsidiary motion can be applied to them;
3. Unlike RONR, the Parliamentary Inquiry and Point of Information are the only requests or inquiries that can interrupt a member who has the floor;
4. None is debatable or amendable; and
5. No vote is taken on Parliamentary Inquiries or Points of Information; majority vote is required to pass the others, except that Reading of Papers requires unanimous consent.

**Rule 17. Recall Motions.**

Two recall motions allow issues that have been previously disposed of or assigned to a committee to be brought back to the county council as a body.

1. Motion to Reconsider.

The Motion to Reconsider allows county council to debate whether or not to overturn a decision made at the meeting that is in progress or at the immediately preceding meeting; provided, however, that third reading to an ordinance may be reconsidered only at the same meeting in which the third reading was adopted. Furthermore, if the matter to be reconsidered was the adoption of a resolution that has already been published or acted upon, the motion is out of order. The Motion to Reconsider allows county council to consider new information that may affect the decision that has already been made. Any council member who voted on the prevailing side can make a Motion to Reconsider. The motion is debatable if the matter to be reconsidered is debatable, but it cannot be amended. A majority vote is required for the motion to pass. The Motion to Reconsider, itself, cannot be reconsidered. If the Motion to Reconsider is agreed to, the original decision will be voided and the county council will return to debate and vote again on the original motion.

Subject to the time restriction indicated above, the Motion to Reconsider can be made at any time, taking precedence over any other motion and yielding to nothing. The Motion to

Reconsider is out of order when another person has the floor. Once the Motion to Reconsider is made, the consideration of the motion takes the priority of the motion to be reconsidered, but has precedence over any new motion of equal rank. A Motion to Reconsider temporarily suspends any action growing out of the motion to be reconsidered. If the Motion to Reconsider is made but not considered immediately, any member can call up the motion by bringing it to the attention of council at any time consideration of the motion would be in order.

2. Motion to Recall from the Table/Motion to Recall from Committee.

The Motions to Recall from the Table and to Recall from Committee allow the county council to consider a question that has been laid on the table or that has been assigned but not yet reported out of committee. These motions take precedence over nothing and must be made when no other business is pending. The motions are not debatable or amendable. A tabled motion that is not recalled by the close of the meeting following the meeting in which it was tabled is dead. A majority vote is required for passage of either motion.

**Rule 18. Discipline of Individual Council Member [Motion to Discipline].**

A member of the body may be disciplined by the body during an active meeting for conduct that substantially impairs the ability of the body to conduct the meeting. The member shall be given an initial warning by the chair that his or her conduct is in breach of the rules of the body. The member may only be removed from an active meeting by motion and a two-thirds vote of the body for continued conduct if the chair determines that such conduct has substantially impaired the body's ability to conduct the meeting. The removal of the member shall continue for such time as determined by the body, not to exceed adjournment of the active meeting.

**Rule 19. Travel and Expense Reimbursement and Attendance at Seminars, Conferences, Etc.**

Rule 19.1. Policy. Reimbursements will be made only upon presentation of a County requisition form to the Finance Department along with substantiating receipts and statements. The Finance Department shall maintain a list of mileage to various locations from Beaufort and reimburse only the mileage for the shortest distance on their list.

Rules 19.2. Travel.

A. Automobile. Council shall be reimburse mileage equal to the rate established by the Internal Revenue Service (IRS). When two or more Council members travel in the same vehicle, only the individual owner of the vehicle being used shall be reimbursed mileage.

B. Other Travel.

i. Airplane. The County shall pay round-trip tourist fare for Council members attending County-related functions. In the event that tourist fare is not available on any reasonable travel schedule, the County shall pay the entire cost.

ii. Bus and Train. The County shall pay the total round-trip fare for Council attending County-related functions.

iii. Taxi Expenses. The County shall pay for actual cost of trips from: airports to hotel/motel and return; hotel/motel to place of function (if not the same) and return.

C. Expenses. The County will pay the registration costs for authorized conventions, conferences and seminars. The County will pay actual cost of single occupancy rates. Council members traveling outside the County shall receive reimbursement for meals and County-related expenses in accordance with the U.S. General Services Administration (GSA). Reimbursement for official County conferences must be approved by the Chair prior to attendance of the meetings by Council.

D. Advance Payments. Advance payments for out-of-area travel are authorized by approval of the Request for Travel Expenses by the Chair of County Council, the County Administrator or Division Executive Director. Documentation required by the Finance Department must be presented to the Finance Department within five (5) working days after return.

E. Mileage Reimbursement. Upon notification of the chair, all Council members shall be reimbursed for their direct expenses as they relate to County business. In addition to the base annual pay received for service on Council, members and/or the Chair may be paid a stipend of \$40 per meeting for his/her attendance at any Council committee meeting and other Council-related business meetings. Each member of Council shall be reimbursed mileage to and from their residences for all scheduled meetings, i.e., regular meetings, work sessions, and public hearings.

F. Attendance at seminars, conference, etc. Attendance of Council members at seminars, conferences, etc. is encouraged. Advance permission must be secured from the Chair.