



Beaufort County

SOUTH CAROLINA



Rules and Procedures

BEAUFORT COUNTY COUNCIL

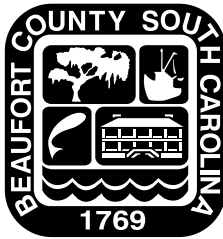
As Amended On December 11, 2023

www.beaufortcountysc.gov

Rules and Procedures

BEAUFORT COUNTY COUNCIL

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**Beaufort County Council
Office of the Chairman
Administration Building
100 Ribaut Road
P.O. Drawer 1228
Beaufort, SC 29901-1228
beaufortcountysc.gov
843-255-2000**

RESOLUTION 2023/71

A RESOLUTION REPEALING AND REPLACING THE RULES AND PROCEDURES OF BEAUFORT COUNTY COUNCIL

WHEREAS, South Carolina Code of Laws, Section 4-9-110 provides that Council shall determine its own rules and order of business; and

WHEREAS, on September 25, 1989, Beaufort County Council first adopted the Rules and Procedures of Beaufort County Council; and

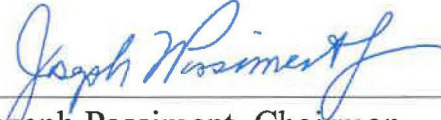
WHEREAS, the Rules and Procedures which were originally adopted on September 25, 1989, have been amended, in piecemeal fashion, many times over the years since 1989; and

WHEREAS, Council has devoted many hours and much effort to reviewing and revising, in a comprehensive manner, its Rules and Procedures over the past several years and believes that the Rules and Procedures which are attached hereto as Exhibit "A" accurately restate and set forth the rules it wishes to follow and the manner in which Council wishes to conduct its business.

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council does hereby repeal the Rules and Procedures of Beaufort County Council, which were originally adopted in 1989 and which have been amended to date, and replaces them with

Beaufort County Council
the Rules and Procedures as set forth in Exhibit “A.”

ADOPTED this 11th day of December 2023.



Joseph Passiment, Chairman

ATTEST:



Sarah Brock, Clerk to Council

CODE OF ETHICS FOR BEAUFORT COUNTY OFFICIALS

Preamble

Beaufort County Council is committed to the highest standards of conduct by and among County officials in the performance of their public duties. Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While County officials agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases, the principles contained in this Code of Ethics [which is drafted by the National Association of Counties (NACo)] provide valuable guidance in reaching decisions, which are governed, ultimately, by the dictates of the individual conscience of the public official and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements; actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements; actions to be avoided, and conduct to be condemned.

The Code of Ethics for Beaufort County Officials has been created by and for elected officials. However, these principles apply to the day-to-day conduct of both elected and appointed officials and employees of this County government.

Beaufort County Council recognizes that this Code of Ethics should

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serve as a valuable guide for all those in whom the public has placed its trust.

Ethical Principles

Properly administer the affairs of Beaufort County. Promote decisions which only benefit the public interest. Actively promote public confidence in County government.

Keep all funds and other properties of Beaufort County safe.

Conduct and perform the duties of the office diligently and promptly dispose of the business of the County.

Maintain a positive image to pass constant public scrutiny.

Evaluate all decisions so the best service or product is obtained at a minimal cost without sacrificing quality fiscal responsibility.

Inject the prestige of the office into everyday dealings with the public, employees and associates.

Maintain a respectful attitude toward employees, other public officials, colleagues and associates.

Effectively and efficiently work with governmental agencies, political subdivisions, and other organizations in order to further the interests of the County.

Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.

Respect and comply with the standards of the Council-Administrator form of government adopted in Beaufort County.

The ethical Beaufort County official should **not**:

Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.

Improperly influence, or attempt to influence, other officials to act in his or her own benefit.

Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical County official accepts the responsibility that his or her mission is that of servant and steward to the public.

COUNTY COUNCIL VALUES

(Michael Josephson)

1. **Honesty.** This is the most basic level of ethics. Everyone has the responsibility to be truthful, straightforward, and sincere in their dealings with others.
2. **Integrity.** Integrity requires the courage to act on one's values, beliefs, and convictions and to do what is right rather than what is expedient.
3. **Keeping Promises.** The ethical person must live up to the spirit as well as the letter of agreements and commitments that have been made.
4. **Fidelity.** The trustworthy person is loyal to the organization and the principles of public service.
5. **Fairness.** Because the person can exercise discretion, it is imperative that the decision-making process be fair. There must be a commitment to justice, equal treatment, and tolerance. The person must be open-minded and willing to consider diverse opinions.
6. **Caring.** The ethical person manifests an attitude of concern for the well-being of others and conducts the affairs of the organization with compassion and kindness.
7. **Respect.** It is imperative that the person demonstrate respect for

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human dignity and privacy.

8. **Citizenship.** People have the responsibility to serve as role models for others to encourage participation in and respect for the democratic process of decision-making.
9. **Excellence.** People must be well-informed and prepared to carry out their responsibilities. They must be diligent, reliable, and committed. They must insist that the organization strive for excellence in carrying out its activities.
10. **Accountability.** The person has a special obligation to be accountable for his or her actions and the actions of the organization.
11. **Avoidance of the Appearance of Impropriety.** Because the person is responsible to safeguard the public trust. What the person does must not only be right, it must look right.

What I believe as chairman and a member of county council.

12. **Who do you represent?** As a member of council, you represent the following:
 - You represent the district that elected you.
 - You represent Beaufort County Council.
 - You represent all residents of Beaufort County.
 - You represent yourself.

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Historical Background

Section 4-9-100, Code of Laws of South Carolina, 1976, as amended.

Repealed and Replaced on December 11th, 2023

Chapter One

OFFICERS OF COUNCIL

Council shall elect a Chairman and Vice Chairman, for terms as hereinafter set forth, on the first business day in January following each General Election.

A. CHAIRMAN

Council shall elect one of its members to serve as Chairman for a two-year term on the first business day in January following each County General Election. Nominations for Chairman must be made by a Council member. No second required. Nominations will be reviewed in the order nominated. Six votes shall be required to elect.

The Chairman shall preside at all regular and special meetings of Council, shall execute, on behalf of Council, all ordinances, resolutions, directives, deeds, bonds, contracts, and other official instruments or documents, and shall have such other duties and perform such functions as above set forth in these Rules and in the State Code. The Chairman shall serve as an *ex-officio* member of each standing committee of Council and shall be entitled to vote but whose presence shall not be counted towards a quorum.

B. VICE-CHAIRMAN

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

In the event the Chairman shall be temporarily absent or unable to

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serve, the Vice Chairman shall serve as Chairman in his stead.

C. RESIDENCY REQUIREMENTS

Section 4-9-90 of the *Code of Laws of South Carolina*, 1976, as amended, provides generally for the election of members of County Council and for the replacement of members who do not serve a full term. Section 4-9-610, which is the provision for the Council-Administrator form of government, further provides that a County Council member must be a qualified elector of the County. The Code defines a qualified elector as one who is a resident in the district or the County in which he votes.

D PARLIAMENTARIAN

The Chairman may appoint one member of Council to serve as Parliamentarian. Absent an appointed parliamentarian, the Chair shall determine all parliamentary questions subject to appeal by any member of the body.

E. CLERK TO COUNCIL

Council shall appoint a person, not a member of Council, to serve as Clerk for an indefinite term. The Clerk to Council shall keep a journal in which shall be recorded the minutes of Council's proceedings, which shall be open to public inspection. (Section 4-9-110 of the *Code of Laws of South Carolina*, 1976, as amended.)

Chapter Two

MEETINGS AND AGENDAS

A. REGULAR / SPECIAL / COMMITTEE MEETINGS

Council shall give written notice of its regular meetings at the beginning of each calendar year. This should include the dates, times, and places of each meeting (Section 4-9-110 of the *Code of Laws of South Carolina*, 1976, as amended).

Agendas, committee meetings, and emergency meetings frequently pose problems for conforming with notice requirements. The agenda shall be posted as required by the South Carolina Freedom of Information Act (FOIA) at least 24 hours prior to meetings.

Council shall hold its regular meetings for the transaction of official business at least once each month in accordance with the schedule adopted by Council. Council members, when necessary, may attend committee or council meetings virtually. Council members are responsible for ensuring video and audio quality. Council meetings will not be delayed due to poor quality unless the issue lies with the county broadcast team.

When attending virtually, the following rules shall apply:

1. Council members must have video on at all times.
2. Council members must be visible throughout the duration of the meeting.
3. Due to liability concerns, council members shall not op-

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erate motor vehicles while attending meetings.

Special meetings and workshops may be called by the Chairman or a majority of Council, but no special meetings or workshops shall be held unless all members are notified at least 24 hours in advance of such meeting.

B. EXECUTIVE SESSION

Meetings of public bodies are to be open to the public unless they are specifically exempted. Exemptions may be made for (Reference Section 30-4-70, *Code of Laws of South Carolina*, 1976, as amended):

1. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversarial hearing involving an employee or client is held, such employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.
2. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.
3. Discussion regarding the development of security personnel or devices.
4. Investigative proceedings regarding allegations of criminal misconduct.
5. Discussion of matters relating to the proposed location, ex-

pansion, or the provision of service encouraging location or expansion of industries or other businesses in the area served by the public body.

6. Prior to going into executive session, the public agency shall vote in public on the question, and when such vote is favorable, the presiding officer shall announce the specific purpose of the executive session. No formal action may be taken in executive session. As used in this item, “formal action” means a straw vote committing the body concerned to a specific course of action. No vote may be taken in executive session.

7. In accordance with the Code of Ethics for Beaufort County Officials, members of the body participating in executive session are expected to keep the deliberations confidential.

C. CONDUCT AT MEETINGS

1. Pledge of Allegiance

Every regularly scheduled Council meeting shall open with the Pledge of Allegiance to the Flag and follow with an invocation.

2. Decorum in Speaking

Every member, when recognized by the Chairman to speak, shall address the Chairman and, in speaking, avoid disrespect to Council and any personalities and shall confine himself 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 that question desires the floor.

3. Addressing the Chair

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The Chairman, when addressed by a member, shall recognize the member by name, using no title but that of “Mr.,” “Mrs.,” “Miss,” or “Ms.” The member first recognized shall be first heard; and if several address the Chairman at the same time, the Chairman shall decide who is first to speak and shall recognize such member.

4. Public Comment

A public comment period is provided at each Council meeting. The first public comment period will be for a total of 15 minutes, allowing public comment about agenda items only. The second public comment period will be for a total of 15 minutes at the end of the meeting allowing for public comment for non-agenda items.

- a. Each speaker is limited to three minutes.
- b. Only one speaker may speak at a time.
- c. Giving of a speaker’s time to another is not allowed.
- d. Speakers may not speak on behalf of others.

5. Recognition of Person(s)

When any person, including employees of Council and the County, are heard, that person, when they have completed their presentation, shall be seated, and no person other than a member of Council will be recognized to make any statement on such matter unless requested to do so by Council or by any member of Council through the Chairman.

6. Items added after a posted Agenda

- a. A two-thirds vote of the members present and voting shall be required to add an item to an agenda after the agenda has been posted.
- b. A two-thirds vote and a finding of exigent circumstances is required before final action can be taken on an item which is added to an agenda after an agenda is posted. The exigent circumstances cannot be of Council’s creation.

11 votes - 8 required

10 votes - 7 required

9 votes - 6 required

8 votes - 6 required

7 votes - 5 required

6 votes - 4 required

D. FISCAL MATTERS

All appropriations shall require a minimum of six affirmative votes.

E. PARLIAMENTARY PROCEDURE

Meetings of Council shall be conducted in accordance with *Robert's Rules of Order Newly Revised*, unless provided otherwise herein or by the general laws of the State of South Carolina.

F. AGENDA

The agenda is set by the Chairman and Vice Chairman with the County Administrator's assistance no later than the Thursday immediately preceding the council meeting.

G. MATTERS NOT WITHIN COUNCIL'S JURISDICTION

No matter shall be entered on the agenda or heard by council unless it is within council's authority or jurisdiction. Council may entertain requests from other governmental bodies, departments, or agencies that make recommendations to council.

H. CONSENT AGENDA

The consent agenda is used for non-controversial action items organized apart from the rest of the agenda and approved as a group. This includes all business items that require formal approval, and yet, because they are not controversial, there is no need for Council discussion before taking a vote. If a member considers a specific item to need discussion, it may be removed and placed on the regular agenda for the Council meeting.

1. Agenda Package

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Packages are prepared and distributed on the Friday immediately preceding the council meeting. Background information pertaining to agenda items shall be enclosed in the package. Members are expected to review agendas, agenda backup, and committee discussions on any item they feel they need additional information on.

2. Potential Agenda Items

The Clerk to Council shall maintain a log of potential agenda items for upcoming meetings, particular reference being made to Ordinance readings.

3. Request for Agenda Time

Any person requesting agenda time, including Council members, must submit their request to the Chairman, County Administrator, or Clerk to Council, plus backup material, no later than 5:00 PM Tuesday prior to the Wednesday immediately preceding the Council meeting.

4. Department Heads'/Elected Officials' Request for Agenda Time

Any department head or elected official wishing to appear before Council should be handled in the same manner as set forth above. The Chairman may assign the matter for action following a short presentation by the individual at a regular Council meeting.

I. APPOINTMENTS TO AGENCIES, BOARDS, COMMISSIONS AND AUTHORITIES

1. Notification

The Clerk to Council shall notify all Council members thirty (30) days prior to the expiration date of any Board member's term or within ten (10) days after receipt of a Board member's resignation. Council members will have thirty (30) days to provide

names and appropriate documentation (application and resume) for consideration to the appropriate Standing Committee. The thirty (30) days will begin on the date the Clerk to Council has notified Council of the vacancy.

2. Nominations

The appropriate Committee shall review all applications on file and select nominee(s) to be submitted to full Council. Interviews may be scheduled at the request of the Chairman or Committee Chairman. In situations where technical or other special qualifications are required within the Charter for appointment, the Committee will review and analyze the technical qualifications of the applicant(s) and will recommend and forward to Council only those names of qualified candidates.

The Committee shall nominate at a subsequent full council meeting, the candidate(s) for membership. Once the floor is open for nominations, any Council member may place a name in nomination. There is no requirement that the name of said nominee is previously on file.

3. Representation

Council shall appoint Agency, Board, or Commission members with consideration for demographic representation. In addition, Council shall consider:

- a. Knowledge and experience relevant to the needs of the particular Agency, Board, or Commission.
- b. Diverse representation of backgrounds, professions, and viewpoints.
- c. Diverse ages and economic levels.
- d. Diverse race and gender composition.
- e. Diverse geographic representation of the County.

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For those nominated other than through a committee (i.e., by a Council member when the floor is open for such additional nominations), a resume will be made available to Council members no later than the Friday prior to the meeting at which the vote for appointment is taken. Absent such a resume the nominee will be disqualified.

4. Voting

A vote will be taken if there is a single or multiple candidate(s) seeking membership. A simple voting majority of Council members will decide the selected nominee unless a greater number of affirmative votes is necessary under the Template Ordinance.

If when there are three or more candidates for a single position, and no person receives the required number of votes. The two candidates receiving the most votes will be considered in a second and final vote.

Chapter Three

**APPEARANCES, PRESENTATIONS,
AND PETITIONS TO COUNCIL**

A. PRESENTATIONS AND PETITIONS

Any person desiring to address Council during public comment may do so by submitting a request to be heard to the Clerk to Council prior to, or at the beginning of, the meeting.

1. Each request must include the name and address of the person appearing and the nature of the presentation.
2. In the event a presentation should be made on behalf of an organization or group of persons, the organization or group will designate one spokesman to make the presentation.
3. Every member of the public who is recognized to speak shall address the Chairman and, in speaking, avoid disrespect to Council and any personalities and shall confine himself/herself to topics under the jurisdiction of Council.

B. COMMENTS FROM THE FLOOR

1. If the Chairman determines insufficient time is available for a personal appearance at a particular meeting, he may schedule the personal appearance for any subsequent meeting (considering the availability of time). The Chairman may, at his discretion, establish time limits for any presentation or personal appearance.
2. No person shall be allowed to make personal appearances, presentations, present petitions, or otherwise be recognized from

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the floor for comment except as permitted under the agenda.

3. This procedure shall not apply to representatives of the electronic and print media, County staff members, or other County employees who may be recognized by the Chairman for questions and comments relating to the business of Council.

Chapter Four

**STANDING COMMITTEES AND
AD HOC COMMITTEES**

A. ASSIGNMENTS

All committees, subcommittees, chairmanship, and tasks shall emanate from the Chairman. Upon approval by the Chairman, the County Administrator may assign to a Committee or AdHoc 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.

B. SCHEDULING MEETINGS

All members of Council are welcome to attend any committee meeting. Non-committee members may enter the discussion and may have a vote on any matter under the committee's consideration. They do not count as a quorum, nor do ex-officio members.

C. REPORTING

From each committee meeting, complete minutes shall be produced, posted on the county website, and distributed to all Council members.

Chapter Five

ORDINANCES

Legislative actions of Council are called ordinances. An ordinance may be introduced by any member (§4-9-120). Except for Emergency Ordinances (reference paragraph G) all ordinances must be read at three public meetings of Council on three separate days, with an interval not less than seven days between the second and third readings. When substantive modifications or amendments to an ordinance are proposed after second reading, the Chairman shall remand the ordinance for an additional reading. All Council proceedings must be recorded, and ordinances adopted by Council must be compiled, indexed, codified, published, and made available for public inspection at the Office of County Council (§4-9-130). Public hearings or notice must be held in certain instances: adoption of standard codes or technical regulations and furnishing copies thereof, emergency ordinances (§4-9-110).

A. NEED FOR PUBLIC HEARING

Public hearings, after reasonable public notice, must be held before final Council action is taken to:

1. Adopt annual operational and capital budgets;
2. Make appropriations, including supplemental appropriations;
3. Adopt building, housing, electrical, plumbing, as and all other regulatory codes involving penalties;
4. Adopt zoning and subdivision regulations;
5. Levy taxes;
6. Sell, purchase, lease, contract to sell, or lease real property

Beaufort County Council
owned by the County.

The Council may adopt any standard code or technical regulations authorized under §6-9-60 by reference thereto in the adopting ordinance. The procedure and requirements governing the ordinances shall be prescribed for ordinances listed in (1) through (6) above.

B. NOTICE OF PUBLIC HEARING

No less than fifteen days' notice of the time and place of such hearings shall be published in at least one newspaper of general circulation in the County.

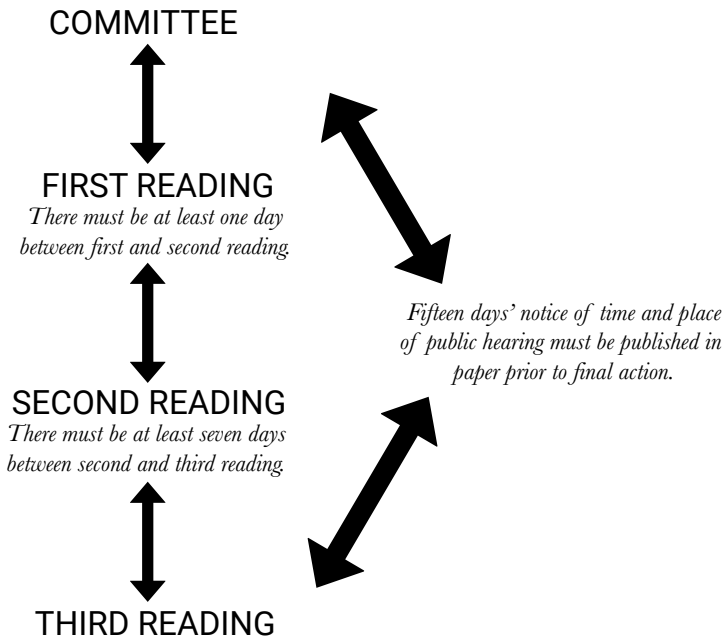
C. HANDICAP ACCESSIBILITY

All public hearings shall be held at locations accessible to the handicapped.

D. SCRIVENER'S ERRORS

Motions to correct scrivener's errors may be made to an existing ordinance and/or approved minutes with 8 votes of Council.

E. FLOW CHART OF ORDINANCE PASSAGE



F. PASSAGE OF EMERGENCY ORDINANCES

To meet public emergencies affecting life, health, safety, or the property of the people, Council may adopt Emergency Ordinances. They may not, however, be used to levy taxes, grant, renew or extend a franchise, or impose or change a service rate.

1. Every Emergency Ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency.
2. Every Emergency Ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of Council present.
3. An Emergency Ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements.

Emergency Ordinances shall expire automatically as of the 61st day following the date of enactment.

Chapter Six

CONFLICT OF INTEREST

1. Any member of Council who has a substantial interest in any business which contracts with the County for sale or lease of land, materials, supplies, equipment, or services, or who personally engages in such matters, shall make known that interest and refrain from voting upon or otherwise participating in his/her capacity as a member of Council in matters related thereto.
2. No member of Council and no business with which a member of Council is associated shall enter into any contract with a governmental agency or department which is to be paid in whole or in part out of government funds unless the contract has been awarded through a process of public notice and competitive bidding.
3. Any member of Council who has a business interest in any matter before Council, or who has a business or ownership interest in any property or business that will be or may be directly affected by any ordinance or action item pending by Council, shall fully disclose on the record such business or ownership interest prior to casting any vote on the matter.
4. Complete and submit the “Beaufort County Statement of Conflict of Interest” form and file it with the Clerk to Council.

Chapter Seven

TRAVEL AND EXPENSE REIMBURSEMENT

A. POLICY

1. Attendance of Council members at seminars, conferences, etc. is encouraged. Advance permission must be secured from the Chairman.
2. Reimbursement will be made only upon presentation of a County requisition form to the Finance Department along with supporting receipts and statements.
3. 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.

B. TRAVEL

1. Private Automobile
Council shall be reimbursed 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.
2. Commercial
 - a. Airplane. The County shall pay round-trip economy class fare for Council members attending County-related functions.

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In the event that economy class fare is not available on any reasonable travel schedule, the County shall pay the entire cost of the lowest class fare available.

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

c. Taxi Expenses. The County shall pay for the 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

1. Registration. The County will pay the registration costs for authorized conventions, conferences, and seminars.

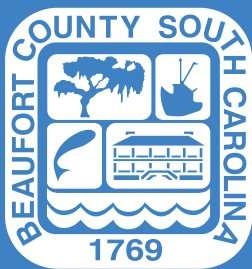
2. Per Diem. Council members traveling outside the county-on-county business shall receive reimbursement for meals and County-related expenses in accordance with the U.S. General Services Administration (GSA).

3. Official County Meetings. Reimbursement for official County conferences or meetings must be approved by the Chairman prior to attendance of the conference or meeting.

D. PAYMENTS

Documentation required by the Finance Department must be presented to the Finance Department within five (5) working days after return.

“Serving the people of Beaufort County, SC, so all our citizens may enjoy and appreciate a protected quality of life, natural and developed resources, a diverse heritage, and economic well-being.”



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843-255-2000