

ARTICLE III. COUNTY COUNCIL *

***Editor's note:** In editing the **Rules of Council**, which form the basis for most of this article, the original sequence of materials has been retained. However, in order to work such materials into their proper place in this codification, new section numbers have been assigned. For purposes of clarification, the section and subsection of the rule from which each section of this article is derived are cited following each such section.

State law references: Authority of county council to determine its own rules and order of business, select officers, appoint clerk, prescribe schedule of meetings within certain limitations, etc., S.C. Code 1976, § 4-9-110.

DIVISION 1. GENERALLY

Sec. 2-31. Four-year terms.

The seven (7) successful candidates for county council who received the highest number of votes in the election held on November 4, 1980, shall serve for four-year terms, beginning on January 1, 1981, and the five (5) successful candidates who received the next highest number of votes shall serve for two-year terms, beginning on the same date. At each succeeding general election, successful candidates shall serve for four-year terms.

(Ord. No. 832, § 3, 9-2-80)

Editor's note: Ord. No. 832, which was approved at referendum, did not expressly amend the Code; thus, inclusion as § 2-31 has been at the editor's discretion.

Sec. 2-32. Reimbursement of council member expenses.

(a) *Definition.* As used in this section, the phrase "actual expenses incurred in the conduct of official duty" shall mean those expenses which originate from and are directly connected with a county council activity, while representing the county at a public or private function or while obtaining information necessary for policymaking decisions.

(b) *Reimbursement.* Members of Greenville County Council may be reimbursed for actual expenses incurred in the conduct of their official duties pursuant to the expense reimbursement policies authorized by this section.

(c) *Promulgation of expense reimbursement policies and procedure for adoption.* County council is authorized to promulgate expense reimbursement policies for council members in order to insure the legal use of funds and accountability therefor. Policies shall originate with or be presented by any member of council to the finance committee. The finance committee shall have the authority to make any amendments or modifications to proposed policies which it deems appropriate. The finance committee shall then submit the expense reimbursement policies to full council for its consideration with a recommendation for approval, denial, or "no recommendation." County council shall take whatever action it deems appropriate. The expense reimbursement policies adopted by county council shall be on file in the office of the clerk to council and shall be available to the public for inspection. Any subsequent amendments to the expense reimbursement policies shall be approved pursuant to the procedure set forth above.

(Ord. No. 1644, §§ 2--4, 3-3-87; Ord. No. 2987, § 2--4, 6-3-97)

Editor's note: Inclusion of Ord. No. 1644, §§ 2--4, as § 2-32 has been at the editor's discretion.

State law references: Reimbursement of council members for expenses, S.C. Code 1976, § 4-9-100.

Sec. 2-33. Salary adjustment.

Beginning January, 1995 and recurring every twenty-four (24) months thereafter, the salaries of Greenville county council members shall be adjusted by the same merit increase approved by county council in its annual budget for the county's elected officials for the preceding twenty-four (24) month period with the exception of the probate judge whose salary adjustments are recommended by the S.C. Court Administration. For example, if the county's elected officials are given a merit increase in the budget of two (2) percent for 1995 and three (3) percent for 1996, the salary adjustment for county council members will be five (5) percent beginning January 1, 1997. Any cost of living adjustments for the county's elected officials approved in the annual budget shall also apply to county council members at the same rate and effective date as approved for said officials.

(Ord. No. 2614, § 2, 8-16-94; Ord. No. 2767, § 2, 10-3-95)

Editor's note: Ord. No. 2614, § 2, enacted August 16, 1994, did not specifically amend the Code; hence, inclusion herein was at the discretion of the editor.

Secs. 2-34--2-40. Reserved.

DIVISION 2. OFFICERS

Sec. 2-41. Chairman.

As specified by law, the members of county council shall select one (1) of its members to serve as chairman for a term of two (2) years at the initial meeting of the council in January following each general election. The chairman shall preside at all regular and special meetings of the council. Except as otherwise provided in section 2-43(b), the chairman, upon prior approval by county council, shall execute, together with the county administrator and on behalf of the council, all ordinances, resolutions, directives, deeds, bonds, contracts and other official instruments or documents, and shall have other such duties and perform such other functions as are set forth in this article or other council rules.

(Council rules, § 1A; Ord. No. 477; Ord. No. 3372, § 1, 6-27-00)

Sec. 2-42. Vice-chairman.

At the initial meeting in January following each general election, the council shall also select one (1) of its members to serve as vice-chairman for a two-year term; and in the event that the chairman shall be absent or unable to serve, the vice-chairman shall serve as chairman in his stead. In the event that the office of chairman is vacated, the vice-chairman shall succeed to that office, and another member shall be elected to serve as vice-chairman for the remainder of the unexpired term.

(Council rules, § 1B; Ord. No. 477)

Sec. 2-43. County administrator.

(a) *Generally.* As provided by law, council shall employ an administrator, who shall not be a member of council who shall be the administrative head of the county government and shall be responsible for the administration of all the departments of the county government which the council has the authority to control. He shall be employed with regard to his executive and administrative qualifications only, and need not be a resident of the county at the time of his employment. The term of employment of the administrator shall be at the pleasure of the council and he shall be entitled to such compensation for his services as the council may determine. The council may, in its discretion, employ the administrator for a definite term. If the council determines to remove the county administrator, he shall be given a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a public meeting of the council. Within five (5) days after the notice of removal is delivered to the administrator, he may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than twenty (20) days nor later than thirty (30) days after the request is filed. The administrator may file with the council a written reply not later than five (5) days before the hearing. The removal shall be stayed pending the decision at the public hearing.

(b) *Powers and duties.* The powers and duties of the administrator shall include, but not be limited to, the following:

- (1) To serve as the chief administrative officer of the county government;
- (2) To execute the policies, directives and legislative actions of the council;
- (3) To direct and coordinate operational agencies and administrative activities of the county government;
- (4) To prepare annual operating and capital improvement budgets for submission to the council and in the exercise of these responsibilities, he shall be empowered to require such reports, estimates and statistics on an annual or periodic basis as he deems necessary from all county departments and agencies;
- (5) To supervise the expenditure of appropriated funds;
- (6) To prepare annual, monthly and other reports for the council on finances and administrative activities of the county;
- (7) To be responsible for the administration of county personnel policies including salary and classification plans approved by council;
- (8) To be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of section 4-9-30 of the 1976 South Carolina Code of Laws, as amended, and subject to the appropriation of funds by the council for that purpose;

(9) Except as otherwise provided herein, to execute with the chairman all ordinances, resolutions, directives, deeds, bonds, contracts and other official instruments or documents. The county administrator may, however, execute without county council approval:

- a. Contracts, personal property leases, and related documents, representing items, projects, or activities approved in the current county budget; and
- b. Documents in support of other entities that do not involve the commitment of county funds.

(10) To perform such other duties as may be required by the council.

(c) *Budgets.*

(1) The county administrator shall prepare the proposed operating and capital improvement budgets and submit them to the council at such time as the council determines. At the time of submitting the proposed budget, the county administrator shall submit to the council a statement describing the important features of the proposed budgets including all sources of anticipated revenue of the county government and the amount of tax revenue required to meet the financial requirements of the county. He shall affix his certificate stating that, in his opinion, the proposed budget does not exceed anticipated revenues for the period concerned and he shall see that there is full compliance with section 4-9-140 of the 1976 Code of Laws of South Carolina, as amended.

(2) The operating budget shall be in the form of an annual appropriations ordinance to be adopted by the council prior to June 30th each year. This ordinance shall include, among other things, a contingent account to cover unforeseen expenditures which may be incurred during the budget year.

Cross references: Budget policies, § 7-61 et seq.

(d) *Authority over elected officials.* With the exception of organizational policies established by the council, the county administrator shall exercise no authority over any elected officials of the county whose offices were created either by Constitution or by the general law of the state.

(e) *Council to deal with employees through administrator.* Except for the purposes of inquiries and investigations, the council shall deal with county officers and employees who are subject to the direction and supervision of the county administrator solely through the administrator, and neither the council nor its members shall give orders or instructions to any such officers or employees.

(f) *Absence or disability.* During the extended absence or disability of the county administrator, the council shall designate another person to serve as acting county administrator.

(Council rules, § 1C; Ord. No. 477; Ord. No. 585, § 1; Ord. No. 1990, § 3, 6-6-89; Ord. No. 2009, § 3, 7-18-89; Ord. No. 2578, § 2, 5-3-94; Ord. No. 3372, § 2, 6-27-00)

State law references: Employment, powers and duties, etc., of the county administrator, S.C. Code 1976, § 4-9-620 et seq.

Sec. 2-44. Clerk.

As provided by law, the council will designate a person, not a member of council, to serve as clerk for an indefinite term. The clerk will record all proceedings of the council and keep a journal of such proceedings which shall be open to public inspection; deliver copies of the minutes of each council meeting to all members prior to the next regular council meeting; keep a register of all proposed ordinances and resolutions, assigning them a number and arranging them in order of introduction and assisting in the indexing and codification thereof; render any needed assistance to members of council in the typing and preparation of reports, recommendations, ordinances, resolutions, directives and correspondence; attest the signatures of the chairman and county administrator on official instruments or documents; and assist the county administrator in the performance of his duties. In the disability or extended absence of the clerk, the council may designate another person to serve as acting clerk.

(Council rules, § 1D; Ord. No. 477)

Sec. 2-45. Internal auditor.

(a) *Generally.* The council shall employ an internal auditor with due regard to his professional qualifications in the field of internal auditing. The person so employed shall serve at the pleasure of council and shall be entitled to such compensation for services rendered as the council may determine.

(b) *Duties and responsibilities.* The duties and responsibilities of the internal auditor shall include, but not be limited to, the following:

- (1) Reviewing, evaluating and reporting on the soundness, adequacy and application of accounting, financial and operating systems and controls;

- (2) Ascertaining the extent of compliance with established council policies, plans and procedures;
- (3) Evaluating the reliability of accounting and other data developed within county government;
- (4) Preparing written audit reports and recommendations for submission to council;
- (5) Developing an annual written internal audit program;
- (6) Evaluating budget controls and budget documentation;
- (7) Reviewing and analyzing management operations processes and procedures;
- (8) Performing related duties as requested or assigned by the council.

(c) *Evaluation of internal auditor.* The county council shall prepare a written evaluation of the internal auditor's job performance not later than March of each calendar year. Council shall discuss the evaluation with the internal auditor who shall be given an opportunity to file a written response. A copy of the evaluation and the written response shall be placed in the internal auditor's personnel file.

(Ord. No. 477; Ord. No. 1823, § 3, 4-19-88; Ord. No. 1845, § 1, 6-7-88)

Sec. 2-46. Succession in office.

Neither the chairman nor the vice-chairman, upon the expiration of his term, shall be eligible to succeed himself; provided, that if the vice-chairman shall have filled a vacancy in the office of chairman, he shall be eligible for election to an additional two-year term as chairman.

(Council rules, § 1E; Ord. No. 477)

Secs. 2-47--2-50. Reserved.

DIVISION 3. MEETINGS

Sec. 2-51. Regular and special meetings.

The council shall hold its regular meetings for the transaction of official business on the first and third Tuesdays of each month at such time and place as may be specified by the chairman, and special meetings may be called by the chairman or a majority of the members after forty-eight (48) hours' public notice, which shall specify the hour, date and place of such meetings.

(Council rules, § 2A; Ord. No. 477)

Sec. 2-52. Quorum.

Seven (7) members of the council shall constitute a quorum for the transaction of official business.

(Council rules, § 2B; Ord. No. 477; Ord. No. 725, § 1; Ord. No. 1990, § 4, 6-6-89; Ord. No. 2009, § 4, 7-18-89)

Sec. 2-53. Conduct of meetings.

(a) *Members desiring to speak.* Every member, when desiring to speak, shall at the option of the chairman rise from his seat or raise his hand, and respectfully address himself to "Mr. (or "Madam") Chairman." No member shall speak further until recognized by the chairman.

(b) *When members may address the chair.* The chairman, when addressed by a member who has risen from his seat or raised his hand, shall name the member using such title as he deems appropriate (e.g., "Mr.," "Miss," "Councilman," "Rev.," "Dr."). The member who shall rise or raise his hand first shall be heard first. If several members rise or raise their hands at the same time, the chairman shall decide who was the first to request to be heard.

(c) *Decorum in speaking.* When speaking, no council member shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use language tending to hold council or a member of council up to contempt; and, he shall confine himself to the question under consideration. No council member shall interrupt another while speaking except to make a point of order or to make a point of personal privilege.

(d) *Requests to be heard.* Should any person, group or organization request to be heard upon any matter at a regular or special meeting of council, such person, group or organization shall request the clerk to place such matter on the agenda for that meeting at least four (4) days prior to the date set for such meeting.

(e) *Recognition of persons.* When any person, including employees of the council and of the county, is heard by the council as provided in subsection (d), above, that person, when he has completed his presentation, shall be seated; and no person other than the chairman or members of county council will be recognized to make any statement unless requested to do so by the chairman, or by a member of council through the chairman.

(f) *Matters not within council's jurisdiction.* No matter shall be entered on the agenda or heard by the council unless it is within the council's authority or jurisdiction, as determined by the chairman; provided, the council may entertain requests that it make recommendations to other governmental bodies, departments or agencies.

(g) *Matters previously heard at public hearing.* Notwithstanding any other provision of this Code, no person will be recognized, at any regular or special meeting of the council, to speak upon any matter which has previously been heard by the council at a duly called public hearing.

(Council rules, § 2C; Ord. No. 477; Ord. No. 926, § 1, 9-15-81; Ord. No. 1672, §§ 1, 2, 5-5-87)

Sec. 2-54. Notice to council of matters to be considered.

All members of the council shall be furnished with copies of requests and other matters to be acted on at any regular or special meeting at least forty-eight (48) hours prior to the time set for such meeting, except for matters involving only the transfer of funds from one item to another of the annual appropriations ordinance.

(Council rules, § 2D; Ord. No. 477)

Secs. 2-55--2-60. Reserved.

DIVISION 4. ORDINANCES AND RESOLUTIONS*

***Cross references:** Recall of ordinances or resolutions referred to council committees, § 2-97.

Sec. 2-61. Generally; approval as to form and draftsmanship; defined; copies.

The council shall take legislative action by ordinance. All ordinances shall be approved by the county attorney, as to form and draftsmanship, prior to introduction. As used herein the term "ordinance" shall be an ordinance having the force of law. Resolutions shall not have the force of law but shall be used to take administrative action or express the opinion of council. Proposed ordinances shall be in writing, either typed or printed, and in a sufficient number of copies for each member to be provided with copies at the time of introduction.

(Council rules, § 3A; Ord. No. 477)

Sec. 2-62. Readings and adoption procedure.

(a) 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 second and third readings; provided, that if all members of council are furnished copies of a proposed ordinance, a verbatim reading thereof shall not be required unless such reading is specifically requested by a member.

(1) *First reading.* Any member or committee may introduce an ordinance for first reading at any public meeting of the council, and no advance notice of such introduction shall be required. No vote shall be taken and no debate or amendment shall be in order. The ordinance shall be referred by the chairman to an appropriate committee unless reference shall be dispensed with by a two-thirds majority vote of all council members or unless the proposed ordinance shall have been introduced by a committee.

(2) *Second reading.* Committee reports on a proposed ordinance shall ordinarily be presented at the next consecutive regular meeting following introduction and first reading, but in any case second reading may be deferred until the next regular meeting following the committee report. At least forty-eight (48) hours prior to the second reading of an ordinance, complete typewritten or printed copies of the text of the ordinance, the committee report thereon, and any proposed amendments shall be delivered to every member of the council; provided, that only the title of an ordinance need be provided to the members prior to second reading if copies of the complete text of the ordinance were delivered to each member prior to first reading. After all amendments and privileged motions, if any, are disposed of, the question shall be the passage of the ordinance on second reading. If the ordinance is defeated on second reading, there shall be no third reading.

(3) *Third reading.* Members shall be furnished with copies of a proposed ordinance at least forty-eight (48) hours prior to third reading; provided, that, unless the proposed ordinance has been amended on second reading, members need only be furnished with copies of the title. On third reading, the question shall be the adoption of the ordinance as passed on second reading, and no amendments shall be in order unless permitted by a two-thirds majority vote of council members. If council agrees to the introduction of an amendment on third reading, its passage shall be governed by the provisions of subsection (b) of this section.

(b) *Votes required for passage.*

(1) No resolution shall be adopted and no other action shall be taken unless a majority of the members present shall have voted in the affirmative.

(2) A majority vote of all council members shall be required to pass ordinances or amendments thereto except in the following matters where a vote of two-thirds of all council members shall be required for passage:

a. Issuance of general obligation bonds in excess of five hundred thousand dollars (\$500,000.00).

b. Any tax levy, for Greenville County or any other special purpose district or political subdivision which requires council approval.

c. Supplemental appropriations.

d. Except as provided in section 2-43(c)(2), any expenditure from the contingent account.

e. Approval of rezoning a property or a text amendment to the zoning ordinance wherein action of council is contrary to the recommendation of the planning commission.

(Council rules, § 3B; Ord. No. 477; Ord. No. 529, § 1; Ord. No. 536, § 1; Ord. No. 1082, § 1, 2-1-83; Ord. No. 1990, § 5, 6-6-89; Ord. No. 2009, § 5, 7-18-89)

Cross references: Effective date of ordinances, generally, § 2-68.

Sec. 2-63. Emergency ordinances.

To meet public emergencies affecting life, health, safety or the property of the people, the council may adopt emergency ordinances as authorized by section 4-9-120 of the 1976 Code of Laws of South Carolina, as amended, 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. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the mem-

bers of council present. 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 sixty-first day following the date of enactment.

(Council rules, § 3C; Ord. No. 477)

Sec. 2-64. Codification; permanent record.

As provided by section 4-9-120 of the 1976 Code of Laws of South Carolina, as amended, all ordinances adopted by the council shall be compiled, indexed, codified, published by title and made available to public inspection at the office of the clerk of the council. The clerk shall maintain a permanent record of all ordinances adopted and shall furnish a copy of such record to the clerk of court for filing in that office.

(Ord. No. 477)

Sec. 2-65. Standard codes or technical regulations.

The council may adopt any standard code or technical regulation by reference thereto in the adopting ordinance. Copies of any adopted code or technical regulation shall be made available by the clerk for distribution or for purchase at a reasonable price.

(Ord. No. 477)

Sec. 2-66. Public hearings.

(a) Public hearings, upon giving reasonable public notice, shall be held before final council action is taken to:

- (1) Adopt annual operational and capital improvement budgets;
- (2) Make appropriations, including supplemental appropriations;
- (3) Adopt building, housing, electrical, plumbing, gas and all other regulatory codes involving penalties;
- (4) Adopt zoning and subdivision regulations;
- (5) Levy taxes; and
- (6) Sell, lease or contract to sell or lease real property owned by the county.

(b) Public hearings required by this Code or by federal or state law shall be held before county council takes any vote on the matters involved in such hearings.

(Ord. No. 477; Ord. No. 825, § 1, 8-19-80)

Cross references: Public hearings on budget, § 7-69; notice of subdivision amendment, hearing, App. C, § 1.7.

Sec. 2-67. Revenue measures.

All ordinances levying a tax, incurring indebtedness, or otherwise affecting county revenue shall be referred to the committee on finance, which shall report thereon before the council shall vote for their passage.

(Council rules, § 3E; Ord. No. 477)

Sec. 2-68. Effective date.

Ordinances will take effect on the day the ordinance is given third reading unless another date is specified in the ordinance.

(Council rules, § 3F; Ord. No. 477)

Cross references: Effective date of zoning amendments, § 2-62(b)(2).

Sec. 2-69. Resolutions generally.

A resolution, as defined in section 2-61, shall require only one reading for its adoption, but all council members shall be furnished with a copy at least forty-eight (48) hours prior to its introduction. A resolution may be adopted at either a regular or special meeting by a majority vote of the members present.

(Ord. No. 477)

Secs. 2-70--2-75. Reserved.

DIVISION 5. ELECTION AND APPOINTMENT TO BOARDS AND COMMISSIONS*

***Editor's note:** Ord. No. 3430, §§ 1--9, adopted Jan. 30, 2001, substantially amended former Div. 5 by repealing former sections 2-81, 2-82, 2-84 and 2-85 and enacting new procedures for the filling of vacancies on county boards and commissions. Repealed sections pertained to procedure for the filling of vacancies on boards and commissions and derived from Ord. No. 477. New procedures enacted by Ord. No. 3430 have been included herein as sections 2-76--2-82.

Sec. 2-76. Clerk to council reporting duties.

The clerk to county council shall keep the members of county council currently advised of all impending vacancies on county boards and commissions which county council has the legal responsibility to either fill or make recommendations to be filled. The clerk to council shall further provide the members of county council with reports at least twice a month concerning the present status of impending vacancies on boards and commissions including information on current applicants. Such reports should provide sufficient information to allow members of county council to easily view and track all deadlines associated with the procedure for filling any impending vacancy and provide the names of both current board/commission members and current applicants along with the council district in which they reside and the date their current term(s) expires (when applicable).

(Ord. No. 3430, § 3, 1-30-01)

Sec. 2-77. Application process.

(a) Applicants seeking a position on a county board or commission shall file an application with the clerk to council within the application period. The clerk to county council shall receive applications for a period of two (2) months. This two-month application period shall begin four (4) months prior to the first day of the month in which a vacancy occurs except as provided in the exceptions section below. The clerk to county council shall, within five (5) days of the date an application is received, notify an applicant, in writing, of the dates interviews will be conducted by the county council committee of the whole. Any applicant desiring an interview shall inform the clerk to county council of such request indicating the date the applicant desires to be interviewed. Interviews are not required but are subject to the discretionary choice of each applicant.

(b) Interviews as requested by any individual applicant shall be before the county council committee of the whole, during regularly scheduled meetings, and shall be conducted during a one (1) month interview period. Whenever deemed necessary by the chairman of county council, a special committee of the whole meeting may be scheduled to conduct interviews. This one (1) month interview period shall begin on the first day of the month immediately following the last day of the month in which the application period ends except as otherwise adjusted by the exceptions section below. Interviews shall be limited to five (5) minutes per applicant. The first two (2) minutes of the interview period shall be reserved for purposes of allowing the applicant to make a presentation. The final three (3) minutes of the interview period shall be reserved to allow questions from members of the committee of the whole.

(Ord. No. 3430, § 4, 1-30-01)

Sec. 2-78. Nominations.

All applicants shall be forwarded to county council as nominees for consideration during county council's regularly scheduled meetings held the month immediately preceding the month in which the vacancies shall occur except as otherwise provided in the exceptions section below. In the event that the number of nominees is less than the number of vacancies to be filled or to be recommended to be filled then, in such event, the procedure for filling the remaining vacancies shall restart with the clerk to county council immediately beginning anew the two (2) month process for receiving applications for the vacancies to be filled. Under no circumstances may nominations for a board or commission occur outside the process established under this ordinance (i.e. no nominations may be made for individuals who have not submitted an application during the application period prescribed under this ordinance).

(Ord. No. 3430, § 5, 1-30-01)

Sec. 2-79. Election procedure.

(a) At the first council meeting at which the nominees are considered, the chairman of county council shall announce the names of all nominees for vacancies to be filled or to be recommended to be filled. Following the close of the application process, and prior to county council's consideration of any nominee(s), county council, upon the vote of two-thirds of its members (8), shall have the right to reopen and restart the application process for a particular board or commission. In the event the number of nominees is equal to or less than the number of vacancies to be filled or to be recommended to be filled then, in such event, the nominee or nominees may be elected by county council by acclamation at the time the nomination and/or nominations are considered. In the event a nominee is nominated to be elected by acclamation and is not elected by acclamation then, in such event, the nominee shall be placed on the ballot for election at the next regularly scheduled meeting of county council. Should the number of nominees exceed the number of vacancies, the nominees shall be placed on a ballot for election at the next regularly scheduled meeting of county council and each member of county council shall cast his or her vote by written ballot (which shall not be secret), for the number of nominees equal to the number of vacancies to be filled, voting no more than once per nominee (i.e. no cumulative voting). For example, eight (8) applicants have applied for two (2) vacancies; in such event each member of county council shall cast his or her vote for two (2) candidates. The votes shall then be tallied and those nominees receiving the largest number of votes shall fill the vacancies. In the event that two (2) or more nominees receive the same number of votes (tied nominees) and the vote count would have otherwise qualified these nominees as having received the largest number of votes, a new vote will be taken in which only the tied vote nominees will be placed on the ballot to fill the remaining vacancies.

(b) The clerk to county council shall, within two (2) weeks of the election, notify, in writing, those individuals elected to a county board or commission.

(c) In the event a vacancy on a board or commission occurs within six (6) months following an election, the clerk to council, in addition to accepting applications in accordance with the provisions of this division, shall automatically retain, as being timely submitted for the new vacancy, applications submitted for consideration in the previous election by any individual not elected in the previous election or too late for consideration in the previous election.

(Ord. No. 3430, § 6, 1-30-01; Ord. No. 3582, §§ 1, 2, 4-2-02)

Sec. 2-80. Exceptions.

In those situations where, pursuant to the procedures set forth in this division, an interview, nomination, or election is scheduled to occur during the months of July or December such interview, nomination, or election will occur during a previous or subsequent month so as to facilitate the election of nominees to vacancies in the month prior to the month in which the vacancy will occur. Additionally, for these situations, the corresponding two-month application period, interview dates, nomination dates, and election dates shall be moved to facilitate the election of nominees to vacancies prior to the month in which the vacancy occurs.

(Ord. No. 3430, § 7, 1-30-01)

Sec. 2-81. Examples.

(a) Greenville County ZZZ board will have two (2) members' terms expire on June 15th. The clerk to county council receives applications to fill these positions for a two-month period, beginning February 1st and ending March 31st. Seven (7) applicants apply for the two (2) positions. Five (5) applicants request an interview. The five (5) applicants requesting interviews shall be interviewed by the committee of the whole during the committee's regularly scheduled meetings held in April. Upon conclusion of the one-month interview period (April), all seven applicants to ZZZ board will be forwarded to county council. Since the number of nominees exceeds the number of vacancies, the nominees shall be announced at the first regularly scheduled county council meeting in May and will be placed on a ballot for election at the second regularly scheduled meeting of county council in May. Since there are two (2) vacancies, each council member votes for two (2) of the nominees. The nominees with the two (2) highest vote totals are elected to the Greenville County ZZZ Board. The clerk to county council notifies the successful candidates within two (2) weeks of the election.

(b) Same factual situation as (a) above, except the clerk to county council only receives one (1) application by March 31st. Since the number of applications received during the months of February and March are less than the number of vacancies the clerk to council shall accept applications for another two-month period beginning April 1st and ending May 31st. In the meantime, the committee of the whole shall, should the applicant so request, interview the one (1) applicant during the month of April. The applicant is then forwarded to county council as a nominee. County council may then elect the sole nominee by acclamation to the Greenville County ZZZ Board during its first regularly scheduled meeting in May. Should the applicant be voted to the Greenville County ZZZ Board by acclamation the clerk to county council shall, within two (2) weeks of such election, notify the applicant of such election to the Greenville County ZZZ Board. Should the sole nominee not be elected by acclamation, the nominee will be placed on a ballot and county council will vote to either elect or not to elect the sole nominee to the Greenville County ZZZ Board during county council's second regularly scheduled meeting held in May.

(Ord. No. 3430, § 8, 1-30-01)

Sec. 2-82. Exception examples.

(a) A member's term on the Greenville County XYZ Board expires on September 15th. Under the general rule, the application period would be May 1 to June 30 with interviews conducted during July and elections occurring during August. However, because interviews under the general rule fall in July the exception rule applies. Pursuant to the exception rule, the clerk to county council shall receive applications from April 1st until May 31st. Also, pursuant to the exception to the general rule, interviews will be conducted during the regularly scheduled meetings of the committee of the whole held in the month of June. Consideration and election by county council will occur during council's regularly scheduled meetings held in August.

(b) Instead of expiring on September 15th, the Greenville County XYZ Board member's term expires on January 15th. Since the election would occur during December under the general rule, the exception rule applies. Pursuant to the exception rule, the clerk to county council will receive applications for XYZ Board from August 1st through September 30th. Interviews will be conducted during the regularly scheduled meetings of the committee of the whole held in the month of October. All applicants will be forwarded to council as nominees and county council will consider and vote on the nominees during its regularly scheduled meetings in November.

(Ord. No. 3430, § 9, 1-30-01)

Sec. 2-83. Residence in council districts.

(a) *Appointments by county council.* Insofar as possible, the Greenville County Council shall appoint only one member from each council district to twelve-member county boards or commission or to the governing bodies of special purpose districts whose appointments are made by county council. In the event that a member ceases to reside in the house or council district from which he or she was appointed by county council, his or her seat shall then be vacated and another resident of the district shall be appointed to serve for the remainder of the unexpired term.

(b) *Appointments by governor.* Insofar as possible, the Greenville County Council shall nominate and recommend only one member from each council district to the governing bodies of twelve-member boards, commissions or special purpose districts whose appointments are made by the governor.

(c) *Ex officio members.* The residency of ex officio members of boards and commissions and the governing bodies of special purpose districts shall not be considered in determining the district representation of other members of such bodies.

(d) *Appointments to boards consisting of fewer than 12 members.* Insofar as possible, Greenville County Council shall appoint or nominate only one (1) member from each council district to the governing bodies of those boards, commissions, or special purpose districts consisting of fewer than twelve (12) members whose appointments are made by county council or the governor.

(Ord. No. 900, § 1, 6-16-81; Ord. No. 1439, § 1, 9-3-85, Ord. No. 2274, § 3, 8-6-91; Ord. No. 3202, § 1, 1-19-99)

Secs. 2-84, 2-85. Reserved.

Note: See editor's note to this division.

Sec. 2-86. Grounds for removal.

If any member of a county board or commission who has been appointed to such board or commission by the county council shall be convicted of driving under the influence of alcohol, such person shall forthwith be removed as a member of such board or commission, and a successor shall forthwith be appointed by said council.

(Ord. No. 1102, § 1, 4-19-83)

Sec. 2-87. Elimination of term limitations; continuation; amendment of bylaws.

(a) Upon passage of this section there shall no longer exist any term limitations for service, by any qualified citizen upon such appointed positions.

(b) Ordinance No. 1216 and Ordinance No. 1925 are hereby repealed.

(c) Any ordinance, resolution or other policy decision, or portion thereof, previously approved by council which is in conflict with this repeal of term limitations is hereby repealed and rendered null, void and of no further effect.

(d) Any person serving on any board, commission, or other appointive position, whose term expires prior to the appointment of a successor, shall continue to serve for a period of time not to exceed ninety (90) days of the end of the term to which they were last appointed, or until such time as said person's successor has been appointed, whichever shall first occur. The county administrator shall, in accordance with the provisions of section 2-81 of the Greenville County Code keep the chairman of county council advised of all impending vacancies on any board, commission, or other appointive position which county council has the responsibility to fill or recommend for appointment.

(e) Any person currently serving on any board, commission, or other appointive position, whose term has expired and, pursuant to ordinances repealed by this section, was subject to term limitations, shall now, by the terms of this section, be eligible for reappointment to such board, commission, or other appointive position, for an unlimited number of terms as council in its sole discretion may determine.

(f) Any bylaws, rules or regulations adopted by any board, commission or other appointed body in contravention to this stated policy position of council shall be revised and modified accordingly.

(Ord. No. 3307, 11-16-99)

Editor's note: Ord. Nos. 1216 and 1925, which are repealed by this section, are not set out in this Code.

Cross references: Concurrent service on multiple boards and commissions, § 2-176.

Secs. 2-88--2-90. Reserved.

DIVISION 6. COMMITTEES

Sec. 2-91. Enumeration, powers and duties of standing committees.

Standing committees of the council and the matters of which they shall have jurisdiction are as follows:

- ~~_____~~ (1) *Committee on finance.*
 - ~~_____~~ a. Taxation and assessment.
 - ~~_____~~ b. Appropriations and expenditures.
 - ~~_____~~ c. Collection, receipt, allocation and disbursement of county funds from whatever source derived.
 - ~~_____~~ d. Acquisition, leasing and disposition of personal property, materials, supplies and equipment.
 - ~~_____~~ e. Budgeting and accounting methods and procedures.
 - ~~_____~~ f. Capital improvement programming.
 - ~~_____~~ g. Bonds and other indebtedness.
 - ~~_____~~ h. Purchasing policies and procedures.
- ~~_____~~ (2) *Committee on public service, planning and development.*
 - ~~_____~~ a. Recreation.
 - ~~_____~~ b. Planning.
 - ~~_____~~ c. Public utilities.
 - ~~_____~~ d. Industrial development.
 - ~~_____~~ e. Redevelopment authority.
 - ~~_____~~ f. Subdivision regulations.
 - ~~_____~~ g. Zoning adoption and amendment.
 - ~~_____~~ h. Official map adoption.
 - ~~_____~~ i. Donaldson Center.
 - ~~_____~~ j. Soil and water.
 - ~~_____~~ k. County roads.
 - ~~_____~~ l. Acquisition, leasing and disposition of real property.
 - ~~_____~~ m. Exercising the power of eminent domain.
 - ~~_____~~ n. Supervision and maintenance of all county buildings and property.
 - ~~_____~~ o. Grounds and parking facilities.
 - ~~_____~~ p. Engineering and construction.
 - ~~_____~~ q. Solid waste collection and disposal.
 - ~~_____~~ r. Codes adoption and enforcement.
- ~~_____~~ (3) *Committee on public safety, human services and administration.*
 - ~~_____~~ a. Health.
 - ~~_____~~ b. Human relations.
 - ~~_____~~ c. Welfare.
 - ~~_____~~ d. Creation of new agencies and departments and prescribing their duties and functions.

- e. Establishment of policies affecting the selection, appointment, compensation, qualification, tenure, seniority, retirement and other matters affecting employment of county officers and employees.
- f. Social services.
- g. Council rules.
- h. Law enforcement.
- i. Fire protection.
- j. Courts.
- k. Probation and parole.
- l. Correctional facilities.
- m. Clerk of court.
- n. Law enforcement support services department.
- o. Solicitor.
- p. Public defender.
- q. Coroner.
- r. Medical examiner.

(Council rules, § 4B; Ord. No. 477; Ord. No. 670, § 1; Ord. No. 3430, § 2, 1-30-01)

Sec. 2-92. Appointment and terms of standing committees.

(a) All members of county council shall be appointed to serve on at least one (1) standing committee, and except for members of the finance committee and the committee on internal auditing, no member shall serve on more than one standing committee. Appointments to the standing committees, other than the finance committee and the committee on internal auditing, will be made by the chairman of council not later than the second regular meeting of council in January following each general election. The standing committee on public service, planning and development (hereinafter called "public service") and the standing committee on public safety, human services and administration (hereinafter called "public safety") shall each select a chairman, vicechairman, two (2) representatives to serve on the finance committee, and two (2) representatives to serve on the committee on internal auditing from their membership at the first committee meeting following their appointment.

(b) The finance committee will consist of the vice-chairman of council and two (2) elected representatives from the public safety committee and two (2) elected representatives from the public service committee. Members of the committee on internal auditing and chairmen of the Committees on public safety and public service will not be eligible to serve as members of the finance committee. The vice-chairman of council shall serve as the chairman of the finance committee and a vice-chairman of the committee shall be elected at its first meeting. Except for the vice-chairman of council, members of the finance committee are ineligible to serve as members of the committee on internal auditing.

(c) Members and officers of standing committees shall serve until the second of January following the next general election of the council, unless they are sooner removed with their consent or cease to be members of the council.

(Council rules, § 4A; Ord. No. 477; Ord. No. 670, §§ 3, 4; Ord. No. 1670, § 1, 5-5-87)

Sec. 2-93. Members.

Except for the committee on internal auditing, each standing committee shall consist of five (5) persons.

(Ord. No. 477; Ord. No. 670, § 5)

Sec. 2-94. Chairman.

The chairman of each standing committee shall be a voting member of that committee.

(Council rules, § 4E; Ord. No. 477; Ord. No. 670, § 6)

Sec. 2-95. Reports and recommendations; administrative staff.

(a) If a matter properly before a committee cannot be resolved in committee, such committee, by majority vote, may submit a "no recommendation" report to council with a specific request for consideration by the full council. All matters properly referred to committee must be reported to full council with a recommendation for approval, denial, approval as modified or "no recommendation" with a request for full council consideration.

(b) Each committee shall have an administrative staff, including a recording secretary who shall attend all meetings of the committee and prepare accurate written reports of committee meetings for distribution to the full council.

(c) All committee reports and recommendations which require action by the council shall be delivered to each member of council at least forty-eight (48) hours prior to consideration thereof by council; provided, that this requirement may be waived by the chairman if the committee believes that an emergency exists; and in that event, copies of the report or recommendation shall be furnished each member of the council at the time of the council meeting at which the report or recommendation is to be considered.

(d) The chairman of a standing committee shall report upon the activity of his committee at each regular county council meeting, and the agenda of every regular meeting shall provide a time for committee chairmen to make such reports.

(Council rules, § 4C; Ord. No. 477)

Sec. 2-96. Meetings; quorum.

A committee meeting may be held on the call of the chairman at any time, except on Sunday or holidays, or at such time as the council is in session; and committee members shall receive at least forty-eight (48) hours' notice of any such meeting. A quorum of a committee shall be a majority of its members.

(Council rules, § 4D; Ord. No. 477)

Sec. 2-97. Recall of ordinances or resolutions referred to committee.

Any ordinance or resolution which has been referred to a committee may be recalled by an affirmative vote of two-thirds (2/3) of the members of the council.

(Council rules, § 4F; Ord. No. 477)

Cross references: Ordinances and resolutions generally, § 2-61 et seq.

Sec. 2-98. Liaison with other public bodies.

As soon as practicable after the organizational meeting of the council, the chairman shall appoint five (5) members of council, each of whom shall establish and maintain liaison with one of the following categories of public bodies:

- (1) Schools, technical education centers and charitable organizations;
- (2) Hospitals, nursing homes and other health agencies;
- (3) Municipal governments and other political subdivisions;
- (4) State government and agencies including the General Assembly;
- (5) Federal government and agencies.

(Ord. No. 477)

Sec. 2-99. Committee on internal auditing.

(a) The committee on internal auditing will consist of the chairman and vice-chairman of council, two (2) elected representatives from the public safety committee and two (2) elected representatives from the public service committee. Members of the finance committee, except the vice-chairman of council, and chairmen of the committees on public service and public safety will not be eligible to serve as members of the committee on internal auditing. A chairman and vice-chairman of this committee shall be elected at its first meeting, but neither the chairman nor vice-chairman of county council may serve as chairman of this committee. The committee on internal auditing will have jurisdiction of the following matters:

- (1) Accounting systems and procedures;
- (2) Departmental and management operations;
- (3) Financial reports and accounting statements;

- (4) Budget controls and documentation;
- (5) Fund disbursement methods, procedures and policies;
- (6) Agency audits and expenditure analyses.

(b) The internal audit department shall file a written report with the committee on internal auditing not less than every sixty (60) days outlining the progress and findings of all outstanding audits and operational reviews and the approximate number of man hours expended on each such activity to date.

(c) The internal audit department shall present a written report to the committee on internal auditing within fourteen (14) days after the completion of any audit or operational review. The committee shall review the report and shall, by formal vote, recommend to county council whether or not the report should be accepted as final.

(Ord. No. 477; Ord. No. 671, § 1; Ord. No. 1823, §§ 1, 2, 4-19-88)

Sec. 2-100. Special appointments.

Except as otherwise provided herein, the chairman of the council shall make such appointments of council members to boards, commissions, committees and other governmental bodies as may be required by law or agreement.

(Ord. No. 477)

Secs. 2-101--2-110. Reserved.

DIVISION 7. PARLIAMENTARY PROCEDURE

Sec. 2-111. Determination of questions of order.

All questions of order shall be determined by the chairman in the first instance without debate, or with such debate as the chairman, in his discretion, may permit; but any member may appeal to the council from the decision of the chairman.

(Council rules, § 5A; Ord. No. 477)

Sec. 2-112. When motions debatable.

All motions, except motions to adjourn, to recess, and to lay on the table, shall be debatable.

(Council rules, § 5B; Ord. No. 477)

Sec. 2-113. Roll call votes.

Upon any matter, at the request of any council member, a roll call vote shall be ordered; whereupon the clerk shall call the roll alphabetically and take the names of all who voted "aye" and all who voted "no," which the clerk shall enter in the minutes. Any member may have his vote recorded on any matter.

(Council rules, § 5C; Ord. No. 477; Ord. No. 1673, § 1, 5-5-87)

Sec. 2-114. Members, employees and their families may not conduct business with county.

(a) *Definitions.* As used in this section the following words and terms shall have the meanings set forth herein:

(1) *Business with which he is associated* means a business of which the council member, county employee, or a member of his family is a director, owner, or holder of stock worth ten thousand dollars (\$10,000.00) or more at fair market value and which constitutes five (5) percent or more of the total outstanding stock of any class;

(2) *Economic interest* means an interest in which a member of council, a family member of a member of council or a county employee, or a business with which a council member or county employee is associated may gain an economic benefit of fifty dollars (\$50.00) or more;

(3) *Employee* means the appointees of county council and any person who works in any department of the county; and

(4) *Family member* means an individual who is (1) the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild of the council member or county employee; or (2) an individual claimed by the council member, county employee or his spouse as a dependent for income tax purposes.

(b) *Prohibition*. No member of Greenville County Council, no employee of Greenville County, no family member of a member of council or employee of Greenville County, and no business with which a member of council or a county employee is associated shall have an economic interest in a contract with Greenville County for the sale or lease of land, materials, supplies, equipment, or services.

(c) *Penalty*. Violation of this section with the express or implied knowledge of the council member, county employee, family member, or business with which the council member or county employee is associated shall render the contract or sale voidable by county council.

(Council rules, § 5E; Ord. No. 477; Ord. No. 2999, § 1, 8-5-97; Ord. No. 3058, § 1, 12-9-97)

State law references: Ethical conduct of public officials and employees generally, S.C. Code 1976, § 8-13-10 et seq.

Sec. 2-115. Chairman to vote last; tie votes.

The chairman shall vote in all cases, his name being called last in a roll call; and if with his vote the council is equally divided, the question shall be decided in the negative.

(Council rules, § 5E; Ord. No. 477)

Sec. 2-116. When debate in order.

No motion shall be debated until it shall have been stated by the chairman. Any motion shall, if desired by the chairman or any other member, be reduced to writing and delivered to the chairman and read before it shall be debated.

(Council rules, § 5F; Ord. No. 477)

Sec. 2-117. Suspension of question.

A question before the council shall be suspended by:

- (1) A question of order;
- (2) A question of privilege;
- (3) A question of taking a recess.

(Council rules, § 5G; Ord. No. 477)

Sec. 2-118. When debate may be interrupted.

When a question is under debate, no motion besides those mentioned in the next preceding rule shall be received, except:

- (1) To adjourn or recede;
- (2) To lay on the table;
- (3) For the previous question;
- (4) To adjourn debate to a subsequent meeting;
- (5) To commit or recommit;
- (6) To strike out the ordaining or resolving words;
- (7) To amend.

(Council rules, § 5H; Ord. No. 477)

Sec. 2-119. Precedence of motions to strike out ordaining words.

A motion to strike out the ordaining words of an ordinance, or resolving words of a resolution, shall have precedence over a motion to amend, and, if carried, shall be considered as equivalent to rejection.

(Council rules, § 5I; Ord. No. 477)

Sec. 2-120. Motions to adjourn or recede.

Motions to adjourn, to recede, and to recede subject to the call of the chair shall always be in order, except while the council is actually engaged in deciding a question.

(Council rules, § 5J; Ord. No. 477)

Sec. 2-121. Motions to reconsider.

When a question shall have been once decided in the affirmative or negative, any member who voted with the prevailing side may, at the same meeting of the council or the next consecutive regular meeting of the council, move for a reconsideration thereof, and if the council shall refuse to reconsider or, upon reconsideration, shall affirm its first decision, no further motion shall be in for a period of one (1) year, except by a three-fourths (3/4) vote of those members present and voting.

(Council rules, § 5K; Ord. No. 477; Ord. No. 672, § 1)

Sec. 2-122. Substitutions in the chair.

The chairman in the absence of the vice-chairman, or the vice-chairman when he is presiding, may name a member to fill his place during an occasional absence from the chair, but such substitution shall not extend beyond an adjournment. In the absence of the chairman and vice-chairman, the council shall elect an acting chairman to serve until the return of the chairman or vice-chairman.

(Council rules, § 5L; Ord. No. 477)

Sec. 2-123. Receipt and reports of information.

When a member of the council receives any information or is presented with any matter which will ultimately require action by the council, he shall promptly report such matter to the chairman for further action.

(Council rules, § 5M; Ord. No. 477)

Sec. 2-124. Parliamentary procedure not covered by article or certain acts of General Assembly.

In all particulars not determined by this article, or by any acts of the General Assembly prescribing rules or procedures to be followed by the county council, the chairman or other presiding officer shall be guided by the previous usage of council or by parliamentary law and procedure as it may be collected from "Robert's Rules of Order, Newly Revised."

(Council rules, § 5N; Ord. No. 477; Ord. No. 1671, § 1, 5-5-87)

Secs. 2-125--2-130. Reserved.

DIVISION 8. AMENDMENTS

Sec. 2-131. Procedure.

Certain of these rules are provisions of South Carolina statutory law and, therefore, cannot be amended or suspended. Except for those provisions, any of these rules may be suspended at a public meeting upon an affirmative vote of three-fourths (3/4) of the members of the council; and a proposed amendment to the rules, after a favorable recommendation by the committee on administration, human services and rules, may similarly be adopted by the council at a public meeting upon a three-fourths (3/4) affirmative vote of the council membership.

(Council rules, § 6; Ord. No. 477)

Secs. 2-132--2-140. Reserved.

ARTICLE IV. COUNTY COMPTROLLER