

*The Policy Role of Council*  
February 19, 2026

  
SOUTH CAROLINA  
ASSOCIATION OF COUNTIES  
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**HISTORICAL BACKGROUND**

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**Leadership for the Common Good**

“A serious meddling in the lives of others.”  
Max DePree

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## Learning Objectives

- Describe the appropriate policymaking responsibilities of a County Council
- Differentiate between policymaking and administration
- Recognize how public values affect policymaking decisions
- Practice practical public policy development

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## The Founders took inspiration from:



Hobbes



Locke

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## Jefferson



“I know no safe depository of the ultimate powers of the society but the people themselves ...”

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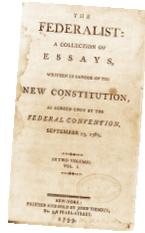
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## Madison

“Refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest ...”



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## More Madison ...

“Complaints are everywhere heard from our most considerate and virtuous citizens ... that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.”

“The latent causes of faction are thus sown in the nature of man ... human passions have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good.”

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## PROPER ROLE OF COUNCIL

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## So ... What is the Proper Role of Council

- You tell me
- In groups of three or four decide what you think is the proper role

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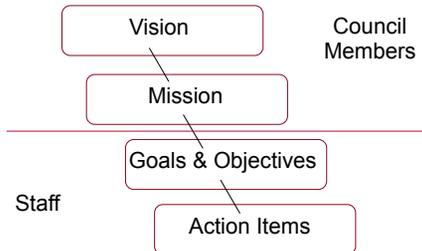
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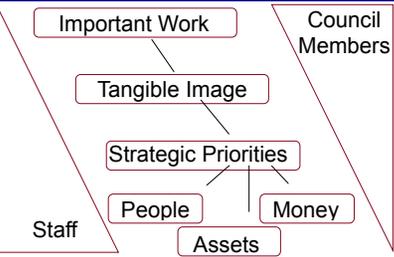
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## The Role of the Councilmember

- Advocate
  - Delegate
  - Trustee
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- 42 United States Code § 1983

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## Legislative Authority SC County Councils

- Form of Government: Most common is Council-Administrator (SC Code § 4-9-610)
- Primary Duties:
  - Adopting the annual budget and setting millage
  - Passing local ordinances (Zoning, Public Safety)
  - Providing policy oversight (not daily management)

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## Two Types of Immunity

- Absolute Legislative Immunity:
  - Protects you while voting on ordinances or budgets
  - No personal liability, even if the motive is questionable
- Qualified Immunity:
  - Protects you during "discretionary" or "administrative" acts
  - Can be lost if you violate a clearly established right

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## State Protections (SC Tort Claims Act)

- The Rule: The County (entity) is the defendant, not the individual
- Liability Caps: SC limits damages in state court (usually \$300k per person/\$600k per occurrence)
- The Protection: Covers negligence or "honest mistakes" made within the scope of your job

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## When Are You Personally Liable?

- State Level: If conduct involves Actual Fraud, Actual Malice, or Intent to Harm
- Federal Level: If you violate a Clearly Established Right (Qualified Immunity lost)
- Criminal Acts: Bribery, embezzlement, or official misconduct

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## Staying in your Lane

- Know your form of government and your role in it
- Respect the line between policy and administration
- Act in good faith and follow established law
- Document your reasoning

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## WHAT YOU SEE DEPENDS ON WHERE YOU STAND

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## What makes an issue public?

- What makes an issue public?
- It's not private ...
- Resident complaining about her neighbor's pecan tree
- Some would have you frame the question as "You have to figure out how to be good with money or good to people"
- Its really "How can you be good with money and good to people"

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## How Do People Solve Public Problems?

- No 'single-value' public problems
- No one value is always better than the others
- Solutions that solve only one value are unjust
- People are more likely to find a "good" solution if they understand that decisions are more about how to do a good thing w/out jeopardizing another thing
- Trading more of one value for less of another will result in a different solution than trading less of one for more of the other but neither is necessarily better

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- Equity
- Fairness
- Justice
- Representation
- Equal Opportunity
- Equal Access

### Equality

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- Safety
- Security
- Social Order
- Collective Action
- Sense of Place
- Culture



### Community

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## PRACTICAL PUBLIC POLICYMAKING

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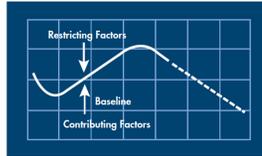
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## What's the story behind the curve?

- Identify contributing factors that are supporting progress, and restricting factors that are hindering progress in turning the curve of the baseline (or accelerating the curve if it is already headed in the right direction).



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## Who are partners who have a role to play in turning the curve?

- Identify potential partners who have an interest in the problem
- The identification of root causes impacting progress will often point the way to the types of partners who should be engaged.



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## What works to turn the curve?

- Does the option address one or more of the root causes you have identified?
- Is the proposed option evidence-based?
- Have "no-cost/low-cost" options been developed?
- Is additional research necessary to determine what would work or to identify other options?



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