

June 16, 2015

***TECHNICAL BULLETIN***

To: County Council  
County Attorneys  
Clerks to Council

From: SCAC Staff

Re: Meeting Notice and Agenda Requirements - 2015 Act No. \_\_\_\_ (R. 99, S. 11)

This *Technical Bulletin* outlines requirements for posting and amending agendas. This Act is in response to the 2014 South Carolina Supreme Court decision in the case of *Lambries v. Saluda County Council et al*, where the Court found that the Freedom of Information Act (FOIA) notice provisions found in §30-4-80 does not require an agenda to be issued for a regularly scheduled meeting. A copy of the Act is attached for your convenience.

Section 30-4-80(A) of the Act requires agendas for all meetings of public bodies. Agendas must be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the body, if any, at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board or website, if any, public notice for any called, special, or rescheduled meetings. Such notice must include the agenda, date, time, and place of the meeting, and must be posted as early as is practicable but not later than twenty-four hours before the meeting. This requirement does not apply to emergency meetings of public bodies. Once an agenda for a regular, called, special, or rescheduled meeting is posted, no items may be added to the agenda without an additional twenty-four hours' notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken may only be added to the agenda by a two-thirds vote of the members present and voting. However, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given, it may only be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda. An example of an exigent circumstance is where county council has to approve a matter in order to meet a deadline for a grant qualification. If this item was not on the posted agenda and council does not amend the agenda to address this matter, the county will lose the opportunity to obtain the grant. The Act does not change the notice requirements for matters that require a public hearing, such as the

budget.

This *Technical Bulletin* does not constitute legal advice. It is intended for general information on this topic. Please consult your county attorney for specific issues affecting your county.