

ARTICLE II. COUNCIL*

***Editor's note:** See the editor's notes throughout this article for analysis of individual topics.

DIVISION 1. GENERALLY

Sec. 2-21. Election districts, etc.

(a) The county hereby adopts Act No. 505, 1976 Acts, as a part of this section just as if written herein as it relates to the eight (8) defined single member election districts in section

of Act No. 505, and as it defines other procedures concerning the number of members, terms of office, election of chairman, and any other matters set forth within Act No. 505, 1976 Acts.

(b) The title of the governing body shall be the "County Council for Aiken County," and each member shall have the title of councilman, except the chairman.

(Ord. No. 76-6-25, § 2, 6-29-76)

Sec. 2-22. Reserved.

Editor's note: The editor has deleted § 2-22, "Recording of votes," as superseded by § 6.10 of Ord. No. 86-2-13, § 2-63 (i), Section 2-22 derived from Res. No. 82-3-47, adopted March 16, 1982.

Sec. 2-23. Impact statement required for certain actions.

All ordinances and/or resolutions that require funding for the following fiscal year shall contain an impact statement of costs, stated in dollars and millage, based upon the current millage value.

(Res. No. 81-7-83, 7-7-81)

Sec. 2-24. Compensation.

(a) The compensation paid to members of the county council shall be sixty (60) percent of the amount paid to members of the South Carolina General Assembly, excluding per diem.

(b) The compensation paid to the members of the chairperson of the county council shall be paid in annual, semiannual or biweekly payments.

(Ord. No. 83-6-20, § 9, 6-21-83; Ord. No. 87-7-46, § 5, 7-21-87)

Sec. 2-25. Expenses; reimbursement.

(a) Members of the county council shall be reimbursed only for actual expenses incurred in the course of performing their duties in accordance with section 4-9-100, Code of Laws of South Carolina 1976, as amended.

(b) No expenses shall be vouchered unless validly incurred within the meaning and limits of the Home Rule Act as applied to the council-administrator form of government.

(c) A council member may be reimbursed for actual expenses incurred in the course of performing his or her duties provided he or she documents such expenses by a voucher which is signed by the council member and filed with the council clerk.

(d) Upon receipt of all such signed vouchers, the council clerk shall immediately submit the same to the county finance department for payment.

(Ord. No. 83-3-7, §§ 2--4, 3-15-83; Ord. No. 83-8-32, §§ 2, 3, 8-17-83)

Sec. 2-26. Inquiries concerning members.

(a) All inquiries concerning individual council members, their expense allowances, expense vouchers, or any other matters pertaining to individual council members shall be directed to the council clerk.

(b) The council clerk will advise each council member of whatever inquiries are made by members of the public concerning that particular council member.

(Res. No. 83-10-229, §§ 1, 2, 10-4-83)

Sec. 2-27. Appointments by council.

(a) *Auditor.* County council shall appoint a C.P.A. firm to conduct the county's annual external audit. The C.P.A. firm selected shall serve under a three-year contract.

(b) *Boards and committees.* County council shall appoint all members and boards falling under the jurisdiction of county council.

(c) *Clerk and attorney.* The county council shall directly supervise and be responsible for the performance and activities of the council clerk and the county attorney.

(d) *Votes needed.* In all cases, at least five (5) votes of council shall be necessary to make or remove an appointee to county administrator, county attorney, council clerk, C.P.A., and boards and committee members.

(Ord. No. 86-2-13, §§ 3.8, 3.18--3.20, 2-18-86)

Sec. 2-28. Dealings with officers and employees.

Except for the purpose of inquiries and investigations, the council members 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.

(Ord. No. 86-2-13, § 4.15, 2-18-86)

Sec. 2-29. Election of council officers.

(a) The chairperson is elected at large as a separate office.

(b) The vice-chairperson shall be elected annually no later than the second meeting in January of each year.

(c) In all cases, at least five (5) votes shall be necessary to an election.

(Ord. No. 86-2-13, §§ 1.1--1.13, 4.5, 2-18-86)

Sec. 2-30. Duties of council officers.

(a) The chairperson shall preside at all meetings of council, preserve order and decorum at all meetings, and state every question coming before council.

(b) The vice-chairperson, in the event that the chairperson is absent or unable to serve, shall serve as chairperson.

(c) Each councilperson in the room and the chairperson shall vote in all cases, except when a personal conflict of interest may exist. If with the vote of the chair, the council is equally divided, the question shall be decided in the negative.

(d) The chairperson may give information or explain any matter on the approved agenda before the council, but should not use the office of chair to debate or wield influence over the other members.

(e) If the chairperson and vice-chairperson be absent, the council shall have the right to elect any member to perform the duties of the chairperson, but such substitution shall not extend beyond one day. In the event of the extended absence or permanent resignation of the chairperson, or his/her inability to perform the duties of the chair, the position shall be filled

as provided for by state statutes.

(f) The chairperson shall be responsible for the opening of all mail addressed to the chairperson of county council on official business and if it is official county business, a copy of such mail containing official county business will be given to each councilperson, the county administrator, and where appropriate the county attorney. This same procedure will be allowed by all councilmembers.

(Ord. No. 86-2-13, §§ 2.1, 2.2, 2.5, 2.6, 2.8, 2.9, 2-18-86)

Sec. 2-31. Date and time of regular meetings.

(a) The county council shall meet in regular sessions on the first and third Tuesdays of January through June, and the third Tuesday of July through December, of each year. All such regular meetings shall commence at 7:00 p.m. and adjourn at 10:30 p.m. unless the business before council is completed or a motion to extend the adjournment time beyond 10:30 p.m. is approved and by a two-thirds vote.

(b) If a regular meeting falls on a holiday, or the day before or after, the meeting will be moved to the following Tuesday.

(Ord. No. 86-2-13, §§ 5.1, 5.2, 2-18-86)

Sec. 2-32. Special meetings.

The county council shall meet in special session at the call of the chairperson, or a majority of the members, with all members and the public given at least twenty-four (24) hours' notice of all such meetings.

(Ord. No. 86-2-13, § 5.3, 2-18-86)

Sec. 2-33. Meetings to be open.

All meetings of council, which include committee meetings, shall be open to the public, except as provided for in the Freedom of Information Act.

(Ord. No. 86-2-13, § 5.6, 2-18-86)

Sec. 2-34. Annual meeting with county legislative delegation.

There shall hereby be established an annual standard meeting date between the county council and the legislative delegation. This meeting date shall be the second Monday in January, the fourth Monday in January or the first Monday in February of each year, to be worked out annually between the chairman of the county legislative delegation and the county administrator.

(Ord. No. 91-2-13, § 1, 2-5-91)

Secs. 2-35--2-38. Reserved.

DIVISION 2. STANDING COMMITTEES*

***Editor's note:** Prior to the inclusion of Ord. No. 86-2-13, Div. 2 consisted of §§ 2-39--2-43, as derived from Res. No. 83-2-45, §§ 1--5, adopted Feb. 15, 1983.

Sec. 2-39. Enumerations; responsibilities.

The four (4) standing committees of council are as follows:

_____ (1) *Finance committee:* Budget, C.P.A., finance, bonds, county administrator, council clerk, county attorney, and personnel department; which shall consist of all the members of county council.

(2) *Administrative committee*: Treasurer, tax collector, auditor, tax assessor, council on aging, relations with municipalities, ABBE regional library, county library board of trustees, department of social services, University of South Carolina-Aiken, Helping Hands, Hitchcock Rehabilitation Center, commission on the handicapped, community action commission, indigent health care commission, Mattie C. Hall Health Care Commission, historical commission, health department, and mental health board; which shall consist of three (3) council members.

(3) *Development committee*: Public service authority, relations with special taxing districts, planning commission, Lower Savannah Council of Governments, engineering department, economic development board, recreation commission, air and water pollution commission, antilitter committee, soil and water conservation district. Clemson Cooperative Extension Service, National Guard Armory, forestry board, voter registration board, election commission, Aiken Technical College, and public works department, which shall consist of three (3) council members.

(4) *Judicial and public safety committee*: Sheriff's department, county detention center, emergency services department, fire departments, rescue squads, coroner, alcohol and drug abuse commission, clerk of court, registrar of mesne conveyance, magistrates, circuit court, family court, probate court, master-in-equity, and judicial center building advisory committee; which shall consist of three (3) council members.

(Ord. No. 86-2-13, §§ 4.1--4.4, 2-18-86)

Sec. 2-40. Election; officers; meetings.

(a) The county council shall elect members of the standing committees no later than the last meeting in January each year.

(b) Each standing committee shall meet immediately or before the next regular meeting to elect a chairperson and to organize.

(c) Each standing committee of county council shall establish and publicize, for the benefit of the press and the public, a regular committee meeting schedule for each calendar year in January of that year. This schedule shall provide for a minimum of one regular meeting per month to conduct committee business, with additional meetings being scheduled as necessary by the committee chairman.

(Ord. No. 86-2-13, §§ 4.5, 4.6, 2-18-86; Ord. No. 86-9-53, § 1, 9-16-86)

Sec. 2-41. Role of chairperson of council.

The chairperson of county council shall be an ex officio, nonvoting member of all standing committees.

(Ord. No. 86-2-13, § 4.7, 2-18-86)

Sec. 2-42. Meetings.

A committee meeting may be held on the call of the chairperson, and committee members shall receive at least forty-eight (48) hours' notice of any such meeting unless such notice be waived by a majority of the committee.

(Ord. No. 86-2-13, § 4.10, 2-18-86)

Sec. 2-43. Agenda.

Appropriate written back-up, for all items of business to be included in the committee agenda, must be delivered to the council clerk at least twenty-four (24) hours preceding the committee meeting to be given as hand-out to the committee members. It will be the responsibility of the county administrator's office to print the committee agendas and deliver them to the council clerk's office for distribution.

(Ord. No. 86-2-13, § 4.12, 2-18-86)

Sec. 2-44. Material to be provided for council meetings.

Committee agendas, with back-up information and committee recommendations, shall be included in the agendas for regular council meetings which are delivered to all members of council prior to consideration and adoption by council,

provided that, if any matter is considered by the majority of any committee to be an emergency, the delivery of such reports may be waived in lieu thereof copies furnished each member of council at the time of said meeting.

(Ord. No. 86-2-13, § 4.13, 2-18-86)

Sec. 2-45. Rules of procedure.

Each committee shall follow the procedures set forth by these rules, and shall be authorized to invite public officials and private individuals to appear before the committee for the purpose of submitting information to it. If county employees under the supervision of the county administrator are desired before a committee, the arrangements shall be made through the county administrator.

(Ord. No. 86-2-13, § 4.17, 2-18-86)

Sec. 2-46. Jurisdiction generally.

(a) All matters, excluding emergency matters, appropriation of discretionary funds, district appointments to boards, commissions, committees, and authorities, agricultural assessment extensions, and rural improvement fund grants designated for a particular purpose by a member of the legislative delegation shall be referred to a standing committee for recommendations before council shall take any vote or action thereof. Any member of council or the administrator shall have the right to place a matter on the agenda of a standing committee for a vote on a recommendation with the notification to the chairperson of the committee. Exception to the provisions of this paragraph can be granted by two-thirds vote of county council.

(b) Unless otherwise ordered, committees shall have jurisdiction only over matters pertaining to the subjects indicated by the names of the respective committees.

(Ord. No. 86-2-13, §§ 4.8, 4.9, 2-18-86)

Sec. 2-47. Voting.

(a) No committee shall sit unless a quorum be present, and all items presented to council by committees must carry the committee recommendation and date of consideration. These will then be attached to the recommendations.

(b) A majority of the committee members present shall agree by their votes upon the disposition of any matter considered by the committee.

(Ord. No. 86-2-13, §§ 4.11, 4.16, 2-18-86)

Sec. 2-48. Recall of legislation.

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

(Ord. No. 86-2-13, § 4.14, 2-18-86)

Sec. 2-49. Information gathering.

Each committee, upon majority vote, may appoint one of its members to meet and investigate with other counties, municipalities, public officials, employees, and private individuals in order to gather information on any subject within the jurisdiction of the committee, for the purpose of submitting information to the committee.

(Ord. No. 86-2-13, § 4.18, 2-18-86)

Secs. 2-50--2-54. Reserved.

DIVISION 3. RULES OF PROCEDURE*

***Editor's note:** At the discretion of the editor, portions of Ord. No. 86-2-13 have been included as superseding §§ 2-55--2-

76, 2-79--2-81 and 2-83, as derived from Res. No. 73-4-14, adopted April 24, 1973. Former § 2-85 has been transferred by the editor to become § 2-654.

State law references: Council to determine rules of procedure, S.C. Code 1976, § 4-9-110.

Sec. 2-55. Agenda.

(a) The county administrator shall distribute all regular meeting agendas to the members, with associated background documents, the Friday evening preceding a Tuesday council meeting. The administrator shall distribute an agenda of topics to be discussed to county department heads by the Monday preceding a regular Tuesday meeting, and shall make the full agenda package available to the general public and the press at 8:30 a.m. on the Monday

morning preceding a Tuesday meeting. The administrator shall distribute the list of agenda topics for a special meeting to the members at least forty-eight (48) hours in advance, and to

the public and press at least twenty-four (24) hours in advance. The council clerk shall post agendas for all regular and special meetings of council or of council committees, on the public

bulletin board in the county council building, at least twenty-four (24) hours in advance of the meeting, and such posting shall constitute public notice, as is required by state law. Members

desiring to place an item on the agenda for a particular meeting shall notify the administrator, and submit any associated documents, by 12:00 noon on the Wednesday preceding a regular meeting or at least seventy-two (72) hours before a special meeting.

(b) The agenda is set by the county administrator on Wednesday of the week preceding the regular Tuesday meeting, as described in subsection (a). Background information will be furnished to the council members on the agenda items and any other information of general interest to council members. Walk-on agenda items shall not be allowed, unless approved by a majority of the county council.

(c) Should any person, group, or organization request to be heard on any matter at a regular or special meeting of council or a committee, such person, group or organization shall request the county administrator to place such matter on the agenda with background information included four (4) days preceding the regular or special meeting. This requirement may be waived by two-thirds vote of council if the matter is presented in writing and every

member of council is provided with a copy prior to the commencement of the meeting. All presentations, except for awards, recognitions and other similar ceremonial presentations, shall be scheduled for committee meetings. The committee shall refer presentations to the full council, if the council needs to be briefed on major items. Presentations, other than ceremonial, may be heard by the full council upon approval of two-thirds of the county council.

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

(Ord. No. 86-2-13, §§ 3.8, 5.7--5.9, 2-18-86; Ord. No. 90-8-41, § 2, 8-21-90; Ord. No. 91-11-61, § 1, 11-19-91)

Sec. 2-56. Quorum.

A quorum for the transaction of official business of council shall consist of five (5) members.

(Ord. No. 86-2-13, § 5.4, 2-18-86)

Sec. 2-57. Order of business.

The regular order of business shall be as follows:

- _____ (1) Call to order.
- _____ (2) Invocation.
- _____ (3) Pledge of allegiance.

- (4) Approval of minutes.
- _____ (5) Approval of agenda.
- _____ (6) Awards and recognitions.
- _____ (7) Public hearing.
- _____ (8) Old business.
- _____ (9) Consent agenda.
- _____ (10) New business.
- _____ (11) Public presentations, which shall be limited to those individuals, groups or organizations that have made arrangements in advance with the county administrator's office by the established agenda deadline (refer to subsection 2-55(c)).
- _____ (12) Items for information and the public record.
- _____ (13) Informal meeting of whole.
- _____ (14) Executive session (if allowed by state law).

(Ord. No. 86-2-13, § 5.5, 2-18-86; Ord. No. 86-9-53, § 3, 9-16-86; Ord. No. 86-9-54, § 1, 9-16-86; Ord. No. 94-6-26, § 1, 6-14-94; Ord. No. 01-4-16, §§ 1, 2, 4-17-01)

Sec. 2-58. Rules of order.

(a) The current edition of "Robert's Rules of Order, Revised" shall govern the county council in all cases in which they are applicable and in which they are not in conflict with the rules of the council or state law. It shall be the duty of the chairperson, or the presiding officer, to interpret all rules, subject to any member appealing a ruling of the chair to county council.

(b) The chairperson shall decide all questions of order and the county attorney shall serve as parliamentarian of county council to assist the chairperson in all matters of procedure. Any

council member may appeal the decision on a question of order and a majority vote of the council shall conclusively determine such question of order.

(Ord. No. 86-2-13, §§ 2.4, 5.13, 2-18-86)

Sec. 2-59. Addressing the council--Members of the public.

(a) Any person or group may speak to the council with permission of the chair and shall address the chair; each person, after stating his/her name and address, may make comments which are relevant to the subject matter at hand and which are limited to three (3) minutes per person, or fifteen (15) minutes per group, unless additional time is granted in advance by the council.

(b) At public hearings, the county council shall give a reasonable opportunity to any person or representatives desiring to make a presentation or to be heard.

(c) 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 meeting unless approved by a two-thirds vote of council.

(Ord. No. 86-2-13, §§ 5.10--5.12, 2-18-86)

Sec. 2-60. Same--Council members.

No member of council shall speak upon a matter for more than ten (10) minutes except by the consent of the council. No member or chairperson shall speak more than twice upon the same matter without the consent of the council.

(Ord. No. 86-2-13, § 5.14, 2-18-86)

Sec. 2-61. Voting generally.

In all votes, the chairperson's name shall be called last. The vote of the chairperson, and each member of county council, shall be recorded by the council clerk upon each ordinance, resolution, or verbal motion passed by the council. The names of any members absent or abstaining shall also be recorded.

(Ord. No. 86-2-13, § 2.7, 2-18-86)

Sec. 2-62. Proxy votes prohibited.

No members of the county council, or of a committee, shall be allowed under any circumstances to vote by proxy at any council or committee meeting.

(Ord. No. 86-2-13, § 4.16, 2-18-86)

Sec. 2-63. Legislative action.

(a) The council shall take legislative action by ordinance. Resolutions shall not have the force of law, but shall express the opinion of council concerning a particular matter. Proposed ordinances and resolutions shall be in writing with a copy furnished to each member prior to introduction.

(b) With the exception of emergency ordinances, all ordinances shall be read at three (3) public meetings of the council, on three (3) separate days, with an interval of not less than seven (7) days between the second and third reading; provided that a verbatim reading of an ordinance shall not be required unless such reading is requested by a member.

(c) Each ordinance shall be submitted to the county attorney for review and comment as to form and legality prior to third and final reading.

(d) Certain types of ordinances require that a public hearing be held prior to third and final reading. Not less than fifteen (15) days' notice of the time and place of such hearing shall

be published in at least one newspaper of general circulation in the county.

(e) Any councilmember desiring an ordinance shall obtain two (2) other sponsors for the ordinance or else obtain committee approval of the ordinance concept prior to requesting the drafting of such ordinance. Any committee may introduce an ordinance for first reading at any regular meeting of the council. No vote shall be taken and no debate or amendment shall be in order. The ordinance shall be referred by the chairperson to the appropriate committee

unless reference shall be dispensed by a two-thirds majority vote of councilmembers or unless the proposed ordinance shall have been introduced by a committee. Zoning map or text amendment ordinances will not be referred to the development committee, but will be considered by council as a whole.

(f) Second reading on a proposed ordinance shall carry the recommendation of the committee prior to consideration and adoption by council, unless approval of two-thirds council vote. Committees shall make recommendation within forty-five (45) days of initial consideration.

(g) A public hearing will be held on the second reading, before third and final reading, Zoning map or text amendment ordinances will receive public hearing at the first reading of the ordinance.

(h) Following the public hearing, the council shall record proof of publication and the date of said publication, on the ordinance or resolution where such publication is required by state law or county ordinance.

(i) In the case of a vote on the final passage of any ordinance or resolution, the vote of each member and the chairperson shall be recorded in the minutes, and noted on the ordinance or resolution.

(j) Amendment of these rules shall be by ordinance adopted pursuant to this section.

(k) If a proposed ordinance or resolution is adopted, the chairperson or vice-chairperson shall execute the ordinance or resolution and the council clerk shall attest to the chairperson's or vice-chairperson's signature. The council clerk shall transmit all adopted ordinances to the body responsible for codification, to the county administrator, and to any member requesting a copy of said adopted ordinance or resolution. In the official records of the county council, each adopted ordinance and resolution shall be serially numbered by calendar year and month, in the order in which they are adopted.

(Ord. No. 86-2-13, §§ 6.1--6.11, 2-18-86; Ord. No. 86-9-54, § 3, 9-16-86; Ord. No. 90-8-41, § 1, 8-21-90; Ord. No. 91-11-61, § 2, 11-19-91; Ord. No. 93-4-35, § 1, 4-20-93)

Sec. 2-64. Approval of items generally.

The chairperson or vice-chairperson shall sign all ordinances, resolutions, or other papers issued by the county council on its behalf. Upon approval of any such item issued or approved by the council, no further approval of the council shall be required to authorize the signing thereof. The county council clerk shall witness all ordinances, resolutions, and other official documents of the council, as to the true and original signature of the chairperson or vice-chairperson, and shall place the official seal of the county council upon the document.

(Ord. No. 86-2-13, § 2.3, 2-18-86)

Secs. 2-65--2-96. Reserved.

DIVISION 4. PRESERVATION OF COUNCIL ACTIONS**Sec. 2-97. Procedures.**

- (a) Minutes of all council meetings and work sessions shall be taken in summary form.
- (b) All council members' votes shall be recorded in the minutes on all items.
- (c) The tapes of all council meetings and work sessions shall be permanently and securely maintained by the council clerk for five (5) years from the date of the meeting.
- (d) Minutes of council meetings will be transcribed verbatim only when requested by a council member for a particular meeting or a portion of a meeting.

(Res. No. 82-2-16, 2-2-82; Res. No. 82-7-135, §§ 1, 2, 7-27-82)

Secs. 2-98--2-113. Reserved.