

ARTICLE II. ORGANIZATIONAL AND PROCEDURAL RULES

Sec. 2-36. Officers.

The county council shall elect the chairperson, a vice chairperson and such other officers from among its members as it may deem necessary for terms as hereinafter set forth at the initial meeting of the county council in January of each year. Vacancies shall be filled by the county council for the unexpired term of any office vacated in the same manner as for the initial selection of an officer for that office. All elections shall be by majority vote of the quorum present. Officers may succeed themselves.

(1) *Chairperson.* At the initial county council meeting in January of each year, the county council shall elect one of its members to serve as chairperson for a one year term, or until a successor is elected and qualified. The chairperson shall preside at all regular and special meetings of the county council; shall execute, on behalf of the county council, all ordinances, resolutions, directives, deeds, bonds, contracts, and other official instruments or documents unless otherwise specified; and shall have such other duties and perform such other functions as are set forth in these rules and as authorized or required by state law.

(2) *Vice chairperson.* At the initial county council meeting in January of each year the county council shall elect one of its members to serve as vice chairperson for a one year term; in the event that the chairperson shall be temporarily absent or unable to serve, the vice chairperson shall serve as chairperson in his/her stead.

(3) *Clerk.* The county council may appoint a person, not a member of the county council, to serve as clerk at the pleasure of county council. If appointed, the clerk will prepare the agenda at the direction of the county administrator for county council meetings; record all proceedings of the county council; deliver copies of the minutes of each county council meeting to all members prior to the next regular county council meeting; keep the minutes of all county council committee meetings when requested by the chairperson of such committee; keep a register of all proposed ordinances and resolutions, assigning them a number and arranging them in order of introduction; compile, index, codify, and publish by title all ordinances adopted by county council; serve as secretary of the county council and all special committees of county council; render any needed assistance to members of the county council in typing and preparation of reports, recommendations, ordinances, resolutions, directives and correspondence. The clerk will report to the chairperson of county council for the performance of the duties of the office.

(Ord. No. 00-014, § I, 4-18-00)

Sec. 2-37. Meetings of the council.

(a) *Meetings, general.* At the first meeting of the county council in January of each year, the county council shall establish the dates and places for the year for its regular monthly meetings for the transaction of official business, and other informal meetings for the receipt of information. Special meetings shall be held at such other times as the chairperson or a majority of the county council may direct, provided that no special meeting shall be held unless the chairperson notifies all county council members and gives 24 hours public notice, showing the subject matter, hour, date, and place set for such meeting; provided further, that with the consent of all members of council, notice of any emergency meeting may be waived in accordance with state law. A majority of county council shall constitute a quorum for the transaction of official business. All county council meetings shall be open to the public; but, during such meeting, the county council may, upon a vote of a majority of the members present, go into executive session. County council will conduct its meetings in accordance with the South Carolina Freedom of Information Act, as amended, and the state ethics laws, as amended, and the requirements of those acts and laws, as amended, shall apply to all notices, agenda, minutes, and other aspects of such meetings.

(b) *Regular meetings.* Unless otherwise established, the county council shall meet in regular session on the first and third Tuesdays of each month, at 6:00 p.m. Should any of the regular meeting dates fall on legal holidays or be postponed for good and sufficient reason, the regular meetings which would otherwise have been held may, by vote of a majority of the county council, be cancelled or postponed to a day and time certain. If the meeting is postponed, the meeting held on the postponed date shall be deemed to be a regular meeting.

(c) *Postponement or adjournment.* Any meeting, regular or special, may be postponed or adjourned by majority vote of those present.

(d) *Quorums.* A quorum shall consist of a majority of the council. In the absence of a quorum, the meeting cannot be convened. Should sufficient members leave during a meeting, the chairperson shall immediately declare a recess and attempt to obtain a quorum. If, after a reasonable time, a quorum has not been obtained, the meeting shall be adjourned. Members of county council may excuse themselves briefly during a meeting without loss of a quorum; however, no vote may be taken during the temporary absence of quorum.

(e) *Minutes.* The clerk shall record and maintain custody of the official minutes of the meetings of the county council. The same shall be a public record and shall be approved by the members of county council by vote of the county council.

(f) *Conduct of meetings.*

_____ (1) *Meetings to be opened with invocation and pledge of allegiance.* Every meeting of the county council shall be opened with an invocation and the Pledge of Allegiance to the American flag.

_____ (2) *Decorum in speaking.* Every member of county council, when about to speak, shall address himself to "Mr./Madam chairperson," and, in speaking, shall avoid disrespect to the county council and any personalities; and shall confine himself or herself to the question under consideration.

_____ (3) *When members address the chairperson.* The chairperson, when addressed by a member, shall recognize the member by name, using no title but that of "Mr.", "Mrs.", or "Miss". The member who shall first be recognized shall be first heard; and if several shall address the chairperson at about the same time, the chairperson shall decide who was first to speak and shall recognize such member.

_____ (4) *Request to be heard.* Should any person, group or organization request to be heard upon any matter at a meeting of county council, such person, group or organization should request the clerk to council to place such matter on the agenda for the meeting not later than the Wednesday prior to the date set for such meeting, and should inform the clerk to council of the approximate time required.

_____ (5) *Matters not within the council's jurisdiction.* No matter shall be entered on the agenda or heard by the county council unless it is within the county council's authority or jurisdiction; provided, the county council may entertain a request that it make recommendations to other governmental bodies, departments, or agencies.

_____ (6) *Recognition of persons.* When any person or persons, including employees of the county council and of the county, are heard by county council as provided in paragraph (4) above, that person or persons, when they have completed their presentation, shall be seated and no person or persons other than a member of the county council will be recognized to make any statement on such matter unless requested to do so by the county council or by any member of the county council through the chairperson.

_____ (7) *Agenda.* At least four business days prior to each meeting of council, the county administrator shall prepare an agenda with the clerk, to be approved by the chairperson, listing each topic to be considered and the maximum time allotted for each topic. In no event shall discussion of any topic exceed that time so allotted or 45 minutes, whichever is less, unless approved by every member of county council in attendance.

_____ Each member shall have the right to place topics upon the agenda for each meeting for a period of time not to exceed 45 minutes by notifying the clerk to council or administrator prior to the close of business of the Wednesday prior to the meeting.

_____ The agenda for each meeting and agenda materials, if any, shall be sent to the chairperson and each county council member prior to each meeting. All local news media shall be sent a copy of the agenda prior to each meeting. The agenda shall normally consist of at least the following categories of business, to be taken up, generally, in the order listed:

_____ a. Call to order;

_____ b. Invocation and Pledge of Allegiance;

_____ c. Approval of minutes of previous meeting;

_____ d. Public comments:

_____ 1. Agenda considerations;

_____ 2. Other matters;

_____ e. Ordinances (with public hearings, as required):

_____ 1. Third readings;

_____ 2. Second readings;

_____ 3. First readings;

_____ f. Resolutions;

- _____g. Appointments;
- _____h. Acceptance of bids;
- _____i. Requests by councilmen;
- _____j. Personal appearances;
- _____k. Administrator's report;
- _____l. Comments by councilmembers;
- _____m. Other items;
- _____n. Vote for executive session (when necessary);
- _____o. Executive session (when necessary);
- _____p. Vote to reconvene in public session and to act on executive session matters (when necessary);
- _____q. Vote for adjournment;
- _____r. Adjournment.

(8) *Citizens agenda.* Subject to availability of time, at the sole discretion of the chairperson, citizens desiring to do so may be heard on any matter pertaining to the agenda or, next, to any other county business. Each will be allowed not more than three minutes to address county council. These public comments will be received after the approval of minutes but prior to the conduct of any business action by county council. Once the public comments are received as called for in this section, no further public comment will be accepted except for scheduled public hearings or as specifically authorized by county council by formal vote. Meetings of county council are based upon the representative form of government and are regulated by parliamentary procedures, and are not town meetings. Accordingly, the citizens agenda is for the receipt of citizen opinions, comments, and input, and is not a time for debate, question-and-answer, or dialogue.

(g) *Parliamentary procedure.*

(1) *Members may appeal from decision.* All questions of order shall be determined by the chairperson in the first instance without debate, or with such debate as the chairperson, in his/her discretion, may permit; but any member may appeal to the county council from the decision of the chairperson.

(2) *When motions debatable.* All motions, except motions to adjourn, to continue, to postpone indefinitely or to a date certain, to depart from the agenda, for the previous question, to recess, and to lay on the table shall be debatable after made and seconded.

(3) *Voting.* Upon any question, following a motion and second by separate members, at the request of any two members, a roll call vote shall be ordered; whereupon, the clerk shall call the roll 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 question. Otherwise, all votes shall be voice votes by the whole. All votes shall be recorded by the clerk and preserved in the official minutes. Any member who does not record a negative vote or declare himself as not voting shall be recorded as voting in the affirmative. Debate shall cease during voting and until the decision is announced by the chairperson. No vote change shall be allowed after the announcement of the decision. No vote by proxy shall be permitted in any case. Except where otherwise specified in these rules, a majority vote of those members present and voting shall decide all questions, motions, and other votes.

(4) *When members may not vote.* No member shall vote on any matter in which he/she has a personal or financial interest greater than that of the general Anderson County public, or in which he/she is otherwise disqualified by any state or county law or regulation. Each member shall make known, in the manner required by law, any such disqualifying interest and refrain from voting upon or otherwise participating, in his capacity as a county officer, in matters related thereto. Any member shall be deemed to have a personal or financial interest if:

- _____a. He/she has such an interest individually or if any member of his/her immediate family (i.e. brother, sister, direct ancestor or direct descendent) has such an interest;
- _____b. He/she is an officer or director of a corporation which has such an interest or he owns more than ten percent of the outstanding stock in such a corporation;

c. He/she has a substantial financial interest in any business which contracts with the county for sale or lease of land, materials, supplies, equipment or services or personally engages in such matter;

d. He/she is so deemed by any state law or regulation;

e. He/she cannot, for any other reason, render a fair, unbiased and impartial judgment in the matter, or his/her participation in the matter at hand would create a substantial appearance of impropriety.

(5) *When debate is in order.* No motion shall be debated until it shall have been made and seconded by separate members and stated by the chairperson. Any motion shall, if desired by the chairperson or any other member, be reduced to writing and delivered to the chairperson and read, before it shall be debated.

(6) *Suspension of question.* A question before the county council shall be suspended by:

a. A question of order;

b. A question of privilege; and

c. A question of taking a recess.

(7) *Debate may be interrupted.* When a question is under debate, no motion besides those mentioned in the next preceding rule shall be received, except:

a. To adjourn or recede;

b. To lay on the table;

c. For the previous question;

d. To adjourn debate to a subsequent meeting;

e. To commit or recommit;

f. To strike out the ordaining or resolving words;

g. To amend.

(8) *Precedence of certain motions.* 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.

(9) *Motion to adjourn and to recess.* Motions to adjourn, recede and to recede subject to the call of the chair shall always be in order, except while the county council is actually engaged in deciding a question.

(10) *Substitutions in the chair.* The chairperson, in the absence of the vice chairperson, or the vice chairperson, when he/she is presiding, may name a member to fill his/her place during an occasional absence from the chair, but such substitution shall not extend beyond an adjournment. In the absence of the chairperson and vice chairperson, the county council shall elect an acting chairperson to serve until the chairperson or the vice chairperson is again available.

(11) *Receipt of information.* When a member of the county council receives any information or is presented with any matter which will ultimately require action by the county council, he shall promptly report such matter to the chairperson for further action by the county council. No action shall be taken by any committee of the county council until it first has been presented to the county council, or is officially assigned to a committee by the chairperson.

(12) *Parliamentary procedure not specified in these rules.* In all particulars not determined by these rules, or by law, the chairperson or other presiding officer shall be guided by the previous usage of county council or by parliamentary law and procedure as it may be collected from Roberts Rules of Order, latest edition.

(Ord. No. 00-014, § II, 4-18-00)

Sec. 2-38. Ordinances and resolutions.

(a) *Ordinances and resolutions to be approved as to form.* Prior to introduction, all ordinances and resolutions shall be submitted to the clerk to council for preparation and reviewed by the county attorney as to form and draftsmanship. As used herein, the term "ordinance" shall be a permanent enactment having the force of law, and the term "resolution" shall

mean a temporary or enabling enactment, regulation, or action expressing the policy, intent, or sense of the council.

(b) *Ordinances and resolutions to be in writing.* All proposed ordinances and resolutions shall be in writing, either typed or printed, by the time of second reading and be in a sufficient number of copies for each member of the county council to be provided with copies at the time of introduction or by the time of second reading if first reading is by title only. See section 2-38(c)(1)f., infra.

(c) *Reading and enactment of ordinances, resolutions and appointments.*

(1) *Ordinances other than emergency ordinances.*

a. Ordinances may be introduced by any member of the county council and all ordinances must be submitted to the clerk to council in writing, as specified in this article.

b. The clerk to council shall assign a number to the proposed ordinance.

c. The county attorney shall review the proposed ordinance for purposes of legality and constitutionality. The county attorney shall also ensure the ordinance has been given a proper title. The county administrator shall review proposed ordinances as to form.

d. Ordinances shall be listed on the clerk's records by number, sponsor, and title, in the order in which they are introduced and reported out by the county administrator's office.

e. Notice of time and place of hearings for those ordinances requiring public hearings must be published 15 days in advance of the public hearing, in a newspaper of general circulation in the county. Section 4-9-130 of the Code shall be complied with in all regards with respect to this procedure. Also, see section 2-38(c)(4), infra.

f. The first reading (which may be by title only) of the ordinance shall be recorded in the minutes of county council. Amendments may be made to the ordinance during first reading, and the ordinance may be fully debated, tabled, voted upon, or otherwise acted upon by the members. If all members are furnished with a copy of the ordinance, a verbatim reading shall not be required unless it shall be specifically requested by a member.

g. The second reading of the ordinance may not be on the same calendar day as the first reading. On second reading a proposed ordinance may be fully acted upon, as for the first reading. After discussion, the ordinance may be voted on.

h. There shall be at least seven calendar days between the second and third readings of a proposed ordinance. On third reading, the proposed ordinance may be acted on in the same manner as for the second reading. If adopted by majority vote of the county council, the proposed ordinance becomes an official ordinance, and will be signed by the chairperson, or vice chairperson if presiding, and attested by the county administrator or clerk to county council.

i. The clerk to council shall be responsible for indexing and providing for compilation of the adopted ordinance in the County Code of Ordinances.

j. The clerk to council and the county attorney shall ensure the adopted ordinance is forwarded to the consultant and publisher for printed revisions of the County Code of Ordinances (the "County Code").

k. The clerk to council, or designee, shall cause a copy of the revised code sections, once received from the publisher, to be forwarded to such officials in the county as the county council may from time to time designate and to such private parties as may subscribe to such distribution service.

(2) *Emergency ordinances.* To meet public emergencies affecting life, health, safety or the property of the people, county council may adopt emergency ordinances: 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 describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote at least two-thirds of the members of county council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirement. Emergency ordinances shall expire automatically as of 61st day following the date of enactment.

(3) *Resolutions.* Any temporary or enabling enactment, regulation, or action expressing the policy, intent, or sense of the county council shall be in the form of and entitled a "resolution" and shall:

a. Be in writing, once in final form; shall have a heading stating its subject and specific reference to the

governing statute or county ordinance pursuant to which it is enacted, if any; shall relate only to matters encompassed by the controlling statute or ordinance, if any; and, shall be divided into sections with appropriate subtitles, if appropriate;

b. Be enacted in public session by at least a majority of those members of the county council present and voting, following a motion and a second. Such vote will be recorded;

c. Be signed by the chairperson, or vice chairperson if presiding, and attested by the clerk to council or county administrator;

d. Become effective upon the date of enactment unless otherwise specified in the regulation; and,

e. Expire, as to effect and application, at the end of one year from the date of enactment or at the end of the term of that county council, whichever occurs earlier, unless specifically stated otherwise in the resolution.

(4) *Public hearing.* Public hearings, upon reasonable and lawful public notice, shall be held before final county council action is taken to:

a. Adopt annual operational and capital budgets;

b. Make appropriations, including supplemental appropriations;

c. Adopt building, housing, electrical, plumbing, gas and all other regulatory codes involving penalties;

d. Adopt zoning and subdivision regulations;

e. Levy taxes; and,

f. Sell, lease, or contract to sell or lease real property owned by the county.

Not less than 15 days notice of the time and place of such hearings shall be published in at least one newspaper of general circulation in the county. Any person desiring to do so may speak at a public hearing for a reasonable period of time, so long as he/she is speaking to the matter under consideration. The chairperson may exercise control of the public hearing to ensure that no person abuses the public hearing process by engaging in unreasonable lengthy comments, clearly repetitive comments, or profane, abusive, or offensive or inappropriate comments.

(5) *Introduction of ordinances or resolutions.* Any member of county council may introduce an ordinance for first reading or resolution at any meeting of the county council in accordance with the foregoing rules. No advance notice of such introduction of an ordinance or resolution shall be required if so approved by two-thirds of the members present and voting.

(6) *Election and appointment to boards and committees (other than committees of county council).*

a. *Duties of chairperson with respect to vacancies.* The clerk shall report to the county council at each regularly scheduled meeting concerning all impending vacancies occurring within 90 days from such meeting on county boards and committees which the county council has the legal responsibility to fill. Elections or appointment to fill such vacancies shall be held at a regular meeting of the county council prior to the expiration of the terms of those board or committee members whose successors are to be elected or appointed. At a regular meeting of the county council held at least one month prior to any such election, the chairperson will give notice of such election and date thereof and will announce that at the regular meeting of the county council next preceding the election meeting, nominations to fill such vacancies will be entertained by the chair.

b. *Election.* At the meeting at which the election is to be held, the chairperson shall announce the names of all nominees for vacancies to be filled. Should the number of nominees exceed the number of vacancies, the clerk shall call the roll, and each member of the county council shall cast his vote, either viva voice or by written ballot (which shall not be secret) for a number of nominees equal to the number of vacancies to be filled. Those candidates receiving a majority of the votes cast shall be elected. If insufficient candidates receive a majority to fill all positions, the balloting shall continue for the remaining positions until all have been filled.

c. *Appointment.* When positions are to be filled by county council district appointment, no election or vote by the overall county council, as described in the immediately preceding subsection, election, is required, but each such appointment should be announced in public meeting for public information and record purposes and must be confirmed by the county council by voice vote before such appointment

becomes effective. If the county council does not confirm the appointment by a majority of those giving voice vote, that appointment fails and another appointment for the position may be offered for confirmation, using the procedures of this subsection.

d. *Recommendations for appointment.* In cases where county council does not elect or appoint but recommends persons for appointment by the governor or otherwise, the same procedure as applies to elections will be followed as to such recommendations.

(7) *Annual appropriations ordinance.* Prior to May 15 of each year, the administrator shall submit for first reading an appropriations ordinance which shall set forth in detail appropriations for all county purposes and activities during the ensuing fiscal year; and this ordinance, as it may be amended, shall be enacted by the county council prior to the commencement of such fiscal year. The total of the appropriations under such ordinance shall not exceed the total of anticipated county revenue from all sources as projected by the administrator.

(8) *Effective date of ordinances and resolutions.* The effective date of each ordinance or resolution passed by the county council shall be the date of final reading and adoption unless otherwise specified.

(9) *Ordinances and resolutions to be available.* All ordinances and resolutions of the county council shall be made available for public examination through the office of the clerk to county council, and may be purchased at a reasonable cost through the Freedom of Information Act.

(Ord. No. 00-014, § III, 4-18-00; Ord. No. 01-003, attach. II, 2-6-01)

Sec. 2-39. Conduct of county council.

(a) *County council members.* Except for the purposes of inquiries and official investigations, neither the county council nor its members shall give direct orders to any county officer or employee, other than the county administrator and the clerk to county council, either publicly or privately.

When appropriate, a county council member may discuss a problem with an official or an employee. Within general policy guidelines established by the county council and the administrator, he/she may offer advice to promote positive solutions to a problem. However, such advice or comment by a single county council member has no official standing and does not relieve the employee of this responsibility for implementing official county policy. County council members should be aware that advice given to employees has much persuasive impact on them. Therefore, responsibility for informal contact with employees is a serious responsibility and must not be taken lightly.

(b) *Chairperson.* County council will exercise its governing authority only through ordinances, resolutions, and policy statements and directives officially enacted by county council which will be promulgated through the chairperson. Officials, employees, or others requesting clarification of county council's intent will direct their inquiries to the chairperson, through the administrator when appropriate, as in the case of county employees.

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

(c) *Resignation of members.* Resignation of county council members shall be in writing, and no final action shall be taken thereon by the county council until the next regular meeting.

(Ord. No. 00-014, § IV, 4-18-00)

Sec. 2-40. Amendments.

A proposed amendment to these rules may be adopted by the county council upon an affirmative vote of the members.

(Ord. No. 00-014, § VI, 4-18-00)

Secs. 2-41--2-135. Reserved.