

**RULES OF THE
FLORENCE COUNTY
COUNCIL**

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RULES OF THE FLORENCE COUNTY COUNCIL

Authority

Pursuant to Section 4-9-110 S.C. Code of Laws Annotated (Law. Co-op., 1976), ". . . [t]he council shall determine its own rules and order of business . . ." These rules comply with the provisions of the Home Rule Act.

RULE 1: MEETINGS

1.1 Applicable Law

All meetings are to be conducted in accordance with the general law affecting meetings of public bodies and such special laws pertaining to Florence County as remain applicable under South Carolina Law.

1.2 Procedure

In all particulars not determined by these rules or by law, the Chair or other presiding officer shall be guided by parliamentary procedure as set forth in Robert's Rules of Order, the Classic 1915 Edition.

1.3 Open Meetings

All meetings of Council shall be open to the public except as provided for in Section 30-4-10 *et.seq.* S.C. Code of Laws Annotated (Law. Co-op., 1976).

The news media shall be notified pursuant to and in accordance with State law.

The Council may go into executive session after a motion to do so is made, seconded, and receives a majority vote of those members present.

The Chair shall, in announcing executive sessions pursuant to Section 30-4-70 of the Code of Laws of South Carolina, cite the specific code section supporting the executive session. In announcing the question on a motion to enter into an executive session, the Chair shall cite the specific code section and shall give a specific description of the matter or matters to be discussed.

1.4 Date/Times

- a) Regular Meetings - Regular Meetings of County Council shall be held the first and third Thursday of each month at 9:00 a.m.; provided, however, that during the months of July, August and December, meetings shall be held on the date and time prescribed by the calendar adopted annually by the Council.

- b) Special Meetings- Special Meetings may be called by the Chair provided that twenty-four (24) hours' notice has been given to Council members and the public. The members of Council must be informed of the subject(s) to be discussed at a special meeting.

1.5 Quorum

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

1.6 Agenda

- a) Compilation and Distribution- The agenda for Council meetings shall be distributed by the Clerk to Council on the Friday preceding each Council Meeting. Back-up documents for the agenda for all items must be received by the Clerk to Council by 5:00 p.m. on the thirteenth day prior to the meeting at which the item is to be considered.
- b) The Chair shall set the agenda for all meetings of Council consistent with these Rules subject to approval by the full Council at the meeting.
- c) Order- the agenda shall consist of the following categories of business, to be taken up in the order listed.
- 1) Call to Order;
 - 2) Invocation;
 - 3) Pledge of Allegiance to the American Flag;
 - 4) Welcome
 - 5) Approval of Minutes of Previous Meetings;
 - 6) Public Hearings (citizens may speak to Council concerning an item for which there is a public hearing for 3 minutes);
 - 7) Appearances Before Council;
 - 8) Resolutions;
 - 9) Ordinances in Position;
 - 10) Appointments to Boards and Commissions;
 - 11) Reports to Council;
 - 12) Other Business;
 - 13) Executive Session;
 - 14) Inactive Agenda;
 - 15) Adjourn.
- d) Request 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 submit a written request the Chair of County Council to place such matter on the agenda for the meeting at least thirteen (13) days prior to the date set for such meeting. The request shall specifically state the reason for the appearance. In addition, any two (2) members of Council may petition the Chair for persons, groups, or organizations to appear before Council.
- e) 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.

RULE 2: THE CHAIR

2.1 Election

The Chair shall be elected at the first regular meeting of the Council in January, or as soon thereafter as may be practical, by majority vote of the membership of the Council. The Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council. Any person elected as Chair, may be elected by a majority vote of Council for the first two (2) consecutive terms and thereafter, such election in a continuing consecutive term shall require a two-thirds majority of said Council to effect the election.

2.2 Vice Chair

The Vice Chair shall be elected at the first regular Council meeting in January, or as soon thereafter as may be practical. The Vice Chair shall preside in the absence of the Chair.

2.3 Call to Order

The Chair shall call Council meetings to order at 9:00 a.m. on the first and third Thursday of each month and, if a quorum is present, proceed to the meeting agenda; provided, however, that during the months of July, August and December, meetings shall be called to order on the date and time prescribed by the calendar adopted annually by the Council.

2.4 Preservation of Order

The Chair shall preserve order and decorum and, in case of disturbance or disorderly conduct in the Chamber or the lobby, may cause the same to be cleared.

2.5 Decorum in Speaking

Every member, when about to speak, shall address himself to the Chair and, in speaking, shall avoid disrespect to the Council or any member thereof; and shall confine himself to the question under consideration.

2.6 When Members Address the Chair

The Chair, 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 members shall address the Chair at approximately the same time, the Chair shall decide who is first to speak and shall recognize such member.

2.7 Transgressions of Order

If any member, in speaking or otherwise, transgresses the Rules of the Florence County Council, the Chair shall call him/her to order, or any member may call such transgressions to the attention of the Chair who shall call the transgressor to order. If repeated cries of order are ineffective, the Chair may call a member by name, and if the Chair deems it necessary, shall state the offense committed. The member may be heard in self-defense and shall withdraw from the issue, and the Council shall consider any further proceeding to be had.

2.8 Points of Order

The Chair shall decide all points of order, subject to an appeal by any member. The Chair may require the member raising a point of order to cite the Rule or other authority in support of the question. Upon appeal, no member shall speak more than once and for no longer than ten minutes each, except by permission of the Chair.

2.9 Participation

The Chair shall vote in all cases (except when he/she may have a personal or pecuniary interest). If with the vote of the Chair, the Council were equally divided, the question shall be decided in the negative. The Chair may give information or explain any matter before the Council, and may speak on points of order in preference to other members as often as he/she may deem necessary. The Chair may enter into the debate but should not use the office of the Chair to wield influence over the other members.

2.10 Signatures

The Chair shall sign all ordinances, resolutions and other documents authorized by the Council. In the absence of the Chair, the Vice Chair is authorized to sign official documents.

RULE 3: MEMBERS AND MEMBERSHIP

3.1 Officers; Election

In addition to the Chair and Vice Chair, the Secretary/Chaplin shall be elected at the first regular Council Meeting in January, or as soon thereafter may be practical. The County Attorney shall preside over the election of Officers. The Secretary/Chaplin shall perform the invocation at each Council Meeting, and shall review and sign the Minutes of each meeting upon approval by the Council.

3.2 Seating

At the first meeting in January after the election and seating of the Chair, Vice Chair, and Secretary/Chaplain, Council members shall select their seats based first on seniority in years of continuous service and then alphabetical order.

3.3 Attendance

Each member shall be within the Council Chambers during its meetings unless excused or necessarily prevented. The Chair, if notified prior to the meeting, may excuse any member from attendance at meetings of the Council and its committees for any stated period upon reason shown, and such excused absence shall be noted in the minutes.

3.4 Call to Order

When the Council is called to order, every member shall take his/her respective seat and shall act with decorum.

3.5 Speaking

The Chair, when duly addressed by a member, shall recognize the member who, in the opinion of the Chair, shall speak first, by identifying the member. Every member, when about to speak, shall respectfully address the Chair and shall avoid disrespect to the Council, and all personalities, and shall confine all remarks to the question under consideration. No member shall speak more than twice on the same question without leave of Council, except merely to explain meaning. Each member shall be allowed to speak no more than five minutes for debate on any one issue before Council. If a member has the floor and is addressing the body, he/she shall not lose the floor by asking a question of any member of the body. If a member shall be called to order while speaking, he/she shall immediately forfeit the floor until the question of order is decided.

RULE 4: PARLIAMENTARY PROCEDURE

4.1 Questions of Order Decided by Chair; Appeal

All questions of order shall be determined by the Chair in the first instance without debate, or with such debate as the Chair may permit; provided, however, that any member may appeal to the Council from the decision of the Chair.

4.2 Debate

Debate among members of Council is in order only after a motion has been stated by the Chair and seconded. Any motion shall, if desired by the Chair or any other member, be reduced to writing and delivered to the Chair and read, before it shall be debated.

4.3 Amendments

A proposed amendment shall be in order if it is germane to the main motion regardless of the number of changes proposed therein to the matter under debate, provided such amendment is otherwise in order, and shall be considered in the order in which it is received.

4.4 Suspension of Question

A question before the Council shall be suspended by:

- a) A question of order;
- b) A question of privilege; or
- c) A question of taking a recess.

4.5 Motions During Debate

When a motion has been stated and seconded and debate has begun, no motion besides those mentioned in the previous rule shall be in order except:

- a) to adjourn or recede;
- b) to continue;
- c) to table;
- d) for the previous question;
- e) to postpone indefinitely;
- f) to postpone to a certain day;
- g) to strike out the ordaining or resolving words;
- h) to substitute a motion germane to the matter at hand; and
- i) to amend.

4.6 Substitute Motions

No more than two (2) motions may be received in substitute for the motion on the floor. Any substitute motion defeated by vote of Council shall be counted as one of two (2) permissible substitute motions, but any substitute motion which fails for lack of a second, shall not be so counted.

4.7 Withdrawing Motions

The member who introduced a motion may withdraw it before decision on it or on any amendment to it, so long as the member seconding the motion shall not object; provided, however, that no motion may be withdrawn after the previous question has been called.

4.8 Nondebatable Motions

Certain parliamentary motions must be decided without formal debate. These are:

- a) to adjourn or recede;
- b) to continue;
- c) to lay on the table;
- d) to postpone indefinitely or to a day certain;
- e) to suspend or depart from the agenda, or to return to it; and
- f) for the previous question.

Immediately after receiving a nondebatable motion, and at other times when no motion is on the floor, the Chair may allow such conversation as he/she deems appropriate, but all such informal discussion remains subject to his/her discretion: he/she may call for the vote on the matter at hand or terminate discussion at any time, and in such instances, his/her decision may not be appealed.

4.9 Motion to Recess

A motion to recess may state the time for reconvening. In the absence of such stated time, reconvening shall be at the call of the Chair.

4.10 Motion to Strike

A motion to strike out the enacting 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.

4.11 Motion to Lay on the Table

A motion to lay on the table, if approved by a majority of members present and voting, shall have the effect of including the subject of the motion on the Inactive Agenda for the succeeding meeting. Thereafter, the subject of the motion shall not appear on the Agenda.

4.12 Rejected Motions

Once one of the following motions has been made and rejected during a meeting of the County Council, no motion of the same effect shall again be allowed with regard to the same question.

- a) Motion to continue,
- b) Motion to postpone,
- c) Motion to defer, and
- d) Motion to lay on the table.

4.12 Delays

The Chair shall entertain no motion of which the effect would be to unnecessarily delay the business of Council.

4.14 Defeated Actions

Once an action of any kind has been proposed and defeated twice during two separate regular or called meetings of Council within a period of sixty (60) days, no motion of the same effect may be allowed with regard to the same question for a period of one year from the date of initial motion, without the consent of a majority plus one of the entire Council. The names of the consenting Council members shall be presented to the Chair prior to the listing of the item on the agenda.

4.15 Voting

Each member shall vote on each question before Council; provided, however, that no member shall be permitted to vote on any question of a private nature in which the member has a personal or pecuniary interest. If a member does not declare a negative vote or abstention, his vote shall be recorded in the affirmative. If voting an abstention, a reason for the abstention must be stated and recorded in the minutes. No member shall, under any circumstances, be permitted to vote after a decision has been announced by the Chair. After the decision on the question, an absent member may be permitted to record the vote he/she would have given if present, but such vote shall not affect the previous question.

A show of hands on any motion, ordinance, or resolution shall be had upon request of any member. The roll shall be called and votes recorded in the minutes.

4.16 Absentee or Proxy Voting

In the event that any member of Council is unable to be present to vote on a matter to come before a regular or special meeting and the member's absence is excused by the Chair, the member may deliver his written proxy authority to be voted by another member of Council within the authority set out in the said proxy. Such proxy shall be valid only on the matter referenced in the said proxy and on the date proscribed therein.

4.17 Dividing Question

Any member may call for the division of the question. Council may then divide it if the question can be so comprehended that, one part being taken away, the rest can stand on its own accord for decision. A motion to divide the question shall require a second and shall be effective upon the vote of a majority of members present and voting.

4.18 Reconsideration

After a question has been decided, any member who voted with the prevailing side may move for a reconsideration, and any member may second such a motion. However, if Council either shall refuse to reconsider or shall affirm its first decision, then no further reconsideration shall be in order except by unanimous consent. The motion to reconsider shall have precedence over all other main motions. The motion to reconsider may be introduced only on the day of the decision in question or during the next succeeding session of Council and prior to the approval of the minutes of the meeting in which the question to be reconsidered was decided. Any subsequent proposal to alter the decision of Council must take the form of a main motion to rescind.

RULE 5: LEGISLATIVE ACTION

5.1 Emergency Ordinances

To meet public emergencies affecting life, health, safety or the property of the people, emergency ordinances may be adopted upon a two-thirds affirmative vote of the Council members present. Such an ordinance is effective immediately upon its enactment without regard to any public hearing, reading, publication, or notice requirements. It automatically expires after 60 days. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency.

Emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, or impose or change a service rate.

5.2 Other Ordinances-Required Readings

With the exception of emergency ordinances, all ordinances, including those making supplemental appropriations, shall receive approval at three public meetings of Council on three separate days with an interval of not less than seven days between the second and third readings. An ordinance shall be deemed passed upon third reading approval and thereafter can be rescinded only by a motion to reconsider or rescind.

If an ordinance does not receive the three (3) readings required within a twelve-month period, it is dead. If the ordinance is reintroduced after the twelve-month period, it must be submitted for the three reading process.

5.3 Public Inspection

After adoption, the full ordinance shall be made available for public inspection at the Office of the Clerk to Council.

5.4 Public Hearings

Public hearings, after not less than 15 days notice of the time and place of such hearings published in at least one newspaper of general circulation in the County, shall be held before final Council action is taken to:

- 1) adopt annual operational and capital 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.

Public Hearings should generally be held coincident with Second Reading of the subject ordinance.

5.5 Introduction

Any member of Council may introduce an ordinance for first reading at any regular meeting of the Council, and no advance notice of such introduction shall be required. The introduction of an ordinance shall constitute first reading thereof, and no vote shall be taken, and no debate or amendment shall be in order. The ordinance shall be in order. The ordinance may be introduced by title only, provided that the full text of the ordinance shall be included in the Agenda for second reading thereof.

5.6 Second Reading

On the day of the second reading of an ordinance, complete typewritten or printed copies of the text of the ordinance shall be included in the Agenda. After the proposed ordinance has been published by the Clerk to Council, amendments shall be in order, but shall not be considered unless they are germane to the proposed ordinance. After all amendments and privileged motions have been disposed of, the question shall be the passage of the ordinance. Upon a decision in the affirmative, the ordinance shall take its place on the agenda for third reading.

5.7 Third Reading

Full debate and any germane amendments shall be in order on third reading.

RULE 6: RULE CHANGES

6.1 Suspension/Amendments

None of the foregoing rules shall be rescinded, suspended, or altered without unanimous consent, if without notice, or without the concurrence of two-thirds of the members of Council after previous notice of motion to rescind, suspend, or alter has been given at a prior meeting, and such alteration, suspension, or rescission shall be made only by written resolution.

Any rules or regulations or parts of rules or regulations previously adopted by Council, that conflict in any way to the rules included herein are hereby superceded to the extent of such inconsistency or conflict.