

**PART II CODE OF ORDINANCES**  
**APPENDIX C RULES OF COUNTY COUNCIL\***

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**\*Editor's note**--This appendix contains the latest revision of the rules of the county council adopted by resolution on April 23, 1990. Section 4, concerning standing committees, sections 9 and 11 concerning the clerk of council and section 12 concerning the county administrator, are not included herein as they are codified in chapter 2 of the Code of Ordinances at the request of the county.

**Cross reference(s)**--County council generally, § 2-16 et seq.; appointments of county council, App. D.

**State law reference(s)**--County councils to determine their own rules and order of business, S.C. Code 1976, § 4-9-110.

**Sec. 1. Meetings.**

- 1.1 All meetings are to be conducted in accordance with the general law affecting meetings of public bodies.
- 1.2 In all particulars not determined by these rules or by law, the chairman or other presiding officer shall be guided by previous usage of council or by the latest edition of *Robert's Rules of Order*.
- 1.3 (a) All meetings of council, which include committee meetings, shall be open to the public except as provided for in the Freedom of Information Act.
- 1.3 (b) Executive sessions shall be permitted only for the purpose of discussing or considering:
  - (1) Employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, or the appointment of a person to a public body;
  - (2) Negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of council in other adversary situations;
  - (3) Private matters presented by individual or groups of citizens;
  - (4) Investigative proceedings regarding allegations of criminal misconduct;
  - (5) Matters relating to proposed location, expansion, or the provision of services encouraging location or expansion of industry or other business.

Executive sessions shall not be called for the purpose of defeating the reason or the spirit of the Freedom of Information Act. Prior to going into executive session, council shall vote in public on the questions, and when such vote is favorable, the presiding officer shall announce the purpose of the executive session.

- 1.4 Regular meetings of county council shall be held the first and third Tuesdays of each month. Special meetings may be called by the chairman or a majority of the members of council provided that twenty-four (24) hours' notice has been given the public.
- 1.5 A quorum for the transaction of official business of council shall consist of five (5) members.

**State law reference(s)**--Frequency and conduct of council meetings, S.C. Code 1976, § 4-9-110.

**Sec. 2. Procedures.**

- 2.1 The chairman, when addressed by a member, shall name the member being recognized. The member who shall be first heard shall be recognized first. The chairman, when several shall address the chair at about the same time, shall decide who was first.
- 2.2 A roll call vote on any motion, ordinance, or resolution shall be had upon request of any member. The roll shall be called and votes recorded by the clerk.
- 2.3 When a question is under debate in council, the following motions shall have precedence in the order listed:

- \_\_\_\_\_ (a) To adjourn;
- \_\_\_\_\_ (b) To recess;
- \_\_\_\_\_ (c) To raise a question of privilege;
- \_\_\_\_\_ (d) To raise a question of order;
- \_\_\_\_\_ (e) To lay on the table;
- \_\_\_\_\_ (f) To postpone debate to a subsequent meeting;
- \_\_\_\_\_ (g) To commit or recommit;
- \_\_\_\_\_ (h) To strike out the ordaining or resolving words;
- \_\_\_\_\_ (i) To amend.

Only the first four (4) shall be permitted to interrupt the speaker.

2.4 All motions except motions to adjourn, to recess and to lay on the table shall be debatable.

2.3 The chairman, in the absence of the vice-chairman or the vice-chairman when he is presiding, may name a member to fill his place during an occasional absence from the chair, but such substitution shall not extend beyond an adjournment. In the absence of the chairman and vice-chairman, council shall elect an acting chairman to serve until the return of the chairman or vice-chairman.

### **Sec. 3. Legislative action.**

3.1 All proposed ordinances and resolutions shall be in writing, and each member of council must be provided with a copy at the time of introduction.

3.2 With the exception of emergency ordinances, all ordinances, including those making supplemental appropriations, shall be read at three (3) public meetings of council on three (3) separate days with an interval of not less than seven (7) days between the second and third meetings.

3.3 Ordinances levying a tax or incurring indebtedness shall not be passed unless voted for on each reading by at least four (4) members in council assembled.

3.4 All ordinances, regulations, resolutions and actions of the council shall be deemed published and public notice thereof, shall be effective as of the date of formalities of enactment, and are entered into the minutes of council. The full ordinance shall be made available for public inspection at the office of the clerk of council.

3.5 Public hearings, after not less than fifteen (15) days' notice of the time and place of such hearings published in at least one (1) newspaper of general circulation in the county, shall be held before final 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.

3.6 To meet public emergencies affecting life, health, safety or the property of the people, emergency ordinances may be adopted upon a two-third's 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 sixty (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.

**State law reference(s)**--Procedure for adoption of ordinances, S.C. Code 1976, § 4-9-120; public hearings to be held before adoption of certain ordinances, S.C. Code 1976, § 4-9-130.

### **Sec. 5. Property transactions.**

5.0 *Council may determine method of sale of county-owned property.* County council shall determine the appropriate method for offering any county-owned property for sale. In the absense of council's having selected any alternate method of sale, the following rules shall apply:

5.1 *Property purchase or sale.*

- \_\_\_\_\_ (a) Council shall sell, contract to sell, acquire by purchase or gift, real property only upon recommendation of the finance committee and approval of council; at least one (1) M.A.I. appraisal shall be received.
- \_\_\_\_\_ (b) No final council action shall be taken to sell, lease, contract to sell or lease real rental property owned by the county prior to holding a public hearing to consider same.
- \_\_\_\_\_ (c) The sale, or other disposal of real property owned by the county, shall be made only upon sealed proposals after due notice.
- \_\_\_\_\_ (d) The exchange of real property is to be permitted only after appraisals of both properties by three (3) experienced appraisers.
- \_\_\_\_\_ (e) The foregoing requirements shall not pertain to the sale of property rehabilitated by use of HUD funds in the Union Heights area by the Charleston County Community Development Department.

5.2 *Property leasing.*

- \_\_\_\_\_ (a) Council shall contract to lease, sublease, or cause to be leased by the county, real property for a period of one (1) year or more, only upon the recommendation of the finance committee and approval of council.
- \_\_\_\_\_ (b) No contract to lease or sublease real property shall be modified to increase the square footage of leased space without approval as required in (a) above.

**State law reference(s)**--Authority of county council to acquire real property, S.C. Code 1976, § 4-9-30(2).

**Sec. 6. Conflict of interest.**

6.1 If any member of council is an owner of a business firm or establishment for profit or has a controlling interest therein, such a firm or establishment for profit shall not be granted a contract or franchise with the County of Charleston. Public utilities are excepted.

6.2 Any member of council who has a financial interest in any business which contracts with the county for sale or lease of land, materials, supplies, equipment, or services, or who personally engages in such matters shall make known such interest and refrain from voting upon or otherwise participating in his capacity as a member of council in matters relating thereto.

6.3 No member of council and no business with which the member is associated shall enter into a contract with the county which is to be paid in whole or in part out of county funds where such contract is normally awarded through a process of public notice and competitive bidding unless the contract has been awarded through a process of public notice and competitive bidding.

6.4 No member of council shall solicit, receive or accept any money or other thing of value in addition to that received in official capacity for advice or assistance given in the course of employment as a member of council, other than compensation received in his official capacity.

**State law reference(s)**--Conflict of interest, S.C. Code 1976, § 4-9-180.

**Sec. 7. Audit.**

7.1 Council shall provide for an independent annual audit of all financial records and transactions of the county and any agency funded in whole by county funds. The audit shall be available for public inspection.

7.2 A certified public accountant or public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the county government or any of its officers shall be designated annually no later than thirty (30) days after the beginning of such fiscal year and such designation may be made without competitive bidding.

**State law reference(s)**--Audit of county records required, S.C. Code 1976, § 4-9-150.

**Sec. 8. Chairman; selection of.**

8.1 Whenever, as a result of absence, illness, or any other reason the chairman of county council is unable or unavailable to take action authorized by county council, the vice-chairman of county council shall be authorized to act in his stead; in the event the vice-chairman of county council is, for any reason, also unable or unavailable to so act, any other member of county council designated by the chairman shall be authorized to act in his stead.

8.2 County council shall select by majority vote one (1) of its members as chairman and one (1) of its members a vice-chairman. The chairman and vice-chairman shall serve for a term of one (1) year. Selection of the chairman and vice-chairman shall be made at the first meeting in January.

**State law reference(s)**--County council to select chairman and other officers, S.C. Code 1976, § 4-9-110.

**Sec. 10. Relations between council and county officers and employees.**

10.1 Except for the purposes of inquiries and investigations, the council 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.

10.2 County property and/or equipment shall not be used for any purpose other than its stated purpose. This rule shall not prohibit the use of county vehicles by members of council (acting in their official capacity) when representing Charleston County Government at an event sanctioned by the majority of council.

10.3 Any exceptions to this rule shall require the consensus of a majority of the members of council.

**Sec. 13. Rule changes.**

13.1 None of the foregoing rules shall be rescinded, suspended, or altered without unanimous consent or without the concurrence of five (5) of the members present 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.

13.2 Any rules or regulations or parts of rules or regulations previously adopted by county council which are inconsistent or in conflict with the foregoing rules shall be repealed to the extent of such inconsistency or conflict.