

TITLE 2 COUNTY COUNCIL*
Chapter 2 RULES OF PROCEDURE

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Sec. 2-2-1. Explanation of terms.

The procedures referred to in this chapter may be described as follows:

- (1) *Debate; formal debate.* Debate or formal debate means discussion among members of the council on the merits of the pending question. Formal debate can be terminated only by action of the council (motions to adjourn, to table, for the previous question, etc.).
- (2) *Informal debate; conversation.* Informal debate or conversation means discussion among members of the council not subsequent to a motion. Informal discussion is a privilege granted by the chairman at his discretion. Parliamentary rules governing debate do not apply until a motion has been made.
- (3) *Motion to continue.* A motion to continue postpones consideration of a matter to the next regular session of the council. The motion to continue is more appropriately made before any other motion is introduced to deal with the matter at hand. After a motion is made on a matter, a motion to postpone to a definite time is more appropriate.
- (4) *Motion to postpone.* A motion to postpone postpones consideration of a matter to a certain time specified in the motion (e.g., "I move to postpone this matter until January 25.") Any matter postponed shall automatically be placed on the agenda for the date specified.
- (5) *Motion to defer.* A motion to defer postpones consideration of a matter until it is returned to the floor. Any matter deferred shall be placed on the pending list and may be recalled at the appropriate time during any subsequent meeting by a main motion and a second.
- (6) *Motion to lay on the table.* A motion to lay on the table postpones consideration of a matter indefinitely. Any matter tabled may be returned to the floor at any subsequent meeting by being placed on the agenda in the same manner as a matter of new business or by unanimous consent of all members present.
- (7) *Motion of the previous question.* Any member may move the previous question. Such a motion does not involve action on the main motion itself, but rather anticipates the closing of debate and a vote on the main motion. The question is called upon a two-thirds vote of the members present and voting. Alternatively, the chair may call the previous question if it appears that no member would like to speak further to the matter. Any member may request that the chairman call the question.
- (8) *Motion to reconsider.* A motion to reconsider opens the floor to a new main motion contrary to a previous action. A motion to reconsider is not itself a main motion to alter such previous question.
- (9) *Motion to amend.* A motion to amend is a motion to strike or add to any part of a main motion, or to rephrase a motion. An amendment may be hostile to the intent of the main motion, but it must be germane to the subject of the motion. A motion to amend is appropriate in order to alter the effect of a main motion without drastically changing the structure or approach of the main motion. An amendment is voted on independently before voting on the main motion.
- (10) *Substitute motion.* A substitute motion is a motion to strike a primary motion in its entirety and insert a new motion in lieu thereof. A substitute motion should be inconsistent with, and must be germane to the subject of, the primary motion. Simpler changes should be submitted as amendments. Since the substitute motion replaces the primary motion, it becomes itself a main motion and may be amended, tabled, etc. The substitute motion is properly voted on before the primary motion; passage of any substitute disposes of the primary motion and of any previous substitute motion.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-1)

Sec. 2-2-2. Order of session; agenda.

- (a) Meetings of the council shall be conducted according to the agenda for the day, and any departure from it shall be out of order unless council shall so order by unanimous consent.
- (b) All items of new business to be included in the agenda must be delivered to the clerk to council at such dates and times prior to regular or special meetings as shall be established by the county council.
- (c) Any matter postponed or continued by action of the council shall be automatically included in the agenda for the next meeting or for the day determined by such decision of the council.
- (d) Any matter deferred by action of the council shall be automatically included in the pending list.
- (e) The agenda shall consist of the following categories of business, to be taken up in the order listed:

- (1) Invocation;
- (2) Approval of minutes of previous meetings;
- (3) Reading of ordinances, from the third to the first order;
- (4) Resolutions;
- (5) Committee reports;
- (6) Other items;
- (7) Requests by councilmembers;
- (8) Personal appearances;
- (9) Executive session; and
- (10) Adjournment.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-2; Ord. No. 22-89, § 1, 8-22-89)

Sec. 2-2-3. Rules of order; conduct of members and guests.

- (a) When the council is called to order, every member and every guest shall take his seat and shall, during the session, act with decorum.
- (b) The chairman shall preserve order. If any member violates the rules of order as recognized by the council, the chairman shall, or other members may, call him to order. A member who is called to order shall immediately take his seat until the question of order is decided, unless he is allowed by the chair to explain his action.
- (c) The chairman shall decide all questions of order without debate, or with such short conversation as he may permit; but any member may appeal to the council to overrule the decision of the chair, which shall require at least a majority of the members present and voting.
- (d) If repeated calls do not produce order, the chairman may call by name any member persisting in irregularity. Such person may then explain his conduct but may be ordered by the chairman to withdraw while the council considers punishment or other proceeding to be had.
- (e) In case of any disturbance or disorderly conduct by persons present, the chairman shall have the power to order the chamber cleared, and any member may move for such order. Any person guilty of flagrant contempt of council may be ordered into custody.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-3)

Sec. 2-2-4. Voting.

- (a) All votes shall be recorded by the clerk and preserved in the official minutes.
- (b) Any member who does not record a negative vote or declare himself as not voting shall be recorded as voting in the affirmative.
- (c) Debate shall cease during voting and until the decision is announced by the chairman.
- (d) No vote change shall be allowed after the announcement of the decision.
- (e) No vote by proxy shall be permitted in any case.

- (f) Except where otherwise specified in the rules, a majority vote of those members present and voting shall decide all questions.
- (g) No member shall vote on any question of a private nature in the event of which he is personally or pecuniarily interested.
- (h) The chairman shall vote in all cases, except where he may be personally or pecuniarily interested or otherwise excused. His name shall be called last. If with his vote the council remains equally divided, the question shall be decided in the negative.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-4)

Sec. 2-2-5. Parliamentary procedure.

(a) *Formal debate.* When debate is in order, debate among members of the council is in order only after a motion has been stated by the chairman and seconded.

(b) *Nondebatable motions.* Certain parliamentary motions must be decided without formal debate. These are:

- (1) To adjourn or recede;
- (2) To continue;
- (3) To lay on the table;
- (4) To postpone indefinitely or to another day;
- (5) To suspend or depart from the agenda, or to return to it; and
- (6) For the previous question.

(c) *Informal debate.* Immediately after receiving a nondebatable motion and at other times when no motion is on the floor, the chairman may allow such conversation as he deems appropriate, but all such informal discussion remains subject to his discretion. He may call for the vote on the matter at hand or terminate discussion at any time, and in such instances his decision may not be appealed.

(d) *Temporary suspension of business.* The following instances may suspend any matter before the council temporarily:

- (1) Point of order;
- (2) Point of personal privilege;
- (3) Question of recess; and

(4) Other incidental questions, such as of reading papers, dividing a question, withdrawing a motion or excusing a member from voting.

(e) *Motions in order during formal debate.* When a motion has been stated and seconded and debate has begun, no motion except the following shall be in order:

- (1) To adjourn or recede;
- (2) To continue;
- (3) To table;
- (4) For the previous question;
- (5) To postpone indefinitely;
- (6) To postpone to a certain day;
- (7) To recur to the agenda;
- (8) To substitute a motion germane to the matter at hand; and
- (9) To amend.

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

(g) *Dilatory motions.* The chairman shall entertain no motion the effect of which will unnecessarily delay the business of the council.

(h) *Repeated motions.* Once one of the following motions has been made and rejected, no motion of the same effect shall again be allowed with regard to the same question:

- (1) To continue;
- (2) To postpone;
- (3) To defer; or
- (4) To table.

(i) *Division of a question.* Any member may call for the division of the question. The council may then divide it if the question can be so comprehended that, one part being taken away, the rest can stand entire 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. A motion to strike out and insert may not be divided, but rejection of a motion to strike out shall not preclude a motion to strike out and insert.

(j) *Withdrawal of a question.* 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.

(k) *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 the 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, but it may be introduced only on the day of the decision in question or during the next succeeding session of the council. Any subsequent proposal to alter the decision of the council must take the form of a main motion to rescind.

(l) *Resumption of debate.* If debate on a question is continued or postponed by action of the council, that question shall be resumed as the first item of business in its proper category on the agenda at the next regularly scheduled meeting of the council, unless another date certain is specified in the action to continue or postpone.

(m) *Suspension of rules.* Any member may request, as a matter of privilege, a suspension of any rule contained in this chapter. The rules shall be suspended only by written resolution, upon the unanimous consent of all members present.

(n) *Parliamentary practice.* In all particulars not determined by these rules, the practice of the council shall conform to its previous practice or be guided by Robert's Rules of Order.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-5)

Sec. 2-2-6. Conflict of interest.

(a) Any member of the council who has a substantial 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 that interest and refrain from voting upon or otherwise participating in his capacity as a member of the council in matters related thereto.

(b) No member of the council and no business with which a member of the council is associated shall enter into any contract with a governmental agency or department which is to be paid in whole or in part out of government funds, where such a contract is normally awarded through process of public notice and competitive bidding, unless the contract has been awarded through process of public notice and competitive bidding.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-6)

Cross reference(s)--Employee ethics, § 4-1-81 et seq.; conflict of interest in purchasing decisions, § 5-2-3.

State law reference(s)--Conflicts of interest, S.C. Code 1976, §§ 4-9-180, 8-31-480.

Sec. 2-2-7. Substitutions in the chair.

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, the council shall elect an acting chairman to serve until the return of the chairman or the vice-chairman. If the chairman wishes to enter the debate on the matter and amend or offer a substitute motion or any other action, he shall request the vice-chairman to preside, or, in the absence of the vice-chairman, a designated member.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-7)

Sec. 2-2-8. Actions.

(a) Except in the case of an ordinance or resolution, any official decision, proclamation, administrative action or routine business involving or requiring consent or decision of the council shall be entitled an "action."

(b) Such action shall require no special form.

(c) Such action may be passed by a majority vote of those members present and voting in public session or executive session.

(d) Such action shall be effective upon its official entry in the minutes of the council, which shall be a permanent public record.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-8)

Sec. 2-2-9. Appearances, presentations and petitions.

(a) Any person desiring to be heard during the regular council meeting must submit his request to the county manager prior to 12:00 noon on the Thursday preceding the next regular council meeting scheduled for the following Tuesday.

(b) Each request must give the name and address of the person appearing, the nature of his presentation, and the estimated time length for the presentation.

(c) If a presentation should be made on behalf of an organization or group of persons, the organization or group will designate one spokesman to make the presentation on behalf of that particular group or organization.

(d) If the chairman of the council determines that there is insufficient time available for a personal appearance at a particular meeting, he may schedule the personal appearance for any subsequent meeting, considering the availability of time. The chairman may, in his discretion, establish time limits for any presentation or personal appearance.

(e) No person shall be allowed to make personal appearances or presentations, present petitions or otherwise be recognized from the floor for comments unless and until such appearance shall have been previously scheduled and placed upon the agenda as outlined in this chapter.

(f) Once an individual or the spokesman for a group concludes his presentation or comments, he shall be seated, and no person other than a member of the council will be recognized to make any statement on such matter unless requested to do so by the council or by any member of the council through the chairman.

(g) This procedure shall not be applicable to representatives of the news media, nor shall it apply to council staff members or other county employees who may be recognized by the chairman for questions and comments relating to the business of the council.

(h) Appearances shall be scheduled at the end of the agenda just prior to adjournment.

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

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-9)

Sec. 2-2-10. Inspection of records.

Any candidate, as well as any citizen, will be allowed the privilege to look at any materials, to read any records, files or materials and to have access to them, but none of the permanent records of the county shall be turned over to anyone to be taken out of the normal county depository. Those records excepted from public inspection are employee personnel files and the records of the county sheriff's department; matters exempted by state statute or law; documents incidental to proposed contractual arrangements or sale, lease or purchase of property; and legal matters that would violate attorney-client relationships. Inspection and copying are subject to the following conditions: (i) copying costs will be at the expense of the candidate or citizen; (ii) a request for materials will not interrupt normal county business; and (iii) county employees will not be required to do research in supplying information to candidates. Such information will be supplied at the discretion of the county manager or upon a person making an appointment to obtain materials from the council office.

(Ord. No. 2-79, 2-20-79; Code 1980, § 2-2-10)



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