

DIVISION 2. RULES OF PROCEDURE*

*Editor's note: Ord. No. 11-93, adopted March 4, 1993, did not specifically amend this Code; hence, inclusion of § 1 as Ch. 2, Art. II §§ 20-19--20-30.2, Div. 2, at the discretion of the editor.

Sec. 2-19. Rules.

The following set of rules shall be in effect upon adoption by the Horry County Council. These rules shall pertain to all meetings and proceedings. The adoption of these rules shall replace and supersede all prior rules adopted by the Horry County Council governing the subject matter hereof. Items not specifically covered in these rules or other applicable ordinance or state law shall be decided using the most current edition of Robert's Rules of Order.

Sec. 2-20. Officers.

(a) *Chairman.* The chairman shall preside at all meetings of the council, and may execute on behalf of the council all official instruments or documents unless otherwise directed by a majority vote of council. The chairman shall preserve order and decorum at all meetings, and shall state every question coming before the council, announce the decision of the council and decide questions of order. Any council member may appeal the decision of the chairman on a question of order, and two-thirds of those members present shall conclusively determine such question of order. The chairman shall have the authority and responsibility for formatting, reformatting, setting, amending and overseeing the agenda and the council's order of business of regular and special meetings of the council.

(b) *Vice-chairman.* At the second meeting of the council in January, the council shall select one (1) of its members to serve as vice-chairman for a one-year term. In the event that the chairman is absent or unable to serve, the vice-chairman shall serve as chairman. In the event the office of chairman is vacated, the vice-chairman shall serve as chairman until such time as the vacancy of chairman is filled through the appointment by the governor, reinstatement by the governor, in the next general election, or by special election if the vacancy occurs one hundred eighty (180) days or more prior to the next general election. The term "vacated" means that the chairman's office has been vacated either by resignation, suspension, removal from office, or death. In the event the office of chairman is vacated or the chairman will remain absent for an extended period of time, the council may elect a "successor vice-chairman," who shall serve in the place of the vice-chairman who is serving in the chairman's position. The successor vice-chairman shall serve until the vice-chairman resumes the office of vice-chairman or the successor vice-chairman's term is terminated by the council. When the chairman is absent from a regular or special meeting of the council, or unavailable at the time execution of documents on behalf of the council is necessary, the vice-chairman shall execute on behalf of the council all official instruments or documents, unless otherwise directed by a majority vote of council.

(Ord. No. 11-93, § 1, 3-4-93; Ord. No. 2-95, § 1, 2-7-95; Ord. No. 1-98, 2-3-98; Ord. No. 44-03, § 1, 6-3-03)

Sec. 2-21. Meetings.

(a) *Regular.*

_____ (1) Regular meetings of the council shall be held on the first and third Tuesday of each month beginning at 6:00 p.m., provided, however, the council may vary this schedule upon concurrence of a majority.

_____ (2) The agenda and supporting materials shall be provided to the council not less than forty-eight (48) hours before the meeting.

_____ The clerk to council will prepare the agenda for a regularly scheduled council meeting at the direction of the chairman of the county council. The agenda will include any business passed at a committee meeting, but a majority of the committee may vote to withdraw any resolution from the full council agenda.

_____ A single council member may submit matters for consideration by the full council by providing the appropriate documentation at least six (6) business days prior to the council meeting in question. The requirement for appropriate documentation is not necessary for matters which impact a particular district only. The chairman of the county council has the sole discretion to determine whether or not an item as submitted meets the requirements of these rules.

_____ (3) Freedom of Information Act requirements must be met for all meetings.

(b) *Special.*

_____ (1) The chairman or a majority of the members of council may call special meetings of the council.

(2) All council members shall be forwarded written notice forty-eight (48) hours in advance of a special meeting that specifies the subject matter to be discussed. The written notice shall be placed in the council member's box in the council office if he is contacted personally by phone; otherwise, a notice will be delivered within twenty-four (24) hours to the council member. The clerk to council will keep a record of how and when each council member receives notification. Only those items mentioned in the notice or on the accompanying agenda shall be considered at a special meeting, unless other items are added by a majority of council. This procedure does not apply to emergency meeting requirements outlined in section 3-3.

(3) Twenty-four (24) hours' notice must be given for a special meeting.

(c) *Emergency.* The chairman, or in his absence the vice-chairman, may call an emergency meeting in accordance with section 4-9-130 of the 1976 Code of Laws, as amended.

(d) *Briefings and work sessions.*

(1) The chairman may call a briefing meeting or work session or such meeting may be scheduled at a regular council meeting.

(2) All council members shall be given written notice of a briefing or work session meeting that specifies the subject matter to be discussed at least two (2) working days before the meeting. Only those items mentioned in the notice or on the accompanying agenda shall be discussed at the meeting.

(3) The primary purpose of a briefing or work session meeting shall be to present in-depth information and to provide an opportunity for the council to raise questions for the purpose of making more informed decisions on complex issues that would take undue time from a regular meeting.

(e) *Public hearing.*

(1) The council shall hold public hearings for those matters required by law and may hold public hearings for any purpose the council deems appropriate. Public hearings shall be held before final action is taken to:

- a. Adopt annual operational and capital improvement budgets;
- b. Make appropriations, including supplemental appropriations;
- c. Adopt building, housing, electrical, plumbing, gas, and 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.

(2) Such public hearings shall be advertised as required by law. If there is no applicable law, public hearings shall be advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to such hearing.

(3) A public hearing is understood to be a forum for people interested in the subject matter to present information to the council for their consideration as they deliberate an issue.

(4) Each speaker shall be limited to five (5) minutes.

(5) The presiding officer may terminate a presentation if the presiding officer determines that enough input has been presented on a particular point or that any further input would be redundant. Such speakers shall be encouraged to simply state their agreement with a previous speaker and bring only new information to the subject.

(6) In addition to verbal presentation, written material may be submitted to the council for their consideration.

(7) Public hearings shall be limited to a total of thirty (30) minutes; provided no speaker shall be allowed to exceed the five (5) minute limitation as provided in subsection (4) above.

(f) *Executive session.*

(1) The council may hold an executive session for any purpose permitted by the Freedom of Information Act as amended from time to time.

(2) To hold an executive session, a motion must be made, seconded, and adopted to go into executive session for a permitted purpose, and a like procedure shall be followed to end the executive session.

(3) No vote shall be taken in executive session.

(Ord. No. 11-93, § 1, 3-4-93; Ord. No. 107-96, § 4, 11-12-96; Ord. No. 99-97, § 1, 9-16-97)

Sec. 2-22. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of official business.

(Ord. No. 11-93, § 1, 3-4-93)

Sec. 2-23. Order of business.

(a) *Right and authority of council chairman.* The council chairman, or in his absence the vice chairman, having the responsibility of presiding over all council meetings, shall have the right and authority to establish for each meeting the order of business.

(b) *Public comment period.* In the event a public comment period is provided for by the chairman or by the council, said comment period shall be limited to thirty (30) minutes.

(1) Those persons desiring to participate during the public comment segment shall notify the clerk to council of their intention not later than three (3) hours prior to the meeting's scheduled time of commencement. The clerk shall be provided with the speaker's name, telephone number and the topic of discussion. Time before council shall be allocated on a first come-first served basis.

(2) A speaker shall be permitted no more than five (5) minutes to complete their comments to council.

(3) There shall be no predetermined number of persons permitted to address council during the public comment segment, but in no event shall the thirty (30) minute allotment of time be exceeded. As a matter of right and course, no person normally should expect to address council more than once within any sixty (60) day period. However, should a person desire to again address council within sixty (60) days following their last public comment, that person should contact the clerk with the same information required in (1) above and the clerk will place the individual's name on an alternate list maintained by council. Thereafter, should the public comment segment of any particular meeting not be filled by persons that have not addressed council within the past sixty (60) days, then, in that event, vacancies shall be filled from the alternate list, with the name appearing on the alternate list for the longest time being given priority.

(4) This rule in no way is intended to be applicable to or in any manner restrict the public's right to comment during the public review segment of council's consideration of a specific ordinance.

(c) *Items on agenda.* An item may not be added to the meeting agenda after the time designated in subsection 2-21(a)(2) unless it will in some way harm the operation of county government if the item is not acted on at that meeting. Unanimous consent of county council is required.

(Ord. No. 11-93, § 1, 3-4-93; Ord. No. 2-95, § 2, 2-7-95; Ord. No. 107-96, § 5, 11-12-96; Ord. No. 21-03, § 1, 4-22-03)

Sec. 2-24. Decorum and debate.

(a) The chairman or in his absence the vice-chairman is charged with the responsibility to maintain decorum and to strictly enforce the requirements of these rules. No person shall conduct himself/herself in a disorderly or boisterous manner and such conduct will be cause for immediate removal of the offending person from the meeting. When a measure is before the council for consideration, the chairman or in his absence the vice-chairman ("the presiding officer") shall recognize the individual to speak, and when two (2) or more members wish to speak, the presiding officer shall determine in which order the speakers may speak.

(b) No member of council shall interrupt another while speaking, except to make a point of order or make a point of personal privilege.

(c) The presiding officer may limit debate or discussion as he may deem appropriate and may limit any member of council to five (5) minutes on any question, speaking one time unless to a point of order or other privileged motion, unless such limitation is overridden by a majority vote of council.

(d) No member shall speak one time for more than five (5) minutes on any subject or amendment. Council members shall also have the right to yield their time to another member.

(e) If a member is speaking or otherwise transgressing the rules of the council, the presiding officer shall, or any council member may, call him or her to order. In such case, he or she shall immediately be quiet unless permitted to explain. The council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise.

(f) Any member found in violation of the rules of council by a two-thirds (2/3) vote of council shall be liable to censure or such other punishment as the council may deem proper.

(Ord. No. 11-93, § 1, 3-4-93; Ord. No. 151-99, § 5, 10-19-99)

Sec. 2-25. Voting.

- (a) A member must be present in person to cast his/her vote.
- (b) Any member may request a roll call vote at any time.

All electronic roll call votes shall be immediately and continuously displayed upon the electronic voting screen within the council chambers throughout the voting process. Council members shall be permitted no more than twenty (20) seconds to cast their individual vote following the screen's display.

(c) No member shall take any action with regard to a matter before council which action would be in violation of state laws and regulations concerning ethics and government accountability. A member who is faced with a conflict of interest under state law shall prepare a written statement describing the matter and the nature of the potential conflict of interest and shall furnish a copy of that statement to the chairman. The chairman shall then cause the statement to be printed in the minutes of the meeting and require that the member be excused from any votes, deliberations, and other actions on the matter.

(d) Except in a case of conflict of interest, all members shall vote on all questions. Unless a member abstains on the record or votes against a question, that member shall be counted as having voted in favor of the question.

(Ord. No. 11-93, § 1, 3-4-93; Ord. No. 113-97, §§ 1, 2, 10-21-97; Ord. No. 20-03, § 1, 3-25-03)

Sec. 2-26. Ordinances and resolutions.

(a) Reserved.

(b) *Readings.* The council shall take legislative action by ordinance. Resolutions shall not have the force of law, but shall express the opinion of that council concerning a particular matter. 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 and approved by a majority vote of those members present.

(c) *Emergency ordinances.* To meet public emergencies affecting life, health, safety of the property of the people, 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 shall describe the emergency. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirement, or public notice. Such ordinances shall expire automatically as of the 61st day following enactment.

(d) *Codification.* All ordinances shall be compiled, indexed, codified, published by titles and made available to public inspection at the office of the clerk of council. The clerk shall maintain a permanent record of all ordinances adopted that shall furnish a copy to the clerk of court for filing in that office.

(e) *Effective date of ordinances.* Ordinances shall take effect on the day the ordinance is given third reading unless other date is specified in the ordinance.

(f) *Resolutions.* A resolution shall require only one reading for its adoption, and may be adopted at either a regular or special meeting by a majority vote of the members present at the meeting.

(g) *Standard codes or technical regulations.* The council may adopt any standard code or technical regulation by reference. Copies of any adopted code or technical regulation shall be made available by the clerk for distribution or for purchase at a reasonable price.

(Ord. No. 11-93, § 1, 3-4-93; Ord. No. 107-96, § 6, 11-12-96; Ord. No. 36-99, § 9, 4-6-99)

Sec. 2-27. Committees.

(a) *[Appointment.]* All committees, including any ad hoc committees which become necessary, shall be appointed by the chairman and the chairman of the individual committees shall be appointed by the council chairman. The committee may, at its discretion, elect a vice-chairman and such other officers as it may choose.

(b) *[Committee of the whole.]* Upon the majority vote of council, any committee may sit as a committee of the whole made up of all members of council.

(c) *Standing committees.* The permanent, standing committees to which the chairman shall appoint are:

_____ The administration committee.

_____ The public safety committee.

_____ The infrastructure and regulation committee.

All standing committees, subcommittees and special (ad hoc) committees established prior to April 6, 1999, are hereby abolished.

(d) *Assignment of county government functions to a committee; committee structure/committee assignments.* The chairman of county council shall provide a list of the various county divisions, departments, boards and commissions and other activities that are assigned to each of the above-referenced standing committees. These assignments may be changed, as necessary, by the chairman of the county council, with the advice of the county administrator. Any change in the committee assignment of various government functions shall not become effective until it is announced at a regularly scheduled meeting of the county council and the administrator has been notified in writing by the chairman of county council.

Council members will each be assigned to one (1) committee. Committees will consist of three (3) to four (4) council members, including the committee chairman. After consulting with council members regarding their preferences for committee assignments, the chairman of county council shall appoint council members to the standing committees. No council member may serve on more than one (1) committee at any given time. Committee assignments shall be made for a period of two (2) years beginning with the first regularly scheduled council meeting in each January following a general election. The chairman of county council may, from time to time, make changes to committee assignments for any of the following reasons: to fill a vacancy; to accommodate a new council member; to respond to a formal request from a council member to change committees; to solve a schedule conflict; or to make changes in the committee chairmanships.

(e) *Chairpersons.* The chairman, in exercising his or her duties under subsection (a) above, may make changes to committee chair assignments as he or she sees fit, but must make the initial and any subsequent changes to committee chair assignments at a public meeting of the county council. Each January 1, the chairman of county council will make committee chair assignments for one-year terms.

(f) *Member assignments.* All committees will be made up of four (4) voting council members, consisting of the designated committee chair and three (3) other members. Council members will be asked to make a written request for committee assignments, but the final appointment decision will rest with the chairman of county council. Once the chairman of county council has made committee appointments, other than in the case of the designated chairman, the assignments will be considered permanent until a new council is seated or a new chairman of county council is elected. The chairman may fill vacancies as necessary.

(g) *Council attendance.* All council members may attend any committee meeting, but a member may cast a vote on a matter only if he or she is a voting member of that committee. If a member of council is in attendance at a committee meeting where he or she is not a voting member, that member may participate in the meeting. Committee members not in attendance at committee meetings may not cast a vote by proxy.

(h) *Quorum.* A minimum of two (2) members of a committee will constitute a quorum. If a quorum is not met at any scheduled committee meeting, the matters scheduled to be discussed will be forwarded to the full council and clearly marked "forwarded without recommendation." If a particular item does not receive a majority vote, it will be forwarded to the full council and clearly marked "forwarded without recommendation."

The committee chairman shall be the presiding officer over committee meetings. The committee, by majority vote, may designate one (1) of its members to serve as vice-chairman of the committee. In the absence of the committee chairman, the committee vice-chairman shall fulfill the duties of the committee chairman. Committees shall follow all the parliamentary and procedural rules of the county council, except that, any motion made in committee shall not require a second in order to be considered and voted on by the committee.

(i) *Meeting schedule.* Committees shall meet once a month or as necessary to conduct the work of the committee. The chairman of each committee shall schedule regular committee meetings at a time decided by majority vote of the committee members. The chairman of each committee shall schedule special meetings of the committee as necessary. Committee schedules will be approved by the chairman of county council in order to ensure that meeting schedules do not conflict. A scheduled committee meeting may be canceled by the chairman of the committee with at least twenty-four (24) hours notice to the committee members.

(j) *Subcommittees.* Subcommittees may be created as the need arises by the committee chairman, but only as it appears necessary for a particular issue to be addressed in depth. All subcommittees will meet on a regularly scheduled committee day and may be dissolved by the committee chairman at his or her discretion.

(k) *Agenda process.*

_____ (1) The suggested format for committee agendas is:

_____ a. Public input (as deemed necessary by the chairman).

_____ b. Administration and division head reports.

c. Discussion items.

d. Resolutions.

(2) Proposed committee agendas will be prepared by the administrator and submitted to the chairman of each committee at least five (5) working days prior to the scheduled committee meeting. Committee members may also submit items directly to be put on the committee agenda and shall submit these items to the clerk-to-council at least five (5) working days prior to the scheduled committee meeting. Committee agendas will be approved by the appropriate committee chairman and the chairman of county council.

(3) Reserved.

(4) Once the committee agenda packet is in final form, it will be distributed to each committee member at least three (3) working days (not including the meeting date) prior to the meeting. A copy of the agenda only (not including any backup materials) will be distributed at the same time to each council member not on the committee.

(l) *Public input* will be allowed at the beginning of each committee meeting. No speaker will be allowed more than five (5) minutes. If the committee chairman feels that the person providing input during this section of the agenda is addressing something which is irrelevant to the committee's business, he may interrupt or stop the speaker as he or she sees fit.

(m) *Administrative and staff reports.* The county administrator and the appropriate staff will report to the committee on any matter in which the committee may have an interest or of which the committee may need to be made aware.

(n) *Form for action items.* All business to be considered by the committee for action must be provided in either resolution or in ordinance form and placed in the agenda packet with a briefing narrative. All discussion items must be accompanied by a briefing narrative, except as provide in subsection 2-21(a)(2) of this Code. Resolutions shall be in a form as prescribed by the county administrator.

(o) *Minutes.* Minutes of a committee meeting will be taken by either a qualified person assigned to the regular staff of a division or by the clerk to county council, as the chairman of the committee chooses.

(Ord. No. 11-93, § 1, 3-4-93; Ord. No. 107-96, §§ 1--3, 11-12-96; Ord. No. 36-99, §§ 1--10, 4-6-99)

Sec. 2-28. Parliamentary procedure.

(a) *Chairman to vote last; tie vote:* The chairman shall vote in all cases but shall vote last. In cases of a tie, the motion fails.

(b) *When motions are debatable.* All motions, except motions to adjourn, to recess, to lay on the table, and questions of order or privilege, shall be debatable. No motion shall be debated until it shall have been stated by the chairman. All questions of order shall be decided by the chairman without debate, subject to an appeal to the council.

(c) *Motions to reconsider.* A motion to reconsider any action taken by the council may be made only on the day such action was taken or the next regularly scheduled meeting before the minutes for the meeting in question are approved. Such motion must be made by a council member voting on the prevailing side, but may be seconded by any other council member, and may be made at any time subject to the aforementioned restrictions.

(d) *Motions that interrupt a speaker.* Only the following motions shall be permitted to interrupt a speaker:

(1) A question of order. This question is to the effect that the rules of council are not being adhered to. It is not debatable and does not require a second.

(2) A question of privilege. This question relates to the rights and privileges of a member of council, i.e., charges made against the official character of a member; that the member has not been furnished with pertinent information available to other members of council; that the member did not hear or understand a statement presented to council, etc. It does not require a second.

(3) A motion to adjourn. This motion is not debatable but does require a second.

(e) *Motions that cannot interrupt a speaker but may interrupt the proceedings.* The following motions cannot interrupt a speaker without the speaker's consent but may interrupt the proceedings and shall be received during debate.

(1) A motion to lay on the table. This motion removes the subject from consideration until the council votes to again consider the subject. It is not debatable but it does require a second.

(2) A motion to call for the question. This motion is to the effect that debate now cease, and the council immediately proceed to vote on the pending question. It is not debatable but does require a second.

(3) A motion to adjourn debate to a subsequent meeting. The effect of this motion is to postpone the subject to the time specified in the motion and until which time it cannot be taken up except by majority vote of the council. It is debatable and does require a second.

(4) A motion to commit or recommit. The effect of this motion is to refer the subject to a committee. It is debatable and requires a second.

(5) A motion to amend. This motion is debatable and requires a second.

The above motions shall have precedence in the order listed.

(f) *Motions that do not require a second:* The following motions do not require a second:

(1) Inquiries of any kind.

(2) Leave to withdraw a motion.

(3) Nominations.

(4) Point of order.

(5) Question of privilege.

(Ord. No. 11-93, § 1, 3-4-93)

Sec. 2-29. Documents.

(a) *Documents of the county administrator.* No member shall take any books or papers from the possession of the county administrator, without first acquainting the administrator, and giving a receipt to return the same in a reasonable time, or on the administrator's request.

(b) *Documents of the county.* All documents, files, correspondence, reports, records, and other written or printed material or information pertaining to the business of Horry County or to any of its departments or personnel, prepared, received or used by the county administrator or any other county official or employee in the course of county employment shall be the property of Horry County. No such material or information shall be removed from the custody of Horry County at any time.

(c) *Personnel files.* Personnel files are confidential information and shall be available to council members by making a written request to the county administrator setting forth the specific need to examine the personnel file. Personnel files shall be available only as a part of an official inquiry or investigation authorized by the council or its administrator.

(Ord. No. 11-93, § 1, 3-4-93)

Sec. 2-30. Seal.

The seal of Horry County or of the Horry County Council shall not be required upon execution or attestation of any document.

(Ord. No. 11-93, § 1, 3-4-93)

Sec. 2-30.1. Suspension of rules.

Any of these rules may be suspended except those which are matters of law, upon an affirmative vote of two-thirds (2/3) of the members of the council present.

(Ord. No. 11-93, § 1, 3-4-93)

Sec. 2-30.2. Amendment of rules.

Amendment of these rules shall be by ordinance.

(Ord. No. 11-93, § 1, 3-4-93)

ARTICLE III. PUBLIC WORKS ADMINISTRATION

Sec. 2-31. Reserved.