

Editor's note: Ord. No. 211, adopted and effective Sept. 29, 1992, did not specifically amend this Code; hence, inclusion of §§ 1--4 as § 2-1 was at the discretion of the editor.

Cross references: Offenses generally, Ch. 23.

Secs. 2-2--2-19. Reserved.

ARTICLE II. COUNTY COUNCIL

DIVISION 1. GENERALLY

Sec. 2-20. Form of government declared; term; election.

- (a) The County of Lancaster hereby readopts the council administrator form of government.
- (b) The county council shall be composed of seven (7) members to serve staggered four-year terms and to be elected on the first Tuesday after the first Monday in the month of November in each even-numbered year. Council members shall be elected from seven (7) defined single member election districts, shall be residents of the election districts in which they are elected and shall be elected by the qualified electors of the districts in which they reside. The boundaries of the election shall be as shown on maps dated January 23, 1989, and prepared by the division of research and statistical services on the state budget and control board. All districts shall be reapportioned as to population as provided by law.
- (c) The county council shall employ an administrator, who shall serve at the pleasure of the council. The administrator shall have such duties as are provided by law.

(Ord. No. 173, § 1, 4-24-89)

Editor's note: Ordinance No. 173, § 1, adopted April 24, 1989, amended the Code by adding provisions to Chapter 2, designated as § 2-20 at the editor's discretion. Said ordinance provisions were approved at referendum on November 28, 1989 (date of referendum changed by Ordinance No. 179, adopted Nov. 27, 1989).

Sec. 2-21. Salary and expenses.

(a) *Salary.*

(1) *Initial salary.* The initial annual salary of the chairman of the council shall be five thousand two hundred eighty dollars (\$5,280.00), the vice-chairman's and secretary's initial annual salary shall be four thousand six hundred eight dollars (\$4,608.00), and council members' initial annual salary shall be four thousand two hundred twenty-four dollars (\$4,224.00).

(2) *Initial increase.* Beginning January 1, 1995, members of the county council shall receive an increase of three hundred dollars (\$30.000).

(3) *Subsequent increases.* Each subsequent year thereafter, council members shall receive a salary adjustment equal to the same salary adjustment increase that all other county elected officials receive from the council.

(b) *Expenses.* The chairman and council members may also receive payment for actual expenses incurred in the conduct and performance of their official duties.

(Ord. No. 6, 4-11-77; Ord. No. 214, 12-30-92)

Editor's note: Ord. No. 214, adopted Dec. 30, 1992, did not specifically amend this Code; hence, inclusion as § 2-21(a)(2), (3) was at the discretion of the editor. The existing provisions of subsection (a) designated (a)(1). For convenience' sake, the editor added italic subcatchlines.

State law references: Compensation, S.C. Code 1976, § 4-9-100.

Sec. 2-22. Organization generally.

The council shall elect a chairman, vice-chairman, and secretary for terms as hereinafter set forth, at the initial meeting of the council in January following each general election.

(Ord. No. 105, § 1, 10-31-83)

Sec. 2-23. Chairman.

The council shall elect one (1) of its members to serve as chairman for a term of two (2) years at the initial meeting of the council in January following each general election. Any vacancy in the chairmanship shall be filed by the council for the unexpired portion of the term. The chairman shall preside at all regular and special meetings of the council shall execute, on behalf of the council, all ordinances, resolutions, directives, deeds, bonds, contracts, and other official instruments or documents, and shall have such other duties and perform such other functions as are set forth in these rules.

(Ord. No. 105, § 1.1, 10-31-83)

Sec. 2-24. Vice-chairman.

At the initial meeting in January following each general election, the council shall elect one (1) of its members to serve as vice-chairman for a two-year term; in the event that the chairman shall be temporarily absent or unable to serve, the vice-chairman shall serve as chairman in his stead.

(Ord. No. 005, § 1.2, 10-31-83)

Sec. 2-25. Secretary.

At the initial meeting in January following each general election, the council shall elect one (1) of its members to serve as secretary for a two-year term. In the event that the chairman and vice-chairman shall be temporarily absent or unable to serve, the secretary shall serve in their stead. The secretary shall, along with the chairman, execute on behalf of the county all ordinances, resolutions, directives, deeds, bonds, contracts, and other official instruments or documents.

(Ord. No. 105, § 1.3, 10-31-83)

Sec. 2-26. Clerk to council.

The council shall appoint a person, not a member of the council, to serve as clerk for an indefinite term. The clerk will record all proceedings of the council; deliver copies of the minutes of each council meeting to all members prior to the next regular council meeting; keep a register of all proposed ordinances and resolutions, assigning them a number and arranging them in order of introduction; render any needed assistance to members of the council in typing and preparation of reports, recommendations, ordinances, resolutions, directives and correspondence; and perform such other duties as the county administrator assigns.

(Ord. No. 105, § 1.4, 10-31-83)

Sec. 2-27. When members may not do business with the county.

No member of council and no business with which a member of 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 governmental 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, per the provisions of the South Carolina Code of Laws and the county financial procedures.

(Ord. No. 105, § 3.4(b), 10-31-83)

Cross references: When members may not vote, § 2-52; purchasing manual, § 2-161.

Secs. 2-28--2-40. Reserved.

DIVISION 2. MEETINGS*

***Cross references:** County attorney to attend council meetings, § 2-104.

State law references: Authority to determine rules of procedure, S.C. Code 1976, § 4-9-110.

Sec. 2-41. Regular meetings.

The council shall hold its regular meeting for the transaction of official business twice each month in accordance with the schedule adopted by council, unless such schedule is modified by majority vote of council.

(Ord. No. 105, § 2.1, 10-31-83)

Sec. 2-42. Special meetings.

Special meetings may be called by the chairman or majority of the council for transaction of official business, but no special meetings shall be held unless all members are notified in writing twenty-four (24) hours in advance of such meeting. Four (4) members of council shall constitute a quorum for the transaction of official business.

(Ord. No. 105, § 2.1, 10-31-83)

Sec. 2-43. Open meetings and executive sessions.

All meetings of council shall be open to the public, but during such meetings, council may go into executive session upon request of any four (4) members of council. Executive session shall only be allowed for such purposes as are authorized under the Freedom of Information Act of the state and of the United States.

(Ord. No. 105, § 2.1, 10-31-83)

State law references: Freedom of information act, S.C. Code 1976, § 30-4-10 et seq.

Sec. 2-44. Receipt of information.

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

(Ord. No. 105, § 3.11, 10-31-83)

Sec. 2-45. 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, provided the council may entertain requests that it make recommendations to other governmental bodies, departments or agencies.

(Ord. No. 105, § 2.2(e), 10-31-83)

Sec. 2-46. Conduct of meetings.

- (a) Meetings of council may be opened with prayer if council deems it appropriate.
- (b) Every member, when about to speak, shall address himself to "Mr. Chairman" and, in speaking, shall avoid disrespect to the council and any personalities; and he shall confine himself to the question under consideration.

(Ord. No. 105, § 2.2(a), (b), 10-31-83)

Sec. 2-47. Requests to be heard; agenda; citizen comments.

- (a) The agenda shall contain the items to be considered by the council. Should any person, group or organization request to be heard upon any matter at a regular or special meeting of council, the deadline for placing such items on the agenda shall be the close of business on the Tuesday prior to the regular Monday council meeting. When meetings are rescheduled to another evening, the deadline will be three (3) working days prior to the scheduled meeting. Except for emergency items, there shall be no additions to the agenda after the deadline has passed.

For the purpose of this rule of procedure, an emergency item shall be defined as an item which requires immediate legislative action because it significantly bears on the ability of the county government to deliver services; because it threatens the safety, livelihood or general well-being of the people of the county; because delaying action might result in loss of public funds, especially grant funds; or because failure to act might result in litigation or exacerbation of pending litigation. The concept of emergency items shall not apply to items taken up in executive sessions of the council.

(b) Citizens comments. A register for people to sign will be placed in the hall outside the council chambers prior to each of council's regularly scheduled meetings. The register will have a place for the speaker's name, address, telephone number and subject matter. Anyone needing assistance to register should contact the clerk to council prior to the meeting. The list of those wishing to speak will be taken up when the chairman calls the meeting to order. Council will be informed by the chair as to how many people have requested to speak. Speakers will be allowed approximately three (3) minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, council will decide whether to extend the citizens comment section or whether to delay it until a later time in the agenda. Delaying would allow council the opportunity to consider those agenda items which should not be postponed and to hear from those people who council have asked to be there for a specific reason. Other agenda items could be delayed until another meeting or council could vote to extend the meeting beyond the 10:30 adjournment time. Each person will speak in the order they signed in. Citizens will address council and will not be allowed to engage in a debate between council, staff, or other citizens. The administrator will take notes and will respond at the appropriate time to any questions which are raised during citizens comments.

(c) When any persons, including employees of the council and of the county, are heard by the council as provided in subsection (a), those persons, when they have completed their presentation, shall be seated and no persons 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.

(Ord. No. 105, § 2.2(d), (f), 10-31-83; Ord. No. 232, 4-27-94)

Sec. 2-48. When members address the chair.

The chairman, when addressed by a member, shall recognize the member by name. The member who shall first be recognized shall be first heard; and if several shall address the chairman at about the same time, the chairman shall decide who was first to speak and shall recognize such member.

(Ord. No. 105, § 2.2(c), 10-31-83)

Sec. 2-49. Substitutions in the chair.

The chairman, in the absence of the vice-chairman and secretary, 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, vice-chairman, and secretary, the council shall elect an acting chairman to serve until the return of the chairman, vice-chairman, or secretary.

(Ord. No. 105, § 3.10, 10-31-83)

Sec. 2-50. Parliamentary procedures.

Except where otherwise specified in this division, the following rules of parliamentary procedure shall be observed at all council meetings:

(1) *Decisions on questions of order.* All questions of order shall be determined by the chairman in the first instance without debate, or with such debate as the chairman, in his discretion, may permit; but any member may appeal to the council from the decision of the chairman, with majority vote ruling. At any time, the chairman or other members of council may request an opinion on a question of order from the county attorney.

(2) *Debatable motions.* All motions, except motions to adjourn, to recess and to lay on the table, shall be debatable.

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

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

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

(5) *Interruption of debate.* 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.

(6) *Precedence of 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.

(7) *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 council is actually engaged in deciding a question.

(8) *Parliamentary procedure not specified in these rules.* In all particulars not determined by these rules, or by law, the chairman or other presiding officer shall be guided by the previous usage of council or by parliamentary law and procedure as it may be collected from "Robert's Rules of Order." Such matters may be referred to the county attorney for interpretation by request of the chairman or other member of council.

(Ord. No. 105, §§ 3.1, 3.2, 3.5--3.9, 3.12, 10-31-83)

Sec. 2-51. Roll call vote.

Upon any question, at the request of any two (2) 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.

(Ord. No. 105, § 3.3, 10-31-83)

Sec. 2-52. When members may not vote.

Any member of 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 council in matters related thereto, per the provisions of the South Carolina Code of Laws and the South Carolina Ethics Commission.

(Ord. No. 105, § 3.4(a), 10-31-83)

Cross references: When members may not do business with the county, § 2-27; purchasing manual, § 2-161.

Sec. 2-53. Contempt of council.

Disorderly conduct amounting to an open or direct contempt or willful interruption of the proceedings of council shall be punishable by a fine of up to one hundred dollars (\$100.00) and/or a sentence in the county detention center of up to five (5) days.

(Ord. No. 105, § 2.2(g), 10-31-83)

Secs. 2-54--2-60. Reserved.

DIVISION 3. ORDINANCES AND RESOLUTIONS*

***Cross references:** County attorney to prepare and maintain ordinances and resolutions, § 2-104.

State law references: Procedure for adoption of ordinances, S.C. Code 1976, §§ 4-9-120, 4-9-130.

Sec. 2-61. To be approved as to form.

Prior to introduction, all ordinances and resolutions shall be submitted to and approved by the county attorney as to form and draftsmanship. As used herein, the term "ordinance" shall be an ordinance having the force of law. Resolutions shall not have the force of law, but shall express the opinion, feeling or recommendation of council concerning a particular thing or matter.

(Ord. No. 105, § 4.1, 10-31-83)

Sec. 2-62. To be in writing.

All proposed ordinances and resolutions shall be in writing, either typed or printed, and in a sufficient number of copies for each member of the council to be provided with copies at the time of introduction.

(Ord. No. 105, § 4.2, 10-31-83)

Sec. 2-63. Reading of ordinances and resolutions.

If all members of council are furnished with copies of proposed ordinance or resolution, a verbatim reading thereof shall not be required unless such reading is specifically requested by a member. All ordinances, with the exception of emergency ordinances, 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 readings.

(Ord. No. 105, § 4.3, 10-31-83)

Sec. 2-64. Public hearings; technical codes.

(a) Public hearings, upon reasonable public notice, 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.

(b) The council may adopt any standard code or technical regulations by reference thereto in the adopting ordinance. The procedure and requirements governing such ordinances shall be as prescribed for ordinances listed in paragraphs (a)(1) through (6), above. Copies of any adopted code of technical regulations shall be made available by the clerk of council for distribution or for purchase at a reasonable price.

(c) Not less than fifteen (15) days' notice of the time and place of such hearings shall be published in at least one (1) newspaper of general circulation in the county.

(Ord. No. 105, § 4.5, 10-31-83)

Cross references: Budget process, § 2-181 et seq.

State law references: Public hearing requirements prior to adoption of budget, S.C. Code 1976, § 4-9-130.

Sec. 2-65. Adoption by majority vote of council.

Except as required by state law or otherwise provided herein, all ordinances, resolutions, codes or policies may be passed or adopted by a majority of the members present for its passage or adoption.

(Ord. No. 105, § 4.4, 10-31-83)

Sec. 2-66. Emergency ordinances.

To meet public emergencies affecting life, health, safety or 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. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment.

(Ord. No. 105, § 4.6, 10-31-83)

Sec. 2-67. Telephone polls.

Telephone polls are to be conducted only where council action is necessary and such action must be taken before the next scheduled council meeting. Section 2-65, regarding vote of council shall govern any action taken by telephone poll. No ordinance shall be voted upon by way of telephone poll. Within twenty-four (24) hours of such telephone poll, members of the local media shall be furnished with copies of the minutes from such poll.

(Ord. No. 105, § 4.7, 10-31-83)

Secs. 2-68--2-80. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

***Cross references:** Clerk of court's salary, § 8-1; emergency preparedness coordinator, § 11-21 et seq.

DIVISION 1. GENERALLY

Sec. 2-81. Affirmative action plan.

The affirmative action plan of the county, as attached to Ord. No. 38, is hereby adopted.

(Ord. No. 38, 11-6-78)

Secs. 2-82--2-90. Reserved.

DIVISION 2. DIRECTOR OF FINANCE*

***Cross references:** Finances and fiscal procedures, § 2-161 et seq.

Sec. 2-91. Office created; functions.

The office of director of finance is herein established. The director of finance, under the direction of the county administrator, will perform administrative work in planning, organizing, coordinating, and directing the accounting, financing, purchasing, date processing and cost control activities of the county. The director of finance shall perform any additional duties assigned him by the county administrator.

(Ord. No. 23, 10-3-77; Ord. of 2-7-83)

Sec. 2-92. Salary.

The initial salary of the director of finance shall be sixteen thousand fifty dollars (\$16,050.00).

(Ord. No. 23, 10-3-77; Ord. of 2-7-83)