

CODE OF ORDINANCES County of LEXINGTON, SOUTH CAROLINA Codified through Ord. No. 02-8, enacted Jan. 14, 2003.
(Supplement No. 2)

Chapter 2 ADMINISTRATION*

ARTICLE II. COUNTY COUNCIL*

ARTICLE II. COUNTY COUNCIL*

***Cross references:** Any ordinance providing for reapportionment of election districts saved from repeal, § 1-10(14).

DIVISION 1. GENERALLY

Sec. 2-36. Composition.

The county council shall consist of nine members elected from single member districts as provided in S.C. Code 1976, §§ 4-9-10 and 4-9-90.

(Code 1983, § 2-14)

Sec. 2-37. Officers.

(a) *Chairperson.* The county council shall select one of its members to serve as chairperson for a term of one year at the initial meeting of the council in January of each year. Any vacancy in the chairpersonship shall be filled by the council for the unexpired portion of the time. The chairperson shall preside at all regular and special meetings of the council, shall execute, on behalf of the council, all ordinances, resolutions, directives, deeds, bonds and other official instruments or documents, and shall have such other duties and perform such other functions as may be set forth by resolution of the council.

(b) *Vice-chairperson.* The county council shall select one of its members to serve as vice-chairperson for a term of one year at the initial meeting of the council in January of each year. Any vacancy in the vice-chairpersonship shall be filled by the council for the unexpired portion of the term. If the chairperson shall be absent, the vice-chairperson shall serve as chairperson in his stead, and the vice-chairperson shall have such other duties and perform such other functions as are set forth by resolution of the council.

(Code 1983, § 2-15)

State law references: Selection of officers, S.C. Code 1976, § 4-9-110.

Secs. 2-38--2-60. Reserved.

DIVISION 2. RULES OF PROCEDURE

Sec. 2-61. Meetings.

Regular meetings of the county council shall be on the second and fourth Monday of each month. The chairperson may cancel a scheduled meeting which shall be final unless the chairperson's decision is overridden by a vote of the council. All meetings of the county council shall comply with the South Carolina Freedom of Information Act. The council may hold special meetings upon proper notification pursuant to the South Carolina Freedom of Information Act, and the council may hold any emergency meeting as permitted by law.

(Res. of 10-9-95, § 1)

Sec. 2-62. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of its business. Any vote taken with a quorum present shall be approved by a majority vote of those members present and voting.

(Res. of 10-9-95, § II)

Sec. 2-63. Conduct of meetings.

(a) *Speaking; order and decorum.* Any member of the council who desires to speak shall address himself to the chairperson. The chairperson shall recognize the member to be heard and shall determine the order of comments by the county councilmembers. The chairperson shall maintain order and decorum throughout the meeting. The chairperson may terminate any discussion that is not relevant to the topic being discussed.

(b) *Public participation.* Members of the public who desire to participate in a county council meeting other than a public hearing, must contact the clerk to the county council on the Monday prior to the scheduled meeting. The request to be on the agenda must specifically identify the subject to be addressed. The chairperson must approve of any subsequent matter and person to be placed on the agenda. This opportunity for public comment shall occur at the end of the council meeting. The person appearing before the county council should limit their comments to three minutes, unless permission is given by the chairperson to speak longer.

(c) *Parliamentary rules.* Unless specifically set forth in this section, the latest edition of Robert's Rules of Order, Newly Revised, shall govern the conduct of the procedural aspects of all county council meetings.

(d) *Jurisdiction.* No matter shall be placed on the council's agenda that is not within the county council's jurisdiction.

(e) *Questions of order.* All questions of order shall be determined by the chairperson in the first instance without debate, or with such debate as the chairperson, in his discretion, may permit; but any member may appeal to the council the decision of the chairperson.

(f) *Abstention.* Any member of the council not voting due to a potential conflict of interest shall comply with the provisions of the South Carolina Ethics Act, and no member shall vote on any matter which would be a violation of the South Carolina Ethics Act (8-13-10, et seq.).

(g) *Agenda.* Meetings of the county council shall be conducted according to the agenda set for the day, and any departure from the set agenda shall be out of order unless the council shall amend its agenda by unanimous consent or a two-thirds majority vote of its members present and voting. The chairperson shall approve the agenda prior to its being set for each meeting. If the chairperson fails to include a matter requested by a member for a meeting, a majority of the members present and voting may vote to have the item added to the next agenda.

(h) *Voting.* Except as set forth in this section, all voting shall be performed by a show of hands, and a member must be present to vote on any item on the council agenda. There may be proxy votes left by a member who is unable to attend the council meeting. Such proxy shall conform to a form provided by the county attorney. Such vote shall be made public at the council meeting. Any motion to call a question does not automatically cut off debate and shall be subject to a vote of the county council upon objection by a member of the council. If the council does not vote to cut off debate by the call of the question, the debate shall continue.

(i) *Ordinances.* The council shall consider ordinances through the three-reading process, as set forth in the Home Rule Act. The first reading shall be by title only. All ordinances shall be in written form prior to the second reading and the public hearing. There may be amendments to the ordinance after the first reading, provided the ordinance must be in final form by the day of the third reading, and any amendments on the day of the third reading shall postpone the final reading until the following meeting.

(j) *Reconsideration of ordinance.* Any reconsideration of an ordinance which has been approved or not approved upon the third reading shall require reintroduction by a first reading.

(k) *Dead ordinances.* Proposed ordinances which are not acted upon on three readings within 12 months of introduction shall be considered dead ordinances. The ordinances shall no longer appear on the agenda. Any reintroduction of the ordinance shall require a reintroduction by first reading.

(l) *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, such member shall promptly report such matter to the chairperson of the council or the appropriate committee chairperson for further action by the council.

(m) *Committees.* Committees shall be organized and function as follows:

(1) *Meetings.* All committee meetings shall be governed by the same rules of procedure as any county council meeting. Any ordinance or other matter referred to a committee may be recalled from the committee by a majority vote of the county council.

(2) *Appointment.* The chairperson of the county council shall appoint members of standing committees and shall appoint chairpersons and vice-chairpersons of the committees. The chairperson may appoint the following committees:

- a. *Planning and administration committee.* The planning and administration committee shall be comprised of the following: administrator, finance, general services, personnel, assessor, planning and development, treasurer, auditor, register of mesne conveyance, registration elections, library, museum, Riverbanks Park and recreation.
- b. *Justice committee.* The justice committee shall be comprised of the following: law enforcement, clerk of court, solicitor, public defender, probate court, coroner and magistrates.
- c. *Health and human services committee.* The health and human services committee shall be comprised of the following: public safety, veterans affairs, health department, mental health, alcohol and drug abuse, Babcock Center, Children's Shelter, aging program and the Medical Center.
- d. *Public works.* Public works shall be comprised of the divisions of administration, engineering and transportation, as well as solid waste.
- e. *Economic development committee.* The economic development committee shall be comprised of the following: public utilities and economic development.

The chairperson may refer any matter to the appropriate committee. It is preferred that any legislative matter requiring ordinance process be referred to the appropriate committee, but failure to assign any matter to a committee shall not prevent the council from proceeding forward in the reading process of any ordinance. The council may also form a finance committee which may be composed of members of the council and other citizens as may be selected by the chairperson of such committee. Such committee would act as an advisory committee to the council on financial matters.

(Res. of 10-9-95, § III)

Sec. 2-64. Waiver from procedural rules of division.

The rules of procedure in this division are designed to help the council conduct orderly and productive meetings. Any deviation or waiver of this division's rules of procedure shall not affect or void any action taken by the county council.

(Res. of 10-9-95, § IV)

Secs. 2-65--2-95. Reserved.



[Previous](#)
[Chapter](#)

[Next](#)
[Chapter](#)

