

***ORGANIZATIONAL RULES FOR
PICKENS COUNTY COUNCIL***



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RULE 1: AUTHORITY, USE, AND CITATION OF RULES

1.1 Authority. These rules, upon adoption by County Council as biannually organized, shall govern the conduct of any and all meetings thereof, whether of the assembly as a whole, or of a committee thereof.

1.2 Robert's Rules. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with these Organizational Rules or any special rules of order the Council, from time to time, may adopt.

1.3 Citation. These Rules shall be entitled Organizational Rules of Pickens County Council, and may be cited by rule number and the letters "ORPCC", i.e., Rule __, ORPCC.

1.4 Amendments. A proposed amendment to these rules shall be referred to the appropriate committee and, upon a report by this committee, may be adopted by the Council upon an affirmative vote of a majority of its members.

1.5 History. Adopted by County Council October 7, 1991. Amended 1992, 1994, 1998, 2005, 2006, 2007, 2009, and 2010. Recodified and adopted January 4, 2017. Further amended 2019

RULE 2: COUNTY OFFICERS

2.1 The Council shall elect a Chair, Vice Chair, Vice Chair Pro Tempore, and such other officers as it may deem necessary for terms as hereinafter set forth, at the initial meeting of the Council in January following each General Election.

- A. **Chair.** The Council shall elect one of its members to serve as Chair for a term of two (2) years. Any vacancy in the Chair shall be filled by the Council for the un-expired portion of the term. The Chair shall preside at all regular and special meetings of the Council, shall execute, on behalf of the Council, all ordinances, resolutions, directives, bonds, and other official instruments or documents, and shall have such other duties and perform such functions as are set forth in these rules. The Chair shall exercise no authority over any elected officials of the county whose offices were created either by Constitution or by the general law of the state.
- B. **Vice Chair.** The Council shall elect one of its members to serve as Vice Chair for a two (2) year term; in the event that the Chair shall be temporarily absent or unable to serve, the Vice Chair shall serve as Chair in his/her stead and shall, during the time necessary for such service, carry the authority, powers, and responsibility of the Chair. In the event a vacancy occurs in the office of Chair, the Vice Chair will then become the Chair thereby, creating a vacancy in the position of Vice Chair to be filled by Council.
- C. **Vice Chair Pro Tempore.** The Council shall elect one of its members to serve as Vice Chair Pro Tempore for a two (2) year term for the purpose of conducting meetings of Council in the absence of the Chair and Vice Chair. In the event a vacancy occurs in the office of Vice Chair, the Vice Chair Pro Tempore will then become the Vice Chair thereby, creating a vacancy in the position of Vice Chair Pro Tempore to be filled by Council.

2.2 Administrator. As provided by law, Council shall employ an Administrator, not a member of Council, who shall be the administrative head of the County Government and shall be responsible for the administration of all the departments of the County Government which the Council has the authority to control.

- A. The Administrator shall be employed with regard to executive and administrative qualifications only, and need not be a resident of the County at the time of employment. However, the Administrator must establish residency in Pickens County within a period of one year following the effective date of employment. The term of employment of the Administrator shall be at the pleasure of the Council and he/she shall be entitled to such compensation for his

services as the Council may determine. The Council may, in its discretion, employ the Administrator for a definite term, not to exceed the term of the Council as then constituted.

- B. Powers and Duties: The powers and duties of the Administrator shall include, but not be limited to the following:
1. to serve as the chief administrative officer of the County Government;
 2. to execute the policies, directives, and legislative actions of the Council;
 3. to direct and coordinate operational agencies and administrative activities of the County Government;
 4. to prepare annual operating and capital improvement budgets for submission to the Council and in the exercise of these responsibilities the Administrator shall be empowered to require such reports, estimates and statistics on an annual or periodic basis as the Administrator deems necessary from all County departments and agencies;
 5. to supervise the expenditure of appropriated funds;
 6. to prepare annual, monthly and other reports for Council on finances and administrative activities of the County,
 7. to be responsible for the administration of County personnel policies, including salary and classification plans approved by Council,
 8. to be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of Section 4-9-30 of the 1976 South Carolina Code of Laws, as amended, and subject to the appropriation of funds by the Council for that purpose;
 9. to perform such other duties as may be directed by the Council.
- C. Review: The County Administrator shall be evaluated annually during the month of December by the members of County Council. This process will be accomplished by the County Administrator and members of County Council, concluding with an executive session conference between these individuals to review performance and establish goals for the following year.
- D. Authority over Elected Officials: With the exception of organizational policies established by the Council, the County Administrator shall exercise no authority over any elected officials of the County whose offices were created either by Constitution or by the general law of the state.
- E. Council to Deal with Employees through Administrator: Except for the purposes of formal inquiries and investigations, conducted by Council as a whole or a duly authorized committee thereof, 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 any of its members shall give orders or instructions to any such officers or employees.

- F. During the extended absence or disability of the County Administrator the Council shall designate another person to serve as Acting County Administrator.
- G. If the Council determines to remove the County Administrator, the Administrator shall be given a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a public meeting of the Council. Within five (5) days after the notice of removal is delivered to the Administrator, the Administrator may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than twenty (20) days nor later than thirty (30) days after the request is filed. The Administrator may file with the Council a written reply not later than five (5) days before the hearing. The removal shall be stayed pending the decision after the public hearing.

2.3 Clerk to Council: The Council shall appoint a person, not a member of the Council, to serve as Clerk. This person shall report to County Council and be subject to annual review by Council on the employment anniversary, provided however that Council may delegate this authority to the Chair and/or County Administrator. Regardless, the Clerk will follow the same personnel rules and procedures as all other county employees. The Clerk will:

- A. record all proceedings of the Council;
- B. deliver copies of the minutes of each Council meeting to all members prior to the next regular Council meeting,
- C. keep the minutes of all committee meetings,
- D. keep a register of all proposed Ordinances and Resolutions, assigning them a number and arranging them in order of introduction;
- E. render any needed assistance to members of the Council in preparation of reports, recommendations, ordinances, resolutions, directives and correspondence, and
- F. assist the Administrator in the performance of duties as it relates to County Council.
- G. In the event a member of Council sends or requests information of the Clerk or the Administrator, that information is to be provided to all Members of Council in the most timely and efficient method practical. It is specifically provided for that this subsection is intended to assist the Clerk in the performance of duties and to prevent any council person from conduct in their individual capacity that would violate Rule 2.2(E), Rule 3.5 herein, and/or any provisions of applicable state law.

2.4 Signatory Authority of County Officers

- A. The Council Chair shall sign the following on behalf of the County Council:
 - 1. Ordinances after approval by Council on 3rd Reading
 - 2. Resolutions after approval by Council

3. Minutes of Council after approval by Council
 4. Proclamations
 5. Any document which asks for the signature of an "elected" representative of County
 6. Vice Chair to sign where Chair has conflict of interest
 7. Other (on case by case basis in consultation with County Attorney)
- B. Administrator shall sign the following on behalf of the County:
1. Documents under Administrator's authority
 - a. Day to day managerial issues
 - b. Expenditures under \$5000.00
 - c. Personnel issues
 - d. Submissions to Council
 - e. Grant applications for programs previously authorized by Council where application requires no match and no commitment for future funding
 2. Documents when specifically authorized by Council:
 - a. Deeds, leases, and/or other conveyances of interest in real property
 - b. Contracts / Memoranda of Understanding
 - c. Grants and/or applications for Grants requiring a match or a commitment for future funding
 - d. Settlements
 3. Chair to sign where Administrator has a conflict of interest
 4. Other (on case by case basis in consultation with County Attorney)
- C. Clerk to Council
1. Minutes when submitted to Council
 2. As formal attestation to:
 - a. Ordinances
 - b. Resolutions
 3. As witness and/or notary on documents signed by Administrator and/or Chair
 4. Other (on case by case basis in consultation with County Attorney)

RULE 3: ETHICS

3.1 Conflict Of Interest. A member of County Council or an Officer thereof should refrain from use of their official position to advance their private interests.

- A. Any member of Council, or immediate family thereof, who has a substantial financial interest in any business which contracts, or offers to contract, 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 their capacity as a member of Council in matters related thereto.
- B. No member of Council, or immediate family thereof, and no business with which either 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, unless the contract has been awarded through process of public notice and competitive bidding.
- C. For purposes of this Rule, "immediate family" shall mean spouse, child, grandchild, parent, grandparent, sibling, or spouse of a child, grandchild, parent, grandparent or sibling.

3.2 Prohibited Acts. A member of County Council or an Officer thereof may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being:

- A. influenced in the discharge of his official responsibilities;
- B. influenced to commit, aid in committing, collude in, allow fraud, or make an opportunity for the commission of fraud on a governmental entity;
- C. induced to perform or fail to perform an act in violation of his official responsibilities.

3.3 Representation. A member of County Council, an Officer thereof, or public employee of the county may not represent a person before an agency, committee, board, or commission of the county for which the member, officer, or employee has official responsibility, except as required by law. For purposes of this subsection, "represent" includes appearing and/or communicating on behalf or in support of a person before such a unit of county government.

3.4 Confidentiality. A member of County Council or an Officer thereof may not use or disclose confidential information gained in the course of or by reason of his official responsibilities in a way that would affect an economic interest held by him, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. Information received in the course of or by reason of official responsibilities, that may reasonably be deemed confidential in nature, shall not be disclosed to third parties unless otherwise required by law.

3.5 Council to Act Collectively. As elected members of a corporate body, County Council members have no authority as individuals, and shall refrain from conduct that would suggest a supervisory or executory authority on behalf of the County.

- A. Council members only have authority when in a lawful, duly-noticed assembly of County Council or its component Committees.
- B. Members shall not bind, contract, obligate, or offer to bind, contract, or obligate the County in any matter whatsoever unless and until specifically authorized by full Council in a lawful meeting, duly noticed.
- C. Members shall not participate, or attempt to influence, day-to-day operational activities of the County, nor should Members communicate with County employees (other than the Administrator, an employee designated by the Administrator for a specific, limited purpose, or the Clerk to Council) on matters reserved to the Administrator under the provisions of the Home Rule Act and/or other provisions of state law.

3.6 Public Meeting Requirements. Every meeting of County Council shall be open to the public unless closed pursuant to a specifically announced exception qualifying under the SC Freedom of Information Act ("SCFOIA").

- A. Before going into executive session in a meeting, a motion, a second, and a positive vote shall be held in public on the question and when the vote is favorable, the Chair shall announce the specific purpose of the executive session.
- B. No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of SCFOIA to act upon a matter over which council has supervision, control, jurisdiction, or advisory power.

RULE 4: MEETINGS

4.1 Meeting Schedule and Quorum. The Council shall hold a regular meeting at least once each month in accordance with the schedule adopted by Council. Special meetings may be called by the Chair, acting Chair, or majority of the Council, but no special meetings shall be held unless all members are notified 24 hours in advance of such meeting. A majority of the members of Council shall constitute a quorum.

4.2 Meetings to be Open to the Public except Authorized Executive Sessions. All meetings of Council and Council Committees shall be open to the public except where authorized pursuant to Freedom of Information Act, Section 30-4-70, et seq. of the Code of Laws of South Carolina, 1976, as amended.

4.3 Agendas. County Council will conduct its meetings in accordance with an Agenda, to be published in advance of the meeting under the provisions of applicable law.

- A. The Council Agenda for any meeting thereof shall be approved by the Chairman of County Council.
- B. If a Member desires to place an item on the regular agenda this should be done by (2) members of Council sponsoring the item. The item should be sent to the Clerk nine (9) days prior to the regular meeting. All requested items will be automatically placed on the Consent Agenda for referral to the appropriate committee unless the Chairman chooses to move it for action.
- C. Council Agendas will be sent to Council Members by the Clerk to Council on the Tuesday prior to the Monday meeting date.
- D. Agenda Format:
 - 1. Invocation and Pledge
 - 2. Public Forum
 - 3. Approval of minutes
 - 4. Administrator's Report
 - 5. Committee reports
 - 6. Council Correspondence
 - 7. Motion Period and new business (see Section E. below)
 - 8. Ordinances for First Reading/Resolutions

9. Ordinances for Second Reading
 10. Ordinances for Third Reading
 11. Other requested agenda items
 12. Consent Agenda
 13. Executive Session (as needed)
 14. Action on Executive Session Items (as needed)
 15. Appointments
 16. Adjourn
- E. Motion Period and new business. During this period, Council Members may introduce new ordinances, resolutions or propose that Council consider ideas for ordinances, resolutions or policy without prior notice having been given. During this period, a unanimous vote of Council on a motion to add a new item to the agenda would allow immediate action to be taken on that item, however any item for final action should be included on the published agenda so that the public is given appropriate notice; one dissenting vote or more would automatically refer the issue to the appropriate Council Committee for study. Council can add an issue to go to Committee during Motion Period with one motion and a majority rule. Matters previously considered by Council may be reconsidered by Council, and, also, any other motions appropriate under Robert's Rules of Order may be considered at this time.

4.4 Conduct of Meetings

- A. Every meeting of the Council shall be opened with a public invocation and the Pledge of Allegiance. The public invocation referenced herein shall be made for the benefit of the public body, and shall be offered on a voluntary and rotating basis, at the beginning of the meeting, by one (1) of the members of the Council.
- B. Decorum in speaking: Every member, when about to speak, shall address himself to "Mr.", "Miss", "Mrs." "Madame" or Chairman", and, in speaking, shall avoid disrespect to the Council and any personalities; and he/she shall confine himself/herself to the question under consideration.
- C. The Chair, when addressed by a member, shall recognize the member by name, using appropriate title of "Mrs.", "Miss" "Madame", "Mr.", "Councilman" or "Councilwoman". 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 is first to speak and shall recognize such member.

- D. Requests to be heard: Should any person, group or organization request to be heard upon any matter at a regular or special meeting of Council, such person, group or organization should request the Clerk to Council to place such matter on the agenda for the meeting by 12:00 Noon at least seven (7) days prior to the date set for such meeting. This requirement may be waived only by unanimous consent of all members present in cases of great urgency if the matter is presented in writing and every member of the Council provided with a copy prior to the commencement of the meeting or as otherwise specified in the agenda.
- E. Council to conduct a public forum: The Council will host a public forum prior to the first regularly scheduled meeting of the month. This forum will commence at the time of the regular meeting time. Public Forum will be limited to 3minutes per participant at the discretion of the Chair. Also the entire public forum will not exceed 30 minutes, unless extended in the discretion of the Chair. Further, Paragraph F of this section shall not be construed to prevent any citizen from speaking during this time period.
- F. Matters not within the 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.
- G. Recognition of persons: When any person or persons, including employees of the Council and of the County, are heard by the Council, that person or persons, when they have completed their presentation, shall be seated and no person or 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 Chair.
- H. The Chair has the right to ask an individual (s) to leave the council chambers if an individual is disruptive. Other council members may request the Chair to remove a disruptive individual, including members of council. If the Chair fails to act, other council members may call for a vote to remove disruptive parties. The Chair or other presiding officers of council may suspend the meeting if the meeting becomes disruptive to the point that business cannot be conducted in an orderly manner.
- I. Security at council meetings will be provided by sheriff deputies. Deputies will assist the Chair and/or council to take the necessary action to ensure an orderly and safe environment for citizens, staff, and council. In order to provide best practices for safety, oversized bags, duffels, and backpacks are not allowed in the council chambers. Pocketbooks are allowed, but may be subject to inspection.

RULE 5: ORDINANCES AND RESOLUTIONS

5.1 No ordinance, resolution, Code or policy shall be passed or adopted unless at least a majority of the quorum of the Council shall have voted for its approval or passage. Similarly, no amendment to an ordinance, resolution, Code or policy shall be passed unless at least a majority of the quorum of the Council shall have voted for its approval or passage.

5.2 Ordinances and Resolutions to be in Writing and Approved as to Form: 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 thereof. Provided, however, that first reading of a proposed Ordinance may be in title only. Prior to final passage, all ordinances and resolutions shall be submitted to and approved by the County Attorney as to form and draftsmanship.

5.3 Readings of Ordinances And Resolutions: If all members of Council are furnished with copies of a 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 as hereinafter set out, 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.

5.4 Introduction and required Readings Of Ordinances Or Resolutions: Any member or committee of Council may introduce an Ordinance for first reading at any regular meeting of the Council, and no advance notice of such introduction shall be required. At the first reading of an ordinance, the Ordinance can be referred by the Chair to an appropriate Committee unless reference shall be dispensed with by a two-thirds (2/3) majority vote or unless the proposed ordinance was introduced by a Committee.

5.5 Required Information: Each Ordinance will contain the following information in the upper right hand corner of the first page:

- A. Individual or organizations requesting Ordinance

- B. Reference to a State Statute, if applicable
- C. Department responsible for implementation

5.6 Second and third readings: Committee reports on a proposed ordinance shall ordinarily be made at the next Consecutive regular meeting following introduction and first reading. Second reading may be deferred until the next consecutive regular meeting of the Council following the Committee report. At least one (1) day prior to the second reading of an ordinance, printed copies of the text of the ordinance and the committee report thereon shall be delivered to every member of the Council. After all amendments and privileged motions, if any, are disposed of, the question shall be, shall the ordinance receive second reading. After the ordinance has been given second reading, it shall be given third reading on a subsequent regular public or special meeting of Council and amendments may be proffered on third reading the same as on second reading. After all amendments and privileged motions are disposed of, the question shall be the passage of the Ordinance.

5.7 Public hearings. Public hearings, upon giving fifteen (15) days notice of the time and place of such hearing which shall be published in at least one (1) newspaper of general circulation in the County, shall be held before final, but not prior to first, reading of Council action 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.

5.8 Adoption of resolutions: A resolution does not have the force and effect of law and may be adopted at any regular or special meeting of Council by majority vote of the members of Council. However, unless introduced by an appropriate committee, every resolution, upon introduction, may be referred to an appropriate committee unless reference shall be dispensed with by a majority vote of Council. A report of the Committee shall ordinarily be made on the next or special meeting and the resolution may be adopted by Council at that meeting or any subsequent regular or special meeting. Any resolution, which is up for adoption, may be amended. All amendments must be germane to the proposed resolution. After all amendments and privileged motions, if any, are dispensed with, the question shall be the adoption of the resolution.

5.9 Resolutions to Name Facilities. A request for a resolution to name or re-name a County site, facility or structure in honor of an individual will require completion of an

application with the following criteria: 1) Must have sponsorship of an organization, 2) Prove outstanding service to the community, and 3) Must be a resident of Pickens County. Upon a majority vote of the Pickens County Council, the application will be sent to the Planning Commission for approval. When the recommendation is concurred by the Planning Commission, Council will hold a public hearing and approval will take a unanimous vote of Council.

5.10 Emergency ordinances: In accordance with Section 4-9-130 of the Code of Laws of South Carolina, 1976, as amended, Council may adopt emergency ordinances. An emergency ordinance shall be 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 (61) day following the date of enactment. Such ordinances, however, must deal with public emergencies affecting life, health, safety or the property of the people. Such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or charge a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds (2/3) of the members of Council present.

5.11 DELETED

5.12 Annual Appropriations Ordinance: Prior to the end of each calendar year County Council will adopt a budget Calendar to establish a schedule of steps to be Completed prior to the end of each fiscal year for the adoption of an annual appropriations ordinance for the fiscal year beginning July 1 each year. The total of the appropriations under such ordinance shall not exceed the total of anticipated County revenue from all sources as projected by the County Administrator. Such appropriations ordinance shall include a "contingent fund" to cover items of expenditures for which no express provision is made elsewhere in the ordinance. In the event County Council has significant changes to the budget ordinance after second reading and or public hearing, Council will hold a special public forum before third reading of said ordinance.

5.13 Timing of Budget Requests. Other than as required by Rule 5.10, Council shall not act on any budget request outside of the time period established in its budget calendar, and any and all budget requests from outside agencies or organizations received after final reading on the annual appropriations ordinance shall be considered during the budget calendar for the following fiscal year.

5.14 Binding Successor Council. Other than as required by Rule 5.10, after the occurrence of a general statewide election, council shall take no action expending county revenue other than that specifically authorized in the then-current fiscal year budget.

5.15 Recall Of Ordinances, Resolutions or Items Of Business: Any ordinance, resolution or item of business which has been referred to a committee may be recalled by an affirmative vote of four (4) members of the Council.

5.16 Effective Date of Ordinances And Resolutions: The effective date of each ordinance or resolution passed by the Council shall be on the day that the ordinance is given third reading or the date the resolution is adopted, unless the effective date of such ordinance or resolution is set out in the ordinance or resolution,

5.17 Record of Ordinances and Resolutions: All proceedings of Council shall be recorded and all ordinances adopted by Council shall be compiled, indexed, codified, published by title and made available to public inspection at the office of the Clerk of Council. The Clerk of Council shall maintain a permanent record of all ordinances adopted and shall furnish a Copy of Such record to the Clerk of Court for filing in that office.

RULE 6: COMMITTEES

6.1 The Council may be organized into standing Committees as set forth below and such other Committees as may be appointed from time to time by the Chair with the consent of One half (1/2) of the additional members of the Council. Each standing committee shall consist of three (3) members of the Council.

6.2 Following each general election, the Chair of the Council may, at the Chair's discretion, appoint standing committees of the Council. The Chair shall also appoint a member of each committee so established to serve as its Chair; but no member of the Council shall be appointed as Chairman of more than one (1) standing committee. Members of standing Committees shall serve for a term of two (2) years unless removed from Such Committee by the Chair with the consent of such member. No Council Member shall serve on more than (2) committees.

- A. **Committee on Administration and Finance:** Property assessment; taxation; appropriations, expenditures, collection, receipt and disbursement of County funds; budgeting and accounting methods and procedures; capital improvements, bonds and indebtedness; establishment of purchasing procedure; personnel policy and procedures relating to the selection, appointment, compensation, qualifications, tenure, seniority, retirement and other matters relating to County officials and employees.
- B. **Committee on Public Service:** Regulation of buildings, drainage and flood Control; County roads; right-of-way acquisition; Supervision of jail; Supervision of airport; parking and traffic Control; roadside appearance, garbage Collection and disposal, public utilities, County property.
- C. **Committee on Justice and Public Safety:** Legislation and legal matters; law enforcement; County Courts, public records, County Council rules and regulations; public safety; military affairs; fire protection; judicial administration and related matters.
- D. **Committee on Education, Recreation, Health, Welfare and County Planning:** County planning; land use; subdivision regulations; education, recreation, health; welfare; parks, playgrounds, museums and historic sites, libraries.

6.3 Committee of the Whole. This Committee will follow the same rules as all Committees and will work on issues which are referred to Council as a whole. All actions which take place in the Committee of the Whole will go back to regular Council meetings

for approval. A detailed agenda log will be kept, and items will be referred to the Committee of the Whole during regular Council Meetings. The annual budget ordinance will be considered in this Committee unless otherwise directed to the Committee on Administration and Finance.

6.4 Committee Meetings: Committee meetings shall be held on the call of the Chair of such committee upon three (3) days' notice of such meeting to each committee member, excluding Saturdays, Sundays and holidays. A quorum of each standing committee shall consist of a majority of its members. All committee reports and recommendations shall be delivered to the Clerk to Council by the Chair of such committee for presentation to the Council at its next regularly scheduled meeting.

6.5 Agenda Logs: Committees shall maintain an agenda log of referred items. These items will remain on the agenda log for a period of one month following disposition. All items of business referred to Council committees that have not been reported back to Council for disposition by December of each year will be deleted from the Committee log, unless such item is retained by the unanimous Consent of the Council. Committee log items should be met upon within 60 days unless in-depth research, budget constraints, or other extenuating circumstances prohibit this timeline. Major topics of concern can be directed to the Committee of the Whole.

6.6 Chair of Council to Be Member Of Standing Committees, Ex Officio. The Chair of the Council shall be a member of all standing committees, ex officio; provided, however, that, except in the case of the committee which he chairs, the Chair shall not be counted toward the determination of a quorum by such committee nor shall the Chair be entitled to vote on any matter before such committee. Further, any member of the Council is expressly invited to attend any Committee meeting and to express his or her opinion on any issues before that Committee, provided, that this does not enable such member to vote on any issue before that Committee.

6.7 Chair of Council to Be Chair Of Committee Of Choice The Chair of the Council shall serve as Committee Chair of any one standing committee of choice, and shall be counted toward a quorum of such committee and shall be entitled to a vote on all matters before such committee.

RULE 7: BOARDS AND COMMISSIONS

7.1 Appointments to Boards and Commissions

- A. Any individual desiring to apply for appointment to a county board or commission should contact the Clerk to Council for an application, which should be submitted to the Clerk upon completion. The Clerk to Council will retain all such applications for consideration of Council as vacancies occur on boards and commissions.
- B. Any resident of Pickens County is eligible for service on a county board or commission regardless of race, color, national origin, sex, age, disability or income. It is the policy of Pickens County to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency).
- C. The Clerk to Council will notify Council monthly of any and all vacancies occurring due to the end of terms of service, removals, and/or resignations, and provide Council with all applications submitted for any such vacancy or vacancies.

7.2 Conduct for Boards and Commission

- A. **Code of Conduct:** An appointment to a board or commission is both a position of honor and trust. The citizens are best served when their duly-elected Council has the benefit of the energy and advice of various boards and commissions. Accordingly, members of boards and commissions should recognize and adhere to the following principles:
 - i. No board member has supervisory or executive authority over any county employee, equipment, or other property. For example, no member of a county fire commission has the authority to direct fire personnel in the performance of day-to-day and/or emergency duties.

- ii. A board or commission is empowered to act in an advisory role only, unless specifically authorized by state statute and/or county ordinance.
- iii. To the extent that a board or commission is authorized to take official action, such action is only appropriate when the board or commission is voting as a group during a publicly-noticed meeting of that board or commission.
- iv. A Board or Commission should communicate with other components of county government through the County Administrator and/or his designee.
- v. Board or commission members should abstain from voting in situations where their financial interest may be impacted by a proposal before them.
- vi. Board or commission members should not represent others before the board or commission on which they serve, or any other supervisory and/or dependent board thereof, including County Council.
- vii. Board or commission members should not accept gifts, cash, offers for free service and/or other impermissible benefits from individuals appearing before, or likely to appear before, a board or commission on which the member serves.
- viii. Board or commission members should resign their appointment prior to announcing or filing for candidacy for an elective office.
- ix. Board or commission members should avoid the appearance of impropriety in the conduct of their official and nonofficial duties.
- x. Board or commission members should avoid conduct, whether public or private, which reflects negatively on a board or commission, or on the county government as a whole.

B. **Removal:** All members appointed by Council to boards and commissions serve at the pleasure of Council, and are subject to removal with or without cause. To the extent that a member of a board or commission is appointed to a fixed term, that member is subject to removal for cause shown (as hereinafter defined). Upon the expiration of any term of service, a member may remain in service on the board or commission until such time as the member's successor is appointed or until ninety (90) days after the expiration of the term, whichever may first occur, but such continued service is at the pleasure of Council, and such a member is subject to removal with or without cause. Upon the expiration of the 90 day post-term period provided for above, the board or commission

member's term and appointment shall automatically cease without further action of County Council.

- C. **"Removal for cause shown"** is defined as removal of a member of a board or commission as is authorized by a positive vote of County Council. Circumstances warranting a removal for cause include, but are not limited to:
- i. embezzlement or misappropriation of public or trust funds to private use,
 - ii. crimes of moral turpitude,
 - iii. malfeasance or misfeasance,
 - iv. incompetency, incapacity, absenteeism, or persistent neglect of duty in office,
 - v. conflict of interest,
 - vi. conduct that reflects negatively on the County and/or its citizens,
 - vii. use of official position to advance a private religious, economic, or political interest.
 - viii. violation of the Code of Conduct established herein.
- D. **Notice of removal.** The Clerk to Council, and or other designee of Council, will notify a member that is removed for cause in writing, and state in the correspondence the reason(s) for the removal. The written notice will also notify the board member that he or she must object to the removal for cause determination in writing within 10 days of notice thereof, with all appeals to be heard as council deems appropriate.

7.3 Conduct of Meetings. All Board and Commissions will follow the Organizational Rules of Council for conducting meetings unless other rules have been approved by Council.

Rule 8: PARLIAMENTARY PROCEDURE

8.1 In all particulars not determined by these Rules or by applicable South Carolina law, the Chair 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, Newly Revised. Provided that the adherence to Robert's Rules of Order shall not require the Chair to relinquish the gavel prior to speaking on an issue. The Chair will be required to precede remarks with the phrase, "The Chair will recognize himself/herself to speak on this issue."

8.2 MAIN MOTION REQUIRED. In order for County Council to take official action on any subject, a Council member must first propose a main motion. A proposed main motion will not be allowed for discussion or vote by the chair until another council member agrees to second the motion. A second does not require the Council member seconding the motion to support the motion. A Council member may withdraw a main motion that he or she has made at any time before the council has voted on that motion.

8.3 PROCEDURAL MOTIONS. During the course of debate, council members may introduce procedural motions. Procedural motions are used to facilitate the orderly discussion of business before County Council. As a general rule, privileged motions take precedence over Subsidiary and Recall motions; Subsidiary motions take precedence over Recall motions, with the Motion to Reconsider (a recall motion) being the single exception to the general rule.

A. PRIVILEGED MOTIONS. The five privileged motions are the highest ranking group of procedural motions, with the Motion to Adjourn having the highest precedence of the group. Only the Motion to Reconsider has higher precedence. Privileged motions can be made at any time; the Motion to Adjourn, the Motion to Raise a Point of Privilege and the Motion to Convene an Executive Session can interrupt another member who has the floor. When making one of these three motions, the Council member should get the attention of the chair. The chair, interrupting anyone then speaking, recognizes the council member, who then states the motion.

- 1. Motion to Adjourn.** An unqualified Motion to Adjourn is the highest ranking privileged motion and requires, if approved by a majority vote, that the meeting end immediately and reconvene at the next regularly scheduled or called meeting. As the highest ranking privileged motion, the Motion to Adjourn can be raised at any time, except when a vote is being taken or being counted, it can be interrupted only by the motion to reconsider; it can interrupt any person having the floor. The Motion to Adjourn cannot be amended, debated or reconsidered; it requires a majority for passage. Any qualification of the Motion to Adjourn (e.g. "I move that we adjourn in 45 minutes," or "move that we adjourn and meet again next Thursday.") changes the status of this motion from a privileged motion to a main motion.
- 2. Motion to Recede [Take a Recess].** A recess is a short intermission, taken immediately upon passage, following the recess, the meeting takes up at the same point where it was interrupted. The motion cannot be debated or reconsidered, but can be amended as to the duration of the recess, it requires a majority for passage. Also, the Motion to Recede is out of order if anyone has the floor or a vote is being taken or counted. Like the Motion to Adjourn, the Motion to Recede is privileged only if the recess is to be taken immediately, a Motion to Recede at some point in the future is a main motion.
- 3. Motion to Raise a Question of Privilege.** A Motion to Raise a Question of Privilege is a device to allow county Council to take up a matter for immediate consideration because of its urgency; it can interrupt any person having the floor. The motion cannot be amended, debated or reconsidered, but it can be appealed; it is generally ruled on by the chair, but a vote may be taken if the decision of the chair is appealed. If approved, what follows will be a main motion taken Out of Order. Generally there are two types of questions of privilege-questions relating to the privilege of County Council, board or Commission, as a body, and questions of personal privilege, if the two come up together, a question of Council privilege should take precedence over a question of personal privilege. Questions of privilege of County Council usually relate to the comfort of the members of council or the public (e.g. council chambers are too hot, too cold or too noisy); to the conduct of Council members or visitors or members of the public, or to the accuracy of published reports, Care should be taken not to confuse this motion with the group to which it belongs (i.e., privileged motions). Many questions of privilege can be resolved by the chair (e.g. by having someone adjust the thermostat or demanding Order in the chamber).
- 4. Motion to Convene an Executive Session.** Executive sessions must be Convened and Conducted in accordance With the Freedom of Information Act and may be convened only for one or more of the specific reasons

enumerated in the Act. A properly stated motion provides an appropriate reason for convening the executive session. If a valid reason is not stated, the chair may inquire or, if the reason is obvious, provide the reason when restating the motion. The reason for convening the executive session must be recorded in the minutes. The motion may be amended and debated with regard to Stating the appropriate reason or reasons for Convening the Session; however, it cannot be reconsidered.

5. **Motion to Follow the Agenda.** Taking up business according to schedule or agenda is important. This motion is used to get a meeting back on schedule and is appropriate when the meeting has been allowed to digress or when a specific time scheduled for an item of business has arrived and the chair has failed to take notice. Once the motion is made, the chair must conform with the agenda or put the motion to a vote. The motion cannot be amended, debated or reconsidered; a two-thirds majority vote is required to overrule this motion.

B. SUBSIDIARY MOTIONS. The six subsidiary motions help County Council reach a decision on other pending motions, usually a main motion. Subsidiary motions are always applied to another pending motion. All Subsidiary motions are Out of Order when another person has the floor.

1. **Motion to Lay on the Table [Motion to Table] or [Motion to Postpone Temporarily].** A Motion to Lay on the Table proposes that the consideration of a motion be postponed until a later time. It is an appropriate motion to take up a more pressing matter, out of order, and to return later to the tabled motion. The main motion can be brought back for consideration if a Motion to Recall is later passed by County Council. A motion that has been laid on the table will die if it has not been taken from the table by the close of the meeting following the meeting in which the motion was tabled. Amendments and debate are not allowed on a Motion to Lay On the Table and it cannot be reconsidered; it requires a majority vote for passage. The Motion to Lay on the Table is out of order if another speaker has the floor. The motion may properly be referred to as a "Motion to Lay on the Table," a "Motion to Table" or "Motion to Postpone Temporarily."
2. **Motion to Call the Question [Motion to Vote Immediately].** If passed, this motion Cuts off debate and forces an immediate Vote on the pending issue. The Motion to Call the Question is not debatable and a two-thirds majority is required for passage. The Motion to Call the Question can be applied to any motion requiring a vote.
3. **Motion to Limit (or Extend Limits of) Debate.** Motions to Limit Debate or Motion to Extend the Limits of Debate change any time Constraints placed on the length of debate. The details of such motions are to be decided by the

council member making the motion. Either motion can be applied to any motion that is debatable (not just to main motions). Debate is not allowed on either motion and a two-thirds vote is required for passage. The motion can be amended as to the length of time limitation.

4. **Motion to Postpone** (to a Time Certain). A Motion to Postpone and the Motion to Postpone to a Time Certain are appropriate when a council member believes that the pending main motion should not be considered until some point in the future. These motions are in order even though debate has already occurred on the motion. The Motion to Postpone to a Time Certain sets a particular time for the main motion to be considered again, which may be later in the same meeting, at a future meeting or upon the occurrence of a specified event or the issuance of a necessary report. The motion is debatable and can be amended as to the duration of postponement. If the motion sets the matter for a date and time certain, a two-thirds majority is required for passage; if the motion does not set a specific time for consideration, it is referred to simply as a Motion to Postpone and only a majority vote is required for passage, if the motion is set for time certain, the chair will bring the motion back to County Council for further Consideration at the specified time.
 5. **Motion to Commit** (Motion to Refer to Committee). The chair may refer any matter to a committee. If the chair does not refer a matter to a Committee and a Council member believes that further information or study is needed before the County Council can act on a matter, he or she can propose that it be referred to a committee or to a particular office in County government for further study. If an appropriate committee does not already exist, a special Committee can be formed as a part of the motion. A Motion to Commit should specify the date that the committee or department will report back to the board. If a special committee is formed, the chair will appoint its members and its chair. This motion is debatable and can be amended as to where the motion is to be committed and the date that the Committee will report back. The motion requires a majority for passage.
 6. **Motion to Amend**. A Motion to Amend is used to make a change to a pending motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. A Motion to Amend can itself be amended, but the Motion to Amend an amendment cannot. These rules are to be enforced by the chair.
- C. INCIDENTAL MOTIONS.** Six incidental motions allow Council members to appeal rulings by the chair, raise points of order, question precedence of motions and raise objections which are incidental to the discussions at hand but do not directly relate to the main question under discussion.

- 1. Point of Order Motion.** The Point of Order takes precedence over any question from which it arose. It yields to any privileged motion and a motion to lay the underlying question on the table. The Point of Order is not debatable (except that the chair may ask the member raising the point to explain it), is not amendable, and cannot be reconsidered. The Point of Order is in order when another person has the floor and can interrupt a person speaking, if the point genuinely requires attention at the time it is raised. Normally, the point is ruled on by the chair and no vote is taken, unless there is an appeal or the chair is in doubt.
- 2. Appeal.** The duties of the chair include making rulings on questions of parliamentary procedure. An Appeal is the vehicle available to members of Council who believe that the chair's ruling was erroneous. The Appeal is in order when another has the floor, but must be taken immediately after the ruling and is out of order if other business has intervened. It is debatable unless the underlying question is not debatable or if the Appeal relates to decorum or priority of business, it is not amendable. The decision of the chair stands unless reversed by a majority of the members, the chair may vote to create a tie and thus sustain the ruling. An Appeal takes precedence over any pending question at the time the chair makes the ruling. It yields to all privileged motions, incidental motions arising from itself and, if debatable, to the following subsidiary motions: Motion to Limit or Extend Debate, Motion to Call the Question Vote immediately, Motion to Commit, Motion to Postpone (to a Time Certain) and the Motion to Lay on the Table. If debatable, each member may speak only once, except the chair. Also, if a member disagrees with the ruling of the chair, he or she should not hesitate to appeal. Appealing a decision is no more delicate than disagreeing with another member in debate. In close questions of parliamentary procedure on an important issue, the chair may welcome an appeal.
- 3. Motion to Suspend the Rules.** The Motion to Suspend the Rules allows County Council to do something it could not ordinarily do without violating one or more of its regular rules. The motion cannot be used to suspend a rule in violation of state or federal law, nor can the Suspension violate a fundamental rule of procedural law. When a matter is pending, this motion takes precedence over any other motion, if it applies to the pending matter of business. No Subsidiary motion can be applied to this motion. It is Out of Order when another Council member has the floor; it is not debatable, not amendable and cannot be reconsidered. It requires a two-thirds majority vote for passage. It is not necessary to state the rule to be suspended when making the motion, but the purpose for the suspension should be stated (e.g. "Mr. Chair, I move to Suspend the rules to take up, Out of Order, the matter

of..."). The Motion to Suspend has such potential for abuse that the chair must be aware of and must be quick to preclude not only the abuse itself, but also the appearance of abuse.

- 4. Motion to Divide the Question.** This Motion allows members of County Council to require a question dealing with a single subject to be divided into parts and to have each part considered and voted on separately, but only if each part is capable of standing alone. This motion is not debatable, cannot be reconsidered and requires a majority Vote for passage. It is amendable only with regard to how the question should be divided. This motion is out of order when another has the floor. It takes precedence over the main motion. If applied to an amendment, it takes precedence over the amendment; but it cannot be made to the underlying matter with an amendment pending. It yields to all privileged motions, to all applicable incidental motions and to all subsidiary motions with the following exceptions: Motion to Amend and Motion to Limit (or Extend) Debate.
- 5. Motion to Consider by Paragraph/Motion to Consider by Section.** Allows County Council to break down complex proposals into their component parts and to consider, debate and amend each paragraph or section separately. This procedure can be applied by the chair on its own initiative or by the Council following the adoption of a motion by any member. These motions are not debatable, cannot be reconsidered and require a majority vote for passage. They are amendable only with regard to how the question should be divided. These motions are out of order when another has the floor. They take precedence over the main motion, if applied to an amendment, they take precedence, but cannot be made to the main motion with an amendment pending, They yield to all privileged motions, to all applicable incidental motions and to all subsidiary motions with the following exceptions: Motion to Amend and Motion to Limit (or Extend) Debate.
- 6. Requests and Inquiries.** From time to time, Council members may need additional background information or may wish to provide such information, so that the council can understand better the issue under discussion. Requests and Inquiries provide the vehicle for exchanging this information. Requests and Inquiries, which all share similar characteristics and procedural requirements, can be subdivided into the following categories:
 - a. Parliamentary Inquiry.** Such inquiries are always directed to and answered by the chair and are used to clarify specific parliamentary or organization rules that have bearing on the issue at hand.
 - b. Point of information.** This inquiry is addressed to the chair or to another member through the chair, for information relevant to the business at hand, but not related to parliamentary procedure.

- c. Reading of Papers. No member of Council has the right to read or have another person read from any papers or books as part of that member's debate on any matter without unanimous consent of the other members of council. Even So, it is Customary to grant leave to members to read short, pertinent printed matter, so long as the privilege is not abused.
- d. Any Other Privilege

D. RECALL MOTIONS. Two recall motions allow issues to be brought back to the County Council that have been previously disposed of or assigned to committee.

1. **Motion to Reconsider.** The motion to reconsider allows county Council to debate whether or not to overturn a decision made at the meeting that is in progress or at the immediately preceding meeting provided, however, that third reading to an ordinance may be reconsidered only at the same meeting in which the third reading was adopted. Furthermore, if the matter to be reconsidered was the adoption of a resolution that has already been published or acted upon, the motion is out of order. The Motion to Reconsider allows County Council to consider new information that may affect the decision that has already been made. Any Council member who voted on the prevailing side can make a Motion to Reconsider. The motion is debatable if the matter to be reconsidered is debatable, but it cannot be amended. A majority vote is required for the motion to pass. The Motion to Reconsider, itself, cannot be reconsidered, if the Motion to Reconsider is agreed to, the original decision will be voided and the board will return to debate and vote again on the original motion. Subject to the one or two meeting restriction, indicated above, the Motion to Reconsider can be made at any time, taking precedence over any other motion and yielding to nothing. The Motion to Reconsider is out of order when another person has the floor. Once the Motion to Reconsider is made, the consideration of the motion takes the priority of the motion to be reconsidered, but has precedence Over any new motion of equal rank. A Motion to Reconsider temporarily suspends any action growing out of the motion to be reconsidered. If the Motion to Reconsider is made but not considered immediately, any member can call up the motion by bringing it to the attention of Council at any time consideration of the motion would be in order. The unusually high precedence of this motion grows out of the short window of opportunity to raise the issue. Once the motion is made, its consideration reverts to a much lower precedence, with the fate of the underlying issue being held in abeyance until the Motion to Reconsider can be decided.
2. **Motion to Recall from the Table (from Committee).** The two Motions to Recall allow the County Council to consider a question that has been laid on

the table or that has been assigned to a Committee. The motions take precedence over nothing and must be made when no other business is pending. The motions are not debatable or amendable. A motion that is not recalled by the close of the meeting following the meeting in which it was tabled is dead.

E. UNANIMOUS CONSENT. Business can be expedited greatly by avoiding the formality of motions and voting for routine business and on questions of little importance, the chair assuming general (unanimous) consent until a member objects. Thus, in the case of approving the minutes, the chair inquires if there are any corrections, and, if one is suggested, it is made: when no correction [or no further correction] is suggested, the chair says: "There being no corrections [or no further corrections] the minutes stand approved." While routine and minor matters can be rapidly disposed of in this way, if at any time objection is made with reasonable promptness, the chair ignores what has been done in that case even if he has announced the result, and shall then require a regular vote