

**RICHLAND COUNTY**  
**RULES & APPOINTMENTS**  
**COMMITTEE AGENDA**



**Tuesday, MAY 19, 2020**

**4:00 PM**

**ZOOM MEETING**

**The Honorable Bill Malinowski, Chair**

**County Council District 1**

**The Honorable Gwendolyn Kennedy**

**County Council District 7**

**The Honorable Chakisse Newton**

**County Council District 11**

# RICHLAND COUNTY COUNCIL 2020



Bill Malinowski  
District 1  
2018-2022



Joyce Dickerson  
District 2  
2016-2020



Yvonne McBride  
District 3  
2016-2020



Paul Livingston  
District 4  
2018-2022



Allison Terracio  
District 5  
2018-2022



Joe Walker, III  
District 6  
2018-2022



Gwendolyn Kennedy  
District 7  
2016-2020



Jim Manning  
District 8  
2016-2020



Calvin "Chip" Jackson  
District 9  
2016-2020



Dalhi Myers  
District 10  
2016-2020



Chakisse Newton  
District 11  
2018-2022





Richland County Rules & Appointments Committee

May 19, 2020 - 4:00 PM  
Zoom Meeting  
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Bill Malinowski
  
2. **APPROVAL OF MINUTES** The Honorable Bill Malinowski
  - a. May 5, 2020 [PAGES 7-8]
  
3. **ADOPTION OF AGENDA** The Honorable Bill Malinowski
  
4. **ITEMS FOR DISCUSSION/ACTION**
  - a. I move that Council work with staff to conduct a comprehensive review of Council rules and recommend changes to streamline the rules to improve the functioning of Council business [NEWTON] [PAGES 9-40]
  
  - b. Unless there are truly extenuating circumstances agenda items should not be listed as “Title Only”. (Somebody was late getting it to us” is not extenuating.) This only gives the public two opportunities to see an item prior to final approval by Council when in fact there should be three. [MALINOWSKI]
  
  - c. In my continued decade long battle for accountability, transparency, efficiency and effectiveness., I move that all County Council standing committees, ad hoc committees and one time/short term committee meetings be held in Council Chambers, as is the Transportation Ad Hoc Committee, with votes recorded in like fashion
  
  - d. Consider moving the Horizon meeting to Tuesday and have delivery of finished agendas to Council members by Thursday close of business

- e. I move that Richland County disqualify any vendor in its procurement process as a "qualified bidder" if Richland County is currently in any legal dispute, lawsuit or settlement negotiation either individually or jointly named **[UNDER SEPARATE COVER]**
  
- f. Boards, Committees and Commissions Descriptions and Duties

**5. ADJOURNMENT**

The Honorable Bill Malinowski



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council  
Rules and Appointments Committee  
May 5, 2020 – 4:00 PM  
4<sup>th</sup> Floor Conference Room  
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Kimberly Williams-Roberts, Leonardo Brown, Brad Farrar and Angela Weathersby

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 4:00 PM.
2. **APPROVAL OF MINUTES**
  - a. March 3, 2020 – Ms. Newton moved, seconded by Mr. Malinowski, to approve the minutes as submitted. The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Newton moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.
4. **NOTIFICATION OF VACANCIES**
  - a. Accommodations Tax – Two (2) Vacancies (1 applicant must have a background in the hospitality industry & the other is an at-large seat)
  - b. Hospitality Tax – One (1) Vacancy (1 applicant must be from Restaurant Industry)
  - c. East Richland Public Service – One (1) Vacancy

Ms. Newton moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to advertise for the vacancies. The vote in favor was unanimous.
5. **ITEMS FOR ACTION**
  - a. The CMRTA (COMET) board has two vacancies. I move that Richland County Council appoints one Councilmember to the board and advertises the remaining vacancy [NEWTON, LIVINGSTON and DICKERSON] – Ms. Newton moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve this item. The vote in favor was unanimous.
6. **ADJOURNMENT** – The meeting adjourned at approximately 4:07 PM

**Rules and Appointments Committee  
May 5, 2020**

-1-

**Rules and Appointments Committee**  
**May 5, 2020**  
**-2-**



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## RULES OF RICHLAND COUNTY COUNCIL

### **RULE I: MEETINGS**

#### **1.0 Authority**

~~Pursuant to S.C. Code of Laws, 1976, Section 4-9-110 "... The council shall determine its own rules and order of business..." These rules comply with the provisions of the Home Rule Act.~~

These Rules are adopted pursuant to S.C.Code Ann. Section 4-9-110, which provides that, "[t]he council shall determine its own rules and order of business."

### **RULE I: MEETINGS**

#### **1.1 ~~Applicable Law~~ Purpose and Scope**

~~All meetings are to be conducted in accordance with the general law affecting meetings of public bodies and such special laws pertaining to Richland County as remain applicable under South Carolina Law.~~

These Rules shall apply to all meetings of county council, including committee meetings to assist county council in conducting orderly meetings following parliamentary procedure.

#### **1.2 Procedure**

In all ~~particulars~~ **cases** not ~~determined~~ **covered** by these rules or by law, the Chair or other presiding officer shall be guided by "~~Robert's Rules of Order~~"; **such rules as are set forth in the** most recent edition of *Robert's Rules of Order*.

#### **1.3 Open Meetings**

All meetings of Council, which include committee, subcommittee, and advisory committee meetings, shall be open to the public except as provided for in Section 30-4-10 et.seq. of the South Carolina Code of Laws, 1976, as amended. All regular and special called meetings of Council will be broadcast on the County's website, **unless circumstances make it impractical or impossible to broadcast such meeting. This could include technical issues, no access at a given meeting location (e.g., if a meeting is held someplace other than Council's normal**

meeting place) or other difficulty. All regular and special called meetings of Council will be video-recorded unless circumstances make it impractical or impossible to video-record such meeting.

Public notice of regularly scheduled meetings, special called meetings, and committee meetings will be given pursuant to ~~in accordance with S.C.Code Ann. Section 30-4-80 of the South Carolina Code of Laws, 1976, as amended,~~ “Notice of meetings of public bodies.”

#### **1.4 Closed Meetings Executive Sessions.**

~~The Council may go into executive session after a motion to do so is made, seconded, and receives a majority plus one vote of those members present, as provided for under the South Carolina Freedom of Information Act, as amended.~~

~~The Chair shall, in announcing executive sessions pursuant to Section 30-4-70(a) of the Code of Laws of South Carolina, cite the specific code section supporting the executive session. In preparing the agenda, the Chair shall cite the specific code section and shall announce the specific purpose of the executive session.~~

~~For the purposes of this section, “specific purpose” means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of Section 30-4-70 of the South Carolina Code of Laws, in such terms that the public could identify the parties to a contract, the person being appointed to a public body, the location of any real property being sold or purchased, the parties and specific subject upon which legal advice is being received, and the subject matter of any administrative briefing. In no event shall the Chair announce the name of a classified employee whose employment is being discussed in executive session or the location of any security devices.~~

~~The County Council may hold executive sessions for the purpose of hearing from local and/or state development boards concerning the location of industry when neither the name of the industry nor the location of the property is to be revealed.~~

In accordance with the South Carolina Freedom of Information Act, “[a] public body may hold a meeting closed to the public” for any of the purposes set forth in S.C.Code Ann. Section 30-4-70. Pursuant to 30-4-70 (b), before going into executive session Council shall vote in public on the question and when the vote is favorable, the Chair or presiding officer shall announce the specific purpose of the executive session. No action may be taken in executive session except to (a) adjourn or (b) return to public session.

## 1.5 Dates/Times

- a) Regular Meetings- Regular Meetings of County Council shall be held on the first and third Tuesday of each month at 6:00 p.m., unless otherwise scheduled by the Chair for good cause, with the consent of a majority of the Council members present. “Good cause” includes, but is not limited to, consideration of County holidays, in which case Council may decide to adjust its meeting schedule accordingly.
- b) Special Meetings- Special Meetings may be called by the Chair or a majority of the members of Council provided that twenty-four (24) hours’ notice has been given to Council members and the public. The members of Council must be informed of the subject(s) to be discussed at a special meeting. While special called meetings, absent contrary authority, may be held for any purpose Council desires, two frequent reasons necessitating a special meeting include: 1) a special called meeting that is essentially the result of the rescheduling of a meeting that had been regularly scheduled but for whatever reason needs to be moved to a different date or time (i.e., a regular meeting held at a special time not originally scheduled); and 2) a special called meeting to take up a specific matter or matters (i.e.; a “limited purpose” meeting). A special called meeting that is in essence a regular meeting that has been moved to a time not originally scheduled should follow the agenda order set forth in Rule 1.7c) of these rules. A special called meeting that is for a “limited purpose” or “limited purposes” need not follow the agenda order set forth in Rule 1.7c) of these rules, but instead may follow an agenda that is as specific or general as may be necessary for Council to be informed of the purpose(s) of the limited meeting and to carry out the purpose(s) of the limited meeting.

Electronic Participation- During any Special Called meeting, not held in conjunction with a regularly scheduled Zoning Public Hearing and Planning Meeting, any Council member may participate in the meeting via electronic participation. ~~as present for the purposes of a quorum. Any Council member participation electronically shall not be allowed to participate in executive session matters. Should an executive session be held, a council member participating electronically may choose to abstain from a vote on the issue discussed in executive session.~~

No less than five Council members must be physically present to schedule a Special Called Meeting.

For the purposes of this section, “electronic” participation shall mean videoconferencing or teleconferencing which allows all persons participating in the meeting to hear each other at the same time (and, if videoconferencing, to see each other as well). Electronic participation shall only be allowed in a Special Called meeting of Council.

- c) Zoning Public Hearing Meetings- Zoning public hearing meetings shall be held on the fourth Tuesday of each month at 7:00 p.m., unless otherwise scheduled by the Chair for good cause, with the consent of a majority of the Council members present. “Good

cause” includes, but is not limited to, consideration of County holidays, in which case Council may decide to adjust its meeting schedule accordingly.

## 1.6 Quorum

A quorum for the transaction of official business of Council shall consist of six (6) members.

A quorum of a ~~Committee or Subcommittee shall consist of a simple majority of the members comprising said Committee or Subcommittee.~~ A quorum of a committee, subcommittee or advisory committee of Council shall consist of a simple majority of the fixed membership of the committee, subcommittee or advisory committee.

## 1.7 Agenda

- a) Compilation-The agenda for regular meeting of Council shall be compiled by the Clerk of Council on the Wednesday proceeding the first and third Tuesday of each month. Back-up documents for the agenda for all items must be received by the Clerk of Council by the close of business on the Thursday preceding the meeting at which the item is to be considered.
- b) Placing on Agenda (Methods) - Items for Council consideration is placed on the agenda by any of these methods:
  - 1) Committee action, or
  - 2) Any item defeated, tabled, or not acted on by committee within 90 days of that item having been placed on the committee’s agenda may be placed on the Council agenda when the Clerk’s Office has received a written request signed by ~~from~~ three members of Council ~~written request includes electronic mail or messaging~~), or
  - 3) Proclamation introduced by one member of Council presented to the Clerk prior to the agenda deadline, or
  - 4) Items authorized by ordinance (e.g. appointment and commissioning of Code Enforcement Officers), or
  - 5) The item consists of a notice given to the governing body concerning the location of a proposed home for 9 or fewer mentally or physically handicapped persons, or

- 6) In the case of a resolution honoring or recognizing a citizen or organization, the same by unanimous consent may be placed on the agenda and voted on during Council's motion period, or

**[PROPOSED NEW RULE]**

- 7) Administrator's Nomination—this method of placing an item on Council's agenda recognizes that as the County's chief executive officer, the Administrator may from time-to-time have a matter that needs to come before Council that requires action, the delay of which might prejudice the County's interest in a discernable way. In such instances, the Administrator may nominate an item for placement on Council's agenda, and Council may decide to include such item at its pleasure during the adoption of its agenda, or the re-adoption of its agenda should re-adoption be necessary. Any item nominated under this rule:
- a) must include a representation by the Administrator, orally or in writing, that the item is time sensitive, exigent or of such immediate importance that taking it up later would or could prejudice the County;
  - b) in addition to "a," the Administrator shall provide an explanation as to why the item could not be routed to Council through the committee process or any of the other methods of placement on Council's agenda set forth in 1.7b) 1-6, or, as to 1.7b)1), why committee consideration is not necessary;
  - c) must meet the notice requirements of the South Carolina Freedom of Information Act; and
  - d) must be consented to by two-thirds of those members of Council present at the meeting.
- c) Order- the agenda for regular meetings of Council (and those special called meetings that are the result of the rescheduling of a meeting that had been regularly scheduled, as provided for in Rule 1.5b) of these rules) shall consist of the following categories of business, to be taken up by the Chair in the order listed.
- 1) Invocation.
  - 2) Pledge of Allegiance.
  - 3) Approval of minutes of previous meetings: a simple majority vote of Council is required to approve minutes. If there are corrections or amendments to the minutes, they may be approved as corrected or amended. Motions to reconsider, rescind, or expunge from the record any previous action must be made prior to adoption of the relevant minutes and any such motion will be placed on the Agenda's Motion Period for debate. Only when an item is

expunged can it be reconsidered during the Motion Period. The adopted minutes shall note the motion to reconsider, rescind, or expunge.

- 4) Adoption of agenda: a two-thirds majority vote, of those present, is required to adopt the agenda.
- 5) First County Attorney's Report of Executive Session items: The County Attorney shall report only on those Executive Session items in which the County is represented by outside counsel or in which the County has retained the services of a consultant **who is charging the County for services by the hour. In such cases, if it would save the County money to dispose of matters involving outside counsel or consultants at or near the beginning of its meeting, Council may take up such matters during this first Report of Executive Session items. No action shall be taken in executive session.**  ~~- Council shall move to take action or to receive as information each item that has been discussed in executive session.~~
- 6) Citizen input:

**(a) Agenda Items**--Each person ~~citizen~~ who has signed the Agenda Items Input List to speak before Council may do so for up to 2 minutes; provided, however, the entire Agenda Items citizen input time shall not exceed 30 minutes, **except by leave of Council.** The Clerk shall be responsible for keeping the time for each speaker, and the timer shall not be started until after the speaker has stated his or her name and address. **Anyone who wishes to speak but did not sign up to speak, or signed up to speak on the wrong Input List, may be allowed to speak at Council's discretion.** Input must pertain to items on the agenda for which no public hearing is required or has been scheduled. Individual members of Council shall not be referred to by name, but instead input should be directed to the full Council. Any material that a **speaker would like** ~~citizen intends~~ to present to Council, including audio and visual presentations, **should be provided to** ~~must be approved by~~ the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present. ~~The Chair will request that in the event a citizen who has signed up to speak intends to speak, or does speak, on behalf of any group, association, community or anyone besides or in addition to himself or herself, that the speaker advise Council during his or her citizen input of that fact, and name or identify anyone else for whom the citizen is speaking or represents.~~ The Clerk will have available Council members' contact information as listed on the County's website. The Chair may advise **speakers** ~~citizens~~ to **coordinate** ~~speakers~~ with or contact County staff as may be appropriate to the issue(s) raised by the speaker. **Rule 2.2, Preservation of Order, applies during Citizens Input. In addition, if it becomes clear that the item addressed or the speaker's input bear no reasonable relationship to any matter over which Richland County has responsibility, the Chair may discontinue that input prior to the running of the time limit for speakers set forth herein.**



**(b) Non-Agenda Items Input:** ~~Anyone citizen~~ who wishes to speak on an item not on the agenda or ~~introduce an item for consideration not currently under Council's consideration or~~ bring a concern to Council's attention may speak for no more than two minutes; provided, however, the entire Non-Agenda Items citizen input time shall not last longer than 30 minutes, **except by leave of Council.** The Clerk shall be responsible for keeping the time for each speaker, and the timer shall not be started until after the speaker has stated his or her name and address. **Anyone who wishes to speak but did not sign up to speak, or signed up to speak on the wrong Input List, may be allowed to speak at Council's discretion.** Input must pertain to items on the agenda for which no public hearing is required or has been scheduled. Individual members of Council shall not be referred to by name, but instead input should be directed to the full Council. Any material that a **speaker would like to** ~~citizen intends to~~ present to Council, including audio and visual presentations, **should be provided to** ~~must be approved by~~ the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present. Items for which a public hearing is required or has been scheduled cannot be addressed at this time. Exceptions may be made with the consent of a simple majority of those Council members present. ~~The Chair will request that in the event a speaker citizen who has signed up to speak intends to speak, or does speak, on behalf of any group, association, community or anyone besides or in addition to himself or herself, that the speaker advise Council during his or her citizen input of that fact, and name or identify anyone else for whom the speaker citizen is speaking or represents.~~ The Clerk will have available Council members' contact information as listed on the County's website. The Chair may advise speakers to coordinate ~~citizens to speak~~ with or contact County staff as may be appropriate to the issue(s) raised by the speaker. Rule 2.2, Preservation of Order, applies during Citizens Input. In addition, if it becomes clear that the item addressed or the speaker's input bear no reasonable relationship to any matter over which Richland County has responsibility, the Chair may discontinue that input prior to the running of the time limit for speakers set forth herein.

- 7) Report of County Administrator: The County Administrator shall make recommendations or announcements concerning county affairs. **Items for action shall be taken under this section only upon compliance with Rule 1.7b7).**; ~~but no action shall be taken on any item without proper notice, except in case of extreme emergency.~~
- 8) Report of Clerk of Council: The Clerk of Council shall make announcements, if any, concerning county affairs. **In the event the Clerk recommends or requests an item for action during this section of the agenda, the Administrator may nominate the same for action in accordance with Rule 1.7b).**
- 8.59) Report of the Chair: The Chair of Council shall make announcements if any, concerning county affairs. **In the event the Chair recommends or requests an**

item for action during this section of the agenda, the Administrator may nominate the same for action in accordance with Rule 1.7b).

- 910) Presentations: The party requesting to make the presentation shall set forth a written request that includes 1) the name of the person, group, association or entity making the presentation, 2) the name and contact information for the presenter(s) or spokesperson(s) thereof, and 3) the purpose and nature of the presentation. ~~Absent unusual circumstances, the request should be succinct but have enough information to meaningfully inform Council and the public of the substance of the presentation, and submitted to the Clerk of Council in no more than one page in length and should be timely submitted (i.e., in advance of the agenda deadline for the meeting where the matter is intended to appear as a presentation is intended to be made. The presentation request shall be included in the agenda packet.~~ “request”) to the Clerk’s Office. Presentations shall be limited to five (5) minutes per presentation, and shall be heard on the third Tuesday of the month, **except by leave of Council**. Presentations of time sensitive matters, as determined by the Chair or Vice Chair in the Chair’s absence, of Council may be heard at any regular or special called meeting of Council. All presentations, regardless of topic, shall be approved by the Chair before placement on any Council agenda. No presentation shall be heard which is not on the Council agenda prior to the start of the meeting. No more than three presentations will be allowed at each meeting. The purpose of this rule is so that Council may plan its meetings accordingly, given the variety of presentations and lengths thereof, and to assess the merits of a given presentation. Presentations shall not be used to request funding or resources support from the County.
- 1011) Public Hearings: Each ~~person~~ **citizen** who has “signed up” signed up may speak to **Council for up to two (2) minutes** concerning an item for which there is a public **hearing for up to 2 minutes**; provided, however, the entire public hearing time for any one item shall not exceed 30 minutes, **except by leave of Council**.

Any material that a ~~speaker~~ **citizen** intends to present to Council, including audio and visual presentations, must be **submitted to approved** by the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present. The Chair will request that in the event ~~someone a citizen~~ who has signed up to speak intends to speak, or does speak, on behalf of any group, association, community or anyone besides or in addition to himself or herself, that the speaker advise Council during his or her public hearing input of that fact, and name of identify anyone else for whom the citizen is speaking or represents. **The Clerk shall be responsible for keeping the time for each speaker, and the timer shall not be started until after the speaker has stated his or her name and address.**

**Anyone who wishes to speak but did not sign up to speak, or signed up to speak on the wrong public hearing list, may be allowed to speak at Council’s discretion. Individual members of Council shall not be referred to by name,**

but instead input should be directed to the full Council. Any material that a speaker would like to present to Council, including audio and visual presentations, should be provided to the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present. Rule 2.2, Preservation of Order, applies during Public Hearings. In addition, if it becomes clear that the speaker's input bears no reasonable relationship to the item subject to the Public Hearing, the Chair may discontinue that input prior to the running of the time limit for speakers set forth herein.

- 412) Consent items: Items shall consist of those matters that do not require further discussion by Council that have been forwarded to Council by the unanimous vote of the Committee; provided, however, that an item forwarded to Council by Committee without recommendation shall not be listed as Consent Agenda item. Any member of Council can remove an item from the Consent Agenda prior to adoption of the agenda. The Chair has the discretion to place items on the Consent Agenda, if in the judgment of the Chair; those items are unlikely to be debated.
- 413) Third reading: final approval of Ordinances.
- 414) Second reading.
- 415) Requests by Council members: items may include those that were defeated (or deferred beyond 90 days) by committee and reintroduced by three members of Council Members' signatures.
- 416) Second County Attorney's Report of Executive Session items: The County Attorney shall report on the remaining Executive Session items. **No action shall be taken in executive session.** ~~Council shall move to take action or to receive as information each item that has been discussed in executive session.~~
- 417) Motion period/Announcements: Any Council member may make an announcement or introduce an item (excluding resolutions) for referral to a Committee. However, any Council member wishing to make a motion during the "motion period" must have transmitted a written request to the Clerk's Office by the deadline for posting the agenda of a regularly scheduled meeting of Council in accordance with the South Carolina Freedom of Information Act (i.e., twenty-four hours prior to such meeting) so that the nature of the motion appears on the agenda. Motions for resolutions and ordinances may be referred to a Committee for further deliberation or, by unanimous consent, the resolution shall be deemed adopted or the ordinance may be sent forward for second reading. Further, any Council member may **use this time to inform Council, Administration and County staff of upcoming matters or items likely to come before Council, to orient Administration and staff thereto and to request information or the commencement of research in the ordinary course of Council-Administrator dealings.** ~~make a motion directing the county~~

~~administrator to take action on a county-related matter; and upon approval of a majority of members present and voting, the county administrator shall act upon the directive given.~~

When referring an item to committee, a Council Member must specify the intent of his or her motion. The Council Member may request, among other things, that an item be referred to committee for:

- a) ~~Refer an item to a committee for a~~AAction;
- b) ~~Refer an item to a committee for d~~DDiscussion;
- c) ~~Refer an item to committee for t~~The purpose of receiving information or an update from staff ~~and/or~~ legal; or
- d) ~~Refer an item to committee for a~~ A presentation.
- e) ~~Any Council member may make a motion directing the county administrator to take action on a county-related matter; and upon approval of a majority of members present and voting, the county administrator shall act upon the directive given.~~

If a Council Member does not specify the intent of his or her motion, the Chair shall ask the maker of the motion for clarification. Immediately following each motion, the Chair shall determine the committee to which the item will be referred, according to the guidelines established in Rule 4.1.

Motions for resolutions and ordinances shall generally be referred to a Committee for further deliberation; however, by unanimous consent of council, a resolution shall be deemed adopted or f an ordinance placed on the agenda 24 hours prior to the meeting may be given first reading and sent forward to Council for second reading.

~~17~~18) Pending Items: Issues that have been raised by a Council member wherein a response is expected from staff shall be listed on the agenda along with a time frame in which a response from staff will be provided. These items shall be for information only. ~~and no discussion shall take place relative to matters listed under Pending Items other than for staff to seek guidance on responding to a Council member's stated issue and for setting a reasonable time frame in which to respond.~~

~~18~~19) Adjourn.

- d) Additions - ~~A request to add items to the agenda requires a two-thirds vote of those Council members present.~~ Pursuant to S.C.Code Ann. Section 30-4-80, "Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this subsection, no items may be added to the agenda without an additional twenty-four hours notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if

the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda. Nothing herein relieves a public body of any notice requirement with regard to any statutorily required public hearing.”

## **RULES II: THE CHAIR**

### **2.1 Call to Order**

The Chair shall call Council meetings to order at **their posted times** ~~6:00 p.m.~~ or as soon thereafter as practical on the first and third Tuesday of each month and, if a quorum is present, proceed to the meeting agenda.

### **2.2 Preservation of Order**

The Chair shall preserve order and decorum and, in case of disturbance or disorderly conduct in the Chamber or the lobby, may cause the same to be cleared. The members of Council, ~~and the public who participate in meetings,~~ agree to, and **all of those attending Council’s meetings are expected to,** adhere to the following “Code of Conduct”:

“I pledge that I may disagree, but will be respectful of all. I will direct all comment to the issues. I will refrain from personal attacks.”

### **2.3 Transgressions of Order**

If any member, in speaking or otherwise, transgresses the Rules of the Richland County Council, the Chair shall call ~~him/her~~ **such member** to order, ~~or any member may call such transgressions to the attention of the Chair who shall call the transgressor to order.~~ If repeated cries of order are ineffective, the Chair may call a member by name, and if the Chair deems it necessary, shall state the offense committed. The member may be heard in **response.** ~~self-defense and shall withdraw from the issue, and the Council shall consider any further proceeding to be had.~~

## **[PROPOSED NEW RULE]**

### **2.4 Censure**

Recognizing the value and contributions of each member of Council, and that each member is elected by the people of a defined district and accountable to the people thereof, subject to removal only by the governor as provided for by State law, while at the same time realizing that the functioning of Council depends on the professionalism and civility of each member,

in rare circumstances where a member's conduct so thoroughly transgresses Council's Code of Conduct described in Rule 2.2, Council may censure a member.

Prior to censuring one of its members, Council must pass a motion to commence censure proceedings. A motion to commence censure proceedings, having been made and properly seconded, requires a two-thirds vote of the full Council (i.e., at least 8 of Council's 11 members, whether a full Council has been seated or not, must vote to censure a member).

If a motion to commence censure proceedings passes, Council shall hold a hearing on censure of the member named in the motion. The hearing shall be held at the next regular or special called meeting of Council, provided that a period of at least ten (10) days has elapsed from the date the motion to commence censure proceedings was adopted to the censure proceeding itself. In no event shall the hearing be held at the same meeting, or on the same day, as the adoption of the motion to commence censure proceedings.

At the hearing the Chair shall state the basis for censure, or may call upon any member who voted to commence censure proceedings to state the basis for censure if the basis is unknown to the Chair. Any member may then speak during the censure proceeding for up to five (5) minutes. No member may speak more than twice during the censure proceeding absent leave of the Chair. The member subject to the censure proceedings shall have up to fifteen (15) minutes to speak in reply.

At the conclusion of Council input as provided for herein, any member who believes censure is in order may make a motion to censure the member. If that motion does not receive a second, or, if seconded, it does not pass by a two-thirds vote of the full Council (i.e., at least 8 of Council's 11 members, whether a full Council has been seated or not), the matter is concluded and there shall be no reference in the record to the member having been censured. If a motion to censure is made and properly seconded, and receives at least eight (8) votes, the member shall be censured and the records of County Council shall so reflect. Once a member is censured on a matter, no other action is in order with respect to the same matter.

#### **2.42.5 Points of Order. Appeal.**

~~The Chair shall decide all points of order, subject to an appeal by any member. The Chair may require the member raising a point of order to cite the Rule or other authority in support of the question. Upon appeal, no member shall speak more than once and for no longer than ten minutes each, except by permission of the Council.~~

##### **a) Point of Order [Motion to Raise a Question of Order].**

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. It does not require a second. 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. The Chair shall decide all points of order, subject to an appeal by any member.

## **b) 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.

If debatable, each member may speak only once and for no longer than ten minutes each, except by permission of the Council. An Appeal can be reconsidered.

### **2.52.6 Participation**

The Chair shall vote in all cases (except when the Chair may be personally or pecuniarily interested) **in accordance with Rule 5.21**. ~~If a member does not cast a negative vote or declare his abstaining vote, he shall be recorded as voting in the affirmative. A member may not vote by proxy. If with the vote of the Chair, the Council were equally divided, the question shall be decided in the negative. The presiding officer may give information or explain any matter before the Council, and may speak on points of order in preference to any other member, as often as she/he may deem necessary. The Chair may enter into the debate of the Council, but should not use the office of the Chair to wield influence over the other members.~~

### **2.62.7 Election**

The Chair shall be elected at the first regular **or special called** meeting of the Council in January, or as soon thereafter as may be practical, by the membership of the Council. The Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council.

### **2.72.8 Vice Chair**

The Vice Chair shall be elected either at the first regular **or special called** Council meeting in January or as soon thereafter as may be practical. The Vice Chair shall preside in the absence of the Chair.



### **2.82.9 Signatures**

The Chair shall sign all ordinances, resolutions and other documents **approved or** authorized by the Council. In the absence of the Chair, the Vice Chair is authorized to sign official documents of the County.

~~The Assistant to the Clerk of Council and the Deputy shall serve as Acting Clerk of Council are authorized to sign or attest to official documents of the County. in the absence of the Clerk for the purpose of signing official documents.~~

## **RULE III: MEMBERS AND MEMBERSHIP**

### **3.1 Seating**

At the first meeting **in which** ~~January after the election and seating of the Chair and Vice Chair Council are elected as provided for in Rules 2.7 and 2.8, respectively, and immediately after such elections and seating of the Chair and Vice Chair,~~ Council members shall select their seats based first on seniority in years of continuous service and then in alphabetical order.

### **3.2 Attendance**

~~Each member shall be within the Council Chambers during its meetings unless excused or necessarily prevented. The Chair, if notified prior to the meeting, may excuse any member from attendance at meetings of the Council and its committees for any stated period upon reason shown, and such excused absence shall be noted in the minutes.~~ **Subject to the rule for electronic participation set forth herein, each member is expected to be within the Council Chambers during Council's meetings, or within the meeting room of any alternate location of a Council meeting. The Chair may note for the record any member's absence and the circumstances therefor as appropriate, and such absence and the circumstances therefor, if known, shall be noted in the minutes.**

### **3.3 Call to Order**

When the Council is called to order, ~~every~~ **each** member shall take his/her ~~respective seat place on the dais~~ and shall act with decorum.

### **3.4 Speaking**

~~The Chair, when duly addressed by a member, shall hear from the members desiring to -who, in the opinion of the Chair, shall in the order in which they express interest in speaking, recognizing each member in turn. speak first, by identifying the member. Members Every member, when about to speak, shall respectfully address the Chair and shall avoid disrespect to the Council, and all personalities, and shall confine all remarks to the question under~~



consideration. No member shall speak more than twice on the same question without leave of Council, except merely to explain meaning. Each member shall be allowed to speak no more than five minutes for debate on any one issue before Council. If a member has the floor and is addressing the body, that member ~~she/he~~ shall not lose the floor by asking a question of any member of the body. If a member shall be called to order while speaking, such member ~~she/he~~ shall immediately forfeit the floor until the question of order is decided., ~~unless allowed to proceed, if otherwise, she/he shall not proceed without leave of the Council; and if the case requires it, she/he shall be liable to such other proceedings as the Council may take.~~

### 3.5 Original Papers

Any member leaving a meeting of Council or its committees who possesses original papers relating to the business of the Council (**signed ordinances, contracts, etc.**), shall leave original papers with the Clerk before departing.

## RULE IV: COMMITTEES

### 4.1 Standing Committees

The Chair of County Council shall appoint members of the following standing committees ~~no later than~~ **by** the first regular meeting in February each year **or as soon thereafter as practical**:

- a) **Administration and Finance Committee**, consisting of five (5) members, functions as a committee of ways and means to which matters dealing with general-administration and with the budget, capital improvements, taxation, and bond issues should be referred.
- b) **Development and Services Committee**, consisting of five (5) members, functions in the area(s) of general operational matters, ~~economic development~~, and those matters relating to the functions and activities of the County Department of Public Works and Engineering.
- c) **Rules and Appointments**, consisting of three (3) members, functions as a review, oversight, and advisory body on the rules of County Council concerning appointments to County boards, commissions and committees. The Committee meets on an as needed basis.

The vacancy on a County board, commission, or committee shall be announced at least two meetings prior to Council making the appointment. Such vacancy will be advertised in a local newspaper. Any individual who wishes to apply for service on a County board, commission, or committee must submit an application to the Clerk of Council. The Clerk of Council shall supply the application form. The Clerk shall, on the date designated by the Rules and Appointments Committee, submit all applications to the County Council for its consideration. The County Council shall then, by majority vote, elect an individual to fill the vacancy or vacancies, which exist at that

time. After an appointment(s) has been made, applications shall be retained by the Clerk of Council for one (1) year and may be considered upon the request of the applicant whenever a vacancy occurs within that one (1) year period of time.

- d) **Rules and Appointments**, consisting of three (3) members, functions as a review, ~~oversight~~, and advisory body on the rules of County Council and serves as an interviewing and screening body for applicants to ~~concerning appointments to~~ County boards, commissions and committees created by or whose membership consists in whole or in part in County Council appointments. The Committee meets on an as needed basis.

The vacancy on a County board, commission, or committee shall be announced at least two meetings prior to Council making the appointment. Such vacancy will be advertised in a local newspaper. Any individual who wishes to apply for service on a County board, commission, or committee must submit an application to the Clerk of Council. The Clerk of Council shall supply the application form. The Clerk shall, on the date designated by the Rules and Appointments Committee, submit all applications to the County Council for its consideration. The County Council shall then ~~by majority vote~~, elect an individual to fill the vacancy or vacancies, which exist at that time **in accordance with the voting procedures set forth in Rule 5.19**. After an appointment(s) has been made, applications shall be retained by the Clerk of Council for one (1) year and may be considered upon the request of the applicant whenever a vacancy occurs within that one (1) year period of time.

- d) **Economic Development Committee**, consisting of four (4) members through December 31, 2001, and thereafter consisting of three (3) members, serves to consider economic development matters brought before them and make recommendations to the full Council. The Committee meets on an as needed basis.

*Absent exigent circumstances, no meeting of a standing committee of council shall be scheduled at the same time as another meeting of a standing committee of council.*

#### **4.2 Organization**

Each of the above-referenced committees **committee of Council** shall select a Chair and function ~~primarily as an legislative~~ **to the full Council** advisory committees. Once appointed for the year, no member of a committee may be removed by the Chair of Council without the approval of Council. During the remainder of the year, any vacancy occurring on these committees shall be filled in a similar manner as soon as it may reasonably be accomplished. Any member of Council may attend any meeting of the committee, provided, however, only members of the particular committee may vote on matters before that committee.

The Chair of County Council shall be an ex-officio member of the Rules and Appointments Committee and Economic Development Committee.

### **4.3 Jurisdiction**

Unless otherwise ordered, committees shall have jurisdiction only over matters pertaining to the subjects indicated by the names of the respective committees. Personnel matters shall be discussed by the full Council and not by standing or special committees, **except in the case of ad hoc search or other committees specifically appointed to assist in matters related to any County official the Council hires directly.**

### **4.4 Agendas**

Appropriate written backup material for all items of business that are to be included in the Administration and Finance or Development and Services Committee agendas must be delivered electronically to the County Administrator's Office no later than 5:00 p.m. on the date two weeks prior to the committee's scheduled meeting date.

In exceptional circumstances, time-sensitive items received after the deadline may be added to a committee's agenda at the discretion of the committee's Chairperson, provided the addition is made before agendas are printed and distributed. In the event that the Chair of the committee cannot be reached before agendas are printed, then such items may be added with the consent of a majority of the committee's members. If a majority of the committee's members cannot be reached, the Chair of County Council shall have the discretion to add such items. Once the committee agendas have been printed and distributed publicly, changes to the agenda may only be made by the unanimous consent of the committee during the committee meeting.

Agendas with backup information shall be provided to all members of Council on or before the Friday prior to the committee meeting.

### **4.5 Meetings**

Committees shall meet regularly in a ~~room~~ **location** designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquiries and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting, **except by leave of the Committee.**

### **4.6 Legislative Action**

Items referred to a committee for consideration shall be listed under one of the following categories: "Items for Action" or "Items for Information, Discussion, ~~and~~ or Preliminary

Action.” Additional agenda categories (including, but not limited to, “Presentations,” “Notifications,” and “Items Pending Analysis”) may be added to the agenda as needed for items not requiring immediate committee action.

- a) ITEMS FOR ACTION-For all items requiring action, the committee shall take one of the following actions by majority vote:
  - 1) Recommend that Council approve the item, which may or may not include amendments or modifications to the original request;
  - 2) Recommend that Council deny the item;
  - 3) Forward the item to Council without a recommendation;
  - 4) Defer consideration of the item to a future committee meeting;
  - 5) Refer the item to another committee or commission; or
  - 6) Table the item.
  
- b) ITEMS FOR INFORMATION, DISCUSSION ~~AND/OR~~ PRELIMINARY ACTION-For items on the agenda for information, discussion and/or preliminary action, the committee shall take one of the following actions by majority vote:
  - 1) Direct the administrator to bring the item back for action at a specified committee meeting;
  - 2) Defer consideration of the item until a specified committee meeting; or
  - 3) Receive the item for information or discussion purposes only, and dispose the item from the committee agenda;
  - 4) Items so removed will be reported as such by the committee to Council.
  - 5) Notwithstanding items 1 through 4 in this subsection, any item on the Administration and Finance (A&F) or the Development and Services (D&S) Committee agendas listed as an “Item Pending Analysis” must be resolved, tabled or otherwise disposed of within 100 days of that matter’s referral to the A&F or D&S Committee.

#### **4.7 Reports**

All committee recommendations requiring formal action by Council shall be included in the agenda and distributed to all members of Council prior to consideration and adoption by Council, provided that if any matter is considered by the majority of any committee to be **time sensitive or** an emergency, copies of such reports may be furnished to each member of Council at the time of said Council meeting.

All items presented to Council by a committee must carry the committee’s disposition of the item, whether that disposition is a recommendation for approval, a recommendation for denial, no recommendation or to make any other disposition with respect to the item.

Any item not reported out to the full council by a committee within 90 days of that item having first appeared on the committee’s agenda may be placed on the Council agenda when the

Clerk's Office has received a written request ~~signed by~~ **from** three members of Council, not less than 24 hours prior to the scheduled meeting.

~~A minority report may be made if requested.~~ Presentation of the committee's motion at the regular Council meeting does not require a second.

#### **4.8 Recommitting**

Any item **coming**, ~~which may come~~ before the Council may be referred to a committee ~~committed~~ or recommitted **to a committee of Council** before a final decision **by the full Council** thereon. ~~Provided, however once a motion or matter is forwarded to full Council from committee, that motion or matter may not be returned to committee other than as directed by Council.~~

#### **4.84.9 Budget Work Sessions**

The Council shall meet as a Committee of the Whole for budget work sessions prior to first reading of the budget.

#### **4.94.10 Motions Forwarded to a Committee**

Any motion forwarded to a committee by the Chair, or in the Chair's absence, the Vice Chair, or in the Vice Chair's absence, the acting chair, will appear on that committee's agenda. Any item forwarded to a committee that is not completed will be listed at the end of the committee's subsequent agenda(s) under, "Items Pending Analysis." ~~and the reason the item remains pending.~~

### **RULE V: LEGISLATIVE ACTION**

#### **5.1 Emergency Ordinances**

To meet public emergencies affecting life, health, safety or the property of the people, emergency ordinances may be adopted upon a two-thirds affirmative vote of the Council members present. Such an ordinance is effective immediately upon its enactment without regard to any public hearing, reading, publication, or notice requirements. It automatically expires after 60 days. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency.

Emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, or impose or change a service rate.

## 5.2 Other Ordinances-Required Readings

With the exception of emergency ordinances, all ordinances, including those making supplemental appropriations, shall receive approval at three public meetings of Council on three separate days with an interval of not less than seven days between the second and third readings. An ordinance shall be deemed passed upon third reading approval and thereafter can be rescinded only by a motion to reconsider or rescind that is made prior to approval of the minutes.

~~If an ordinance does not receive the three (3) readings required within a twelve-month period, it is dead. If the ordinance is reintroduced after the twelve-month period, it must be submitted to the three-reading process.~~ Any ordinance that does not receive three reading approval by Council may not be reintroduced for twelve (12) months from the date the minutes reflecting its denial (i.e., the final time the ordinance was read and did not pass) were approved, absent consent of two-thirds of the full Council.

## 5.3 Levying Tax/Incurring Debt/Amending Budget

Ordinances levying a tax or incurring indebtedness shall not be passed unless voted for on each reading by at least six (6) members in Council assembled and with appropriate back up material provided for each reading. An amendment to the budget shall require **at least a majority plus one vote [i.e., at least seven (7) members of Council]**.

## 5.4 Public Hearings

~~Public hearings, after not less than 15 days' notice of the time and place of such hearings published in at least one newspaper of general circulation in the County, shall be held before final Council action is taken 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.~~

**Public hearings shall be held before final action is taken 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;**
- d. Adopt zoning and subdivision regulations;**
- e. Levy taxes;**
- f. Sell, lease or contract to sell or lease real property owned by the county;**
- g. Impose ad valorem property taxes upon a fire service area; or**

- h. Provide for the distribution of assets following the abolishment of a special purpose district.

Final action for any of the first six matters must be in the form of an ordinance. A minimum of 15 days' notice of the time and place of the hearing must be published in at least one newspaper of general circulation in the county, prior to conducting a public hearing for any of the above categories of ordinances.

Notice for item g. must be provided once a week for three successive weeks in a paper of general circulation in the county, and the hearing must not occur fewer than 16 days following the first notice. Item h. requires at least two public hearings with ten days prior notice published in a newspaper of general circulation prior to each meeting.

Following the abolishment of a special purpose district located within the county, two public hearings are required prior to distributing assets and/or refunding taxes.

### **5.5 Second Reading**

Upon the second reading of an ordinance, the ordinance ~~after all amendments and privileged motions have been disposed of, the question shall be~~ placed on Council's agenda ~~the passage of the ordinance. Upon a decision in the affirmative, the ordinance shall take its place on the agenda~~ for third reading **at its next meeting or at other time as scheduled by Council.**

Each ordinance affecting the expenditure of money by the County shall receive the affirmative vote of Council on each reading, **noting that** ~~and prior to receiving second reading;~~ the County Administrator's comment shall inform Council regarding its effect on the finances of the County, **unless this requirement is waived by Council or the financial effect is evident on the face of the ordinance.**

~~. Provided, however, this rule may not be invoked where the amount is shown in the ordinance.~~

### **5.6 Third Reading**

Full debate and amendments shall be allowed on third reading.

### **5.7 Debate**

Debate among members of Council is in order only after a motion has been stated by the Chair and has been seconded. Any motion shall, if desired by the Chair or any other member, be reduced to writing and delivered to the Chair and read before it shall be debated.

## 5.8 Motions During Debate

When a motion has been stated and seconded and debate has begun, **the following motions** ~~no motion except the following~~ shall be in order:

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

- a) To **approve** (the matter under consideration);
- b) To **deny**;
- c) To **amend**;
- d) To **substitute** one motion (related to the matter) for another;
- e) To **adjourn**;
- f) To **recess**;
- g) To **continue or postpone the matter to a date certain**;
- h) To **continue or postpone the matter indefinitely**;
- i) To **return to the agenda** if the item under consideration has been taken out of turn;
- j) To **table** the matter;
- k) To **call for the question** (“close debate,” or move “for the previous question”);
- l) To raise a question of **privilege**;
- m) To convene an **executive session**;
- n) To **refer the matter to a committee** (or “to commit”);
- o) To **recommit** a matter (send back to a committee);
- p) To **divide the question**;
- q) To **strike** some or all of the matter (similar to substitute motion or amendment); and



- r) To seek information of “clarification” on an aspect of the matter under debate.

### **5.9 Substitute Motions**

No more than two (2) motions may be received in substitute for the motion on the floor. Any substitute motion defeated by vote of Council shall be counted as one of two (2) permissible substitute motions, but any substitute motion, which fails for lack of a second, shall not be so counted.

### **5.10 Amendments**

A proposed amendment shall be in order regardless of the number of changes proposed therein to the matter under debate, provided such amendment is otherwise in order, and shall be considered in the order in which it is received.

### **5.11 Closing Debate**

~~Upon the proper motion, a second, and an affirmative vote on a motion for the previous question, which requires a two thirds vote, the amendment then upon the desk shall be considered, but no further amendment shall be allowed. The sponsor of an amendment shall be allowed an opportunity to make a short explanation of the amendment.~~

### **5.125.11 Withdrawing Motions**

The member who introduced a motion may withdraw it before decision on it or on any amendment to it, so long as the member seconding the motion shall not object, provided, however, that no motion may be withdrawn after the previous question has been called.

### **5.12 Privileged Motions**

Motions to adjourn, or to recess, or to raise a question of privilege, or to convene an executive session, or to return to the agenda if an item is taken out of turn, ~~to 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. A motion to adjourn or to take a recess, having been defeated, no new motion to adjourn or take a recess shall be in order until fifteen (15) minutes shall elapse from the decision of the former motion even though such motion to ~~recede~~ **recess** might be to ~~recede~~ **recess** to a different time.

### 5.13 Nondebatable Motions

~~Certain parliamentary motions must be decided without formal debate. These are~~ **These motions are not debatable:**

- ~~1) to adjourn or recess recede,~~
- ~~2) to continue,~~
- ~~3) to lay on the table,~~
- ~~4) to postpone indefinitely or to a day certain,~~
- ~~5) to suspend or depart from the agenda, or to return to it, and~~
- ~~6) for the previous question.~~

- a) **To adjourn;**
- b) **To recess;**
- c) **To continue or postpone the matter to a date certain;**
- d) **To continue or postpone the matter indefinitely;**
- e) **To return to the agenda** if the item under consideration has been taken out of turn;
- f) **To table** the matter;
- g) **To call for the question** (“close debate,” or move “for the previous question”);
- h) **To refer the matter to a committee** (or “to commit”); and
- i) **To recommit** a matter (send back to a committee).

~~Immediately after receiving a nondebatable motion, and at other times when no motion is on the floor, the Chair may allow such conversation as she/he deems appropriate, but all such informal discussion remains subject to his/her discretion; she/he may call for the vote on the matter at hand or terminate discussion at any time, and in such instances, his/her decision may not be appealed.~~

### 5.14 Suspending Motions

The following instances may suspend any matter before Council, temporarily:

- 1) Point of order;
- 2) Point of personal privilege;
- 3) Point of information;
- 4) Question of recess; and
- 5) Other incidental questions, such as of reading papers, dividing a question, withdrawing a motion, or excusing a member from voting.

### **5.15 Motion to Recess**

A motion to recess may state the time for reconvening. In the absence of such stated time, reconvening shall be at the call of the Chair.

### **5.16 Motion to Strike**

~~A motion to strike out the enacting words of an ordinance or resolving words of a resolution shall have precedence of a motion to amend, and, carried, shall be considered as equivalent to rejection.~~

### **5.17 Rejected Motions**

~~Once one of the following motions has been made and rejected during a meeting of the County Council, no motion of the same effect shall again be allowed with regard to the same question:~~

- ~~a) Motion to continue,~~
- ~~b) Motion to postpone,~~
- ~~c) Motion to defer, and~~
- ~~d) Motion to table.~~

### **5.195.16 Delays**

The Chair shall entertain no motion ~~to~~ **that would** have the effect of ~~which will be~~ unnecessarily to **delaying** the business of Council.

### **5.205.17 Defeated Actions**

Once an action of any kind has been proposed and defeated twice during two separate regular or called meetings of Council, within a period of sixty (60) days, no motion of the same effect may be allowed with regard to the same question for a period of one year from the date of initial motion, without the consent of a majority plus one of the entire Council. The names of the consenting Council members shall be presented to the Chair prior to the listing of the item on the agenda.

### **5.215.18 Voting**

Each member shall vote on each question put, except that no member shall be permitted to vote on any question in which that member has a direct personal or pecuniary interest, or in which that member perceives that he or she has a direct personal or pecuniary interest, or in

which his or her participation might create an appearance of impropriety in that member's estimation.

If a member does not cast a vote on the question put, such member will not be considered to have voted with either the prevailing or the non-prevailing side., ~~but instead shall not have his or her vote recorded at all, other than as an abstention if the member declares an abstention as provided for herein.~~

~~A Council member must be at his/her seat in order to vote for those at the dais.~~

~~If a member does not declare a vote or an abstention, his/her vote shall be recorded with the prevailing side.~~

In the case of a tie vote, the prevailing side is the side that voted against approval of the matter voted upon (*e.g.*, if the matter before Council is a vote to continue an item until the next meeting, and the vote on that question is 5-5, the motion did not pass, the item is not continued and the side prevailing as to the motion is the side that voted not to have continued the item).

If voting an abstention, a reason for the abstention must be stated and recorded in the minutes. No member shall, under any circumstances be permitted to vote after a decision has been announced by the Chair. After the decision of the question, an absent member may be permitted to declare ~~reecord~~ the vote she/he would have given if present, but such vote shall not affect the previous question.

Voting shall be by electronic means (i.e., via the electronic voting system) unless conditions at the time of a given vote do not permit use of the electronic voting system (e.g., it is inoperable, not working properly, there is a power failure, Council is holding its meeting in a location that does not have or accommodate electronic voting, or other condition prohibiting electronic voting). In such a case, voting by a show of hands shall be in order. ~~Also, nothing in this rule prohibits a voice vote or vote by show of hands for matters where there reasonably appears to be no opposition, such as a vote to adjourn, or a vote for unanimous consent to issue a resolution in honor of a citizen, group, achievement or the like; provided, however, that any member may call for an electronic vote on any matter for which a vote is required or called for, if any member shall feel that a voice vote or vote by show of hands is not sufficient; further provided that the electronic voting system is operable at the time of the call for an electronic vote.~~

Votes shall be recorded in the minutes.

## **[PROPOSED NEW RULE]**

### **5.19 Voting for Board and Committee Appointments**

This method of voting is based upon Chapter XIII, Section 45, Robert's Rules of Order, 11<sup>th</sup> Edition, and is to be used solely in circumstances where Council is called upon to vote on the appointment of members of boards, commissions or similar entities where there are more nominees under consideration than there are vacancies to fill.

This rule combines a recognition of the fact that plurality voting may be unavoidable in the initial stages of voting when considering a greater number of nominees than there are vacancies to fill, and majority voting once the number of nominees is drawn down to equal the number of vacancies by virtue of the voting process set forth herein.

Due to the complexity of this unusual but not unforeseeable situation, an example may be instructive.

Ex. If there are two (2) vacancies on a County board, and there are five (5) nominees, each Council member would be permitted to cast a vote for two (2) of the five (5) nominees to fill the two (2) vacancies.

In this event, the voting procedure shall be as follows.

- a) Each Council member shall be allowed to cast the same number of votes as there are vacancies to be filled. By way of further example, if three (3) vacancies exist, then each Council member would be permitted to vote for up to three (3) nominees, regardless of the total number of nominees.
- b) The Clerk to Council shall tabulate the votes.
- c) The nominee with the fewest votes will be removed from the slate of nominees, and the remaining nominees will be voted upon in what would be the next round of voting, with rounds to continue until enough nominees have been eliminated from consideration so that the number of nominees remaining equals the number of vacancies to be filled.
- d) If there is a tie among those with the fewest votes, then all nominees who are so tied will be removed from the slate of nominees, and the remaining nominees will be voted upon in what would be the next round of voting. Provided, however, if so many of the nominees are tied for the least votes, and dropping all of them from the remaining slate of nominees would result in not having enough nominees to fill all of the vacancies, then there shall be a runoff among all of the nominees so tied for fewest votes. The candidate with the fewest votes in the runoff will be dropped from the slate of nominees that had been tied for fewest votes. Once at least one of the originally tied nominees for fewest votes is eliminated by runoff among the fewest vote-getters, those remaining among the originally tied voters will be placed back among the nominees who did not receive the fewest votes, and voting shall continue in this fashion by round until there are the same number of nominees as there are vacancies. [*E.g.*, three (3) nominees remaining for three (3) vacancies].
- e) Once Council arrives at a “slate” of nominees corresponding to the number of vacancies to be filled, it is in order for any member of Council to “nominate the slate” of nominees, which shall then be voted upon by Council in the form of a motion to approve the slate by “yea” or “nay,” recorded electronically unless the electronic voting system is then inoperable or it is impractical to so vote. In this

case, voting by show of hands shall be in order. The slate of nominees shall be approved by majority vote of Council members present and voting.

#### **5.225.20 Dividing Question**

~~Any member may call for the division of a question. Council may then divide it if the question can be so comprehended that, one part being taken away, the rest can stand entire for decision. A motion to divide the question shall require a second and shall be effective upon the vote of a majority of members present and voting. Provided, however, that a motion to “strike out and insert” may not be divided, but that rejection of a motion to “strike out” shall not preclude a motion to “strikeout and insert.”~~

Any member may call for the division of a question. Council may then divide the question if it can be so comprehended that, one part being taken away, the rest can stand for decision. A motion to divide the question shall require a second and shall be effective upon the vote of a majority of members present and voting.

#### **5.235.21 Reconsideration**

After a question has been decided, any member who voted with the prevailing side may move for a reconsideration, and any member may second such a motion. However, if Council either shall refuse to reconsider or shall affirm its first decision, then no further reconsideration shall be in order except by unanimous consent. The motion to reconsider shall have precedence over all other main motions, but it may be introduced only on the day of the decision in question or during the next succeeding session of Council prior to the approval of the minutes. Any subsequent proposal to alter the decision of Council must take the form of a main motion to rescind.

#### **5.245.22 Public Inspection**

After adoption, the full ordinance shall be made available for public inspection at **through** the Office of the Clerk of Council.

#### **5.255.23 Resolutions**

Council may adopt Resolutions to formally express its opinions or desires. Upon adoption, the Chairperson shall execute the document on behalf of the entire Council.

## **5.265.24 Proclamations**

An individual council member may issue a Proclamation as an expression of his or her personal opinion or desire. The Proclamation shall be signed by the initiating council member and by the Chairperson, and shall not require action by the Council.

## **RULE VI: RULE CHANGES**

### **6.1 Suspension/Amendments**

~~None of the foregoing rules shall be rescinded, suspended, or altered without unanimous consent, if without twenty-four (24) hours' notice, or without the concurrence of two-thirds of the members of the whole (e.g. eight out of eleven members) after previous notice of motion to rescind, suspend, or alter has been given at a prior meeting, and such alteration, suspension, or rescission shall be made only by written resolution.~~

~~These rules may be amended from time to time, as needed, at the discretion of the County Council upon approval by two-thirds of the members of the whole (e.g. eight out of eleven members) at a regularly scheduled Council meeting.~~

**These rules may be suspended by unanimous consent.**

**Absent unanimous consent, these rules may be suspended 1) with the concurrence of two-thirds of the members of the whole (e.g. eight out of eleven members) 2) after twenty-four (24) hours' notice of suspension of the rule or rules in question has been given in accordance with the South Carolina Freedom of Information Act.**

**These rules may be amended at the discretion of the County Council upon approval by two-thirds of the members of the whole (e.g. eight out of eleven members) after twenty-four (24) hours' notice of the proposed amendment of the rule or rules in question has been given in accordance with the South Carolina Freedom of Information Act.**

## **~~RULES VII: OFFICIALS TO SERVE THE COUNCIL~~**

### **~~7.1 Administrator and Clerk of Council~~**

~~The Council shall appoint or elect a County Administrator and a Clerk of Council.~~

In theory and in practice, a government could adopt an ordinance that contains nothing but a title. In practice, the key is that the ordinance text, assuming there will be any, should be available before the public hearing on the ordinance. There is no prohibition on giving first reading to an ordinance by title only. Whether or not that is a desirable practice is a policy decision.