

**Berkeley County Council
Organizational and Parliamentary Procedure Rules
2023-2024**



RULE 1. Title

This document may be cited as the Berkeley County Organizational Rules and Procedures.

RULE 2. Applicability; Deviation from Rules

The County Council shall determine its own rules and order of business (§ 4-9-110) and these rules shall govern Council unless suspended or amended by a vote of Council or deemed in conflict with Federal or State Law by ruling or order of a competent court of jurisdiction. These Rules shall apply to all meetings of County Council, including Committee Meetings. As used in these Rules, the term “Meeting” means the convening of a quorum of the membership of County Council to discuss or act upon a matter over which County Council has supervision, control, jurisdiction or advisory power; the term “Quorum” means a simple majority of the membership of County Council, or Committee of County Council. These Rules were adopted as guidelines to assist County Council, in conducting orderly and productive meetings. Any deviation from or waiver of these Rules shall not affect or void any action taken by County Council. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties, not otherwise imposed by law.

RULE 3. Parliamentary Procedure

To the extent these Rules are silent as to a particular matter, County Council shall be governed by such rules as are set out in the current edition of the Model Rules of Parliamentary Procedure for South Carolina Counties (MRPPSCC). To the extent these Rules and the MRPPSCC are silent to a particular matter, County Council shall be governed by *Robert’s Rules of Order Newly Revised*. Provided, however, that State and Federal Law shall take precedence over the Rules in all cases. Whenever possible, these Rules should be interpreted to conform to State and Federal Law; if an irreconcilable difference occurs, only the portion of the Rule or Rules directly in conflict with State or Federal Law is to be overruled, the remaining portions surviving.

RULE 3.1. Role of the Individual Council Member

County Council is a policy-making, legislative body. It provides a vision for the County, oversight and provides guidelines to County administration regarding how the County is to be run. County Council Members have authority only when acting to form a majority or super-majority if issue requires and have no individual authority over County operations. Except for the purpose of inquiries and official investigations, neither the Council nor its members shall give direct orders to any County Officer or Employee, either publicly or privately. Although Council Members may not give direct orders to any County Officer or Employee, Council members are entitled to information from any and all Officers and Employees in order to be well-informed as the policy-making and legislative body of the County.

RULE 3.2. Role, Duties, and Power of the County Supervisor

The powers and duties of the Supervisor shall include, but not limited to, the following (§4-9-420):

1. execute the policies and legislative actions of the Council;
2. supervise the expenditures of funds appropriated by Council;
3. prepare annual operating and capital improvement budgets for submission to the Council;
4. serve as the chief administrative officer of the County Government;

5. direct and coordinate operational agencies and administrative activities of the County Government;
6. prepare annual, monthly and other reports for Council on Finance and Administrative activities;
7. recommend measures for adoption;
8. serve as presiding officer of the Council, voting only to break Council tie votes;
9. serve as official spokesman for the Council with respect to Council's policies and programs;
10. inspect books, accounts, records, or documents pertaining to the property, money or County assets;
11. be responsible for the administration of County personnel policies approved by the Council including salary and classification plans; and
12. be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of Section 4930 and subject to the appropriation of funds by the Council for that purpose.

With the exception of organizational policies by the governing body, the County Supervisor shall exercise no authority over any elected officials of the County whose offices were created either by the Constitution or by General Law of the State (§4-9-430).

The compensation for the Supervisor shall be prescribed by the Council.

RULE 4. Meetings, Notices

County Council shall meet monthly and county council committees shall meet at least quarterly, but may meet more frequently provided that public notice, as described herein, is provided. Written public notice shall be given for all regularly scheduled meetings at the beginning of each calendar year. Notice must include the dates, times and places of the meetings.

Public notice of each called, special, or rescheduled meeting must be posted on a bulletin board at the meeting place for County Council or other suitable place and on the Berkeley County website, as early as practicable, but not less than twenty-four hours prior to each meeting. The notice must include the agenda and the date, time, place of the meeting and whether or not electronic participation by members has been approved. The twenty-four-hour requirement for posting notice does not apply for emergency meetings.

The Agenda must be published electronically 24 hours in advance of the meeting. The Agenda may only be amended within 24 hours with two-thirds (2/3rd) of members present and voting favoring the amended agenda. If a new item is added within 24 hours and it is for final action without the ability of the public to be heard, it may only be added if Council votes with 2/3 of members present that an exigent circumstance exists for the passing of the item consistent with South Carolina law.

All persons, organizations, and news media requesting notification for County Council meetings shall be notified of the times and places, and given copies of the agenda for all meetings, whether scheduled, rescheduled or called. Efforts made to comply with this notice requirement shall be

noted in the minutes. The Clerk of Council shall submit committee and council meeting notices to the Post and Courier for publication in the notice of meetings section of that publication.

Special meetings of Council or Committee(s) may be called by the Chairman or by the majority of Council or Committee Members, provided that the notice requirements are met. The call (or calls, if submitted separately) can be submitted by way of email or in writing and shall be addressed to the Clerk to Council. Written calls shall be signed by the members calling the special meeting and facsimile submissions are acceptable. The call or calls shall set forth the date, time, and purpose of the special meeting. To the extent possible, special meetings shall be scheduled at 6:00 pm on weekday evenings, with a preference given to Monday evening. No special meetings shall be held unless all Council Members and the public are provided 24 hours written notice of the date, time, and purpose of the meeting.

Council or Committee meetings, whether scheduled, rescheduled or called by the Chairman may be canceled or rescheduled by their respective Chairman or by a majority of Council or Committee Members, provided that the requirements for at least one meeting per month for County Council and one meeting per quarter for standing Committees are met. A Council or Committee meeting called by a majority of its members can only be cancelled by a majority of the respective Council or Committee Members. A cancellation of Meeting notice requirements apply to Committee meetings as well as meetings of the full Council (§ 4-9-110).

RULE 4.1. Council Workshop

As no final action is appropriate, workshops of Council may only occur within a jurisdictional committee. A Workshop shall be defined as a special meeting of a standing committee for the purpose of providing information and education to Council Members and the public on a specific topic. Workshops are generally held in a less restrictive meeting format in order to promote open dialog and the free exchange of ideas among Council Members. Workshops are for informational purposes only and no action shall be taken. A workshop of a committee can be called by its chairman or a majority of the members of that committee. The chairman of that committee shall determine the format of the workshop.

RULE 4.2. Organizational Meeting

An organizational meeting of Council shall be held on the first Monday of January, provided however that if the first Monday of January is a County holiday, the organizational meeting shall be held on the day after. The organizational meeting shall be scheduled following each General Election (once every two years). The agenda items shall include but are not limited to:

1. Swearing in of newly elected / re-elected Council members;
2. Electing the Council Vice-Chairman;
3. Designating the name and scope of responsibilities of standing Committees;
4. Approving the annual schedule of Council and Committee meetings;
5. Appointing Persons to Boards or Commissions, as necessary;
6. Assigning Committee Chairmanships; and
7. Adopting the Berkeley County Organizational and Parliamentary Procedure Rules.

Should Council take no action on Rules by the Fourth Monday in January following a General Election, the prior passed Organizational and Parliamentary Rules shall remain in full force and effect unless they are amended.

RULE 4.3. Location, Starting Time and Electronic Participation

All meetings of County Council or of Standing Committees, whether scheduled, rescheduled or called, shall take place in Council chambers with members seated at their assigned seats, unless the Council is meeting by workshop at a designated area or in a special meeting where the supervisor’s conference room is available and can accommodate any and all members of the public that wish to attend as determined by the Committee Chairman of the designated workshop. If either place cannot accommodate the public, then the meeting shall be removed to the Council chambers.

During meetings where an executive session is needed, the first committee meeting or council meeting shall begin at 5:30 pm, for the sole purpose of entering executive session for any and all matters that need to be discussed in executive session from all committees and from Council for that day. Prior to entering executive session, the committee or council shall vote to enter executive session and state the reasons under South Carolina law that permits the executive session. The regular items of the agenda of that committee or council shall commence at 6:00 pm. This rule does not prevent Council from entering executive session later during any meeting, as necessary and consistent with the appropriate motion and reason stated for entering executive session. This rule is intended to allow the public to not have to wait for extended periods of time while council is meeting in executive session.

The Vice Chairman shall determine the order of committee meetings.

The location for Executive Sessions can occur at alternative or adjacent meeting rooms to ensure confidentiality.

A change of meeting location and/or starting time that differs from that stated above and/or the allowance of a member or members to attend by electronic means (e.g. telephonic, video or voice conference) shall be permitted with a written or email request by a positive majority of Council Members sent to the Clerk to Council prior to the notice of the meeting. If a member or members are permitted to attend by way of electronic means it shall be noted on the meeting notice, agenda and minutes. In order to have a meeting, a positive majority must be present in person at the noticed meeting location.

RULE 4.4. Attendance

If a Council Member must be absent from any meeting, the Council Member shall inform the Clerk to Council before the start of the Council or Committee meeting. If there is excessive absenteeism by any member, without valid reasoning, in a consecutive 3-month period, the Vice Chairman may suspend the councilmember from his/her chairmanship. Such suspension may be appealed to the full Council for reinstatement. The Vice Chair shall also be able to reinstate the chairmanship at any time. Further, Council shall also have the ability to review absenteeism on a case-by-case

basis at any time and reserves the right to take any action it deems appropriate consistent with state law.

RULE 4.5. Conduct of Meetings

1. Meeting to be Opened with Prayer and the Pledge

Upon commencement of the first committee or council meeting of the evening at 6:00 pm (following any earlier need for an executive session), the meeting shall be opened with a prayer, immediately followed by the Pledge of Allegiance to the Flag of the United States of America.

2. Notice Inquiry

Prior to commencing of any business, the Chairman shall inquire of the Clerk as to whether the meeting has been properly noticed in compliance with the South Carolina Freedom of Information Act.

3. Public Participation Period

Any member of the public attending a regular Council meeting shall have the opportunity to address Council Members. Any member of the public attending a special called Council meeting or public hearing shall have the opportunity to address Council Members on the topics of the special called meeting or hearing only. Public comments are limited to residents of Berkeley County or property taxpayers of Berkeley County and may be received by Council immediately following the approval of minutes and may concern any topic related to County government. Public comments of residents not from Berkeley County may be permitted to speak pursuant to a unanimous consent request by the Chairman. Any objection to the unanimous consent request may be overruled by a majority of members present. The public participation periods shall be limited to thirty minutes each. Each speaker shall be limited to no more than four minutes. However, if there are more than seven speakers, the Chairman shall limit each speaker to 1, 2, or 3 minutes as necessary to limit public comment to the above prescribed period. No speaker may yield his/her allotted time to another speaker. Members of the public who wish to address Council during the public participation period should sign up with the Clerk to Council before the meeting is called to order by the Chairman. No person shall be allowed to use language personally offensive, charge deliberate misrepresentation, or use language tending to hold a Council Member, a member of the County staff, or a member of the public up to contempt or ridicule.

4. Chairman's Time

The Chairman shall be permitted time during a regular called meeting to address the members and the public. The Chairman may also make announcements of future meetings or items to be discussed without agenda notice, so long as no action is taken. The duration of the address should be kept to a minimum and the Chairman may yield his time to any other member of Council for purposes of making an announcement consistent with this Rule.

5. Substitutions in the Chairmanship

The Chairman, in the absence of the Vice-Chairman, or the Vice-Chairman, when he or she is presiding, may name a member to fill his or her place during an occasional absence from the chairmanship, but such substitution shall not extend beyond an adjournment. In the absence of the Chairman and Vice-Chairman, the Council or the Committee shall elect an acting Chairman to serve until the return of the Chairman or the Vice-Chairman. An acting Chairman is entitled to cast his or her vote as a Council Member or Committee Member.

- 6. Succession of Supervisor upon incapacity or vacancy:** Should the Supervisor become temporarily or permanently unavailable to serve due to incapacity, resignation, removal from office, or for any other reason, the Vice Chairman shall serve as Chairman of County Council and the Senior Deputy Supervisor shall serve as the interim administrator of the County until such time as the Supervisor regains capacity, a new Supervisor is appointed by the Governor, or a new Supervisor is elected. The Interim administrator is still subject to Council's personnel prerogative regarding appointed personnel and may be replaced by 2/3 vote on Council. Finally, for the duration that the Vice Chairman serves as the Council Chairman, the Committee on Finance's Chairman shall serve as Vice Chairman.

7. Decorum in Speaking

Every member, when about to speak, shall first address "Mister or Madam Chairman", and, in speaking, shall be truthful and avoid disrespect to the Council and any personalities; and shall confine discussion to the question under consideration.

8. 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 or inquiries to other governmental bodies, departments or agencies.

RULE 4.6. Recording and Broadcasting of Meetings

1. County Council should make every effort to video record all Council and Council Committee meetings that are open to the public and to make that video available on the internet and to local cable providers for broadcast on public access channels as soon as practicable.
2. So long as it does not disrupt the conduct of the meeting, members of the public and the media shall be permitted to film and record Council and Council Committee meetings that are open to the public.
3. Subject to availability, members of the public and the media shall be granted access to the live audio feed for all Council and Council Committee meetings that are open to the public.

RULE 5. Agenda

Every meeting shall have an agenda. The agenda shall be compiled by the Clerk to Council or such other person as may be designated with the guidance and approval of the Council or Committee Chairman. The agenda shall be posted, pursuant to Rule 4 and as required by the Freedom of Information Act, at least twenty-four hours prior to meetings. Additionally, a copy of the agenda shall be provided as part of the notice given to any person, organization, or news media requesting notification of County Council meetings and a copy shall be posted on the Berkeley County website at least twenty-four hours prior to the meetings.

The agenda shall designate the time, location of the meeting and if electronic participation by members of Council has been approved and the type of meeting to be held: Council session, Committee meeting, public hearing, public comment, workshop or emergency session.

The Agenda must be published electronically 24 hours in advance of the meeting. The Agenda may only be amended within 24 hours with 2/3 of members present and voting favoring the amended agenda. If a new item is added within 24 hours and it is for final action without the ability of the public to be heard, it may only be added if Council votes with 2/3 that the item to be added is of great importance and extenuating circumstance exists for the passage of the item.

For items submitted by the administration and prior to publication of all committee agendas, the Supervisor shall determine / approve the committee designation of any proposed agenda item pursuant to Rule 9.2. The Supervisor's designation can be overturned by a majority of council members emailing the Clerk to Council. (Note: Committee Chairmen still approve their council agendas and determine items to have on their agenda. This simply confirms the appropriateness of placement of jurisdictional items among committee agendas). Further, Committee Chairpersons retain the ability to place items on their standing committee's agenda.

RULE 6. Hearings

Rule 6.1. Public Hearings

Public hearings are the method required by the Home Rule Act for County Council to gain input from the public at large. Council Members should refrain from making comments during the public hearing and should neither enter into debate with the public nor with other Council Members during the public hearing. Public hearings are required before final action is taken to:

1. Adopt annual operational and capital budgets;
2. Make appropriations, including supplemental appropriations;
3. Adopt building, housing, electrical, plumbing, gas and all other regulatory codes;
4. Adopt zoning and subdivision regulations;
5. Levy taxes;
6. Sell, lease or contract to sell or lease real property owned by the County;
7. Impose ad valorem property taxes upon a fire service area
8. Provide for the distribution of assets following the abolishment of a special purpose district; or
9. For other ordinances of the County as required by the ordinance.

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 7 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 8 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.

Rule 6.2. Quasi-Judicial Hearings

When conducting a quasi-judicial hearing, County Council takes on the role of an impartial trier of fact in a dispute involving the legal rights of one or more parties. In a quasi-judicial hearing, Council Members must be careful to provide basic rights due under state and federal constitutions and statutes. Among these basic rights, which Council must protect, are the right to an attorney, the right to cross examine witnesses and the right to due process. Further, Council Members must base their decisions on the evidence presented at the hearing and must not discuss the case beforehand or be influenced by the opinions of others who are not a part of the proceedings.

RULE 7. Minutes

Written minutes shall be kept of all meetings; provided however, minutes of executive sessions are not required but may be kept at the discretion of Council. Copies of the minutes of Council shall be kept in perpetuity; whereas copies of any audio or video recordings may be destroyed by the Clerk to Council after twenty-four calendar months. Minutes shall include, at a minimum

1. Date, time and place of the meeting;
2. Members of Council recorded as either present, present by way of electronic means, excused or absent;
3. Substance of all matters proposed, discussed or decided and a record by member of any votes taken;
4. If any Council Member has a conflict of interest on a matter before Council, that member shall recuse himself or herself and provide a written or oral statement describing the matter and the potential conflict (§ 8-13-700 and Rule 12); and
5. Any other information that a Council Member requests to be included or reflected in the minutes.

Minutes are public records and shall be made available within a reasonable time after the meeting not to exceed 90 days, except any information not subject to disclosure under the Freedom of Information Act. Minutes are not subject to disclosure until approved as written by the County Council.

RULE 8. Voting

The preferred method of voting by County Council is by voice vote, although the Chairman may call for a show of hands or a roll call vote at any time. Any Council Member may demand a show

of hands or a roll call vote. The demand is in order before or immediately after the voice vote has been taken, even though the Chairman may have announced the results of the voice vote, whereupon the Clerk shall call the roll by District in numerical order and shall record the votes in the minutes. A Council Member may not explain his or her vote while voting but may change his or her vote at any time prior to the Chairman's announcing the result. There shall be no further discussion while a vote is taking place.

Rule 8.1. Passage by Majority Vote

The term "majority" or "simple majority" means more than half of those present and voting. When a two-thirds majority is required, the term "two-thirds majority" means at least two-thirds of those present and voting. The term "positive majority" means a majority of the Council Members, regardless of whether they are present or not.

Except as otherwise provided for in these Rules, or by pertinent state or federal statute, any ordinance, resolution or motion passes if it receives a majority of the votes cast. State and federal statutes and, in some cases, these Rules may require passage by more than a simple majority. The following actions are included in those requiring a super-majority:

Two-thirds Majority:

1. Adoption of an emergency ordinance (§ 4-9-130);
2. Removal of an employee appointed by a County Supervisor (§ 4-9-430); and
3. Sale or transfer of the County library assets for a non-library purpose (§ 4-9-39).
- 4.

Positive Majority:

1. Impose or increase a business license tax (§ 6-1-315);
2. Override the millage rate increase limitation on property taxes (§ 6-1-320(C));
3. Impose a service or user fee (§ 6-1-330);
4. Impose a local accommodations tax (§ 6-1-520);
5. Impose a local hospitality tax (§ 6-1-720);
6. Impose a developmental impact fee (§ 6-1-930);
7. Defeat of a Motion to Follow the Agenda Rule 3
8. Passage of Motion to Suspend the Rules Rule 3
9. Passage of a Motion to Call for the Question [Vote Immediately] Rule 3
10. Passage of Motion to Amend the Agenda (Rule 5);
11. Passage of Motion to Change the Clerk to Council's Status, Level of Authority or Responsibility (Rule 14-3);
12. Passage of Motion to Bypass Appropriate Committee to Take Item Directly to Council (Rule 9.2);
13. Passage of Motion to Penalize a Member (Rule 19.3);
14. Passage of Motion to Amend the Rules (Rule 20); and
15. Any action not listed above where in the Model Rules of Parliamentary Procedure for South Carolina Counties or Roberts Rules of Order requires a two-thirds majority vote.

Rule 8.2. Voting on Motions

In the case of debatable motions, the vote can be proposed in one of two ways:

1. If debate has been completed and no other Council Member wishes to speak, the Chairman can call for the vote. If there are no objections, the Chairman can proceed with the vote; or
2. If the Chairman calls for the vote and there is an objection, a Council Member may make a Motion to Call for the Question [Vote Immediately]. If this motion is approved by a positive majority vote, debate shall stop. The Chairman shall then read the proposed motion to County Council and ask for the votes of the Council Members.

In the case of non-debatable motions, the vote shall occur immediately after the motion is recognized by the Chairman. The Chairman shall read the proposed motion to County Council and then call for the vote.

Rule 8.3. Majority Vote Required for Passage

No bill, ordinance, resolution, code, or policy shall be passed or adopted unless at least a simple majority of the Council Members present and voting shall have voted for its approval or passage. Similarly, no amendment to a bill, ordinance, resolution, code, or policy shall be passed unless at least a majority of the members of the Council present and voting shall have voted for its approval or passage. The Clerk shall record the votes as either "yes", "no", "abstain", or "excused". Any member not desiring to express an opinion with either a yes or no vote on a question before Council may signify such desire by abstaining from casting a vote. A Council Member cannot be compelled to cast a vote, though the effect of the abstention is the same as if the Council Member had voted on the prevailing side. The Clerk shall fill in the vote on the appropriate document if the Council Member fails to do so.

1. Recording Votes

Each Council Member shall record a vote of "yes", "no", or "abstain" when signing the newly passed or approved document. If the Council Member was not present for the vote of the newly passed or approved document, the Council Member shall not sign or register a vote after the meeting has been adjourned. If the Council Member fails to record his or her vote, the Clerk to Council shall thereafter record the member's vote with the prevailing side or, when appropriate, shall write "excused". A record of all votes taken for each member shall be included in the minutes. If a vote is unanimous, then noting as such in the minutes shall suffice. If the vote is divided then a record of how each member voted on the item shall be delineated in the minutes.

2. Defeated Items Shall Be Rendered as Withdrawn

If the majority vote is such to defeat any bill or ordinance so considered, the effect shall be to render the bill or ordinance as withdrawn. Further consideration of the matter must begin the process anew with first reading after appropriate introduction except in the case of reconsideration.

Rule 8.4. Voting to Elect Boards, Committees and Commissions

When Council is voting to elect one or more persons to open positions on a board, committee or commission, ballot elections should be used if the number of candidates exceeds the number of positions available. As an alternative to the ballot method, a majority of Council may decide to

vote on each nominee individually, taking them up in the order nominated. If the number of vacant positions equals or exceeds the number of candidates available, the Council may dispense with the process under this Rule and appoint by acclamation or similar method.

Once the election process begins, motions are limited to privileged motions (adjourn, recede, raise a question of privilege, convene an executive session, or follow the agenda); to the following subsidiary motions: motion to postpone and motion to commit; and to the incidental motion of the point of order. All other motions are out of order until the election process is completed.

With a ballot election, each Council Member shall vote—on one ballot—for up to as many positions as are open. Each member shall sign or otherwise mark his or her ballot and the minutes shall reflect each member's vote. Members may vote by ballot for someone who was not nominated.

Each ballot is considered one vote cast, and a candidate must receive a majority of votes to be elected. If no candidate receives a majority vote, balloting continues as needed until all positions are filled. If fewer than the proper number of candidates receive a majority vote, those candidates receiving a majority are elected, and balloting continues with all other candidates remaining on the ballot. If more candidates receive a majority vote than there are positions open, those receiving the largest number of votes shall be elected and those receiving a majority, but tied for last of those receiving a majority, shall remain on the ballot for repeat balloting, as needed. If all positions are not filled after the first vote, no candidates shall be involuntarily eliminated.

In cases where the Council does not elect but recommends persons for appointment by the Governor or otherwise, the same procedure as applied to elections shall be followed as to such recommendations.

Rule 9. Ordinances and Resolutions

County Council shall take action by passing ordinances and resolutions. An ordinance is local legislation passed by the governing body of the County, duly enacted pursuant to proper authority, describing general, uniform and permanent Rules of conduct relating to the corporate affairs of the County. A resolution is an official act and is generally an expression of opinion or policy concerning some particular item of business coming within the County Council's official cognizance and often deals with matters of special or temporary character. Resolutions are passed after a single period of debate (or reading) and vote; ordinances require a reading at three public meetings on separate days, with at least seven days between the second and third reading. As used herein, the term "bill" shall be a proposed ordinance which has not received three readings.

Rule 9.1. Approval Prior to Introduction

Prior to introduction, all ordinances and resolutions shall be submitted to and approved by the County Attorney or individual designated by Council as to form and draftsmanship.

Rule 9.2. All Matters to be Referred to Appropriate Committee

Except for emergency ordinances or by positive majority vote of Council, Council shall consider no matter prior to its introduction and consideration by the appropriate Committee.

Rule 9.3. Introduction by Title Only

County Council may introduce an ordinance and give first reading “by title only.” When giving first reading by title only, the minutes of the meeting should show that Council believed there was a valid reason for expediting the ordinance and that there was a general understanding by the Council of what the first draft of the ordinance would have said, had it been in writing.

Rule 9.4. Emergency Ordinances

Emergency ordinances—valid for only sixty days—may be passed after a single reading if a public emergency exists affecting the life, health, safety or property of people. An emergency ordinance is effective immediately upon enactment, without regard to reading, public hearing, publication requirements or public notice requirements. Every emergency ordinance shall be designated as such and shall contain a declaration of the emergency and describe it. Emergency ordinances require a two-thirds majority for passage.

Rule 9.5. Legislation Enacted by Ordinance and Requiring Public Hearing

Legislation affecting the following issues can only be enacted by ordinance and require a public hearing, as set out in Rule 6, prior to passage:

1. adopting annual operational and capital budgets;
2. making appropriations, including supplemental appropriations;
3. adopting building, housing, electrical, plumbing, gas and all other regulatory codes;
4. adopting zoning and subdivision regulations;
5. levying taxes; and
6. selling, leasing or contracting to sell or lease real property owned by the County.
7. For other ordinances of the County as required by the ordinance.

Rule 9.6. Revenue Measures and Incentive Offers to be Referred to Committee on Finance

All bills and resolutions levying a tax, incurring indebtedness or otherwise affecting County revenue shall be referred to the Committee on Finance, which shall report thereon before the Council shall vote for their passage.

1. Economic Incentive Offers

Economic incentives are inherently policy decisions of the governing body – County Council. Accordingly, no economic incentive shall be offered without adherence to the following: All prospective companies shall understand that any incentive offer is subject to change and is only final after the third reading of Council. All offers shall be made, negotiated, and communicated directly to the prospective company by a designated representative of the County and not made by any other entity on behalf of the County. Preliminary offers are anticipated as part of economic development and recruitment but may only be made by the Supervisor and Finance Chairman after discussion with Council in executive session consistent with the Freedom of Information Act. To the extent the Supervisor and Finance Chairman do not agree, then no preliminary offer shall be made without a majority vote of Council voting.

Rule 9.7. Introduction and Required Readings of Ordinances or Resolutions.

1. Introduction of Bills

All bills must first be introduced in the appropriate jurisdictional committee and then shall be introduced for first reading at Council.

2. First Reading

At the first reading of a bill in Council, no vote shall be taken and no debate or amendment shall be in order.

3. Second and Third Readings

Committee reports on a bill 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. If the proposed bill is defeated on second reading, there shall be no third reading. At least one (1) day prior to the second reading of a bill, complete typewritten or printed copies of the text of the bill and the Committee report thereon shall be delivered to every Council Member, by title or in completed form. After all amendments and privileged motions are disposed of, all bills shall be given second reading by one motion as a collective group unless any member objects to second reading of any particular bill(s). If a member objects, the particular bill(s) shall be separated from the collective group and handled by a separate motion. After the bills, have been given second reading, and following the Committee report, the bills 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, if any, are disposed of, the question shall be the passage of the bill and enactment as an ordinance with the full force of law accorded to the ordinance as presented. In those instances, when a bill has received first and/or second reading and no formal action is taken regarding the bill at either the Committee or Council level within one (1) year from the last recognized action, the bill shall be considered withdrawn and must be reintroduced as a new item.

4. 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 Council Members present and voting. However, every resolution must upon introduction be referred to an appropriate Committee unless reference shall be dispensed with by a positive majority or unless the resolution was introduced by an appropriate Committee or Council Member. If the resolution is referred to a Committee, a report of the Committee shall ordinarily be made at the next regular 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. After all amendments and privileged motions, if any, are dispensed with, the question shall be the adoption of the resolution.

5. Codification

All ordinances adopted by Council shall be compiled, indexed, codified, published by title and made available for public inspection at the office of the Clerk to

Council. The Clerk 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 (§4-9-120).

Rule 9.8. Ordinances and Resolutions to be in Writing

All proposed ordinances and resolutions shall be in writing, by title only or in completed form, either typed or printed, and in a sufficient number of copies for each Council Member to be provided with copies at the time of introduction. Upon introduction, the Clerk to Council shall assign a bill number to each proposed ordinance. Upon adoption by Council, the Clerk to Council shall assign the bill an ordinance number.

Rule 9.9. Effective Dates of Ordinances and Resolutions

The effective date of each ordinance or resolution passed by Council shall be on the date that the bill is given third reading and modified by title to become an ordinance or the date the resolution is adopted unless a different effective date of such ordinance or resolution is set out in the ordinance or resolution.

Rule 9.10. Ordinances and Resolutions to be Printed

Annually, all ordinances and resolutions of the Council passed during the preceding twelve (12) months shall be printed and made available for public distribution through the office of the Clerk to Council (§4-9-120):

"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 provide a copy of such record to the Clerk of Court for filing in that office."

Rule 10. Annual Appropriations Ordinance [County Budget]

In February, or anytime thereafter but prior to July, at the discretion of the Committee on Finance's Chairman, a finance workshop shall be held to discuss budgetary policy and goals and shall receive information and budgetary requests from all elected officials and non-Supervisor directors. The Clerk to Council shall coordinate the date of the workshop and notify all elected officials and non-supervisor Directors of the workshop. Thereafter, the Supervisor shall submit requested budgets for Offices of Elected Officials prior to the March regular meeting of Council pursuant to Rule 10.1 and prior to the third regular meeting of the Council preceding the end of the County's fiscal year, the Supervisor shall submit a proposed comprehensive County budget to the Committee on Finance for first reading as an appropriations bill which shall set forth in detail appropriations for all County purposes and activities during the ensuing fiscal year; and this bill, as it may be amended, shall be enacted by the Council prior to the commencement of such fiscal year and be established as the appropriations ordinance upon approval. The total of the appropriations under such ordinance shall not exceed the total of anticipated County revenue from all sources as projected by the Supervisor under the direction of the Committee on Finance.

Rule 10.1. Requested Budgets for Offices of Elected Officials

Prior to the March regular meeting of Council, a requested budget for each of the countywide elected officials' office shall be delivered to the Clerk to Council for distribution to each Council Member.

Rule 11. Debate

Debate is the discussion on the merits of a pending question to determine if the issue should be adopted or not. Debate shall be managed by the Chairman in an impartial manner. Council Members can participate in the debate only when they are recognized by the Chairman. Debate can be interrupted (*i.e.* a member may interrupt another member who has the floor), only to make a Motion to Adjourn, a Motion to Raise a Point of Privilege, a Motion to Raise a Point of Order, or a Motion to Convene an Executive Session. The Council Member making a motion is entitled to speak first; members who have not spoken on the issue shall be recognized ahead of those who have previously spoken.

No motion shall be debated until it has been stated by the Chairman, and/or properly seconded (if required). Any motion shall, if desired by the Chairman or any other member, be reduced in writing and delivered to the Chairman and other Council Members and read before it shall be debated. No person who is not a Member of the Council or Committee shall be permitted to speak without first being recognized by the Chairman or by a Member of respective Committee or Council without objection from any voting member or can be recognized by request of a simple majority of the voting body.

Rule 12. Conflicts of Interest

No Council Member, or member of a County Board or Commission, may knowingly use his or her official office to obtain an economic interest for himself or herself, an immediate family member, or an individual or business with whom he or she is associated. Any member who, in order to discharge his or her official responsibilities, is required to take an action that affects the economic interest of any such person or business shall prepare a written or oral statement describing the matter requiring action or decision and the nature of the potential conflict of interest. A copy of the statement shall be furnished to the Chairman of County Council, or other board or commission, as appropriate. The Chairman shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter in which the potential conflict of interest exists. The Chairman shall ensure that the disqualification and the reasons for it are noted in the minutes.

It is the responsibility of the individual member to notify the Chairman of the potential conflict and, once notification is made, to refrain from participating in the discussion, deliberation, and voting on the issue. It is generally expected that the member with the conflict shall not participate or engage in the discussion and if applicable leave the Council chambers while the issue is being discussed, deliberated, or voted upon, but the member may remain in the chamber if a quorum would be lost in his or her absence. If the Council Member remains in the chamber, the minutes should reflect this fact and should indicate a reason. Enforcement of this Rule is left to the individual member. The Chairman shall not require the member to leave the chamber, nor shall the Chairman prohibit the member from participating in the debate or in voting.

County Council adopts the Model Rules of Parliamentary Procedure for South Carolina Counties, Third Edition, as amended.

Rule 13. Officers and County Council Department

The Council shall elect a Vice-Chairman and such other officers as it may deem necessary for terms as hereinafter set forth at the organizational meeting of the Council in January following each General Election.

1. Chairman

The Chairman shall preside at all regular, special, and organizational meetings of the Council; shall execute, on behalf of the Council, all ordinances, resolutions, directives, deeds, bonds, contracts, and other official instruments or documents; and shall have such other duties and perform such other functions as are set forth in these Rules.

2. Vice-Chairman

At the organizational meeting in January following each General Election, the Council shall elect one of its members to serve as Vice-Chairman for a two-year term; in the event that the Chairman shall be temporarily absent or unable to serve, the Vice-Chairman shall serve in the Chairman's stead. In the event the Vice-Chairman should assume the Chairmanship, he or she shall retain the right to vote on matters brought before the Council. The Vice-Chairman's responsibilities shall include review of County Council Department's budget as prepared by the Clerk to Council and supervision of the Clerk to Council.

3. Clerk

The Council shall appoint a person, not a Council Member, to serve as Clerk to County Council for an indefinite term. The Clerk to County Council responsibilities shall include but are not limited to:

- a. Record County Council's proceedings (§ 4-9-110)
- b. Direct the day-to-day operations of the County Council Department;
- c. Interview/hire for any open positions in County Council Department;
- d. Attend quarterly meeting in the Supervisor's office;
- e. Supervise the staff of the County Council Department;
- f. Prepare an annual budget with input from the Vice Chairman;
- g. Coordinate development and training of the County Council Department staff;
- h. Conduct performance reviews and resolve all employee relations issues within the County Council Department;
- i. Administer the budget of County Council Department; and
- j. Perform such additional duties as the council may prescribe (§ 4-9-110).

Any change in the Clerk to County Council's status, level of authority, responsibilities or compensation shall take a positive majority vote of Council.

4. Parliamentarian

The Vice-Chairman shall appoint a person to serve as Parliamentarian for an indefinite term. The Parliamentarian shall issue opinions of the Berkeley County Organizational and Parliamentary Procedure Rules when

inquired by Council Members. The Parliamentarian's opinion shall hold no binding effect. The Chairman is free to rule against the opinion of the Parliamentarian and Council may vote to appeal the opinion of the Chairman.

Rule 13.1 County Council Department.

Council shall appropriate funds annually to cover salaries of Clerk to County Council and staff of the County Council Department, in addition to benefits and any and all costs associated with operating the office (§ 4-9-420-11-12). The County Council Department's duties shall include but are not be limited:

1. All responsibilities enumerated to the appointed Clerk to Council;
2. Record and permanently index all proceedings, ordinances and resolutions of Berkeley County Council;
3. Prepare and distribute notices and agendas for all County Council meetings;
4. Maintain County Council calendar;
5. Have representative attend all County Council meetings and proceedings;
6. Record and transcribe minutes of all County Council meetings and proceedings;
7. Confirm on the record that each and every scheduled and called meeting has been appropriately noticed per Freedom of Information Act regulations;
8. Codify county ordinances;
9. Implement and maintain a records management schedule for the department;
10. Maintain information pertaining to appointments and terms of members of boards and commissions;
11. Maintain a good working knowledge of County Council Rules and Procedures as well as Parliamentary Procedure Rules;
12. Respond to public information requests, inquiries and complaints;
13. Schedule appointments and travel for County Council Members;
14. Render assistance to Council Members in preparation of reports, recommendations, ordinances, resolutions, directives and correspondence; and
15. Perform such additional duties as the Council may prescribe (§ 4-9-110).

Any change in the County Council Department's status, level of authority, responsibilities or operations shall take a positive majority vote of Council.

Rule 13.2. County Council Annual Performance Review of Clerk to Council

As the Clerk to Council is appointed by County Council, each Council Member is entitled and encouraged to participate in the Clerk to Council's annual performance review. The Vice Chairman of Council shall be responsible for coordinating the review process. The Vice Chairman shall provide each Council Member with a Performance Review Questionnaire and Feedback Form. The Vice Chairman shall give Council Members a clear deadline for the submission of the completed and signed form. The deadline date shall be no earlier than five (5) days after the delivery of the form to the Council Member. The Vice Chairman shall then conduct the performance review with the Clerk to Council.

Rule 14. Seating

The Vice-Chairman and the Finance Committee Chairman shall each sit immediately next to the Council Chairman, one on either side, with the Council Chairman in the center chair on the dais. The remaining seating shall be determined in order of seniority of service – that is, seating is not in order of seniority, but in succeeding order, each member shall advise the Vice Chairman if they would like a change in their seating assignment and the assignment will be given based on the member's seniority.

Rule 15. Committees

The Council shall be comprised of eight (8) standing Committees and such other Committees as may be appointed from time to time by the Council with the consent of a simple majority of Council Members. The Council shall determine the standing Committees, the title, scope, function, and interrelationship of each. The standing Committees shall be determined during the biannual organizational meeting of Council. A majority vote of the Council Members present and voting shall determine the standing Committees. Also, by majority of those Council Members present and voting shall elect the Chairman of each standing Committee. Each Council Member shall serve as Chairman of one standing Committee and shall serve as a member on the remaining seven (7) Committees. Chairmen of Standing Committees shall serve for a term of two (2) years.

The procurement department shall be an area of responsibility of the Committee on Administration. However, all procurement contracts shall originate from the committee of jurisdiction for the area of responsibility responsible for the contract (i.e., an engineering contract should be placed on the agenda for the Committee on Operations).

The Committee on Administration shall take up all procurement bids of \$50,000.00 or more to be brought to the appropriate committee on Council, notwithstanding that the bid may be within budget, as Council's budget approval is non-detailed so as to provide appropriate oversight of the procurement process.

Rule 15.1. Committee Meetings

Committee meetings shall be governed by the same Rules as previously set out in this document, unless in conflict with the specific Rules set out herein. Committees shall meet at least once per calendar quarter but may meet more often as needed. Committee meetings shall be held on the call of the Chairman upon three (3) days' notice of such meeting to each Committee member, provided, however, upon call of the Chairman with consent of a majority of members of the Committee a meeting may be held provided twenty-four (24) hours' notice is given. Materials relating to particular items as set out on the agenda shall be submitted prior to the meeting so that all Committee members may have the opportunity to review all pertinent information prior to the actual meeting. This provision should be complied with in all instances except where certain constraints make it impossible to adequately provide members with copies of information prior to the set meeting time. The Committee Chairman shall have the power to appoint a current Committee Member as the Committee Vice Chairman at his or her discretion. If the Committee Chairman is unable to attend a meeting after it has been called, the Committee Vice Chairman shall act as Chairman in their absence. If the Committee Chairman chooses not to appoint a Committee Vice Chairman, then he or she shall appoint another member of the Committee to be acting Chairman for that meeting only, if no person is chosen the Council Vice Chairman will act as the Chairman. An acting Chairman shall retain the right to vote on matters brought before the

Committee. A quorum of each standing Committee shall consist of a simple majority of its members, such members to include the Chairman of the Committee. Each Committee Member, except the Committee Chairman, has the right to vote on any matter before the Committee for which a vote is required. The Committee Chairman may only vote to break a tie vote and in the case of an appeal where he can vote to create a tie thus defeating the appeal. All Committee reports and recommendations shall be delivered to the Chairman of the Council by the Chairman of such Committee for presentation to the Council at its next regularly scheduled meeting or special meeting.

Rule 15.2. Chairman of Council Shall be Non-Voting Ex Officio Member of Standing Committees

The Chairman of the Council shall serve as a non-voting, ex-officio member of all standing Committees.

Rule 15.3. Representation of Standing Committee on Committee on Finance.

Each Council Member shall represent his or her standing Committee with any financial and/or budgetary affairs relating thereto at meetings of the Committee on Finance.

Rule 16. Boards and Commissions

Council shall attempt to balance the need for broad geographical representation, professional experience and concerned citizen interest when nominating citizens to serve on all current and future boards and commissions. Council shall also ensure that the meetings of the boards and commissions shall be conducted in such a way to promote transparency and public accessibility. In order to assure and implement these goals, all current and future boards and commissions, when not specifically prohibited by law or ordinance, shall be structured based on the following guidelines:

1. Have a minimum of eight but not more than sixteen members;
2. May have one and not more than two appointees from each Council district;
3. Certain boards and commissions allow each Council Member to nominate one individual to represent his or her district. While the nominee is not required to reside in the Council Member's district the nominee must reside within the County and is subject to Board and Commission Rule 2 above;
4. At the time of the creation of the board or commission, its duties and responsibilities shall be delineated by ordinance of Council;
5. Council may establish citizens' advisory Committees to review and advise on the scope and function of current and future boards and commissions;
6. When practicable Issues requiring Council action regarding the Berkeley County Library System or the Berkeley County Airport shall first be presented to the Berkeley County Library Board or the Berkeley County Aeronautics Commission respectively for recommendation before being presented to Council;
7. A set of Board and Commission Rules and Parliamentary Procedure Rules shall be adopted by Council to be used by all County boards and commissions whose members are appointed or recommended for appointment by County Council;
8. Public notice of each meeting for County boards and commissions whose members are appointed or recommended for appointment by County Council must be posted on a bulletin board at the meeting place or other suitable place and on the Berkeley

County website, as early as practicable, but not less than twenty-four hours prior to each meeting. The notice must include the agenda (if any), and date, time, and place of the meeting; and

9. Each board or commission member's name, mailing address, phone number and/or email address and term expiration date shall be posted on the Berkeley County website.

Rule 17. Reimbursement of Expenses

Rule 17.1. Reimbursement to Council Members

County Council Members are entitled to be reimbursed for expenses incurred for any Council related travel, training and/or dues, fees and other discretionary expenses as allowed by Berkeley County Personnel Policies and Procedures Manual.

Rule 17.2. Reimbursement to the County

If the County pays for the costs of a member to attend a conference, seminar or meeting, and the member fails to attend for reasons not related to County business, the member may be required to reimburse the County for the costs. If meal per diem is advanced to a member and the member does not utilize the meal per diem, either because a meal is provided from another source or the member does not attend the event for the entire duration, the member may be required to reimburse the County the meal per diem.

Rule 17.3. Council Member Expense Reports

Each individual Council Member's expense request report shall be made available for public viewing on the Berkeley County website as soon as practicable.

Rule 18. Professional Services Budget

Council at its discretion can create a Professional Services fund as part of the budget of the Office of County Council. This fund shall be administered by the Clerk to Council and shall be used to hire independent outside consultants as needed (e.g. attorneys, auditors, etc.) at the approval of a majority vote of Council; however, if emergency procurement is needed, the Vice Chairman may utilize Section 50-68, Emergency Procurement, of the Berkeley County Code of Ordinances to procure the necessary items or service.

Rule 19. Enforcement of Rules

Council has the right to enforce its Rules and expect ethical and honorable conduct from its members.

Rule 19.1. Calling a Member to Order

In such times when a member violates the Rules, it is the Chairman's responsibility to politely and firmly remind the member of proper Rules of order. If the member continues to willfully violate the rules and ignore the plea of the Chairman or, the Chairman can call the member out of order and instruct the Clerk to note the behavior in the record.

Rule 19.2. Calling a Chairman to Order

In such times when the Chairman violates the Rules, a Council or Committee Member may politely remind the Chairman of proper Rules of order by requesting a Point of Order. If the Chairman rules against the member's Point of Order, then the member may Appeal. If the Chairman continues to willfully violate the rules and ignore the Point of Order or the successful ruling of the Appeal, the member can call the Chairman out of order and instruct the Clerk to note the behavior in the record.

Rule 19.3. Penalizing a Member

The Chairman or a Council Member can make a motion to penalize another member (including the Chairman) only after that member has been ruled out of order and the behavior has been noted in the record. The Council Member making the motion must include in the motion the reason(s) for the motion and proposed penalty. The motion must receive a positive majority vote of Council Members for approval. Penalties, when not specifically prohibited by law or ordinance, may include but are not limited to:

1. A motion that the member apologize;
2. A motion to censure the member; and
3. A motion that the member leave the chamber during the remainder of the meeting.

Rule 20. Amending Rules

Amendments to these Rules shall require a positive majority vote of Council.