

## **ADDENDUM 1--ORDINANCES AND RESOLUTIONS**

### **1) General**

The Council takes legislative action by ordinance. After an ordinance has had three readings, public hearing, if required by other applicable law, and is passed by the Council, it becomes the law of the County. A resolution is generally an act of a temporary nature or one that is ordinarily sufficient for Council action of ministerial, administrative or executive matters and is not a matter of changing a matter of law. Resolutions do not have the force of law, but shall express the opinion of Council concerning a particular thing or matter.

### **2) Ordinances and Resolutions Shall Be In Writing**

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

### **3) Reading of Ordinances and Resolutions**

If all members of Council are furnished with copies of a proposed ordinance or resolution, a verbatim reading thereof shall not be required unless such reading is specifically requested by a member. All ordinances, with the exception of emergency ordinances as hereinafter set out, shall be read at three (3) meetings of Council on three (3) separate days with an interval of not less than seven (7) days between the second and third reading.

### **4) Introduction and Required Readings of Ordinances and Resolutions**

- a) Introduction of Ordinances: Any member of Council may introduce an ordinance during Approval of Agenda for placement on the agenda. The Chair shall call for a vote to add the ordinance to the agenda. If there is a majority vote, the Chair shall place the ordinance on the revised agenda for discussion only. No vote may be taken on the ordinance except that the Chair shall call for a vote to place the ordinance on the agenda of a future meeting, which shall require a majority vote.
- b) Ordinances may be placed on the posted agenda prior to a meeting for "First Reading, By Title Only" by the Chair or by a majority of Council by contacting the Clerk to Council and requesting the item be placed on the agenda.
- c) First Reading: At the first reading of an ordinance, no debate or amendment shall be in order.
- d) Second and Third Readings: At least one (1) day prior to the second reading of an ordinance, printed copies of the text of the ordinance shall be delivered to every member of the Council. After all amendments, if any, are disposed of, the question shall be whether the ordinance shall receive second reading. After the ordinance has been given second reading on a subsequent regular public or special meeting of Council, the third reading of the ordinance may be scheduled. At the third reading of any ordinance, amendments may be made upon a majority vote of the Council. A public hearing, if required by other applicable law, must be scheduled prior to the passage of the ordinance. After all amendments, if any, are disposed of, and after public hearing has been held, the question shall be the passage of the ordinance.
- e) Final Passage: No ordinance, resolution, code or policy or amendments thereto shall be passed or adopted unless a majority of the members of the Council shall have voted for its approval or passage. Amendments to an existing ordinance shall require the procedures as required for original passage of an ordinance.
- f) All amendments must be relevant to the proposed resolution. After all amendments, if any, are dispensed with, the question shall be the adoption of the resolution.
- g) Emergency Ordinances: In accordance with Section 4-9-130 of the Code of Laws of South Carolina 1976, as revised, Council may adopt emergency ordinances. An emergency ordinance shall be effective immediately upon its enactment without regard to any reading, public hearing, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first (61st) day following the day of enactment. Such ordinances, however, must deal with public emergencies affecting life, health, safety or the property of the people. Such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or charge a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least a majority vote of the members of the Council present.

**5) Public Hearing**

Upon giving fifteen (15) days notice of the time and place of such hearing which shall be published in a newspaper of general circulation in the County, a public hearing shall be held before final Council action to:

- a) Adopt ordinances, if required by other applicable law;
- b) Adopt annual operational and capital budgets;
- c) Make appropriations, including supplemental appropriations;
- d) Adopt building, housing, electrical, plumbing, gas and all other regulatory codes involving penalties;
- e) Adopt land planning and subdivision regulations;
- f) Levy taxes; and
- g) Sell, lease or contract to sell or lease real property owned by the County.

Persons wishing to address Council during public hearings must comply with the provisions set out in Section 14(d) herein. For grant purposes, the Clerk to Council may record an individual's comments into the minutes of meeting.

**6) Annual Appropriations Ordinance**

At or prior to the first regular meeting in June, the County Administrator shall present for first reading an appropriations ordinance which shall set forth in detail appropriations for all County purposes and activities during the ensuing fiscal year; and this ordinance, as it may be amended, shall be enacted by the Council prior to the commencement of such fiscal year. The total of the appropriations under such ordinance shall not exceed the total of anticipated County revenues from all sources. Notwithstanding any other provisions of the budget ordinance, the County Auditor shall not officially levy a tax without prior consultation and approval of the Council. As soon as possible after receiving the preliminary millage figures from the Auditor's office, the Council shall, by Resolution, inform the Auditor as to specific millage figures to be used for each agency. The budget ordinance must comply with all applicable state statutes.

**7) Ordinances and Resolutions Shall Be Printed**

In accordance with Section 4-9-120 of the Code of Laws of South Carolina 1976, as revised, "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 to Council of Council."

## **ADDENDUM 2--BOARDS AND COMMISSIONS.**

### **1) Election And Appointments To Boards And Commissions**

- a) The various boards and commissions established by the County government each perform a vital service to this County. They serve the public good and help to make the quality of life in this County better for all. It is, therefore, the expressed intent and desire of the Council that all citizens of the County be made aware of the work of the commissions and boards and that all be given the opportunity to serve their community by their participation and membership in these organizations. Further, the Council is of the opinion that the best interests of the County are served when its boards and commissions select members from all areas of the County and when they reflect as nearly as possible a fair representation of the racial, sexual and economic make-up of the community.
- b) Commission and Boards Covered:
  - 1) The Council shall appoint the membership of the Aeronautics Commission, Assessment Appeals, Behavioral Health Services Board, Construction Board of Appeals, Council on Aging Board, Disabilities and Special Needs Board, Fire Commission, Hospital Board, Library Commission, Planning Commission, Zoning Board of Appeals and the delegate to the Olde English Tourism Commission.
  - 2) The Chairman shall serve as the public delegate to the Central Midlands Council of Governments, the Central South Carolina Alliance and the I-77 Alliance. Terms and requirements for membership shall be as specified by appropriate State law, County Ordinance, this Resolution or by subsequent resolution, order or other directive of County Council.
  - 3) The Chairman of County Council shall select one member of County Council to serve as a voting member of the Fairfield County Chamber of Commerce Board of Directors; however, this person will not serve as an officeholder of the Fairfield County Chamber of Commerce Board of Directors.

### **2) Appointment Requirements – Council District Seats**

- a) The Clerk to Council shall report to the Council when a vacancy is expected to occur within one hundred and twenty (120) days from the anticipated vacancy for each County board and commission which the Council has a legal responsibility to fill. The Clerk to Council shall receive applications for any impending vacancy. The Council Chair or Clerk to Council shall also inform the Chair of the relevant board or commission of the impending vacancy.
- b) Each board or commission may, if it so chooses, recommend to the Council member from whose Council district the impending vacancy is expected (“nominating member”) the names of individuals who would be interested in serving on the board or commission.
  - 1) Before submitting the name(s) of any person(s), the board or commission should attempt to find at least one interested person who, given the present membership of the board or commission, would add to the cross-sectional representation from within the County.
  - 2) Prospective members of boards or commissions must be a resident of Fairfield County, though they need not be a resident of any particular district.
  - 3) Possible candidates should include persons from as many different geographic areas as possible. Should it be impossible to find persons from the wider community to fill vacancies, the board or commission should report its efforts to the nominating member at the time of its submission of suggested names.
  - 4) No county employee or elected official may be appointed to a board or commission unless the makeup of that board or commission specifically requires a county employee or elected official to be a member, i.e. a building inspector, or the county human resources director.
  - 5) If the board or commission decides to provide the name of any individual(s) to the nominating member, the board or commission is encouraged to provide at least two individuals for each vacancy, detailing the name, physical address and occupation of the person leaving the seat to be filled, and the name, physical address, telephone number and occupation of each individual suggested to fill the vacancy.

- c) Regardless of the source of the candidate's name, before a candidate can be considered, that candidate must submit a signed application, in which the candidate indicates willingness to serve should the candidate be selected. This application must also include a statement that the candidate has been informed of the duties of the office and of the meeting times and other requirements for the position. Further, the application must contain sufficient information on the other interests, positions and community involvement of the individual suggested so as to allow the nominating member to evaluate the candidate.
- d) Where an incumbent candidate is eligible for re-appointment and re-appointment is sought by that candidate, the application shall be marked so as to inform the nominating member of the request for re-appointment and include information as to the prior terms of the member on the board or commission. At the request of a potential candidate, the Clerk to Council shall deliver the proposed template for the submission of this information.
- e) Regardless of the source of the application, the nominating member is not obligated to accept any candidate.
- f) After receiving applications prior to the application deadline, the Clerk to Council shall provide a copy of each application to the nominating member. The nominating member shall determine which, if any, application to provide to the Council at the next appropriate meeting, during which the Clerk to Council shall publish the name of each candidate.
- g) If the nominating member has not removed the candidate's name from consideration, then, at the meeting following the meeting at which the Clerk to Council first published the name of each candidate, the Clerk to Council shall publish the name of each candidate into the minutes as the candidate selected to fill the vacancy, unless a super majority of Council opposes the nomination. In such a case, the nominating member has an additional thirty (30) days to submit another name for Council consideration.
  - 1) In the event the nominating member does not provide the Clerk to Council with the name of a candidate no more than thirty (30) days after the Clerk to Council notifies the Council of that vacancy, then, no later than the normal agenda deadline for the next meeting at which the Clerk to Council otherwise would have published the name of the candidate provided by the nominating member, subject to all other requirements for submitting a candidate's name, each Council member is entitled to submit the name of one or more candidates to fill the vacancy. At that meeting, the Council shall vote on the slate of candidates. Each Council member is entitled to cast one vote per election irrespective of the number of candidates subject to election for the vacancy to be filled. If no candidate receives a majority, the balloting shall continue until there is a winner by a majority of the vote or further balloting may be reserved to a later meeting of the Council.
  - 2) A similar procedure applies to the election of candidates for "at-large" seats: No later than the normal agenda deadline for the next appropriate meeting, subject to all requirements for submitting a candidate's name, each Council Member is entitled to submit the name of one or more candidates to fill the at-large vacancy. At that meeting, the Council shall vote on the slate of candidates. Each Council Member is entitled to cast one vote per election irrespective of the number of candidates subject to election for the vacancy to be filled. If no candidate receives a majority, the balloting shall continue until there is a winner by a majority of the vote or further balloting may be reserved to a later meeting of the Council.
  - 3) The Clerk to Council shall notify each selected candidate.

### **3) Consecutive Terms/Replacements**

A person selected to serve on any board or commission is not eligible to serve more than two consecutive terms. For purposes of this sub item, and for emphasis and clarification, if a person is selected to complete an unexpired term, and the remaining term to be served is equal to or less than one-half of the full term, the person's service during that unexpired term shall not be deemed service of a term for reappointment purposes. Conversely, if a person is selected to complete an unexpired term, and the remaining term to be served is greater than one-half of the full term, the completion of that term shall be considered to be service of a full term, and the person so serving shall be eligible for appointment of only one more consecutive term. Provided,

however, no person shall serve more than seven and one-half consecutive years on a board or commission. A person is always eligible to be appointed to the same board or commission after an absence from the board or commission for a period equal to one full term of service.

**4) Election of Members**

Elections to fill vacancies on board and commissions should be held at a public meeting of the Council during the month of September each year, prior to the expiration of the terms of those boards or commission members whose successors are to be elected. Members elected during September of each year shall be referred to as the Class of xxxx to facilitate recordkeeping.

**5) Vacancies Not Timely Filled/Holdovers**

Should a vacancy in a board or commission not be filled within the time limits as set out herein for any reason, the individual holding the position at the time of the vacancy may continue in the position until it is filled. The term of the newly selected individual shall run from the initial date of the vacancy, not from the date he/she shall be approved to assume the position. However, in the event that a holdover situation should result in a continuing need to replace all members of a board or commission at one time, the Council shall have the authority to stipulate that the term of one or more of the positions on the board or commission shall be of a lesser duration for a specified period. This will enable the Council to return the board to a normal turn-over pattern in its later terms.

**6) Removal of Board Members**

Nothing in these provisions shall be taken to imply that any board or commission member or members may not be removed from their positions during their terms for any reason or no reason, or may not be re-appointed at any time, at the discretion of the Council.

**7) Re-appointments**

Persons who seek to be re-appointed to a board or commission shall submit an application to the Clerk to Council which shall indicate that the candidate's eligibility for re-appointment and whether the board or commission endorses the request for re-appointed. The Council reserves the right to accept or deny any applications for membership on a particular board or commission and shall determine the re-appointment in the normal manner of all nominations.

**8) Provisions as to the Rural Fire Board**

Because of the peculiar needs of the Rural Fire Board as to the make-up of its board, nominations to this board shall, in most instances, be taken from the membership of each respective fire department. However, nothing in these rules shall limit the right of the Council to appoint any person it may so choose should it determine that such appointment is in the best interest of the County.

**9) Duties of the Boards and Commission**

a) Information to Council: As ex-officio members of all boards or commissions, the Council members shall be kept informed of all board and commission activity. All boards and commissions shall provide directly to the office of the Clerk to Council, copies of all by-laws, procedural manuals, statutes and other materials by which the organization and or board operates. The board/commission by-laws must conform to the rules and regulations as set forth by Council, and must be so approved by Council. Board meetings shall be documented by audio taped as well as by written minutes, which shall be maintained as records of the board or commission. Timely notice of all meetings shall be provided to the Clerk to Council for provision to the Council. The recording secretary of each board and commission shall, within thirty (30) calendar days of each meeting, forward copies of the agenda, minutes, and attendance report to the office of the Clerk to Council.

- b) Information to the Public: Each board and commission shall provide adequate and sufficient notice of all meetings to the general public by posting such notice at its general meeting location or at the front of the County Administration complex at least twenty-four (24) hours prior to such meeting. Meetings shall be open to the general public, except for executive sessions of such boards as may pertain to the issues set out at Section 9 herein. A period of public comment may or may not be provided at said meetings at the discretion of the board or commission.
- c) Board Membership and Attendance: A simple majority shall constitute a quorum of the board or commission and shall be addressed accordingly in the internal operating rules and regulations of the board or commission. Board and commission members are required to be in attendance at three-fourths (3/4) of all regular meetings during a 12 month calendar period. Non-attendance at the required number of meetings shall result in removal from the board. The director of each board or commission shall submit to Council on a semi-annual basis (July and January) an attendance report of board members. Question as to the validity and/or continuation of board membership shall be determined solely by the Council. Should any question as to board membership arise, including questions relating to the failure of a board member to adequately carry out his board duties or to regularly attend board meetings and/or functions, the Chairman or executive director shall notify the Clerk to Council in writing of the problem. The Clerk to Council shall then refer the situation to the Council Chairman for appropriate action.
- d) Board Internal Operating Rules and Regulations: Each board and commission shall promulgate in written form its internal operating procedures. Said operating procedures must conform to the rules and regulations as set forth by Council, and must be so approved by Council. No part of these rules and regulations shall be in conflict with the rules established by the Council for the operation of the boards and commissions nor shall they allow or provide for actions in conflict with the ordinance/act which shall have created the board or commission in Fairfield County.
- e) Mandatory Board Training: Council shall provide three (3) training opportunities annually. Board members must attend at least one (1) of these trainings. If a board member fails to attend one (1) training per year, the board member must submit written notice to County Council as to his reason for absence. Council may accept the reason or reject it. Rejection will result in removal from the board. Failure to submit a written reason within thirty (30) days of three (3) trainings in a calendar year will result in automatic termination from the board.