



RULES OF CHARLESTON COUNTY COUNCIL

1. MEETINGS

- 1.1 All meetings are to be conducted in accordance with the general laws of South Carolina affecting meetings of public bodies and, when not covered in state law, shall be guided by the latest edition of Robert's Rules of Order.
- 1.2 All meetings of Council, which include committee meetings, shall be open to the public except as provided for in the S. C. Freedom of Information Act.
- 1.3 Executive sessions shall be permitted only in accordance with the S. C. Freedom of Information Act and for the purpose of discussing:
 - A. employment, appointment, compensation, promotion, demotion, discipline or release of an employee or person appointed to a public body;
 - B. negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims or the position of Council in other adversary situations involving the assertion against the county of a claim;
 - C. investigative proceedings regarding allegations of criminal misconduct;
 - D. matters relating to proposed location, expansion or the provision of services encouraging location or expansion of industries or other businesses impacting the area served by the public body.

Executive sessions shall not be called for the purpose of defeating the reason or the spirit of the S. C. Freedom of Information Act. Before going into executive session, Council shall vote in public on the question, and when such vote is favorable, the presiding officer shall announce the purpose of the executive session. No vote or formal action may be taken in executive session. Once concluded, Council must return to open session to take formal action or to adjourn.

Executive Session items should be announced as soon as they are known, listed

on the agenda with as much specificity as possible when they are known ahead of time, and should be listed as the last item on the agenda, where practicable.

- 1.4 Regular meetings of Council are routinely held twice a month on Tuesdays in the months of January, February, March, April, May, June, September, October, November and December. During the months of July and August, only one monthly Council meeting is held. Special meetings may be called by the Chairman of Council or a majority of the Members of Council, provided that 24 hours notice has been given to the public, unless the meeting is deemed an emergency meeting, as provided for in state law.
- 1.5 A quorum for the transaction of official business by County Council shall consist of five members.
- 1.6 If the Governor of South Carolina has declared a state of emergency, the Chairman of County Council shall have the authority to utilize the Electronic Meeting Procedure to adopt an emergency ordinance declaring a state of emergency in Charleston County.
- 1.7 Members of County Council shall be permitted to attend and vote via videoconference. Any member of Council attending via videoconference shall not be counted for purposes of constituting a quorum. The person chairing the meeting must be present at the physical meeting location.

II. PROCEDURES

- 2.1 There shall be an agenda for meetings of Council.
- 2.1.5 Any person speaking in front of County Council, either by Council's request or the person's request, shall be required to submit the topic of discussion in writing or in person before permission is given to speak. This rule does not apply to those persons speaking for a time as determined by the Chairman during the public comments portion of Council meetings.
- 2.2 All matters, excluding emergency matters, shall first be referred to a standing committee for recommendation before Council may take any vote or action thereon. Exceptions require unanimous consent of Council.
- 2.3 The Chairman, when addressed by a member, shall name the member being recognized. The first member heard by the Chairman shall be the first recognized. In cases when several members address the Chairman at the same time, the Chairman shall decide who is first.
- 2.4 A roll call vote on any motion, ordinance or resolution shall be taken upon request of any member. The roll shall be called and votes recorded by the Clerk of Council.
- 2.5 When a question is under debate by Council, the following motions shall have precedence in this order:

- A. to adjourn
- B. to recess
- C. to raise a question of privilege
- D. to raise a question of order
- E. to lay on the table
- F. to call for the previous question
- G. to postpone debate to a subsequent meeting
- H. to commit or recommit
- I. to strike out the ordaining or resolving words
- J. to amend

Only the first four motions listed above (A-D) shall be permitted to interrupt the speaker.

- 2.6 All motions shall be debatable except motions to adjourn, to recess, to raise the question of privilege, to lay on the table and to call for the previous question.
- 2.7 The Chairman in the absence of the Vice Chairman, or the Vice Chairman when he is presiding, may name a member to fill the Chairman's place on a temporary basis during an occasional absence from the Chair, but such substitution shall not extend beyond an adjournment. In the absence of the Chairman and Vice Chairman, Council shall elect an acting Chairman to serve until the return of the Chairman or Vice Chairman.
- 2.8 In no cases, shall Council members be allowed to vote by proxy or shall that voting privilege be assumed by another member.
- 2.9 Nominations for appointment to boards and commissions shall not be made from the floor at County Council meetings.
- 2.10 No member of Council shall take any books, records or papers from the possession of the clerk without first notifying the Clerk of Council, and, if necessary, giving a receipt to return the same in a reasonable length of time or on demand by the Clerk.

III. LEGISLATIVE ACTION

- 3.1 With the exception of emergency ordinances, all ordinances, including those making supplemental appropriations, shall be read 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.
- 3.2 Ordinances may be introduced by any member. When an ordinance is sent to Council from a committee, it shall be placed upon the Council agenda at its next

regular meeting and shall be read, by title only, by the Clerk of Council. Any member may debate the matter, but no vote on passage shall be taken. Any other motion relating thereto, including amendments, may be entertained and voted on.

At the next meeting of Council, the Clerk of Council shall read, by title only, the ordinance for the second time. The matter then may be debated, and a vote on passage shall be taken. Any other motion relating thereto, including amendments, may be entertained and voted on.

At the next meeting of Council which is held not less than seven days later, the Clerk of Council shall give the ordinance its third reading, by title only, and a vote on passage shall be taken.

At the direction of the Chairman of Council, an Ordinance may be removed from any agenda and considered at a later meeting.

- 3.3 All proposed ordinances and resolutions shall be in writing, and each member of Council must be provided with a copy at the time of introduction. A council committee may propose a resolution not in writing and forward it without recommendation to Council with instructions that the County Administrator or Clerk of Council have the resolution written in time for Council's consideration.
- 3.4 Unless otherwise stated all ordinances, regulations, resolutions and actions of Council shall be deemed published and public notice thereof shall be effective as of the date of enactment by Council. The full ordinance shall be made available for public inspection at the office of the Clerk of Council.
- 3.5 Notice of the subject, time and place of public hearings shall be published by the Clerk of Council in a newspaper of general circulation in the County at least 15 days prior to the hearing. All proposed and enacted ordinances shall be available for inspection in the office of the Clerk. Public hearings shall be held before the third reading by Council.
- 3.6 Any ordinance increasing the County's ad valorem taxes shall require a positive majority vote of Council, which consists of at least five of its nine members, at third reading of the said ordinance.
- 3.7 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.

An emergency 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, shall contain a declaration that an emergency exists and

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

- 3.8 A member of Council who voted on the prevailing side of an issue may make a motion to reconsider action at that or the next meeting of Council.

IV. **COMMITTEES**

- 4.1 The Chairman of Council shall appoint the chairman and members of the following standing committees and announce appointments at the second Council meeting of each January. These committees shall function in an oversight and advisory capacity. No member of a committee may be removed by the Chairman of Council without the approval of Council. If a vacancy occurs during the year, the Chairman of Council shall appoint a replacement as soon as reasonably possible.
- A. **Finance Committee** consists of all members of Council. It functions as a ways and means committee on matters dealing with budgets, capital improvements, bond issues, purchases and bids, taxation, Community Development, Housing Authority, social services, cultural affairs, health services, appointments by Council and matters related thereto.
 - B. **Administration Policy/Rules Committee** consists of four members of Council. It functions as a review, oversight and advisory body on the rules of Council, issues involving legislative and governmental liaison and matters related thereto.
 - C. **Planning/Public Works Committee** consists of all members of Council. It functions as a review, oversight and advisory body on Subdivision Regulations, building and other regulatory codes, the Zoning Ordinance, public works and matters related thereto.
 - D. **Environmental Management Committee** consists of four members of Council. It functions as a review, oversight and advisory body on the recycling and disposal of solid waste and matters relating thereto.
 - E. **Economic Development Committee** consists of four members of Council. It functions as a review, oversight and advisory body on economic development and matters related thereto.
 - F. **Audit Committee** consists of four members of Council. It functions as a review, oversight and advisory body to consider the county's annual fiscal audit, any supplemental or interim fiscal audits, any operational or fiscal audits by the county's Internal Auditor and matters related thereto.

- G. **Human Resources Committee** consists of four members of Council. It functions as a review, oversight, and advisory body to consider matters concerning Charleston County's Personnel Policies and Procedures and to facilitate employee performance appraisals on an annual basis, or as contractually required, for the Clerk of Council, County Administrator, County Attorney, and Internal Auditor.
 - H. **Public Safety Committee** consists of four members of Council. It functions as a review, oversight, and advisory body to consider matters relating to criminal ordinance, public safety, and matters related thereto.
- 4.1.5 Special Committees can be appointed by the Chairman based on need. Special Committees must be characterized and exist by subject or time. All meeting notes, records, actions, etc. pertaining to Special Committees shall be kept by the Clerk of Council and shall be available to the public by request.
 - 4.2 A minimum of five members shall constitute a quorum of committees that consist of all members of Council. All other committees shall have a minimum of three of its members present to constitute a quorum. The Chairman of Council shall be counted to determine a quorum.
 - 4.3 Any member of Council may attend any meeting of any committee, and enter into discussion of matters before that committee; however, only members of the particular committee may vote on matters before that committee. The Chairman of Council, who chairs the Finance Committee and is an ex-officio member of all other committees, is entitled to vote on matters before all committees.
 - 4.4 Special Finance Committee meetings may be called by the Chairman of Council or a majority of the members of Council. All other special committee meetings may be called by the Chairman of Council or the respective committee chairman. At least 24 hours notice shall be provided to the public for all committee meetings.
 - 4.5 In the event of a tie vote in committee, committees may send matters to Council without recommendation. Any member of Council or the County Administrator shall have the right to place, in a timely manner, a matter on the agenda of a standing committee with notification to the chairman of the committee. Committee chairman may remove any items placed on the agenda by the Administrator.
 - 4.6 All agendas, committee reports, and committee recommendations shall be furnished to members of Council prior to consideration or adoption by Council.
 - 4.7 Members of Council, whenever possible, shall make inquiries and requests for

information at committee meetings.

- 4.7.5 An attorney from the Legal Department shall be assigned to each standing committee and special committee of County Council.
- 4.8 All procedures outlined in Section II also shall apply to all meetings of Council committees.

V. CONFLICT OF INTEREST AND COMMISSION/BOARD MEMBER REMOVAL FROM OFFICE

- 5.1 Members of County Council shall follow the Ethics and Conflict of Interest Laws of the State of South Carolina. Council Members shall file a Statement of Conflict of Interest with the Clerk of Council when it is necessary to be recused from voting on an issue.
- 5.2 Unless otherwise provided by State law or County Ordinance, all board and commission members appointed by Council to serve on County boards and commissions shall serve at the pleasure of Council. For those board or commission members who may be removed only *for cause*, the existence of cause shall be discussed in executive session as permitted by the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-70(a)(1), and the determination of removal shall be by vote in public session without a statement of cause. If removal is determined, the position shall be declared vacant and the vacancy shall be filled as may be provided by law.
- 5.3 Prior to removal for cause, Council shall provide notice to the board and/or commission member with an opportunity to respond, when practicable, prior to a determination of removal. Any fact which, in the discretion of Council, is deemed to adversely affect the public interest and/or sound public policy, to include but not limited to, a lack of attendance at meetings, may constitute cause.

VI. AUDIT

- 6.1 Council shall provide for an independent annual audit of all financial records and transactions of the County and any agency funded in whole by County funds. The audit shall be available for public inspection.
- 6.2 The County Administrator shall present the audit to Council within forty five days after completion of the said audit.
- 6.3 A certified public accountant or firm of such certified public accountants, who has no direct or indirect personal interest in the fiscal affairs of the County government or any of its officers, shall perform the annual audit. The selection of

an independent auditor or firm shall be made according to the County's Procurement Ordinance.

VII. CHAIRMAN AND SELECTION OF

- 7.1 Whenever, as a result of absence or illness, the Chairman of Council is unable or unavailable to take action authorized by Council, the Vice Chairman of Council shall be authorized to act in his stead. In the event the Vice Chairman is, for any reason, also unable or unavailable to so act, any other member of Council designated by the Chairman shall be appointed to act in his stead.
- 7.2 At its first meeting in January, Council shall select by majority vote one of its members as Chairman of Council and one of its members as Vice Chairman. The Chairman and Vice Chairman shall serve for a term of one year. If no Chairman or Vice Chairman is selected by way of failure to reach a majority vote, the previous Chairman or Vice Chairman will continue to serve in that role until a majority vote is reached at a subsequent Council meeting.

VIII. RELATIONS BETWEEN COUNCIL AND COUNTY AND EMPLOYEES

- 8.1 Except for the purposes of inquiries and investigations, the Council or any member shall deal with county employees, who are subject to the direction and supervision of the County Administrator, solely through the Administrator. Neither the Council nor any member shall give orders or instructions to any employees.
- 8.2 County property and/or equipment shall not be used for any purpose other than its stated purpose. This rule shall not prohibit the use of County vehicles by members of Council when representing Charleston County Government at an event sanctioned by the majority of Council. Any exceptions regarding Council's use of property and/or equipment shall require the consent of a majority of Council.

IX. CLERK OF COUNCIL

- 9.1 County Council shall appoint a Clerk of Council to serve at the will of Council. The Clerk, or a designee, shall attend all meetings and public hearings of Council and its committees.
- 9.2 All meetings of Council and its committees, except those matters discussed in executive sessions, shall be electronically recorded by the Clerk. Additionally, the Clerk shall also prepare and send written copies of the minutes of Council Committee and full County Council meetings to each member of Council prior to the next meeting thereof. These records shall be retained in the office of the Clerk of Council in compliance with the SC Department of Archives and History

General Records Retention Schedules for County Records.

- 9.3 The Clerk shall prepare and ensure that reports and recommendations of all committees are furnished to members prior to consideration and adoption by Council.
- 9.4 The Clerk shall ensure that all ordinances and resolutions are provided to all members of Council as outlined in Section III.
- 9.5 The Clerk shall keep a calendar listing, in the order in which they are adopted, all ordinances and resolutions.
- 9.6 The Clerk is charged with the duty of notifying members of Council and members of committees of all meetings to be held.
- 9.7 As provided in the Subdivision Regulations the Clerk shall sign the Certificate of Approval by County Council.
- 9.8 The Clerk also shall provide administrative support to Council under the supervision of the Chairman of Council and maintain an office open to the public.

X. COUNTY ADMINISTRATOR

- 10.1 Council shall appoint a County Administrator to serve at the will of Council. The Administrator, or a designee, shall attend all meetings and public hearings of Council and its committees.
- 10.2 The Administrator shall see that all ordinances, resolutions, policies and orders of Council are faithfully executed.
- 10.3 The Administrator shall be the chief administrative officer of the County and be responsible for the day-to-day administration of county operations.
- 10.4 The Administrator shall bear the ultimate responsibility for the hiring and supervision of all county employees who do not work for elected or appointed officials. Employment, compensation, suspension and removal of such employees under his direction and control shall be carried out in accordance with the County Personnel Policies and Procedures most recently adopted by Council. This authority is subject to the limitations imposed by 1976 Code Section 4-9-30(7).
- 10.5 The Administrator shall prepare and submit annual operating, capital, enterprise fund and special revenue fund budgets to Council and be responsible for their administration after adoption.

- 10.6 The Administrator shall prepare and submit to Council an annual report on the finances and administrative activities of the County at the end of each fiscal year, and, as may be requested or required, make such other financial reports available to Council.
- 10.7 The Administrator may issue administrative orders to establish, abolish, transfer, consolidate or alter offices, agencies or departments over which he has operational authority to promote efficiency, reduce cost, increase adequacy or improve effectiveness of programs.
- 10.8 The Administrator shall: examine regularly the accounts, records and operations of every County department, office and agency; make reports to Council on County operations; keep Council advised on the financial condition and future needs of the County; and make such recommendations on County operations as he deems desirable.
- 10.9 The Administrator shall supervise: all phases of financial administration; the care and custody of all County property; the recording of all county-related legal instruments; and the execution of such other duties as may be prescribed by Council.

XI. COUNTY ATTORNEY & INTERNAL AUDITOR

- 11.1 Council shall hire a County Attorney and an Internal Auditor who shall serve at the pleasure of Council.
- 11.2 Council, with advice from the County Attorney, shall select bond counsel every four years.

XII. RULE CHANGES

- 12.1 To rescind, suspend or alter any of the foregoing rules, a written resolution must be approved by a majority of five members after notice to rescind, suspend or alter has been given at a prior meeting and a written copy provided. The rules may be rescinded, suspended or altered at a meeting without notice only if given unanimous consent by all members of Council.
- 12.2 Any rules or regulations or parts of rules or regulations previously adopted by Council which are inconsistent or in conflict with the foregoing rules shall be repealed to the extent of such inconsistency or conflict.

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