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STATE OF SOUTH CAROLINA)

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ORDINANCE NO. 2020-1674

COUNTY OF LANCASTER)

CLERK OF COURT
LANCASTER, SC

Indicates Matter Stricken

Indicates New Matter

AN ORDINANCE

TO AMEND THE LANCASTER COUNTY CODE, RELATING TO PARLIAMENTARY PROCEDURES FOR COUNCIL MEETINGS, INCLUDING COMMITTEE MEETINGS, AND ALL BOARDS AND COMMISSIONS FOR WHICH COUNTY COUNCIL APPOINTS TO MAJORITY OF MEMBERS, SO AS TO ADOPT THE MODEL RULES OF PARLIAMENTARY PROCEDURES FOR SOUTH CAROLINA COUNTIES AS MODIFIED TO COMPORT WITH EXISTING LANCASTER COUNTY PRACTICES AND PROCEDURES.

WHEREAS, the Lancaster County Council wishes to amend the ordinance which organized and set forth the rules and regulations for the transaction of business of the Lancaster County Council

NOW, THEREFORE, BE IT ORDAINED by the Council of Lancaster County, South Carolina:

Section 1. Chapter 2, Article II, Section 2-41 through Section 2-66 of the Lancaster County Code are hereby deleted and replaced and amended as follows:

Section 2-41. Short Title.

This Ordinance may be cited as the Lancaster County Rules of Parliamentary Procedure.

Section 2-42. Applicability; Deviation from Rules

These Rules shall apply to all meetings of county council, including committee meetings, and to all boards and commissions for which the county council appoints a majority of the members. As used in these Rules, the term "Meeting" means the convening of a quorum of the membership of county council, or such other board or commission, to discuss or act upon a matter over which county council or such other board or commission has supervision, control, jurisdiction, or advisory power; the term "Quorum" means a simple majority of the membership of the county council, or committee of county council, or such other board or commission. Where applicable, the term "county council" means not only the county council, but also any other board or commission in the county governed by these Rules.

These Rules were adopted as guidelines to assist county council, and county boards and commissions 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, or a county board or commission. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties not otherwise imposed by law.

These Rules were formulated as a tool to be used by county council and other boards and commissions, and not as a weapon to be used against them in the courts. The Rules will be used to

conduct meetings and hearings often regarding emotionally- charged subjects. Council chairs will be required to make quick decisions and may reach conclusions in which reasonable minds may differ. The second paragraph makes clear that the Rules were adopted as guidelines to assist council and should not be interpreted by the courts as a basis for striking down actions taken by county council or for conveying rights to third parties.

Section. 2-43. Model Rules of Parliamentary Procedure for South Carolina Counties and Robert’s Rules of Order Newly Revised (current edition) to Govern Other Cases.

County council will refer to the Model Rules, and the Comment sections contained therein, as the primary resource in determining the intent and meaning of these Rules. In all cases not covered by these Rules, county council shall be governed by such rules as are set out in the most recent edition of Robert’s Rules of Order Newly Revised (“RONR”). Provided, however, that state and federal law shall take precedence over these 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.

Section 2-43.1. Role of the Individual Council Member.

County council is a policy-making, legislative body. It provides a vision for the county and provides guidelines to county administration regarding how the county is to be run. County council members have authority only when acting together, speaking with one voice, and have no individual authority over county operations.

Section 2-44. Meetings, Notice.

County council shall meet at least once monthly, 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 shall include the dates, times, and places of the meetings.

Notice for all meetings of public bodies must be posted on a bulletin board at the meeting place for county council, or other suitable place, as early as practicable, but not less than twenty-four hours prior to each meeting. In addition, notice shall be posted on the county’s regularly-maintained and publically-accessible website. The notice must include an agenda and the date, time, and place of the meeting. The 24 hour requirement for posting notice does not apply to emergency meetings.

All persons, organizations, and news media requesting notification of 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.

Special meetings may be called by the chair or by the majority of county council, provided that the notice requirements are met. Meetings, whether scheduled, rescheduled, or called, may be canceled or rescheduled by the chair or by a majority of county council, provided that the requirement for at least one meeting per month is met. Meeting notice requirements apply to committee meetings as well as meetings of the full council.

Section 2-45.1. Alternative Attendance by a Member.

A member of the body may attend any meeting by electronic means subject to the following requirements:

1. A quorum of the body is physically present at the meeting location; and
2. The electronic means used allows both the member to hear all proceedings, and those in attendance at the physical location to hear the member.

Section 2-45.2 Electronic Meetings and Standards for Electronic Meetings.

County Council is hereby authorized to conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

(a) At the beginning of any electronic meeting, the presiding officer shall poll the members of the Governing Body to confirm attendance, and any member of the Governing Body attending by way of electronic media shall be considered present for the purposes of constituting a quorum.

(b) Throughout the duration of the electronic meeting, all members of the Governing Body, as well as any officials or staff required to speak at such meeting, must have the capability to be heard at all times by any other member of the governing body and by the general public.

(c) Any vote of the Governing Body must be conducted by individual voice vote of the members of the Governing Body, who shall verbally indicate their vote on any matter by stating “yay” or “nay.” All individual votes shall be recorded by the clerk, secretary, or presiding officers, as appropriate.

(d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the Act; provided, however, any digital broadcast of the meeting is not required to be kept as a record by the Governing Body.

(e) All members of the governing body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Governing Body shall strictly comply with the rules of the Governing Body as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.

(f) Electronic executive sessions shall be permitted in accordance with the provisions of this Ordinance and the Governing Body shall properly announce its reason for going into any executive session in conformance with state law. Upon the entry into any electronic executive session, meeting minutes need not be kept and the electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of county Council must have the capability to be heard at all times.

(g) With respect to any electronic meeting, any public comment periods provided by local ordinance, resolution, policy, or bylaws are suspended. Members of the public may submit written public comments to the Clerk to Council by mail or email which shall be distributed to the members of the Governing Body.

As a general guiding principle, electronic meetings should be conducted only in the event of emergency or other compelling circumstances.

Section 2-46. Agenda.

Every public meeting shall have an agenda. The agenda will be compiled at the direction of the council chair by the clerk to council or such other person as may be designated. The agenda shall be posted, pursuant to Section 2-44 and as required by FOIA, at least 24 hours prior to meetings. 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. The agenda will designate the time and location of the meeting and the type of meeting to be held: council session, committee meeting, public hearing, public comment, workshop, or emergency session.

Should any person, group or organization request to be heard upon any matter at a regular or special meeting of council, the deadline for a request to place ~~placing~~ such items on the agenda shall be ~~the close of business on the Tuesday noon on the Monday prior to the regular Monday council meeting.~~ When meetings are rescheduled to another evening, the deadline will be ~~four (4)~~ five (5) working days prior to the scheduled meeting. A request to be placed on an agenda is not a guarantee that the matter will appear on an agenda.

No matter shall be entered on the agenda or heard by the council unless it is within the council's authority or jurisdiction, provided the council may entertain requests that it make recommendations to other governmental bodies, departments or agencies.

Consent Agendas: _____

Consent agendas (called a consent calendar in RONR) are used to more quickly dispose of routine business by allowing the council to approve more than one item at the same time, and without debate, amendment, or individual motions. The council chair may present a consent agenda at the beginning of council meetings. Only routine or noncontroversial items are listed under a consent agenda. If a council member requests discussion about a particular item, that item must be removed from the consent agenda and placed on the regular agenda to be discussed later in the meeting.

A council member who has a question about a consent agenda item should request the information before the meeting. An item should not be removed from the consent agenda just to answer a question. Clarification should be sent to all council members to ensure each one has the same information before the meeting.

Amending an Agenda:

Act No. 70 of 2015 restricts the ability of members of county council to amend an agenda once notice and the agenda have been provided to the public. Prior to the noticed meeting, an item may be added to the agenda, as long as an additional public notice period is provided. The additional notice must be given in the same manner as the original notice.

After the meeting has begun an additional item, upon which action can be taken, may be added to the agenda by a two-thirds (super-majority) vote. If the new item to be added is one upon which final action can be taken at the meeting, and there will not be an opportunity for public comment, it can only be added to the agenda by a two-thirds (super-majority) vote, and a finding that an emergency or an exigent circumstance exists if the item is not added to the agenda. See Section 2-57: Motion to Suspend the Rules.

For the purpose of this rule of procedure, an emergency item shall be defined as an item which requires immediate legislative action because it significantly bears on the ability of the county government to deliver services; because it threatens the safety, livelihood or general well-being of the people of the county; because delaying action might result in loss of public funds, especially grant funds; or because failure to act might result in litigation or exacerbation of pending litigation. The concept of emergency items shall not apply to items taken up in executive sessions of the council.

Section 2-47.1 Citizen Comments

A register for people to sign will be placed within the council chambers prior to each of council's regularly scheduled meetings, as well as at all specially called meetings. The register will have a place for the speaker's name, address, telephone number and subject matter. Additionally, people wishing to submit written public comments by email to the Clerk to Council, clearly indicating the agenda item the comments pertain to, may do so prior to 3:00 P.M. on the date of the meeting. Comments submitted by email shall also contain the speaker's name, address, telephone number and subject matter. Provisions will be made for information regarding submission of emailed citizen comments to appear on the Lancaster County website. Anyone needing assistance to register should contact the clerk to council prior to the meeting.

The list of those wishing to speak will be taken up when the chairman calls the meeting to order. Council will be informed by the chair as to how many people have requested to speak. Speakers will be allowed approximately three (3) minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, council will decide whether to extend the citizens comment section or whether to delay it until a later time in the agenda. Delaying would allow council the opportunity to consider those agenda items which should not be postponed and to hear from those people who council have asked to be there for a specific reason. Other agenda items could be delayed until another meeting or council could vote to extend the meeting beyond the 10:30 adjournment time. Each person will speak in the order they signed in. Citizens will address council and will not be allowed to engage in a debate between council, staff, or other citizens. ~~The administrator will take notes and shall respond at the appropriate time to any questions which are raised during citizens comments.~~

Section 2-47. Hearings.

A. Public Hearings

Public hearings are the method required by the Home Rule Act for county council to gain input from the public at large. Members of council 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; or
8. Provide for the distribution of assets following the abolishment of a special purpose district.

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

Items 7 and 8 are addressed by S.C. Code §§ 4-19-20 and 4-9-85. 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 10 days prior notice to be 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.

Ordinances not dealing with one of the eight enumerated subjects do not require a public hearing.

B. 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.

Quasi-judicial hearings are important because fundamental constitutional rights are involved. The 5th and 14th amendments of the U.S. Constitution prohibit the taking of property without the due process of law. Due process has been described by the courts as notice and an opportunity to be heard. Other rights at play include the right to be represented by counsel (at the petitioner's expense), and the right to cross examine witnesses. Because federal rights are involved, failure by county council to afford these rights can lead to individual liability for anyone violating these rights.

Section 2-48. Minutes; Ordinances to Be Codified.

All proceedings of county council shall be recorded and all ordinances shall be indexed, codified, and published by title. The clerk to council shall make a permanent record of all ordinances adopted, shall make them available to the public, and shall furnish a copy of the record to the clerk of court for filing at that office.

Written minutes shall be kept of all meetings. Copies of the minutes shall be kept in perpetuity. Copies of any audio or video tapes may be destroyed by the clerk to council 24 calendar months after final approval of the written minutes. Minutes shall include, as a minimum:

1. Date, time, and place of the meeting;
2. Members of county council recorded as either present or absent;
3. Substance of all matters proposed, discussed, or decided and, if requested by a member, a record by member of any votes taken;
4. If any member of council has a conflict of interest on a matter before council, that member shall recuse himself or herself and provide a written statement describing the matter and the potential conflict as required by S.C. Code Ann. § 8-13-700 and by Section 2-52.
5. Any other information that a member of council 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, 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.

Requirements for retention of county records are set out in the State Department of Archives and History's General Records Retention Schedules for County Records (1999), p. 12, which can be found at the Department's website at www.scdah.sc.gov. The requirement for retaining minutes and tapes can be found in the Retention Schedules, in §§ 12-503.2 and 12-503.1, respectively.

Section 2-49. Voting.

The preferred method of voting by county council is by ~~voice vote~~ show of hands, although the chair may call for a voice vote ~~show of hands~~ or a roll call vote at any time. Any council member may demand a voice vote ~~show of hands~~ or a roll call vote. The demand is in order before or immediately after the show of hands ~~voice vote~~ has been taken, even though the chair may have announced the results of the ~~voice vote~~ show of hands. 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 chair's announcing the result.

A. Number of Votes Required for Passage.

RONR, and/or state law may require differing number of members to vote in support of an action. The term "majority" or "simple majority" means more than half of those members present and voting. When a two-thirds majority is required, the term "two-thirds majority" or "super-majority" means at least

two-thirds of those present and voting. The term “positive majority” means a majority of the members of council must vote in support of the action, regardless of the number of members present or not.

Any ordinance, resolution or motion, unless otherwise required by these Rules, or by state or federal statute, passes if it receives a simple-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 [Super-majority]:

1. Adoption of an emergency ordinance (§ 4-9-130);
2. Removal of an employee appointed by a county supervisor (§ 4-9-430);
3. Sale or transfer of the county library assets for a non-library purpose (§ 4-9-39);
4. Defeat of a Motion to Follow the Agenda (Section 2-55, ¶ 5);
5. Passage of Motion to Suspend the Rules (Section 2-57, ¶ 3); and
6. Passage of a Motion to Call for the Question [Vote Immediately] (Section 2-56, ¶ 2).

B. 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 chair can call for the vote. If there are no objections, the chair can proceed with the vote;

(2) If the chair 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 two-thirds vote, debate will stop. The chair will 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 chair. The chair shall read the proposed motion to county council and then call for the vote.

C. 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 Section 2-55 Privileged Motions (Adjourn, Recede, Raise a Question of Privilege, Convene an Executive Session, or Follow the Agenda); to the following Section 2-56 Subsidiary Motions: Motion to Postpone and Motion to Commit; and to the Section 2-57 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 will 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 will be elected and those receiving a majority, but tied for last of those receiving a majority, will 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.

As a general rule, an election is a two-phase process. In the first, or nominating phase, the universe of potential candidates is reduced to a short list. In the second, or election phase, the successful candidate(s) is/are selected from the short list. RONR § 46 discusses the nominating and election processes, including potential problems that should be avoided. Nominations from the floor (by council members, including the chair), or by a nominating committee with additional nominations from the floor, seem to be the preferred methods. Generally, the nominating process should be inclusive, as opposed to restrictive, to encourage more interest and participation by the public. Nominations should not be closed if council members still have additional nominations they wish to make.

For a discussion of election procedures for unopposed appointments see RONR § 46.

If the number of candidates exceeds the number of available positions, the choice of election methods boils down to dealing with the nominees one by one or all at one time. Dealing with the candidates one by one may be done by voice vote, show of hands, or similar method. As each nominee is taken up in the order nominated, this method presents fairness problems to those who were not nominated first.

It will be seen that, under the procedure just described, it is necessary for members wishing to vote for a later nominee to vote against an earlier one. This fact gives an undue advantage to earlier nominees and, accordingly, a voice vote is not a generally suitable method for electing the officers of organized societies.

RONR § 46: For the reasons previously discussed, the ballot election method is preferred when there are more candidates than positions available. The ballot election method is set out in Section 2-49, above, and is discussed in RONR § 46.

Although no candidates shall be involuntarily eliminated, candidates receiving fewer votes may choose to withdraw their candidacy. RONR discourages runoff elections, as runoffs usually occur between two competing factions. Repeated balloting allows a third or fourth candidate receiving fewer votes, initially, to emerge as a compromise candidate.

Section 2-50. 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 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.

Proposed ordinances and resolutions are introduced for discussion by any member of council offering the ordinance or resolution as a main motion. 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.

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.

Emergency ordinances - valid for only 60 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.

Legislation affecting the following issues can only be enacted by ordinance and require a public hearing, as set out in Section 2-47, 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;
6. Selling, leasing or contracting to sell or lease real property owned by the county.

Section 2-51. 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 chair in an impartial manner. Council members can participate in the debate only when they are recognized by the chair. 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.

Section 2-52. Conflicts of Interest.

No member of county council, or 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 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 chair of county council, or other board or commission, as appropriate. The chair 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 chair will 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 chair 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 will 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 chair will not require the member to leave the chamber, nor will the chair prohibit the member from participating in the debate or in voting.

Section 2-53. Main Motions.

In order for county council to take official action on any subject, a council member must first propose a main motion. A proposed main motion will not be recognized by the chair until another council member seconds the motion. A second does not require the council member seconding the motion to support the motion. A council member may withdraw a main motion that he or she has made at any time before the council has voted on that motion.

Section 2-54. Procedural Motions.

During the course of debate, council members may introduce procedural motions, which are limited to those specific motions described in Section 2-55 through Section 2-58. Procedural motions are used to facilitate the orderly discussion of business before county council. They limit, but allow for, interruptions and allow county council to focus on one issue at a time. Procedural motions are divided into privileged, subsidiary, incidental, and recall motions and are further described in Section 2-55 through Section 2-58, respectively. Privileged motions and Points of Order do not require a second; all other incidental motions and all subsidiary and recall motions require a second.

Privileged, subsidiary, and recall motions have a precedence or rank assigned. The incidental motions have no rank among themselves; except as described in Section 2-57, they rank below the privileged motions and the Motion to Lay on the Table. A main motion has the lowest rank and does not take precedence over any other motion, nor can a new main motion be introduced when another main motion is pending.

Section 2-55. Privileged Motions.

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

Privileged motions require no second, cannot be reconsidered and, except for the Motion to Recede [Take a Recess], are not debatable. All privileged motions pass by simple majority. Specific characteristics of each privileged motion, listed in order of precedence, are set out below.

1. Motion to Adjourn.

An unqualified Motion to Adjourn is the highest ranking privileged motion and requires, if approved by a majority vote, that the meeting end immediately and reconvene at the next regularly scheduled or called meeting. As the highest ranking privileged motion, the Motion to Adjourn can be raised at any time, except when a vote is being taken or being counted. It can be interrupted only by the motion to reconsider; it can interrupt any person having the floor. The Motion to Adjourn cannot be amended, debated, or reconsidered; it requires a majority for passage. Like all privileged motions, it does not require a second.

2. Motion to Recede [Motion to Take a Recess].

A recess is a short intermission, taken immediately upon passage. Following the recess, the meeting takes up at the same point where it was interrupted. The motion cannot be debated or reconsidered, but can be amended as to the duration of the recess. It requires a majority for passage. Also, the Motion to Recede is out of order if anyone has the floor or a vote is being taken or counted. Like the Motion to Adjourn, the Motion to Recede is privileged only if the recess is to be taken immediately; a Motion to Recede at some point in the future is a main motion. Like all privileged motions, it does not require a second.

3. Motion to Raise a Question of Privilege.

A Motion to Raise a Question of Privilege is a device to allow county council to take up a matter for immediate consideration because of its urgency; it can interrupt any person having the floor. The motion cannot be amended, debated, or reconsidered, but it can be appealed. It is generally ruled on by the chair, but a vote may be taken if the decision of the chair is appealed. If approved, what follows will be a main motion taken out of order. Generally, there are two types of questions of privilege: questions relating to the privilege of county council; and questions of personal privilege. If the two come up together, a question of council privilege should take precedence over a question of personal privilege. Like all privileged motions, it does not require a second.

4. Motion to Convene an Executive Session.

Executive sessions must be convened and conducted in accordance with the Freedom of Information Act and may be convened only for one or more of the specific reasons enumerated in the Act. A properly stated motion provides an appropriate reason for convening the executive session. If a valid reason is not stated, the chair may inquire or, if the reason is obvious, provide the reason when restating the motion. The reason for convening the executive session must be recorded in the minutes, in accordance with Section 2-48. The motion may be amended and debated with regard to stating the appropriate reason or reasons for convening the session; however, it cannot be reconsidered. A public vote is required on the motion prior to convening the executive session; a majority vote is required for passage. The Motion to Convene an Executive Session can interrupt any person having the floor. Like all privileged motions, it does not require a second.

5. Motion to Follow the Agenda.

This motion is used to get a meeting back on schedule and is appropriate when the meeting has been allowed to digress or when a specific time scheduled for an item of business has arrived and the chair has failed to take notice. Once the motion is made, the chair must conform with the agenda or put the motion to a vote. The motion cannot be amended, debated, or reconsidered; a two-thirds majority vote is required to overrule this motion. Like all privileged motions, it does not require a second.

Section 2-56. Subsidiary Motions.

The six subsidiary motions help deliberative bodies reach a decision on other pending motions, usually a main motion. Subsidiary motions are always applied to another pending motion. Three subsidiary motions – Motion to Amend, Motion to Limit/Extend Debate, and Motion to Call for the Question [Motion to Vote Immediately] – can be applied to other subsidiary motions and the Motion to Amend can be applied to the Motion to Recede [Take a Recess], a privileged motion. All subsidiary motions are out of order when another person has the floor.

All subsidiary motions share the following four characteristics:

1. They are always applied to a motion that is pending at the time and, when adopted, the subsidiary motion changes the motion it is applied to without adopting it;
2. They can be applied to any main motion (and some other motions, as well);
3. They are in order from the moment the motion they are to be applied to is stated by the chair until a vote has begun on that motion; and
4. They conform to the hierarchy as listed below (no motion in the hierarchy is in order if a motion listed above it in the order is pending).

1. Motion to Lay on the Table [Motion to Table].

A Motion to Lay on the Table proposes that the consideration of a motion be postponed until a later time. It is an appropriate motion to take up a more pressing matter, out of order, and to return later to the tabled motion. The main motion can be brought back for consideration if a Motion to Recall is later passed by county council. A motion that has been laid on the table will die if it has not been taken from the table by the close of the meeting following the meeting in which the motion was tabled. Amendments

and debate are not allowed on a Motion to Lay on the Table and it cannot be reconsidered; it requires a majority vote for passage. The Motion to Lay on the Table is out of order if another speaker has the floor.

2. Motion to Call for the Question [Motion to Vote Immediately].

If passed, this motion cuts off debate and forces an immediate vote on the pending issue. The Motion to Call for the Question is neither debatable nor amendable, but it can be reconsidered up until a vote is taken on the called question. A two-thirds majority is required for passage. The Motion to Call for the Question can be applied to any motion requiring a vote.

3. Motion to Limit/Extend Debate.

The Motion to Limit Debate and the Motion to Extend Debate change any time constraints placed on the length of debate. The details of such motions are to be provided by the council member making the motion. Either motion can be applied to any motion that is debatable (not just to main motions). Debate is not allowed on either motion, nor can either be reconsidered. A two-thirds vote is required for passage. The motions can be amended as to the length of the time limitation.

4. Motion to Postpone/Motion to Postpone to a Time Certain.

A Motion to Postpone and a Motion to Postpone to a Time Certain are appropriate when a council member believes that the pending main motion should not be considered until some point in the future. These motions are in order even though debate has already occurred on the main motion. The Motion to Postpone to a Time Certain sets a particular time for the main motion to be considered again, which may be later in the same meeting, at a future meeting or upon the occurrence of a specified event, or the issuance of a necessary report. The motion is debatable, amendable as to the duration of postponement, and can be reconsidered. If the motion sets the matter for a date and time certain, a two-thirds majority is required for passage; if the motion does not set a specific time for consideration, it is referred to as a Motion to Postpone and only a majority vote is required for passage. If the motion is set for a time certain, the chair will bring the motion back to county council for further consideration at the specified time.

5. Motion to Commit [Motion to Refer to Committee].

The chair may refer any matter to a committee. If the chair does not refer a matter to a committee and a council member believes that further information or study is needed before the county council can act on a matter, he or she may propose that it be referred to a committee or to a particular office in county government for further study. If an appropriate committee does not already exist, a special committee can be formed as a part of the motion. A Motion to Commit may specify the date that the committee or department will report back to council. If a special committee is formed, the chair will appoint its members and its chair. This motion is debatable and can be amended as to where the motion is to be committed and the date and time that the committee will report back; it can be reconsidered. The motion requires a majority for passage.

6. Motion to Amend.

A Motion to Amend is used to make a change to a pending motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. A Motion to Amend can itself be amended, but the Motion to Amend an amendment cannot. These rules are to be enforced by the chair.

In addition to main motions, some subsidiary motions and the Motion to Recede [Take a Recess], can also be amended. Debate is allowed on a Motion to Amend only if the original motion is debatable, and is limited to the proposed amendment. The Motion to Amend can be reconsidered. A majority vote is required to adopt an amendment. If the amendment is adopted, county council will then consider the amended version of the motion.

Section 2-57. Incidental Motions.

Six incidental motions allow council members to appeal rulings by the chair, raise points of order, question precedence of motions, and raise objections to consideration of matters that are incidental to the discussions at hand but do not directly relate to the main question under discussion. Incidental motions are in order only if they pertain to the motion then pending or to the business at hand. If the incidental motion is in order, it takes precedence over any other motions that are pending. Points of Order may interrupt another member who has the floor. Incidental motions have no rank among themselves; except as described below, they rank below the privileged motions and the Motion to Lay on the Table.

1. Point of Order [Motion to Raise a Question of Order].

The Point of Order takes precedence over any question from which it arose. It yields to any privileged motion and a motion to lay the underlying question on the table. The Point of Order is not debatable (except that the chair may ask the member raising the point to explain it), is not amendable, and cannot be reconsidered. It does not require a second. The Point of Order is in order when another person has the floor and can interrupt a person speaking if the point genuinely requires attention at the time it is raised. Normally, the point is ruled on by the chair and no vote is taken, unless there is an appeal or the chair is in doubt.

2. Appeal.

The duties of the chair include making rulings on questions of parliamentary procedure. An Appeal is the vehicle available to members of council who believe that the chair's ruling was erroneous. The Appeal is in order when another has the floor, but must be taken immediately after the ruling and is out of order if other business has intervened. It is debatable unless the underlying question is not debatable or if the Appeal relates to decorum or priority of business; it is not amendable.

The decision of the chair stands unless reversed by a majority of the members; the chair may vote to create a tie and thus sustain the ruling. An Appeal takes precedence over any pending question at the time the chair makes the ruling. It yields to all privileged motions, incidental motions arising from itself and, if debatable, to the following subsidiary motions: Motion to Limit/Extend Debate, Motion to Call for the Question [Vote Immediately], Motion to Commit, Motion to Postpone/Motion to Postpone to a Time Certain, and the Motion to Lay on the Table. If debatable, each member may speak only once. An Appeal can be reconsidered.

3. Motion to Suspend the Rules.

The Motion to Suspend the Rules allows county council to do something it could not ordinarily do without violating one or more of its regular rules. The motion cannot be used to suspend a rule in violation of state or federal law, nor can the suspension violate a fundamental rule of procedural law.

A Motion to Suspend the Rules can be made anytime there is no question pending. When a matter is pending, this motion takes precedence over any other motion if it applies to the pending matter of business. No subsidiary motion can be applied to this motion. It is out of order when another council member has the floor; it is not debatable, not amendable, and cannot be reconsidered. It requires a two-thirds majority vote for passage.

It is not necessary to state the rule to be suspended when making the motion, but the purpose for the suspension should be stated (e.g. "Mr. Chairman, I move to suspend the rules to take up, out of order, the matter of ...").

The Motion to Suspend the Rules has such potential for abuse that the chair must be aware of and must be quick to preclude not only the abuse itself, but also the appearance of abuse. For example, the majority, by suspending the rules, "cannot deny any particular member the right to attend meetings, make motions, speak in debate, and vote." RONR § 25.

4. Motion to Divide the Question.

The Motion to Divide the Question allows members of county council to require a question dealing with a single subject to be divided into parts and to have each part considered and voted on separately, but only if each part is capable of standing alone. This motion is not debatable, cannot be reconsidered and requires a majority vote for passage. It is amendable only with regard to how the question should be divided.

This motion is out of order when another has the floor. It takes precedence over the main motion. If applied to an amendment, it takes precedence over the amendment, but it cannot be made to the underlying matter with an amendment pending. It yields to all privileged motions, to all applicable incidental motions and to all subsidiary motions with the following exceptions: Motion to Amend and Motion to Limit/Extend Debate.

5. Motion to Consider by Paragraph/Motion to Consider by Section.

Motions to Consider by Paragraph or by Section allow county council to break down complex proposals into their component parts and to consider, debate, and amend each paragraph or section separately. This procedure can be applied by the chair on his or her own initiative or by the county council following the adoption of a motion by any member.

These motions are not debatable, cannot be reconsidered, and require a majority vote for passage. They are amendable only with regard to how the question should be divided. These motions are out of order when another has the floor. They take precedence over the main motion. If applied to an amendment, they take precedence over the amendment, but cannot be made to the main motion with an

amendment pending. They yield to all privileged motions, to all applicable incidental motions, and to all subsidiary motions with the following exceptions: Motion to Amend and Motion to Limit/Extend Debate.

6. Requests and Inquiries.

From time to time, council members may need additional background information or may wish to provide such information, so that the council can better understand the issue under discussion. Requests and inquiries provide the vehicle for exchanging this information. Parliamentary Inquiries and Points of Information may interrupt another who has the floor, but only if the matter requires immediate attention. Requests and inquiries are not amendable, debatable, or subject to reconsideration. No votes are taken on Parliamentary Inquiries or Points of Information; other requests/inquiries require a majority vote for passage, except that reading of papers requires unanimous consent. All share similar characteristics and procedural requirements and can be subdivided into the following categories:

A. Parliamentary Inquiry

Such inquiries are always directed to and answered by the chair and are used to clarify specific parliamentary or organization rules that have bearing on the issue at hand.

B. Point of Information

This inquiry is addressed to the chair or to another member through the chair, for information relevant to the business at hand, but not related to parliamentary procedure.

C. Reading of Papers

No member of council has the right to read or have another person read from any papers or books as part of that member's debate on any matter without unanimous consent of the other members of council. Even so, it is customary to grant leave to members to read short, pertinent printed matter, so long as the privilege is not abused.

D. Any Other Privilege

Examples of other privileges include requesting to address the council on a personal or non-business matter or, if there is no motion pending, requesting to make a presentation.

Together, these requests and inquiries have the following characteristics which are universally shared unless otherwise indicated:

1. They all take precedence over any motion they are connected with and may be made at any time no other business is pending. They yield to all privileged motions and other incidental motions;
2. No subsidiary motion can be applied to them;
3. Unlike RONR, the Parliamentary Inquiry and Point of Information are the only requests or inquiries that can interrupt a member who has the floor;
4. None is debatable or amendable; and

5. No vote is taken on Parliamentary Inquiries or Points of Information; majority vote is required to pass the others, except that Reading of Papers requires unanimous consent.

Section 2-58. Recall Motions.

Two recall motions allow issues that have been previously disposed of or assigned to a committee to be brought back to the county council as a body.

1. Motion to Reconsider.

The Motion to Reconsider allows county council to debate whether or not to overturn a decision made at the meeting that is in progress or at the immediately preceding meeting; provided, however, that third reading to an ordinance may be reconsidered only at the same meeting in which the third reading was adopted. Furthermore, if the matter to be reconsidered was the adoption of a resolution that has already been published or acted upon, the motion is out of order. The Motion to Reconsider allows county council to consider new information that may affect the decision that has already been made. Any council member who voted on the prevailing side can make a Motion to Reconsider. The motion is debatable if the matter to be reconsidered is debatable, but it cannot be amended. A majority vote is required for the motion to pass. The Motion to Reconsider, itself, cannot be reconsidered. If the Motion to Reconsider is agreed to, the original decision will be voided and the county council will return to debate and vote again on the original motion.

Subject to the time restriction indicated above, the Motion to Reconsider can be made at any time, taking precedence over any other motion and yielding to nothing. The Motion to Reconsider is out of order when another person has the floor. Once the Motion to Reconsider is made, the consideration of the motion takes the priority of the motion to be reconsidered, but has precedence over any new motion of equal rank. A Motion to Reconsider temporarily suspends any action growing out of the motion to be reconsidered. If the Motion to Reconsider is made but not considered immediately, any member can call up the motion by bringing it to the attention of council at any time consideration of the motion would be in order.

2. Motion to Recall from the Table/Motion to Recall from Committee.

The Motions to Recall from the Table and to Recall from Committee allow the county council to consider a question that has been laid on the table or that has been assigned but not yet reported out of committee. These motions take precedence over nothing and must be made when no other business is pending. The motions are not debatable or amendable. A tabled motion that is not recalled by the close of the meeting following the meeting in which it was tabled is dead. A majority vote is required for passage of either motion.

Section 2-59. Discipline of Individual Council Member [Motion to Discipline].

A member of the body may be disciplined by the body during an active meeting for conduct that substantially impairs the ability of the body to conduct the meeting. The member shall be given an initial warning by the chair that his or her conduct is in breach of the rules of the body. The member may only be removed from an active meeting by motion and a two-thirds vote of the body for continued conduct if

the chair determines that such conduct has substantially impaired the body's ability to conduct the meeting. The removal of the member shall continue for such time as determined by the body, not to exceed adjournment of the active meeting.

Section. 2-53 60. Contempt of Council.

Disorderly conduct amounting to an open or direct contempt or willful interruption of the proceedings of council shall be punishable by a fine and/or imprisonment as provided for in Section 1-10 of the Lancaster County Code of Ordinances

Section 2-16 to 2-66: Reserved

DIVISION 2. MEETINGS*

~~Sec. 2-41. Regular meetings.~~

~~The council shall hold its regular meeting for the transaction of official business twice each month in accordance with the schedule adopted by council, unless such schedule is modified by majority vote of council.~~

~~(Ord. No. 105, § 2.1, 10-31-83)~~

~~Sec. 2-42. Special meetings.~~

~~Special meetings may be called by the chairman or majority of the council for transaction of official business, but no special meetings shall be held unless all members are notified in writing twenty-four (24) hours in advance of such meeting. Four (4) members of council shall constitute a quorum for the transaction of official business.~~

~~(Ord. No. 105, § 2.1, 10-31-83)~~

~~Sec. 2-43. Open meetings and executive sessions.~~

~~All meetings of council shall be open to the public, but during such meetings, council may go into executive session upon request of any four (4) members of council. Executive session shall only be allowed for such purposes as are authorized under the Freedom of Information Act of the state and of the United States.~~

~~(Ord. No. 105, § 2.1, 10-31-83)~~

~~Sec. 2-44. Receipt of information.~~

~~When a member of the council receives any information or is presented with any matter which will ultimately require action by the council, he shall promptly report such matter to the chairman for further action by the council. No action shall be taken by any committee of council until it first has been presented to the council or is officially assigned to a committee by the chairman.~~

~~(Ord. No. 105, § 3.11, 10-31-83)~~

~~Sec. 2-45. Matters not within council's jurisdiction.~~

~~No matter shall be entered on the agenda or heard by the council unless it is within the council's authority or jurisdiction, provided the council may entertain requests that it make recommendations to other governmental bodies, departments or agencies.~~

~~(Ord. No. 105, § 2.2(e), 10-31-83)~~

~~Sec. 2-46. Conduct of meetings.~~

~~(a) Meetings of council may be opened with prayer if council deems it appropriate.~~

~~(b) Every member, when about to speak, shall address himself to "Mr. Chairman" and, in speaking, shall avoid disrespect to the council and any personalities; and he shall confine himself to the question under consideration.~~

~~(Ord. No. 105, § 2.2(a), (b), 10-31-83)~~

~~Sec. 2-47. Requests to be heard; agenda; citizen comments.~~

~~(a) The agenda shall contain the items to be considered by the council. Should any person, group or organization request to be heard upon any matter at a regular or special meeting of council, the deadline for placing such items on the agenda shall be the close of business on the Tuesday prior to the regular Monday council meeting. When meetings are rescheduled to another evening, the deadline will be four (4) working days prior to the scheduled meeting. Except for emergency items, there shall be no additions to the agenda after the deadline has passed.~~

~~For the purpose of this rule of procedure, an emergency item shall be defined as an item which requires immediate legislative action because it significantly bears on the ability of the county government to deliver services; because it threatens the safety, livelihood or general well being of the people of the county; because delaying action might result in loss of public funds, especially grant funds; or because failure to act might result in litigation or exacerbation of pending litigation. The concept of emergency items shall not apply to items taken up in executive sessions of the council.~~

~~(b) Citizens comments. A register for people to sign will be placed in the hall outside the council chambers prior to each of council's regularly scheduled meetings, as well as at all specially called meetings. The register will have a place for the speaker's name, address, telephone number and subject matter. Anyone needing assistance to register should contact the clerk to council prior to the meeting. The list of those wishing to speak will be taken up when the chairman calls the meeting to order. Council will be informed by the chair as to how many people have requested to speak. Speakers will be allowed approximately three (3) minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, council will decide whether to extend the citizens comment section or whether to delay it until a later time in the agenda. Delaying would allow council the opportunity to consider those agenda items which should not be postponed and to hear from those people who council have asked to be there for a specific reason. Other agenda items could be delayed until another meeting or council could vote to extend the meeting beyond the 10:30 adjournment time. Each person will speak in the order they signed in. Citizens will address council and will not be allowed to engage in a debate between council, staff, or other citizens. The administrator will take notes and will respond at the appropriate time to any questions which are raised during citizens comments.~~

~~(c) When any persons, including employees of the council and of the county, are heard by the council as provided in subsection (a), those persons, when they have completed their presentation, shall be seated and no persons other than a member of the council will be recognized to make any statement on such matter unless requested to do so by the council or by any member of the council through the chairman.~~

~~(Ord. No. 105, § 2.2(d), (f), 10-31-83; Ord. No. 232, 4-27-94)~~

~~Sec. 2-48. When members address the chair.~~

~~The chairman, when addressed by a member, shall recognize the member by name. The member who shall first be recognized shall be first heard; and if several shall address the chairman at about the same time, the chairman shall decide who was first to speak and shall recognize such member.~~

~~(Ord. No. 105, § 2.2(e), 10-31-83)~~

~~Sec. 2-49. Substitutions in the chair.~~

~~The chairman, in the absence of the vice chairman and secretary, may name a member to fill his place during an occasional absence from the chair, but such substitution shall not extend beyond an adjournment. In the absence of the chairman, vice chairman, and secretary, the council shall elect an acting chairman to serve until the return of the chairman, vice chairman, or secretary.~~

~~(Ord. No. 105, § 3.10, 10-31-83)~~

~~Sec. 2-50. Parliamentary procedures.~~

~~Except where otherwise specified in this division, the following rules of parliamentary procedure shall be observed at all council meetings:~~

~~(1) Decisions on questions of order. All questions of order shall be determined by the chairman in the first instance without debate, or with such debate as the chairman, in his discretion, may permit; but any member may appeal to the council from the decision of the chairman, with majority vote ruling. At any time, the chairman or other members of council may request an opinion on a question of order from the county attorney.~~

~~(2) Debatable motions. All motions, except motions to adjourn, to recess and to lay on the table, shall be debatable.~~

~~(3) When debate is in order. No motion shall be debated until it shall have been stated by the chairman. Any motion shall, if desired by the chairman or any other member, be reduced in writing and delivered to the chairman and read, before it shall be debated.~~

~~(4) Suspension of question. A question before the council shall be suspended by:~~

~~a. A question of order;~~

~~b. A question of privilege; and~~

~~c. A question of taking a recess.~~

~~(5) Interruption of debate. When a question is under debate, no motion besides those mentioned in the next preceding rule shall be received, except:~~

~~a. To adjourn or recede;~~

~~b. To lay on the table;~~

~~c. For the previous question;~~

~~d. To adjourn debate to a subsequent meeting;~~

~~e. To commit or recommit;~~

~~f. To strike out the ordaining or resolving words;~~

~~g. To amend.~~

~~(6) Precedence of motions. A motion to strike out the ordaining words of an ordinance, or resolving words of a resolution, shall have precedence over a motion to amend, and, if carried, shall be considered as equivalent to rejection.~~

~~(7) Motion to adjourn and to recess. Motions to adjourn, recede and to recede subject to the call of the chair shall always be in order, except while the council is actually engaged in deciding a question.~~

~~(8) Parliamentary procedure not specified in these rules. In all particulars not determined by these rules, or by law, the chairman or other presiding officer shall be guided by the previous usage of council or by parliamentary law and procedure as it may be collected from "Robert's Rules of Order." Such matters may be referred to the county attorney for interpretation by request of the chairman or other member of council.~~

~~(Ord. No. 105, §§ 3.1, 3.2, 3.5-3.9, 3.12, 10-31-83)~~

~~Sec. 2-51. Roll call vote.~~

~~Upon any question, at the request of any two (2) members, a roll call vote shall be ordered, whereupon the clerk shall call the roll and take the names of all who voted "aye" and all who voted "no", which the clerk shall enter in the minutes. Any member may have his vote recorded on any question.~~

~~(Ord. No. 105, § 3.3, 10-31-83)~~

~~Sec. 2-52. When members may not vote.~~

~~Any member of council who has a substantial interest in any business which contracts with the county for sale or lease of land, materials, supplies, equipment, or services, or who personally engages in such matters, shall make known that interest and refrain from voting upon or otherwise participating in his~~

capacity as a member of council in matters related thereto, per the provisions of the South Carolina Code of Laws and the South Carolina Ethics Commission.
(Ord. No. 105, § 3.4(a), 10-31-83)

~~Sec. 2-53. Contempt of council.~~

~~Disorderly conduct amounting to an open or direct contempt or willful interruption of the proceedings of council shall be punishable by a fine and/or imprisonment as provided for in Section 1-10 of the Lancaster County Code of Ordinances
(Ord. No. 105, § 2.2(g), 10-31-83)~~

DIVISION 3. ORDINANCES AND RESOLUTIONS*

~~Sec. 2-61. To be approved as to form.~~

~~All ordinances and resolutions shall be submitted to and approved by the county attorney as to form and draftsmanship. As used herein, the term "ordinance" shall be an ordinance having the force of law. Resolutions shall not have the force of law, but shall express the opinion, feeling or recommendation of council concerning a particular thing or matter.
(Ord. No. 105, § 4.1, 10-31-83)~~

~~Sec. 2-62. Proposed ordinances and resolutions~~

~~Proposed ordinances and resolutions are introduced for discussion by any member of council offering the ordinance/resolution as a main motion. Resolutions are passed after a single period of debate (or reading) and ordinances require a reading at three public meetings on separate days with at least seven days between the second and third reading. First reading of an ordinance may be by title only. All ordinances shall be in written form prior to the second reading.
(Ord. No. 105, § 4.2, 10-31-83)~~

~~Sec. 2-63. Reading of ordinances and resolutions.~~

~~If all members of council are furnished with copies of 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, shall be read at three (3) public meetings of council on three (3) separate days with an interval of not less than seven (7) days between the second and third readings.
(Ord. No. 105, § 4.3, 10-31-83)~~

~~Sec. 2-64. Public hearings; technical codes.~~

~~(a) Public hearings, upon reasonable public notice, shall be held before final council 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 involving penalties;~~
- ~~(4) Adopt zoning and subdivision regulations;~~
- ~~(5) Levy taxes; and~~
- ~~(6) Sell, lease or contract to sell or lease real property owned by the county.~~

~~(b) The council may adopt any standard code or technical regulations by reference thereto in the adopting ordinance. The procedure and requirements governing such ordinances shall be as prescribed for ordinances listed in paragraphs (a)(1) through (6), above. Copies of any adopted code of technical regulations shall be made available by the clerk of council for distribution or for purchase at a reasonable price.~~

~~(c) Not less than fifteen (15) days' notice of the time and place of such hearings shall be published in at least one (1) newspaper of general circulation in the county.~~

(Ord. No. 105, § 4.5, 10-31-83)

Cross references: Budget process, § 2-181 et seq.

~~Sec. 2-65. Adoption by majority vote of council.~~

~~Except as required by state law or otherwise provided herein, all ordinances, resolutions, codes or policies may be passed or adopted by a majority of the members present for its passage or adoption.~~

~~(Ord. No. 105, § 4.4, 10-31-83)~~

~~Sec. 2-66. Emergency ordinances.~~

~~To meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew, or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and shall describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least two thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty first day following the date of enactment.~~

~~(Ord. No. 105, § 4.6, 10-31-83)~~

Section 3. If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code, other County ordinances, or the adopted bylaws and rules of procedure for existing boards and commission, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

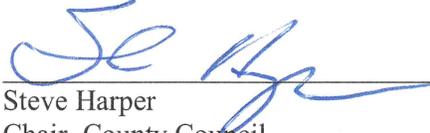
Section 5. This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this 10th day of August, 2020.

<signature page follows>

LANCASTER COUNTY, SOUTH CAROLINA



Steve Harper
Chair, County Council



Larry Honeycutt
Secretary, County Council

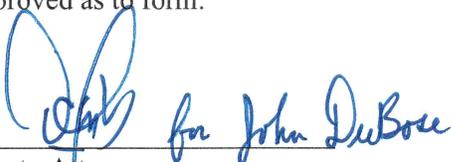
ATTEST:



Sherrie Simpson, Clerk to Council

First Reading: June 22, 2020
Second Reading: July 20, 2020
Third Reading: August 10, 2020

Approved as to form:



County Attorney