

## **ORDINANCE NO.137 - Amended 2023**

### **AN ORDINANCE TO RATIFY TOWN COUNCIL RULES OF PROCEDURE**

WHEREAS South Carolina Code 5-7-520 requires the Council adopt rules of procedure,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Elgin that the following rules of procedure be adopted.

### **GENERAL PROVISIONS**

#### **SECTION 1 FORM OF GOVERNMENT**

The mayor-council (strong mayor) form under Title 5, Chapter 9, is hereby confirmed, and shall consist of a Mayor and four Council members.

#### **SECTION 2 ELECTIONS**

In a non-partisan election, qualified electors of the town shall elect the members of Council and Mayor from the town at large. General elections in the town shall be held on the first Tuesday following the first Monday in November of each odd-numbered year in which the term of office of the Mayor or council members may expire. The terms of office of the Mayor and Council members so elected shall be for a period of four years commencing as of December 1 in the year in which elected with the terms staggered so that half of the council is elected every two years. (SC Code 5-15-10)

The terms of the Mayor and the two Council Members whose terms expire in 2019 shall be extended from March 1, 2019 until December 1, 2019, after which the Mayor and two Council Members elected in November of 2019 shall begin to serve their four year terms. The two Council Members whose terms expire in 2021 shall have their terms extended from March 1, 2021 until December 1, 2021 after which the two Council Members elected in November of 2021 shall begin their four year terms. All compensation, rights, privileges and duties of the Council Members shall be likewise extended.

#### **SECTION 3 OATH OF OFFICE**

The Mayor and Council members, before entering upon the duties of their respective offices, shall take the following oath;

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this state, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this state and of the United States. So help me God."

As Mayor (or Councilmember) of the Town of Elgin, I will equally, fairly and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect, according to law, the purpose for which I have been elected. So help me God." (SC Code 5-15-190)

#### **SECTION 4 COMPENSATION OF MAYOR AND COUNCIL MEMBERS**

The annual salary of the Mayor, as well that of each member of Council, shall be established by the council from time to time in accordance with SC Code § 5-7-170. No payment may be received by the Mayor and Council members for travel expenses, except on a case-by-case emergency basis approved by majority of Council. (Ordinance # 94. 1/89)

#### **SECTION 5 MAYOR PRETEMPORAL**

Immediately after each general election for council, upon recommendation of the Mayor, the council elects from its membership a mayor pro tempore for a term of not more than two years. The mayor pro tempore shall act as mayor during absence or disability of the mayor. If a vacancy occurs in the office of mayor, the mayor pro tempore shall serve as mayor until a successor is selected.

(SC Code § 5-7-190)

#### **LEGISLATION : ORDINANCES AND RESOLUTIONS**

#### **SECTION 1 ADOPTION, AMENDMENT, OR REPEAL ORDINANCES**

A (1) Every purposed ordinance shall be introduced in writing and in the form required for final adoption which shall include:

- a) Title briefly describing the contents;
- b) Findings, reasons, or basis for the Ordinance, if desired and appropriate;
- c) An enacting clause;
- d) The effective date of the ordinance unless the same is to be become effective upon adoption; and
- e) Space for signature of the Mayor, Council members, and the Municipal Clerk/Treasurer attesting thereto.

(2) Except for emergency ordinances - no ordinance shall be adopted until it has been read two times and on two separate days with at least six days between each reading.

(B) Notation of amending or repealing ordinances. The Municipal Clerk shall write on the first page of every ordinance, if the same has been amended or repealed, the words "amended" or "repealed", with a reference to the original ordinance. (Introducing & passing ordinances, SC § 5-7-260 and 5-7-270).

(C) The Municipal Clerk shall enter in a well bound book, copies of all ordinances passed by the Council. The book in which ordinances are thus entered shall be indexed and kept in a secure place. (SC Code § 5-7-290)

## **SECTION 2 EMERGENCY ORDINANCES – EXPIRATION**

Emergency ordinances, to meet public emergencies affecting life, health, safety, or the property of people, may be adopted on one reading without notice or hearing, by affirmative vote of at least two-thirds of the members of Council present, and shall be effective immediately upon adoption without regard to any reading, public hearing, Publication requirements, or public notice requirements and shall expire automatically as of the sixty-first day following the date of

enactment; provided that no such ordinance shall levy taxes, grant, renew, or extend franchise or impose or change a service rate. (SC Code § 57-7-250) (d)

## **SECTION 3 RESOLUTIONS**

Resolutions will be temporary in nature and will consist of policy matters coming before Council and may be adopted on one reading. A resolution may be passed on a motion, second, and a majority vote of the Council.

## **COUNCIL MEETINGS**

### **SECTION 1 MEETINGS**

- (A) Regular meetings of Council to discuss general and routine business of the town and to enact necessary ordinances and resolutions will be held in Council Chambers at Town Hall at 6:00 p.m., on the first Tuesday of each month, unless changed by a majority vote of the members of Council present at any regular or special meeting.
- (B) Special meetings of Council may be held to handle business which arises and cannot be postponed to a regular meeting at the call of the majority of the Council Members. The majority of Council Members do have to be in session to call a meeting, but they must individually notify the Town Clerk of their desire to call a special meeting.
- (C) Executive sessions closed to the public shall be held only in conformance with FOIA and prior to going into executive session, council will vote in public on the question of closing the meeting and, when the vote is favorable, the presiding officer will announce the purpose of the executive session. No formal action and no vote will be taken in executive session. (SC Code § 5-7-250a).

## **SECTION 2 NOTICE OF MEETINGS**

The Town Clerk will give notice of all council meetings to members of Council, the news media and the public. The notice will include time, date, place, and agenda of all public meetings. Written notice will be posted at Town Hall not later than 24 hours before the meeting.

## **SECTION 3 PRESIDING OFFICER - PRESENCE OF QUORUM**

Immediately at the hour appointed for being, the Mayor shall take Chair, and., if a quorum be present, shall proceed to business, in the absence of the Mayor, the Mayor pro tempore assumes the role of the presiding officer, if both the Mayor and the Mayor pro tempore are absent, and a quorum is present, Council will elect by majority vote a Council member to preside at the meeting.

- (A) To transact business, a quorum of Council must be present at the meeting. A majority of the total membership of the Council shall constitute a quorum.

## **SECTION 4 VOTING**

- (A) All actions of Council shall be majority of members present at public meeting. Every member of Council present shall vote on every question except when required to refrain from voting by state law. The vote on every question shall be by voice vote or show of hands unless a two third majority is required in which event the vote shall be roll call. Votes shall be recorded in the Council meetings by the Town Clerk. Any member may have their reasons for voting for against any measure recorded in the minutes.

- (B) The Mayor, unless otherwise prohibited by law or excused by Council, shall vote on any matter before Council.

## **SECTION 5 MINUTES (REVISED 10-6-15)**

- (A) The Town Clerk will be responsible for recording and safeguarding minutes of every Council meeting. The minutes will include the following:

- 1) Name of town, date, place, and time of meeting.
- 2) Type of meeting (regular, special, public hearing).
- 3) List of members present, absent, and whether or not a quorum was present.
- 4) Disposition of the minutes of the previous meeting.
- 5) All main motions, whether adopted or defeated. (A motion that was withdrawn should be recorded)
- 6) Name of motion movers (names of record may or not be recorded.)
- 7) Points of order and appeals, whether sustained or lost.
- 8) Summarized reports of committees, boards, etc., shall be entered unless written reports are appended.

- 9) All appointments of committees, boards, etc. will be reported.
- 10) All resolutions, ordinances, official communications, technical papers, etc., will be entered in full or appended.
- 11) When a county has been ordered, or where a vote is by ballot or roll call, the number of votes on each side or the names of the individuals Council members shall be recorded.
- 12) Other information requested by a member of Council.
- 13) Time or adjournment will be recorded.
- 14) Town Clerk's signature followed by an approval of date and verifying initials.
- 15) Must be approved by majority of Council at the next regular scheduled meeting.
  - (B) Proposed minutes will be presented to Council members as soon as possible after the meeting but no later than 24 hours prior to the next scheduled meeting.
  - (C) The minutes as approved by Council shall become the official minutes.
  - (D) All minutes of council proceedings shall be kept in a permanent book. There is no requirement to keep minutes of executive sessions. Minute books will be maintained in a safe, fireproof location.
  - (E) Electronic recording of all council meetings will be accomplished by the Town Clerk. Members of the public will be allowed to electronically record meeting.
  - (F) Council members shall refrain from publishing the proposed minutes until they are approved by Council.



## **SECTION 6 AGENDAS**

(A) A written agenda will be prepared by the Town Clerk for each regular council meeting. The Mayor will review the agenda before it is finally typed. A tentative Copy of the agenda will be sent to each Council Member seven (7) days before the next meeting.

(B) The agenda will be finalized/typed/posted no later than 24 hours prior to regular Council meetings or by close of business the day before the meeting.

(C) The final typed agenda for each regular meeting will be furnished to each Councilmember along with backup and supporting materials, ordinances, resolutions, etc., no later than the close of business the day preceding the meeting.

(D) The agenda may include a roll call, consideration of the minutes of the last meeting, approval of previous month's bills for payment, granting of business licenses, and readings on ordinances, resolutions, and consideration of other petitions, reports, and business in priority order. Each agenda item shall indicate the Council Member who requested that the item be placed on the agenda.

(E) Once an Item of business has been presented to the Council by the Public for consideration, and the item fails to pass because of the lack of a motion, the lack of a second or the failure of the item to receive the votes of a majority of the Council participating in a vote on the item, then the said item of business shall not appear on the agenda or be presented to Council for action upon it for a period of (3) three months from the date of the final action of Council on that item of business.

## **SECTION 7 RULES OF PROCEDURE**

All parliamentary proceedings of the Council shall be governed by the current edition of Robert's Rules of Order.

When required by the Council, the Town Attorney shall attend meetings and offer advice on proceedings.

## **SECTION 8 COMMITTEE MEETINGS** (added 9-1-15)

Mayor & Council will select committee members

Mayor & Council Set Terms

Mayor & Council must approve expenditures over \$200

## **EFFECTIVE DATE**

This ordinance shall go into effect on and from the date enacted and all ordinances in conflict herewith are hereby repealed.

Date of First Reading\_\_\_\_\_

\_\_\_\_\_  
Melissa Emmons, Mayor

Date of Second Reading\_\_\_\_\_

Attest:

\_\_\_\_\_  
Councilman, Brad Hanley

\_\_\_\_\_  
Becky Summey, Town Clerk

\_\_\_\_\_  
Councilwoman, Dana Sloan

\_\_\_\_\_  
Councilwoman, Cristy Bradley

\_\_\_\_\_  
Councilman, Ed Smith