



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

**MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
WORKSHOP MEETING**

**December 1, 2022 5:00 P.M.
MINUTES**

Chairman Deese called the meeting to order at 5:15 p.m.

1. Roll Call:

Members Present:

Jim Barnett Charles Deese Ben Levine Alan Patterson

Absent: Sheila Hinson Tamecca Neely

Others Present:

Clerk Jennifer Bryan

Board of Zoning Appeals members:

Kemesha Lowery Sheresa Ingram Keye Jones

2. New Business

a. CONTINUING EDUCATION:

SC Association of Counties course (1.5 hours)

Legal & Ethical Considerations: Conducting Meetings of Local Governments

[See attached handout]

3. Other:

a. Review of Next Meeting Agenda (Tuesday, December 20, 2022):

Continuing Education: SC Association of Counties course (1.5 hours)

Growth Implications for SC Counties

b. UDO update [see attached handout]

4. Adjourn

Meeting was adjourned at 7:45 pm.

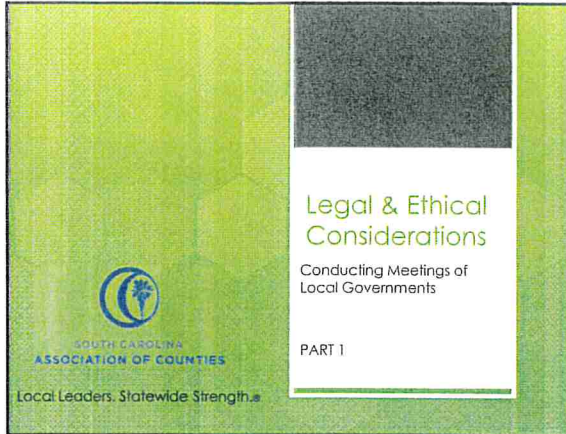
UDO Update

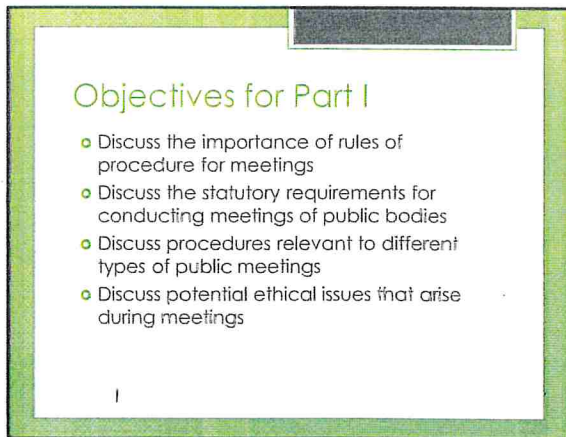
MODULE ONE: (3 Chapters)

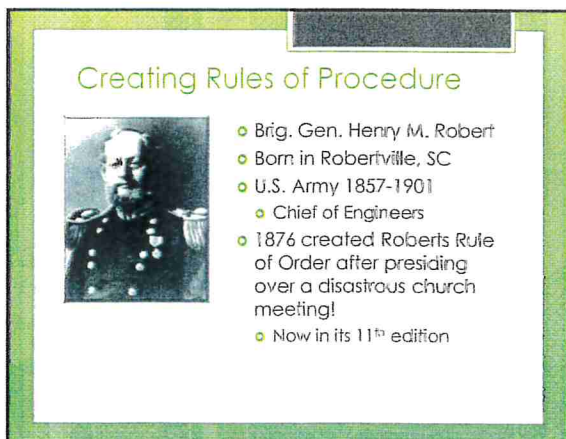
Consultant will be presenting a draft of Module One to Committee of the Whole on **Wednesday, January 11, 2023** (4:00 p.m.) Planning Staff will be sending you an email with access to a digital version, and will also mail a bound hard copy to each of you for review several weeks prior to the COW meeting. Rox asks that as many of you as possible attend.

MODULE TWO:

There will soon be a presentation about Module Two available from the consultants. Staff will send you a link for access.







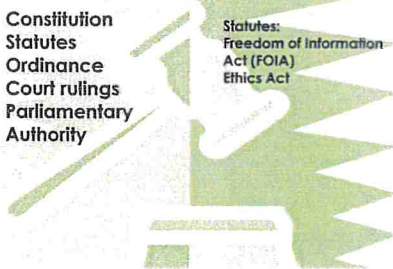
PURPOSE OF RULES OF PROCEDURE

- To set expectations for the conduct of all public meetings of a governmental body
- To ensure for the fair exchange of information and the proper resolution to issues before the body
- To govern the conduct of members and the public during meetings

Governing Documents

Constitution
Statutes
Ordinance
Court rulings
Parliamentary
Authority

Statutes:
Freedom of Information
Act (FOIA)
Ethics Act



Parliamentary Basics

Local public bodies are statutorily required to adopt their own rules of business – SC Code 4-9-110 or other authorizing statutes

1. **NOTICE** (to the members & public)
 - Agenda & meeting materials
2. **QUORUM**
3. **MOTIONS**
4. **DEBATE/DISCUSSION**
5. **VOTING**
6. **RECORDS OF ACTIONS TAKEN** (minutes)

Notice

- Statutorily required
 - SC Code 30-4-80(A)
- Annual notice of regularly scheduled meeting calendar
- 24 hour minimum notice of individual meetings to public & media
 - Post of notice:
 - at the location of meeting.
 - media outlets requesting notice and
 - County maintained Website if site is regularly maintained (Act 70 of 2015)

Agenda & Amendments

- Agendas are now required at all public meetings
- Agendas can be amended to add items only in the following cases!
 - **Before the meeting**
 - items may be added so long as a new 24 hour notice is provided
 - **Once the Meeting has begun**
 - an item for which action can be taken may be added with a 2/3 vote.
 - Final action item added must have 2/3 vote and a finding by the chair that an emergency or exigent circumstance exists.
 - AG opinion: has to be a circumstance beyond the body's control

Quorum

- No official action can be taken without a quorum present
- Majority of meeting require a simple majority of members – 50% plus 1
 - Governing document may set quorum
- Absent a quorum?
 - Adjourn
 - Recess and try to get a quorum
 - Fix the time to adjourn

Motions

- Substantive motions (main/principal)
 - Puts a question before the council
 - Only one motion at a time
- Subsidiary motions
 - Acts upon a substantive motion
 - Multiple motions at the same time
 - Order of precedence
 - Most common is the motion to amend

Other less common motions

- *Incidental motions*: motions which generally relate to the conduct of business or rules of order, and need to be considered immediately
- *Privileged motions*: motions which are not related to the current business, but relate to special matters

Debate

- The Chair is responsible for controlling the flow of debate – ensure all members have the opportunity to speak
 - Member who raised the issue should speak first
 - First-in-line v. alternate viewpoint
 - Maintain decorum/courtesy
- Should the Chair participate in debate?
 - If the Chair participates - Another member should preside temporarily
- Ending debate
 - by motion of a member
 - Can't interrupt a speaker
 - 2/3 vote to cutoff debate
 - by the chair when debate exhausted

Postponing & Reviving Matters

- o Postpone/carry-over:
 - o no-limit (majority vote)
 - o time certain (2/3 vote)
- o Table/lay on the table – postpones until a later time in the meeting
 - o dies if not taken from the table by the end of the meeting
- o Reconsider – reconsider an action made at the same or immediately proceeding meeting.
 - o Motion must be made by a member originally voting on the prevailing side of the issue

Voting

- o Generally by voice/show of hands
- o Passage – commonly by simple majority
 - o Majority: (simple-majority) 50% + 1
 - o 2/3 Majority: (super-majority)
 - o S.C. Code requirements: amend agenda, over-ride county supervisor actions
 - o Actions affecting rights of members: amending agenda; call the question; postpone to time certain
- o Tie vote – considered to have failed, retains the status quo
- o Does the Chair vote?

Misc. Rules of Procedure Issues

- o Provisions for alternate attendance
 - o A.G. opinion: *Town of Tega Cay*
 - o Ability to hear and be heard
 - o Questionable use in quasi-judicial hearings
- o Removal from a meeting for Disruption
 - o Removal of members of the public
 - o SCAG: discipline is a legislative action granted to the body

Ethical Issues

- SC Code 8-13-700: Member can't use their office to obtain an economic benefit for the member, family, or business/associates
- Must file a conflict letter with the chair – published in the minutes
- Can't take any part in debate or vote
 - avoid even the perception of participation
 - Note on leaving the room
- Difference between Conflict and Bias
 - Abstention vs. recusal

Quasi-Judicial Hearing

- Individual application/appeal
- Members sit in a judicial capacity
- Constitutional due process and equal protection issues
 - **Impartiality is essential!**
 - Decisions are to be based on presented evidence only – avoid ex parte issues
 - Potential for appealable error
- Applicant has the burden of proof

Public Hearings

- Statutorily required for certain actions
- Publically announce rules for public input
 - Time limits; for/against; number of speakers
- Follow the agenda
- Maintain decorum and public safety
 - Don't allow speakers to attack other speakers or members
- Goal is for members to receive information
 - Members should refrain from personal comments or remarks to speakers

Executive Sessions

- Limited to 6 specific reasons provided for in SC Code 30-4-70(a)
- Body must publically announced sufficient information for reasons for calling the session and vote in open session
- No votes or polling may occur during the session

Records/Minutes

- Statutorily required for all public meetings
 - SC Code 30-4-90
- Must record official actions: dates/times, quorum, motions, votes & conflict recusals
- Must be maintained permanently & microfilmed for security
 - SC County Records Retention schedule maintained by SC Dept. of Archives & History

??Questions??

FRANK & ERNEST by Bob Therman



Email: jdeloache@scac.sc

Part II: Tuesday January 15, 2019 – Advanced topics in Parliamentary Procedure.
