
STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2024-1926**
COUNTY OF LANCASTER)

AN ORDINANCE

TO AMEND THE LANCASTER COUNTY CODE CHAPTER 2 – ADMINISTRATION TO ADD GENERAL PROVISIONS FOR BOARDS, COMMISSIONS AND SIMILAR ENTITIES WHERE THE MAJORITY OF MEMBERS ARE APPOINTED BY LANCASTER COUNTY COUNCIL.

WHEREAS, Lancaster County Council’s Rules of Procedure apply to all Boards, Commissions and similar entities where a majority of the membership is appointed by Lancaster County Council; and

WHEREAS, Lancaster County currently does not have any general provisions which would govern the structure and organizational aspects of Boards, Commissions and similar entities where the majority of the membership is appointed by Lancaster County Council; and

WHEREAS, the adoption of general provisions that would govern the structure and organization aspects of Boards, Commissions and similar entities coupled with the requirement that the same Boards, Commissions and similar entities utilize Lancaster County Council’s Rules of Procedure would allow for more uniformity across the County in the way the Boards, Commissions and similar entities where a majority of the membership is appointed by Lancaster County Council operate;

WHEREAS, Lancaster County Council finds it necessary to enact an ordinance to set forth general provisions to govern the structure and organizational aspects of Boards, Commissions and similar entities where a majority of the membership is appointed by Lancaster County Council.

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

SECTION I. Title

The Lancaster County Code of Ordinances Chapter 2, Article XI – Boards, Commissions and Similar Entities – Division 1 – Generally is hereby amended as follows:

Sec. 2-301. General provisions shall apply to all boards, commissions or similar entities;
Swearing in and training of members of boards and commissions.

(a) The provisions contained in this Article and Division hereby supersede any conflicting provisions contained in any other Lancaster County ordinance and any individual enabling ordinance or amending ordinance(s) for a Lancaster County board, commission or similar entity where the majority of membership is appointed by Lancaster County Council. Exception(s) shall exist in those cases where statutory law supersedes the provisions contained herein.

~~(a)~~(b) It will be mandatory that all members of boards and commissions listed below in this section shall be sworn in prior to participating in a meeting.

~~(b)~~(c) All board and commission members will be required to attend a training class or view a training video prior to taking the oath of office.

<u>Board or Commission</u>	<u>Board or Commission</u>
<u>Airport Commission</u>	<u>Assessment Appeals</u>
<u>Community Relations Commission</u>	<u>Construction Board of Appeals</u>
<u>Fire Commission</u>	<u>Farmers Market Commission</u>
<u>Historical Commission</u>	<u>Health & Wellness Commission</u>
<u>Joint Planning Commission</u>	<u>Library Board</u>
<u>Zoning Appeals</u>	

Sec. 2-302. General Powers, Duties and Proscriptions.

(1) **Mandate to organize; notification of news media.** Each board or commission or similar entity shall, every two (2) years after the general election, organize itself by electing one (1) of its members as chairperson, one (1) as vice-chairperson, one (1) as secretary, and such other officers as they may deem appropriate. The secretary shall, with other assigned duties, be in charge of notifying the clerk to council of all regular and special meetings or workshop sessions of the board or commission in order for the clerk to council to notify the news media.

(2) **Time and schedule of meetings.** Each board, commission or similar entity may set their own time and schedule of meetings, but no board, commission or similar entity may schedule less than two (2) meetings per year.

(3) **Performance of functions and duties.** Each board, commission or similar entity is deemed advisory in nature unless otherwise proscribed by state law, and shall perform its functions and duties as assigned by county council with regard to any applicable federal or state law.

(4) **Personnel.** Personnel of any board, commission or similar entity assigned to the board, commission or similar entity which are employed and paid by county funds, shall be subject to the hiring, employment, termination and personnel practices of the county. This includes, but is not limited to staff liaisons and any other personnel who might be requested and assigned by the county to the board, commission or similar entity.

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- (5) **Compensation.** Unless otherwise outlined in the South Carolina Code of Laws, board, commission and similar entity members shall serve without pay.
- (6) **Requests and expenditure of funding.** Any requests from the county for funding shall be in the form of a budget request, submitted to the county budget director on or before February 1st preceding the fiscal year beginning July 1. No board, commission or similar entity shall be eligible to apply for any type of funding on its own unless specifically authorized by statutory law or enabling legislation. In the event a board or commission is eligible to apply for funding on its own, all such requests shall be brought before county council. All county funds expended shall be done so in conformity with county financial procurement codes and policies.
- (7) **Conflict of interest.** All members appointed by county council to commissions, boards and similar entities shall be required to remove themselves from discussion and/or voting on any issue that may constitute a conflict of interest. A conflict of interest shall be deemed to occur when personal benefit of any nature may accrue to the appointee from a pending decision. Any appointee failing to remove himself or herself from any situation where such conflict may occur shall be subject to removal from the commission, board or similar entity upon a simple majority vote of county council. Members shall also adhere to any and all state regulations and statutes concerning conflict of interest of public bodies.
- (8) **Concurrent service of council members prohibited.** No County Council member may serve as a regular or ex officio member of any county-funded or appointed board, commission or similar entity.

Sec. 2-303. Residency Requirement.

Any member of a board, commission or similar entity appointed by county council shall be a resident of Lancaster County and at the time of nomination, registered to vote in Lancaster County. Should the appointed member's residency change during their term by no fault of their own (i.e. re-districting), the appointed member's ability to remain in their appointed position shall be determined in accordance with the South Carolina Code of Laws. Should the appointed member's residency change during their term by their own action, the appointed member shall be immediately removed without the need for council action upon confirmation of the residency change by the clerk to council and a new member shall be appointed in the same manner in which the original appointment was made. This requirement may be waived by a unanimous vote of county council.

Sec. 2-304. Terms.

- (1) **Length of terms.** Unless otherwise outlined in the South Carolina Code of Laws, terms shall be for a period of four (4) years.
- (2) **Notification of vacancies.** The chairman of any board, commission or similar entity shall send written notification of the expiration of any member's term to county council through the clerk to council sixty (60) days prior to such expiration, and to notify county council

through the clerk to council within thirty (30) days of any vacancies occurring due to resignation, death, etc.

- (3) **Expiration date.** The official expiration date for all terms shall be December 31st of the last year of all members' terms but each member may be allowed to serve until their successor is appointed and confirmed.
- (4) **Terms of successor members.** Whenever a member resigns, dies or otherwise is unable to complete their term of office and a successor member is appointed, the successor member's initial term of office will be to fulfill the predecessor member's term. Any successor members appointed to fulfill the predecessor member's term shall be permitted to serve two (2) four-year terms in addition to the unfinished term to which they were initially appointed.
- (5) **Reappointment.** No board, commission or similar entity member shall be allowed to serve more than two (2) consecutive terms on the same board, commission or similar entity unless they undergo the waiting period described in this section. After the expiration of their second term, four (4) years must pass before a prior board, commission or similar entity member is eligible to be reappointed to the same board, commission or similar entity. A member of a board, commission or similar entity can be reappointed at the end of their first term to the same board, commission or similar entity for a second term without being subjected to a waiting period. However, four (4) years must pass before a prior board, commission or similar entity member is eligible to be reappointed to the same board, commission or similar entity from which they previously resigned prior to the expiration of their original first or second term. Otherwise, a member who resigns from a board, commission or similar entity may be appointed to a different board, commission or similar entity at any time after their resignation or the completion of a first or second four-year term.

Sec. 2-305. Attendance.

Failure of a member to attend three consecutive regular, special or workshop meetings of a board, commission or similar entity will constitute grounds for immediate removal of the member from the board, commission or similar entity by the county council. Failure of a member to attend at least 50 percent of the regular, special or workshop meetings of a board, commission or similar entity in a calendar year will constitute grounds for immediate removal of the member from the board, commission or similar entity. The chairperson of the board, commission or similar entity in question shall notify the clerk to the council in writing when a member has failed to comply with the attendance policy. Following such notification, a letter will be sent to the appointee and the councilperson if the appointee represents a specific district. The county council as a whole may vote to remove the member and such position will be vacant. The county council may then fill such vacancy.

Sec. 2-306. Conduct.

- a) Members ordinarily will not engage in acts contrary to the best interests of other members, residents or the county. Members are expected to observe common sense rules of honesty and adhere to generally accepted standards of conduct. Members should not engage in any

conduct that will in any way reflect adversely upon the member or the county. In instances in which the county council believes a member has engaged in conduct contrary to these interests, the member will be removed, and such position will be vacant.

- b) Causes for removal include, among other things, inappropriate conduct on county property, incompetence, inability to follow proper rules of protocol, harassment, insubordination, conduct which demonstrates improper respect for fellow members, county employees or county council, being under the influence of drugs or alcohol and gross negligence of duty. The list is not intended to include all offenses for which a member may be removed.

Sec. 2-307. – Service and Removal.

- a) Members of said boards, commissions and similar entities shall serve at the pleasure of the county council and in the instance of an appointment which is made by a single councilmember, shall serve at the pleasure of the councilmember who recommended their appointment. Any member of any board or commission appointed by county council as a whole may be removed from such board or commission upon the motion of a councilmember, duly seconded, and approved by a majority of county council. Any member of a board, commission or similar entity appointed by a single councilmember without a vote of county council may remove the member from service at their pleasure and fill the vacancy.
- b) For those boards, commissions and similar entities whose members may be removed only for cause, the procedure for removal shall be as follows: in the instance of the board, commission or similar entity requesting removal for cause, the chairperson of the board, commission or similar entity shall notify county council of the request/grounds of the for cause removal via the clerk to council. County council, through the clerk to council, shall present a written statement to the board, commission or similar entity member whose removal is sought, specifying the reasons the member should be removed. The board, commission or similar entity member shall have ten (10) days to respond in writing. At the next county council meeting after the board, commission or similar entity member has submitted their response, or after the ten-day period has expired if no response is given, county council shall conduct a hearing in executive session pursuant to S.C. Code 1976, § 30-4-70(a)(1) to discuss the appointment. The determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, may constitute cause.

Sec. 2-308. – Training.

Should any boards, commissions or similar entities require or offer training that would assist the board, commission or similar entity member in fulfilling their responsibilities as outlined in that board, commission or similar entities charter, by-laws, or codes, said member shall complete the training within 12 months of their appointment. Failure to successfully complete such training within the time required will constitute grounds for immediate removal of such member from the

board, commission or similar entity. The county will cover the cost of required training for the membership of the board, commission or similar entity as a whole. Any board, commission or similar entity that receives a stipend for their service and fails to complete the training within the allotted amount of time required for reimbursement to the county may have such stipend stopped until training has been completed.

Sec. 2-309. – Copies of Minutes To Be Filed.

All county boards, commissions or similar entities shall comply with the South Carolina Freedom of Information Act, and within ten (10) days after the approval of such minutes by the board, commission or similar entity, shall file copies of the minutes of each meeting of such board, commission or similar entity with the clerk to council for public inspection.

Sec. 2-310. – Disestablishment.

- (1) Disestablishment of boards, commissions or similar entities having not met in twelve (12) months.** All county-established boards, commissions and similar entities which have not had a meeting of a majority of its members within the past twelve (12) months may be disestablished by action of county council and their functions dissolved. Disestablishment shall be achieved in the same form and manner in which the board, commission or similar entity was created.
- (2) Authority to disestablish.** The county council may disestablish, not in conflict with federal or state laws, at any time any county council-appointed board, commission or similar entity and may assign its functions and duties to another board, commission or similar entity directly under the governing authority and administration of the county council. County council may also create a new board or commission to perform the same functions and duties or abolish the functions altogether.

SECTION III. Severability

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

SECTION IV. Conflicting Provisions

To the extent this Ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County Ordinances, the provisions contained in this Ordinance supersedes all other provisions and this Ordinance is controlling.

SECTION V. Effective Date of Ordinance

This Ordinance is effective upon passage of Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 26, 2024
Second Reading: September 9, 2024
Third Reading: September 23, 2024

Approved as to form:

Virginia Merck-Dupont, County Attorney

