



# Lancaster County Council General Provisions for Boards and Commissions

County Council Meeting – August 26, 2024

- As discussed previously, County Council's Rules of Procedure apply to all Boards and Commissions where a majority of the membership is appointed by County Council and where statutory requirements do not mandate that Boards and Commissions adopt their own Rules of Procedure (i.e. Board of Zoning Appeals).
- The County currently does not have any "general provisions" dealing with all appointed Boards and Commissions which would bring uniformity to the structure and organization of Boards and Commissions across the County.
- The suggested "general provisions" are being proposed to supersede conflicting provisions in any enabling legislation and amended legislation relating to any Board and Commission but also to supersede any other conflicting provisions contained in other legislation; the "general provisions" would not supersede any statutory requirements for certain Boards and Commissions.
- Should Council determine the inclusion of "general provisions" is appropriate and warranted, the following are the suggested items to be addressed:
  - General Powers and Duties
  - Residency
  - Length of Terms
  - Attendance
  - Conduct
  - Service and Removal
  - Training
  - Filings with Clerk to Council
  - Disestablishment

## Boards & Commissions- General Provisions General Powers and Duties – Sample Language

**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.

**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.

**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.

**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.

# Boards & Commissions- General Provisions General Powers and Duties – Sample Language

## General powers and duties – Continued

**Compensation.** Unless otherwise outlined in the South Carolina Code of Laws, board, commission and similar entity members shall serve without pay.

**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.

**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.

**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.

## Boards & Commissions- General Provisions Residency Requirement – Sample Language

### **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.

## Terms

- **Length of terms.** Unless otherwise outlined in the South Carolina Code of Laws, terms shall be for a period of four (4) years.
- **Notification of vacancies.** The chairman of any board or commission shall send written notification of the expiration of any member's term to county council sixty (60) days prior to such expiration, and to notify council within thirty (30) days of any vacancies occurring due to resignation, death, etc.
- **Expiration date.** The official expiration date for all terms shall be December 31<sup>st</sup> of the last year of all members' terms but each member may be allowed to serve until their successor is appointed and confirmed.
- **Terms of successor members.** Whenever a member resigns, dies or otherwise is unable to complete his 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 he or she was initially appointed.
- **Reappointment.** No board or commission member shall be allowed to serve more than two (2) consecutive terms on the same board unless he/she undergoes the waiting period described in this section. After the expiration of his/her second term, four (4) years must pass before a prior board or commission member is eligible to be reappointed to the same board or commission. A member of a board or commission can be reappointed at the end of his/her first term to the same board or commission for a second term without being subjected to a waiting period. However, four (4) years must pass before a prior board or commission member is eligible to be reappointed to the same board or commission from which he/she previously resigned prior to the expiration of his/her original first or second term. Otherwise, a member who resigns from a board or commission may be appointed to a different board or commission at any time after his/her resignation or the completion of a first or second four-year term.

## **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.

## Conduct

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.

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.



# Boards & Commissions- General Provisions Service and Removal – Sample Language

## Service and removal

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.

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.

## Training

Should any boards or commissions require or offer training that would assist the board or commission member in fulfilling hi/her responsibilities as outlined in that board's or commission's charter, by-laws, or codes, said member shall complete the training within 12 months of his/her appointment. Failure to successfully complete such training within the time required will constitute grounds for immediate removal of such member from the board or commission. The county will cover the cost of required training for the membership of the board or commission as a whole. Any board 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.

## Boards & Commissions- General Provisions Filings with Clerk to Council – Sample Language

### **Copies of minutes to be filed**

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

## Disestablishment

**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.

**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.

## Questions