

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)

ORDINANCE NO. 07-20

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, SALUDA COUNTY, SOUTH CAROLINA, CHAPTER 2 ADMINISTRATION, ARTICLE 2 COUNTY COUNCIL, DIVISION 2 RULES OF PARLIAMENTARY PROCEDURES.

That section 2-55.1 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-55.1. Applicability; Deviation from Rules.

(a) Except as otherwise required by state law or local ordinance, all proceedings of the council shall be governed by Robert's Rules of Order (current edition) and the county attorney shall act as parliamentarian. The presiding officer, without debate, will decide questions of order. The decision is subject to appeal of council, with the advice of parliamentarian, to which council can take a vote to override the presiding officer.

(b) These rules shall apply to all meetings of county council. As used in these rules, the term "meeting" means the convening of a quorum of the membership of county council to discuss or act upon a matter over which county council has supervision, control, jurisdiction or advisory power; the term "quorum" means a simple majority of the membership of county council.

(c) These rules were adopted as guidelines to assist county council, 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. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties, not otherwise imposed by law.

That the current section 2-55.2 of The Code of Ordinances, Saluda County, South Carolina, is hereby repealed.

~~**Section 2-55.2. Model Rules of Parliamentary Procedure for South Carolina Counties and Robert's Rules of Order Newly Revised to Govern Other Cases.**~~

~~County council will refer to the Model Rules, and the comments 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 current edition of Robert's Rules of Order Newly Revised. 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.~~

That The Code of Ordinances, Saluda County, South Carolina, is hereby amended by adding a new section, to be numbered 2-55.2, which section reads as follows:

Section 2-55.2. 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.

That section 2-56 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-56. Meetings, Notice.

(a) *Generally.* 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 ~~must~~ shall include the dates, times and places of the meetings.

(b) *Notice.*

(1) ~~Public notice of each called, special or rescheduled meeting~~ 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 the agenda and the date, time and place of the meeting. The twenty-four hour requirement for posting notice does not apply for emergency meetings.

(2) 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.

(c) *Special meetings.* 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 cancelled 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.

(d) *Quorum.* Three members of the council shall constitute a quorum for the transaction of official business.

(e) *Meetings to be open to the public except authorized executive sessions.* All meetings of the council shall be open to the public. However, the council may have executive sessions upon the request of any three members of council for reasons as listed in the South Carolina Freedom of Information Act (FOIA), appearing at §30-4-70. ~~the following purposes:~~

- ~~(1) Employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, administrative briefings and committee reports~~
- ~~(2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations;~~
- ~~(3) Executive sessions, concerning other matters than those in subsection (b)(1) and (2) of this section in keeping with S.C. code 1976, §30-3-10 et. Seq. known as the "Freedom of Information Act."~~

(f) *Conduct of meetings.*

~~(1) Meeting to be opened with prayer. Every meeting of the council shall be opened with prayer.~~

(1) *Suggested order of business.* A suggested order of business is as follows:

- a. Call to order;
- b. Invocation;
- c. Pledge of allegiance;
- d. Approval of the agenda;
- e. Approval of minutes;
- f. Reports of county council members ~~officials~~;
- g. Reports of county council chairman;
- h. Public hearings;
- i. Public presentations;
- j. Old business;
- k. New business;
- l. Executive session;
- m. Possible action out of executive session;
- n. Adjournment.

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

(3) *When members address the chair.* The chair, 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 chair at about the same time, the chair shall decide who was first to speak and shall recognize such member.

(4) Code of conduct.

- a. Council meetings will be conducted with respect, showing consideration for all in attendance.
- b. It is the responsibility of each council member, and the chairman, to be on time and present for every regular, called, or special meeting.
- c. Council members who are unable to attend regular, called, or special meetings are to notify the county director well in advance of the meeting. In an emergency, the county director must be notified as soon as possible.
- d. Council members who arrive after a regular, called, or special meeting has begun shall not interrupt discussions in order to catch up on what has been missed.
- e. Cell phones, PDAs, laptops, tablets, or any other form of electronic communication, other than the electronic device provided by the county, will be turned to silent or off for the duration of all council meetings. Phone calls or texting of any nature is prohibited during council meetings. If a council member must participate in a phone call, in an emergency, that council member must first seek permission from the presiding officer to leave the meeting.
- f. The following conduct may be considered disruptive during a meeting and subject the offending council member to sanctions up to, but not limited to, removal from the meeting: carrying on private conversations, speaking out of turn when not recognized by the presiding officer, making frivolous motions, arguing with the presiding officer, making political speeches, involving personalities in comments, making comments not relevant to the business at hand, or refusing to abide by a legitimate ruling of order from the presiding officer.

(5) Removal procedure for disruptive actions.

- a. The presiding officer must first ask the council member to come to order.
- b. If the council member refuses to come to order, the presiding officer must rule the council member out of order.
- c. If the council member continues to be disruptive, the presiding officer can order the removal of the council member from the council chambers until council can assess what penalties should be enforced. Penalties include, but are not limited to, allowing the council member to return to the meeting after having had a chance to calm down, censuring the council member, or removing the council member from the remainder of the meeting.
- d. Any penalties assessed must be voted on by each member of council. Assessment of penalty will be by majority vote.

(6) Request to be heard. Should any person, group or organization request to be heard upon any matter at a regular or special meeting of the council, such person, group or organization **should** must submit a Saluda County Council Public Presentation form at least 10 days prior to the date set for the meeting. The request shall be placed on the agenda upon the approval of the Chair or three members of council. This requirement may be waived in cases of great urgency if the matter is presented in

writing and every member of the council is provided with a copy prior to the commencement of the meeting or as otherwise specified in the agenda. Groups or organizations appearing on the agenda should have a spokesman to speak on their behalf and all persons appearing on such agenda will be limited to a time of seven minutes in which to be heard. A person, group or organization will not be allowed to make a presentation on the same subject more than two times within a six month period.

- (7) *Matters not within the 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 request that it make recommendations to other governmental bodies, departments or agencies.
- (8) *Recognition of persons.* When any person or person, including employees of the council and of the county, are heard by the council as provided in subsection (f)(6) of this section, that person or persons, when they have completed their presentation, shall be seated and no person or 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 chair.
- (9) *Substitutions in the chair.* The chair, in the absence of the vice chair, or the vice chair, when he is presiding, 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 chair and vice chair, the council shall elect an acting chair to serve until the return of the chair or the vice chair.
- (10) *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 council clerk for placement on the agenda. 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 chair.

That The Code of Ordinances, Saluda County, South Carolina, is hereby amended by adding a section, to be numbered 2-56.1, which section reads as follows:

Section 2-56.1. Alternative Attendance by a Member.

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

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

That section 2-57 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-57. Agenda.

- (a) Every meeting shall have an agenda. The agenda will be compiled at the direction of the council chair **or three members of council** by the clerk to council. ~~or such other person as may be designated.~~ The agenda shall be posted, pursuant to Section ~~2-53~~ **2-56** and as required by the Freedom of Information Act, at least twenty-four 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.
- (b) The agenda will designate the time and location of the meeting and the type of meeting to be held: council session, **public hearing**, ~~public comment~~, workshop or emergency session.

That The Code of Ordinances, Saluda County, South Carolina, is hereby amended by adding a section, to be numbered 2-57.1, which section reads as follows:

Section 2-57.1. Amending an Agenda.

- (a) 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.
- (b) 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.

That section 2-58 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-58. 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; or
- (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.

That section 2-59 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-59. Minutes; Ordinances to Be Codified.

(a) 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.

(b) Written minutes shall be kept of all meetings. ~~provided however, that minutes of executive sessions are not required but may be kept at the discretion of council.~~ Copies of the minutes of council shall be kept in perpetuity. ~~whereas~~ Copies of any audio or video tapes may be destroyed by the clerk to council ~~after~~ twenty-four 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 2-64.

- (5) Any other information that any member of council requests to be included or reflected in the minutes.

(c) 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.

That section 2-60 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 60. Voting. ~~generally.~~

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

- (1) Number of votes Required for Passage. ~~Passage by Majority Vote.~~

(a) 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 whether they are present or not.

(b) ~~Except as otherwise provided for in these rules, or by pertinent state or federal statute,~~ 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:

1. Two-thirds Majority (Super-majority):

- i. Adoption of an emergency ordinance pursuant to § 4-9-130; ~~Removal of an employee appointed by a county supervisor pursuant to § 4-9-430;~~
- ii. Sale or transfer assets of the county library assets for a non-library purpose pursuant to § 4-9-39;
- iii. Defeat of a Motion to Follow the Agenda (Section 2-67(b)(5));
- iv. Passage of Motion to Suspend the Rules (Section 2-69(3)); and
- v. Passage of a Motion to Call for the Question [Vote Immediately] (Section 2-68(a)(2)).

2. Positive Majority:

- i. Impose or increase a business license tax (§ 6-1-315);
- ii. Override the millage rate increase limitation on property taxes (§ 6-1-320(C));
- iii. Impose a service or user fee (§ 6-1-330);
- iv. Impose a local accommodations tax (§ 6-1-520);
- v. Impose a local hospitality tax (§ 6-1-720); and
- vi. Impose a developmental impact fee (§ 6-1-930).

(2) **Voting on Motions.** ~~Voting Procedure.~~ In the case of debatable motions, the vote can be proposed in one of two ways:

- (a) 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;
- (b) 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.

That section 2-60.1 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-60.1. Ordinances and Resolutions generally.

(a) 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.

(b) 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 vote; ordinances require a reading at three public meetings on separate days, with at least seven days between the second and third reading.

(c) Emergency ordinances, valid for only sixty 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.

(d) Legislation affecting the following issues can only be enacted by ordinance and require a public hearing, as-set out in **Section 2-58**, 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.

That section 2-61 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-61. Annual appropriations ordinance.

At or prior to the third public meeting of the council preceding the end of the county's fiscal year, first reading shall be held on an appropriations ordinance which shall set forth in detail appropriations for all county purposes and activities during the ensuing fiscal year; and this ordinance, as it may be amended, shall be enacted by the council prior to the commencement of such fiscal year. The total of the appropriations under such ordinance shall not exceed the total of anticipated county revenue from all sources as projected by the county director **and** ~~or administrative assistant under the direction of~~ the county treasurer. Such appropriations ordinance shall include a "contingency fund" ~~of no less than four percent of anticipated county revenues from all sources as projected by the county director or administrative assistant under this section~~ to cover items of expenditure for which no express provision is made elsewhere in the ordinance.

That section 2-62 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-62. Chair's authority to vote.

The chair shall be counted toward the determination of a quorum and entitled to vote on all matters, ~~except~~ **except** as provided by the provisions in section 2-64.

That section 2-63 of The Code of Ordinances, Saluda County, South Carolina shall remain as is:

Section 2-63. 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.

That section 2-64 of The Code of Ordinances, Saluda County, South Carolina shall remain as is:

Section 2-64. Conflicts of Interest.

(a) 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 which 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.

(b) 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.

(c) 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.

That section 2-65 of The Code of Ordinances, Saluda County, South Carolina shall remain as is:

Section 2-65. 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.

That section 2-66 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-66. Procedural Motions.

During the course of debate, council members may introduce procedural motions, which are limited to those specific motions described in Sections 2-67 through 2-70. 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 Sections 2-67 through 2-70, 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.

That section 2-67 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-67. Privileged Motions.

(a) 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 anytime; 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.

(b) Privileged motions ~~are not debatable~~, 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 anytime, 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; ~~board or commission as a body~~, 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 ~~2-56~~ 2-59. 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.

That section 2-68 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-68. Subsidiary Motions.

(a) 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.

- (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 not debatable or amendable, but it can be reconsidered up until a vote 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 can 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 the **board 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.

(b) 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.

That section 2-69 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-69. 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 which 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 some other way~~ 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.*

- a. 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.
- b. 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:

1. Motion to limit/extend debate;
2. Motion to call for the question (vote immediately);
3. Motion to commit;
4. Motion to postpone/motion to postpone to a time certain; and
5. 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.

- a. 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.
- b. 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.

(4) Motion to divide the question.

- a. 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.
- b. 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:
 1. Motion to amend; and
 2. Motion to limit/extend debate.

(5) Motion to consider by paragraph/motion to consider by section.

- a. Motions to consider by paragraph or to consider 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 ~~its~~ his or her own initiative or by the county council following the adoption of a motion by any member.

- b. 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:
 1. Motion to amend; and
 2. Motion to limit/extend debate.

(6) *Requests and inquiries.*

- a. 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.
- b. 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:
 1. *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.
 2. *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.
 3. *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.
 4. *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.

That section 2-70 of The Code of Ordinances, Saluda County, South Carolina, is hereby amended to read as follows:

Section 2-70. Recall motions.

Two recall motions allow issues ~~to be brought back to the county council as a body~~, 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.

- a. 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~~ **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.
- b. 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.

- a. 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.
- b. A majority vote is required for passage of either motion.

ADOPTED this ____ day of _____, 2020 in meeting duly assembled of Saluda County Council.

SALUDA COUNTY

Jerry Strawbridge
Chairman

ATTEST:

Karen T. Whittle
Clerk to Council

First Reading: October 12, 2020

Second Reading:

Public Hearing:

Third Reading:

DRAFT