

# **COUNCIL RULES OF RICHLAND COUNTY**

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## **RULES OF RICHLAND COUNTY COUNCIL**

### **Authority**

Pursuant to S.C. Code of Laws, 1976, Section 4-9-110 "... The council shall determine its own rules and order of business..." These rules comply with the provisions of the Home Rule Act.

### **RULE I: MEETINGS**

#### **1.1 Applicable Law**

All meetings are to be conducted in accordance with the general law affecting meetings of public bodies and such special laws pertaining to Richland County as remain applicable under South Carolina Law.

#### **1.2 Procedure**

In all particulars not determined by these rules or by law, the Chair or other presiding officer shall be guided by "Robert's Rules of Order", most recent edition.

#### **1.3 Open Meetings**

All meetings of Council, which include committee, subcommittee, and advisory committee meetings, shall be open to the public except as provided for in Section 30-4-10 et.seq. of the South Carolina Code of Laws, 1976, as amended. All regular and special called meetings of Council will be broadcast on the County's website.

Public notice of regularly scheduled meetings, special called meetings, and committee meetings will be given pursuant to Section 30-4-80 of the South Carolina Code of Laws, 1976, as amended.

#### **1.4 Closed Meetings**

The Council may go into executive session after a motion to do so is made, seconded, and receives a majority plus one vote of those members present, as provided for under the South Carolina Freedom of Information Act, as amended.

The Chair shall, in announcing executive sessions pursuant to Section 30-4-70(a) of the Code of Laws of South Carolina, cite the specific code section supporting the executive session. In preparing the agenda, the Chair shall cite the specific code section and shall announce the specific purpose of the executive session.

For the purposes of this section, "specific purpose" means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of Section 30-4-70 of the South Carolina Code of Laws, in such terms that the public could identify the parties to a contract, the person being appointed to a public body, the location of any real property being sold or purchased, the parties and specific subject upon which legal advice is being received,

and the subject matter of any administrative briefing. In no event shall the Chair announce the name of a classified employee whose employment is being discussed in executive session or the location of any security devices.

The County Council may hold executive sessions for the purpose of hearing from local and/or state development boards concerning the location of industry when neither the name of the industry nor the location of the property is to be revealed.

## **1.5 Dates/Times**

- a) Regular Meetings- Regular Meetings of County Council shall be held on the first and third Tuesday of each month at 6:00 p.m., unless otherwise scheduled by the Chair for good cause, with the consent of a majority of the Council members present.
  
- b) Special Meetings- Special Meetings may be called by the Chair or a majority of the members of Council provided that twenty-four (24) hours' notice has been given to Council members and the public. The members of Council must be informed of the subject(s) to be discussed at a special meeting. While special called meetings, absent contrary authority, may be held for any purpose Council desires, two frequent reasons necessitating a special meeting include: 1) a special called meeting that is essentially the result of the rescheduling of a meeting that had been regularly scheduled but for whatever reason needs to be moved to a different date or time (i.e., a regular meeting held at a special time not originally scheduled); and 2) a special called meeting to take up a specific matter or matters (i.e.; a "limited purpose" meeting). A special called meeting that is in essence a regular meeting that has been moved to a time not originally scheduled should follow the agenda order set forth in Rule 1.7c) of these rules. A special called meeting that is for a "limited purpose" or "limited purposes" need not follow the agenda order set forth in Rule 1.7c) of these rules, but instead may follow an agenda that is as specific or general as may be necessary for Council to be informed of the purpose(s) of the limited meeting and to carry out the purpose(s) of the limited meeting.

1) Electronic Participation- During any Special Called meeting, not held in conjunction with a regularly scheduled Zoning Public Hearing and Planning Meeting, any Council member may participate in the meeting via electronic participation as present for the purposes of a quorum. Any Council member participation electronically shall not be allowed to participate in executive session matters. Should an executive session be held, a council member participating electronically may choose to abstain from a vote on the issue discussed in executive session.

No less than five Council members must be physically present to schedule a Special Called Meeting.

For the purposes of this section, "electronic" participation shall mean videoconferencing or teleconferencing which allows all persons participation in the meeting to hear each other at the same time (and, if videoconferencing, to see each other as well).

Electronic participation shall only be allowed in a Special Called meeting of Council.

- c) Zoning Public Hearing Meetings- Zoning public hearing meetings shall be held on the fourth Tuesday of each month at 7:00 p.m., unless otherwise scheduled by the Chair for good cause, with the consent of a majority of the Council members present.

### **1.6 Quorum**

A quorum for the transaction of official business of Council shall consist of six (6) members.

A quorum of a Committee or Subcommittee shall consist of a simple majority of the members comprising said Committee or Subcommittee.

### **1.7 Agenda**

- a) **Compilation**-The agenda for regular meeting of Council shall be compiled by the Clerk of Council on the Wednesday proceeding the first and third Tuesday of each month. Back-up documents for the agenda for all items must be received by the Clerk of Council by the close of business on the Thursday preceding the meeting at which the item is to be considered.
- b) **Placing on Agenda (Methods)** - Items for Council consideration is placed on the agenda by any of these methods:
  - 1) Committee action, or
  - 2) Any item defeated, tabled, or not acted on by committee within 90 days of that item having been placed on the committee's agenda may be placed on the Council agenda when the Clerk's Office has received a written request signed by three members of Council, or
  - 3) Proclamation introduced by one member of Council presented to the Clerk prior to the agenda deadline, or
  - 4) Items authorized by ordinance (e.g. appointment and commissioning of Code Enforcement Officers), or
  - 5) The item consists of a notice given to the governing body concerning the location of a proposed home for 9 or fewer mentally or physically handicapped persons.
  - 6) In the case of a resolution honoring or recognizing a citizen or organization, the same by unanimous consent may be placed on the agenda and voted on during Council's motion period.
- c) **Order**- the agenda for regular meetings of Council (and those special called meetings that are the result of the rescheduling of a meeting that had been regularly scheduled, as provided for in Rule 1.5b) of these rules) shall consist of the following categories of business, to be taken up by the Chair in the order listed.

- 1) Invocation.
- 2) Pledge of Allegiance.
- 3) Approval of minutes of previous meetings: a simple majority vote of Council is required to approve minutes. If there are corrections or amendments to the minutes, they may be approved as corrected or amended. Motions to reconsider, rescind, or expunge from the record any previous action must be made prior to adoption of the relevant minutes and any such motion will be placed on the Agenda's Motion Period for debate. Only when an item is expunged can it be reconsidered during the Motion Period. The adopted minutes shall note the motion to reconsider, rescind, or expunge.
- 4) Adoption of agenda: a two-thirds majority vote, of those present, is required to adopt the agenda.
- 5) First County Attorney's Report of Executive Session items: The County Attorney shall report only on those Executive Session items in which the County is represented by outside counsel or in which the County has retained the services of a consultant. Council shall move to take action or to receive as information each item that has been discussed in executive session.
- 6) Citizen input:
  - (a) **Agenda Items**--Each citizen who has signed the Agenda Items Input List to speak before Council may do so for up to 2 minutes; provided, however, the entire Agenda Items citizen input time shall not exceed 30 minutes. The Clerk shall be responsible for keeping the time for each speaker, and the timer shall not be started until after the speaker has stated his or her name and address. Input must pertain to items on the agenda for which no public hearing is required or has been scheduled. Individual members of Council shall not be referred to by name, but instead input should be directed to the full Council. Any material that a citizen intends to present to Council, including audio and visual presentations, must be approved by the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present. The Chair will request that in the event a citizen who has signed up to speak intends to speak, or does speak, on behalf of any group, association, community or anyone besides or in addition to himself or herself, that the speaker advise Council during his or her citizen input of that fact, and name or identify anyone else for whom the citizen is speaking or represents. The Clerk will have available Council members' contact information as listed on the County's website. The Chair may advise citizens to speak with or contact County staff as may be appropriate to the issue(s) raised by the speaker.

**(b) Non-Agenda Items Input:** Any citizen who wishes to introduce an item for consideration not currently under Council's consideration or bring a concern to Council's attention may speak for no more than two minutes; provided, however, the entire Non-Agenda Items citizen input time shall not last longer than 30 minutes. The Clerk shall be responsible for keeping the time for each speaker, and the timer shall not be started until after the speaker has stated his or her name and address. Items for which a public hearing is required or has been scheduled cannot be addressed at this time. Exceptions may be made with the consent of a simple majority of those Council members present. The Chair will request that in the event a citizen who has signed up to speak intends to speak, or does speak, on behalf of any group, association, community or anyone besides or in addition to himself or herself, that the speaker advise Council during his or her citizen input of that fact, and name or identify anyone else for whom the citizen is speaking or represents. The Clerk will have available Council members' contact information as listed on the County's website. The Chair may advise citizens to speak with or contact County staff as may be appropriate to the issue(s) raised by the speaker.

- 7) Report of County Administrator: The County Administrator shall make recommendations or announcements concerning county affairs; but no action shall be taken on any item without proper notice, except in case of extreme emergency.
- 8) Report of Clerk of Council: The Clerk of Council shall make announcements, if any, concerning county affairs.
- 8.5) Report of the Chair: The Chair of Council shall make announcements if any, concerning county affairs.
- 9) Presentations: The party requesting to make the presentation shall set forth 1) the name of the person, group, association or entity making the presentation, 2) the name and contact information for the presenter(s) or spokesperson(s) thereof, and 3) the substance of the presentation. Absent unusual circumstances, the request should be no more than one page in length and should be timely submitted (i.e., in advance of the agenda deadline for the meeting wherein the matter is intended to appear as a presentation "request") to the Clerk's Office. Presentations shall be limited to five (5) minutes per presentation, and shall be heard on the third Tuesday of the month. Presentations of time sensitive matters, as determined by the Chair or Vice-Chair in his absence, of Council may be heard at any regular or special called meeting of Council. All presentation, regardless of topic, shall be approved by the Chair before placement on any Council agenda. No presentation shall be heard which is not on the Council agenda prior to the start of the meeting. No more than three presentations will be allowed at each meeting. The purpose of this rule is so that Council may plan its meetings accordingly, given the variety of presentations and lengths thereof, and to assess the merits of a given

presentation. Presentations shall not be used to request funding or resources support from the County.

- 10) Public Hearings: Each citizen who has “signed up” may speak to Council concerning an item for which there is a public hearing for up to 2 minutes; provided, however, the entire public hearing time for any one item shall not exceed 30 minutes. Any material that a citizen intends to present to Council, including audio and visual presentations, must be approved by the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present. The Chair will request that in the event a citizen who has signed up to speak intends to speak, or does speak, on behalf of any group, association, community or anyone besides or in addition to himself or herself, that the speaker advise Council during his or her public hearing input of that fact, and name of identify anyone else for whom the citizen is speaking or represents.
- 11) Consent items: Items shall consist of those matters that do not require further discussion by Council that have been forwarded to Council by the unanimous vote of the Committee; provided, however, that an item forwarded to Council by Committee without recommendation shall not be listed as Consent Agenda item. Any member of Council can remove an item from the Consent Agenda prior to adoption of the agenda. The Chair has the discretion to place items on the Consent Agenda, if in the judgment of the Chair; those items are unlikely to be debated.
- 12) Third reading: final approval of Ordinances.
- 13) Second reading.
- 14) Requests by Council members: items may include those that were defeated (or deferred beyond 90 days) by committee and reintroduced by three Council Members’ signatures.
- 15) Second County Attorney’s Report of Executive Session items: The County Attorney shall report on the remaining Executive Session items. Council shall move to take action or to receive as information each item that has been discussed in executive session.
- 16) Motion period/Announcements: Any Council member may make an announcement or introduce an item (excluding resolutions) for referral to a Committee. However, any Council member wishing to make a motion during the “motion period” must have transmitted a written request to the Clerk’s Office by the deadline for posting the agenda of a regularly scheduled meeting of Council in accordance with the South Carolina Freedom of Information Act (i.e., twenty-four hours prior to such meeting) so that the nature of the motion appears on the agenda. Motions for resolutions and ordinances may be referred to a Committee for further deliberation or, by unanimous consent, the



resolution shall be deemed adopted or the ordinance may be sent forward for second reading. Further, any Council member may make a motion directing the county administrator to take action on a county-related matter; and upon approval of a majority of members present and voting, the county administrator shall act upon the directive given.

When referring an item to committee, a Council Member must specify the intent of his or her motion. The Council Member may:

- a) Refer an item to a committee for action.
- b) Refer an item to a committee for discussion.
- c) Refer an item to committee for the purpose of receiving information or an update from staff and/or legal.
- d) Refer an item to committee for a presentation.
- e) Any Council member may make a motion directing the county administrator to take action on a county-related matter; and upon approval of a majority of members present and voting, the county administrator shall act upon the directive given.

If a Council Member does not specify the intent of his or her motion, the Chair shall ask the maker of the motion for clarification. Immediately following each motion, the Chair shall determine the committee to which the item will be referred, according to the guidelines established in Rule 4.1.

Motions for resolutions and ordinances shall generally be referred to a Committee for further deliberation; however, by unanimous consent of council, a resolution shall be deemed adopted of an ordinance placed on the agenda 24 hours prior to the meeting may be given first reading and sent forward to Council for second reading.

- 17) Pending Items: Issues that have been raised by a Council member wherein a response is expected from staff shall be listed on the agenda along with a time frame in which a response from staff will be provided. These items shall be for information only and no discussion shall take place relative to matters listed under Pending Items other than for staff to seek guidance on responding to a Council member's stated issue and for setting a reasonable time frame in which to respond.
- 18) Adjourn.
- d) Additions - A request to add items to the agenda requires a two-thirds vote of those Council members present.

## **RULES II: THE CHAIR**

## **2.1 Call to Order**

The Chair shall call Council meetings to order at 6:00 p.m. or as soon thereafter as practical on the first and third Tuesday of each month and, if a quorum is present, proceed to the meeting agenda.

## **2.2 Preservation of Order**

The Chair shall preserve order and decorum and, in case of disturbance or disorderly conduct in the Chamber or the lobby, may cause the same to be cleared. The members of Council, and the public who participate in meetings, agree to adhere to the following “Code of Conduct”:

“I pledge that I may disagree, but will be respectful of all. I will direct all comment to the issues. I will refrain from personal attacks.”

## **2.3 Transgressions of Order**

If any member, in speaking or otherwise, transgresses the Rules of the Richland County Council, the Chair shall call him/her to order, or any member may call such transgressions to the attention of the Chair who shall call the transgressor to order. If repeated cries of order are ineffective, the Chair may call a member by name, and if the Chair deems it necessary, shall state the offense committed. The member may be heard in self-defense and shall withdraw from the issue, and the Council shall consider any further proceeding to be had.

## **2.4 Points of Order**

The Chair shall decide all points of order, subject to an appeal by any member. The Chair may require the member raising a point of order to cite the Rule or other authority in support of the question. Upon appeal, no member shall speak more than once and for no longer than ten minutes each, except by permission of the Council.

## **2.5 Participation**

The Chair shall vote in all cases (except when she/he may be personally or pecuniarily interested). If a member does not cast a negative vote or declare his abstaining vote, he shall be recorded as voting in the affirmative. A member may not vote by proxy. If with the vote of the Chair, the Council were equally divided, the question shall be decided in the negative. The presiding officer may give information or explain any matter before the Council, and may speak on points of order in preference to any other member, as often as she/he may deem necessary. The Chair may enter into the debate of the Council, but should not use the office of the Chair to wield influence over the other members.

## **2.6 Election**

The Chair shall be elected at the first regular meeting of the Council in January, or as soon thereafter as may be practical, by the membership of the Council. The Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council.

## **2.7 Vice Chair**

The Vice Chair shall be elected either at the first regular Council meeting in January or as soon thereafter as may be practical. The Vice Chair shall preside in the absence of the Chair.

## **2.8 Signatures**

The Chair shall sign all ordinances, resolutions and other documents authorized by the Council. In the absence of the Chair, the Vice Chair is authorized to sign official documents.

The Assistant to the Clerk of Council shall serve as Acting Clerk in the absence of the Clerk for the purpose of signing official documents.

## **RULE III: MEMBERS AND MEMBERSHIP**

### **3.1 Seating**

At the first meeting in January after the election and seating of the Chair and Vice Chair, Council members shall select their seats based first on seniority in years of continuous service and then in alphabetical order.

### **3.2 Attendance**

Each member shall be within the Council Chambers during its meetings unless excused or necessarily prevented. The Chair, if notified prior to the meeting, may excuse any member from attendance at meetings of the Council and its committees for any stated period upon reason shown, and such excused absence shall be noted in the minutes.

### **3.3 Call to Order**

When the Council is called to order, every member shall take his/her respective seat and shall act with decorum.

### **3.4 Speaking**

The Chair, when duly addressed by a member, shall hear from the member who, in the opinion of the Chair, shall speak first, by identifying the member. Every member, when about to speak, shall respectfully address the Chair and shall avoid disrespect to the Council, and all personalities, and shall confine all remarks to the question under consideration. No member shall speak more than twice on the same question without leave of Council, except merely to explain meaning. Each member shall be allowed to speak no more than five minutes for debate on any one issue before Council. If a member has the floor and is addressing the body, she/he shall not lose the floor by asking a question of any member of the body. If a member shall be called to order while speaking, she/he shall immediately forfeit the floor until the question of order is decided, unless allowed to proceed, if otherwise, she/he shall not proceed without leave of the Council; and if the case requires it, she/he shall be liable to such other proceedings as the Council may take.

### **3.5 Original Papers**

Any member leaving a meeting of Council or its committees who possesses original papers relating to the business of the Council, shall leave original papers with the Clerk before departing.

## **RULE IV: COMMITTEES**

### **4.1 Standing Committees**

The Chair of County Council shall appoint members of the following standing committees no later than the first regular meeting in February each year:

- a) **Administration and Finance Committee**, consisting of five (5) members, functions as a committee of ways and means to which matters dealing with general-administration and with the budget, capital improvements, taxation, and bond issues should be referred.
- b) **Development and Services Committee**, consisting of five (5) members, functions in the area(s) of general operational matters, economic development, and those matters relating to the functions and activities of the County Department of Public Works and Engineering.
- c) **Rules and Appointments**, consisting of three (3) members, functions as a review, oversight, and advisory body on the rules of County Council concerning appointments to County boards, commissions and committees. The Committee meets on an as needed basis.

The vacancy on a County board, commission, or committee shall be announced at least two meetings prior to Council making the appointment. Such vacancy will be advertised in a local newspaper. Any individual who wishes to apply for service on a County board, commission, or committee must submit an application to the Clerk of Council. The Clerk of Council shall supply the application form. The Clerk shall, on the date designated by the Rules and Appointments Committee, submit all applications to the County Council for its consideration. The County Council shall then, by majority vote, elect an individual to fill the vacancy or vacancies, which exist at that time. After an appointment(s) has been made, applications shall be retained by the Clerk of Council for one (1) year and may be considered upon the request of the applicant whenever a vacancy occurs within that one (1) year period of time.

- d) **Economic Development Committee**, consisting of four (4) members through December 31, 2001, and thereafter consisting of three (3) members, serves to consider economic development matters brought before them and make recommendations to the full Council. The Committee meets on an as needed basis.

*Absent exigent circumstances, no meeting of a standing committee of council shall be scheduled at the same time as another meeting of a standing committee of council.*

#### **4.2 Organization**

Each of the above-referenced committees shall select a Chair and function primarily as legislative/advisory committees. Once appointed for the year, no member of a committee may be removed by the Chair of Council without the approval of Council. During the remainder of the year, any vacancy occurring on these committees shall be filled in a similar manner as soon as it may reasonably be accomplished. Any member of Council may attend any meeting of the committee, provided, however, only members of the particular committee may vote on matters before that committee.

The Chair of County Council shall be an ex-officio member of the Rules and Appointments Committee and Economic Development Committee.

#### **4.3 Jurisdiction**

Unless otherwise ordered, committees shall have jurisdiction only over matters pertaining to the subjects indicated by the names of the respective committees. Personnel matters shall be discussed by the full Council and not by standing or special committees.

#### **4.4 Agendas**

Appropriate written backup material for all items of business that are to be included in the Administration and Finance or Development and Services Committee agendas must be delivered electronically to the County Administrator's Office no later than 5:00 p.m. on the date two weeks prior to the committee's scheduled meeting date.

In exceptional circumstances, time-sensitive items received after the deadline may be added to a committee's agenda at the discretion of the committee's Chairperson, provided the addition is made before agendas are printed and distributed. In the event that the Chair of the committee cannot be reached before agendas are printed, then such items may be added with the consent of a majority of the committee's members. If a majority of the committee's members cannot be reached, the Chair of County Council shall have the discretion to add such items. Once the committee agendas have been printed and distributed publicly, changes to the agenda may only be made by the unanimous consent of the committee during the committee meeting.

Agendas with backup information shall be provided to all members of Council on or before the Friday prior to the committee meeting.

#### **4.5 Meetings**

Committees shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquiries and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.

#### **4.6 Legislative Action**

Items referred to a committee for consideration shall be listed under one of the following categories: "Items for Action" or "Items for Information, Discussion, and/or Preliminary Action." Additional agenda categories (including, but not limited to, "Presentations," "Notifications," and "Items Pending Analysis") may be added to the agenda as needed for items not requiring immediate committee action.

- a) ITEMS FOR ACTION-For all items requiring action, the committee shall take one of the following actions by majority vote:

- 1) Recommend that Council approve the item, which may or may not include amendments or modifications to the original request;
  - 2) Recommend that Council deny the item;
  - 3) Forward the item to Council without a recommendation;
  - 4) Defer consideration of the item to a future committee meeting;
  - 5) Refer the item to another committee or commission; or
  - 6) Table the item.
- b) **ITEMS FOR INFORMATION, DISCUSSION AND/OR PRELIMINARY ACTION**-For items on the agenda for information, discussion and/or preliminary action, the committee shall take one of the following actions by majority vote:
- 1) Direct the administrator to bring the item back for action at a specified committee meeting;
  - 2) Defer consideration of the item until a specified committee meeting; or
  - 3) Receive the item for information or discussion purposes only, and dispose the item from the committee agenda;
  - 4) Items so removed will be reported as such by the committee to Council.
  - 5) Notwithstanding items 1 through 4 in this subsection, any item on the Administration and Finance (A&F) or the Development and Services (D&S) Committee agendas listed as an “Item Pending Analysis” must be resolved, tabled or otherwise disposed of within 100 days of that matter’s referral to the A&F or D&S Committee.

#### **4.7 Reports**

All committee recommendations requiring formal action by Council shall be included in the agenda and distributed to all members of Council prior to consideration and adoption by Council, provided that if any matter is considered by the majority of any committee to be an emergency, copies of such reports may be furnished to each member of Council at the time of said Council meeting.

All items presented to Council by a committee must carry the committee’s disposition of the item, whether that disposition is a recommendation for approval, a recommendation for denial, no recommendation or to make any other disposition with respect to the item.

Any not reported out to the full council by a committee within 90 days of that item having first appeared on the committee’s agenda may be placed on the Council agenda when the Clerk’s Office has received a written request signed by three members of Council, not less than 24 hours prior to the scheduled meeting.

A minority report may be made if requested. Presentation of the committee’s motion at the regular Council meeting does not require a second.

#### **4.7 a. Recommitting**

Any item, which may come before the Council, may be committed or recommitted before a final decision thereon. Provided, however once a motion or matter is forwarded to full Council

from committee, that motion or matter may not be returned to committee other than as directed by Council.

#### **4.8 Budget Work Sessions**

The Council shall meet as a Committee of the Whole for budget work sessions prior to first reading of the budget.

#### **4.9 Motions Forwarded to a Committee**

Any motion forwarded to a committee by the Chair, or in the Chair's absence, the Vice Chair, or in the Vice Chair's absence, the acting chair, will appear on that committee's agenda. Any item forwarded to a committee that is not completed will be listed at the end of the committee's subsequent agenda(s) under, "Items Pending Analysis," and the reason the item remains pending.

### **RULE V: LEGISLATIVE ACTION**

#### **5.1 Emergency Ordinances**

To meet public emergencies affecting life, health, safety or the property of the people, emergency ordinances may be adopted upon a two-thirds affirmative vote of the Council members present. Such an ordinance is effective immediately upon its enactment without regard to any public hearing, reading, publication, or notice requirements. It automatically expires after 60 days. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency.

Emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, or impose or change a service rate.

#### **5.2 Other Ordinances-Required Readings**

With the exception of emergency ordinances, all ordinances, including those making supplemental appropriations, shall receive approval at three public meetings of Council on three separate days with an interval of not less than seven days between the second and third readings. An ordinance shall be deemed passed upon third reading approval and thereafter can be rescinded only by a motion to reconsider or rescind that is made prior to approval of the minutes.

If an ordinance does not receive the three (3) readings required within a twelve-month period, it is dead. If the ordinance is reintroduced after the twelve-month period, it must be submitted to the three reading process.

#### **5.3 Levying Tax/Incurring Debt/Amending Budget**

Ordinances levying a tax or incurring indebtedness shall not be passed unless voted for on each reading by at least six (6) members in Council assembled and with appropriate back up material provided for each reading. An amendment to the budget shall require a majority plus one vote.

#### **5.4 Public Hearings**



Public hearings, after not less than 15 days' notice of the time and place of such hearings published in at least one newspaper of general circulation in the County, shall be held before final Council action is taken to:

- a) adopt annual operational and capital budgets,
- b) make appropriations, including supplemental appropriations,
- c) adopt building, housing, electrical, plumbing, gas and all other regulatory codes involving penalties,
- d) adopt zoning and subdivision regulations,
- e) levy taxes, and
- f) sell, lease, or contract to sell or lease real property owned by the County.

### **5.5 Second Reading**

Upon the second reading of an ordinance after all amendments and privileged motions have been disposed of, the question shall be the passage of the ordinance. Upon a decision in the affirmative, the ordinance shall take its place on the agenda for third reading.

Each ordinance affecting the expenditure of money by the County shall receive the affirmative vote of Council on each reading, and prior to receiving second reading; the County Administrator's comment shall inform Council regarding its effect on the finances of the County. Provided, however, this rule may not be invoked where the amount is shown in the ordinance.

### **5.6 Third Reading**

Full debate and amendments shall be allowed on third reading.

### **5.7 Debate**

Debate among members of Council is in order only after a motion has been stated by the Chairman and has been seconded. Any motion shall, if desired by the Chair or any other member, be reduced to writing and delivered to the Chair and read, before it shall be debated.

### **5.8 Motions During Debate**

When a motion has been stated and seconded and debate has begun, no motion except the following shall be in order:

- 1) to adjourn or recede,
- 2) to continue,
- 3) to table,
- 4) for the previous question,
- 5) to postpone indefinitely,
- 6) to postpone to a certain day,
- 7) to recur to the agenda,
- 8) to substitute a motion germane to the matter at hand, and
- 9) to amend.

### **5.9 Substitute Motions**

No more than two (2) motions may be received in substitute for the motion on the floor. Any substitute motion defeated by vote of Council shall be counted as one of two (2) permissible



substitute motions, but any substitute motion, which fails for lack of a second, shall not be so counted.

#### **5.10 Amendments**

A proposed amendment shall be in order regardless of the number of changes proposed therein to the matter under debate, provided such amendment is otherwise in order, and shall be considered in the order in which it is received.

#### **5.11 Closing Debate**

Upon the proper motion, a second, and an affirmative vote on a motion for the previous question, which requires a two-thirds vote, the amendment then upon the desk shall be considered, but no further amendment shall be allowed. The sponsor of an amendment shall be allowed an opportunity to make a short explanation of the amendment.

#### **5.12 Withdrawing Motions**

The member who introduced a motion may withdraw it before decision on it or on any amendment to it, so long as the member seconding the motion shall not object, provided, however, that no motion may be withdrawn after the previous question has been called.

#### **5.13 Privileged Motions**

Motions to adjourn, to recede, and to recede subject to the call of the Chair, shall always be in order except while the Council is actually engaged in deciding a question. A motion to adjourn or to take a recess, having been defeated, no new motion to adjourn or take a recess shall be in order until fifteen (15) minutes shall elapse from the decision of the former motion even though such motion to recede might be to recede to a different time.

#### **5.14 Nondebatable Motions**

Certain parliamentary motions must be decided without formal debate. These are:

- 1) to adjourn or recede,
- 2) to continue,
- 3) to lay on the table,
- 4) to postpone indefinitely or to a day certain,
- 5) to suspend or depart from the agenda, or to return to it, and
- 6) for the previous question.

Immediately after receiving a nondebatable motion, and at other times when no motion is on the floor, the Chair may allow such conversation as she/he deems appropriate, but all such informal discussion remains subject to his/her discretion; she/he may call for the vote on the matter at hand or terminate discussion at any time, and in such instances, his/her decision may not be appealed.

#### **5.15 Suspending Motions**

The following instances may suspend any matter before Council, temporarily:

- 1) Point of order,
- 2) Point of personal privilege,
- 3) Point of information,
- 4) Question of recess, and

- 5) Other incidental questions, such as of reading papers, dividing a question, withdrawing a motion, or excusing a member from voting.

#### **5.16 Motion to Recess**

A motion to recess may state the time for reconvening. In the absence of such stated time, reconvening shall be at the call of the Chair.

#### **5.17 Motion to Strike**

A motion to strike out the enacting words of an ordinance or resolving words of a resolution shall have precedence of a motion to amend, and, carried, shall be considered as equivalent to rejection.

#### **5.18 Rejected Motions**

Once one of the following motions has been made and rejected during a meeting of the County Council, no motion of the same effect shall again be allowed with regard to the same question:

- a) Motion to continue,
- b) Motion to postpone,
- c) Motion to defer, and
- d) Motion to table.

#### **5.19 Delays**

The Chair shall entertain no motion to the effect of which will be unnecessarily to delay the business of Council.

#### **5.20 Defeated Actions**

Once an action of any kind has been proposed and defeated twice during two separate regular or called meetings of Council, within a period of sixty (60) days, no motion of the same effect may be allowed with regard to the same question for a period of one year from the date of initial motion, without the consent of a majority plus one of the entire Council. The names of the consenting Council members shall be presented to the Chair prior to the listing of the item on the agenda.

#### **5.21 Voting**

Each member shall vote on each question put, except that no member shall be permitted to vote on any question in which that member has a direct personal or pecuniary interest, or in which that member perceives that he or she has a direct personal or pecuniary interest, or in which his or her participation might create an appearance of impropriety in that member's estimation. A Council member must be at his/her seat in order to vote for those at the dais. If a member does not declare a vote or an abstention, his/her vote shall be recorded with the prevailing side. In the case of a tie vote, the prevailing side is the side that voted against approval of the matter voted upon (e.g., if the matter before Council is a vote to continue an item until the next meeting, and the vote on that question is 5-5, the motion did not pass, the item is not continued and the side prevailing as to the motion is the side that voted not to have continued the item). If voting an abstention, a reason for the abstention must be stated and recorded in the minutes. No member shall, under any circumstances be permitted to vote after a decision has been announced by the Chair. After the decision of the question, an absent

member may be permitted to record the vote she/he would have given if present, but such vote shall not affect the previous question.

Voting shall be by electronic means (i.e., via the electronic voting system) unless conditions at the time of a given vote do not permit use of the electronic voting system (e.g., it is inoperable, not working properly, there is a power failure or other condition prohibiting electronic voting). In such a case, voting by a show of hands shall be in order. Also, nothing in this rule prohibits a voice vote or vote by show of hands for matters where there reasonably appears to be no opposition, such as a vote to adjourn, or a vote for unanimous consent to issue a resolution in honor of a citizen, group, achievement or the like; provided, however, that any member may call for an electronic vote on any matter for which a vote is required or called for, if any member shall feel that a voice vote or vote by show of hands is not sufficient; further provided that the electronic voting system is operable at the time of the call for an electronic vote.

Votes shall be recorded in the minutes.

Each member shall vote on each question put, except that no member shall be permitted to vote on any question in which that member has a direct personal or pecuniary interest, or in which that member perceives that he or she has a direct personal or pecuniary interest, or in which his or her participation might create an appearance of impropriety in that member's estimation. A Council member must be at his/her seat in order to vote for those at the dais. If a member does not declare a vote or an abstention, his/her vote shall be recorded with the prevailing side. If voting an abstention, a reason for the abstention must be stated and recorded in the minutes. No member shall, under any circumstances be permitted to vote after a decision has been announced by the Chair. After the decision of the question, an absent member may be permitted to record the vote she/he would have given if present, but such vote shall not affect the previous question.

Votes shall be recorded in the minutes.

### **5.22 Dividing Question**

Any member may call for the division of a question. Council may then divide it if the question can be so comprehended that, one part being taken away, the rest can stand entire for decision. A motion to divide the question shall require a second and shall be effective upon the vote of a majority of members present and voting. Provided, however, that a motion to "strike out and insert" may not be divided, but that rejection of a motion to "strike out" shall not preclude a motion to "strikeout and insert."

### **5.23 Reconsideration**

After a question has been decided, any member who voted with the prevailing side may move for a reconsideration, and any member may second such a motion. However, if Council either shall refuse to reconsider or shall affirm its first decision, then no further reconsideration shall be in order except by unanimous consent. The motion to reconsider shall have precedence over all other main motions, but it may be introduced only on the day of the decision in question or during the next succeeding session of Council prior to the approval of the minutes.

Any subsequent proposal to alter the decision of Council must take the form of a main motion to rescind.

#### **5.24 Public Inspection**

After adoption, the full ordinance shall be made available for public inspection at the Office of the Clerk of Council.

#### **5.25 Resolutions**

Council may adopt Resolutions to formally express its opinions or desires. Upon adoption, the Chairperson shall execute the document on behalf of the entire Council.

#### **5.26 Proclamations**

An individual council member may issue a Proclamation as an expression of his/her personal opinion or desire. The Proclamation shall be signed by the initiating council member and by the Chairperson, and shall not require action by the Council.

### **RULE VI: RULE CHANGES**

#### **6.1 Suspension/Amendments**

None of the foregoing rules shall be rescinded, suspended, or altered without unanimous consent, if without twenty-four (24) hours' notice, or without the concurrence of two-thirds of the members of the whole (e.g. eight out of eleven members) after previous notice of motion to rescind, suspend, or alter has been given at a prior meeting, and such alteration, suspension, or rescission shall be made only by written resolution.

These rules may be amended from time to time, as needed, at the discretion of the County Council upon approval by two-thirds of the members of the whole (e.g. eight out of eleven members) at a regularly scheduled Council meeting.

### **RULES VII: OFFICIALS TO SERVE THE COUNCIL**

#### **7.1 Administrator and Clerk of Council**

The Council shall appoint or elect a County Administrator and a Clerk of Council.