

ORDINANCE 4418

AN ORDINANCE AMENDING THE CITY OF HARTSVILLE CODE CHAPTER 2 "ADMINISTRATION" ARTICLE IV "BOARDS, COMMISSIONS AND COMMITTEES" DIVISION 1 "GENERALLY" SECTIONS 2-271 THROUGH 2-281.

WHEREAS, City Council would like to consider term changes and term limits for all boards, commissions and committees; and

WHEREAS, the sections of the City Code for all boards, commissions and committees, generally, has been reviewed and additional amendments are being considered as shown below.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the City of Hartsville that Chapter 2, Article VI, Sections 2-271 through 2-281 are hereby amended to read as follows:

Chapter 2. Administration.
Article IV. Boards, Commissions and Committees.
Section 2- 271 through 2-281.

Sec. 2-271. Standards of conduct and qualifications of members.

The following rules and regulations shall govern the qualifications and conduct of members appointed to the regulatory and advisory boards, commissions and committees of the city, except as provided in this division:

- (1) ~~(1)~~—All persons appointed to any board, commission or committee shall be city residents, except when professional qualifications are required for a position and, in the council's opinion, there are no acceptable and qualified residents to fill the vacancy or the nature of the board, commission or committee is such that members from outside the city are needed. Whenever outside residents are allowed, ~~75~~50 percent or more of all board, commission and committee members shall be city residents, unless otherwise authorized by City Council.
- (2) All appointments to a board, commission or committee shall be for a three (3) year term, unless a state or federal requirement dictates differently.
- (3) No member of the immediate family of any member of the city council shall be appointed to a city board, commission or committee which has any regulatory, judicial or legislative authority.
- (4) No city employee shall be eligible to serve on any Council appointed Board, Commission or committee.
- (5) Except when otherwise required by statute or ordinance, 50 percent or more of all members of city boards, commissions and committees shall be members whose businesses or professions are not related directly to the affairs conducted by the board, commission or committee to which such persons are appointed.
- (6) The Ethics Act, SC Code 8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the member (1991 Op. Atty. Gen. No. 91-37). A written statement describing the matter requiring action and the nature of the potential conflict of interest is required for inclusion in the meeting minutes.

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(74) No member shall receive any compensation for his services as a member of a board, commission, or committee.

(85) All members shall vote on every matter before the body. A motion fails ~~ifs~~ there is a tie vote.

Sec. 2-272. Notice of appointment.

All appointments to city boards, commissions and committees shall be made by written notice or appointment to the appointees by the city manager. Such notice shall clearly state that the appointment is subject to all provisions outlined in this division and that members so appointed may be removed by the city council for violation of any of the rules and regulations established by this division.

Sec. 2-273. Administrative execution by the city manager.

The city manager is authorized and directed to:

- (1) Apply the policies and standards of this division to all city boards, commissions and committees as may be created.
- (2) ~~Authorize the preparation of. Prepare~~ a letter of appointment, ~~along with on the reverse side of which shall be printed~~ a complete summary of the policies and standards outlined in this division. Such appointment shall be deemed accepted upon the execution of the letter of appointment. However, any member who finds himself unable to comply with the policies and standards provided in this division shall resign forthwith, and such action shall be without reflection upon the member's conduct or service to date.

Sec. 2-274. Expiration of terms—Date.

- (a) All terms of office on the various city boards, commissions and committees shall expire on June 30 of the appropriate year, ~~except for the terms of members of those boards, commissions or committees that are established by state law~~ or on the day the successor is appointed, ~~except for the terms of members of those boards, commissions or committees that are established by state law.~~
- (b) ~~Terms shall be limited to two consecutive terms without eligibility to serve on that board, commission or committee for at least one year thereafter. Notwithstanding the appointment to a board, commission or committee for a specified term, appointees shall serve until replaced by action of council. This term limit provision becomes effective with appointments made for the 2021 – 2022 fiscal year and continues each year thereafter.~~

Sec. 2-275. Same—Notice to council.

The city manager, or designee, shall notify the city council in the regular council agenda not later than two months in advance of the expiration of the term of all appointments to city boards, commissions or committees or immediately whenever a vacancy occurs because of a resignation, death or other cause. Such notice shall contain appropriate information incident to the policies established in this division and, when appropriate, shall include such manager's recommendations.

Sec. 2-276. Reappointment date.

The reappointment date of all members of city boards, commissions or committees shall be July 1 of the year of the expiration date of the member's tenure, except when otherwise required by statute or ordinance.

Sec. 2-277. Removal of members.

- (a) Members of city boards, commissions or committees appointed by the city council shall be subject to removal from office for any cause that to the council may seem sufficient. Every appointment to office is made and accepted with special reference to this section.
- (b) The ~~chairman~~chair of each board, commission or committee shall report to the city council the name of any member who misses two unexcused consecutive meetings and the reason for that member's nonattendance. The city council, at its discretion, may remove from office any member who misses two unexcused consecutive meetings after due notice to that member.

Sec. 2-278. Exceptions to policies, procedures and standards of conduct.

The city council recognizes that specific situations may arise which may require a clarification of the policies and procedures of this division and that the public interest may require that exceptions be made from this division. In such case, the city council may take formal action to make such clarification or exception, provided that the clarification or exception is publicly disclosed, together with the reasons therefor.

Sec. 2-279. Ad-hoc appointments.

The city council may from time to time appoint ad-hoc committees for a specific purpose and duration.

Sec. 2-280. Reporting procedures.

All appointed boards, commissions, and committees shall submit monthly meeting minutes to the city clerk for inclusion in city council's monthly agenda packet. ~~On an annual basis the board, commission or committee chairman, or designee, shall appear before council to make an annual report.~~

Sec. 2-281. Notice of meetings.

Pursuant to the South Carolina Freedom of Information Act, all board, commission and committee meetings must be held pursuant to a prior notice of date, time and place and such notice published on the city's website.

Secs. 2-282—2-305. Reserved.

ORDAINED IN MEETING DULY ADVERTISED AND ASSEMBLED on the ___ day of _____, 2021 and to become effective immediately upon final reading.

Carl M. (Mel) Pennington IV, Mayor.

ATTEST: _____
Sherron L. Skipper, City Clerk

First Reading: June 22, 2021
Public Hearing:
Final Reading: