

STATE OF SOUTH CAROLINA       )  
  )  
COUNTY OF HAMPTON               )

ORDINANCE #2019-007

**Rule 1. Short Title.**

This Ordinance may be cited as the Hampton County Rules of Parliamentary Procedure.

**Rule 2. Applicability; Deviation from Rules.**

**Note:** County council must select one of the three options set out below and delete the language of the two options not selected. The bold faced caption preceding the selected language should also be deleted. If the Second Alternative is chosen, the names of the boards and commissions must be inserted.

**Preferred Language (Rules to Apply to County Boards and Commissions).**

These Rules shall apply to all meetings of county council, including committee meetings, and to all boards and commissions for which the county council appoints a majority of the members. As used in these Rules, the term “Meeting” means the convening of a quorum of the membership of county council, or such other board or commission, to discuss or act upon a matter over which county council or such other board or commission has supervision, control, jurisdiction or advisory power; the term “Quorum” means a simple majority of the membership of the county council, or committee of county council, or such other board or commission. Where applicable, the term “county council” means not only the county council, but also any other board or commission in the county governed by these Rules.

These Rules were adopted as guidelines to assist county council and county boards and commissions 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, or a county board or commission. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties not otherwise imposed by law.

**Rule 3. *Model Rules of Parliamentary Procedure for South Carolina Counties and Robert’s Rules of Order Newly Revised* (current edition) to Govern Other Cases.**

County council will refer to the *Model Rules*, and the Comment 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.

### **Rule 3.1. 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.

### **Rule 4. Meetings, Notice.**

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 include the dates, times and places of the meetings.

Public notice of each called, special or rescheduled meeting 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. 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.

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.

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 canceled 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. Meeting notice requirements apply to committee meetings as well as meetings of the full council.

### **Rule 5. Agenda.**

Every meeting shall have an agenda. The agenda will be compiled at the direction of the council chair by the clerk to council or such other person as may be designated. The agenda shall be posted, pursuant to Rule 4 and as required by the Freedom of Information Act, at least twenty-four hours prior to meetings. Additionally, 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.

The agenda will designate the time and location of the meeting and the type of meeting to be held: council session, committee meeting, public hearing, public comment, workshop or emergency session.

## **Rule 6. Hearings.**

### **A. 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;
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 above categories of ordinances.

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 ten days prior notice 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.

### **B. Quasi-Judicial Hearings.**

When conducting a quasi-judicial hearing, county council takes on the role of an impartial trier of fact in a dispute involving the legal rights of one or more parties. In a quasi-judicial hearing, council members must be careful to provide basic rights due under state and federal constitutions and statutes. Among these basic rights, which council must protect, are the right to an attorney, the right to cross examine witnesses and the right to due process. Further, council members must base their decisions on the evidence presented at the hearing and must not

discuss the case beforehand or be influenced by the opinions of others who are not a part of the proceedings.

#### **Rule 7. Minutes; Ordinances to Be Codified.**

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.

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. 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 Model Rule 11.
5. Any other information that a member of council requests to be included or reflected in the minutes.

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.

#### **Rule 8. Voting.**

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.

##### **A. Passage by Majority Vote.**

The term "majority" or "simple majority" means more than half of those present and voting. When a two-thirds majority is required, the term "two-thirds majority" means at least two-thirds of those present and voting. The term "positive majority" means a majority of the members of council, regardless of whether they are present or not.

Except as otherwise provided for in these Rules, or by pertinent state or federal statute, any ordinance, resolution or motion passes if it receives a 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:

**Two-thirds Majority:**

1. Adoption of an emergency ordinance (§ 4-9-130);
2. Removal of an employee appointed by a county supervisor (§ 4-9-430);
3. Sale or transfer of the county library assets for a non-library purpose (§ 4-9-39);
4. Defeat of a Motion to Follow the Agenda (Rule 14, ¶ 5);
5. Passage of Motion to Suspend the Rules (Rule 16, ¶ 3); and
6. Passage of a Motion to Call for the Question [Vote Immediately] (Rule 15, ¶ 2).

**Positive Majority:**

1. Impose or increase a business license tax (§ 6-1-315);
2. Override the millage rate increase limitation on property taxes (§ 6-1-320(C));
3. Impose a service or user fee (§ 6-1-330);
4. Impose a local accommodations tax (§ 6-1-520);
5. Impose a local hospitality tax (§ 6-1-720); and
6. Impose a developmental impact fee (§ 6-1-930).

**B. Voting on Motions.**

In the case of debatable motions, the vote can be proposed in one of two ways:

(1) 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;

(2) 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.

**C. Voting to Elect Boards, Committees and Commissions.**

When council is voting to elect one or more persons to open positions on a board, committee or commission, ballot elections should be used if the number of candidates exceeds the number of positions available. As an alternative to the ballot method, a majority of council may decide to vote on each nominee individually, taking them up in the order nominated. If the

number of vacant positions equals or exceeds the number of candidates available, the council may dispense with the process under this Rule and appoint by acclamation or similar method.

Once the election process begins, motions are limited to Rule 14 privileged motions (adjourn, recede, raise a question of privilege, convene an executive session, or follow the agenda); to the following Rule 15 subsidiary motions: motion to postpone and motion to commit; and to the Rule 16 incidental motion of the point of order. All other motions are out of order until the election process is completed.

With a ballot election, each council member shall vote—on one ballot—for up to as many positions as are open. Each member shall sign or otherwise mark his or her ballot and the minutes will reflect each member’s vote. Members may vote by ballot for someone who was not nominated.

Each ballot is considered one vote cast, and a candidate must receive a majority of votes to be elected. If no candidate receives a majority vote, balloting continues as needed until all positions are filled. If fewer than the proper number of candidates receive a majority vote, those candidates receiving a majority are elected, and balloting continues with all other candidates remaining on the ballot. If more candidates receive a majority vote than there are positions open, those receiving the largest number of votes will be elected and those receiving a majority, but tied for last of those receiving a majority, will remain on the ballot for repeat balloting, as needed. If all positions are not filled after the first vote, no candidates shall be involuntarily eliminated.

## **Model Rule 9. Ordinances and Resolutions.**

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.

Proposed ordinances and resolutions are introduced for discussion by any member of council offering the ordinance or 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.

County Council may introduce an ordinance and give first reading “by title only.” When giving first reading by title only, the minutes of the meeting should show that Council believed there was a valid reason for expediting the ordinance and that there was a general understanding by the Council of what the first draft of the ordinance would have said, had it been in writing.

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.

Legislation affecting the following issues can only be enacted by ordinance and require a public hearing, as set out in Rule 6, 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.

#### **Rule 10. 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.

#### **Rule 11. Conflicts of Interest.**

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 that 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.

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.

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.

### **Rule 12. 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.

### **Rule 13. Procedural Motions.**

During the course of debate, council members may introduce procedural motions, which are limited to those specific motions described in Rules 14 through 17. 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 Rules 14 through 17, 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.

### **Rule 14. Privileged Motions.**

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 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.

Privileged motions 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 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, a 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 Rule 7. 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.

## **Rule 15. Subsidiary Motions.**

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 neither debatable nor amendable, but it can be reconsidered up until a vote is 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 may 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. 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.

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.

### **Rule 16. 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 that 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 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.**

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.

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: Motion to Limit/Extend Debate, Motion to Call for the Question [Vote Immediately], Motion to Commit, Motion to Postpone/Motion to Postpone to a Time Certain and the 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.**

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.

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.**

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.

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: Motion to Amend and Motion to Limit/Extend Debate.

## **5. Motion to Consider by Paragraph/Motion to Consider by Section.**

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 his or her own initiative or by the county council following the adoption of a motion by any member.

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: Motion to Amend and Motion to Limit/Extend Debate.

## **6. Requests and Inquiries.**

From time to time, council members may need additional background information or may wish to provide such information, so that the council can understand better the issue under discussion. Requests and inquiries provide the vehicle for exchanging this information. 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.

#### **Rule 17. Recall Motions.**

Two recall motions allow issues 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.**

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 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.

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.**

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. A majority vote is required for passage of either motion.

**Model Rule 18.** Discipline of Individual Council Member.

A member of the body may be disciplined by the chair during an active meeting for conduct that substantially impairs the ability of the body to conduct the meeting. The member shall be given an initial warning by the chair that his or her conduct is in breach of the rules of the body. The member may only be removed from an active meeting by the chair if the chair determines that such conduct has substantially impaired the body's ability to conduct the meeting. The removal of the member shall continue for such time as determined by the body, not to exceed adjournment of the active meeting.

(Comment: The South Carolina Attorney General has opined that discipline of council members is an inherent legislative function 67 of county council. The courts however, have not considered the issue. Therefore, SCAC has developed a conservative Model Rule to address issues of member conduct. This Model Rule therefore requires a two-thirds vote to remove a member from a meeting. The chair should exert as much influence as needed to maintain order. If a member's conduct substantially impairs the body's ability to continue an active meeting the body should impose discipline upon that member to return the meeting to order. The chair should initially warn the member concerning the conduct. The removal of a member should be a final and last resort action.)

DONE in regular meeting this 4<sup>th</sup> DAY OF November 2019.