

CITY OF
BEAUFORT
SOUTH CAROLINA
FOUNDED 1711

City Council
Standard Operating Procedures
Manual

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By Resolution

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Foreword

In the course of serving as a public official, there are myriad of issues with which you will become involved. This standard operating procedures (SOP) manual attempts to centralize information on common issues related to local government and your role as a member of the Beaufort City Council.

The issues that are addressed in this publication are often complex and subjective. This manual is intended to be a guide and is not a substitute for the counsel, guidance, or opinion of the city management or the City Attorney.

The standard operating procedures included in this reference document have been formally adopted by the City Council. Provisions contained herein will be reviewed and updated as needed.

Chapter 1 **Introduction and Overview**

1.01 Purpose of City Council Standard Operating Procedures (SOP) Manual

The City of Beaufort has prepared its own standard operating procedures (SOP) manual to assist the City Council by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council and staff to be bound by these practices.

1.02 Council-Manager Form of Government

The City of Beaufort is a Council-Manager form of government. As described in the City of Beaufort Municipal Code [Section 1-1001](#) and South Carolina State Code Section [5-13-20](#), certain responsibilities are vested in the City Council and the City Manager. Basically, this form of government prescribes that a City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines what public policy is and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner.

1.03 Municipal Association of South Carolina (MASC) Resources

The [Handbook for Municipal Officials in South Carolina](#), published by the Municipal Association of South Carolina, provides a wealth of general information on the major functions of a Council Member's job as a locally elected official. Other publications that complement the handbook are [Forms and Powers of Municipal Government](#), the [Comprehensive Planning Guide for Local Governments](#), [How to Conduct Effective Meetings](#), and the [Freedom of Information Act booklet](#). These documents are linked here for Council Members in this Manual and are also available on the MASC website at <https://www.masc.sc/publications>. They should be reviewed and considered as valid resources to guide the conduct of city business.

1.04 Overview of Basic City Documents

This standard operating procedures (SOP) manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council rules and procedures.

A. City of Beaufort Municipal Code

The [municipal code](#) contains local laws and regulations adopted by ordinances. Part 1 of the code addresses the role of the City Council, describes the organization of City Council meetings and responsibilities and appointment of certain city staff positions and advisory boards and commissions. In addition to these administrative matters, the municipal code contains a variety of laws including, but not limited to, zoning standards, known as the Beaufort Code, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

B. South Carolina Code of Laws Unannotated

The state laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. [Title 5 - Municipal Corporations](#) provides the framework for the operations of city and town governments.

C. Civic Master Plan

The purpose of the [Civic Master Plan](#) is to identify and prioritize the long-term allocation for public investment in the City of Beaufort's infrastructure. In the context of this plan, "infrastructure" means the utility, public service and transportation systems that provide essential services, as well as the network of open spaces, institutional buildings, and natural areas—including plazas, parks, museums, schools and greenways—that complete the city's public realm. This plan is a long-range tool used for framing the comprehensive plan and other aspects of city planning.

D. Comprehensive Plan

A state-mandated [comprehensive plan](#) addresses the City's long-range planning needs relative to land use, transportation, economic development, and other planning elements. The City's comprehensive plan is reviewed on an ongoing basis but must be reviewed every five years and updated every 10 years. S.C. Code Sections 6-29-340, 6-29-510(E).

E. Strategic Plan

The city's [strategic plan](#) is adopted by City Council every two years and provides the vision, mission, key focus areas, and strategic initiatives for city operations during the period of planning. This document guides the annual plans of work within each department of the city and shapes the annual budget.

F. Annual Budget

The [annual budget](#) is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

G. Annual Comprehensive Financial Report

The [annual comprehensive financial report](#) includes the financial statements of the City for a calendar year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial report includes statements for the various groups of funds and a consolidated group of statements for the City as a whole.

H. Ten-year Capital Improvement Program

The Ten-year Capital Improvement Program serves as a guide for determining priorities, planning, financing, and constructing capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of city services.

I. Continuity of Operations Plan (COOP)

The City maintains a continuity of operations plan that outlines actions to be taken during times of extreme emergency and disruptions to City operations. The Mayor may be called upon to declare the emergency, and then the City Manager directs all disaster or emergency response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident.

1.05 Orientation of New Members

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the City Manager and City Clerk will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff. Another training opportunity for new members is the Municipal Association of South Carolina's newly elected officials training program. If at any time, there are facilities or programs about which members of council would like more information, staff will accommodate requests for further information.

Chapter 2

Beaufort City Council: General Powers and Responsibilities

2.01 City Council Generally

Fundamentally, the powers of the City Council are to be utilized for the good of the community and its residents; to provide for the health, safety and general welfare of the citizenry. The City Council is the policy making and law making body of the City. State law and local ordinances grant the powers and responsibilities of the Council.

It is important to note that the Council acts as a body and speaks with one “corporate voice.” No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below with some exceptions for emergency declarations, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Council Members should respect adopted Council policy. In turn, it is staff’s responsibility to ensure the policy of the Council is executed.

Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council Members who held a minority opinion on an issue.

A. Council Non-Participation in Administration

In order to uphold the integrity of the council-manager form of government, and to provide proper checks and balances, members of the City Council shall refrain from becoming directly involved in the administrative affairs of the City. [SC Code 5-13-40](#) specifically prohibits interference by Council Members in the city’s administrative service, including the hiring, firing, and work of city staff, with the exception of the City Manager, who is a contract employee appointed by Council.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager. Subject to [SC Code 5-13-30](#) and the holding of executive sessions to discuss and review personnel matters, the Council is not prohibited, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs.

2.02 Role of Council Members

Members of the Beaufort City Council are collectively responsible for establishing policy, adopting an annual budget, and providing a strategic vision and goals to the City Manager. The following outline is a brief description of the various duties of Council Members. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

A. Summary of Council Duties and Responsibilities

a. Establish Policy

- i. Adopt goals and objectives
- ii. Establish priorities for public services
- iii. Approve/amend the operating and capital budgets
- iv. Approve contracts over \$100,000 that are not already approved in the regular budgeting process
- v. Adopt resolutions

b. Enact Local Laws

- i. Adopt ordinances

c. Supervise Appointed Officials

- i. Appoint City Manager, Municipal Judge, and Municipal Attorney
- ii. Evaluate performance of City Manager, Municipal Judge, and Municipal Attorney
- iii. Establish advisory boards and commissions
- iv. Make appointments to advisory bodies
- v. Provide direction to advisory bodies

d. Provide Public Leadership

- i. Relate wishes of constituents to promote representative governance
- ii. Mediate conflicting interests while building a consensus
- iii. Call special elections as necessary
- iv. Communicate the City's vision and goals to constituents
- v. Represent the City's interest at regional, county, state, and federal levels

e. Decision-Making

- i. Study problems
- ii. Review alternatives
- iii. Determine best course of public policy

2.03 Role of Mayor

G. Presiding Officer

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists. The Mayor does not possess any power of veto. The Mayor may not move an action, but may second a motion.

H. Ceremonial Representative

Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. The Mayor is vested with the authority to initiate and execute proclamations. In the Mayor's absence, the Mayor Pro Tempore assumes this responsibility. Should both the Mayor and Mayor Pro Tempore be absent, the Mayor will appoint another Council Member to assume this responsibility.

2.04 Absence of Mayor and Council Members

In the absence of the Mayor, the Mayor Pro Tempore shall perform the duties of the Mayor. When both the Mayor and Mayor Pro Tempore are absent, the Council may choose from among its members a person to serve as acting mayor, who shall, for the term of such absence, have the powers of the Mayor.

If the Mayor or other Council Members are absent from the City for more than 15 days, they shall notify the other Council Members and the City Manager of such absence.

2.05 Election of Mayor Pro Tempore or Acting Mayor

Procedures for electing the Mayor Pro Tempore or an Acting Mayor are as follows:

A. Biennial Selection of Mayor Pro Tempore

Biennially, at the first meeting of the new Council, the members thereof will choose an officer from their number who will have the title of Mayor Pro Tempore (Mayor Pro Tem). In addition to the powers conferred upon him/her as Mayor Pro Tempore, he/she will continue to have all the rights, privileges, and immunities of a member of the Council.

B. Nominations

The City Clerk will conduct the election for Mayor Pro Tempore. The City Clerk will call for nominations. Each member of the City Council will be permitted to nominate one (1) person, and nominations will not require a second. A nominee

who wishes to decline the nomination will so state at this time. Nominations are then closed.

C. Casting Ballots

Except when there is only one nominee, election will be by written ballot. Each ballot will contain the name of the Councilmember who cast it. The City Clerk will publicly announce the results of the election by reading each ballot into the record, stating the name of each voting Councilmember and the manner in which the Councilmember voted. Thereafter, the City Clerk will record in the minutes of the meeting the manner in which each voting member of the Council cast his or her ballot. To be elected, a nominee must receive a majority vote of the members present.

D. Ties

Ties decided by coin toss.

E. Resignation of Mayor Pro Tempore

If the Mayor Pro Tempore resigns, the City Council will fill the role of Mayor Pro Tempore in the same process outlined above for the selection of a Mayor Pro Tempore.

2.06 Emergency Response

The Mayor shall sign declarations of emergency when necessary in accordance with applicable local ordinances and state laws.

2.07 Appointment of Officers

The City Council is responsible for appointing the [City Manager](#), a [Municipal Attorney](#), and a [Municipal Judge](#). The City Manager serves at the pleasure of the Council according to the terms of his or her employment contract. The Municipal Attorney and Municipal Judge serve for a term of 2 years.

2.08 Advisory Bodies

A. Appointments Made by the Council

Boards, commissions and citizen committees provide a great deal of assistance to the Beaufort City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards and commissions. In addition, special purpose committees and task forces are often

appointed by the City Council to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

The procedures established in this manual reflect the policy of the City Council regarding the appointment of volunteer citizens to the various advisory bodies of the City. The establishment of these procedures ensures that well-qualified, responsible, and willing citizens are given the opportunity to serve the City and participate in the governing of their community.

The City Council is empowered to create advisory boards and commissions pursuant to various provisions of the South Carolina Code and may also create such advisory boards or commissions not specifically enumerated, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate desire to serve on such boards or commissions.

1. For full-term vacancies, the following filing period is established: first Wednesday of January through second full week of February. The City Clerk will:
 - i. Publicly announce the position vacancy and filing period by publication.
 - ii. Notify by e-mail the incumbents of advisory boards and commissions whose terms are expiring of such term expiration and inviting incumbent to consider reapplying.
 - iii. For partial-term vacancies, a minimum 30-day filing period applies, with dates to be determined by the City Clerk. Partial-term vacancies will be filled as outlined in Section 2.08(A)(1(i), above.

B. Qualifications, Terms of Service, Forms

Persons wishing to be considered for appointment or reappointment will submit to the City Clerk's Office an application on a form provided by that office. The Council will review applications and make appointments. Such applications will remain current for three years from the date of application.

Inasmuch as the qualifications and terms of service for each advisory body set forth in the Beaufort Municipal Code may differ from each other, a membership and qualification matrix is appended to this document for Council

reference. It is the policy of the City Council to evaluate each applicant on an objective basis, utilizing the following criteria:

1. **Residency** - Residency requirements for advisory boards and commissions are noted in applicable sections of the Beaufort Municipal Code.
2. **Sectional Composition** - Normally, consideration should be given toward maintaining an equitable balance of community representation on all boards and commissions.

The City Council will not appoint multiple members from the same immediate family or household to a single board or commission, in order to avoid the reality or appearance of improper influence or favor.

The City Council will not appoint members of Council Members' immediate families or households to boards or commissions to avoid the appearance of favor and to increase community representation.

3. **Occupation** - The Council will attempt to maintain a requisite broad mix of occupational backgrounds on all boards and commissions.
4. **Knowledge of Municipal and Planning Process** - When ranking equally qualified applicants, the Council will consider background experience and knowledge of the municipal process as appropriate to the position, in reaching its decisions.
5. **Contributive Potential** - The Council will evaluate the potential contribution that each applicant may make if appointed to a board or commission. Criteria to guide the Council in its evaluation may include:
 - i. Ability to communicate
 - ii. Desire to perform public service
 - iii. Ability to express ideas, concepts, or philosophies
 - iv. Desire to participate in decision-making process
6. **Leadership Potential** - Since each appointee may be called upon to serve as a Chair, the Council will evaluate leadership abilities, such as:
 - i. Past or present leadership experience (current employment, special interests, etc.)
 - ii. Past or present participation in community services
 - iii. Expressed interest in a leadership role

7. The City Council will not appoint persons to serve as members of more than one board or commission at the same time; however, persons serving on a board or commission who have requested appointment to another board or commission position may be appointed to such position if they, concurrent with the appointment, resign from the board or commission position they are holding at the time of the new appointment.

C. Reappointment Criteria

At such time as reappointment is considered, the Council will be guided by the following performance criteria:

1. Regularity of Attendance
2. Understanding of board or commission function
3. Demonstrated leadership
4. Effectiveness
5. Demonstrated contribution during past term of office on issues, programs, policies, etc., of the advisory board or commission
6. Objectivity

D. Council Interview Period

It shall be the privilege of the Council to personally interview each applicant individually, at a time and place to be designated by the Council.

However, the Council reserves the right to make appointments after reviewing applications and without conducting interviews. Prior to making selections pursuant to subsection a. below, the Council further reserves the right to reduce the number of applicants by using a procedure chosen by a majority of Council without conducting interviews.

1. **Council Evaluation & Selection** - After each applicant or member is evaluated, the Council will deliberate and reach a decision at its earliest convenience, using the following procedure.

Council Members will cast their votes using a written ballot to be provided by the City Clerk's Office. Each ballot will contain an alphabetical-by-last-name list of all applicants (primary and alternate interest) for that particular advisory body, and Council Members will cast the same number of votes as there are vacancies.

For example, a ballot for the Historic District Review Board contains the names of all nine of the applicants who expressed either primary or alternate interest in serving on the Historic District Review Board. If there

are only four vacancies on the Historic District Review Board, each Council Member would cast four votes on the Historic District Review Board ballot.

After all votes are cast, staff will collect the ballots, tally the votes, and assign position numbers to the applicants who receive a majority of votes of Council Members voting. Following this tallying, the results of the voting and position numbers will be announced to the Council for subsequent action to ratify the results of the voting.

All written ballots used to select board and commission members will be retained with the agenda minutes for that Council meeting.

2. **Decision & Announcement** – The results of each vote will be announced during the public meeting and each applicant will be notified by e-mail of the decision of the Council. The City Clerk will also notify the Chair of the affected board or commission of its decision.

E. Resignations

In the interest of timely noticing of vacancies, and to minimize the impact of such vacancies on boards and commissions, the City Council delegates to the Mayor the authority to accept resignations. Following the Mayor's acceptance of the resignation, the members of Council will be notified and the City Clerk is authorized to advertise such vacancies according to the process set forth in Section 2.08(A).

F. Representation by Council Members

The City Council is often requested to appoint Council Members to serve on outside boards, councils, commissions, or committees. This type of representation serves to facilitate communication and provide interaction with other governmental bodies. The City Council appoints members to some of these groups on an as-needed or as-requested basis.

Membership appointment to these groups shall be made by consensus of the Council. If more than one Council Member desires to serve as a member of a particular outside group, the member for that group will be appointed by a majority vote of the Council.

Where applicable, Council will appoint an alternate to attend outside boards, councils, commissions, or committees, if the main delegate to such group is unable to attend a meeting of the group. If after hours, the main delegate will notify the alternate as soon as possible after the main delegate realizes they will be unable to attend an upcoming meeting of the outside group. If during

regular business hours, the main delegate will notify the City Clerk. The City Clerk will immediately attempt to notify the alternate of the need for their attendance at the outside group meeting.

Council Members participating in policy discussions at regional meetings will represent the consensus of the Council, except where regional appointment requires regional opinion. Personal positions, when given, will be identified and not represented as the position of the City. Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

G. Council Members' Role and Relationship with City Advisory Bodies

1. In accordance with the provisions of state law, Council Members shall not be appointed to City advisory bodies concurrent with their term of office as Council Member.

Unless specifically authorized by majority vote of a quorum of the Council, no Council Member shall be authorized to state or testify to the policy or position of the Council before any advisory board or commission of the City prior to such policy or position being formally adopted by the Council.

2. Limitations on the conduct of Council Members before the City's advisory boards and commissions should be voluntarily undertaken in order to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following protocol should be observed:

Council Members shall not testify in quasi-judicial matters pending before any advisory board or commission that will receive, or could potentially receive, future appeal or review before the City Council. Violation of this protocol may require the Council Member to disqualify him- or herself from participating in any appeal or review proceedings before the City Council.

Council Members, in their capacity as private citizens, should refrain from providing testimony in legislative or administrative matters pending before any advisory board that will receive, or could potentially receive, future review or other action before the Council. Where a Council Member elects to provide such testimony, the following rules shall apply:

- a. The Council Member shall declare at the outset and upon the record that the Council Member is present in his or her private capacity as an interested citizen, and not on behalf or at the request of the City Council.

- b. The Council Member shall refrain from stating or implying that the Council Member's position or opinion is that of the City Council.
- c. The Council Member shall refrain from directing City staff or the advisory body to take any action on behalf of the Council Member.
- d. The Council Member shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the advisory board.

2.09 Rules of Conduct

By being elected to Council or accepting appointment to any City board or commission, members thereby agree to conduct themselves in accordance with the following rules of conduct.

1. All members of City Council, boards, and commissions will abide by all applicable state laws, city ordinances, and other doctrines relating to the conduct of council, board or commission members, including, but not limited to, conflict of interest statutes, open meetings and freedom of information laws, and any other laws, rules, and regulations relating to the member's office.
2. Members of City council, boards, and commissions will not testify in their capacity as a council, board, or commission member, before any other board, commission, administrative officer or agency of the federal government, the State of South Carolina or of any county or other municipal corporation, including cities and towns, except as hereinafter provided. Exceptions to the policy set forth above shall be as follows:
 - i. If the member is testifying in such a capacity pursuant to a lawfully issued subpoena; or
 - ii. In the event the board or commission has designated the member or members to act as a spokesperson for the board or commission to explain the majority vote and recommendation of that board or commission; or
 - iii. In the event the City Council appoints the member or members to represent the City before another tribunal.
3. Notwithstanding the foregoing, nothing contained herein is intended to preclude a council, board, or commission member from speaking as an individual citizen, so long as the following conditions are met:

- i. The individual clearly identifies that he/she is speaking only as an individual citizen and is not in any manner representing or speaking on behalf of the board or commission of which he/she is a member; and
- ii. No council, board, or commission member testifies orally or in writing as to any quasi-judicial matter being heard, or having the possibility of being heard, by the board or commission of which the person is a member.

2.10 Incompatibility of Offices

The South Carolina Constitution contains two separate provisions – Article VI, Section 3, and Article XVII, Section 1A – that use identical language: “No person may hold two offices of honor or profit at the same time.” SC state law specifically prohibits municipal dual office holding. [SC Code Section 5-7-180](#) provides that “no mayor or councilman shall hold any other municipal office or municipal employment while serving the term for which he was elected.” See the MASC [discussion](#) on this topic for further explanation.

Chapter 3

Support Provided to City Council

3.01 Staff/Clerical Support

Staff and administrative support to members of the City Council is provided through the City Manager's Office. Secretarial services, including scheduling of appointments, receipt of telephone messages, and word processing, are available as needed. Sensitivity to the workload of support staff members is appreciated. Please note that individuals may have work assignments with high priority. Due to significant time commitments faced by staff on a regular basis, Council Members should consult with the City Manager prior to requesting assignments.

3.02 Office Equipment

To enhance Council Members' service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment for City business.

The Information Technology Services Division (IT) will provide a City email account to all members of City Council. IT may provide a city owned laptop and city owned cell phone, at the request of Council members, for official City use. Information Services will ensure that all appropriate software is installed and will also provide an orientation in the use of computers and related software. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Personal media and programs cannot be stored on City computers. All policies under the City of Beaufort Information Technology Services Security Policies must be followed and it is the responsibility of each member of Council to safeguard assigned equipment.

Throughout Council Member terms, City equipment is subject to audit. Virus protection software must not be disabled at any time on City equipment and non-city programs or media found during audits will be removed. When individual Council Members have completed their term of office, IT staff will retrieve City computers, software, and modems.

3.03 Meeting Rooms

Use of the conference room or other meeting space may be scheduled with the City Clerk.

3.04 Mail and Deliveries

Members of the City Council receive a large volume of mail and other materials that will be maintained and distributed by the City Clerk.

Chapter 4 **Financial Matters**

4.01 Council Compensation

The municipal code provides for payment of a modest honorarium or salary to members of the City Council. No ordinance changing these salaries shall become effective until the date of commencement of the terms of the mayor and council members elected at the next general election following any change. ([Beaufort City Code Sec. 1-2003](#)).

4.02 Financial Disclosure

Candidates for the office of Council Member shall file a [financial disclosure statement](#) with the South Carolina State Ethics Commission as required by law. Council Members are required to file a [financial disclosure statement](#) with the Commission on an annual basis before March 30 of each year covering the previous calendar year. Council Members whose terms expire on December 31 shall file the statement for the year that ended on that December 31. Statements filed in any of the above cases will be available for public inspection.

4.03 Travel Policy

Members of the City Council, City boards and commissions are subject to the following travel policy:

A. Travel Arrangements

All reasonable transportation expenses for approved travel will be reimbursed. Any travel involving an overnight stay should have the prior approval of the City Manager.

Elected and appointed officials should endeavor to attend training and conferences in the state whenever possible, if such training or conference is of comparable value to that offered out of state.

All travel arrangements will be coordinated through the City Clerk.

Chapter 5

Communications

5.01 Correspondence from Council Members

Members of the City Council will often be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of Council will often prepare letters for constituents in response to inquiries, or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to correspond on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of Council. City letterhead and office support may be utilized in these circumstances.

Council Members may occasionally be asked to prepare letters of recommendation for students or others seeking employment or appointment. It is appropriate for Council Members to utilize City letterhead and their Council titles for such letters.

City letterhead and staff support cannot be utilized for personal or political purposes.

Council Members are encouraged to copy all other members of Council when corresponding with the public in an official capacity.

5.02 Local Ballot Measures

At times, initiatives may be placed on the ballots that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

5.03 Proclamations

Proclamations are issued by the Mayor as a ceremonial commemoration of an event or issue (i.e., National Night Out). Proclamations are not statements of policy, and do not require the approval or action of the Council. Proclamations are a manner in which the City can make special recognition of an individual, event, or issue. Proclamations may or may be, but are not required to be, issued during a regular council meeting.

5.04 South Carolina Public Records Laws and Freedom of Information Act

To ensure that business communications submitted to and by elected and appointed officials comply with [South Carolina Code Title 30](#), the following is set forth:

Communications - Generally

All letters, memoranda, and interactive computer communication involving City Council Members and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions as stated by the Freedom of Information Act, are public records. Copies of such letters, memoranda, and interactive computer communication may not be provided to the public or news media without the filing of a public disclosure request with the City Clerk.

Written Communications

Written letters and memoranda received by the City, addressed to a Council Member or the Council as a body, will be photocopied and provided to all City Council Members, and a copy kept according to the City's Records Retention Schedule.

Electronic Communications

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
3. E-mail communications that are intended to be shared among three or more Council Members or what would be considered a quorum of any

appointed board members, whether concurrently or serially must be considered in light of open public meetings laws. If the intended purpose of the e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. Further, the use of e-mail communication to form a collective decision of the Council is inappropriate.

4. E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other “confidential” City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.

Chapter 6

Conflicts of Interest, Appearance of Fairness, and Liability of Elected Officials

6.01 Conflicts of Interest

The conflict of interest law is one of the most complicated laws on the books. To understand its effect on a Council Member's actions, it is suggested that members discuss the law and potential conflicts with a private attorney or the City Attorney. It is imperative that Council Members identify in advance what their conflicts are.

It is illegal to fail to declare a conflict of interest, or to participate or otherwise be involved in discussions on issues or contracts where such an interest exists. Violations of the conflict of interest law may result in significant penalties, including criminal prosecution.

A. Applicability

All City officers, elected and appointed, are subject to the conflict of interest laws in [SC Code Section 8-13-700](#). This includes Council Members.

B. Declaration of a Conflict

When a substantial interest exists, the City official must:

- i) Refrain from voting or in any way influencing a decision of the City Council; and
- ii) Declare that a conflict of interest exists and make it known in the official records of the City by completing the appropriate form provided by the City Clerk.

Should a situation arise wherein a majority of Council Members or a majority of a quorum of those present at a Council meeting have a substantial conflict of interest, state law provides that if the conflict of interest statutes prevent the City Council from acting as required by law in its official capacity, such action shall be allowed if the members of the Council with the apparent conflicts of interest make them known.

C. City Attorney Opinions

A Council Member's request for an opinion from the City Attorney concerning conflict of interest is confidential. However, formal final opinions are a matter of public record and must be filed with the City Clerk. This filing requirement does not apply to verbal communications between Council Members and the City Attorney.

D. Filing of Disclosures

The City Clerk maintains a special file for all disclosures and legal opinions of conflicts of interest.

E. Prohibited Acts

- i) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
- ii) No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- iii) No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- iv) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

6.02 Liability

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high profile services (i.e., police, parks, roads, land use), risk cannot be eliminated. To better manage insurance and risk, the City participates in risk- and loss-control activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in the member being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

Elected and appointed officials will participate in risk management training to reduce liability due to actions taken, especially in the areas of land use.

Chapter 7

Interaction with City Staff/Officials

7.01 Council/Manager Interaction and the ICMA Code of Ethics

The City Manager is subject to a professional code of ethics as a member of the International City/County Management Association (ICMA). These principles appear in the Appendix of this manual. It should be noted that this code binds the City Manager to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by ICMA.

7.02 City Council/City Attorney Relationship

The City Attorney is appointed by the City Council. Legal professional services performed under contract or agreement shall be consistent with the City's adopted Procurement Policy. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

- i. provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- ii. represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
- iii. prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
- iv. keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

It is important to note that the City Attorney does not represent individual members of Council, but rather the City Council as a whole.

7.03 Dissemination of Information

In addition to regular, comprehensive memoranda written by the City Manager directly to City Council concerning all aspects of City operations (exclusive of confidential personnel issues), all Council Members receive copies of all correspondence received by the City Manager that will assist in them in their policy-making role.

A variety of methods are used to share information with Council. Workshops and worksessions are held to provide detailed presentations of matters. Council/staff retreats

serve to focus on topics and enhance information exchange. The City Manager's open-door policy allows individual Council Members to meet with the Manager on an impromptu or one-on-one basis.

7.04 Staff Relationship to Advisory Bodies

Staff support and assistance may be provided to advisory boards, commissions, and task forces. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Staff support includes: (1) preparation of a summary agenda after approval by the chairperson; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as outlined in Section 8.05 of this manual. In addition, when an advisory body wishes to correspond with an outside agency regarding official city business, they will correspond through city staff, or the correspondence shall be reviewed and approved by the City Council.

7.05 Council Attendance Policy

Council Members are required to regularly attend Council meetings. [Attendance](#) may be in person, telephonically, or by other electronic means.

At the start of each City Council meeting, the Mayor or City Clerk, or designee, will call the roll. Any absent Council Member who has called the Mayor or City Manager's Office prior to 5:00 p.m. on the day of the meeting to advise of such absence will be deemed excused.

Chapter 8

City Council Meetings

The City Council's collective policy and law-making powers are put into action at the council meetings. It is here that the Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the citizenry, and the openness of council meetings all lend themselves to the essential democratic nature of local government.

8.01 Meeting Schedule

Regular meetings are held the second Tuesday of each month at 7:00 p.m., in the Beaufort City Hall Council Meeting Chambers located at 1911 Boundary Street, Beaufort, SC 29902. Should these days happen to be designated as a legal holiday, the Council meeting will be held the third Tuesday of the month. Worksessions are held on the second Tuesday of each month, beginning at 5:00 p.m., in the Beaufort City Hall Planning Conference Room located at 1911 Boundary Street, Beaufort, SC 29902. The Mayor or a majority of Council may call for additional worksessions on the third and fourth Tuesday of any month, also to be held at 5:00 p.m. No final action shall be taken on any matter at any worksession.

Special meetings of council may be held on the call of the mayor or of a majority of the members of Council. Notice of a special meeting shall be given immediately to all available members and publicly noticed as required by all applicable local and state laws.

8.02 Public Notice of Meetings and Hearings

Pursuant to [SC Code Section 5-7-250](#), cities are charged with establishing a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. The procedure followed by the City of Beaufort is as follows:

A. Notices

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council or the City's Boards and Commissions shall be given by a publication of a notice containing the time, place, and date of the meetings each January in a publication of general circulation. Specially called meetings will be publicly posted, shared on the City website and social media accounts.

B. Preliminary Agenda of Council Meeting

The public shall be notified of the preliminary agenda for the forthcoming regular City Council meeting by posting a copy of the agenda in the first floor lobby of City Hall at least 24 hours, but as soon as practical, in advance of the meeting. Agendas will be shared on the City website.

For special meetings, only those items specifically listed on the agenda may be discussed, considered, or decided.

C. Duties of City Clerk

The City Clerk is directed to publish notices and post agendas as required by Section 8.02 of the Beaufort City Council Procedures Manual.

8.03 Special Meetings

Special meetings may be called by either the Mayor or by a majority of the Council Members. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, or electronically written notice to each member of the Council and post on the City website and social media accounts at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

8.04 Worksessions

The City Council may meet informally in a worksession. The worksession is the forum used by Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the City Manager and others. Further, the purpose of worksessions is to allow Councilmembers to do concentrated preliminary work with administration on single subjects of time consuming, complex matters (i.e., budget, complex legislation or reports, etc.). One of the goals of worksessions is to allow a less formal atmosphere within which Councilmembers may ask questions of staff and each other, as opposed to taking time at Regular meetings, thus shortening the time spent at regular meetings. Worksessions shall be in a less formal setting, but shall not discourage public observation and participation.

All discussions and conclusions held during a worksession are of an informal nature. No final action is taken while in a worksession.

Public participation in worksessions is allowed at the discretion of the Mayor or the Council Member serving as the chair of the worksession. Time permitting, public input should be encouraged in worksession after presentations are made to Council and Council has had an opportunity to ask questions of the presenters.

8.05 Placing Items on the Agenda

The City Manager and Mayor will review the agenda prior to the regular meeting.

A. City Council

A Council Member may request an item be considered on a future agenda either by making an oral request at a City Council meeting or submitting the request in writing to the City Clerk or City Manager at least ten working days prior to the meeting for which the item is requested to be placed on the agenda.

B. Emergency Items

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disasters, and other severe emergencies. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting.

8.06 Development of the Agenda

Staff will coordinate the development of the agenda according to procedures established by the City Manager's Office.

8.07 Electronic Video Recording of Meetings

The City Clerk, or designee, shall make and keep video recordings of all meetings of the Beaufort City Council, except those meetings or portions of meetings conducted in Executive Session, or unless a motion is passed to suspend audio recording of a meeting. Recordings and related records of all City Council meetings, except as referenced above, shall be retained by the City.

Video recordings are designated as the primary record of "Audio/Visual Recording of Official Proceedings" for Council and board/commission proceedings and are kept in accordance with the [South Carolina Department of Archives and History Archives and Records Management Division](#).

[Agenda packets are retained indefinitely.](#)

8.08 Order of Business

The City Council, by adoption of this manual, establishes the [general order of meetings](#). This section summarizes each meeting component. The Council may, at any time by simple majority of those present, vote to consider items in a different order.

A. Call to Order

The Mayor, or in the Mayor's absence the Mayor Pro Tempore, presides over all meetings of the City council, and after determining that a quorum is present, calls the meeting to order. In the absence of the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Mayor shall be elected by the members of the Council present. Following the call to order, those in attendance are asked to join the Council for the invocation and in reciting the Pledge of Allegiance.

B. Roll Call

The Mayor or City Clerk, or designee, takes roll and announces the presence or absence of individual Council Members.

C. Public Comment on Agenda Items Only

During this portion of the meeting, the Mayor will invite citizens to present to the Council about topics that are on the agenda. Speakers will limit their presentation to five (5) minutes, unless a longer period is permitted by Council. No speaker may convey or donate his or her time for speaking to another speaker. If many people wish to speak to a particular issue, Council may choose:

- i. To limit the total amount of time dedicated to that single issue; and/or
- ii. In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than five (5) minutes can be allowed. Groups that desire to designate a spokesperson shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

Speakers are asked to sign the "Public Comment Sign-in Sheet" provided and are encouraged to register for public comments not later than 15 minutes prior to the beginning of the meeting. Priority for public comment will be given to those who register in advance.

Written comments may be submitted into the record of a Council meeting by presenting the written document to the Clerk of the Meeting. A copy of the document will be provided to each Council Member; the document need not be read aloud, but will become a part of the meeting record.

The following language will be added to the published agenda for the Public Comment section:

“PLEASE LIMIT YOUR REMARKS TO FIVE MINUTES. The Mayor may interrupt public comments that continue past five minutes, are not related to an agenda item, or are disruptive. Persons violating these rules may be required to leave the meeting.”

D. Meeting Agenda Approval

This is the time when Council Members or the City Manager may withdraw or move items on the agenda. A simple majority of those present may vote to consider items in a different order. Public notice is required before a new agenda item may be added unless an emergency exception exists.

G. Special Presentations

The City Council may receive awards or special recognitions from various agencies, committees, or individuals during this segment of the meeting. Chairpersons or other representatives of various municipal committees or agencies may be asked to report to the Council concerning the activities for which they are responsible. For discussion to occur on these reports, they must be listed with some specificity on the agenda.

Council may also take the opportunity to acknowledge outstanding achievements or present awards to employees, groups, or other individuals. Pursuant to Section 2.03(B) of this manual, the Mayor is vested with the authority to initiate and execute proclamations.

H. Consent Agenda

Those matters of business that require action by the Council which are considered to be of a routine and non-controversial nature are placed on the consent agenda. The individual items on the consent agenda shall be approved, adopted, or enacted by one motion of the Council. Examples of such items include but are not limited to:

- i. Approval of all Council minutes;
- ii. Acceptance of advisory board and commission minutes;

- iii. Treasurer's Report;
- iv. Departmental Reports;
- v. Approval of vouchers;
- vi. Setting dates for public hearings/meetings;
- vii. Acknowledging receipt of claims for damages against the City;
- viii. Final acceptance of public works construction projects as complete.

No discussion shall take place regarding any item on the consent agenda beyond asking questions for simple clarification.

Unless a member of the Council requests a reading of the minutes of a Council meeting, such minutes may be approved without reading, if the Clerk has previously furnished each member with a copy thereof.

Prior to approving the items on the consent agenda, Council Members may request to withdraw (or pull) any item and take action separately on that item. Council will consider each withdrawn item during the course of the meeting after the amended consent agenda has been approved.

I. Old Business

Items and topics which have been previously brought before the Council, but which do not fit into any of the other categories listed in Section 8.08 of this manual, shall be placed under Old Business.

J. New Business

Items or topics that are new to the Council shall be scheduled for consideration under this section of the agenda.

K. Public Comment- Non-Agenda Items

This public comment period will follow all rules of order as discussed in Section 8.08, except that the public comment is not limited to agenda items.

L. Reports

Members of the Council and the City Manager may take this opportunity to make comments, extend compliments, express concerns, or make announcements concerning any topic they wish to share with staff or the public.

M. Executive Session

At the call of the presiding officer, or with a majority vote, the City Council may recess to Executive Session so long as an executive session is on the agenda and public notice has been followed. Executive session is to privately discuss and consider matters of confidential concern to the well being of the City. The purposes for which an Executive Session may be held are identified in [SC Code Section 30-4-70](#):

- i. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.
- ii. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.
- iii. Discussion regarding the development of security personnel or devices.
- iv. Investigative proceedings regarding allegations of criminal misconduct.
- v. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

The City Council may also hold an Executive Session to receive confidential advice from the City Attorney under the attorney-client privilege.

Before convening in Executive Session, the presiding officer shall publicly announce the purpose for excluding the public from the meeting place, and the time when the Executive Session is expected to be concluded. An Executive Session may be extended to a stated later time by announcement of the presiding officer. No actions may be taken by Council during executive session.

N. Potential Actions Based on Executive Session

Action on any items discussed during executive session must be taken once Council has reconvened the public session of the meeting. No action is to be taken in executive session.

O. Addressing the Council - Generally

Written Communications. All persons may address the Council by written communication, including e-mail. Such written communication pertaining to items subject to public hearing procedures will be made a part of the public record, but will not be read aloud.

Written comments may be submitted to the Council at any time by mailing or otherwise delivering to the City Clerk, City of Beaufort 1911 Boundary Street, Beaufort, SC 29902. The Clerk will distribute a copy of the correspondence to each Council Member.

Oral Communications. All persons may address the Council verbally, either:

- i. During the Public Comment portion of the Agenda for items on or off the Agenda;
- ii. During public hearings, following staff (and applicant, if applicable) comments;

P. Addressing the Council -- Manner -- Limits

Each person addressing the Council will give his or her name and address in an audible tone of voice for the record, and, unless the Council grants further time, shall limit the address to five minutes. All remarks will be addressed to the Council as a body and not to any member thereof, or to any member of the City staff. No person other than the Council and the person having the floor will be permitted to enter into discussion, either directly or through a member of the Council, without the permission of the Mayor.

Q. Addressing the Council -- After a Motion is made

After the Council makes a motion, no person will address the Council without first securing the permission of the Mayor or presiding officer to do so.

R. Adjournment

A Council Member may propose to close the meeting entirely by moving to adjourn. The meeting will close upon the majority vote of the Council. A motion to adjourn will always be in order and decided without debate.

8.09 General Procedures

A. Seating Arrangement of the Council

While the Mayor Pro Tempore is customarily seated immediately next to the Mayor, he or she may choose to sit anywhere at the dais. The Mayor, with the approval of individual Council members, shall establish other seating arrangements for regular council meetings.

B. Signing of City Documents

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by Council action or by ordinance to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore may sign such documents.

C. Quorum

Three members of the Council shall constitute a quorum and are necessary for the transaction of City business. When three or more members of Council convene for any purpose that has not been publicly noticed, the members of Council will refrain from discussion of any City business.

D. Minutes

The City Clerk or designee shall take minutes at all meetings of the City Council. The minutes shall be made available for public inspection.

Unless a member of the Council requests a reading of the minutes of a Council meeting, such minutes may be approved without reading, if the Clerk has previously furnished each member with a copy thereof.

E. How Many Votes are Required for Passage?

Unless otherwise specified in law, a simple majority of the Council members present is sufficient for passage of any motion.

F. Verbal/Physical Voting

When seated at the dais for regular Council meetings, [votes](#) will be cast by stating a position with either an “aye” or a “nay” and or raising of the hand.

G. Reconsideration of a Vote

A [motion to reconsider](#) must be made by a member who voted with the majority, and it must be made at the same or next succeeding meeting. The item to be reconsidered will then be placed on the agenda of the next meeting of city council.

8.10 Open Meeting Law

A. Applicability

The open meeting law applies to the City Council, all quasi-judicial bodies, and all standing, special or advisory boards, commissions, committees or subcommittees of, or appointed by, the City Council.

B. Meetings

All meetings of the Council shall be open to the public, except in the special instances outlined for executive sessions. A meeting takes place when a quorum (a majority of the total number of Council Members currently seated on the Council) is present and information concerning City business is received, discussed, and/or acted upon. The label applied to a public meeting does not affect compliance with the law. Whether the meeting is referred to as regular or special, workshop or worksession, the notice, agenda and minute-taking requirements must be met. The only exception to the public meeting requirement is an executive session, which was discussed in Section 8.08(M).

Chapter 9

Parliamentary Procedure

By approval of the Council Standard Operating Procedures Manual, the City Council has adopted a modified version of Robert's Rules of Order. The abridged rules of order that will be entertained by the Beaufort City Council can be found in Chapter 11.

These procedures as they relate to parliamentary processes apply not just to City Council, but to all appointed boards and commissions of the City of Beaufort. Any references to City Council in this section should be read to also apply to all appointed boards and commissions. Any references to Mayor or Mayor Pro Tempore should be read to apply to the Chair or Vice Chair of any appointed boards and commissions of the City.

9.01 Customs of Formality

The presentation and disposition of motions at a City Council meeting involves significant interaction between the presiding officer and the members of the Council. Therefore, members should understand the customs of formality that are followed by the presiding officer and members in conformance with parliamentary procedure.

A. Customs Observed by Members

The regular presiding officer of the Council is addressed as Mayor or Mr. (or Madam) Mayor. Even at meetings where no citizens are present, the presiding officer is called by the individual's proper title.

As a general rule, the presiding officer is addressed as "the chair" when additional reference is required. For example, "Mr. Mayor, do I understand the chair to state..." The presiding officer's place or station in the chambers is also called "the chair." Therefore, the term "the chair" applies to both the presiding officer and to that person's station in the council chambers.

Members address only the chair, or address each other through the chair, and generally refer to each other by title. For example, "Mr. Mayor, may I ask Councilwoman A to explain..."

B. Customs Observed by the Presiding Officer

The presiding officer refers to himself or herself as the chair and never uses the personal pronoun "I." For example, "The chair rules that..." The presiding officer also does not address an individual member as "you," but refers to members by their proper title.

9.02 Meeting Decorum and Order

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal by the Council. During Council meetings, Council members shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the chair or the rules of protocol.

Any Council Member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

9.03 Order of Discussion

The presiding officer should follow the prepared agenda as much as possible. However, for those occasions when deviations are necessary or convenient, the presiding officer will clearly announce that the Council has decided to rearrange the agenda. When changing the order of discussion, it must be done so as not to prevent or deny any member of the public the opportunity to listen to the discussion of any agenda item.

9.04 Obtaining the Floor

A Council Member shall address the presiding officer and gain recognition prior to making a motion or engaging in debate. The presiding officer will recognize Council Members by their last name, such as "Council Member Jones." Council Members will address each other as Council Member, followed by last name, such as "Council Member Jones." Cross-exchange between Council Members and the public should be avoided. This is to prevent general conversation and to keep the order necessary to maintain decorum and accomplish the business of the Council.

After a member has concluded comments and yielded the floor, if two or more members are trying to obtain the floor at the same time, the general rule is that the person who addresses the chair first is entitled to be recognized. When a motion is open to debate, however, there are three instances in which the presiding officer should assign the floor to a person who may not have been the first to address the chair. These are:

- i. The Council Member who made the motion currently under debate is entitled to be recognized in preference to other members if that individual is claiming the floor and has not already spoken on the question.
- ii. No member is entitled to the floor a second time in the meeting on the same motion as long as another member who has not spoken on the motion desires the floor.
- iii. In instances where the person to be recognized is not determined by (1) or (2) above, and where the presiding officer knows that members who are seeking the floor have opposite opinions on the motion, the chair should let the floor alternate as much as possible between those favoring and those opposing the motion.

9.05 Questions to Staff

A Council Member may, after recognition by the presiding officer, address questions to staff members.

9.06 Interruptions

Once recognized, a Council Member should not be interrupted while speaking, except to make a point of order or personal privilege. If a Council Member is called to order while speaking, the individual shall cease speaking until the question order is determined.

Upon being recognized by the presiding officer, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

9.07 Discussion Limit

A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process.

9.08 Basic Steps to Conducting Business

Specific requests or proposals that are presented to Council for consideration and possible action must be introduced in the form of a motion. For the proper presentation and disposition of most motions, 13 separate steps are required. The basic steps to conducting business include:

The Presiding Officer (chair):

- i. Introduces the item to be considered as presented on the agenda
- ii. Opens a public hearing when required and identified on the agenda
- iii. Closes the public hearing after receiving comments (if any) from the public

A member of the Council:

- iv. Addresses the chair
- v. Is recognized by the chair
- vi. Proposes the motion

A second member of the Council:

- vii. Seconds the motion

The Presiding Officer (chair):

- viii. Calls for any staff or speaker presentation
- ix. Restates the motion and calls for any further discussion or debate
- x. Restates the motion and puts the motion to a vote

The City Clerk:

- xi. Takes the vote
- xii. Announces the results

9.09 Making a Motion

Under parliamentary procedure, there are three steps required to bring a [motion](#) before the Council for its consideration:

- i. A Council member makes a motion;
- ii. Another Council member seconds the motion, and
- iii. The chair states the motion.

Unless the motion can interrupt a speaker as explained in Robert's Rules of Order, a member must obtain the floor to make a motion. Once the chair has recognized a Council Member, the individual makes the motion by saying, "I move that..." or "I move to..." and announcing what is proposed.

Council Members should attempt as much as possible to state motions in the positive form---that is, "I move to..." rather than "I move not to..." Motions where one must vote "yes" to vote against a proposal are confusing not only for Council Members, but also for staff and citizens.

If a proposal has only minimal support, a Council Member might state "I make this motion in order to put it on the floor for discussion. I am not sure of my position on it at the present time."

9.10 Seconding a Motion

After a motion has been made, and if it requires a second, another Council Member who wishes to see the motion considered says, without obtaining the floor, "I second the motion," or simply, "Second." A second merely implies that the member agrees the motion should come before the meeting, not necessarily that the member favors it. If another member of the Council does not second the motion, the chair normally asks, "Is there a second to the motion?" If there is no second, the chair should say, "Since there is no second, the motion is not before this meeting." If seconded, the maker of the motion should then be regarded as having the refusal of the floor in preference to all other members.

The purpose of a second is to prevent time being spent on motions that only one person wants to discuss. After the Council makes a motion, no person shall address the Council without first securing the permission of the Mayor or Council to do so.

9.11 Stating the Question

Under parliamentary procedure, making and seconding a motion does not put it before the Council for consideration. This can be done only by the chair when the presiding officer repeats the exact motion and indicates that the motion is open for debate by stating: "It has been moved and seconded that ... Is there any discussion?"

A. Right to Withdraw or Modify a Motion

Until the chair has stated the question, the maker has the right to modify or withdraw the motion. After the motion has been stated, however, it can be withdrawn only with the Council's consent. If any objection is made, it will be necessary to obtain leave to withdraw by a motion for that purpose. When a motion is withdrawn, the effect is the same as if it had never been made.

B. Pending Motions

When the chair has stated a motion, it is said to be pending. When several motions are pending, the last one stated by the chair, and the first to be disposed of, is called the immediately pending question. Thereafter, other pending motions are considered in descending order of rank.

9.12 Amendment of the Main Motion

When the main motion does not exactly suit the members of the Council, it may be changed by means of amendment before it is finally voted upon. Once recognized by the chair, a Council Member may make the motion to amend by stating, "I move to amend the motion by..." ---adding, striking out, inserting, or substituting. An amendment to the main motion requires a second; it is debatable, requires a majority vote, and must be

germane---that is, closely related to or having bearing on the subject of the motion to be amended.

If the motion on the amendment passes, the chair puts the main motion, as amended, to a vote. If the motion on the amendment fails, the chair puts the main motion, as originally presented, to a vote.

The member, who offers the motion, until it has been stated by the chair, can modify the motion, or withdraw it entirely; after it is stated, he/she can do neither without the consent of the body (majority). For example, the mover may state, "With the consent of the body I will modify my motion to state as follows..." If no one objects, it shall be deemed that he/she has the consent of the body to modify his/her motion. When the mover modifies his/her motion, the one who seconds it can withdraw his/her second.

9.13 Postponement of Business

A. Postpone to a Time Certain

Council may delay action on a pending question by making a motion to postpone the item either indefinitely or to a time certain. This motion can be made regardless of how much debate has taken place. The question may be postponed either so that it may be considered at a more convenient time or because debate has shown reasons for delaying a decision.

B. Postpone Indefinitely

Council may decline to take a position on a pending question by moving to postpone the item indefinitely. Voting to postpone indefinitely kills the main motion and avoids a direct vote on the question. This motion is useful for disposing of a badly expressed main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

C. Table

Commonly misused in place of a motion to postpone, Council may lay the pending question aside temporarily when some other issue of immediate urgency has arisen. Lay on the Table is out of order if the evident intent is to kill or avoid dealing with an item. This motion requires a majority vote and halts consideration of a question immediately and without debate. After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and when no other question is pending.

9.14 Debate

The term “debate” applies to the discussion of the merits of any pending question during a Council meeting. All main motions and certain other motions are entitled to debate.

Any member of the City Council may move to close debate by saying, “I move that debate on the motion be closed,” or “I move the previous question.” However, Council Members should refrain from using the term, “call the question,” as a means to end debate. The audience better understands, “Move that debate on the motion be closed,” rather than “calling the question.” The motion must be seconded. The presiding officer immediately requests a vote, to which a two-thirds vote is required to close debate.

A motion to close debate can neither be debated nor amended. The motion to close debate effects the immediately pending question, whether it is an amendment or the main motion. Should the motion fail, debate is reopened. If the motion passes, then the Council shall vote on the motion for which debate was closed.

Debate shall not be closed until every Council Member present has had at least one opportunity to speak on the motion.

While debate on a main motion is under way, amendments and subsidiary, privileged and incidental motions may be introduced (if they are in order), debated (if debatable) and disposed of.

In addition to the customs of formality discussed in Section 9.01, observance of the following practices will make debate smooth and orderly. Members of the Council should:

- i. Confine their comments to the merits of the pending question;
- ii. Refrain from speaking against their own motions;
- iii. Refrain from reading reports, quotations, etc., without permission of the Council; and,
- iv. Speakers should yield the floor to the chair whenever the chair interrupts to give a ruling or information, or to otherwise speak

9.15 Voting Procedures

Each Council member shall vote on all questions put to the City Council unless a conflict of interest under State law or appearance of fairness question is present. Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote.

A conflict of interest shall be declared whenever appropriate and in compliance with local ordinance and state law. The affected Council Member will not participate in the discussion and will abstain from the voting process by leaving the Council Chambers until such time as consideration of the item has been concluded. If a member asserts a conflict of interest under State law, the member shall be excused from voting on an issue. Any member declaring a conflict of interest must complete a form provided by the City Clerk.

When the debate appears to be over and if no one indicates a desire to continue discussion, the chair puts the motion to a vote by stating, "If there is no further discussion, cast your votes."

Only those ordinances, resolutions, or motions that receive an affirmative vote by the majority of the present and voting members of the City Council who also constitute a quorum shall be passed or become effective unless other voting requirements are provided by South Carolina State law in which case South Carolina State law shall prevail.

A. Verbal or Physical Vote

Verbal or physical votes will be cast in an audible tone of voice by saying "aye" or "nay" or raising of a hand at the appropriate call of the chair.

B. Abstention from Voting

Every member of council present, including the mayor or presiding member, shall vote on every question except when required to refrain from voting by state law.

C. Tie Vote

A tie vote results in the motion having failed. The presiding officer may publicly explain the effect of the tie vote for the audience.

D. Reconsideration

Reconsideration of an item will be considered by a majority vote of the Council. A member of the prevailing majority must make a motion for reconsideration when the previous vote was taken, and can be made no later than the next regular meeting after which the previous vote was taken.

9.16 Right of Protest

A Council Member is never required to state reasons for a dissenting vote; provided, however, that any member of the City Council shall have the right to have the reasons

for his or her dissent from, or protest against, any action of the Council entered on the minutes.

9.17 General Rules of Procedure

A. Standing to Question Procedures

These rules shall govern the parliamentary procedures of the members and by the members only. Procedures may be questioned only by members of the body, and then only in accordance with these rules. The decision of the chair will be final and conclusive as to all, subject only to a motion by a member of the body, duly and timely made, in which case the ruling of the body shall be final and conclusive. Nothing in these rules will be construed to prevent the chairman or a member from requesting aid in the interpretation of these rules or other matters from the City staff or officials.

B. Precedence

Motions having precedence on those that may be made while another motion is pending.

C. To Yield

Motions yield when they are pending and another matter can be considered while the yielding motion still pends.

D. Applied

Where a motion can have no subordinate motion applied to it, the fact is stated. For example, the motion to continue may not be applied to the motion to lay on the table.

E. Debate

Debate shall not take place until the chair has stated the question. Debate shall be limited to the immediately pending question, except that the main question is also open when the following motions are pending: postpone indefinitely, or reconsider a debatable question.

F. Putting the Question

When the debate appears to have closed, the chair will ask, "Are you ready for the question?" If no one asks for the floor, the chair shall put the question to a vote, making it clear what the question is.

G. Majority

A majority of those present shall constitute a majority of the body assuming a quorum is present. The chair has the tie-breaking vote and may second a motion.

9.18 Specific Rules of Procedure

The following motions are permissible in considering any matter on the agenda, and unless otherwise specified, shall rank in precedence and application as set forth below:

A. Undebatable Motions

1. Question of Order and Appeal

A question of order takes precedence of the question giving rise to it, may be put when another member has the floor, needs no second, and must be decided by the chairman without debate. If a member objects he may appeal, which if seconded, will immediately be put to the body. An appeal is waived if not made immediately. On appeal, the decision of the chair is sustained on a tie vote.

2. Suspension of Rules

This motion may not be amended, nor another motion be applied to it, nor a vote on it reconsidered. Rules of the body may not be suspended except for a definite and specific purpose and by a vote of one more than a majority present. Nothing else may be done under the suspension. It may not be renewed at the same meeting if once defeated. It shall be in order to change the order of the agenda. No rule can be suspended when the negative vote is as large as the minority protected by that rule.

3. To Lay on the Table

This motion may not be used for purposes of continuance of a matter that has been specially called for public hearing, which is done by a motion to continue. It may not be amended, nor an affirmative vote on it be reconsidered.

If carried, the subject tabled may not be considered again until the body votes to take it from the table, which motion is also undebatable.

The object of the motion is to postpone the subject in such a manner that it can be taken up at any time, either at the same or some future meeting. It may be used to suppress a question for that meeting, but not for a matter for which a public meeting has been specially set. The effect of the motion is to place on the table everything that adheres to the subject, so that if an amendment were ordered to lie on the table, the subject whom it is proposed to amend is also tabled. However, it may be limited to the particular pending matter and if so adopted the remaining matters shall still be before the body.

B. Debatable Motions

1. Continue to a Certain Day

This motion yields to all undebatable motions, and takes precedence of all other debatable motions, except that it may be amended by altering the time, and the previous question can be applied to it without affecting any other motions pending.

2. To Commit or Refer

This motion is to commit or refer a matter to a committee. It can be amended by altering the committee, or giving the committee instructions. The debate on the motion opens the debate on the main question it is proposed to commit.

3. To Amend

This motion takes precedence over nothing but the question that it is proposed to amend and yields to all questions except to postpone indefinitely. It can be applied to all but undebatable questions, an amendment of an amendment, to postpone indefinitely, or to reconsider. It can be amended itself, but an amendment of an amendment cannot be amended.

An amendment may be inconsistent with the one already adopted, or may be directly in conflict with the spirit of the original motion, but it must have a direct bearing upon the subject of that motion. A motion to amend by inserting new words once past may not be the subject matter of a new amendment to change the same words. The proper motion is the motion to reconsider the vote by which the words were inserted.

A motion to amend may be made to “divide the question” into two or more questions as the mover specifies, so as to get a separate vote on any particular point or points.

4. To Postpone Indefinitely

This motion takes precedence of nothing except the question to which it is applied and yields to all motions except to amend. It cannot be amended, and opens to debate the entire question which it is proposed to postpone.

Its effect is to entirely remove the question from the body for that session. The previous question, if ordered when this motion is pending, applies only to it without affecting the main question.

It cannot be applied to a matter that has been specifically set for public hearing. A negative vote on it cannot be reconsidered.

5. Principal Question

The main or principal question is a motion to bring before the body for its consideration any particular subject. No principal motion can be made when any other motion is before the body. It takes precedence over nothing and yields to all.

C. Miscellaneous Motions

1. To Rescind

This motion cannot be made for a matter that has been voted upon for which a matter has been specifically called for public hearing. However, for other matters to which it is appropriately addressed, as where it is too late to reconsider the vote, the motion is the course to pursue to rescind an objectionable policy, order or motion; it is debatable.

2. To Reconsider

This motion is not in order after the body has voted upon the principal question which is the subject matter of a specially called public hearing, unless made immediately after thereon and before the Council has moved to the next item of business. It is otherwise in order at any time, even when another member has the floor, but not after the Council has adjourned the meeting. Nothing herein shall be construed as preventing the council from considering the same item at a subsequent meeting as a new item of business.

A member who voted with the prevailing side must make the motion. It can be applied to the vote of every other question, except as noted above, and except to suspend the rules and an affirmative vote to lay on the table or to take from the table.

The motion may not be amended. Whether or not it is debatable depends upon whether the question to be reconsidered is debatable or undebatable. It may be laid on the table, in which case, the reconsider, like any other question, can be taken from the table.

3. Roll Call

Any member may demand a roll call vote any time before or after any question is put. The demand needs no second and the chair must ask for a roll call vote on

demand. It is not debatable and may be applied to any question. It is waived if after the vote it is not immediately made and prior to the next matter being considered.

9.19 Suggested Forms

1. Undebatable Motions

a. Question of order

Member: "I raise a point of order."

Chair: "State your point of order."

Member: States his/her point of order

Chair: Ruling by the chair, which may give reasons.

Member: "I appeal from the decision of the chair."

Chair: (If seconded) "Shall the decision of the chair stand as the decision of the body?"

b. Suspension of rules

Member: "I move to suspend the rules requiring..."

c. To lay on the table

Member: "I move to lay the question (stating it) on the table."

Chair: (If seconded) "Shall the main question be now put?"

Member: "I call for the previous question on the amendment."

Chair: (If seconded) "Shall the question be now put on the amendment?"

2. Debatable Motions

a. Continue to a certain day

Member: "I move to continue the question of (stating it) to the next regular (or recessed) meeting of (date)."

NOTE: Confirm date of meeting with City Attorney in matters of land use to ensure compliance with state laws.

b. To commit or refer

Member: "I move to refer the subject to a committee."

c. To amend

Member: "I move to amend the motion to 'add', or 'insert', to 'strike', to 'strike out XYZ and insert ABC', to 'divide the question' (into two or more questions), etc."

d. To postpone indefinitely

Member: "I move to postpone the question indefinitely."

e. Principal question

Member: "I move that..."

3. Miscellaneous Motions

a. To rescind

Member: "I move to rescind that motion, policy, etc."

b. To reconsider

Member: "Having voted on the prevailing side, I move that we reconsider the vote on the motion to (stating it) and have such motion entered on the record."

c. Roll call (any member)

Member: "I demand a roll call vote." No second needed.

Chair: "The clerk will please call the roll."

9.20 Other Protocol

Other guidelines are also in place to ensure meetings of the Council emphasize the importance of the business being conducted in a professional manner. Council Members and staff shall:

- i. Work to preserve appropriate order and decorum during all meetings.
- ii. Address Council Members as Council Member, followed by last name, such as "Council Member Jones," and staff by staff member's last name.
- iii. Discourage side conversations, disruptions, interruptions or delaying efforts.

- iv. Limit questions after motions and eliminate questions that are meant to merely support position.
- v. Focus on outcomes rather than the activities that create end result.
- vi. Request permission from the presiding officer to depart from a meeting.
- vii. Limit disruptive behavior. The presiding officer will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the presiding officer may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by the law. The City Council discourages applause, booing or other similar behaviors from the public during meetings.
- viii. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the Council or staff stations.

A. Enforcement of Order

The City Manager acts as the sergeant-at-arms. It shall be the duty of the sergeant-at-arms to carry out all instructions of the presiding officer to preserve the peace and maintain order and decorum at Council meetings. If the presiding officer needs to make a request of the sergeant-at-arms, he or she will direct the City Manager as appropriate, and the City Manager will take appropriate action regarding the directing of any other city staff.

If a serious disruption occurs, the Mayor may call for a recess to allow for the situation to be resolved by city staff.

B. Values of Respect

The City Council recognizes the importance of approaching the public's business in an environment of personal respect that places emphasis on the consideration of policy and avoids personalization of comments. Some general guidelines utilized by the City Council include:

- i. Discussion should focus on policy matters.
- ii. Personal criticism of members is inappropriate.
- iii. Proper decorum should be displayed as other members express their views.

9.21 Parliamentarian

The Council will nominate a parliamentarian in the same manner as they nominate a Mayor Pro Tempore. If the parliamentarian is not present for any reason at a meeting, the majority of members present will nominate a substitute parliamentarian for such meeting. The parliamentarian shall decide all questions of parliamentary procedure in accordance with the parliamentary rules contained in *Robert's Rules of Order* and *Mastering Council Meetings: A Guidebook for Elected Officials and Local Governments*. Before deciding any question of parliamentary procedure, the Mayor may request advice from the City Attorney or City Clerk or designee. In cases where serious errors in procedure are being used or being contemplated, the City Attorney should give advice even when it has not been requested.

Chapter 10
Procedures Administration

10.01 Biennial Review

The City Council will review and revise the City Council Standard Operating Procedures Manual as needed, or every two years.

10.02 Adherence to Protocol

- i. Each Council, Board, or Committee Member shall have the duty and obligation to review this Protocol Manual and be familiar with its provisions.
- ii. During City Council, Board, or Committee discussions, deliberations, and proceedings, the Mayor or the Chair will be primarily responsible to ensure that the City Council, Board or Committee Members, staff, and members of the public adhere to the Council's adopted Standard Operating Procedures Manual.

10.03 Applicability of Procedures Manual

The City Council Standard Operating Procedures Manual shall apply to the City Council and all appointed Boards and Commissions of the City.

Chapter 11 **Additional Training and Resource Materials**

The American Institute of Parliamentarians <https://aipparl.org/>

Macfarlane, A.G., Estep, A.L.: (2013). *Mastering Council Meetings: A Guidebook for Elected Officials and Local Governments*, Jurassic Parliament, Seattle, WA.

The National Association of Parliamentarians <https://www.parliamentarians.org/>

Robert, H. M. 1., Robert, S. C., Evans, W. J., Honemann, D. H., Balch, T. J., Seabold, D. E., & Gerber, S (2020), *Robert's Rules of Order: Newly Revised. 12th edition [50th anniversary]*, Public Affairs, New York, NY

South Carolina Municipal Association (2017), [*Forms and Powers of Local Governments*](#)

South Carolina Municipal Association (2017), [*Handbook for Municipal Elected Officials*](#)

South Carolina Municipal Association (2015) [*How to Conduct Effective Meetings*](#)

South Carolina Press Association (2017), [*Freedom of Information Act Guide*](#)