



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

BEVERLY WILLIAMS, DISTRICT 1
KEMESHA LOWERY, DISTRICT 2
KEYE JONES, DISTRICT 3
GARY WAYNE ALDEN, DISTRICT 4
SHERESA INGRAM, DISTRICT 5
, DISTRICT 6
FRANCES LIU, DISTRICT 7

**MINUTES OF THE LANCASTER COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING**

April 2, 2024 at 6:00 PM

1. Roll Call

Board Members present: Quorum is present (4 Board Members)

Frances Liu Keye Jones
Gary Alden Beverly Williams

Absent: Kemesha Lowery, Sheresa Ingram

Staff: Allison Hardin, Development Services Director
Jennifer Bryan, Clerk and Recording Secretary
Gina Jackson, Administrative Assistant

Members of the press were notified in advance, but were not present. The Agenda was posted on the County website, and posted in the lobby of the administration Building one week prior to the meeting. A copy of the agenda is on file.

2. Call to Order

Chair Liu called the public meeting to order at 6:00 p.m.

3. Approval of Agenda

Beverly Williams moved to Approve the Agenda; 2nd by **Keye Jones**. The motion was approved by unanimous consent.

4. Approval of Minutes

a. Minutes of March 5, 2024

Chair Liu called for a motion to approve minutes.

Gary Alden made a Motion to approve the minutes. Seconded by Beverly Williams.

Vote: 4:0. Motion is approved unanimously.

5. New Business

a. Review and Revision of Rules & Procedures

Training review of Rules & Procedures by Allison Hardin, Development Services Director. See attached materials.

6. Adjournment:

With there being no further business, Gary Alden moved to adjourn; motion seconded by Keye Jones. The motion was approved by unanimous consent.

Adjourned at 7:48 PM.

ATTACHMENTS:

1. Clean copy of existing R & P
2. APPENDIX H, SCAC Guide to Planning : County Board of Zoning Appeals Rules of Procedures

Board of Zoning Appeals - Rules and Procedures

Article I Organization

Section 1. Rules. These rules and procedures are adopted pursuant to S.C. Code 6-29-790 and Chapter 9 of the Lancaster County Unified Development Ordinance (UDO) adopted November 28, 2016.

Section 2. Officers. The officers of the Board shall be a chair and vice-chair elected for one year terms at the first meeting of the Board in June of each calendar year. The zoning administrator or designee shall serve as secretary of the Board.

Section 3, Chair. The chair shall be a member of the Board and has the power to:

- a. Call meetings of the Board;
- b. Preside at meetings and hearings;
- c. Act as spokesperson for the Board;
- d. Sign documents for the Board;
- e. Decide all points of procedure; and
- f. Perform other duties approved by the Board.

Section 4. Vice-Chair. The vice-chair shall exercise the duties of the chair in the absence, disability, or disqualification of the chair. [In the absence of the chair and vice-chair, an acting chair shall be elected by the members present.

Section 5. Secretary. The secretary shall:

- a. Shall be assigned by the Zoning Administrator or their designee;
- b. Provide and publish all required notice of meetings and hearings;
- c. See that all required signage for a property is properly posted;
- d. Prepare written meeting agenda and meeting scripts - See Exhibit A;
- e. Swear-in participants and witnesses;
- f. Collect relevant evidence presented during meetings and hearings;
- g. Keep minutes of meetings and hearings;
- h. Serve written Board decisions to all affected parties;
- i. Transmit Board meeting minutes and records to the office of the Administrator of Lancaster County for filing as public records;
- J. Attend to Board correspondence;
- k. Perform other duties normally carried out by a secretary.

Article II Meetings

Section 1. Time and Place. Regular meetings shall be held on the second Tuesday of each month at 6:30 p.m. in County Council Chambers. The annual regular meeting schedule for the coming year shall be posted in December on the County's Website. Revisions and adjustments to regular meeting dates can be approved by a majority vote of the Board at least thirty (30) days prior to any scheduled meeting date. Special meetings may be called by the chair or by a majority vote of the Board. Public notice of all meetings of the Board shall be provided to the news media and posted according to prevailing County practices.

Section 4. Quorum. A majority of the Board's members shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling a meeting. To maintain the integrity of the Board and insure a quorum, members are expected to attend every meeting unless an absence is declared at least thirty (30) days before the affected regular meeting. Board members shall make an immediate notification of their unexpected, unavoidable meeting absence so Board member polling can be made to verify a meeting quorum and/or initiate other actions or make adjustments. Also see section 9.1.5(B)(2) of the Unified Development Ordinance regarding a withdrawn Board member.

Section 3. Rules of Order. Robell's Rules of Order Newly Revised, latest edition, shall govern the conduct of meetings except as otherwise provided by these Rules and Procedures.

Section 4. Cancellation, Other than the scheduled first meeting of the year, whenever there are no appeals to be considered or other business to be transacted by the Board, the secretary shall notify each Board member of these cancellations as soon as it is known but not less than twenty-four (24) hours prior to the time of a regular meeting.

Section 5. Open to the Public. All meetings shall be open to the public, except that the Board may go into executive session in accordance with the provisions of the Code of Laws of South Carolina and the ordinances of the Lancaster County.

Article III Application Prehearing Procedure

Section 1. Form, Appeals from administrative decisions, applications for variances, and applications for special exceptions shall be filed on approved forms provided to applicants by the Zoning Office. The Board may require additional information deemed necessary. The failure to submit a completed application and required documentation necessary for the Board to address the matter may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

Section 2. Calendar and Docket. Appeals and applications shall be marked with the date of receipt, placed on the docket in the order in which received. Form shall be numbered serially, begin anew on January of each year and shall be hyphenated with the number of the year in which the appeal is filed.

Section 3. Time of Hearing. All completed appeal or hearing applications must be filed within thirty (30) days after the actual written notice of a decision with a deadline of thirty (30) days before the next regular scheduled Board meeting unless a different date is specifically set for such hearing by the Board.

Section 4. Withdrawal of Appeal or Application. An appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the Board. Withdrawn applications for variances and special exceptions may be re-filed after six (6) months and shall be placed on the calendar according to the date re-filed. An appeal from an administrative decision that is withdrawn may not be refiled after the thirty (30) day time for appeal has expired.

Section 5. Continuances and Deferrals. The Board may continue or defer an application for good cause shown upon its own motion or at the request of any applicant. An applicant's request for deferral must be in written signed document by the applicant or agent listing the specific reasons for a deferral. A deferral will be heard at the next regularly scheduled meeting and one only one such deferral will be allowed.

Section 6. Notice. Public notice of a hearing of the Board shall be published in a local newspaper, posted in the County Administrative Building, on the County's website, on or adjacent to the property affected at least fifteen (15) days prior to the hearing. Requesting persons and media on file with the Clerk of Council will receive at least a twenty-four (24) hours notification. Meeting agenda and information packet will be mailed to Board members at least seven (7) day before a scheduled meeting. In addition to any other matters required by law, the notice shall contain a description of each matter to be heard and identify the applicant and property affected. UDO Chapter 9 notice requirements will also be followed.

Article IV Hearing Procedure

Section 1. Appearances. The applicant or any party in interest may appear in person, by agent or attorney. The Board may postpone or proceed with disposing of a matter on record before it on behalf of an applicant or appellant even in the event of their absence from the proceedings.

Section 2. Equal Consideration. The Board shall make every effort to afford equal treatment to all appearing before it as well as other Board members with all due respect. It shall be the standard to address all males with the title "Mr." and all females with the title "Ms.". All evidence presented to the Board shall be given due consideration when weighting conclusions.

Section 3. Witnesses. Witnesses must present testimony under oath or affirmation. Witnesses may be compelled to attend by a subpoena, approved and signed by the Board chair, requested at least ten (10) days prior to a hearing. The Board may call its own witnesses when deemed appropriate. Each witness shall state their name and address for the record.

Section 4. Cross examination. No party shall have the right to cross-examine witnesses. Intimidation of witnesses will not be allowed. Contempt of the Board may certify this fact to circuit court pursuant to S.C. Code Section 6-29-810.

Section 5. Evidence. Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The chair will rule on all evidentiary matters. Evidence will be placed in the record with an objection noted.

Section 6. Conduct of Hearing.

- a. The following statement and oath/affirmation shall be administered by the secretary.
"Would the (applicant)/(county representative) please step forward and state your name. Please raise your right hand. Do you _(name)_ solemnly affirm that the testimony you are about to give is the truth and nothing but the truth?"
- b. As a guideline, the order of hearing should be:
 - (1) Statement by staff, secretary or chair of matter to be heard;
 - (2) Presentation by applicant (eight (8) minute limit);
 - (3) Presentation by zoning staff (eight (8) minute limit);
 - (4) Citizen comments or presentation (four (4) minute limit per opponent);
 - (5) Rebuttal applicant or appellant (three (3) minute limit);
 - (6) The above, prior to speaking, the chair may grant a request for a stated amount of addition time.
- c. All presenters after being recognized or called by the chair shall approach the podium; state their full name, address and whom they represent.
- d. Chair shall call for citizen's comments. Upon being recognized by the chair, citizens shall approach the podium; state their full name, address and sign the appropriate sign-in sheet at the podium.
- e. The Board may question participants at any point in the hearing. Matters in which additional time is granted may be moved to end of the agenda. No person shall speak at a Board meeting unless invited to do so by the Board.
- f. Modification of Procedure.
 - (1) The chair may modify the procedure of hearing.
 - (2) Any Board member may move to modify the procedure or to overrule the chair's decision to modify the procedure. Both motions are debatable and require a majority vote in order to be adopted.

- (3) The intent of the rules is that the procedure at the hearing will reflect such concerns as fairness and the importance and complexity of the matter at issue. Therefore, modifications in procedure should be used where a change will substantially improve the decision process and should be made in terms of such concerns as the importance and complexity of the decision, repetition, agenda length and time spent as a result of questions from the Board, and fairness.

g. Following the conclusion of evidence presentation, the chair shall call for voting. The Board shall affirm (wholly or partly) or shall modify the order, requirement, decision, or determine or the determination appealed and shall make any order, requirement, decision or determination that in its opinion should be made in the matters brought before it. In the execution of its duties, the Board may subpoena witnesses in the case of contempt.

h. Board members will cast their evidence based votes considering the following guidelines:

- (1) The evidence presented does or does not meet the requirements and standards of the UDO
- (2) The evidence presented is or is not compatible with the current planned land uses or zoning
- (3) The evidence will or will not diminish the value of adjacent property or property in the general area.
- (4) The evidence presented will or will not have a positive impact on the general health, safety and welfare of the citizens of the area and Lancaster County.
- (5) Any guidelines or conditions the Board may approve by a simple majority.

Section 7. Voting and Disposition. A Board member must be present to vote and shall vote on every question unless member is recuse or is otherwise disqualified. The Board may deliberate and make final disposition of a matter by majority vote of members qualified to vote. In the case of a tie vote the motion fails. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which they have not heard. Deliberating and voting shall be done in public. Where the Board authorizes any variation or imposes any condition with respect to an appeal or application, such variation and condition shall be specifically stated in the motion.

Section 8. Adjournments. When all appeals and applications cannot be disposed of on a set day, the Board may adjourn and set a continuance date of the meeting with further notice not required.

Section 9. Form of Order. An order, signed by the chair or vice-chair, shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary or by affirming, modifying, remanding, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. The final written decision must contain all the findings and conclusions and shall be stated in the document. The hearing transcript, record, and official minutes shall be considered as evidence and indications of findings and conclusions.

Section 10. Service of Order. The secretary shall deliver a copy of an order to the applicant and each party in interest by certified mail within ten (10) calendar days after the decision of the Board is rendered.

Section 11. Appeal. Appeals from the Board may be made to circuit court pursuant to S.C. Code of Laws Annotated Section 6-29-820, which provides:

"A person who may have a substantial interest in any decision of the Board of appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to circuit court in and for the county by filing with the clerk a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed thirty days after the decision of the Board is mailed. "

Section 12. Rehearing. Requests for rehearing shall be delivered to the Zoning Administrator in writing, setting forth plainly, fully, and distinctly why the decision of the Board is in error, and setting forth the new evidence. Unless the Zoning Administrator finds that the submitted and substantial new evidence could not reasonably have been presented at the previous hearing, or upon a finding of fraud, misrepresentation or other misconduct of a party, no request for a rehearing will be granted within twelve (12) months of a denial by the Board shall be entertained. Numerous requests for rehearing shall be denied. Once the request for rehearing is placed on the agenda, the party requesting the rehearing shall be notified to appear before the Board and the case shall be put on the calendar for a hearing. Rehearing shall be subject to the same notice as original hearings.

Article V Conduct and Communication

Section 1. Conduct. Board members shall avoid all situations, communications and circumstances that may lead to a bias or prejudice opinion upon matters presented to the Board. Also, Board members shall not issue individual opinions regarding matters to be considered by the Board prior to the hearing and until the effective date of the final decision.

Section 2. Contact. Any contact and communication with applicants, other parties of interest or opponents of any matter to come before the Board shall be reported to the chair. [t shall be the duty of each Board member to conduct themselves to discourage such contact and/or communication.

Article VI Records

Section 1. Minutes. The secretary or designee shall record all meetings and hearings of the Board electronically which shall be preserved in accordance with the records retention schedules as publicized by the South Carolina Department of Archives and History and as adopted by Lancaster County. The secretary or designee shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

Section 2. Orders and Documents. The secretary or designee shall assist in the preparation and service of all orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

Article VII Amendment and Adoption

Section 1. Adoption. These rules and procedures are adopted the members of the Board at a regular public meeting on _____. These rules and procedures may be amended at any regular meeting or at any special meeting of the Board by majority vote of the members of the Board.

Chair
Name typed

----- **Signature**

Vice-Chair
Name typed

----- **Signature**

Attested
Secretary
Name typed

----- **Signature**

Exhibit A

THE LANCASTER COUNTY BOARD OF APPEALS

Order of Meeting

1. THE BOARD OF APPEALS, PLANNING DEPARTMENT, AND THE BUILDING AND ZONING DEPARTMENT, WELCOME ALL OF YOU TO OUR MEETING TONIGHT.
2. BY ATTENDING OUR MEETING WE SINCERELY HOPE THE RESULTS ARE INFORMATIVE TO YOU ON HOW THE SYSTEM HANDLES EACH APPLICATION, BECAUSE ALL REQUESTS ARE DIFFERENT.
3. OUR BOARD MEMBERS ARE: #1 REID RUSHING, DON BROUWER, HARVEY CARNES, LAVILLA BREVARD, FRANCES LIU, WAYLON WILSON.
4. MADAM SECRETARY - WILL YOU PLEASE CALL THE ATTENDANCE ROLL?
5. AT TIDS TIME I WILL ASK ALL MEMBERS OF STAFF TO PLEASE STAND, STATE YOUR NAME AND YOUR DUTIES WITHIN THE COUNTY. PLEASE REMAIN STANDING, OUR SECRETARY WILL PLACE EACH OF YOU UNDER OATH.
6. IS THERE ANY BOARD MEMBER THAT HAS NOT RECEIVED A PACKET FROM THE PLANNING DEPARTMENT CONTAINING THE NECESSARY INFORMATION FOR OUR MEETING?
7. OUR FIRST ORDER OF BUSINESS IS TO APPROVE THE AGENDA. ARE THERE ANY CHANGES TO THE AGENDA? ASK FOR MOTION TO APPROVE, SECOND, DISCUSS, APPROVE.
8. THE NEXT ORDER OF BUSINESS IS TO APPROVE THE MINUTES. ARE THERE ANY CHANGES? ASK FOR MOTION TO APPROVE, SECOND, DISCUSS, APPROVE.
9. HAS PLANNING MADE IT POSSIBLE FOR ALL APPLICANTS TO RECEIVE INFORMATION OF THIS MEETING?
HAVE ALL ADJACENT PROPERTY OWNERS BEEN NOTIFIED?
WAS THERE A NOTICE OF THIS MEETING PUBLISHED IN THE

LOCAL NEWSPAPER TO INCLUDE THE MEETING PLACE, DATE,
TIME, AND THE AGENDA?
IS THERE A COPY ON FILE?

10. THE ZONING BOARD OF APPEALS DUTIES ARE WITHIN THREE SPECIFIC AREAS,
 - A. ADMINISTRATIVE REVIEW IS AN APPEAL OF AN ORDER, OR DECISION OF THE ADMINISTRATOR THAT HAS ALLEDGED ERROR.
 - B. THE POWER TO GRANT AV ARIANCE IS GIVEN TO THE BOARD OF ZONING APPEALS BY THE STATE OF SOUTH CAROLINA. VARIANCES MAY BE GRANTED WHEN STRICT APPLICATION OF THE ZONING ORDINANCE WOULD NOT CAUSE UNNECESARY HARDSHIP AND THE GRANTING OF THE VARIANCE WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTIES OR THE PUBLIC GOOD.
 - C. SPECIAL EXCEPTIONS ARE PERMITTED USES WITHIN A ZONING DISTRICT, BUT REQUIRES A PUBLIC HEARING PRIOR TO GRANTING FINAL APPROVAL.
12. A PUBLIC HEARING IS CONDUCTED TO REVIEW COMMENTS AND INFORMATION, BOTH FOR AND AGAINST THE PROPOSED APPLICATION. DURING THE PUBLIC HEARING PORTION OF THE MEETING, ALL INTERESTED PARTIES WILL BE GIVEN THE OPPORTUNITY TO SPEAK AND GIVE FACTUAL INFORMATION OR PRESENT FACTUAL DOCUMENTATION. ALL PERSONS SPEAKING WILL BE PLACED UNDER OATH. ALL PERSONS WISHING TO SPEAK WILL SIGN THE REGISTER PRIOR TO SPEAKING. ANYONE SPEAKING WILL COME FORWARD TO THE PODIUM, SPEAK INTO THE MICROPHONE AND STATE A) NAME, B) ADDRESS, C) TELEPHONE NUMBER. WE MUST RECORD ALL INFORMATION FOR THE RECORD. THE APPLICANT WILL SPEAK FIRST AND WILL HAVE AN OPPORTUNITY FOR A REBUTTAL. PLEASE, LIMIT YOUR COMMENTS TO NO MORE THAN 5 MINUTES.
13. A. STAFF WILL NOW READ THE STATEMENT OF MATTER.
 - B. IF THE APPLICANT AGREES WITH THE STATEMENT OF MATTER AS READ, PLEASE SIGN. IF AN AMENDMENT IS NEEDED, THEN CORRECT THE DOCUMENT AND SIGN IT.

14. I WILL NOW PROCLAIM THE PUBLIC PORTION OF OUR MEETING OPEN. CALL EACH SPEAKER TO THE PODIUM.

15. THE PUBLIC PORTION OF THE MEETING IS NOW CLOSED. ACKNOWLEDGE ANY CALLS OR LETTERS RECEIVED BY STAFF.

HAS A SITE CHECK BEEN MADE BY STAFF?

HAVE ALL MEASUREMENTS BEEN VERIFIED?

16. BOARD MEMBERS QUESTIONS TO APPLICANT.
BOARD MEMBERS QUESTIONS TO STAFF.
DISCUSSION

THE CHAIR WILL ENTERTAIN A MOTION TO: 1) APPROVE THE APPLICATION, 2) DENY THE APPLICATION, 3) APPROVE WITH ANY STIPULATIONS, OR 4) IF THE INFORMATION PROVIDED IS NOT SUFFICIENT FOR THE BOARD TO MAKE A DECISION, THEN A MOTION TO POSTPONE THIS APPLICATION UNTIL THE NEXT MEETING WOULD BE APPROPRIATE.

NEXT APPLICATION.

IF NO FURTHER BUSINESS, ADJOURN, PAUSE, ADJOURN.

Reference 1

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	!No	!No	Majority
Recess	"I move that we recess until..."	No	Yes	!No	Yes	Majority
Complain about noise, room emp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	!No	No	Majority
End debate	"I move the previous question"	No	Yes	No	!No	2/3
Postpone consideration of something	"I move we postpone this matter until... "	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by... "	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

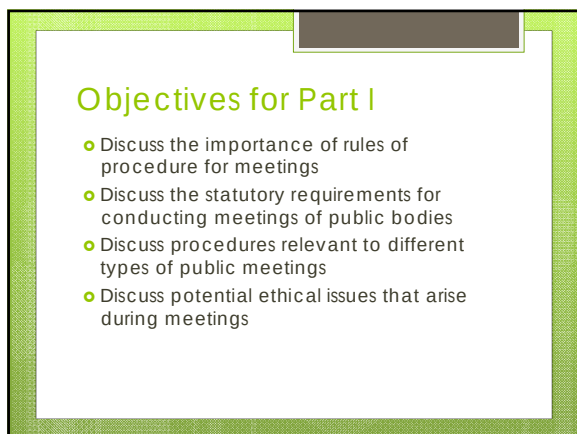
The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

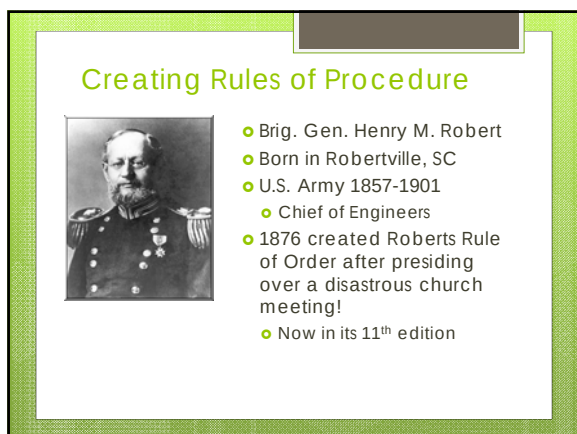
To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	!No	Chair decides
Request information	"Point of information"	Yes	No	No	!No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	!No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	!No	No	No	2/3
Take up matter previously abled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to... "	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	!No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	!No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

January 2017







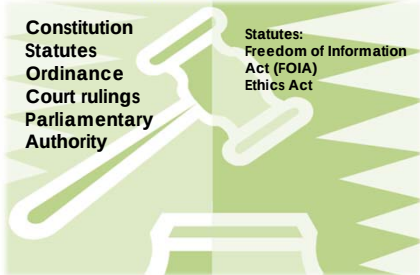
PURPOSE OF RULES OF PROCEDURE

- To set expectations for the conduct of all public meetings of a governmental body
- To ensure for the fair exchange of information and the proper resolution to issues before the body
- To govern the conduct of members and the public during meetings

Governing Documents

**Constitution
Statutes
Ordinance
Court rulings
Parliamentary
Authority**

**Statutes:
Freedom of Information
Act (FOIA)
Ethics Act**



Parliamentary Basics

Local public bodies are statutorily required to adopt their own rules of business – SC Code 4-9-110 or other authorizing statutes

1. **NOTICE (to the members & public)**
 - Agenda & meeting materials
2. **QUORUM**
3. **MOTIONS**
4. **DEBATE/DISCUSSION**
5. **VOTING**
6. **RECORDS OF ACTIONS TAKEN (minutes)**

Notice

- Statutorily required
 - SC Code 30-4-80(A)
- Annual notice of regularly scheduled meeting calendar
- 24 hour minimum notice of individual meetings to public & media
- Post of notice:
 - at the location of meeting,
 - media outlets requesting notice and
 - County maintained Website if site is regularly maintained (Act 70 of 2015)

Agenda & Amendments

- Agendas are now required at all public meetings
- Agendas can be amended to add items only in the following cases!
 - **Before the meeting**
 - items may be added so long as a new 24 hour notice is provided
 - **Once the Meeting has begun**
 - an item for which action can be taken may be added with a 2/3 vote.
 - Final action item added must have 2/3 vote and a finding by the chair that an emergency or exigent circumstance exists.
 - AG opinion: has to be a circumstance beyond the body's control

Quorum

- No official action can be taken without a quorum present
- Majority of meeting require a simple majority of members – 50% plus 1
 - Governing document may set quorum
- Absent a quorum?
 - Adjourn
 - Recess and try to get a quorum
 - Fix the time to adjourn

Motions

- Substantive motions (main/principal)
 - Puts a question before the council
 - Only one motion at a time
- Subsidiary motions
 - Acts upon a substantive motion
 - Multiple motions at the same time
 - Order of precedence
 - Most common is the motion to amend

Other less common motions

- *Incidental motions*: motions which generally relate to the conduct of business or rules of order, and need to be considered immediately
- *Privileged motions*: motions which are not related to the current business, but relate to special matters

Debate

- The Chair is responsible for controlling the flow of debate – ensure all members have the opportunity to speak
 - Member who raised the issue should speak first
 - First-in-line v. alternate viewpoint
 - Maintain decorum/courtesy
- Should the Chair participate in debate?
 - If the Chair participates - Another member should preside temporarily
- Ending debate
 - by motion of a member
 - Can't interrupt a speaker
 - 2/3 vote to cutoff debate
 - by the chair when debate exhausted

Postponing & Reviving Matters

- Postpone/carry-over:
 - no-limit (majority vote)
 - time certain (2/3 vote)
- Table/lay on the table – postpones until a later time in the meeting
 - dies if not taken from the table by the end of the meeting
- Reconsider – reconsider an action made at the same or immediately proceeding meeting.
 - Motion must be made by a member originally voting on the prevailing side of the issue

Voting

- Generally by voice/show of hands
- Passage – commonly by simple majority
 - Majority: (simple-majority) 50% + 1
 - 2/3 Majority: (super-majority)
 - S.C. Code requirements: amend agenda, over-ride county supervisor actions
 - Actions affecting rights of members: amending agenda; call the question; postpone to time certain
- Tie vote – considered to have failed, retains the status quo
- Does the Chair vote?

Misc. Rules of Procedure Issues

- Provisions for alternate attendance
 - A.G. opinion: *Town of Tega Cay*
 - Ability to hear and be heard
 - Questionable use in quasi-judicial hearings
- Removal from a meeting for Disruption
 - Removal of members of the public
 - SCAG: discipline is a legislative action granted to the body

Ethical Issues

- SC Code 8-13-700: Member can't use their office to obtain an economic benefit for the member, family, or business/associates
 - Must file a conflict letter with the chair – published in the minutes
 - Can't take any part in debate or vote
 - avoid even the perception of participation
 - Note on leaving the room
- Difference between **Conflict** and **Bias**
 - Abstention vs. recusal

Quasi-Judicial Hearing

- Individual application/appeal
- Members sit in a judicial capacity
- Constitutional due process and equal protection issues
 - **Impartiality is essential!**
 - Decisions are to be based on presented evidence only – avoid ex parte issues
 - Potential for appealable error
- Applicant has the burden of proof

Public Hearings

- Statutorily required for certain actions
- Publically announce rules for public input
 - Time limits; for/against; number of speakers
- Follow the agenda
- Maintain decorum and public safety
 - Don't allow speakers to attack other speakers or members
- Goal is for members to receive information
 - Members should refrain from personal comments or remarks to speakers

Executive Sessions

- Limited to 6 specific reasons provided for in SC Code 30-4-70(a)
- Body must publically announced sufficient information for reasons for calling the session and vote in open session
- No votes or polling may occur during the session

Records/Minutes

- Statutorily required for all public meetings
 - SC Code 30-4-90
- Must record official actions: dates/times, quorum, motions, votes & conflict recusals
- Must be maintained permanently & microfilmed for security
 - SC County Records Retention schedule maintained by SC Dept. of Archives & History

??Questions??



Email: jdeloache@scac.sc

Part II: Tuesday January 15, 2019 – Advanced topics in Parliamentary Procedure.
