



**MINUTES
WORK SESSION
FAIRFIELD COUNTY COUNCIL
NOVEMBER 14, 2013**

Present: David L. Ferguson, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Mikel R. Trapp, Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Shryll M. Brown, Clerk to Council

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80 (e), as amended, the following persons and/or organizations have been notified of the time, date, and location of this meeting: The Herald-Independent, The State, and Winnsboro Cablevision, and ninety-six other individuals.

1. CALL TO ORDER

At 6:04 P.M., Chairman Ferguson called the County Council meeting to order.

2. INVOCATION

Council Member Kinley led in the invocation.

3. ITEMS FOR DISCUSSION

A. Revisions To County Council Bylaws

Mr. Pope prefaced the discussion saying staff had received emails pertaining to a couple of topics, and desired to mention them to Council at this point, as the intention is to add clarity to the discussion of possible changes to the bylaws:

- Received communication suggesting need for an Attendance Policy of Council: Stated factually what the rules are and what the law is regarding Attendance Policy for County Council Members:
 - There is no statutory requirement provided in South Carolina law for elected officials.
 - General Assembly members do not have regulations regarding an attendance policy; nor do Council Members; nor do municipal officials.
 - Another question was asked if County Council does not have an attendance policy, why then do boards and commissions have policies.
 - Suggesting to Council a self-governing policy to read as such: Fairfield County Council respects the State of South Carolina's Constitution in fulfilling the duties of office as elected representatives and our oath of office. Each member of Council should attend every public meeting as scheduled by a majority of Council. If, however, for any reason, a member of Council cannot attend a scheduled public meeting he/she should notify the Clerk of Council prior to the beginning of the meeting to notify the Council and public of the reason for the absence.
- Code of Conduct.
 - Suggesting Civility Pledge to apply to both Council Members and those individuals speaking public to read as such: Fairfield County Council believes that the public interest is best served when meetings are conducted in an atmosphere of mutual respect and civility. Every person, including public officials and private citizens, who participates in a Fairfield County Council meeting is requested to adopt the following pledge of conduct: I pledge that I may disagree but will be respectful of all. I will direct all comments to the pending issues. I will refrain from personal attacks.

- Committees.
 - Staff is ready when Council is ready to have a discussion about this item. Staff has some recommendations to consider. They are not included in tonight's discussion.
- Recommended Amendments To Bylaws: Will Be Posted On County Website Before Final Vote
 - Pg. 1: No Recommended Changes
 - Pg. 2: No Recommended Changes
 - Pg. 3: No Recommended Changes
 - Pg. 4: Section 8. Included language in red that is being suggested to be added to the bylaws.
 - When the Council is called to order, every member and every guest shall take his or her seat and shall, during the session, act with decorum.
 - The Chairperson shall preserve order. If any member violates the rules or order as recognized by the Council, the Chair shall (or other member may) call him or her to order. A member who is called to order shall immediately take his or her seat until the question of order is decided, unless he or she is allowed by the Chair to explain his or her action.
 - The Chair shall decide all questions of order without debate, or with short conversation as he or she may permit; but any member may appeal to the Council to overrule the decision of the Chair which shall require at least 3 votes of the members present and voting.
 - During the periods of public comment, the comments shall be limited to 3 minutes. Allotted time is not transferrable among speakers.
 - If repeated calls do not produce order, the Chair may call by name any member persisting in irregularity. The person may then explain his or her conduct but may be ordered by the Chair to withdraw while Council considers appropriate action.
 - In case of repeated disturbance or disorderly conduct by any persons present, the Chair shall have the power to order the Chamber cleared, and any member may move for the order.
 - Pg. 5: No Recommended Changes
 - Pg. 6: No Recommended Changes
 - Pg. 7: Section 10. Added language to include Parliamentary Procedure.
 - a) Members May Appeal From Decision: All questions of order shall be determined by the Chairman without debate, or with such debate as the Chairman, in his/her discretion may permit; but any member may appeal to the entire Council the decision of the Chairman.
 - b) When Motions Are Debatable: All motions, except motions to adjourn, shall be debatable.
 - c) Roll Call Vote: Upon any question, at the request of any four (4) members, a roll call vote shall be ordered: whereupon the Clerk shall call the roll and take the names of all who voted "Yes," and all who voted "No," which the Clerk shall enter in the minutes. Any member may, upon request, have his/her vote recorded on any question.
 - d) Substitutions in the Chair: The Chairman, in the absence of the Vice Chairman, or the Vice Chairman, when he/she is presiding, may name a member to fill his/her place during an occasional absence from the Chair, but such substitutions shall not extend beyond adjournment. In the absence of the Chairman or the Vice Chairman, the Council shall elect an acting Chairman to serve until the return of the Chairman or the Vice Chairman.
 - e) Parliamentary Procedure Not Specified in These Rules: In all particulars not determined by these rules, or by the law, the Chairman or other presiding officer shall be guided by the previous usage of Council or by parliamentary law and procedures as it may be collected from Robert's Rules of Order.
 - f) Council, by majority vote, may waive its rules if it determines that it benefits the public's interest.
 - Pg. 7: Section 11. Agendas.
 - Switched order of #5 and #6.
 - First Public Comment section is related to allowing the public to comment on items on the agenda. Comments limited to three (3) minutes limit.
 - Added additional Public Comment, also limited to three (3) minutes. Input can be to introduce an item not currently under Council's consideration or bring a concern to Council's attention.
 - Pg. 8: Section (b). Public Comment.
 - 1) The first public comment segment will be for input pertaining to items on the agenda, for which no public hearing is required or has been scheduled.
 - 2) The second public comment segment will be for citizens to introduce an item not currently under Council's consideration or bring a concern to Council's attention.
 - 3) The total time allocated to each public comment segment is thirty (30) minutes.

- 6) To make a public comment, the speaker must indicate the following information on the public comment sign-in sheet: their name, address, telephone number and the matter on which he/she desires to comment. Added the following language: and must announce his/her name and address from the podium.
- 9) Public Comment shall be limited to three (3) minutes for individuals. Deleted latter part of sentence pertaining to five (5) minutes per group spokesperson.

Pg. 9: Section (c). Public Presentations.

- 2) Added: All presentations will be held on the last Council meeting of the month.
- 4) Changed to: ten (10) minutes for persons representing a group of five or more.
- 5) The presentation request must: (a) list the name, address and contact number of the presenter; (b) list the topic to be discussed; (c) provide an explanation of the listed topic. If the presentation is requested by a group, the group must provide: (a) the name of the organization on the official letterhead of the group; (b) list of the organization's members, officers and a contact number; (c) official designation.

After discussion among Council, it was agreed to amend the language to strike the word "members" and to reflect just a list of the organization's "officers".

- 7) Recommending amendment to reflect: Upon approval by the Presentation Committee (consisting of Chairman, Vice Chairman and the District Representative from which the request originated) to add the requested item to the public presentation portion of the agenda, the Clerk to Council shall place the item at the appropriate location on the agenda packet. If the materials are not conducive to electronic dissemination, the Clerk to Council shall take appropriate means to deliver the materials to Council prior to the date of the next regular meeting.

After discussion among Council, it was suggested to add language where the Chairman would have the ability to choose the third member of Council to fulfill the presentation committee. Also, to add provision to allow the Chairman, with all other presentations, to schedule those through the Clerk to Council.

Pg. 9: Section (d). Public Hearing.

- 7) To make a public hearing comment, the speaker must indicate the following information on the public hearing sign-in sheet: their name, address, telephone number and the matter on which he/she desires to comment. Added the following language: and must announce his/her name and address from the podium.

Mr. Pope set forth that if Council desires staff to move forward, the above information would be reordered in the final version, and also, if Council desires to add the attendance information and the code of conduct sections, then Council would need to direct staff to do that, as they were not part of the bylaws. On the code of conduct section, if Council is interested in considering that, would be added to the public comment sign-in sheets. Additionally, he emphasized that there will now be two (2) sign-in sheets—the first one would correlate to the items on the agenda; the second one would be for other items that citizens wanted to bring to the attention of Council.

- Chairman Ferguson pointed out that Council had not been adhering to the 30-minute total time rule, which has been in place, and this would actually open that up to an hour.
- Comments were made about the ability to transfer time to another person. This is not addressed in the bylaws, and to clarify more succinctly, would not recommend this be allowed, as it becomes unmanageable to do this.
- Each member of Council gave their view on including the Code of Conduct section and the Attendance Policy. *Subsequently, after clarifying concerns dealing with the terminology of the word "pledge", all members of Council were in agreement to include the Code of Conduct and Attendance Policy as recommended in the bylaws.* Staff was asked to make these two sections part of the bylaws. Mr. Pope added that these bylaws will be posted online and be up for the next Council meeting for vote. Chairman Ferguson asked if these amended bylaws can be available for vote in time for a special called meeting, and be in force for the next regular Council meeting.
- Committee Recommendations. Proposal to consider three (3) committees: Administration and Finance (all matters dealing with financial procedures); Policy and Procedures and keep Economic Development Committee. Recommend that the committee meetings be held before the last regular scheduled meeting of the month, on the same day. Committees would consist of three (3) members. Requests of Action would be generated and would populate the Council agenda.
- Special Called Meeting scheduled for Monday night.
- Bylaws will be posted.
- Public will have an opportunity to speak during a public comment time at the beginning of the meeting and was asked to please email or call staff with any questions or concerns.

4. ADJOURN

At 7:13 P.M., it was moved by council Member Kinley; seconded by Council Member Robinson to adjourn the meeting. The motion carried unanimously.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN