



**MINUTES
SPECIAL MEETING
FAIRFIELD COUNTY COUNCIL
NOVEMBER 18, 2013**

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

Absent: Mikel R. Trapp

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 ~~6:10 P.M.~~, Chairman Ferguson called the County Council meeting to order.

2. INVOCATION

Council Member Kinley led in the invocation.

3. ITEMS FOR DISCUSSION

Chairman Ferguson opened the floor for public comment to those who signed the sign-in sheet to speak specifically on the matters of the revisions to the County Council bylaws. The following individuals signed to speak:

Mrs. Beth Jenkins
Mrs. Selwyn Turner (declined to speak)
Mr. Billy Smith
Ms. Carol Turner
Mr. Tim Schroll
Mr. Jeff Schaffer

A. Approval of Minutes – Regular Meeting of October 28, 2013

It was moved by Vice Chairman Perry; seconded by Council Member Robinson to approve the minutes of the Regular Meeting of October 28, 2013. The motion carried unanimously.

B. Revisions To County Council Bylaws

Chairman Ferguson prefaced the discussion by asking Council their position of voting on each section of the amendments to the bylaws or as a comprehensive document. *After hearing from each member of Council of their position on the matter, Chairman Ferguson offered that Council would vote on each section at a time.*

At this time, Mr. Pope was asked to reiterate the Attendance Policy, which he did as follows: It is recommended that Council Members attend each and every meeting. A provision has been included to address and encourage; however, in regard of requiring people to do that, may not be enforceable by law. Checked with the State, the Association of Counties as well as the Municipal Association. As far as discussing someone's salary, any public body can enact by ordinance on issues agreed upon; however, whether it is lawful or not is another question. There is no provision in State law. There were numerous comments about the attendance provision; however, what was recommended from the work session was to include language in the bylaws that would encourage and foster attendance; however, having some type of punitive reaction to that is no enforceable by law. Mr. Pope also addressed the comments made about boards and commissions appointed by Council. Based upon the law, the governing body can establish rules and standards for people who are actually appointed to boards and commissions, and the basic difference and distinction in that is those people are actually appointed. When one is elected, it is a different standard.

Response To Comments Received Via Email From Mr. Billy Smith:

1. Code of Conduct Provision. What is the definition of "pending issues?" This looks as if it could easily be interpreted to someone as meaning agenda items, which would limit the types of comments that could be made by the public in accordance with public comment (3 minutes: input can be to introduce an item not currently under Council's consideration or bring a concern to Council's attention).
 - Pending issues do primarily refer to items on the agenda but citizens can comment on "other" items during the last comment period however based on the Code of Conduct ALL participants in public dialogue will be expected to abide by the Code of Conduct (Members of Council and the Public). The Chair and or the Council govern whether or not comments are consistent with the Code.
2. What, specifically, is the reason for wanting a member of the public to give their home address from the podium before commenting? I was in attendance last night, and it was proffered that the intention for this was so everyone would know whether a commenter lived within or outside of the county. Could that not be accomplished by someone simply naming the county in which they reside, what about the Council District? This is going to come off to members of the public as an intimidation tactic.
 - The recommendation was meant to provide public disclosure where the citizen resides. When a person mentions something from the public, the Clerk may have the contact information on the sign-in sheet; however, if there is something that needs clarification or follow up with that person, every Council Member may not know everyone who attends a meeting. Depending on the issue, there may be people who visit who are outside of the County.
3. What if my "group" consists of only myself and a few other concerned citizens? Say we all live on one dirt road in the county, and we want our road paved, and want to speak to council in a unified manner. Since the bylaws may, going forward, specify that we to make a request on "official letterhead," use an organization name, and list officers, etc. does that mean my neighbors on my street now have to form a 503c, adopt a specific name, purchase letterhead, and name officers just so we can present with a unified voice? This seems like overkill to me.
 - Provide the information you have to the Clerk for consideration. Any citizen, individual has an opportunity to sign up and speak. You do not have to form a 501(c)3 just to speak; however, when someone comes to the podium and mentions I represent a group, that information should be provided.
4. Where highlighted, the above says the Chairman can appoint another member to be on the committee. Why not set a procedure? Maybe we could rotate based on Council induction date of each member? If not, and I live in the Chairman's district, and the Chairman doesn't like my presentation, he can just select someone he knows will agree to not allow me to present.
 - There is already a recommended procedure in the process. If the Council, collectively, feels it wants to change that, it can be done by majority vote.
5. I realize some of you may want to adopt the bylaw amendments right away. However, except for the public having two chances to comment at meetings, all these amendments seem, to me, to just be making changes for the purpose of making changes. I see no use in that. I also caution you all on voting yes for the adoption of all of these amendments before the details are ironed out. When it came to Mr. Hinely, most of you seemed to want to wait for the details and for everything to surface. Let's do the same here. Voting on this on Monday is too soon, and does not give the public enough time to discuss and form an opinion on all of this. I also would like for us all to have answers to the questions I've posed above before the amendments are voted on.
 - Council did not specify how they desired to go about doing that; however, in most cases where there was a work session and asked that certain things be amended into it, that you normally might vote in totality of the document.

Voting On Each Section Of Bylaws:

Section 1. Organization of the Board. No changes.

Section 2. Inaugural Meeting: Oath of Office for New Members. No changes.

Section 3. Organizational Meeting: Election of Chair and Vice Chair. No changes.

Section 4. Term of Office for Chair and Vice Chair. No changes.

Section 5. Duties of the Chair (Or Vice Chair in Chair's Absence). No changes.

Section 6. Clerk to Council. No changes.

Section 7. Meetings of the Council. a)Regular Meeting; b) Council Work Sessions. No changes.

Section 8. Added Council Attendance Provision. Fairfield County Council respects the State of South Carolina's Constitution as it relates to fulfilling the duties of office as an elected representative of Fairfield County 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 any 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. **Moved by Council Member Brown; seconded by Vice Chairman Perry to approve. The motion carried unanimously.**

Section 9. Council Rules for Meetings. (1). 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. (2). 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. (3). 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. (4). 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. (5). 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. **Moved by Vice Chairman Perry; seconded by Council Member Kinley to approve. The motion carried unanimously.**

Section 10. All Meetings Shall Be Open to The Public Except Authorized Executive Sessions. No changes.

Section 11. Added Code of Conduct. 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. **Moved by Vice Chairman Perry; seconded by Council Member Kinley to approve. The motion carried unanimously.**

Section 12. Added 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. **Moved by Council Member Robinson; seconded by Council Member Brown to approve. The motion carried unanimously.**

Section 13. Agendas. Switched order of #5 and #6. Added Public Comment (3 minutes: Input must pertain to items on the agenda. Added Public Comment (3 minutes: Input can be to introduce an item not currently under Council's consideration or bring a concern to Council's attention). **Moved by Council Member Brown; seconded by Council Member Kinley to approve. The motion carried unanimously.**

Section 14. Notes on Agenda Items.

(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 and must announce his/her name and address from the podium. **Moved by Council Member Brown; seconded by Council Member Marcharia to approve (with the correction as follows: ...must announce his/her name, county and district in which they reside from the podium). The motion carried unanimously.**

9) Public Comment shall be limited to three (3) minutes for individuals. Deleted remainder of sentence referring to five (5) minutes per group spokesperson. **Moved by Council Member Brown; seconded by Vice Chairman Perry to approve. The motion carried unanimously.**

(c) Public Presentations. (2) All presentations will be held on the last Council meeting of the month. (4) Presentations shall be limited to five (5) minutes for an individual or 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 officers and a contact number; (c) official designation. (7) 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. Furthermore, in cases where the request originates from the district of the Chairman or Vice Chairman, the Chairman shall appoint another Council Member to maintain a consistent number of three (3) members on the Presentation Committee. {The Clerk was asked to start a roster, whether alphabetically or by district; go down the list (from the last person that served) to select the third person}. **Moved by Council Member Brown; seconded by Council Member Robinson to approve. The motion carried unanimously.**

(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 and telephone number and must announce his/her name, county and district in which they reside from the podium. **Moved by Council Member Robinson; seconded by Vice Chairman Perry to approve. The motion carried unanimously.**

(10) Public hearing shall be limited to three (3) minutes for individuals. Deleted remainder of sentence referring to five (5) minutes per group spokesperson. **Moved by Council Member Brown; seconded by Council Member Robinson to approve. The motion carried unanimously.**

No amendments or changes to remainder of document, but a renumbering of items by the Clerk to Council.

County Council Committees Proposal

- Mr. Pope outlined the draft that was provided to the Council for consideration, which he termed as a re-enactment of the committee process in Fairfield County. He opined that a committee process can enhance and improve the information that Council uses to make policy decisions, and submitted a recommendation for three (3) committees as follows: (1) **Administration and Finance Committee** (consisting of three (3) members, functions as a committee of ways and means to which matters dealing with general administration and with the budget, capital improvements, taxation, and bond issues should be referred); (2) **Policy and Development Committee** (consisting of three (3) members, functions in the area(s) of general operational matters, economic development and those matters relating to the functions and activities of the County Department of Public Works and Engineering; (3) **Economic Development Committee**, consisting of three (3) members (Chair, Vice Chair and a member appointed by the Chairman), serves to consider economic development matters brought before them and make recommendations to the full Council. The committee meets on an as needed basis.
- Would continue to use, develop and enhance the Request of Action process.
- The Chair of County Council shall appoint members and the chairs of the standing committees no later than the first regular meeting in January each year. *Council agreed to change the appointment of the committees no later than the first regular meeting in **February** each year.*
- No standing committee of Council shall be scheduled at the same time.
- Organization: Once appointed for the year, no member of a committee may be removed by the Chair of Council without the approval of Council. During the remainder of the year, any vacancy occurring on these committees shall be filled in a similar manner as soon as it may reasonably be accomplished. Any member of Council may attend any meeting of the committee, provided, however, only members of the particular committee may vote on matters before that committee.
- Jurisdiction: Unless otherwise ordered, committees shall have jurisdiction only over matters pertaining to the subjects indicated by the names of the respective committees. Personnel matters shall be discussed by the full Council and not by standing or special committees.
- Agendas: Appropriate written backup material for all items of business that are to be included in the Administration and Finance or Policy and Development Committee agendas must be delivered electronically to the County Administrator's Office no later than 5:00 p.m. on the date two weeks prior to the committee's scheduled meeting date. In exceptional circumstances, time-sensitive items received after the deadline may be added to a committee's agenda at the discretion of the committee's Chairperson, provided the addition is made before agendas are printed and distributed. In the event that the Chair of the committee cannot be reached before agendas are printed, then such items may be added with the consent of a majority of the committee's members. If a majority of the committee's members cannot be reached, the Chair of County Council shall have the discretion to add such items. Once the committee agendas have been printed and distributed publicly, changes to the agenda may only be made by the unanimous consent of the committee during the committee meeting. Agendas with backup information shall be provided to all members of Council on or before the Friday prior to the committee meeting.
- Meetings: Committees shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquires and requests for information at the

Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.

□ Legislative Action: Items referred to a committee for consideration shall be listed under one of the following categories: "Items for Action" or "Items for Information, Discussion, and/or Preliminary Action." Additional agenda categories (including, but not limited to, "Presentations," "Notifications," and "Items Pending Analysis") may be added to the agenda as needed for items not requiring immediate committee action.

□ Reports: All committee recommendations requiring formal action by Council shall be included in the agenda and distributed to all members of Council prior to consideration and adoption by Council, provided that if any matter is considered by the majority of any committee to be an emergency, copies of such reports may be furnished to each member of Council at the time of said Council meeting. All items presented to Council by a committee must carry the committee's disposition of the item, whether that disposition is a recommendation for approval, a recommendation for denial, no recommendation or to make any other disposition with respect to the item. Any not reported out to the full council by a committee within 90 days of that item having first appeared on the committee's agenda may be placed on the Council agenda when the Clerk's Office has received a written request signed by three members of Council, not less than 24 hours prior to the scheduled meeting. A minority report may be made if requested. Presentation of the committee's motion at the regular Council meeting does not require a second.

□ Recommitting: Any item, which may come before the Council, may be committed or recommitted before a final decision thereon. Provided, however once a motion or matter is forwarded to full Council from committee, that motion or matter may not be returned to committee other than as directed by Council.

□ Budget Work Sessions: The Council shall meet as a Committee of the Whole for budget work sessions prior to first reading of the budget.

It was moved by Council Member Brown; seconded by Council Member Robinson to approve the committee proposal, with any necessary corrections. The motion carried unanimously.

Chairman Ferguson brought forward that Council would bring the recreational discussion at the next regular meeting. He asked that Council, if they had any changes from the original proposals, to get that information to Mr. Pope and/or to Mrs. Schaeffer to ensure everything is included in the master list.

4. ADJOURN

The meeting was adjourned at 7:28 P.M., upon unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN