Ratification
Number_____

AN ORDINANCE

TO AFFIRM SEC. 2-28 AND SEC. 2-36 THROUGH SEC. 2-72 OF THE CODE OF THE CITY OF CHARLESTON AS THE RULES OF ORDER AND PROCEDURE AT MEETINGS OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND AS THE PROCEDURES FOR THE ENACTMENT OF ORDINANCES AND RESOLUTIONS.

WHEREAS, Section 5-7-250 of the South Carolina Code requires that municipal councils meet at least once in every month and at such times and places as council may prescribe; and

WHEREAS, Section 5-7-250 of the South Carolina Code requires municipal councils to determine their own rules and order of business and to provide for keeping minutes of proceedings; and

WHEREAS, Section 5-7-260 of the South Carolina Code requires that certain acts of municipal councils are required to be done by ordinance; and

WHEREAS, in Section 5-7-250 and 5-7-270 of the South Carolina Code, certain procedures for the introduction and adoption of ordinances are established.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 2-28 and Sec.2-36 through Sec. 2-72 of the Code of the City of Charleston, as hereafter set forth, are hereby affirmed as, and the same hereby are declared to be, the Rules of Order and Procedure of the City Council of the City of Charleston:

"Sec. 2 -28. Rules of Decorum.

(1) Rules of Decorum:

While any meeting of City Council is in session, the following rules of decorum shall be observed:

(a) Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and shall not use any profane, abusive or obscene language nor any fighting words or otherwise engage in disorderly conduct. Any person who makes such remarks or otherwise engages in disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of a City Council meeting shall, at the discretion of the Mayor, or in his absence, the Mayor Pro Tempore, be barred from further audience before City Council during that meeting and may be removed from the building.

(b) Any law enforcement officer who is serving as sergeant-at-arms of City Council shall carry out all orders and instructions given by the Mayor or in his absence, the Mayor Pro Tempore, for the purpose of maintaining order and decorum at the City Council meeting. Upon instruction of the Mayor, or in his absence, the Mayor Pro Tempore, it shall be the duty of such law enforcement officer to remove from the City Council meeting any person who is disturbing the proceedings of City Council.

(c) This section in no way limits any person from being charged or arrested for criminal conduct which occurs during the course of a City Council meeting or during the course of a person being removed from a City Council meeting pursuant to this section.

Sec. 2-36. Meetings.

The regular meeting of the City Council shall be held at 5:00 p.m., on the second and fourth Tuesdays of January, February, March, April, May, September, October, and November; and at the same hour on the third Tuesday of June, July, and August; and at the same time on the first and third Tuesdays of December. All regular meetings of Council will be held in City Hall except that the Council will, unless it determines otherwise by majority vote at the preceding meeting, meet at an alternate location within the City limits for the second meetings in the month of January, March, May, September, and November. Special meetings may be held at any time on the call of the Mayor, at his/her discretion or whenever he/she shall be thereunto requested in writing by at least one-third (1/3) of the whole number of Councilmembers elected; such request stating in brief the nature and objects of the call. Whenever the designated Tuesday falls on a holiday observed by City Hall, Council shall hold its regular meeting on the next succeeding Wednesday.

Sec. 2-37. Call to order; order of business.

Immediately at the hour appointed for the meeting, the Mayor shall take the chair, and the Clerk shall proceed to call the roll. If a quorum is present, business shall proceed in the following order:

(1) Properly advertised public hearings shall be conducted. Immediately following the adjournment of the public hearings, City Council shall discuss the matters for which the public hearings were held.

(2) Citizens Participation period as provided by Section 2-69 herein.

(3) Reading of the Journal of the previous meeting.

(4) Petitions received and disposed of.

(5) Reports or communication from City Officers or Boards.

(6) Reports from Standing Committees.

(7) Reports from Special or Joint Committees.

(8) Bills already in possession of Council shall then be taken up for a second or third reading.

(9) Introduction of Bills and Resolutions.

(10) Miscellaneous Business not included in any of the previous orders.

Sec. 2-38. Members may leave upon absence of quorum fifteen minutes after starting time.

If a quorum of Council fails to appear within fifteen (15) minutes after the hour appointed, no member shall be required to attend longer, unless he/she chooses to do so.

Sec. 2-39. Leaving Council meeting without permission of Mayor prohibited.

Any member leaving the Council Chamber during a meeting, without permission of the Mayor, shall be fined five dollars ($5.00), and should his/her leaving Council Chamber, without such permission, cause any suspension of business, he/she shall be fined fifteen dollars ($15.00), unless excused. Permission to leave the Council Chamber shall be requested of the Mayor in open session of Council after having been duly recognized. The amount of all fines shall be deducted from the Councilmember's salary on the Councilmember's next paycheck.

Sec. 2-40. Recognition of members desiring to speak; forms of address; profanity.

(a) Any member when about to speak shall address the Mayor as "Mr. Mayor," but shall not proceed with his/her remarks until recognized and named by the Mayor. A member shall at all times avoid any profanity or disrespect to the Council and all personalities, and shall confine himself/herself to the question under consideration. The fine for use of profanity shall be ten dollars ($10.00) for the first occurrence at a meeting and fifteen dollars ($15.00) for the second occurrence at the same meeting. The amount of all fines shall be deducted from the Councilmember's salary on the Councilmember's next paycheck.

(b) The Mayor, when addressed by a member, shall name the member using the title of "Councilmember." The member who shall first seek to be heard in order shall be first heard and if two (2) or more members seek to be heard at the same time, the Mayor shall decide who shall speak first.

Sec. 2-41. Limit on speeches.

No member shall speak a second time on the same question until every member desirous of speaking shall have spoken; and no more than twice without leave of Council, except to explain. Nor shall he/she speak at any time longer than fifteen (15) minutes.

Sec. 2-42. Division of house.

(a) If upon a question taken by acclamation the Mayor doubts, or a division be called for, Council shall divide, by those in the affirmative first raising their right hands, then those in the negative.

(b) The ayes and noes on any question shall always be ordered when required by any two (2) members, and the Clerk shall call the role and take names of all who vote aye and all who vote no, which he/she shall enter on the Journal. When the question has been stated and the first response has been made to the Clerk's call, all debate shall cease, and no members shall say more than "Yea" or "No." During the call no member shall leave the Council Chamber.

Sec. 2-43. Explanation of vote.

A member may be permitted to explain his/her vote only by leave of Council, and for such explanation he/she may be allowed not more than two (2) minutes.

Sec. 2-44. Mayor to decide questions of order.

All questions of order shall be decided by the Mayor without any debate, subject to an appeal to Council.

Sec. 2-45. Mayor to vote in all cases; exception; effect of tie vote.

The Mayor shall vote in all cases (except when he/she may be directly interested, or shall be excused), his/her name being called last in the ayes and noes. If, with his/her vote, the Council be equally divided, the question shall be decided in the negative.

Sec. 2-46. Forms of laws; each ordinance to receive three readings; adoption procedures.

(a) All laws passed by Council shall be in the form of ordinances, which shall receive three readings. The first reading of a Bill shall be by title only, for information; no amendment shall then be in order. The Bill presented shall be printed as a part of the official proceedings, and lie over until the next meeting of Council. No notice shall be necessary for the introduction of a Bill.

(b) The style of all Ordinances shall be, "Be it Ordained by the Mayor and Councilmembers of Charleston, in City Council Assembled."

(c) The second reading of a Bill shall be by title only except that, if requested by any two (2) members of Council, it shall be read section by section. After the Bill has received second reading and all amendments and privileged motions (if any) disposed of, the question shall be, "Shall this Bill be ordered to a third reading?" Upon a decision in the affirmative, the order shall be accordingly; a decision in the negative shall be a rejection.

(d) At a third reading of the Bill, the Bill shall be read by its title only. After the Bill shall have been so read the question shall be, "Shall this Bill pass, the title thereof be changed to an Ordinance and be ordered engrossed for ratification?" Upon the third reading of a Bill, no amendment shall be offered, except by unanimous consent or previous notice.

(e) After a Bill shall have passed its third reading and shall have been ordered to be engrossed for ratification, it shall then be ratified in open Council by being signed by the Mayor and Clerk.

(f) A Bill having passed its third reading but held over for ratification cannot at a subsequent meeting be considered, except by unanimous consent, two-thirds (2/3) of the members of the Council being present at that meeting. It shall be the duty of the Clerk to have such a Bill which has passed its third reading engrossed and ready for ratification at the next regular meeting, and neither the Clerk nor the City Council shall have power to withhold its ratification, except by the unanimous consent of the Council, two-thirds (2/3) of the Council being present.

(g) Every Bill before presentation shall have its title engrossed; every report its title at length; every petition, memorial, or paper its prayer or substance; and any Council member presenting such a bill, report, memorial, or other paper shall endorse his/her name therein.

Sec. 2-47. Notification of business association prior to debate or vote on lease or transfer of City-owned or controlled property.

Prior to debate on a vote by City Council or any standing committee thereof to consider the transfer or lease of city owned or controlled property to a business as defined in §8-13-100(3) of the 1976 S.C. Code of Laws, as amended, including a non-profit corporation (hereinafter referred to as "business"), with which a Councilmember or the Mayor is associated, City Councilmembers and the Mayor shall be notified of the nature of the association between the Councilmember or the Mayor and the business by the Councilmember or the Mayor having the association with the business. The city employee responsible for placing the matter on the agenda for consideration shall also be subject to the requirements of this section if the employee has knowledge of the Councilmember's or mayor's association with the business.

Sec. 2-48. Use of electronic devices prohibited.

No person shall possess or use an electronic device, including but not limited to mobile phones, pagers and computers, that emits an audio alert or sound, unless such device is equipped for a vibration or other silent alert, in any meeting conducted by the city, including but not limited to meetings of city council, city boards and commissions or special meetings. However, in no event shall any person verbally communicate on a two-way radio or mobile phone during any city meeting. Nothing in this provision shall apply to the clerk of council's office in executing the official duties of that position. Any person who violates this section shall be removed from council chamber and shall not be readmitted unless absent the offending device.

Sec. 2-49. Standing committees-Appointment by the Mayor.

The Mayor, at the first meeting of each year during his/her term shall appoint Standing Committees and shall name the chairperson of each; and in case of a vacancy in any committee, or in the chairpersonship of any committee, from any cause during his/her term of office, he/she shall fill such vacancy. The Mayor may, from time to time, make such changes in said committees as may be necessary, or conducive to the convenience of the members.

Sec. 2-50. Same-Established.

The Standing Committees are as follows:

(1) Ways and Means, to consist of all Councilmembers and the Mayor, to whom shall be referred all matters connected with city finance, assessments and taxes. A quorum shall be seven (7) members.

(2) Public Works and Utilities, to consist of four (4) members of Council and the Mayor. A quorum shall be three (3) members.

(3) Public Safety, to consist of four (4) members of Council and the Mayor. A quorum shall be three (3) members.

(4) Traffic and Transportation, to consist of four (4) members of Council and the Mayor. A quorum shall be three (3) members.

(5) Real Estate, to consist of four (4) members of Council and the Mayor. A quorum shall be three (3) members.

(6) Community Development, to consist of six (6) members of Council and the Mayor. A quorum shall be four (4) members.

(7) Special Facilities, to consist of six (6) members of Council and the Mayor. A quorum shall be four (4) members.

(8) Human Resources, to consist of five (5) members of Council and the Mayor. A quorum shall be three (3) members.

(9) Recreation Commission, to consist of five (5) members of Council and the Mayor. A quorum shall be three (3) members.

(10) Audit Committee, to consist of all Councilmembers and the Mayor. A quorum shall be seven (7) members of the Committee.

All other committees shall be appointed by the Mayor, unless a ballot is called for by the members of Council.

Sec. 2-51. Same-Duties generally.

(a) It shall be the duty of each member of a Standing Committee to attend all meetings of the Committee of which he/she is a member, and lend his/her aid and assistance to the proper investigation into and report upon all matters referred to the Committee.

(b) It shall be the duty of the Standing Committees of the Council to carefully examine into and report upon all petitions and other matters referred to them by this body, using due diligence thereon.

(c) It shall be the duty of the Standing Committees and of the members thereof, to carefully examine the ordinances of the City appertaining to the subject with which the said committee is especially charged and to endeavor to ascertain from time to time whether the ordinances appertaining to the said subject are being properly regarded and enforced, and whether in their opinion these ordinances are sufficient and satisfactory; reporting from time to time to City Council such violations as they may ascertain, such changes in ordinances on aforesaid subjects as they may deem proper, or any other matter connected therewith, which may seem to them to be in the best interest of the City.

Sec. 2-52. Same-Referral of matters brought before Council.

(a) The matters to be referred to the said several standing committees shall be such as appertain or relate to the subjects designated in the name of said Committee and whenever matters shall be brought before City Council by petition or otherwise connected with or relating to anyone of the said subjects exclusively, said matters shall be referred as of course to the Standing Committee having charge of said subject.

(b) Whenever any matter shall come before the City Council by petition or otherwise, which shall be connected with or related to two (2) or more of these subjects with which the Standing Committees are especially charged, Council shall in such case determine whether it shall be referred to a special committee or to a joint committee, to be composed of two (2) or more of the Standing Committees concerned therewith, or to one of the said Standing Committees, and in the latter case to which one the reference is to be made.

Sec. 2-53. Same-Calling of meetings.

The Chairman of any Standing Committee shall, upon the written request of not less than one-third (1/3) of such Committee within two (2) days thereafter, issue a call for a meeting of such committee, to be held not later than ten (10) days thereafter, and

on his/her failure to do so the members making such request may call a meeting of such committee.

Sec. 2-54. Same-Ways and Means.

(a) Composition. The Committee on Ways and Means shall consist of all Councilmembers and the Mayor, to whom shall be referred all matters connected with city finance, assessments and taxes.

(b) Quorum. A quorum shall be seven (7) members.

(c) Responsibilities. The responsibilities of the Committee on Ways and Means shall involve legislative action on other matters pertaining to:

(1) Adoption of annual budget;

(2) Budgetary allocations and reallocations;

(3) Taxation ordinances and levies;

(4) Assessment and collection of revenues;

(5) Purchasing policies;

(6) Licensing;

(7) Contracts executed by executive branch.

(d) Coordination with executive branch. The Committee on Ways and Means shall be responsible for coordination with the procurement division and the finance division of the department of administrative services and the corporation counsel.

Sec. 2-55. Same-Public Works and Utilities.

(a) Composition. The Committee on Public Works and Utilities shall consist of four (4) members of Council and the Mayor.

(b) Quorum. A quorum shall be three (3) members.

(c) Responsibilities. The responsibilities of the Committee on Public Works and Utilities shall involve recommendations to Council on matters pertaining to:

(1) Liaison with public works commission in matters related to water supply and distribution, service and pollution control;

(2) Improvement of sanitation and garbage services and maintenance of streets;

(3) Public works engineering;

(4) City maintenance services;

(5) Building, plumbing and electrical inspections, and code enforcement;

(6) Municipal marina and yacht basin.

(d) Coordination with executive branch. The Committee on Public Works and Utilities shall be responsible for coordination with the department of public service, department of traffic and transportation, housing board of appeals, commissioners of public works, and the yacht basin commission.

Sec. 2-56. Same-Public Safety.

(a) Composition. The Committee on Public Safety shall consist of four (4) members of Council and the Mayor.

(b) Quorum. A quorum shall be three (3) members.

(c) Responsibilities. The responsibilities of the Committee on Public Safety shall involve recommendations to Council on all matters pertaining to:

(1) Fire service policy;

(2) Police service policy;

(3) Civil defense and emergency planning;

(4) Municipal penal ordinances and court services.

(d) Coordination with executive branch. The Committee on Public Safety shall be responsible for coordination with the police department, fire department, trustees of the fireman's insurance and pension fund, police relief and pension fund commission, board of firemasters and municipal court system.

Sec. 2-57. Same-Community Development.

(a) Composition. The Committee on Community Development shall consist of six (6) members of Council and the Mayor.

(b) Quorum. A quorum shall be four (4) members.

(c) Responsibilities. The responsibilities of the Committee on Community Development shall involve recommendations to the Council on matters pertaining to:

(1) Land use and development policy;

(2) Municipal planning and comprehensive development planning services;

(3) Urban and neighborhood redevelopment services;

(4) Economic development services.

(d) Coordination with executive branch. The Committee on Community Development shall be responsible for coordination with the department of planning and urban development, public works commission, planning and zoning commission, redevelopment and preservation commission, board of architectural review, CBD revitalization commission, board of adjustment, and the economic development commission.

Sec. 2-58. Same-Traffic and Transportation.

(a) Composition. The Committee on Traffic and Transportation shall consist of four (4) members of the Council and the Mayor.

(b) Quorum. A quorum shall be three (3) members.

(c) Responsibilities. The responsibilities of the Committee on Traffic and Transportation shall involve recommendations to the Council on matters pertaining to:

(1) Highway programs;

(2) Traffic planning and engineering;

(3) Mass transit;

(4) Municipal parking facilities.

(d) Coordination with executive branch. The on Committee on Traffic and Transportation shall be responsible for coordination with the department of traffic and transportation.

Sec. 2-59. Same–Special Facilities.

(a) Composition. The Committee on Special Facilities shall consist of six (6) members of the Council and the Mayor.

(b) Quorum. A quorum shall be four (4) members.

(c) Responsibilities. The responsibilities of the Committee on Special Facilities shall involve recommendations to the Council on matters pertaining to:

(1) Municipal auditorium;

(2) Cultural and historic facilities; and

(3) Maritime Center.

(d) Coordination with executive branch. The Committee on Special Facilities shall be responsible for coordination with the department of special facilities, commission on arts and history and the board of trustees of the Charleston Museum.

Sec. 2-60. Same-Human Resources.

(a) Composition. The Committee on Human Resources shall consist of five (5) members of the Council and the Mayor.

(b) Quorum. A quorum shall be three (3) members.

(c) Responsibilities. The responsibilities of the Committee on Human Resources shall involve recommendations to the Council on matters pertaining to:

(1) Municipal personnel and merit system;

(2) Accident review;

(3) Municipal health, education, and welfare programs;

(4) Charitable institutions;

(5) Community social service programs.

(d) Coordination with executive branch. The Committee on Human Resources shall be responsible for coordination with the personnel division of the department of administrative services, the commissioners of the Charleston Orphan House, and the commissioners of the Charleston Housing Authority.

Sec. 2-61. Same-Recreation.

(a) Composition. The Committee on Recreation shall consist of five (5) members of the Council and the Mayor.

(b) Quorum. A quorum shall be three (3) members.

(c) Responsibilities. The responsibilities of the Committee on Recreation shall involve recommendations to the Council on matters pertaining to:

(1) Parks improvement and expansion;

(2) Recreation services and facilities;

(3) Cultural services.

(d) Coordination with executive branch. The Committee on Recreation shall be responsible for coordination with the Department of Recreation, Commissioners of the Colonial Common and Ashley River Embankment, Commissioners of Marion Square, Golf Course Commission and board of recreation.

Sec. 2-62. Same-Real Estate.

(a) Composition. The Committee on Real Estate shall consist of four (4) members of the Council and the Mayor.

(b) Quorum. A quorum shall be three (3) members.

(c) Responsibilities. The responsibilities of the Committee on Real Estate shall involve recommendations to the Council on matters pertaining to municipal real estate transactions.

Sec. 2-63. Other Committees.

All committees other than standing committees shall be appointed by the Mayor, unless a ballot is called for by the members of Council.

Sec. 2-64. Reports to be signed by majority of committee.

All reports shall be signed by a majority of the committee to whom the subject was referred.

Sec. 2-65. Prayers, petitions and memorials not to be granted without referral to and report by committee; exception.

No prayer, petition or memorial shall be granted, except by unanimous consent, without first being referred to its appropriate Committee and until there has been a report from such Committee.

Sec. 2-66. Election of Officers and Commissioners.

The election of all officers and commissioners shall be by roll call, the Clerk of Council to call the roll and every member to state for whom he desires to vote, except when otherwise provided for by ordinances, and the election shall be determined by a majority of votes actually given. When, however, there is only one nomination for any vacant office, the Mayor shall cast the unanimous vote of Council for that office; unless a Councilmember specifically shall request a roll call.

Sec. 2-67. Robert's Rules to be followed.

The Rules of Parliamentary Practice comprised in the current edition of Robert's Rules of Order shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the foregoing rules.

Sec. 2-68. Election of Mayor Pro Tempore.

At the first meeting of each year, there shall be elected by ballot from the Councilmembers, a Mayor Pro Tempore who for the ensuing year, shall act as Mayor, during the sickness or temporary absence of the Mayor, and who shall not be re-elected to such office during the term, and in the event of the sickness or temporary absence of the Mayor Pro Tempore, while acting as Mayor, then and in that event, the Chairman of the first Standing Committee in the order named in Section 2-49, who shall be in the City and available, shall be acting Mayor in said interim.

Sec. 2-69. Petitions and memorials.

All communications to the City Council shall be by petition or memorial. None other than members of Council shall be heard on any petition or memorial without the unanimous consent of Council, except that during a period of thirty (30) minutes of each regular meeting the Mayor may recognize citizens of Charleston who wish to address Council on matters of City business. City Council shall be provided, by the Office of the Clerk of Council, with a published agenda the Thursday before each regular meeting. The deadline for submitting items to be considered at the City Council and Ways and Means Committee shall be noon on the Monday of the week prior to the scheduled meetings. A two-third's (2/3) vote of the Council members present shall be required for a matter to be added to the agenda after it has been closed.

Sec. 2-70. Ways and Means Committee to hold meetings every month and Public Works and Utilities to hold meetings when necessary, to carry out the provisions of Sec. 2-52(a).

The Ways and Means Committee of City Council shall hold at least one (1) meeting every month for the purpose of carrying out the provisions of Section 2-52(a). The Public Works and Utilities Committee of City Council shall hold meetings as necessary for the purpose of carrying out the provisions of Section 2-52(a). Meetings of the Public Works and Utilities Committee shall be called at the discretion of the Committee Chairman or when at least one-third (1/3) of the Committee requests a meeting in writing. When any matter is referred to any committee at any regular or extra meeting of Council, said committee shall meet and take action on such matters before the next regular meeting, reporting thereon at said meeting, and to every subsequent meeting until said matter reaches final disposition.

Sec. 2-71. Rescission, suspension or alteration of Rules.

Any of the foregoing rules, except those requiring unanimous consent, can be rescinded, suspended, or altered by a majority of three-fourths (3/4) of the members present.

Sec. 2-72. Procedure upon absence of quorum.

(a) No member of Council shall absent himself/herself from the service of City Council without leave. If at any time during the sessions of City Council, a question shall be raised by any Councilmember, as to the presence of a quorum, or if needed, a money quorum, the Mayor or presiding officer shall forthwith direct the Clerk of Council to call the roll, and shall announce the result, and these proceedings shall be without debate.

(b) Whenever upon such roll call it shall be ascertained that a quorum, or if needed, a money quorum, is not present a majority of the members of Council present may direct the Sergeant-at-Arms to request and when necessary, to compel, the attendance of the absent members of Council, which order shall be determined without debate; and, pending its execution, and until a quorum or, if needed, a money quorum, shall be present, no motion, except to adjourn, shall be in order.

(c) The Clerk of Council, or any proper person deputized by the Clerk shall be the "Sergeant-at-Arms."

Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____, in the year of Our Lord, 2016, in the _____ Year of Independence of the United States of America.

_____
John J. Tecklenburg
Mayor

_____
Vanessa Turner Maybank
Clerk of Council