



*City of Charleston*

*South Carolina*

*Clerk of Council Department*

WILLIAM S. COGSWELL, JR.  
MAYOR

JENNIFER B. COOK  
CLERK OF COUNCIL

## **SPECIAL COMMUNITY DEVELOPMENT COMMITTEE AGENDA**

A meeting of the Community Development Committee will be held at **3:00 p.m., Thursday, December 11, 2025**, at City Hall, 80 Broad Street and via Conference Call at 1-929-205-6099, Access Code: 759694505. The agenda will be as follows:

- Invocation

**a. Public Participation**

**Any person who speaks at a Community Development meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum. Violation of the Rules of Decorum may result in the forfeiture of audience before the Committee and/or removal from the meeting.**

**Citizens can participate virtually by telephone or leave comments for the Committee by completing the form at <http://innovate.charleston-sc.gov/comments/>. If requesting to speak by telephone, please provide your name and telephone number. Requests to speak at the meeting and comments must be received by 12:00 p.m., Thursday, December 11, 2025.**

**b. Approval of Minutes**

- i. November 20, 2025

**c. Old Business**

- i. An ordinance (1) to amend the City's Women and Minority Business Enterprise Ordinance to create the Small Business Enterprise; (2) to amend the Human Affairs and Racial Conciliation Commission ordinance to create the Human Affairs Commission; and (3) to ensure any City programs, plans, ordinances, regulations, policies, initiatives, directives to commissions and committees, and practices related thereto, conform to Federal and State Law, including Executive Orders. **[AMENDED]**

**d. New Business**

**Miscellaneous Business**

**Adjourn**

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher

at (843) 577-1389 or email to [schumacherj@charleston-sc.gov](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.





**AN ORDINANCE (1) TO AMEND THE CITY'S WOMEN AND MINORITY BUSINESS ENTERPRISE ORDINANCE TO CREATE THE SMALL BUSINESS ENTERPRISE; (2) TO AMEND THE HUMAN AFFAIRS AND RACIAL CONCILIATION COMMISSION ORDINANCE TO CREATE THE HUMAN AFFAIRS COMMISSION; AND (3) TO ENSURE ANY CITY PROGRAMS, PLANS, ORDINANCES, REGULATIONS, POLICIES, INITIATIVES, DIRECTIVES TO COMMISSIONS AND COMMITTEES, AND PRACTICES RELATED THERETO, CONFORM TO FEDERAL AND STATE LAW, INCLUDING EXECUTIVE ORDERS. [AMENDED]**

**WHEREAS**, the City of Charleston (“City”) is committed to ensuring that its ordinances, orders, programs, policies, practices, and procedures continue to comply with and remain consistent with the Constitutions and Laws of the United States and the State of South Carolina and conform to any current or future conditions, requirements, or other contractual obligations that are or may be applicable to recipients of federal or state funds; and

**WHEREAS**, the City receives, relies upon, and administers various forms of federal and state grants, cooperative agreements, contracts, and other forms of funding or financial assistance, and the City must continue to take any and all necessary and appropriate action to maintain its continued eligibility to receive and administer such federal and state funding and to remain in compliance with any current and future obligations or conditions associated with the same.

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

**Section 1: Amendments; In General.** For the purposes of this section, additions are shown by underlines and deletions are shown by ~~strike-throughs~~.

**Section 2. Chapter 2, Article VIII,** “Plan for the Utilization of minority business enterprises (MBEs) and women business enterprises (WBEs),” Section 2-268 (a) through (g), is hereby repealed and replaced with Section 2-344 through 2-349 hereinbelow, which shall be codified in Chapter 2, Article XI, Division 8.

**Section 3. Chapter 2, Article XI, Division 8,** “Minority Business Enterprise” is hereby amended as follows:

**DIVISION 8. - MINORITY SMALL BUSINESS ENTERPRISE**

- **Sec. 2-344. - Establishment of the office of minority small business development.**
  - (a) ***Establishment.*** There is hereby established the office of minority small business development (also referred to as "SMBD") that shall be a division of the division of economic development and neighborhood services. The small business development program is intended to be a race- and gender-neutral program.
  - (b) ***Duties and responsibilities of director.*** The SMBD director shall be responsible for administering the minority small business development plan as adopted by city council, from time to time, ~~to increase participation of disadvantaged and women business enterprises.~~ The director shall also establish programs, subject to the approval of the mayor, to assist potential entrepreneurs and existing small business owners through the following:
    - (1) Assisting potential entrepreneurs to identify and evaluate resources related to the start-up of his or her small business;
    - (2) Aiding existing small business owners in the capacity of business growth and expansion;
    - (3) Providing access to potential economic and financial opportunities through the use of business databases;
    - (4) Providing guidance and counsel to assist businesses become more efficient by improving management skills and operational effectiveness;
    - (5) Conducting and co-sponsoring workshops on topics related to starting and operating a small business in South Carolina.
    - (6) Administer a small business certification program per city ordinance Sec. 2-346.
  - (c) ***Duties of the office.***
    - (1) ***Financial assistance.*** The office shall provide financial planning and technical assistance to businesses by evaluating and analyzing financial records. The office shall also assist in the preparation of business loan proposals.
    - (2) ***Loan programs.*** The director is hereby authorized, subject to review and approval of the mayor, to create, administer, and manage loan programs. All loan programs shall have strict guidelines, lending limits, and require a governing board review for approval. The governing board shall be appointed by the mayor and shall consist of seven (7) members as follows: one (1) member from the enterprise community board, the enterprise community coordinator of the department of housing and community development, one (1) accountant, one (1) member from the business community and three (3) members who possess lending experience.

#### **Sec. 2-345 - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Commercially useful function** shall mean a function performed by a business enterprise when it is responsible for supplying goods or for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether an SBE is performing a commercially useful function, the amount of work subcontracted, industry practices, and other relevant factors shall be evaluated.

**Conduit** shall mean a small business enterprise (SBE) that knowingly agrees to pass the scope of work, for which it is listed for participation and is scheduled to perform or supply on the contract, to a non-SBE firm.

**Eligible owner** shall mean an individual that must be involved in the daily management and operations of the business concerned and is:

- (1) An individual who owns at least 51 percent of the equity of a business enterprise, or
- (2) An individual who owns at least 51 percent of all classes of voting stock of a corporation, or
- (3) An individual who owns at least 51 percent of a partnership interest.

**Good faith effort** is action taken by a vendor to meet the contract requirements set forth in the good faith effort policy.

**SBE Certification** shall mean completion, by a business enterprise, of the application process and subsequent approval by the SBD for participation of the business enterprise in the SBD program. Additionally, or in the alternative, the SBD program may accept a similar or equivalent certification obtained by a business enterprise through the South Carolina Department of Transportation or other state or federal agency or department.

**Small business enterprise (SBE)** shall mean a business enterprise that is verified by the SBD, or his or her designee, as meeting all of the requirements for certification under the SBE program. These requirements shall include, but are not limited to, the financial ability, skill levels, experience levels, and access to necessary staff, facilities, and equipment needed to complete or fulfill a particular contract, subcontract, or procurement.

#### **Sec. 2-346. - Program eligibility and certification.**

The SBD shall determine the certification of applicant business enterprises as SBEs in order to implement the purposes of this program based on the following requirements:

- (1) Gross sales receipts do not exceed \$7,500,000.00 annually as averaged over the preceding three-year period.
- (2) The eligible owner is actively involved in the day-to-day management and control of the business enterprise and the delivery of its products and services.
- (3) The enterprise has been actively in operation, providing goods and/or services, for at least the preceding twelve-month period.
- (4) The enterprise has a current business license and is current on all county taxes and fees.

#### **Sec. 2-347. - Business graduation from SBE program.**

Certification of a business enterprise as an SBE will be re-evaluated every 2 years through the application renewal process. An SBE that desires to maintain its certification will be required to renew their application every 2 years. An SBE who does not renew their application will be ineligible to participate in the SBE program until renewal is complete. Once the gross annual receipts of a business enterprise exceed \$7,500,000.00, as averaged over the previous three-year period, then that business enterprise will no longer be eligible to participate in the City of Charleston SBE Program. An SBE shall supply two (2) years of annual business income tax returns or other information required by the City to verify gross annual receipts. This information will be kept strictly confidential.

**Sec. 2-348. - Good faith effort policy.** In all contract procurements for services and construction, the good faith effort policy will be required of all prime contractors submitting a bid. The good faith effort policy requires prime contractors to make a documented effort to provide contract opportunities to small business enterprises. The prime contractor is required to make documented contacts to certified firms for contracting opportunities as set forth in solicitations. Noncompliance with the policy, or failure to document compliance with the policy, will result in a bid or proposal being deemed non-responsive.

**Sec. 2-349. - Forming of conduit arrangement with a small business enterprise for the purpose of securing contracts and procurements.**

Where an SBE serves as a conduit, the SBE has not performed a commercially useful function. This arrangement does not meet the commercially useful function requirement, and therefore the SBE's participation does not count toward the SBE goal. Commercially useful function is measured for purposes of determining contracts and procurements, not for determination of certification eligibility.

**Section 4. To Amend Chapter 2, Article IV, Division 11: the Human Affairs and Racial Conciliation Commission Sections 2-206 through 2-211 as follows:**

#### **DIVISION 11. Human Affairs and Racial Conciliation Commission**

##### **Sec. 2-206. Establishment.**

There is hereby established a standing Commission to be called the "Charleston Human Affairs and Racial Conciliation Commission, (hereinafter "CHARCC" or "Commission")."

##### **Sec. 2-207. Purpose.**

(a) The purpose of HARCC is to promote equity and inclusion, and racial conciliation through meetings, presentations, and research regarding all forms of institutional and community discrimination and assist in implementing any recommendations from the mayor and council through its standing committees to the public, assist with education and implementation of any directive from council. Equity, for the purposes of HARCC's duties and responsibilities, shall be defined as the guarantee of fair treatment, access, opportunity, and advancement while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups.

(b) HARCC will prioritize address racial equity and will work with city government and partner with outside agencies, in an effort to encourage and ensure diversity, fairness, equity, and inclusion throughout the city.

(c) HARCC will act in an advisory role to the mayor, city council and city departments in the duties and responsibilities outlined in section 2-208. Nothing in this division authorizes HARCC to enact, implement, or mandate, any laws, legal opinions, policies, or procedures.

(d) HARCC is under no obligation to use the EIRC commission report as a blueprint, framework or path forward. Notwithstanding, within the first five (5) months from the first duly called meeting of the HARCC, it shall review the CEIRC report and provide a status report to council as to its progress on this review by December of 2022.

(e) All recommendations to Council shall adhere to the principles of equity, inclusion and equal opportunity in accordance with City, State and Federal nondiscrimination laws and the protective classes therein. This provision is not intended to restrict HARCC's ability to make recommendations to council for changes to existing laws where there may be unintended discrimination against a protected class.

(f) HARCC is to pursue initiatives that honor the contributions of those who were enslaved; ameliorating the remaining vestiges of slavery and Jim Crow era laws; changing our local government to reflect equity and inclusion for all people.

(g) HARCC is not a blueprint to implement all the recommendations in the Special Commission Report nor will it advocate to defund the police, provide cash reparations, teach critical race theory or advocate to violate the South Carolina Heritage Act.

(a) The purpose of HAC is to promote civility and civic engagement internally amongst City staff and externally between and among the City and its residents through neighborhood meetings, listening sessions, and public presentations and recommendations to the Mayor and Council. HAC will also assist in the implementation of any recommendations from the Mayor and Council. This platform is intended to emphasize civic responsibility and improved civic engagement through local participation and community driven programs that create pathways to enhance access to city programs and resources for all communities in the City.

(a) This Commission is created by City Council to promote fairness under the law in the City. For purposes of this ordinance, fairness is defined as impartial and just treatment or behavior, elimination and prevention of unlawful discrimination, and fostering mutual understanding and respect among all people in this City.

## **Sec. 2-208. Objectives Duties and responsibilities.**

- (a) Provide recommendations to the mayor and city council on development of a racial equity framework that will serve as a tool and processes to analyze, influence, and improve internal decision making in a way that supports racial equity within the city as an organization and through its services;
- (b) Assist city staff and participate in conjunction with the city in public engagement, education and outreach activities that promote equity, inclusion, racial conciliation, and engagement;
- (c) Provide educational and outreach support to established programs and organizations in the community to promote a more inclusive and equitable city;
- (d) Identify and provide active assistance toward training and resources to educate community members about the importance of and helpful guidance toward respectful and meaningful conversation;
- (e) Identify and provide active assistance toward training and resources to provide any needed resources and support to city's office of Human Affairs;
- (f) Work with city staff toward the development of a strategic outreach plan to engage a broad spectrum of community members to provide input to the mayor and city council;
- (g) At the direction of the mayor and council, meet and collaborate with community partners such as educational institutions, civil rights organizations, business organizations, local chambers of commerce, for example, Charleston Regional Development Alliance, and Lowcountry Local First for input and assistance toward its goals;
- (h) They will fully vet whether to become a community relations council in partnership with SC Human Affairs Commission;
- (i) Report annually to the city council on the status of its work, its recommendations, and any activities related to carrying out the duties and responsibilities of the HARCC;
- (j) Assist in the review and provide recommendations in any other areas of equity and inclusion, and racial conciliation, as needed, and engage the mayor and city council as needed in furtherance of the welfare of the city; and
- (k) At the direction of the mayor and council, carry out any other issue that they deem necessary to carry out its duties, and responsibilities.

  

- (a) Assist and participate in public engagement, education, and outreach activities that promote its purpose;
- (b) Provide educational and outreach support to established programs and organizations in the community to promote its purpose;
- (c) At the direction of the Mayor and City Council, meet and collaborate with community partners such as educational institutions, civil rights organizations, business organizations, and local chambers of commerce;
- (d) Report annually to the City Council, as needed, on the status of its work, its recommendations, and any activities related to carrying out the duties and responsibilities of the HAC; and
- (e) At the direction of the Mayor and City Council, carry out any other issue that they deem necessary to carry out its duties and responsibilities.

  

- (a) **The Commission shall ensure impartial access to city services and community conciliation through public meetings, presentations and research regarding community relations and to assist with public education and the implementation of directives from City Council.**
- (b) **The Commission will prioritize constructive dialogue, problem-**

solving, and improved public service delivery across neighborhoods; work with City government; and partner with outside organizations to encourage civil engagement and open participation throughout the City.

- (c) The Commission acts solely in an advisory capacity to the Mayor, City Council, and City departments as described in section 2-209. Nothing in this division authorizes the Commission to enact, implement, or mandate laws, legal opinions, policies, procedures, or training requirements.
- (d) All Commission activities and recommendations shall comply with applicable City, state, and federal laws. This provision does not restrict the Commission's ability to recommend changes to existing laws or policies consistent with those laws.
- (e) In fulfilling its purpose, the Commission may consider all relevant data sources to include, and not be limited to, prior City reports and community input relevant to community relations and conciliation and may provide status updates to City Council as requested.

#### Sec. 2-209. Duties and Responsibilities. Organization.

- (a) Membership. The HARCC shall consist of thirteen (13) members; two (2) three (3) of which shall be members of city council, and the remaining ten (10) appointees shall be members of the community. Each council member who was not appointed to be a member of the commission and the mayor shall each nominate one (1) community member, subject to approval by council. All nominees will be properly vetted and approved by council consistent with the principles set forth for appointments to other standing city commissions and committees. In the event any seat remains open for more than three (3) meetings attributable to a council member appointment, and upon notice to that council member and opportunity to replace, the mayor may offer a nomination for council consideration. Six (6) members will each specialize in one or more of the following areas of expertise: private or public sector professionals in the health administration, public service, environmental, police, education, and non-profit arena; three (3) members who represent community leadership; and two (2) undergraduate or graduate students.
- (b) Management. The commission shall be supported by the city's manager of human affairs and racial conciliation and other city staff and consultants as needed.
- (c) Subcommittees. The commission will have the authority to designate subcommittees on matters including but not limited to housing, health care, criminal justice, small business and economic development, and communications.
- (d) Meetings and minutes. The commission shall establish a regular time and place of meeting and shall hold at least one (1) regular meeting every month. For purpose of action, a quorum of the commission shall consist of five (5) members of the commission in attendance. The commission shall keep a written record of its proceedings and file the record with the clerk or council after the completion of any meeting.
- (e) Procedure. The commission shall make and alter rules governing its organization and procedures that are not inconsistent with any city ordinance or Roberts Rules of Order.
- (f) Periodic review by council. Council shall have the opportunity to review and reauthorize HARCC every three (3) years to ensure that it is meeting its goals and objectives and make amendments as necessary.
- (g) Transition period of new members. Upon appointment of new members, a transition period of ninety (90) days wherein the outgoing members are to advise, brief and update the incoming members on any old, ongoing and new business of HARCC.

The Commission shall have the following duties and responsibilities:

- (1) Provide recommendations to the Mayor and City Council on the development and use of tools and processes to analyze and improve City decision-making so as to promote consistent, lawful, and fair application of City policies, programs, and services. These tools and processes shall not mandate preferences, set-asides, or quotas. However, in some cases, goals and/or benchmarks may be warranted to target and measure the fairness under law for all City policies and programs.
- (2) In conjunction with City officials and staff, assist in public engagement, outreach, and educational activities that promote civility, community conciliation, and civic participation. All Commission-supported activities shall be open to all on equal terms.
- (3) Provide outreach support and guidance to established community programs and organizations that enhance public trust, cooperation, and effective community relations, consistent with applicable law.
- (4) Identify and help facilitate voluntary opportunities and resources to educate community members—including public officials, residents, and local businesses—about respectful dialogue and practical conflict resolution. Participation in any program supported by the Commission shall be voluntary, viewpoint-neutral, and free from compelled speech, in accordance with applicable law.
- (5) Work with City staff to develop a strategic outreach plan aimed at engaging residents across all areas of the City. The goal of this plan is to ensure broad public input on matters within the Commission's purpose and to reflect a wide range of community perspectives.
- (6) At the direction of the Mayor or City Council, meet and collaborate with community partners—including educational institutions, civic organizations, business and industry groups, neighborhood associations, and chambers of commerce—to advance lawful community conciliation and civic participation. Such collaborations shall be advisory and consensus-building and shall not confer special advantages or benefits.
- (7) Evaluate and report on whether the City should seek designation or partnership with the South Carolina Human Affairs Commission or similar bodies to enhance community relations, and advise City Council on feasibility and implications.
- (8) Provide an annual report to City Council summarizing the Commission's activities, findings, and recommendations and identifying proposed action items for Council consideration. City

Council may refer the report to standing committees and make it available to the public.

- (9) Review, research, and make recommendations on other matters related to consistent, lawful application of City services and community conciliation as requested by the Mayor or City Council, including issues affecting housing, economic opportunity, public safety, health, and education, insofar as they involve improving access to City information, programs, or services.
- (10) Carry out any additional responsibilities or tasks within the Commission's purpose that the Mayor and City Council may assign, provided such activities remain within the Commission's advisory role and comply with applicable law.

Sec. 2-210. Organization.

- (a) The commission shall consist of nine (9) members, who will be appointed by the Mayor within forty-five (45) days following ratification of this Ordinance, and approved by Council. Four members shall constitute a quorum. Of the nine members, one (1) shall be a member of City Council, or his/her designee; of the remaining eight (8) members, six (6) will each specialize in one or more of the following areas of expertise: private or public sector professionals in the health administration, public service, environmental, law enforcement, education, and non-profit arena; and two (2) will be high school, undergraduate, or graduate students.
- (b) Management. The commission shall be supported by the City's manager of human affairs and community outreach and other city staff and consultants as directed by the Mayor and City Council.
- (c) Meetings and minutes. The commission shall establish a regular time and place of meeting and shall hold at least one (1) regular meeting every month.
- (d) Procedure. The commission shall make and alter rules governing its organization and procedures that are consistent with city ordinances or Roberts Rules of Order.
- (e) Periodic review by council. Council will have the opportunity, but not the obligation, to review and reauthorize HAC every three (3) years to ensure that it is meeting its goals and objectives and make amendments as necessary.
- (f) Terms. The terms of each member will be three (3) years from appointment. Outgoing members may serve until a successor is appointed.
- (g) Transition period of new members. Upon appointment of new members, the outgoing members shall have a transition period of ninety (90) days wherein the outgoing members may advise, brief and update the incoming members on any old, ongoing, and new business of HAC.

Sec. 2-211. Administration; compliance; limitations.

- (a) Name. The body established by this division shall be known as the Human Affairs and Conciliation Commission.
- (b) Advisory status. The Commission is advisory only and has no enforcement authority. It may not enact, implement, or mandate laws, legal opinions, policies, procedures, or training requirements.
- (c) Legal compliance. The Commission shall conduct all activities and develop all recommendations in compliance with applicable City, state, and federal laws.
- (d) Content-neutral operation. Commission activities shall be content- and viewpoint-neutral, shall not require ideological affirmations, and shall avoid any practice that grants or denies opportunities, benefits, or participation through preferences, set-asides, or quotas.
- (e) Open participation. Commission-sponsored public meetings, forums, and events shall be open to all participants on equal terms, subject to lawful time, place, and manner limitations.
- (f) Coordination. The Commission may request staff support through the City's executive offices and may coordinate with other City boards, commissions, and departments to avoid duplication and promote efficient public engagement.
- (g) Records and reporting. The Commission shall keep records of its meetings and actions in accordance with applicable law and City policy and shall timely submit its annual report under section 2-208(9).
- (h) Resources. The Commission will provide resources and guidance for the City and staff person responsible for human affairs programs.
- (i) Goals. The goals component of any plan(s) developed by the Commission is not designed to be, nor should it be interpreted to be, permitting unlawful quotas with respect to any protected class. Rather, the goals and/or benchmarks are used to target and measure the effectiveness of efforts to eliminate and prevent discrimination. In addition, goals may also be necessary as a remedy for noncompliance with fairness under law.

**Sec. 2.210. Intragovernmental relations.**

- (a) HARCC will work in good faith with all City departments in the performance of its duties.

**Section 4. Compliance with current and future federal and state law, including Executive Orders.**

Any and all City programs, plans, Ordinances, Regulations, policies, initiatives, directives to commissions and committees, and practices related thereto that conflict with current and future federal and state law, including Executive Orders, are hereby amended to ensure compliance. Notwithstanding any provision of this Ordinance to the contrary, nothing in this Ordinance shall be construed as repealing or suspending any policy or program that is required by federal

law.

**Section 5. Severability Clause**

If any section, paragraph, sentence, clause, phrase or word of this Ordinance, or the application thereof, to any person or circumstance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, invalid or void, such holding shall not affect the remainder of this Ordinance or the application of any other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

**Section 6. Inclusion in the Code of Laws and Ordinances**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Charleston, South Carolina. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word, if necessary.

**Section 7.** This Ordinance is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the City, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

**Section 8.** This Ordinance shall become effective immediately upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the  
Year of Our Lord,  
2025, and in the 2\_\_\_\_\_th Year of the Independence  
of the United States of America.

By:

\_\_\_\_\_  
William S. Cogswell, Jr., Mayor, City of Charleston

ATTEST:

\_\_\_\_\_  
Jennifer Cook  
Clerk of Council