

TOWN OF BLUFFTON

**TOWN COUNCIL
OPERATING AND
ADMINISTRATIVE
PROCEDURES MANUAL**

**ADOPTED:
FEBRUARY 11, 2014**

**TOWN OF BLUFFTON
TOWN COUNCIL POLICY AND PROCEDURES MANUAL**

**TITLE 1 MAYOR AND COUNCIL
OPERATING PROCEDURES**

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Conduct of Meetings
Rules of Decorum
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Rules and Responsibilities of Council Members
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TITLE 1

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Adopted:

TITLE 1 ADMINISTRATIVE PROCEDURES

Chapters:

1.01 Mission, Vision and Value Statements

CHAPTER 1.01 MISSION, VISION AND VALUE STATEMENTS

Sections:

1.01.010 Mission Statement.

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1.01.010 MISSION STATEMENT.

Create an unsurpassed quality of life for our residents and guests by providing superior public safety, exceptional service and outstanding amenities that will further enhance our image as a community.

1.01.020 VISION STATEMENT.

The Town of Bluffton is a distinguished residential and resort community offering an extraordinary environment, activities and events and is known for its alluring and distinctive homes, restaurants, golf, and natural amenities.

The Town of Bluffton is known and respected as a forward thinking, innovative and well managed community that supports the interest of the community and its neighboring communities meeting public needs without undue intrusion into individual lives.

The Town of Bluffton supports a unique and friendly atmosphere for its residents, guests and neighbors and recognizes its responsibility to support appropriate services.

The Town of Bluffton is dedicated to its economic and environmental sustainability.

The Town of Bluffton accomplishes the widest range of opportunity for its residents and guests through working with others to achieve outstanding cultural, recreational and commercial activities.

1.01.030 VALUE STATEMENT.

The Town of Bluffton is dedicated to:

1. Fiscal accountability and responsibility.
2. Open and inclusive government.
3. Highest professional standards and ethics.
4. Exceptional customer services and civility.
5. Effective and efficiency without undue bureaucracy.
6. Continuous improvement in the organization and staff.
7. Team work and individual development to foster success.
8. Attraction and retention of outstanding talent in its staff and appointed officials.

TITLE 1

ADMINISTRATIVE PROCEDURES

Adopted:

TITLE 1 INTRODUCTION

POLICY MANUAL PURPOSE

Sections:

Purpose.
Overview of Town Documents.
Orientation of New Council Members.
Indian Wells Housing Authority.
Other Agencies.

PURPOSE.

The Town Council (hereafter referred to as the "Council") shall adopt a Town Council Policy Manual by resolution detailing the rules of order, policies and procedures by which the Council, Town Manager and Town Attorney shall conduct Council business and activities. The policies and procedures, contained herein, are established so that expectations and practices can be clearly articulated to guide council members in their actions. All elected officials and Town staff are obligated to follow the policies and procedures contained in this policy and procedure manual.

In the event of any conflict between these policies and procedures and any existing ordinances, resolutions, agreements or contracts, the existing ordinances, resolutions, agreements or contracts shall prevail. This policy and procedure manual shall take precedence over adopted Administrative Policies that have not been approved.

(a) Amending and Updating the Policy Manual.

The Council shall determine its own policies and procedures and amend them from time to time and/or adopt new ones by resolution. Substantive amendments and updates shall be adopted and incorporated by resolution.

(b) Corrections Not Requiring a Resolution.

The Town Clerk shall update the Table of Contents and information sections, nouns or personal pronouns, not changing the substantive matters, on an as needed basis, and shall not require a resolution or action of the Council and shall be considered an administrative act.

OVERVIEW OF TOWN DOCUMENTS.

This policy and procedures manual provides a summary of important aspects of Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the Council. Many other laws, policies, plans and documents exist which bind the Council to certain courses of action and practices. A summary of some of the most notable documents that establish Council direction is provided below.

(a) Code of Ordinances.

The Code of Ordinances contains local laws and regulations adopted by ordinance. The administrative chapter of the code addresses the role of the Council, Mayor and Mayor Pro-Tem. The Code also describes the organization of Town Council meetings and responsibilities, as well as, the appointment of certain resident committees and advisory commissions. In addition to these administrative matters, the Code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, building standards, and revenue and finance issues. The Code of Ordinances is available on the Town's website www.townofbluffton.sc.org

(b) South Carolina Code of Laws.

The State Code of Laws contains many requirements for the operation of Town government. Many of these requirements are also replicated within the municipal code to ensure there is broad awareness of such requirements.

(c) Council Strategic Plan.

The Council sets both long-term goals and short-term objectives for the Town as part of a Strategic Plan. The goal-setting process includes a review of the previous year's goals and objectives including progress toward completion and updating. The budget is then written with the objective of working toward completion of those goals and objectives.

(d) Annual Budget.

The annual budget is set for the fiscal year, beginning July 1 and ending June 30, and is the primary tool and road map for accomplishing the goals and objectives of the Town. By adopting the annual budget, the Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations. The budget also provides a description of Town services and the resources used to provide those services, and contains both a broad overview, as well as, descriptions of programs and services organized by department.

(e) Comprehensive Plan.

The State-mandated Comprehensive Plan addresses the Town's long-range planning needs relative to land use, transportation, economic development, open space and housing, and provides a policy framework for various matters that fall within these areas.

(f) Five Year Capital Improvement Plan.

The five year Capital Improvement Plan serves as a guide for determining priorities, planning, financing and construction of capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of Town services.

(g) Annual Financial Audit.

The annual financial audit includes the financial statements of the Town for a fiscal year. It includes the financial condition of the Town as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of Town funds, and related footnotes. The annual financial audit also includes statements for the various groups of funds and a consolidated group of statements for the Town as a whole. The Council has the responsibility of hiring an independent auditor, and for reviewing and approving the audit.

(h) Emergency Operations Plan and Disaster Recovery Preparedness Plan.

The Town maintains an Emergency Operations Plan and a Disaster Recovery Preparedness Plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the Town Manager directs all disaster response activities. The Council may be called upon during an emergency to establish policies related to a specific incident. The Town Manager has overall responsibility for disaster response and recovery.

ORIENTATION OF NEW COUNCIL MEMBERS.

It is important for council members to gain an understanding of the full range of services and programs provided by the Town. As new members join the Council, the following will be provided in a timely manner.

- (a) The Town Manager will host an orientation program to distribute materials outlining Town policy and protocol.

(b) The Town Manager will facilitate a meeting with the Town Attorney for conflict-of-interest training, review of current legal matters, review of parliamentary procedures, and other legal matters.

(c) The Town Manager will arrange meetings with key Department Heads for the new council member to be briefed on current projects within each department and to tour Town facilities.

(d) The Town Manager's Executive Assistant will arrange a meeting for a briefing on various aspects of Town Hall, including, but not limited to, travel procedures, e-mail, electronic media, etc.

(e) The Town Manager will provide information for attendance of the Municipal Association of South Carolina and Council Members.

A publication that provides additional useful information is the *Handbook for Municipal Officials in South Carolina* published by the Municipal Association of South Carolina. The Guide contains general information on the role and responsibilities of council members and on the specific requirements and laws that govern Council actions.

TITLE 1

MAYOR AND COUNCIL OPERATING PROCEDURES

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MAYOR AND COUNCIL OPERATING PROCEDURES

OPEN MEETINGS – Freedom Of Information Act

Sections:

Policy.
Posting Agendas for Regular and Special Meetings.
Closed Sessions.

POLICY.

The Council shall comply with the provisions of the Freedom of Information Act (FOIA), the Open and Public Meeting Law and all State and Federal laws affecting the conduct of such meetings. Because the FOIA is such an important part of local government operations, a few specific requirements of the law are highlighted herein.

(a) Applicability.

The intent of the Freedom of Information Act (the "Act") is to ensure that deliberation and acts of local public agencies are conducted in open and public meetings. The Act applies to the Council, all advisory commissions, committees and boards, and Council appointed subcommittees, except if comprised entirely of two council members. Staff cannot promote actions that would be in violation of the Act.

(b) Meetings.

All meetings shall be open and public. A Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received. Discussions also qualify as a meeting. Social functions, such as receptions and dinners, do not fall under the Act unless Town business is discussed.

(c) Agendas.

Agendas for regular meetings must be posted 24 hours in advance of the meeting and must meet other various requirements.

(d) Public Input.

The public has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue.

(e) Public Disruptions.

A portion or all of the public may be removed if willful disruption makes conducting the meeting "infeasible"; the media may remain unless they participate in the disruption.

(f) Correspondence.

All writing or documents distributed for discussion or consideration at a public meeting are considered public records.

(g) Special Meetings.

Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements for delivery to the media and the Council 24 hours in advance of the meeting.

(h) Other Provisions.

The Act provides many other restrictions and requirements. This chapter is intended merely as a summary and overview of the Act.

POSTING AGENDAS FOR REGULAR AND SPECIAL MEETINGS.

For every regular meeting, the Town Clerk or his/her designee shall post an agenda on the bulletin boards located in the inside and outside of Town Hall located at 20 Bridge Street twenty-four (24) hours in advance of the meeting. For special meetings the agenda shall be posted twenty-four (24) hours in advance of the meeting. All agendas shall also be posted on the Town's web site within the required timeframe.

The agenda will include the following: the time and location of the meeting; a description of each item of business to be transacted at the Town Council meeting that adequately informs the public as to the items under consideration and includes the contemplated Council action; includes a section providing an opportunity for members of the public to address the Council; .

The Town attempts to well publicize matters of significant public interest that appear on a Town Council agenda, as well as, all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested parties.

3.01.030 EXECUTIVE SESSIONS.

The FOIA Act authorizes executive sessions for specifically enumerated topics of litigation, property negotiations, security, economic development and personnel matters. Thus most sunshine laws explicitly recognize that the administrative process cannot be conducted entirely in the public eye. Taken to its logical extreme, openness may actually diminish the number and quality of public exchanges, increase divisiveness, and limit the flow of relevant information and the depth of critical collective scrutiny." This policy, in addition to State law, prohibits any person from disclosing confidential information that has been acquired by being present in executive session authorized by to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

MEETING AGENDAS

Sections:

Meeting Schedule.
Purpose of the Agenda.
Criteria for Matters Covered.
Development of Agenda.
Placing Items on Agenda.
Removal of Items on the Agenda.
Continuing of Agenda Items.
Communications Received After Agenda Distribution.
Order of Business on Agenda.
Listing of Council Members Names.
Distribution of Lengthy Supporting Material.

MEETING SCHEDULE.

The Council approves and follows a fiscal year calendar that reflects its priorities and coincides with the budgeting process, beginning on July 1. Project priorities should be ranked for the following fiscal year, in order to reflect the commitment of resources required. Other Council priorities are overlaid on the calendar on as needed basis.

Regular meetings are held in the Town Council Chambers, at Town Hall located at 20 Bridge Street on the Second Tuesday of every month at 6:00 p.m. and executive session convened after the formal the meeting. From time to time, the Council will hold dedicated Committee of the Whole or Work sessions can be scheduled held on non-Council dates. The purpose of the Committee of the Whole sessions is to give the Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Regular Council are open to the public. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the Council is taken in a work session or Committee of the whole session.

No Town Council meeting will typically be held in the event that a regular meeting of the Town Council falls on a legal holiday. Other meetings throughout the year may be cancelled as well. The Town Council meeting schedule for the calendar year is posted on the Town's website.

PURPOSE OF THE AGENDA.

The purpose of an agenda is to provide a framework within which an open, public meeting can be conducted and to comply with all legal requirements for actions of the Council. An agenda should set the stage for the Council to conduct business; present items or proposals for council members to consider matters on which action is required; provide well organized information on which council members can base their decisions; facilitate the deliberations and actions of the Council and make it easier for them to conduct the business which has been brought before them; provide guidelines which allow for efficient conduct of the meeting; and provide an appropriate means for public comments and inquiry of the Council.

CRITERIA FOR MATTERS COVERED.

The Council shall consider only ordinances, resolutions, motions, proclamations, presentations, or matters which affect the conduct of the business of the Town or its corporate powers or duties as a municipal corporation and the Council shall consider only ordinances, resolutions, or motions supporting or disapproving any legislation or action pending in the Legislature of the State of South Carolina, the Congress of the United States or before any officer or agency of said State or nation when such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the Town or its officers or employees as such. Communications on matters not meeting these criteria shall be provided to the Council on an information basis only.

DEVELOPMENT OF AGENDA.

The Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid members and staff with planning and scheduling. A complete agenda packet is available to the public on the Town's website no later than noon on the Friday preceding the meeting. A tentative Council calendar is also available on the Town's website showing the Council meeting dates.

It is the practice for Staff to submit reports for the upcoming meeting by noon on the Tuesday of the week preceding the meeting. Staff requires at least one week to prepare a report requested by the Council, necessitating the item may be scheduled two meetings out. Complex staff reports may require more time to prepare and an estimated time of completion can be provided to the Council. The ability to schedule new agenda items depends on the nature of item, the complexity of the item, the other agenda items that are already scheduled, and the amount of staff time available.

PLACING ITEMS ON AGENDA.

The Mayor or council member may request an item be considered on a future agenda, verbally during a Town Council meeting or by informing the Town Manager. The request may be agendized at the next regularly scheduled meeting for initial consideration by the Council. The matter is scheduled for further consideration on an upcoming meeting agenda and a staff report may be prepared. The Town Manager may inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the Council prior to authorizing the work or scheduling the item as appropriate.

A member of the public may request that an item be placed on a future agenda during public comments or by submitting a written request to the Mayor. Upon approval of a majority of the Council, the item will be agendized and a staff report may be prepared. The Town Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the Council prior to authorizing the work or scheduling the item as appropriate.

Emergency and non-agendized items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as disasters and other severe emergencies. Adding an emergency item requires a majority vote, and are very rare. Non-agendized items are matters that come to the attention of the Town after the agenda is posted. Non-agendized items may be added to the agenda only if the Council makes findings that 1) the need to consider the item arose after the posting of the agenda, and 2) there is a need to take immediate action at this meeting of the Council. These findings must be approved by a 4/5 vote; if less than five members of the Town Council are present, the findings require a unanimous vote of those present.

REMOVAL OF ITEMS ON THE AGENDA.

Any council member can remove the item from the agenda 1) any time prior to the posting of the agenda or 2) at the Town Council meeting during the adoption of the agenda. The requesting council member may also request the item be "continued" and considered at a future Town Council meeting.

CONTINUING OF AGENDA ITEMS.

The majority of the Council can continue an item on the agenda due to applicant scheduling issues, staff requiring additional time to research an issue, or when insufficient time is available to address the matter thoroughly.

COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION.

All writings, documents, or electronic communications relating to any item on the agenda received after distribution of the Council agenda packet and prior to the Council meeting, shall be distributed by the Town Clerk to the entire Council, made available for public inspection during normal business hours at Town Hall in the Town Clerk's office, and posted on the Town's website.

Residents providing writings or documents to the Council during the meeting should present ten (10) copies to the Town Clerk for distribution and placing in the official record.

ORDER OF BUSINESS ON THE AGENDA.

Regular business of the Council shall be taken up for consideration in substantially the following order. The Council may, at any time, by simple majority of those present, vote to consider items in a different order.

(a) Approved Format. The approved format includes:

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Adoption of the Agenda
5. Adoption of Minutes
6. Communications from Mayor and Council
7. Presentations, Celebrations and Recognitions
8. Public Comments
9. Public Hearing and Final Readings
10. Workshop Items
11. May River Update
12. Formal Action Items
13. Consent Agenda
14. Public Comments
15. Executive Session
16. Actions from the Result of Executive Session
17. Adjournment

(b) Description of Approved Format Categories.

The following further defines the purpose and subject of the various sections of the agenda.

"1". **Call to Order.** The determination that a quorum is present, and the official opening of the Town Council meeting for business.

"2". **Pledge of Allegiance.** Those in attendance are asked to join Council in reciting the Pledge of Allegiance

"3". **Invocation.** Invocation is given.

"4". **Adoption of the Agenda.** The determination that all items to be discussed by the Council during the meeting are listed on the agenda. If non-agenized or emergency items exist that must be added to the agenda, or removal of any items, this is the time to add/remove them to the agenda in accordance with the Town's rules and procedures and applicable State and Federal laws.

"5". **Adoption of Minutes Minutes.** The official review, modification, and approval of the official minutes of prior Town Council meetings.

"6". **Communications from Mayor and Council.** The Council uses this time to make announcement of meetings and activities of the Council Members, information of general interest received from external organizations and governmental agencies, and other items of community interest. Council members shall govern themselves as to the length of their comments. The Mayor has the responsibility to assist council members in keeping their comments brief.

"7". **Presentations, Celebrations and Recognitions.** The time for individuals or groups, to make their presentations to the Council and for official recognition of individuals, groups, or events by proclamations. Requests for Presentations of information to the Council must be submitted to the Town Clerk's office in advance of the agenda deadline. The Town Manager shall request approval from the Mayor as to the appropriateness and scheduling of such presentations. Upon approval by the Mayor, the Town Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda.

"8". **Public Comments.** Time is available at the beginning and the end of the Town Council meeting to receive general public comments about issues not on the agenda. Public comments are limited to three-minutes by policy of the Council. The Mayor can act to extend or further limit the public time limit for any item or the entire meeting as circumstances warrant. Speaker cards are requested, they should be filled out and given to the Town Clerk prior to the public comments section of the agenda. The public may also sign up to speak by completing a public comment form online. The speakers will be called upon in the order received by the Town Clerk. Speakers should return to their seat after their comments and not continue to stand at the podium.

Individuals desiring to speak, once called upon by the Mayor, are to address the Council from the speaker podium after giving their name and address. At the close of the speakers' comments, the Mayor or the Council may ask Staff to respond to the speaker's comments. Thereafter, the Mayor or the Council shall make one of the following three determinations: 1) the subject(s) raised do not require investigation or response; 2) the subject(s) raised should be referred to staff for investigation and/or response; 3) the subject(s) raised should be placed on the agenda for the next meeting for consideration/action by the Council.

After the Mayor has announced the public comments portion is done, or a motion has been made, or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority of the Council.

No action or discussion shall be taken on any item not appearing on the posted agenda, except that council members may briefly respond to comments made or questions posed by the public. On their own initiative, or in response to questions posed by the public, council members may ask a question for clarification; provide a reference to staff or other resources for factual information, or request staff to report back to the body at a subsequent meeting concerning any matter.

"9". Public Hearing and Final Readings (if needed). Public Hearings can be legislative or quasi-judicial and may require the presentation of items which includes Staff Reports, public testimony, and questions and comments regarding public hearing items. Legislative decisions generally involve fundamental policy questions of jurisdiction-wide concern; legislative decisions also can involve changes in existing law to govern future situations. Public hearings usually require adoption of an ordinance, resolution or other action by the Council. Once the Mayor has closed the public hearing, no member of the public shall be permitted to address the Council or staff from the audience, without first securing permission to re-open the public hearing by a majority of the Council to hear new information.

"10". Workshop Items. Staff and Council will engage in discussions on a particular subject or project.

"11". May River Update. Council requested a monthly update.

"12". Formal Action Items. Approvals/Adoptions of ordinances, resolutions, and other business that require the affirmative votes of at least three (3) Council members.

"13". Consent Agenda. Those items considered routine by the Council and enacted in one motion, e.g., Staff reports, appointments, meeting dates, etc. Council members may comment on Consent Agenda items or ask for minor clarifications

without the need for pulling the item for separate consideration. Council members may also request that any item listed under Consent Agenda be removed from the separate discussion and action. Items that are removed or "pulled from the Consent agenda" for discussion will typically be heard after the other Consent Agenda items are approved unless the majority of Council chooses an earlier or later time.

"14". Public Comments. Second Public Comment session for those in attendance to speak after agenda items are completed.

"15". Executive Sessions. The Council may hold Executive sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in executive session. Typically, executive sessions will be scheduled after the public portion of the meeting. This is done so public portions of the meeting are not interrupted by executive sessions. In addition, closed sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the Council to adjourn to an executive session on the advice of the Town Attorney.

If a executive session is included on the agenda, the description of the item must identify the statutory basis for the closed session, and need not include the specific topic which is the subject of the closed session. During closed session, the Council may exclude any person or persons which it is authorized by State law to exclude from an executive session. No minutes of the proceedings of the Council during a executive session are required

Council members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to insure that the Town's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than council members, the Town Attorney or Town Manager.

When a council member has a conflict of interest on an Executive Session matter, that Member shall not receive confidential information that he/she would otherwise be given, will not participate in discussions on that item, and recuse themselves from the session.

"16". Actions from the Result of Executive Session. Meeting is called back to order. If needed, motions will be made after discussions during Executive Session.

"17". Adjournment. The adjournment of the meeting until the next regularly scheduled meeting.

DISTRIBUTION OF LENGTHY SUPPORTING MATERIAL.

Supporting agenda material which is too lengthy to be included in the Council agenda packet, such as EIR's, will be either 1) provided under separate cover or 2) placed in the Town Clerk's office for review.

CONDUCT OF MEETINGS

Sections:

Parliamentary Procedure.

Types of Meetings.

Quorum.

Seating Arrangement of the Council.

Teleconference of Town Council Meetings.

Agenda Requirement for Action Taken.

The Presiding Officer.

Parliamentarian.

Public Comment Period.

Public Hearings.

Disclosure of Material Facts and Communications Received.

Discussion Rules.

Motions.

Voting Procedures.

Council Member Comment Period.

Appeals; Continuances.

Reconsideration of a Council Action.

Privilege.

Interpretation of Policy.

PARLIAMENTARY PROCEDURE.

Parliamentary procedure is a set of rules that regulate and standardize how the Council conducts its business. It is the policy of the Council that, unless otherwise required by State law or other regulation, all Town Council meetings shall be conducted under the current addition of Robert's Rules of Order. However, no ordinance, resolution, or other action of the Town Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Council to observe or follow such rules.

Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in Robert's Rules of Order are incorporated into this document, except to the extent they are modified by this document.

- 1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- 2) Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and participate.

- 3) Rules should be user friendly. The rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
- 4) Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the body.

In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

TYPES OF MEETINGS.

The different types of meetings described below are governed by different requirements.

(a) Regular Meetings.

The Council shall conduct its regular meetings at the time and place established by ordinance. Regular meetings are currently held on the second Tuesday of each month at 6:00 p.m. in the Ulmer Auditorium at the Theodore D. Washington Municipal Building.

At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the Council.

Notice requirements of the FOIA are complied with for all meetings; minutes of the meeting are taken by the Town Clerk or designee and made available for public inspection.

(b) Special Meetings.

A special meeting, workshop, or Town Hall Meeting may be called at any time by the Mayor or by the majority of the Council. Written notice must be given at least 24 hours prior to the special meeting to all council members and to the media who have previously requested same in accordance with applicable provision of the Code of Ordinances. Such notice is not necessary for any member who submits a written waiver of notice to the Town Clerk at or before the time set for the meeting, or for any member who is actually present at the special meeting. No business other than that officially noticed may be discussed.

(c) Special Emergency Meetings.

A special emergency meeting may be called by the Mayor, Town Manager or by a majority of the Council where there exists 1) a crippling disaster or other activity which

severely impairs public health or safety; 2) such other circumstances specified by state law as authorizing the conduct of an emergency meeting.

Any emergency meeting shall be called, noticed and conducted only in accordance with the procedures set forth in State law. The special meeting provisions apply to emergency meetings, except for the 24-hour notice.

(d.) Executive Sessions.

Part or all of a regular or special meeting, or one which has been adjourned, may be closed to the public in accordance with applicable provisions of the Government Code. Notice is required, even if no action is taken. The Council may meet in Executive Session at locations other than the Council Chambers. The Council in a executive session can consider only matters covered in its agenda description. Executive sessions are by definition confidential. The welfare of the Town rests on the seclusion and confidentiality of discussing matters properly subject to executive session discussion, including legal and personnel matters and negotiations to develop strategies and actions in connection therewith which are in the best interests of the Town. The premature disclosure of information from a executive session could cause severe and costly harm to the Town. Any employee willfully breaching the confidentiality of a executive session will be subject to disciplinary action. Any elected or appointed official willfully disclosing confidential information disclosed during a closed session in violation of the FOIA Act may be subject to the remedies specified in the FOIA Act and to public censure by the Council.

QUORUM.

Three-fifths of the council members constitute a quorum.

SEATING ARRANGEMENT OF THE COUNCIL.

The Mayor is seated at the center of the dais, and the Mayor Pro Tempore is seated immediately adjacent to the Mayor. The Mayor shall establish the seating arrangement for Town Council meetings.

3.03.070 THE PRESIDING OFFICER.

The Mayor is the Presiding Officer and acts as chair at Town Council meetings. As Presiding Officer, the Mayor calls Town Council meetings to order, announces the order of business as detailed on the agenda, states motions, calls for a vote and announces the results, facilitates and monitors discussions, maintains order, and enforces the Council's rules and parliamentary procedures.

In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as Presiding Officer. When the Mayor and Mayor Pro Tempore are absent at any Town Council meeting, the next most senior member of the Council as determined by years of service on the Council or, if equal, by the number of votes received in the municipal election in which they were elected shall serve as the Presiding Officer.

(a) Authority to Rule Out of Order.

The Mayor shall have the authority to rule any speaker out of order, including speakers during the Public Comment period, if the subject raised is not within the subject matter jurisdiction of the Council, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter which is the subject of the public hearing or if the speaker becomes disruptive to the proceedings and conduct of the meeting.

(b) Authority to Conduct Meeting in an Orderly Manner.

The Mayor shall have the responsibility for the conduct of meetings in an orderly manner. To prevent the obstruction of business, and in carrying out this responsibility, the Mayor shall have the authority to give the floor to any member of the Council or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, and to order any persons willfully interrupting the meeting to be removed from the room. All persons are expected to conduct themselves with civility and courtesy at all times.

PARLIAMENTARIAN.

The Town Attorney, as the Council's chief legal officer, shall decide all questions of interpretations of these rules and any other questions of a parliamentary nature which may arise at Town Council meetings.

PUBLIC COMMENT PERIOD.

Every agenda posted for any regular or special meeting shall contain an item consisting of an opportunity for the public to address the Council on items of interest to the public within the Council's subject matter jurisdiction. In addition to receiving comment from the public during the Public Comment period, the Mayor shall have the discretion to recognize persons from the audience who wish to address the Council on a particular agenda item, at the time that item is considered by the Council.

PUBLIC HEARINGS.

Matters which are required to be heard in a noticed public hearing shall be conducted by the Mayor in such a manner as to afford due process.

(a) Time for Consideration.

Matters noticed to be heard by the Council shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

(b) Continuance of Public Hearings.

Any hearing being held or noticed or ordered to be held by the Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided for adjourned meetings.

(c) Opening the Public Hearing.

When a matter for public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing, the Mayor shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.

(d) Public Testimony.

The Mayor shall thereupon inquire if there are any persons present who desire to address the Council on the matter.

(d)(1) Recognition and Time Limitations.

Any person desiring to speak or present evidence should provide the Town Clerk with a Public Speaker Form and upon being recognized may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor.

Applicants and appellants, especially in land use matters are given more time to speak. Whenever any group of persons wishes to address the Council or committee on the same subject matter, it shall be proper for the Mayor/Chair to request that a spokesperson be chosen by the group to address the body and, to limit the number of persons so addressing the body in order to avoid unnecessary repetition.

(d)(2) Content and Form of Public Testimony.

All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the Town Clerk as part of the Clerk's record.

(e) Questions by Council Members.

Members of the Council who wish to ask questions of the speakers, or each other, during the public hearing portion, may do so. Members should be mindful that the purpose of the public hearing is to obtain testimony during which members are encouraged not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public hearing.

(f) Closing the Public Hearing.

Upon closing of the public hearing by the Mayor, no additional public testimony shall be solicited or received by the Council without reopening the public hearing. The Council may ask further questions of speakers, applicants or appellants during deliberation for clarity purposes only. To receive new testimony, the hearing must be reopened.

DISCLOSURE OF MATERIAL FACTS AND COMMUNICATIONS RECEIVED.

It is the duty of each council member to publicly disclose "material facts" and "communications" that are relevant to a matter under consideration by the Council which has been received from a source outside of the public decision-making process. "Material fact" means a fact that is relevant for a council member to make an informed and knowledgeable decision and which would likely influence the decision of the council member. A fact is also material if the failure to disclose the fact will substantially mislead any council member from making an informed and knowledgeable decision. "Communications" includes but is not limited to, text message, e-mail, telephone call or conversation with a resident or any person that is relevant to the matter under consideration.

DISCUSSION RULES.

To assist the Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of Town Council meetings.

(a) Obtaining the Floor.

A council member or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the Mayor and limited to the issue before the Council. Cross-exchange between council members and the public should be avoided.

(b) Questions to Staff.

A council member shall, after recognition by the Mayor, address questions to the Town Manager, Town Attorney, department head or designated staff member. If a council member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

(c) Interruptions.

Once recognized, a council member is considered to have the floor, and another council member may not interrupt the speaker except to make a point of order or point of personal privilege. In such circumstance, the council member holding the floor shall cease speaking until the point of order or privilege is resolved.

Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

(d) Discussion.

A council member should not speak more than once on a particular subject until every other council member has had the opportunity to speak. Council members are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.

(e) Tabling Procedure.

Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to "continue" an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.

(f) Right of Protest.

A council member is not required to state reasons for dissenting vote.

MOTIONS.

The following procedures shall apply to making motions:

(a) Making a Motion.

Any council member, including the Mayor, may bring a matter of business properly before the Council by making a motion. Any member, including the Mayor, except the member making the motion, may second a motion. Once a motion is seconded, it shall be re-stated by the Mayor and opened for discussion and debate.

(b) Calling for the Question.

The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote, unless otherwise declined by motion and vote. A council member may move to "call for the question" on an item which is being considered. If the motion carries, the item is no longer debatable and the Council must vote on it.

(b)(1) Consensus of Opinion.

If it appears that there is a consensus of opinion among the council members on the matter to be voted upon, the Mayor may state the consensus of the Council and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the Council.

(b)(2) No Consensus of Opinion.

On items that do not require a formal vote, if there does not appear to be an obvious consensus of opinion among the Council on a matter to be voted upon, a voice vote of the council members shall be taken.

(b)(3) Abstention Votes.

Except in the cases of a described conflict of interest, in the event that one less than the necessary number of "aye" votes has been cast, then an "abstain" vote shall constitute concurrence and the Clerk shall set forth in the minutes that the matter was passed pursuant to this rule.

(b)(4) Declaration of Result.

After every vote the Mayor shall declare the result and on all but consensus votes, shall note, for the record, the number of votes for or against the question.

(c) Related Motions.

Once a main motion is properly brought before the Council and seconded, related motions may be employed in addressing the main motion.

(c)(1) Form and Precedence.

These motions take precedence over the main motion and, if properly made and seconded, must be resolved before the main motion can be acted upon. If a main motion is pending, no related motion except as stated below may be made and any such motion may be declared out of order by the Mayor.

(c)(2) Categories of Related Motions.

Related motions fall into two categories: Subsidiary Motions and Motions of Privilege, Order, or Convenience. Despite the pendency of a main motion or a Subsidiary Motion thereto, any member of the Council or the Mayor may make a Motion of Privilege, Order, or Convenience, which once made takes precedence.

VOTING PROCEDURES

When present, all council members are to vote. Failure of a seated member to orally express a vote constitutes an affirmative vote.

Council members may declare general consensus at the discretion of the Mayor, if there are no negative votes or objections.

Upon the request of any council member, a roll call vote will be taken and recorded.

A tie vote is equivalent to a motion that has failed. The Mayor may publicly explain the effect of the tie vote for the audience or may direct a staff member to do so.

COUNCIL MEMBER COMMENT PERIOD.

In addition to receiving comment from the public, there is a specific item on the agenda for receiving general comments, announcements, and/or suggestions from council members. These matters may not be discussed and if they do not concern an item on the agenda, shall be handled by the Mayor according to the same procedures set out for Public Comment. No action may be taken on such matters without their being placed on a subsequent agenda.

RECONSIDERATION OF A COUNCIL ACTION.

Provided that no intervening right will be prejudiced, a council member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the decision which is the subject of the motion was made or at the next following meeting on the condition that it's placed on that meeting agenda. After a motion for reconsideration is acted upon, no other similar motion to reconsider may be made on that matter without unanimous consent of the Council.

A reconsideration motion made by a member of the Council voting in the minority shall not be allowed except when made more than one (1) year after the date of the original action.

PRIVILEGE.

The right of any council member to address the Council on a question of privilege shall be limited to cases, that would interfere with the normal comfort of the meeting (i.e., too hot or cold, too noisy, etc.) or that would not be considered appropriate conduct of the meeting. A council member wishing to invoke the privilege must state the basis therefore and once doing so may interrupt another speaker if the Mayor recognizes the "privilege."

INTERPRETATION OF POLICY.

This policy shall be liberally construed to effectuate its purpose and no ordinances, resolutions, proceedings, or other actions of the Council shall be invalidated or the legality thereof otherwise affected by any failure or omission of the Council to comply with, observe, or follow the rules and procedures stated in this Policy Manual.

RULES OF DECORUM FOR MEMBERS OF THE PUBLIC AT MEETINGS

Sections:

Purpose.

Public Meeting Decorum.

Addressing the Council and Committees.

Public Presentations at Meetings.

Values of Respect.

Enforcement of Order.

PURPOSE.

This policy establishes rules of decorum for members of the public attending and/or addressing the Council or committee at a meeting held in the Council Chambers or conference room. The policy is intended to facilitate the conduct of public meetings in an open and orderly manner and in an environment safe for all persons in attendance.

All persons are expected to conduct themselves with civility and courtesy at all times. All persons giving comments shall speak directly to the Council and address issues, not individuals.

PUBLIC MEETING DECORUM.

Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session, and refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting; refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.

Appropriate attire, including shoes and shirts are required in the Council Chambers and conference room at all times. No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and conference room, except as otherwise pre-approved by Town Staff.

ADDRESSING THE COUNCIL AND COMMITTEES.

Persons wishing to speak on an agenda item or during public comments are asked to complete a speaker form and submit the form to the Town Clerk or other staff at the meeting. Speakers should discuss topics related to Town business on the agenda, unless they are speaking during public comments. Speaker's comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Commissioners,

Committee Members, or staff in conversation will not be honored. Abusive language is inappropriate and not allowed. Speakers and any other member of the public will not approach the dais during the meeting without prior consent from the Mayor/Chair. Speakers should return to their seat after their comments and not continue to stand at the podium.

When the Mayor/Chair has recognized you, come forward to the podium and state your name and address for the record. Any documents used by the speaker shall be given to the Town Clerk for distribution to the Council. A three-minute limit is the policy of the Council; however, the time limit is at the discretion of the Council/Committee.

Applicants and appellants, especially in land use matters are given more time to speak. Whenever any group of persons wishes to address the Council or committee on the same subject matter, it shall be proper for the Mayor/Chair to request that a spokesperson be chosen by the group to address the body and, to limit the number of persons so addressing the body in order to avoid unnecessary repetition.

Speakers are encouraged to submit written public comments to the Town Clerk preferably 24 hours prior to the distribution of the agenda packet. The written public comments will be included in the agenda packet, enabling the speaker to summarize his/her written comments within the three-minute time limit at the meeting. Any written comments on an agenda item received by the Town Clerk prior to the meeting will be distributed to the Council or committee and then included in the official record of the meeting.

PUBLIC PRESENTATIONS AT MEETINGS.

The Mayor may establish reasonable time restrictions on presentations from members of the public that take into consideration the complexity of the subject matter, the number of other members of the public wishing to address the Council, and the number of other items on the agenda to which the Council must attend. Members of the public who wish to utilize electronic media in the presentations must coordinate in advance with the Town Clerk's office. The Town Manager may establish reasonable rules on the public's use of electronic media, to minimize the disruption of Council meetings as well as the burden on Town staff, including the requirement of advance notice and/or submission of presentation data to ensure all compatibility issues are resolved before the Council meeting.

VALUES OF RESPECT.

The Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the

consideration of policy and avoids personalization of comments. Some guidelines utilized by the Council include:

- 1) Discussion should focus on policy matters.
- 2) Personal criticism of elected officials or other individuals is discouraged.
- 3) Proper decorum should be displayed as other members express their views.
- 4) Treat member of the public equally, applying rules in fair and consistent manner.

ENFORCEMENT OF ORDER.

The Police Chief or his designees acts as the Sergeant-At-Arms. Any council member may request the Mayor to enforce the rules of protocol. Upon motion and majority vote, the Mayor shall be required to do so.

DUTIES OF THE MAYOR AND MAYOR PRO TEMPORE

Sections:

Duties and Responsibilities of the Mayor.

Council Expectations of the Mayor.

Staff Time Allocation.

Mayor Pro Tempore.

Duties and Responsibilities of the Mayor Pro Tempore.

MAYOR AND COUNCIL TERM OF OFFICE.

All five (5) members of the Council are elected at large to four (4) year staggered terms. Mayor runs for office of Mayor.

DUTIES AND RESPONSIBILITIES OF THE MAYOR.

As reflected in the Municipal Code, the Mayor is to preside at all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council or by the vote of the people. The Mayor does not possess any power of veto. As presiding officer of the Town Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the titular head of the Town for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, resolutions, and other documents that have been adopted by the Council and require an official signature; except when the Town Manager has been authorized by Council action to sign said documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor consults and coordinates with the Town Manager in the development of agendas for Town Council meetings.

The Mayor sets the agenda.

The Mayor also acts as spokesperson for the Council when appropriate media or external organization requests are made and will represent the Council's official position.

The Mayor issues proclamations, makes declarations, and extends official recognition of groups or events.

COUNCIL EXPECTATIONS OF THE MAYOR.

Council Members expectations of the Mayor are as follows:

- As presiding officer, maintains order, decorum and the fair and equitable treatment of all speakers in front of the Council.
- Keeps discussion and questions focused on the specific agenda item under consideration.
- Makes parliamentary ruling with advice from the Town Attorney. Chair rulings may be overturned if a council member makes a motion as an individual and the majority of the Council votes to overrule the chair.
- Leads the Council into an effective, cohesive working team.
- Determines theme for Town of Bluffton Annual Report.
- Recommends Council ad-hoc committees and members, as appropriate, for formal Council approval at a Town Council meeting.
- Serves as the liaison between the Council and the Town Manager and Town Attorney in regards to Town affairs. Serves as the official Town delegate to the Municipal Association of South Carolina annual conference.
- The Council may designate the Mayor to administer counseling, verbal reprimands and written warning to commission, committee or board members, and call for investigations of commission, committee or board member conduct.
- Reviews all mail addressed to Mayor.

In the event of a premature vacancy in the office of Mayor, the Mayor Pro Tempore shall become Mayor for the remaining portion of the outgoing Mayor's term as Mayor. In the event of a vacancy in the office of the Mayor Pro Tempore, the next council member in seniority will be the new Mayor Pro Tempore.

DUTIES AND RESPONSIBILITIES OF THE MAYOR PRO-TEMPORE.

The Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

The duties and responsibilities of the Mayor Pro Tempore are as follows: 1) In the Mayor's absence, acts as the presiding officer at all Town Council meetings assuring all

meetings are conducted in an orderly manner, and in accordance with legal requirements, 2) acts as the ceremonial head or representative of the Town at various civic affairs, 3) acts as spokesperson for the Council, 4) acts as signatory to all documents requiring Council execution, 5) issues proclamations, makes declarations, and extends official recognition of groups or events.

ROLES AND RESPONSIBILITIES OF COUNCIL MEMBERS

Sections:

Overview.

OVERVIEW.

All members of the Council, including those serving as Mayor and Mayor Pro Tempore, have equal votes. No council member has more power than any other council member, and all should be treated with equal respect.

Council members are expected to:

Fully participate in Council meetings and other public forums while demonstrating respect, consideration and courtesy to others.

Prepare in advance of Council meetings and be familiar with issues on the agenda.

Be respectful of other people's time, stay focused and act efficiently during public meetings.

Represent the Town at ceremonial functions at the request of the Mayor.

Provide contact information to the Town Manager's Executive Assistant in case an emergency or urgent situation arises while the council member is out of town.

Participate in scheduled activities to increase team effectiveness and review Council procedures.

COMMISSIONS, COMMITTEES AND BOARDS

Sections:

Introduction.

Council Relationship with Commissions, Committees and Boards.

Role of Ex-Officio Member.

Staff Involvement with Advisory Bodies.

Work Plan.

Requests for Work Outside the Adopted Work Plan.

Minute Preparation.

Appointment of Resident Members.

Attendance.

Decorum and Order.

Membership of Current Commissions, Committees and Boards.

Policy for Selection and Appointment of Resident Members.

Simultaneous Service Prohibition.

Annual Review of Commission, Committee and Board Relevance.

INTRODUCTION.

The Council shall establish such commissions, committees and boards as it deems appropriate to provide policy advice. Committees may be either standing committees, or ad hoc committees established by the Council from time to time. Each commission, committee, and board shall be advisory only, unless otherwise specified in the resolution or motion establishing the commission, committee or board, and shall be established by a specific resolution or motion with its purpose, duties, and number of members defined by the resolution or motion. In addition, the Council periodically appoints persons other than council members to certain outside organizations or regional authorities. The provisions of this chapter shall also apply to such outside organizations and regional authorities.

COUNCIL RELATIONSHIP WITH COMMISSIONS, COMMITTEES AND BOARDS.

Council members must recognize that it is important for commissioners and committee members to be able to make objective recommendations on items related to the Town. Council members must be certain that any opinions expressed to members of commissions and committees are clearly identified as individual personal opinions, unless official Council action has been taken on the subject in question.

The Council has determined that council members should not lobby commissioners, committee or board members for particular votes. However, council members may attend meetings in their unofficial capacity as residents and request that

commissioners, committee or board members consider certain issues during their deliberations, or may do so in unusual instances in their capacity as council members to reflect the views of the Council as a body. Council members should not engage in advocacy before a commission, committee or board on any matter which will likely thereafter come before the council at a public hearing.

Council members choosing to attend commission, committee or board meetings should be sensitive to the fact that they are not participating members of the body. Council members have the rights, and only the rights, of ordinary citizens with respect to commissions, committees or boards – including the right to write to and speak to the commission, committee or board during public comment periods.

ROLE OF EX-OFFICIO MEMBER.

Members of the Council may be assigned to serve in an ex-officio capacity to various Town committees. The purpose of the ex-officio assignment is to facilitate communication between the Council and the advisory body and to help to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their ex-officio assignment, members will attend committee meetings to observe the activities and maintain communication with the committee.

Ex-officio members should be sensitive to the fact they are non-voting members of the committee, that no member of the Council shall serve as a voting member of any Town commission, committee or board. Being an ex-officio member bestows no special right with respect to the commission, committee or board business.

STAFF INVOLVEMENT WITH ADVISORY BODIES.

Staff support and assistance is typically provided to commissions, committees and boards. However, advisory bodies do not have authority over Town employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the Town Manager and Council. The members of the commission, committee or board are responsible for the functions of the advisory body.

Staff support often includes preparation of an agenda and its' posting in compliance with the Freedom of Information Act. Staff also prepares reports providing background on an issue, alternatives, a recommendation, and appropriate support materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

It is important that advisory bodies wishing to communicate recommendations to the Council do so through approved Council agenda procedures. In addition, if a commission/committee wishes to correspond with an outside agency, that

correspondence will be prepared by staff for review by the Town Manager and possible approval by the Council.

WORK PLAN.

All programs, projects, funding and staffing requests must be approved by the Council. Every commission, committee and board shall develop a work plan which contains their goals and objectives for the coming fiscal year. This work plan shall be transmitted to the Council along with any requests for funding or additional staffing for programs or projects in the coming fiscal year.

MINUTE PREPARATION.

Action minutes will be produced by Town staff for all advisory body meeting in a similar format used for Council meetings. Additions or corrections to the minutes are made at the next public meeting of the advisory body upon approval of the majority of the commission, committee or board. Draft minutes of all commission, committees or boards will be provided to the Council in a timely manner.

APPOINTMENT OF RESIDENT MEMBERS.

Resident members of each commission, committee or board, shall be appointed by the Council during a regular or special meeting of the Council. The terms of all appointees shall expire on June 30 (except for certain listed outside organizations or regional authorities whose terms may expire on different dates). Appointees shall take office on July 1 (except for certain listed outside organizations or regional authorities whose terms may commence on different dates).

ATTENDANCE.

Members of each commission, committee and board are expected to make every effort to attend all meetings and be present for the entire meeting. Members are expected to contact the responsible staff member in the event of any absence in a timely manner. Members are allowed two (2) unexcused absences in each twelve month period from the anniversary date of their appointment. The chair of the commission, committee or board shall notify the Town Clerk in writing of any member that is in violation of this policy. The Town Clerk will then send a letter to the member indicating his/her non-conformance to this policy stating that with an additional unexcused absence in that same twelve month period, the member's position on the commission, committee or board will be automatically vacated. If an additional unexcused absence occurs within the same twelve month period, the position shall be automatically vacated. The Town Clerk shall notify the member, the Council, and the commission, committee or board of the vacancy.

(a) Excused Absences.

The following is a sample of the types of absences that will be excused:

- Travel plans
- Illness
- Family emergency
- Work or business conflicts

DECORUM AND ORDER.

Each member of all Town commissions, committees and boards has a duty to:

- Represent and work for the common good of the Town and not for any private interest.
- Provide fair and equal treatment for all persons and matters coming before the body.
- Read and understand the background and purpose of the items of business before voting.
- Refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action.
- Faithfully perform all duties of the body.

Each commission, committee and board meeting will also adhere to Chapter 3.04, Rules of Decorum for Members of the Public at Meetings.

The actions of commissions, committees and boards have significant impact on the residents of Bluffton. Public participation in the democratic process is strongly supported and actively encouraged by the Council. Adherence to this policy will encourage broad public participation while ensuring meetings are conducted in the most professional and courteous manner possible.

MEMBERSHIP OF CURRENT COMMISSIONS, COMMITTEES AND BOARDS.

Current Town standing commissions, committees and boards subject to appointment procedures of this Chapter 3.07 are:

Accommodations Tax Advisory Committee	7 Members
Affordable Housing Committee	7 Members
Beautification Committee	5 Members

Board of Zoning Appeals	5 Members
Construction Board of Adjustments and Appeals	9 Members
Historic Preservation Commission	7 Members
May River Watershed Action Plan Advisory Committee	6 Members
Municipal Election Commission	3 Members
Negotiating Committee	6 Members
Planning Commission	7 Members
Public Safety Citizens Committee	7 Members
Wall of Honor Committee	

The Town of Bluffton has also obtained a 501(c)(3) to include the following:

Bluffton Public Development Corporation	7 Members
Don Ryan Center for Innovation Board	7 Members

Council Standing Committee assignments:

Beautification Committee	1 Member
Negotiating Committee	2 Members
May River Watershed Action Plan Advisory Committee	1 Member
Affordable Housing Committee	2 Members

Current outside organizations or regional authorities subject to appointment procedures by the agencies:

Lowcountry Council of Governments	1 Member
Beaufort Country Traffic Advisory Group	1 Member
Metropolitan Planning Organization	?
Don Ryan Center for Innovation	1 Member
Southern Beaufort County Regional Plan Implementation Committee	1 Member

POLICY FOR SELECTION AND APPOINTMENT OF MEMBERS.

In order to secure broad and knowledgeable representation on the Town's commissions, committees, and boards, it is desirable that a standard policy be formulated for selection to these bodies.

(a) Eligibility Criteria.

All members of a commission, committee or board shall be registered voters of the Town, unless an exception is provided for by the Council. Also the membership of such bodies be representative of the entire community insofar as possible, and members on such commissions, committees, and boards shall be willing to serve as a civic responsibility and without compensation.

(b) Term Limitations.

Appointees are limited to two (2) consecutive three-year terms of membership on a specific commission, committee or board, including a partial term. An appointee may not be reappointed to the same commission, committee or board after completion of two consecutive terms, including a partial term. After serving a maximum of two three-year terms (including a partial term), an appointee shall not be reappointed to the same commission, committee or board unless at least one year has elapsed between the expired term limit and the effective date of commencement of the new term. Notwithstanding any provision to the contrary, an appointee shall not be precluded at anytime following completion of service on a commission, committee or board from being appointed to another commission, committee or board without the lapse of time between appointments.

(c) Outreach Efforts.

Staff will employ one or more of the following methods of outreach to attract applications from qualified candidates: (1) send letters to persons who previously have applied for a Town appointment for any commission, committee or board, and who wish to be notified of open positions, and to other individuals who have expressed interest in notification of such openings (list to be maintained by Town Clerk's office); (2) place notice of vacancies in the Town's newsletter, and/or in a separate flyer; (3) publish notice of vacancies in a local newspaper; or (4) place notice on the Town's website or social media sites.

(d) Application Process.

Each applicant shall be given an application packet that will include: an informational document including the eligibility criteria for appointment and a description of the role and responsibilities of the commission, committee or board members; frequency, time, and location of meetings; Code of Ethics, financial disclosure requirements; and reference to South Carolina open meetings law.

The information to be provided by the applicant shall include name, address, email address, telephone number, and number of years as a resident in the Town, work/professional experience, and qualifications for appointment, and reasons for wishing to serve.

(e) Selection Process.

As a part of the selection/appointment process applicable to proposed members other than council members, the Council may interview in Executive Session of a Council meeting, any or all of the individuals submitting applications, as determined by the

Council, in its discretion. After candidates, if any, have been interviewed, council members will confer as a group to discuss appointments.

(f) Voting Procedure.

In a regularly scheduled or special Council meeting, the Council shall vote for members, other than council members, by completing ballots listing all the candidates for a particular commission, committee, or board. The Town Clerk shall include in the minutes the names of all the candidates that appear on the ballot, as well as detail the votes cast by each council member for each commission, committee or board appointment.

(g) Appointment Requirements.

The following requirements apply to the schedule for filling vacancies created by the expiration of a term or vacancies created by a resignation requiring an appointment for the remainder of that term.

(g)(1) Council Appointments List A Council Appointments List shall be prepared annually listing all members of the Town's commissions, committees and boards, the dates of their appointment, the expiration date of their terms, and the necessary qualifications for the positions.

(g)(2) Expired Term.

By the first Council meeting in June every year, the Town Clerk shall submit to the Council a "Council Appointments List" of vacancies for terms expiring on June 30 of that year on all commissions, committees and boards. The procedure outlined in Section 3.07.120 shall be implemented and applications shall be accepted for a minimum of three (3) weeks following the announcement of the vacancies. Both incumbents seeking reappointment and new applicants must submit an application. Appointments should be made by the second Council meeting in June every year.

(g)(3) Unscheduled Vacancies.

In the event of an unscheduled vacancy on the Town's commissions, committees or boards, the Town Clerk shall post a special vacancy notice.

SIMULTANEOUS SERVICE PROHIBITION.

Members shall not serve simultaneously on more than one commission, committee or board. However, a member may be appointed to an additional advisory body as a representative of the commission, committee or board on which the member serves as a non-voting member.

ANNUAL REVIEW OF COMMISSIONS, COMMITTEES AND BOARDS RELEVANCE.

The Council will annually review each of the Town's commissions, committees and boards to determine the relevance of their work plan, membership and organization to the accomplishment of the Council's Goals and Objectives. The Council may make such changes as it deems necessary to the work plans, membership and organization of the commissions, committees and boards, on an as-needed basis.

COUNCIL STANDING AND AD HOC COMMITTEES

Sections:

Establishment of Council Standing and Ad Hoc Committees.
Procedure for Council Ad Hoc Assignments.
Notice of Standing Committee Meetings.
Ad Hoc Committee Meetings.
Report of Standing and Ad Hoc Committees.
Annual Review of Standing and Ad Hoc Committees Necessity.

ESTABLISHMENT OF COUNCIL STANDING AND AD HOC COMMITTEES.

The Council may establish standing or ad hoc committees of the Council for policy review of a specific area or a specific issue. Ad hoc committees may be established at the time of need. They shall have a specific program of work to perform and shall automatically dissolve once the program of work is completed. Ad hoc committees may be comprised solely of council members, solely non-council members, or a combination of both.

Council standing committees will be used sparingly and ordinarily in an ad hoc capacity, and may not speak or act for the Council. Council standing committees are to help the Council do its job by preparing policy alternatives and implications for Council deliberation.

PROCEDURE FOR COUNCIL AD HOC ASSIGNMENTS.

The Mayor will make the appointment of members to ad hoc committees, if the assignments are not made at the time the ad hoc committee is formed.

NOTICE OF STANDING COMMITTEE MEETINGS.

An agenda of all Council Standing Committees will be posted seventy-two (24) hours prior to the meeting, as per FOIA and the meeting will be open to the public. Generally speaking, no council members, except those appointed to the committee, may attend said meeting as there are FOIA implications; however, there are exceptions where a non-standing committee member(s) may attend only as observers.

AD HOC COMMITTEE MEETINGS.

Generally speaking, no member of the Council who is not a member of an ad hoc Council committee may attend a meeting of that ad hoc committee; however, exceptions can be made.

REPORT OF STANDING AND AD HOC COMMITTEES.

Standing and ad hoc committees will report on the work of the committee during Council Member Reports & Comments section of the Town Council agenda. Whether or not there is agreement between the two members of the standing or ad hoc committee, the report to the entire Council will reflect the position of both members.

ANNUAL REVIEW OF STANDING AND AD HOC COMMITTEES NECESSITY.

The Council will review annually the relevance of the Council's standing and ad hoc committees to the Council's current Strategic Plan Goals and Objectives, and will eliminate those which are determined by a majority of the Council to be no longer necessary.

PREPARATION OF TOWN COUNCIL MEETING MINUTES

Sections:

Introduction.
Form and Content
Standard Format.
Official Record.

INTRODUCTION.

The minutes are the concern of the Town Clerk until presented to the Council for approval; the Council may then, by motion, make such corrections as conform to fact.

FORM AND CONTENT.

The minutes should be a clear and concise statement of the Council actions, including the motions made and the vote thereon. Except as provided for quasi-judicial proceedings, reasons for making a motion, Council debate, and audience reaction are usually irrelevant and will be omitted.

Whenever the Council acts in a quasi-judicial proceeding such as reassessment, use permit, or other zoning matters, it is necessary to compile a summary of the testimony and Council findings in support of a motion so that the record will accurately reflect the proceedings.

STANDARD FORMAT.

The Town Clerk will use one standardized format for minutes to ensure uniformity of minute entries and to save time in composing the record.

OFFICIAL RECORD.

The written minutes of the Town Council meeting proceedings shall be the official record of the meetings, any video recordings are supplemental. The written minutes shall be retained by the Town permanently, and the video shall be maintained until such time as the Council authorizes disposal after a minimum of 10 years retention.

ADOPTION OF ORDINANCES

Sections:

Definitions.

Introduction and First Reading.

Second Reading and Adoption.

DEFINITIONS.

Ordinances are legislative acts by the Council and establish permanent and enforceable rules. The Council is given the power to pass ordinances by Government Code Section 37100 as long as those ordinances are not in conflict with the laws and Constitution of the State of South Carolina or the United States. An ordinance is an action that can be repealed or amended only by a subsequent ordinance.

(a) Ordinances.

Except for urgency ordinance, ordinances require two readings, by title only, at separate Town City Council meetings. An ordinance is introduced during first reading, and given final approval at second reading. Except for emergency urgency ordinances and ordinances relating to an election, or taxes or street improvements, ordinances become law at time of passage by second reading.

(b) Pending Doctrine

In matters deemed by the Council to warrant immediate action to preserve peace, public safety or health, an urgency ordinance may be adopted at first reading and become effective immediately, as long as they are approved by 4/5ths of the Council.

INTRODUCTION AND FIRST READING.

With the exception of urgency ordinances, all proposed ordinances are placed on the Town City Council agenda twice. The first reading is to insure that all interested parties are afforded an opportunity to state their respective positions prior to final adoption of ordinances at a subsequent Council meeting.

SECOND READING AND ADOPTION.

After introduction, the ordinance will be placed on the next Council agenda under Ordinance Adoption.

ADOPTION OF RESOLUTIONS

Sections:

Definition.

Uses of the Resolution.

Vote.

DEFINITION.

Resolutions are legislative acts that are not codified and are filed in the Town City Clerk's office. A resolution expresses the policy of the Council on directing certain types of procedural or administrative actions. It requires only one reading and may be changed by subsequent resolution.

USES OF THE RESOLUTION.

The most important powers of a city are exercised by the Council by the enactment of ordinances. The use of a resolution, or minute action, when proper, saves two important municipal resources - time and money.

Resolutions may be used in the following situations: 1) the item states the Council's policy position on issues or activities, and 2) the Council's action on an item is being formally documented.

Resolutions may not be used in the following situations: 1) the matter under consideration by the Council amends or repeals an ordinance; 2) the matter before Council does not regulate a person or property, which imposes a penalty by fine, imprisonment or forfeiture; 3) the matter before Council is not expressly required by statutory authority requiring ordinance.

VOTE.

A simple majority vote of a Council quorum will pass or defeat a resolution.

RULES OF CONDUCT FOR COUNCIL MEMBERS

Sections:

Council Conduct and Relationship to Electors.
Responding to Public Complaints and Inquiries.
Council Calendar.
Council Stipend.
Audits.
Council Travel Policy.
Council Communication With Staff.
Council Budget.
Gifts.
Public Presentations.
Closed Sessions.
Annual Review of a) Gift Restrictions b) Town Policy Regarding Receipt and Distribution of Tickets and c) Town and Campaign Contribution Reporting Requirements.

COUNCIL CONDUCT AND RELATIONSHIP TO ELECTORS.

No council member shall act in such a manner as to call into disrepute the public image of the Council or which is discourteous to or results in the constant interruption of other members of the Council or members of the public. Council members are elected by all of the people to serve as representatives of all of the people. Authority and responsibility for legislative enactments are vested in the Council. South Carolina follows the Council type of government where it is the function of the representatives to do that which in their best judgments is proper. South Carolina does not follow the "Town Meeting" type of government where the people legislate. Therefore, the Council has authority to limit debate on any subject and to act in good faith regardless of the viewpoints of limited minorities. The purpose of public expression is to inform the public of what the Council is doing.

The responsibility of making decisions is not easy nor without its problems, but it is the responsibility of council members to vote and decide issues, regardless of personal hesitation. There will always be segments of the population dissatisfied with any decision. The purpose of government is to balance legally, fairly, and without favor the limitations, restrictions, or losses that are to be placed upon the individual or several individuals against the good, the benefit, or welfare of or to a majority of the people.

RESPONDING TO PUBLIC COMPLAINTS AND INQUIRIES.

Council members receiving complaints or requests for service concerning routine matters, such as a pothole or inoperative street light, shall refer the inquirer to the appropriate

Town department. Complaints received by a council member concerning a request for service which the council member knows or learns has already been referred to a Town department, shall be referred by the council member to the Town Manager for follow up by the Town Manager. Complaints received by a council member from a member of the public whose perception is that he/she has been treated poorly by a Town staff member shall be referred to the Town Manager for his/her investigation and appropriate disposition.

When a council member receives a complaint or inquiry from the public the response to which will likely involve a significant amount of staff work and/or a large financial cost, the council member will inform the Town Manager of the complaint or inquiry and will not make any promises to the inquirer regarding the likely disposition of the matter. The Town Manager will investigate the complaint or inquiry, and determine if it is appropriate for the Town staff to respond to the request, and direct Town Staff to respond appropriately. The Town Manager shall inform the entire Council of the complaint, who presented it to the Town Manager, and the action taken by the Town Staff in response to the complaint or inquiry.

COUNCIL CALENDAR.

The responsibility for managing the calendars of the Council and the council members shall be delegated to the Town Manager's Executive Assistant.

COUNCIL STIPEND.

Council members receive a stipend as set in the Town adopted Budget.

AUDITS.

Town Staff shall informally assist the Council in a periodic accounting of individual expenditures for travel, phone use, etc.

Council Travel Policy

Reimbursement for all travel and meeting expenses incurred by council members shall be in accordance with the Town's currently adopted Travel and Reimbursement Policy.

COUNCIL COMMUNICATION WITH STAFF.

Council members shall request research and analytical work or give direction only to the Town Manager or the Town Attorney, except that requests for general information not involving significant staff time that can be orally provided or copied, may be requested from department heads. Requests which involve Council policy, expenditure of funds, research or analytical work, or use of more than two hour of total staff time shall be

submitted to the full Council. To avoid misdirection of requests and inefficient use of staff time, council members shall submit their requests to the Town Manager. In the absence of the Town Manager or the Town Attorney, requests should be made to the Acting Town Manager.

Regardless of whether a request for research analytical work or direction shall require more than two hours of total staff time, direction to the Town Manager shall be given only by a majority of the Council, acting at a Town Council meeting. Requests for information will not burden staff and will be primarily shared with the Town Manager at regular meetings between the council members and the Town Manager.

COUNCIL BUDGET.

The Council generally has a fixed amount in the Town Council Budget. It shall be the policy of the Council to see that each council member generally attempts to stay within approximately one-fifth (1/5) of that entire budget. Expenses from other specific budget programs shall be based on individual need and appropriateness.

GIFTS.

Gifts given to the Town shall be managed or distributed by the Town Manager. Gifts shall be shared equitably without regard to position or longevity with the Town by elected officials, appointed officers, and employees of the Town.

PUBLIC PRESENTATIONS.

The Town is often asked to make presentations, speeches, announcements, and receive awards and recognition. The Mayor or Town Manager shall have the primary responsibility for meeting these public presentation requirements on behalf of the Town. Individual council members may represent the Town before groups or organizations which have specifically invited them.

EXECUTIVE SESSIONS.

Executive Sessions are by definition confidential. The welfare of the Town rests on the seclusion and confidentiality of discussing legal and personnel matters and negotiations to develop strategies and actions in the best interests of the Town. The premature disclosure of information from a Closed Session could cause severe and costly harm to the Town. Any employee breaching the confidentiality of an Executive Session will be subject to disciplinary action. Any elected or appointed official breaching the confidentiality of an Executive Session shall be subject to public censure by the Council.

From time to time, Town staff may provide to council members Executive Session staff reports or documents pertaining to or to be considered in Executive Session

(collectively, "Executive Session Documents"). Any and all Executive Session Documents shall be treated as confidential and not subject to public disclosure, unless and until the Council authorizes such disclosure or such disclosure is required as a matter of law. Council members are encouraged to return to the Town Clerk or Town Attorney all Closed Session Documents at the conclusion of the applicable Executive Session. However, Council members may, in their individual discretion, retain and use outside of and following the Executive Session any Executive Session Documents for purposes of further consideration and analysis of the Session item; provided, however, that the foregoing restrictions against public disclosure of the Executive Session Documents shall at all times remain in effect. Any and all Executive Session Documents shall be delivered prior to Executive Sessions.

TITLE 2

GOVERNMENTAL OPERATING PROCEDURES

FORM OF GOVERNMENT

Sections:

Overview.
South Carolina Town.
Duties of Council.
Council Goals.
Council Attendance Policy.
Town Representation.
Council Non-Participation in Administration.
Role in Disaster.
Finance Authority.
Town Council Policy Manual.

OVERVIEW.

The powers of a Town council in the State of South Carolina to establish policy are quite broad. Essentially, councils may undertake any action related to Town affairs other than those forbidden or preempted by State or Federal law.

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with the decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of the Council do not reflect any bias against council members who held a minority opinion on an issue.

SOUTH CAROLINA TOWN .

The Town of Bluffton is an incorporated Town of the State of South Carolina operating under the Council/Manager form of government. The Council/Manager form of government and the Town Manager's Duties chapters shall specifically define how the Council and Town Manager interact and perform their respective duties and responsibilities.

As a South Carolina Town, Bluffton has authority in the area of municipal affairs, subject to constitutional limitations and State laws, relating to matters of statewide concern. Under the Home Rule Act, the State allows a Town to tailor its organization

and elective offices, taking into account the unique local conditions and needs of the community. The State also transfers the power to adopt legislation affecting municipal affairs from the state legislature to the Town adopting it. A Town operating as such can acquire full control over its municipal affairs. This, in effect, gives the local voters more control over their local government and the affairs of the Town. However, a Town operating under the State is still subject to the general laws, as passed by the state legislature.

DUTIES OF COUNCIL.

The Council is the legislative authority that creates and enacts the policies and ordinances under which the Town operates. The Council acts on all legislative matters of the Town, considering, approving or adopting all ordinances, resolutions, contracts and matters requiring policy decisions. Ultimately, the Council provides leadership through policy development and establishes the current practices and future direction of the Town. The Council also sets priorities for the Town, and determines the type and level of programs and services provided by the Town.

The Council plays the primary role in defining the forces of change that are shaping the community; this direction is set through policies expressed in the adopted plans for the community, such as the Comprehensive Plan, through ordinances, like the Unified Development Ordinance, which provides for the Town's zoning and development standards, as well as, through approvals of the budget, the five year capital improvements program and the staff's annual work program.

The Council has the following duties and responsibilities:

(a) Appointment of Town Manager, Town Attorney, and Town Judge(s).

The Council shall appoint the Town Manager, Town Attorney and Town Judge(s). The Town Manager shall administer and make all other staff appointments and the Town Attorney shall administer all legal staff and contracts for legal services.

(b) Establishment of and Appointments to Advisory Bodies.

The Council may establish Commissions, Committees and Boards, and by majority vote make appointments of the members of all Commissions, Committees and Boards. It is important to note that appointed advisory bodies are subject to the open meeting laws commonly known as the Freedom of Information Act. The Council can solicit opinions directly or through its' Commissions, Committees and/or Boards.

In addition, the Council may form resident ad hoc committees to address a specific issue of interest or task. The ad hoc committee ceases to exist as soon as its task is completed. The Mayor may assign two council members to the ad hoc committee; however, the Council shall ratify the ad hoc committee, specify the role and its membership by a resolution.

The Council may also form Council ad hoc committees to prepare policy alternatives and implications or address issues of interest for Council deliberation. Council ad hoc committees will normally not have direct dealings with staff operations, and may not speak or act for the Council. Unless otherwise stated, an ad hoc committee ceases to exist as soon as its task is complete. The Council shall ratify the Council ad hoc committees; specify the role and its membership by resolution.

(c) Annual Evaluation of Appointed Officials.

The Council shall perform an annual review of the Town Manager.

COUNCIL STRATEGIC PLAN.

Council members are local leaders. The electorate expects the Council to set the tone and direction for municipal operations. Strategic planning and goal setting are the tools that enable a Council to define their vision and determine methods for accomplishing their goals. Council members are elected to provide leadership in setting goals and in formulating policies. The Council is the focal point for identifying and interpreting the wishes of the citizens and translating these into specific programs. Successful goal setting and policy formulation largely depend on a good working relationship amongst the Council and between the Council and the administrative staff. Under the Town Manager's direction, staff can provide assistance in analyzing the Town's needs, suggesting action programs, and calculating the costs of proposals. However, the Council has the final responsibility for establishing local policies and determining services and budget levels appropriate for the Town.

The Council should establish Town-wide goals that address short and long range needs of the community. Goal setting requires time, commitment and a well-defined process. Every year, usually in January, the Council meets with the Town Manager and the various department directors in a goal setting/priority projects session to review progress on goals previously set, and defines new goals and objectives for the Town. The advantages of engaging in the goal setting process are:

(a) Strategic planning gives the Council a basic framework for action. By setting goals and then deciding those that are most important, the Council is defining what it wants to achieve over a given period of time. Otherwise, the Council may find

itself floating from issue to issue, crisis to crisis.

(b) Strategic Planning helps the Council spend its time more efficiently. When goals to be accomplished are clearly defined, the Council can allocate time and resources efficiently.

(c) Strategic planning allows every council member a chance to share their individual goals and priorities and for the Council to work out any differences. The Council then has a list of goals to which everyone is committed.

(d) Strategic Planning gives the Town Manager clear guidelines to get the job done. Goals give the Town Manager clear direction for what the Council is trying to accomplish as a group. Without clearly defined goals, the Town Manager may get conflicting signals from the Council and not meet the Council goals.

(e) Strategic planning gives the Council and staff important budget guidelines. Knowing which programs and issues are the highest priorities will enable staff to allocate funding when preparing the budget for Council approval.

(f) Strategic planning gives the Council an evaluation tool. When goals and priorities are set, the Council has valuable data to determine how well the Council and the Town Manager did in achieving the agreed upon goals and priorities.

COUNCIL ATTENDANCE POLICY.

Any council member, who has called the Mayor or the Town Manager before noon on the day of the meeting to advise of their absence, may request to be excused by the Council.

If a council member intends to be absent from the Town for more than 24 hours, they shall notify the Town Manager's Executive Assistant of such absence and its duration.

TOWN REPRESENTATION.

Council members are viewed as representatives of the Town at all times. The conduct of council members is a direct reflection on the Town and members should conduct themselves accordingly. Except where specifically authorized by Council action or for purely ceremonial purposes, no council member should make any statement or appearance or indicate in any way that he or she is representing the Town.

COUNCIL NON-PARTICIPATION IN ADMINISTRATION.

In order to uphold the integrity of the Council-Manager form of government and to provide proper checks and balances, members of the Council shall refrain from

becoming directly involved in the administrative affairs of the Town, unless directed by a majority of the Council to participate in a specific policy or project.

ROLE IN DISASTER.

The Council should refer to the Town's Emergency Operations and Disaster Recovery Plan for specifics, but generally the Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the Council may be directed by the Town Manager or the Incident Commander to assemble in an offsite Emergency Operations Center (EOC).

The general duties of the Council during a disaster or emergency are to establish executive level policies and pass important resolutions for the management of the emergency; 2) ensure that the Town Manager or his designee has clear policy direction; 3) obtain briefings from the Town Manager or his designee; and 4) support a multi-agency disaster response; and 5) host and accompany VIPs and government officials on tours of the emergency/disaster.

TOWN COUNCIL POLICY MANUAL.

The Policy Manual shall provide the general guidelines on how the Council, Commissions, Committees, Boards and Staff shall conduct Town business.

COUNCIL/MANAGER PLAN

Sections:

Introduction.
Council's Functions.
Town Manager's Functions.
Council-Manager Relationship.
Council-Town Attorney Relationship.
Distribution of Information.
Roles and Information Flow.
Dissemination of Information.
Magnitude of Information Request.
Restrictions on Political Involvement by Staff.

INTRODUCTION.

The Town of Bluffton adopted and uses the Council/Manager form of local government, to combine the strong policy leadership of elected officials in the form of a Council, and with the strong managerial and administrative abilities of a qualified professional Town Manager. The Plan establishes a representative government system in which the entire Council determines the policies and services of the community, and the Town Manager effectively and efficiently implements the policies and delivery of these services.

In theory, the distinction between policy and administration has been that policy is the process of determining *what* is to be done, while administration is the process of determining *how* to do it. A policy is what the Council defines it to be. However, the day-to-day operation of the various departments is administration. In reality, a fine line exists between policy and administration; any issue that is perceived as important or controversial can become a "policy" matter.

The Council has the final say in major decisions such as adoption of the budget or selling a bond issue. While it has a dominant role in policy matters, the Town Manager, staff and citizens play a prominent role in the development of policies. The Council, Town Manager, and staff analyze Town needs, identify available resources, and suggest courses of action, but the Council has the final say on matters that affect services.

COUNCIL'S FUNCTIONS.

The Council is the legislative body; its members are the community's decision makers. Authority is centralized in the elected Council collectively and not in individual members of the Council. The Council approves the budget and determines the public services to be provided and the taxes and fees to pay for these public services. It focuses on the community's goals, major projects and such long term considerations as community growth, General Plan and land use, development standards, capital improvements, financing and strategic planning, rather than the administrative details. The Council hires a professional Town Manager to carry out the administrative responsibilities and supervises the Town Manager's performance.

TOWN MANAGER'S FUNCTIONS.

The Town Manager is hired to serve the Council and the community, and to bring the benefits of education, training and experience in administering the Town's projects, programs, and public services on behalf of the Council. The Manager prepares a recommended budget for the Council's consideration; recruits, hires, and supervises the Town's personnel, contractors and consultants; serves as the Council's chief advisor; and implements the Council's policies and programs and public services in an effective and efficient manner. The Manager provides or supervises the delivery of complete and objective information, provides options and alternatives and analyzes long and short-term consequences on various Town policies and on public services, finances, growth and land uses, development standards, and other community programs and needs. The Town Manager provides professional advice on policy matters, intergovernmental affairs and economic development. The Town Manager negotiates or supervises the negotiation of all Town contracts and agreements and, except for changes made by or at the request of the Council, is ultimately responsible for the content of such contracts and agreements.

The Town Manager follows the direction of the entire Council and not individual members of the Council or public, and serves at the sole discretion of the Council.

COUNCIL-MANAGER RELATIONSHIP.

The employment relationship between the Council and the Town Manager reflects the fact that the Manager is the Chief Executive Officer of the Town. The Town Manager has an employment agreement with the Council. Regular communication between the Council and Town Manager is important in maintaining effective interpersonal relations. All dealings with the Town Manager, whether in public or private, should be consistent with the authority of the Town Manager in administrative and personnel matters. Council members should avoid situations that can result in Town staff being directed, intentionally or unintentionally, by one or more council members. Further, council members should avoid involving themselves in matters regarding individual Town employees or related affairs.

The Council is to evaluate the Town Manager on an annual basis to ensure that both the Council and Town Manager are in agreement about organizational performance and priority goals based upon mutual trust and common objective. The Town Manager's performance is evaluated in the following areas: leadership, teamwork, job knowledge, attitude, accountability, empowerment, communication, problem-solving skills, quality of service, safety/risk taking, implementation and administration of adopted Council policy.

As in any professional relationship, it is important that the Town Manager keep the Council informed. The Town Manager respects that the final responsibility for establishing the policy direction of the Town is held by the Council. The Town Manager communicates with the Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual council members and written memoranda and e-mail. Communication must be undertaken in such a way that all council members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the Town Manager including responses to written communications and surveys requesting feedback.

COUNCIL-TOWN ATTORNEY RELATIONSHIP.

The Town Attorney is the legal advisor for the Council, Town Manager and departments. The general legal responsibilities of the Town Attorney are to 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the Town's interest, as determined by the Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep Council and staff apprised of court rulings and legislation affecting the legal interest of the Town .

It is important to note that the Town Attorney does not represent individual council members or staff, but the Town's interest as a whole. Accordingly, with the exception of conflict of interest inquiries, in questions involving pending or upcoming matters, or protocol and procedure, the Town Attorney's services are engaged and directed through the majority of the Council.

DISTRIBUTION OF INFORMATION.

It is essential that every council member have the same information from which to form decisions and actions. Any information distributed to one council member shall also be distributed to all council members. Voluminous documents may be referenced and made available upon request.

ROLES AND INFORMATION FLOW.

It is the intent of staff to ensure all council members have free and easy access to information from the Town and to ensure that such information is communicated completely, with candor and without bias. Individual council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the Council as a whole. This is necessary to protect staff from undue influence and pressure from individual council members, and to allow staff to execute the priorities given by management and the Council as a whole without fear of reprisal.

(a) Council Roles.

The whole Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of Town business. If a council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, the council member must prevail upon the Council to do so as a matter of Council policy.

Should a council member become dissatisfied about a department, they should always talk it over with the Town Manager, not the department head. Concerns about a department or any employee must be taken only to the Town Manager.

(b) Access to Information.

Individual council members, as well as the Council as a whole, shall receive the full cooperation and candor of staff in being provided with any requested information. The Town Manager or appropriate staff will inform the Council when a critical or unusual event occurs about which the public would be concerned.

To ensure proper responsiveness, council members are asked to "cc" both the department head and the Town Manager on all correspondence with staff. There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative drafts) under review are not available for release until complete and after review by Town management. In addition, there are legal restrictions on the Town's ability to release certain personnel information even to members of the Council. Certain aspects of police affairs (access to restricted or confidential information related to crimes) may not be available to council members.

Council members have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission and/or committee minutes. Council members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from

staff. If a council member has questions on any agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time research a response for the meeting.

(c) Staff Roles.

The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions, and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to report to the Town Manager any communication with a council member, other than social communication. Staff is also directed to report to the Town Manager any attempts by individual council members to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

Town staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance; provided that, the request is not of a magnitude, either in terms of workload, , or policy, which would require that it would be more appropriately assigned to staff through the direction of the whole Council. If a request by an individual council member is determined to take over two hours or more of staff time to complete, that request will be included on a Council agenda for Council discussion and direction.

DISSIMINATION OF INFORMATION.

In addition to regular, comprehensive memoranda written by the Town Manager directly to Council concerning all aspects of Town operations (exclusive of confidential personnel issues), all council members receive copies of all correspondence received by the Town Manager that will assist them in their policy-making role. The Town Manager also provides other documents to the Council on a regular basis, such as status reports, executive summaries, and access to agendas of all Town commission and committee meetings.

In cases where a staff response to an individual council member request involves written material that may be of interest to other council members, the Town Manager will provide copies of the material to all other council members. In making this judgment, the Town Manager will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the Council.

RESTRICTIONS ON POLITICAL INVOLVEMENT BY STAFF.

Local governments are non-partisan entities. Professional staff, as reflected with the principals of the Council-Manager form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced

by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the Town, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No Town resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a Town uniform. The support of the Council in these matters is requested. A council member asking staff to sign petitions or similar items can create an awkward situation.

For management staff, the Town Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all members of the Council. The Town Manager specifically prohibits any political involvement in local campaigns by department heads.

TOWN MANAGER'S DUTIES

Sections:

Appointment of Town Manager.
Town Manager Code of Ethics.
Compensation.
Extended Absence or Disability.
Corporate Surety Bond.
Duties and Responsibilities.
Removal.

APPOINTMENT OF TOWN MANAGER.

The Town Manager shall be appointed by the majority of the Council and shall hold office at the pleasure of the Council. The Town Manager shall be chosen by the Council based on his/her executive and administrative qualifications, abilities, with special reference to the Manager's actual experience in or his/her knowledge of accepted practices in respect to the duties of the Manager's office hereinafter set forth. The Town Manager need not have residency in the Town.

The Council shall enter into an employment agreement with the Town Manager outlining his/her compensation, health and welfare benefits, terms and conditions of employment and other items deemed desirable to be included in an agreement.

TOWN MANAGER CODE OF ETHICS.

The Town Manager is subject to a professional code of ethics that binds the Manager to certain practices that are designed to ensure his or her actions are in support of the Town's best interests, as outlined in the Code of Ethics, Rules of Conduct and Guidelines described by the International City Management Association (ICMA) (Attached as Appendix C). The ICMA shall determine any violation of the ICMA Code of Ethics, Rules of Conduct and Guidelines.

COMPENSATION.

The Town Manager shall receive such compensation as the Council shall, from time to time, determine and fix by resolution. In addition, the Town Manager shall be reimbursed for all actual and necessarily expenses incurred in the performance of the Manager's official duties, including while traveling on business pertaining to the Town. Reimbursement shall be made upon an itemized accounting of such expenses.

EXTENDED ABSENCE OR DISABILITY.

In the case of extended absence or disability of 90 days or more, the Manager, or the Council may designate some duly qualified person to perform the duties of the Town Manager during the period of extended absence or disability. The Town Manager shall designate an Acting Town Manager during normal absences such as vacations, short term illness, conference attendance, etc.

CORPORATE SURETY BOND.

The Town shall furnish a corporate surety bond for the Manager to be approved by the Council in such sum as to be determined by the Council.

DUTIES AND RESPONSIBILITIES.

The Town Manager shall be the Chief Executive Officer of the Town, under the direction and control of the Council in accordance with the Council/Manager Plan. The Town Manager shall be responsible for the efficient administration of all affairs of the Town which are under his control. In addition to these general powers as the executive and administrative head, he will have the authority as follows:

- a. See that all laws, ordinances and resolutions of the Town are duly enforced and that all franchises, permits and privileges granted by the Town are faithfully observed.
- b. Control, order and give directions to all heads of departments, subordinate officers and employees of the Town, except the Town Attorney, Planning Commission, and any board, commission or committee heretofore or hereafter established by the Council; transfer employees from one department to another; and conduct studies and effect such administrative reorganization of departments and operational units as may be indicated in interest of efficient, effective and economical conduct of the Town's business.
- c. Except as to the Town Attorney and members of appointed commissions, committees or boards, the Town Manager shall appoint or promote, and when necessary for the good of the service, demote, suspend or remove any employee(s) of the Town. The Town Manager may at his discretion choose to consult with the Council on the appointment or service of Department Heads.
- d. Attend all meetings of the Council, unless excused there from by the Council, except when his removal is under consideration by the Council.

- f.** Authority to establish administrative policies and to authorize Department Heads to implement administrative procedures as may be indicated in the interest of efficient, effective, and economical conduct of the Town's business. It shall be the duty of all subordinate officers and employees to assist the Town Manager in administering the affairs of the Town efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the Town .
- g.** Attend, upon his own volition or upon direction of the Council, the meetings of the Planning Commission and any commission, committee, board or other government agencies established. Provided that nothing contained in this section shall be deemed to grant to the Town Manager the power to control or give directions to any commission, committee, or board heretofore or which may hereafter be appointed by the Council.
- h.** Negotiate, supervise and cooperate on the performance of contracts and franchises with governmental agencies, private contractors or any other service or agency having a contract or franchise with the Town.
- i.** Recommend to the Council adoption of such measures, including ordinances and resolutions as he may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.
- j.** Keep the Council, at all times, fully advised as to the financial condition and needs of the Town. He shall prepare and submit to the Council the proposed annual operating and capital budgets.
- k.** Prepare and update personnel rules, procedures and classification plans and establish proper administrative policies and directives and handle all negotiations, grievances, and personnel actions.
- l.** Approve and sign contracts for any special and professional services if the service has been included in the Town budget, up to one hundred thousand dollars (\$100,000). Also, approve, with the advice of the Town Attorney, the bonds and contract of contractors bids and professional services when such bonds are required.
- m.** The Town Manager shall execute documents specified in South Carolina whenever it is convenient for the Town Manager to do so and provided such documents have been approved by the Council for execution by resolution, motion, minute order or other appropriate action.

- o.** Authorize the purchases of all supplies for all of the departments or divisions of the Town and execute all administrative contracts and agreements. No expenditure shall be submitted or recommended to the Town Council, except on report or approval of the Town Manager.
- p.** Investigate the affairs of the Town, and any department or division thereof, and any contract or the proper performance of any obligations running to the Town. In addition, investigate all complaints in relation to matters concerning the administration of the Town government and in regard to the service maintained by public utilities in the Town and to see that all contracts, franchises, permits and privileges made or granted by the Town are faithfully performed and observed.
- q.** Devote his entire working time to the duties of his/her office and the interests of the Town without other outside employment or services, except as may be provided in an employment agreement or approved by the Council.
- r.** Exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the Council and not specifically delegated to a particular board or officer.
- s.** Represent the Town in negotiations, discussions of administrative and policy questions, and working relationships with the County, State and Federal government; provided that any contracts negotiated shall be subject to approval by the Council.
- t.** Provide leadership for civic activities designated to benefit the residents of the Town when so authorized by the Council, such as the Municipal Association of South Carolina (MASC), Rotary, etc.
- u.** Perform such other duties and exercise such other powers as may be delegated to him/her from time to time by ordinance or resolution or other action of the Town Council.
- v.** The Town Council and its members shall deal with the administration service solely through the Town Manager, except for the purpose of inquiry, neither the Town Council nor any members thereof, shall give orders, direction or request information from any subordinates of the Town Manager, either publicly or privately.
- w.** The Town Manager shall take his direction from the Council only when sitting in a duly convened meeting of the Council and no individual council member shall give any direction to the Town Manager.
- x.** The Town Manager shall provide periodic reports keeping the Council informed of his/her activities and involvement with the Mayor and individual council members.

REMOVAL.

The Town Manager may be removed consistent with the applicable provisions of law and the Town Manager's employment agreement.

TOWN ATTORNEY'S DUTIES

Sections:

Appointment of Town Attorney.
Extended Absence or Disability.
Corporate Surety Bond.
Duties and Responsibilities.
Removal.

APPOINTMENT OF TOWN ATTORNEY.

The Town Attorney shall be appointed by the Council on the basis of legal knowledge, administrative qualifications, experience and understanding of municipal government and applicable State and Federal laws. The Town Attorney is responsible directly to the Council, although the Town Attorney shall take direction from the Town Manager on a day-to-day basis. The Town Attorney may be an individual or a firm and may be an employee of the Town or a contractor of legal services. If a firm is selected, an individual shall be designated as the Town Attorney and shall be the primary contact with the firm for all legal matters. The Town Attorney, if a member of a firm, may designate other members of the firm to perform specific assignments but shall remain responsible for the quantity and quality of all legal work performed by the firm. The Council shall enter into an agreement with the Town Attorney, or his/her firm as applicable, defining the scope of services and outlining the terms and conditions for total compensation. The Town Attorney's performance shall be reviewed periodically as provided by the legal services agreement.

EXTENDED ABSENCE OR DISABILITY.

In the case of the Town Attorney's extended absence or disability of 60 days or more, the Council may designate some duly qualified person to perform the duties of the Town Attorney during the period of extended absence or disability. In the event that the Town Attorney is a firm, the Council shall designate an attorney from said firm. The Town Attorney shall designate an Acting Town Attorney during normal absences such as vacations, short-term illness, attending conferences, etc.

CORPORATE SURETY BOND.

The Town may furnish reasonable errors and omissions insurance for the Town Attorney or require the firm to provide a reasonable errors and omissions insurance in a sum to be determined by the Council.

DUTIES AND RESPONSIBILITIES.

It is important to note that the Town Attorney does not represent individual council members, but rather the Council as a whole. Accordingly, with the exception of conflict of interest inquires, in questions involving pending or upcoming matters, or protocol and procedure, the Town Attorney's services are engaged and directed through the majority of the Council.

The duties and responsibilities of the Town Attorney, pursuant to Town, State and Federal laws, shall be to act as the legal counsel to the Town by giving legal advice, assistance and representation in criminal and civil legal matters to the Council, officers and employees of the Town and by giving opinions concerning their actions, duties and powers. The Town Attorney shall represent the Town and its officials, officers and employees in all legal matters and shall generally direct the work of the Town Attorney's Office. The Town Attorney shall coordinate, cooperate and assist the Town Manager in the general administration of the Town. The Town Manager shall retain the administrative authority in all Town matters. The general duties of the Town Attorney include but are not limited to the following:

(a) Legal Counsel.

Unless special counsel is appointed for a specific mater, the Town Attorney will serve as the general legal counsel and advisor to the Council and Town Manager on all items before the Town or requested by the Council or Town Manager. Appointment of special counsel shall be subject to approval by the Council after consultation with the Town Attorney and approval of the Town Manager.

(b) Litigation.

The Town Attorney acts as attorney for the Town in civil litigation or criminal actions initiated by or brought against the Town and/or its elected officials, appointed officials, officers or employees.

(c) Attendance at Meetings.

The Town Attorney attends meetings of the Council, boards, commissions, committees, joint powers agencies that require legal counsel or advice. The Town Attorney attends other meetings, conferences and seminars as directed by the Council or Town Manager. Decisions regarding the attendance of the Town Attorney at meetings of bodies other than the Council shall be determined by the Town Manager.

(d) Opinions.

The Town Attorney submits oral and written legal opinions when requested by the Council or Town Manager; and keeps the Town apprised of court decisions and opinions or State and Federal legislation that may affect the Town.

(e) Preparation of Documents.

The Town Attorney directs the drafting or review of ordinances, resolutions, contracts, agreements, settlements, other legal documents and proposed legislation.

(f) Control Over Office.

The Town Attorney generally supervises the Town Attorney's Office and budget and develops the short and long term goals and objectives for the Office and legal affairs of the Town. The Town Attorney shall also participate in budgeting for outside special counsel. It is the practice of the Town to provide office staff while at Town Hall

(g) Risk Management.

The Town Attorney provides support and advice on all risk management, liability, personnel and insurance matters brought to the Town Attorney.

(h) Council and Town Attorney Relationship.

The Council shall deal with all legal matters relating to the Town only through the Town Attorney. The Council and its members shall not give orders or direction to any subordinate of the Town Attorney. Only the Council or the Town Manager may direct the Town Attorney, but the Council, Town Manager, and the Town Clerk may request legal opinions or research. Department heads may also request legal opinions or research and shall keep the Town Manager informed of such requests.

If a council member has a simple legal question, not requiring more than two hours of legal work, or an individualized Town-related legal issue which can be addressed by the Town Attorney in two hours or less, and is within the terms of the retainer, the council member may contact the Town Attorney directly and obtain the assistance they desire. Issues requiring more than two hours of legal work by the Town Attorney requested by a council member may not be addressed by the Town Attorney until same has been approved by a majority of the Council, and authorization for work outside the retainer is approved, acting in an appropriately noticed Town Council meeting.

REMOVAL.

Subject to any contract entered into with the Town Attorney to the contrary, the following procedure shall be followed in the removal of the Town Attorney: 1) the removal of the Town Attorney or firm shall be only a majority vote of the entire Council; 2) in the case of the intended removal by the Council, the Town Attorney or firm shall be given a written notice of at least thirty (30) days before the effective date of removal; 3) the Council, Town Attorney and if consented to by the Council and Town Attorney, the Mayor shall first meet and attempt to negotiate a mutually agreeable resolution to their differences including resignation or retirement; and 4) Removal shall be in conformance with any employment agreement or contract.

PRIORITY OF RESOURCES

Sections:

Strategic Planning.
Priority of Resources.
Special Services and Projects.

STRATEGIC PLANNING.

In order to provide effective management of resources, the Council shall utilize a Strategic Plan to carry out and execute the Mission, Vision and Values of the Town. In order to communicate the Council's focus and direction to the Town Staff and community regarding its major priorities, the Council will also periodically establish goals and objectives via the Strategic Planning process. While participation by members of the Town's management staff in the Strategic Planning process shall be permitted, the ultimate determination of the Town's Goals and Objectives shall be the Council's sole responsibility. When making decisions, the Council will endeavor to keep the current Strategic Planning Goals and Objectives as the primary focus of its activities.

PRIORITY OF RESOURCES.

To assure the health and safety of the public, compliance with Federal, State and local laws, adherence with the adopted budget, goals and objectives of the Council's Strategic Plan, and provide for the orderly, effective and efficient management of the Town and its resources, the Council hereby establishes the following order of priorities for the commitment of Town time and business:

(a) Legally Mandated Programs.

Perform all legally mandated programs, projects and services as are established by Federal, State or local law.

(b) Essential Public Safety Administration.

Provide essential services such as policy, road repair, flood protection and building safety. Comply with all adopted rules, regulations, contracts or agreements. Provide for the necessary administration of these programs such as personnel administration, financial accountability and public records.

(c) Day-to-Day Operations.

Respond to basic day-to-day operation requirements such as answering phones, staffing counters, responding to correspondence and working with outside agencies. Process and respond to applications for permits and services.

(d) Strategic Plan and Town Budget Goals and Objectives.

Carry out the goals and objectives of the Council's Strategic Plan, as well as, the general services, goals and objectives approved with the Town's budget.

SPECIAL SERVICES AND PROJECTS.

Respond to requests for service and projects by the Council, commissions, committees, boards, outside agencies, internal staff requests and the general public.

USE OF TOWN PERSONNEL, EQUIPMENT OR RESOURCES

Sections:

Overview.
Non-Town Business.
Town Manager Authorization.
Individual Councilmember's Requests.
Interaction of Council with Staff.
Council Business.

OVERVIEW.

The Town has a great many complex services, programs and projects being carried out at the direction of the Council. The orderly management and control of these programs, and projects are essential to the effective and efficient accomplishment of these efforts. The Council's role is to provide policy direction and the Town Manager is to organize and carry out the policies. Effective management and control require the Council and professional staff to maintain their needed roles. The following rules and procedures are designed to help assure the clear direction and efficiency of Town operations.

NON-TOWN BUSINESS.

Prohibits the use of Town personnel for any personal use or personal business activity not related to Town business by any elected or appointed official.

TOWN MANAGER AUTHORIZATION.

The use of personnel for outside activities related to Town business, such as or community groups, by an individual council member shall be authorized by the Town Manager, and at his discretion, by the Council. Prior to volunteering or encouraging the use of staff for an issue of a Council committee, ad hoc committee, neighborhood meeting, regional board, or the board of another jurisdiction, a council member will confer with the Town Manager, the latter of whom shall determine if it conforms to Council policy or if it is necessary to present the request for staff use to the Council at a Town Council meeting. The Town Manager shall keep the Council informed of all special use of Town staff and his/her determination vis-à-vis the requested use of staff.

INDIVIDUAL COUNCIL MEMBER'S REQUEST.

Council members shall make their requests for services or information to the Town Manager and not directly to individual member of the staff, except for department heads. The use of Town staff to respond to an individual council member's request of any purpose that exceeds more than four hours of total staff time must be approved by the

majority vote of the Council. The individual council member may make their request orally or in writing to the Town Manager. The Town Manager shall provide an estimate of the cost and how the request affects the Council's goals and projects. This request will then be considered by the Council at a Town Council meeting..

INTERACTION OF COUNCIL WITH STAFF.

Council members are to work through the Town Manager, Town Attorney, or department heads on all issues, concerns and questions. This is to allow the department heads, with the proper education, training, experience and knowledge of the issues, laws and Council's policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts.

COUNCIL BUSINESS.

All communication with the Town, the Council or individual council members shall be considered the business of the Council. The Council will receive copies of all such communication and any response should be the response of the Council. Any response by an individual council member shall be identified as an individual response and not reflective of any position of the Town or the Council.

CODE OF ETHICS FOR ALL TOWN OFFICIALS, EMPLOYEES, CONSULTANTS AND CONTRACTED PERSONNEL

Sections:

Ethics Act – Rules of Conduct.

ETHICS ACT – RULES OF CONDUCT.

Below are summaries of the Rules of Conduct found in South Carolina Ethics Reform Act. These can be found on the SC Ethics Commission Web site:

<http://ethics.sc.gov/rulesofconduct> .

Each rule is described by the title and chapter in the law: Title 8 – Public Officers and Employees, Chapter 13, Ethics, Government Accountability, and Campaign Reform. Additionally, the section of the law is listed. In this case, for Rules of Conduct, the sections are numbered 700 through 795.

All public employees, public officeholders, and public members are expected to adhere to and follow the Rules of Conduct as outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.

- 700** A public official, public member, or public employee may not knowingly use his official office, membership, or employment to influence a government decision to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.
- 705.** A person may not directly or indirectly give, offer, or promise anything of value to a public official, public member, or public employee with intent to influence the public official's, public member's, or public employee's official responsibilities, nor is the public official, public member, or public employee to ask, demand, solicit, or accept anything of value for himself or for another person in return for fulfilling his official responsibilities or duties.
- 715.** A public official, public member, or public employee may not receive anything of value for speaking before a public or private group in his/her official capacity. A meal can be accepted if provided in conjunction with the speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. A public official, public member or public employee may receive payment or reimbursement for actual expenses incurred.

- 720.** Public officials, public members, or public employees may not receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.
- 725.** No public official, public member, or public employee may disclose confidential information gained as a result of his responsibility as a public official, public member, or public employee that would affect an economic interest held by himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.
- 730.** No person may serve as a member of a governmental regulatory agency that regulates any business with which that person is associated.
- 735.** No person shall serve on the governing body of a state; county; municipal; or political subdivision, board, or commission and serve in a position of the same governing body which makes decisions affecting his economic interests.
- 740.** A public official occupying a statewide office, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before a governmental entity.
- 745.** No member of the General Assembly or an individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case before an agency, a commission, board, department, or other entity if the member of the General Assembly has voted in the election, appointment, recommendation, or confirmation of a member of the governing body of the agency, board, department, or other entity within the 12 preceding months.
- 745.** A public member occupying statewide office, an individual with whom associated, or a business with which associated may not knowingly represent a person before the same unit or division of the governmental entity for which the public member has official responsibility.
- 740.** A public official, public member, or public employee of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before any agency, unit, or subunit of that county or municipality.
- 740.** A public employee, other than of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before an entity of the same level of government for which the public employee has official responsibility.

- 750.** No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages. A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's or public employee's family member.
- 755.** A former public official, former public member, or former public employee holding office, membership, or employment may not serve as a lobbyist or represent clients before the agency or department on which the public official, public member, or public employee formerly served in a matter in which he directly and substantially participated for one year after terminating his public service or employment.
- 760.** It is a breach of ethical standards for a public official, public member, or public employee who participates directly in procurement to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the public official's, public member's, or public employee's official responsibility.
- 765.** No person may use government personnel, equipment, materials, or an office building in an election campaign. A person may use public facilities for a campaign purposes if they are available on similar terms to all candidates and committees. Likewise, government personnel may participate in election campaign on their own time and on non-government premises.
- 775.** A public official, public member, or public employee may not have an economic interest in a contract with the state or its political subdivisions if the public official, public member, or public employee is authorized to perform an official function (including writing or preparing the contract, accepting bids, and awarding of the contracts) relating to the contract.

A publication that provides additional useful information pertaining to Ethics is the Handbook for Municipal Officials in South Carolina published by the Municipal Association of South Carolina (MASC).

CONDUCT OF PROFESSIONAL AND MANAGEMENT EXEMPT EMPLOYEES.

All professional and management exempt employees shall also conduct themselves in conformance with the Code of Ethics, Rules of Conduct and Guidelines described by the ICMA (See Appendix C). The ICMA shall determine any violation of the ICMA Code of Ethics, Rules of Conduct and Guidelines.

GENERAL RULES.

Council members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organization responsibility, or personal relationship that would present a conflict of interest under applicable State law. As required by law, council members declaring a conflict of interest shall recuse themselves and leave the Council Chambers. In accordance with the law, council members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in the decision, unless otherwise permitted by law.

Town officials and employees shall not use the prestige or influence of the Town office or employment for private gain or advantage of him/herself or another, unless so specified by contract or approved by the Council.

Town officials and employees shall not use Town time, Town funds or Town facilities, equipment or supplies for personal use, or personal gain, or for campaign related political activities, nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

Town officials and employee shall not use confidential information acquired by or available to them in the course of their employment with the Town for personal gain or for personal, non-Town business related reasons. Town officials and employees shall uphold the public's right to know, and in accordance with the FOIA, uphold the public's right to know not only the decisions taken, but also the deliberations which shape public policies. Any official or employee, who is aware of a breach of confidentiality, is expected to bring for that information to the appropriate officials in a timely manner.

Town officials and employees shall not accept money or other consideration, or favors from anyone other than the Town for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts, gratuities or favors of any kind which be perceived or interpreted as an attempt to influence their actions with respect to Town business.

No employee shall engage in any work, employment or occupation outside Town employment, which is detrimental to Town service, which prevents or impedes the efficient performance of their duties in Town employment, or which is in any way in conflict with their employment with the Town.

Town elected and appointed officials, employees, consultants, and contract personnel shall not represent or appear on behalf of the private interest of a third party in matters pertaining to or before the Town. Nor shall members of commissions, committees or boards appear before their own bodies or before the Council on behalf of the private interests of a third party on matters related to the areas of service of their bodies.

Council members shall represent the official policies or positions of the Council, commission, committee or board to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body of the Town, nor will they allow the inference that they do.

STATEMENT OF ECONOMIC INTEREST REPORT.

Annual disclosure statements are required of all council members, designated commissioners, committee members and senior staff which indicate potential conflicts of interest, including sources of income, ownership of property and receipts of loans and gifts. Council members and the Town Manager often serve on the governing boards of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items. The forms are filed toward the beginning of the calendar year for the prior year. The disclosure forms are a public record.

PROHIBITION AGAINST APPEARING BEFORE THE TOWN FOLLOWING END OF SERVICE.

For a period of one (1) year after leaving office, State law prohibits council members and Town Managers from acting as agent or representative for any other person by appearing formally or informally, orally or in writing, before the Town, the Council, Town staff or any of its commissions or committees if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance of, amendment to, award of, or vocation of a permit, license, grant or contract, or the sale or purchase of goods or property.

COUNCIL COMMUNICATION

Sections:

Overview.
General Correspondence.
Correspondence from Council Members.
Use of Town Stationery.
Proclamations.
E-mail.
Local Ballot Measures.

OVERVIEW.

Perhaps the most fundamental role of a council member is communication with the public to assess community opinions and needs, and with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a council member. Equally important, when council members are expressing personal views and not those of the Council, the public should be so advised. Town letterhead and staff support cannot be utilized for personal or political purposes.

All letters, memoranda, and interactive computer e-mail communications involving council members and members of commissions, committees and boards, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. As such, the public or media can request disclosure of such communications by filing a records request with the Town Clerk's office.

GENERAL CORRESPONDENCE.

The Town Manager shall respond to or request staff to respond to correspondence from the public to council members, and provide copies of the original correspondence and staff response to each council member. A council member may elect to respond to a specific correspondence in lieu of staff, on their own behalf rather than the Town. Correspondence addressed to specific council members will be copied to all council members, unless it is personal in nature.

With respect to invitations to events, the council members may coordinate reservation or responses with the Town Manager's Executive Assistant.

CORRESPONDENCE FROM COUNCIL MEMBERS.

Council members may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, staff will draft the letter that transmits the Town position, with review by the Town Manager. Correspondence sent on behalf of the Council is placed on official Town letterhead and is signed by the Mayor or the Town Manager.

USE OF TOWN STATIONERY.

Council members responding on their own behalf will use their personal stationery. Town stationery may be used by council members for official Town correspondence only which represents the Town's position.

PROCLAMATIONS.

Ceremonial proclamations are often requested of the Town in recognition of an event or individual. As part of the Mayor's ceremonial responsibilities, the Mayor is charged with administration of proclamation, in conjunction with the Town Manager's Executive Assistant, as long as the proclamation meets values currently or previously recognized by the Council. Individual council members do not issue proclamations. Proclamations can be sent to the requestor or presented at a Town Council meeting as arranged with the requesting body and at the Mayor's discretion.

USE OF E-MAIL AND SOCIAL MEDIA ACCOUNTS.

While electronic mail facilitates efficient communication by, to, and with council members, their use also raises important legal issues to which council members must pay special attention.

Be aware that most e-mails sent by or to council members and other sources of media are public records under the Freedom of Information Act. Even though it does not create paper, sending an e-mail is more similar to mailing a letter than placing a telephone call. The information in the e-mail is stored on the computer network until deleted, and may continue to exist on the Town's network back-up system even after being deleted. As a result, e-mails can become records of the Town maintained in the course of business, and thus available for public disclosure under the Public Records Act.

LOCAL BALLOT MEASURES.

At times, initiatives that affect Council policy may be placed on the ballot. There are restrictions regarding what actions the Town may take on ballot measures. Specifically, state statutes prohibit the Town from using its personnel, equipment, materials, buildings, or other resources to influence the outcomes of elections. What the Town can

do is distribute information for the purpose of informing the public of the facts of an issue.

PRESS RELATIONS

Sections:

Official Position of the Town.

Press Releases.

Dealing with the Media.

Council Members Speaking on Their Own Behalf.

Staff Communication to Town Manager.

Town Manager Communication to Town Council.

Confidential Issues.

OFFICIAL POSITION OF THE TOWN .

In responding to inquiries from the media, the Council and staff shall represent the official position of the Town and shall limit their comments to stating the facts and circumstances, without personal opinions or conclusions.

PRESS RELEASES.

All press releases pertaining to the Town or the Council shall be issued on Town letterhead on behalf of the entire Council. Press releases pertaining to the Town or the Council can be released by Mayor without prior authorization. The Town Manager, or designee, is authorized to make press releases pertaining to Town activities and events of public importance as he determines necessary and appropriate to keep the public informed. When the Town issues a press release, the Mayor is consulted in terms of any council member quotes or references. All press releases shall immediately be distributed to the Council.

DEALING WITH THE MEDIA.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the Council. When the Town Manager or department heads are contacted, they will express the position of the Council.

Council members, the Town Manager and department heads are authorized to respond to the media. Staff shall refer the media to the Public Information Officer.

COUNCIL MEMBERS SPEAKING ON THEIR OWN BEHALF.

The Council maintains open lines of communication with the media providing any council member the ability to speak with the media on issues. When speaking to the media, the council member will clarify whether they are speaking on behalf of the Council or themselves. No member shall hold themselves out as representing or speaking on behalf of the Council on any matter unless, prior thereto, the Council by majority vote taken during a duly noticed Council meeting, has authorized said member to act and/or speak on behalf of the entire Council. If a council member does not feel knowledgeable about an issue when questioned by the media, they should direct the member of the media to the Town Manager. It is recommended that council members advise the Town Manager when media contact occurs.

STAFF COMMUNICATION TO TOWN MANAGER.

All staff members responding to the media shall advise the Town Manager of the nature of the inquiry and their response.

TOWN MANAGER COMMUNICATION TO TOWN COUNCIL.

The Town Manager shall keep the entire Council informed and provide to the extent practicable, and information to the Council on major issues that the Town Manager believes are controversial or on issues that may cause controversy, concern or confusion, prior to giving the information to the media or as soon as practical following the communication.

CONFIDENTIAL ISSUES.

State law prohibits the discussion of any items that are discussed at or the subject of a Executive session to any member of the public, including the media, unless the Council approves the disclosure of the matter by a majority vote of the Council or is otherwise prohibited by State law.

COUNCIL FINANCIAL MATTERS

Sections:

Council Compensation.
Expenditure Allowance.
Expenditure Guidelines.

COUNCIL COMPENSATION.

Council member compensation is set by the Town Council.

EXPENDITURE ALLOWANCE.

The annual Town budget includes funding for council members to undertake any official Town business. The Town budgets funds for certain activities and reimburses for other activities. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol nor are meals for individuals other than council members. Available funds are disbursed on a first come first served basis, with the Mayor and Town Manager monitoring expenses during the year.

EXPENDITURE GUIDELINES.

Town budgetary practices and accounting controls apply to expenditures within the Council budget. Reimbursement requests, including all associated receipts, should be made through the Town Manager's office. Expenditure records are public information.

CIVILITY GUIDELINES

Sections:

Overview.
Commitment to Civil Behavior.
Pledge of Civility.

OVERVIEW.

Civility involves the display of respect for those who have positions with which one disagrees. Even though disagreement and confrontation play a necessary role in governance and politics, the issue of *how* one expresses that disagreement. The key is to focus on the strengths and weakness of proposed solution to community problems – not to engage in personal attacks against those who favor different solutions.

COMMITMENT TO CIVIL BEHAVIOR.

The Council commits to civil behavior by maintaining a cohesive, productive working environment by:

1. Supporting the Town's mission.
2. Bringing Town related concerns, issues and conflicts to the whole Council for discussion.
3. Offering alternative solution(s) when addressing a problem or issue.
4. Showing respect to each other as elected officials.
5. Promoting civility during Council meetings and tolerating nothing less.
6. Maintaining the confidentiality of material discussed during closed session. Similarly, not disclosing the content or substance of confidential or privileged communications relating to Town business.
7. Limiting the length of comments during Council meetings and not repeating points that have been already stated by other council members.
8. No use of cell phones or texting during Council meetings.

PLEDGE OF CIVILITY.

The manner in which we govern ourselves is often as important as the positions we take.

The Town's collective decisions will be better – and truer to our mission – when differing views have had the opportunity to be fully vetted and considered.

All those who appear before the Council or any commission, committee or board have the right to be treated with respect, courtesy and openness. The Town values all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Town interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.

TOWN'S NON-DISCRIMINATION POLICY

Sections:

Background.

Purpose.

Policy.

Mandatory Workshops.

BACKGROUND.

Non-toleration of race, sex, age, or ethnic origin discrimination or harassment in any form is and has been the policy of the Town. The United States Constitution grants equal protection of the law to all citizens. This Council recognizes that prejudice ferments strife and unrest and adversely affects the interests of employees, the Town and the public in general. Discrimination or harassment has resulted in the denial of complete citizenship and individual liberty to many citizens of this country. It is the intent of the Council to reaffirm its policy of not tolerating discrimination or harassment.

PURPOSE.

The purpose of this policy is to place in the Town Council Policy Manual and to reaffirm the official position of the Town to the effect that discrimination will not be tolerated at any level of Town government by this Council. It is the purpose of this policy to protect and safeguard the right and opportunity of all persons to live free of discrimination; to promote racial equality; to eliminate the effects of racial inequality and prejudice when it is found; and to assure that there shall not be any decision, policy, program, or act of administration, at any level of Town government, that is inconsistent with this policy.

POLICY.

The Town, in its government, shall not tolerate discrimination.

MANDATORY WORKSHOPS.

Workshops on harassment shall be mandatory for all Town employees and council members.

DRESS CODE FOR TOWN

Sections:

Dress Code.

DRESS CODE.

The Mayor, Council, Management and Staff represent the Town at all times. Their dress, personal hygiene and appearance shall reflect a professional image and shall be appropriate for any specific event, meeting, activity, etc. They shall maintain an appropriate and civil image at all times. Business or professional attire for that position is required. Casual day means business casual, for field personnel no change in attire allowed on casual days.