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# Rules and Procedures

Beaufort County Council



## CODE OF ETHICS FOR BEAUFORT COUNTY OFFICIALS

### Preamble

Beaufort County Council is committed to the highest standards of conduct by and among County officials in the performance of their public duties. Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While County officials agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases the principles contained in this Code of Ethics [which is drafted by the National Association of Counties (NACo)] provide valuable guidance in reaching decisions, which are governed, ultimately, by the dictates of the individual conscience of the public official and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements; actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements; actions to be avoided and conduct to be condemned.

The Code of Ethics for Beaufort County Officials has been created by and for elected officials. However, these principles apply to the day-to-day conduct of both elected and appointed officials and employees of this County government.

Beaufort County Council recognizes that this Code of Ethics should serve as a valuable guide for all those in whom the public has placed its trust.

### Ethical Principles

#### **The ethical County official shall:**

- Properly administer the affairs of Beaufort County.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in County government.
- Keep all funds and other properties of Beaufort County safe.
- Conduct and perform the duties of the office diligently, and promptly dispose of the business of the County.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so, the best service or product is obtained at a minimal cost without sacrificing quality fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public, employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interests of the County.
- Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.
- Respect and comply with the standards of the Council-Administrator form of government adopted in Beaufort County.

#### **The ethical Beaufort County official should not:**

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence, or attempt to influence, other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

**The ethical County official accepts the responsibility that his or her mission is that of servant and steward to the public**

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### **Historical Background**

Section 4-9-100, *Code of Laws of South Carolina*, 1976, as amended.

Adopted: April 8, 1985

Amended: November 9, 2015

October 25, 2010

August 14, 2006

June 25, 2001

April 14, 1997

June 12, 1995

September 13, 1993

August 9, 1993

January 13, 1992

January 28, 1991

September 25, 1989

## **CHAPTER 1**

### **OFFICERS OF COUNCIL**

Council shall elect a Chairman and Vice Chairman, for terms as hereinafter set forth, on the first business day in January following each General Election.

#### **A. CHAIRMAN**

Council shall elect one of its members to serve as Chairman for a two-year term on the first business day in January following each County General Election. Nominations for Chairman must be made by a Council member. Six votes shall be required to elect.

The Chairman shall preside at all regular and special meetings of Council, shall execute, on behalf of Council, all ordinances, resolutions, directives, deeds, bonds, contracts and other official instruments or documents, and shall have such other duties and perform such functions as above set forth in these Rules and in the State Code. The Chairman shall serve as an *ex-officio* member of each standing committee of Council and shall be entitled to vote.

#### **B. VICE CHAIRMAN**

On the first business day in January following each County General Election, Council shall also elect one of its members to serve as Vice Chairman for a two-year term. Election of Vice Chairman shall be in the same manner as set forth above for election of Chairman.

In the event the Chairman shall be temporarily absent or unable to serve, the Vice Chairman shall serve as Chairman in his stead.

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The term "Council" when used herein shall mean Beaufort County Council.

The term "Councilmen" is used herein without regard to gender.

### **C. RESIDENCY REQUIREMENTS**

Section 4-9-90 of the *Code of Laws of South Carolina, 1976*, as amended, provides generally for the election of members of County Council and for the replacement of members who do not serve a full term. Section 4-9-610, which is the provision for the Council-Administrator form of government, further provides that a County Council member must be a qualified elector of the County. The Code defines a qualified elector as one who is a resident in the district or the County in which he votes.<sup>①</sup>

### **D. PARLIAMENTARIAN**

The Chairman may appoint one member of Council to serve as Parliamentarian.

### **E. CLERK TO COUNCIL**

Council shall appoint a person, not a member of Council, to serve as Clerk for an indefinite term. The Clerk to Council shall keep a journal in which shall be recorded the minutes of Council's proceedings, which shall be open to public inspection. (Section 4-9-110 of the *Code of Laws of South Carolina, 1976*, as amended.)

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<sup>①</sup> Reference County Attorney's letter dated July 6, 1989; Judge Kemmerlin's Order dated June 1, 1990.

## CHAPTER 2

### MEETINGS AND AGENDAS

#### A. REGULAR / SPECIAL / COMMITTEE MEETINGS

Council shall give written notice of its regular meetings at the beginning of each calendar year. This should include the dates, times and places of each meeting (Section 4-9-110 of the *Code of Laws of South Carolina*, 1976, as amended).

Agendas, committee meetings and emergency meetings frequently pose problems for conforming with notice requirements. Agendas shall be posted at least 24 hours in advance of a meeting at the office or meeting place of the public body. When special or rescheduled meetings are held, the public body shall post a notice as soon as “practicable,” but not less than 24 hours prior to the meetings. Such notices should include an agenda, time, date and place of the meeting.

Council shall hold its regular meetings for the transaction of official business at least once each month in accordance with the schedule adopted by Council. On February 11, 1985 Council voted to hold its regular meetings on the second and fourth Monday of each month. **On November 9, 2015 voted to begin caucus at 5:30 p.m., regular session 6:00 p.m., public hearings at 6:30 p.m., and adjourn at 8:00 p.m., unless a motion to extend is approved by a two-thirds vote.**

Special meetings may be called by the Chairman or majority of Council, but no special meetings shall be held unless all members are notified at least 24 hours in advance of such meeting.

#### B. MEDIA NOTIFICATION

The media shall be duly notified of the time and place for regular, special and committee meetings. **A majority of the members of Council shall constitute a quorum for the transaction of official business.**

## **C. EXECUTIVE SESSION**

Meetings of public bodies are to be open to the public, unless they are specifically exempted. Exemptions may be made for (Reference Section 30-4-70, *Code of Laws of South Carolina*, 1976, as amended):

1. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversarial hearing involving an employee or client is held, such employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

2. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.

3. Discussion regarding the development of security personnel or devices.

4. Investigative proceedings regarding allegations of criminal misconduct.

5. Discussion of matters relating to the proposed location, expansion, or the provision of service encouraging location or expansion of industries or other businesses in the area served by the public body.

6. Prior to going into executive session, the public agency shall vote in public on the question and when such vote is favorable, the presiding officer shall announce the specific purpose of the executive session. No formal action may be taken in executive session. As used in this item “formal action” means a recorded vote committing the body concerned to a specific course of action. No vote may be taken in executive session.

## **D. CONDUCT AT MEETINGS**

### **1. Pledge of Allegiance**

Every Council meeting shall open with the Pledge of Allegiance to the Flag and follow with an invocation.

## **2. Decorum in Speaking**

Every member, when about to speak, shall address the Chairman and, in speaking, avoid disrespect to Council and any personalities, and shall confine himself to the question under consideration. In debate each member has the right to speak twice on the same question on the same day (except on an appeal), but cannot make a second speech on the same question as long as any member who has not spoken on that question desires the floor. No one can speak longer than three minutes at a time without permission of Council.

## **3. Addressing the Chair**

The Chairman, when addressed by a member shall recognize the member by name, using no title, but that of "Mr.," "Mrs.," "Miss" or "Ms." The member first recognized shall be first heard; and if several address the Chairman at the same time, the Chairman shall decide who is first to speak and shall recognize such member.

## **4. Public Comment**

Upon conclusion of the review of Council's minutes, a 15-minute segment of the agenda shall be allotted for public comment. At the end of the meeting, Council shall take any other public comment up to 15 minutes.

- Each speaker is limited to three minutes
- Only one speaker limit at microphone.
- Giving of a speaker's time to another is not allowed.

## **5. Matters Not Within Council's Jurisdiction**

No matter shall be entered on the agenda or heard by Council unless it is within Council's authority or jurisdiction. Council may entertain requests from other governmental bodies, departments or agencies that make recommendations to Council.

## **6. Recognition of Person(s)**

When any person, including employees of Council and the County are heard, that person, when they have completed their presentation, shall be seated and no person other than a member of Council will be recognized to make any



statement on such matter unless requested to do so by Council or by any member of Council through the Chairman.

## **7. Off-Agenda Item**

A two-thirds vote is required before action can be taken on an off-agenda item.

11 votes— 8 required  
10 votes— 7 required  
9 votes – 6 required  
8 votes – 6 required  
7 votes— 5 required  
6 votes – 4 required

## **E. FISCAL MATTERS**

All appropriations shall require a minimum of [six affirmative votes](#).

## **F. PARLIAMENTARY PROCEDURE**

Meetings of Council shall be conducted in accordance with *Robert's Rules of Order Newly Revised*, unless provided otherwise herein.

## **G. AGENDA**

The agenda is set by the Chairman and Vice Chairman with the County Administrator's assistance no later than the Wednesday immediately preceding the Council meeting.

## **H. CONSENT AGENDA**

The consent agenda is used for non-controversial action items organized apart from the rest of the agenda and approved as a group. This includes all business items that require formal approval and yet, because they are not controversial, there is no need for Council discussion before taking a vote. Items may appear on a consent agenda only if all Council members agree; if even one member considers a specific item to need discussion, it must be removed and placed on the regular agenda for the Council meeting.

## **1. Agenda Package**

Packages are prepared and distributed on the Friday immediately preceding the Council meeting. Background information pertaining to a particular agenda item shall be enclosed in the package.

## **2. General Information**

Other information of general interest to Council is circulated under separate cover.

## **3. Potential Agenda Items**

The Clerk to Council shall maintain a log of potential agenda items for upcoming meetings, particular reference being made to Ordinance readings.

## **4. Request for Agenda Time**

Any person requesting agenda time, including Council members, must submit their request to the Chairman, County Administrator, or Clerk to Council, plus backup material, [no later than Tuesday prior to 5:00 p.m. prior to 9:00 a.m., on the Wednesday](#) immediately preceding the Council meeting.

## **5. Department Heads'/Elected Officials' Request for Agenda Time**

Any department head or elected official wishing to appear before Council, should be handled in the same manner as above set forth. The Chairman may assign the matter for action following a short presentation by the individual at a regular Council meeting.

## **H. APPOINTMENTS TO AGENCIES, BOARDS, COMMISSIONS AND AUTHORITIES**

A two-week waiting period is required before an appointment can be finalized (i.e., from time of nomination to Council vote).

### **1. Notification**

The Clerk to Council shall notify all Council members thirty (30) days prior to the expiration date of any Board member's term, or within ten (10) days

after receipt of a Board member's resignation. Council members will have thirty (30) days to provide names and appropriate documentation (application and résumé) for consideration to the appropriate Standing Committee. The thirty (30) days will begin on the date the Clerk to Council has notified Council of the vacancy.

## **2. Nominations**

The appropriate Standing Committee shall review all applications on file and select nominee(s) to be submitted to full Council. Interviews may be scheduled at the request of the Committee Chairman.

In situations where technical or other special qualifications are required within the Charter for appointment, the Standing Committee will review and analyze the technical qualifications of the applicant(s) and will recommend and forward to Council only those names qualified.

The Standing Committee shall nominate at a subsequent full Council meeting, the aforementioned candidate(s) for membership. Once the floor is open for nominations, any Council member may place a name in nomination. There is no requirement that the name of said nominee is previously on file.

## **3. Representation**

Council shall appoint Agency, Board or Commission members with consideration for demographic representation. In addition, Council shall consider:

- a. Knowledge and experience relevant to the needs of the particular Agency, Board or Commission;
- b. Diverse representation of backgrounds, professions and viewpoints;
- c. Diverse ages and economic levels;
- d. Diverse race and gender composition;
- e. Diverse geographic representation of the County.

## **4. Résumé**

Names on file with the Clerk to Council and considered by a Standing Committee will be accompanied by a résumé.

For those nominated other than through a Standing Committee (i.e., by a Council member when the floor is open for such additional nominations) a résumé will be made available to Council members no later than the Friday prior to the meeting at which the vote for appointment is taken. Absent such a résumé the nominee will be disqualified.

## **5. Voting<sup>③</sup>**

A vote by show of hands will be taken if there is a single or multiple candidate(s) seeking membership. A simple voting majority of Council members will decide the selected nominee unless a greater number of affirmative votes is necessary under the Template Ordinance.<sup>④</sup>

If, when there are three or more candidates for a single position and no person receives the required number of votes of the first show of hands, the two candidates receiving the most votes will be considered in a second, and final vote by another show of hands.

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<sup>③</sup> Reference Attorney General's Opinion No. 84-4, issued January 17, 1984, and a subsequent opinion dated April 24, 1984

<sup>④</sup> Reference Template Ordinance No. 2005-5, as amended.

## **CHAPTER 3**

### **APPEARANCES, PRESENTATIONS AND PETITIONS TO COUNCIL**

#### **A. PUBLIC COMMENT**

Any person desiring to address Council during public comment may do so by submitting a request to be heard to the Clerk to Council prior to, or at the beginning of, the meeting.

1. Each request must include the name and address of the person appearing and the nature of the presentation.

2. In the event a presentation should be made on behalf of an organization or group of persons, the organization or group will designate one spokesman to make the presentation.

3. Every member of the public who is recognized to speak, shall address the Chairman and, in speaking, avoid disrespect to Council and any personalities and shall confine himself to questions under the jurisdiction of Council.

4. All persons making public comment shall be limited to three (3) minutes, so as to allow others an opportunity to be heard. (See page 7)

#### **B. COMMENTS FROM THE FLOOR**

1. If the Chairman determines insufficient time is available for a personal appearance at a particular meeting, he may schedule the personal appearance for any subsequent meeting (considering the availability of time). The Chairman may, at his discretion, establish time limits for any presentation or personal appearance.

2. No person shall be allowed to make personal appearances, presentations, present petitions, or otherwise be recognized from the floor for comment, except as permitted under the agenda.

3. This procedure shall not apply to representatives of the electronic and print media, County staff members, or other County employees who may be recognized by the Chairman for questions and comments relating to the business of Council.

## **CHAPTER 4**

### **ORDINANCES**

Legislative actions of Council are called ordinances. An ordinance may be introduced by any member. Except for Emergency Ordinances (reference paragraph G) all ordinances must be read at three public meetings of Council on three separate days, with an interval not less than seven days between the second and third readings. When substantive modifications or amendments to an ordinance are proposed after second reading, the Chairman shall remand the ordinance for an additional reading. All Council proceedings must be recorded, and ordinances adopted by Council must be compiled, indexed, codified, published, and made available for public inspection at the Office of County Council (§4-9-110). Public hearings or notice must be held in certain instances: adoption of standard codes or technical regulations and furnishing copies thereof, emergency ordinances (§4-9-110).

#### **A. NEED FOR PUBLIC HEARING**

Public hearings, after reasonable public notice, must be held before final Council action is taken to:

1. Adopt annual operational and capital budgets;
2. Make appropriations, including supplemental appropriations;
3. Adopt building, housing, electrical, plumbing, as and all other regulatory codes involving penalties;
4. Adopt zoning and subdivision regulations;
5. Levy taxes;
6. Sell, lease or contract to sell or lease real property owned by the County.

The Council may adopt any standard code or technical regulations authorized under §6-9-60 by reference thereto in the adopting ordinance. The procedure and requirements governing the ordinances shall be prescribed for ordinances listed in (1) through (6) above.

Copies of any adopted code of technical regulations shall be made available from the Clerk of Council for distribution or for purchase at a reasonable price.

**B. NOTICE OF PUBLIC HEARING**

No less than fifteen days notice of the time and place of such hearings shall be published in at least one newspaper of general circulation in the County. Publication shall include one newspaper north and one south of the Broad River, and when applicable, publication in the newspaper serving the Bluffton area. (Section 4-9-120 of the *Code of Laws of South Carolina*, 1976, as amended)

**C. HANDICAP ACCESSIBILITY**

All public hearings shall be held at locations accessible to the handicapped.

**D. ORDINANCE REVIEW**

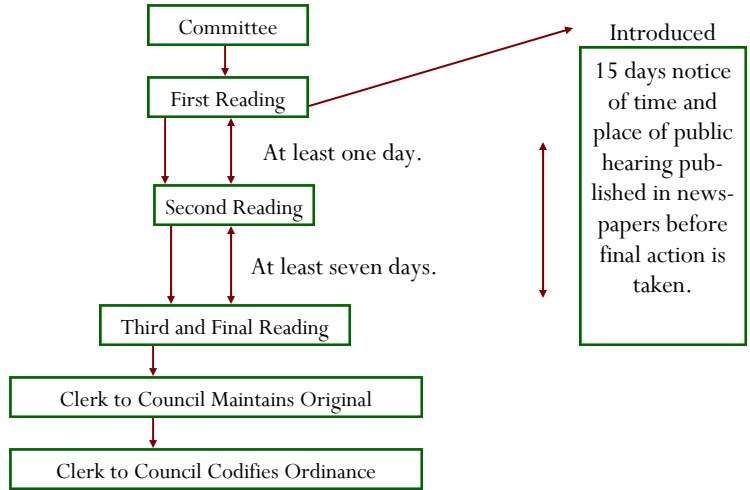
All Ordinances shall be reviewed by the County Attorney and County Staff prior to third and final reading. If applicable, written comments and a cost/benefit analysis shall be prepared by County Staff and included in the agenda package assembled for the public hearing and/or last reading.

**E. SCRIVENER'S ERRORS**

Scrivener's errors may be made to an existing ordinance and approved minutes with a two-thirds ( $\frac{2}{3}$ ) vote of Council.



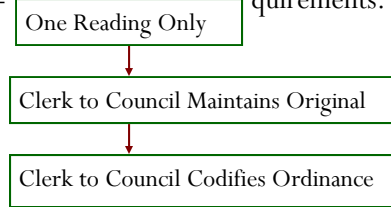
**F. FLOW CHART OF ORDINANCE PASSAGE**



**G. PASSAGE OF EMERGENCY ORDINANCES**

To meet public emergencies affecting life, health, safety or the property of the people, Council may adopt Emergency Ordinances. They may not, however, be used to levy taxes, grant, renew or extend a franchise or impose or change a service rate.

1. Every Emergency Ordinance shall be designated as such and shall contain a declaration that an emergency exists and describes the emergency.
2. Every Emergency Ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of Council present.
3. An Emergency Ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements or public notice requirements.



4. Emergency Ordinances shall expire automatically as of the 61<sup>st</sup> day following the date of enactment.

Emergency Ordinances expire automatically on the  
61st day following enactment

## **CHAPTER 5**

### **CORRESPONDENCE**

The Clerk to Council will open mail addressed to the Chairman of Council, scan and distribute via email to Council. The Clerk to Council shall also retain the scanned copy in Council's correspondence file.

## **CHAPTER 6**

### **CONFLICT OF INTEREST**

A. Any member of Council who has a substantial interest in any business which contracts with the County for sale or lease of land, materials, supplies, equipment or services, or who personally engages in such matters, shall make known that interest and refrain from voting upon or otherwise participating in his/her capacity as a member of Council in matters related thereto.

B. No member of Council and no business with which a member of Council is associated shall enter into any contract with a governmental agency or department which is to be paid in whole or in part out of government funds unless the contract has been awarded through a process of public notice and competitive bidding.

C. Any member of Council who has a business interest in any matter before Council, or who has a business or ownership interest in any property or business that will be, or may be directly affected by any ordinance pending by Council, shall fully disclose on the record such business or ownership interest prior to casting any vote on the matter.

D. Completion and submit "Beaufort County Statement of Conflict of Interest" and filed with the Clerk to Council.

## **CHAPTER 7**

### **TRAVEL AND EXPENSE REIMBURSEMENT**

#### **A. POLICY**

1. Reimbursement will be made only upon presentation of a County requisition form to the Finance Department along with substantiating receipts and statements.

2. The Finance Department shall maintain a list of mileage to various locations from Beaufort and reimburse only the mileage for the shortest distance on their list.

#### **B. TRAVEL**

##### 1. Private Automobile

Council shall be reimbursed mileage equal to the rate established by the Internal Revenue Service (IRS). When two or more Council members travel in the same vehicle, only the individual owner of the vehicle being used shall be reimbursed mileage.

##### 2. Commercial

a. Airplane. The County shall pay round-trip tourist fare for Council members attending County-related functions. In the event that tourist fare is not available on any reasonable travel schedule, the County shall pay the entire cost.

b. Bus and Train. The County shall pay the total round-trip fare for Council attending County-related functions.

c. Taxi Expenses. The County shall pay for the actual cost of trips for airports to hotel/motel and return; hotel/motel to place of function (if not the same) and return.

**C. EXPENSES**

1. Registration. The County will pay the registration costs for authorized conventions, conferences and seminars.

2. Hotel/Motel. The County will pay the actual cost of single occupancy rates.

3. Per Diem. Council members traveling outside the County shall receive reimbursement for meals and County-related expenses in accordance with the U.S. General Services Administration (GSA).

4. Official County Meetings. Reimbursement for official County conferences must be approved by the Chairman prior to attendance of the meetings by Council.

**D. ADVANCE PAYMENTS**

1. Advance payments for out-of-area travel are authorized by approval of the Request for Travel Expenses by the Chairman of County Council, the County Administrator or Division Executive Director.

2. Documentation required by the Finance Department must be presented to the Finance Department within five (5) working days after return.

**E. MILEAGE REIMBURSEMENT**

1. Upon notification of the Chairman, all Council members shall be reimbursed for their direct expenses as they relate to County business.

2. In addition to the base annual pay received for service on Council, members and/or the Chairman may be paid a stipend of \$40 per meeting for his/her attendance at 144 meetings for the fiscal year of any Council committee meeting and other Council-related business meetings. Each member of Council shall be reimbursed mileage to and from their residences for all scheduled meetings, *i.e.*, regular meetings, work sessions and public hearings.

## **CHAPTER 8**

### **ATTENDANCE AT SEMINARS, CONFERENCES, ETC.**

Attendance of Council members at seminars, conferences, etc. is encouraged. Advance permission must be secured from the Chairman.

## **CHAPTER 9**

### **STANDING COMMITTEES**

#### **A. ASSIGNMENTS**

All committee chairmanship and tasks shall emanate from the Chairman. Upon approval by the Chairman, the County Administrator may assign to a Standing Committee or Ad Hoc Committee, specific requests and/or tasks which emerge either from Council discussions, incoming correspondence or memoranda. Each assignment shall be added to the appropriate committee's work in progress and completed status report.

#### **B. STATUS REPORT**

The Clerk to Council shall furnish Council, on a monthly basis, a register of all Standing Committees reflecting work in progress and completed status report.

#### **C. CONCLUSION OF COUNCIL'S TERM**

At the conclusion of each Council term, each Standing Committee Chairman shall purge that committee's file of unnecessary correspondence and notes, put all records and documents in chronological order, and return the file to the Clerk to Council for use by succeeding Councils.

#### **D. SCHEDULING MEETINGS**

All members of Council are welcome to attend any committee meeting other than those on which they serve. Non-committee members may enter the discussion but will not have a vote on any matter under the committee's consideration.

All committee meetings are open to the public except when considering matters involving specific personnel, real estate (sale or acquisition), security, or legal briefing. (Reference Section 30-4-70 of the *Code of Laws of South Carolina*, 1976, as amended).

**E. REPORTING**

From each committee meeting, complete minutes shall be produced, posted on the county website and distributed to all Council members.

Committee Chairman shall report their committee's results and recommend to full Council approval or disapproval of action items.

Committee meeting minutes shall include the following:

Action Item(s)

Subject:

Discussion (salient points):

Recommendation(s):

Information Item(s)

Subject:

Discussion (salient points):

Staff Directive:



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