

STATE OF SOUTH CAROLINA
COUNTY OF UNION
ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XI OF THE
UNION COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED
REGARDS AND PARTICULARS ONLY, REGARDING BOARDS
AND COMMISSIONS; AND OTHER MATTERS RELATED
THERETO.**

WHEREAS, Union County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina (the "State"), acting by and through its governing body, the Union County Council ("County Council"), has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Union County Code of Ordinances (the "Code of Ordinances"), as amended, from time to time; and

WHEREAS, the County, acting by and through the County Council, is authorized by Section 4-9-30(6) of the South Carolina Code of Laws, 1976, as amended, among other sources, to establish such agencies, departments, boards, commissions and positions in the county as may be necessary and proper to provide services of local concern for public purposes, to prescribe the functions thereof and to regulate, modify, merge or abolish any such agencies, departments, boards, commissions and positions; and,

WHEREAS, County Council desires to amend the Code of Ordinances to modify, amend, and improve the administration of the various boards and commissions of the County process of appointing members to such boards and commissions; and,

WHEREAS, County Council desires to amend the Code of Ordinances to abolish certain boards and commissions of the County in order to reduce the number of boards and commissions, streamline the governance of the County, to remove certain boards and commissions that are no longer useful or relevant, and to provide for the most efficient systems of governance; and,

WHEREAS, County Council recognizes that there is a need to amend Article XI of Chapter 2 of the Code of Ordinances to achieve the results set forth above; and

WHEREAS, County Council has therefore determined to modify the Code of Ordinances in the following regards and particulars only, and to affirm and preserve all other provisions of the Code of Ordinances not specifically or by implication amended hereby.

NOW, THEREFORE, it is hereby ordained by the Union County Council, in meeting duly assembled, that:

1. That Section 2-200 of Article XI, Chapter 2 of the Code of Ordinances, entitled *Administration of boards, commissions, and committees*, is hereby amended and replaced to read as follows:

These regulations and procedures shall apply to all Union County boards, commissions, committees, or similar entities created by Union County Council under the auspices and authority of section 4-9-30 of the South Carolina Code of Laws, 1976, as amended, or any other body or entity is established by and subject to the rules and regulations of, or controlled by Union County Council, which is not otherwise regulated or controlled by state law, all of which, collectively, are hereby referred to as "board" or "boards". The following regulations are in addition to, not in lieu of, all others contained in the Union County Code of Ordinances or in any Union County

ordinance. In the event of any inconsistency, this section shall prevail over these general regulations, except as explicitly stated otherwise herein.

All terms of office shall run from January 1 through December 31 of the respective years of appointment and termination. All board terms shall be co-terminus with the term of the appointing or nominating council member. A staggered appointment schedule for all county council-appointed boards will be maintained in the county council office by the clerk to council.

No one shall be appointed to serve on more than one (1) board, commission, or other body appointed by council at any one (1) time. Appointment terms will be for four (4) years unless otherwise stated herein. No board member shall serve more than two (2) consecutive terms and will not be eligible for reappointment for a third consecutive term as long as there is another qualified applicant. The provisions on terms and term limits shall not operate to prematurely terminate the term of any board member serving at the time of adoption of these regulations, but shall apply to any terms or prospective terms thereafter.

Interested candidates for any board will be requested to complete the "Questionnaire for Board/Commission" and submit it to the clerk to council for distribution to council. Council is not required to select a board member from the submitted questionnaires; members of council may directly solicit a candidate for any appointment by the council. Candidates must be residents of Union County and must maintain their residence in Union County for the duration of their term of office unless they are being considered for an ex-officio or non-voting advisory position.

Notwithstanding any other provision of the Code, all boards will be appointed by the methodology of one (1) board member nominated per council district by the council member for each district and at-large representatives as required to meet the board membership total, as stated herein. All appointments to each board will be made upon recommendation by a council member before the full council with a majority vote. In the event a board vacancy exists for a period of three (3) months due to the failure of a council member nomination for the council member's district, any other council member may recommend and nominate a board member to the full council to fill said vacancy.

All requests for removal of a board member from a board will be made upon recommendation by a council member before the full council with a majority vote.

All board members must attend a minimum of seventy-five (75) percent of all meetings from January through December of each calendar year. A board member who is absent from three (3) consecutive meetings without adequate excuse, such as documented illness, or any board member who fails to attend a minimum of seventy-five (75) percent of all meetings from January through December of each calendar year shall be reported by the chairperson of that board to county council and shall be deemed to have forfeited their position on said board. County council shall by majority vote at its next available opportunity to either accept the forfeiture of the position and replace the board member, or otherwise excuse the absences and approve the board member's continued service on the board. Any board member may be removed or replaced at will by majority vote of council upon the motion of a member of county council at any time, unless appointment is required by or regulated by state or federal law.

All boards addressed by this section shall use the Model Rules of Parliamentary Procedure for South Carolina Counties, published by the South Carolina Association of Counties, as the basis for their parliamentary procedures.

Each board shall annually elect a chairperson, a vice chairperson, and a secretary. Each newly elected chairperson shall, as soon as practically possible, attend an appropriate training session regarding the procedures for proper governance of such board. Additionally, the entire board shall participate in an informative meeting detailing the function and duties of such board. All such training sessions are the responsibility of the county department or agency with which the board is most closely associated.

Each board shall enact by-laws, not in conflict with this section or state law, which govern the conduct of meetings, attendance, committees and the regular business of the board.

All county boards shall comply with the provisions of the South Carolina Freedom of Information Act and the requirements set forth in the Code of Ordinances and subsequent ordinances concerning freedom of information and the conduct of public meetings.

Members of county boards, generally, are defined as "public officials" under the South Carolina Ethics Act, section 8-13-100 et seq. of the South Carolina Code of Laws, 1976, as amended. It shall be the responsibility of board members, individually and collectively, to become familiar with the provisions of that law and conduct themselves accordingly. As stated in the South Carolina Ethics Act, and without limiting the applicability of any other provision of the South Carolina Ethics Act, board members shall not use membership on the county board to obtain a direct personal economic interest, an economic interest for the immediate family member of the board member, an economic interest for an individual with whom the board member is associated, or an economic interest for a business with which the board member is associated. These requirements are applicable to all county boards, and their board members, both through the South Carolina Ethics Act and, separately, through this section.

County council shall meet with board members and delineate duties and responsibilities of each board, as necessary and appropriate. The role of the various boards may be changed by the county council from time to time, within the parameters of state law, so as to best meet the needs of the county.

Each board will have a staff liaison to be designated by either county council or the county supervisor. It is the responsibility of staff liaison to notify the clerk to council regarding resignations and/or vacancies on any board or commission. It is also the responsibility of the staff liaison to monitor the appointment schedule and inquire and report to the clerk to council if current board members wish to be considered for reappointment or replacement.

County council shall refrain from appointing immediate family members to a board if such appointment will result in such board member supervising an immediate family member, or where the board member occupies a position of influence over the employment, promotion, salary administration, or other management or personnel considerations regarding an immediate family member. If the applicable persons become related during a board member's term, the board member may serve the

remainder of the term, but shall recuse himself or herself from any decision, vote or discussion involving the board member's immediate family member. The term "immediate family" includes wife, husband, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, domestic partner, significant other, or co-habitant. Situations not specifically addressed in this policy which create a conflict of interest or give the appearance of a conflict of interest, shall be governed by the South Carolina Ethics Act and, separately, through this section, and, without creating any responsibility as to the county, may be addressed by the county in the sole discretion of the county.

All board members will serve without compensation.

Removal of board members will be by majority vote of county council.

2. That Section 2-202 of Article XI, Chapter 2 of the Code of Ordinances, entitled *Appointments to be made by council as terms expire*, is hereby amended and replaced to read as follows:

The Union County Carnegie Library, the Union County Airport Commission, and any other local boards, committees and commissions whose appointment is not provided for by the general law or the Constitution shall be appointed by the county council as their various terms of office expire.

3. That the County board known as the Council on Aging is hereby abolished and that Division 2, Sections 2-211 through 2-212 of Chapter 2 of the Code of Ordinances, entitled *Council on Aging*, is hereby repealed, removed, and abrogated in its entirety.

4. That the County board known as the Commission on Alcohol and Drug Abuse is hereby abolished and that Division 3, Sections 2-221 through 2-225 of Chapter 2 of the Code of Ordinances, entitled *Commission on Alcohol and Drug Abuse*, is hereby repealed, removed, and abrogated in its entirety. Further, the Union County Supervisor is hereby authorized and directed to take all steps required or necessary to transfer the responsibilities and duties set forth in Division 3 to the State of South Carolina.

5. That the County board known as the Stadium Commission is hereby abolished and that Division 5, Sections 2-241 through 2-243 of Chapter 2 of the Code of Ordinances, entitled *Stadium Commission*, is hereby repealed, removed, and abrogated in its entirety.

6. That the County board known as the Fair Association is hereby abolished and that Division 6, Sections 2-251 through 2-257 of Chapter 2 of the Code of Ordinances, entitled *Fair Association*, is hereby repealed, removed, and abrogated in its entirety. The County will retain ownership of the real property deeded to the County by Mary Emma Foster by Deed in Deed Book 67 at page 648, and plat recorded in Plat Book 4 at page 33, Office of the Clerk of Court of Union County, located on the Old Buffalo Road, together with all buildings and improvements thereon (the "Fair Real Property") as referenced in the repealed Section 2-256. The use, control, and management of the Fair Real Property shall hereafter be governed by a non-profit organization to be determined by the County per the terms of a lease to be approved by County Council.

7. That the County board known as the Mental Retardation Board is hereby abolished and that Division 7, Sections 2-261 through 2-267 of Chapter 2 of the Code of Ordinances, entitled *Mental Retardation Board*, is hereby repealed, removed, and abrogated in its entirety.

8. That Section 2-274 of Article XI, Chapter 2 of the Code of Ordinances, entitled *General powers and duties*, is hereby amended to repeal, remove, and abrogate subsection (8) in its entirety.

9. That the County board known as the Disabilities and Special Needs Board is hereby abolished and that Division 9, Sections 2-281 through 2-267 of Chapter 2 of the Code of Ordinances, entitled *Disabilities and Special Needs Board*, is hereby repealed, removed, and abrogated in its entirety.

10. That the purposes of the Capital Projects Commission have been achieved, that the Capital Projects Commission is no longer in existence by the terms of its creation under Resolution 2-9-00 and South Carolina state law, and that Division 10, Sections 2-301 through 2-303 of Chapter 2 of the Code of Ordinances, entitled *Capital Projects Commission*, is hereby repealed, removed, and abrogated in its entirety.

11. That the County board known as the Tourism Commission is hereby abolished and that Division 11, Sections 2-321 through 2-326 of Chapter 2 of the Code of Ordinances, entitled *Tourism Commission*, is hereby repealed, removed, and abrogated in its entirety, so County Council may, in its discretion, establish an Accommodations Tax Advisory Committee.

12. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

13. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. However, nothing contained herein shall cancel, void, or revoke, or shall be interpreted as cancelling, voiding, or revoking in any regard any prior acts, actions, or decisions of the County or County Council, valid and lawfully undertaken at the time, or to reinstate any prior act or enactment of Union County which was revoked or rescinded by such prior acts, actions, or decisions, in any regard.

14. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force and effect.

15. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2025.

ATTEST:

Kindra Horne
Clerk to Union County Council

Phillip Russell
Supervisor, Union County

First Reading: _____
Second Reading: _____
Third Reading: _____
Public Hearing: _____