

CLERKS TO COUNCIL AND SUCCESSFUL MEETINGS

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CREATING RULES OF PROCEDURE




- Brig. Gen. Henry M. Robert
- Born in Robertville, SC
- U.S. Army 1857-1901
 - Chief of Engineers
 - Buried at Arlington National Cemetery
- Created Roberts Rule of Order to bring order to previously unorganized meetings!

PURPOSE OF RULES OF PROCEDURE, THAT YOU ADOPT


To govern the conduct of members during the meeting; to govern the relationship between the members and the public during the meeting; among the members during the meeting; between the members and the staff

To set expectations for these groups and provide for fair exchange of information while bringing resolution to issues and procedures that are necessary for the proper execution of the mission of the Council.



ROBERT IS ONLY A FALL BACK!!!

NO TO ROBERT WHEN THE STATUTES HAVE THE ANSWER TO YOUR QUESTIONS



**SC FOIA
REQUIREMENTS IN TITLE 5
REQUIREMENTS IN TITLE 6
SC ETHICS ACT, TITLE 8**

GOVERNING DOCUMENTS



MEETINGS BY ELECTRONIC METHODS

- Must be provided by the lowest common means to the public – generally means telephone conference line.
- Can also provide additional video streaming methods such as Zoom, Facebook live, YouTube.
 - Some services require the public to register and track information
 - Is it a recordable service?
 - If used for minutes preparation you must save the recording for a minimum of 2-years
- The statutes and all rules of procedure apply as if the meeting was in-person
- After the expiration of Emergency Orders it is necessary to have an ordinance providing for electronic meetings or these are not permitted.

HARDWARE/SOFTWARE ISSUES

Computer hardware and software should allow both council and public the ability to hear/see simultaneously

Members of council should be able to interact with everyone equally

Public attendees should be able to access information discussed during the session

Governmental entity is not responsible for the quality of the public's internet/telephone connection

Software should be of a quality to reduce chance of interference by third-parties (hacking, hijacking)

PARLIAMENTARY BASICS

1. NOTICE*
2. QUORUM
3. MOTIONS
4. DISCUSSION OR DEBATE
5. VOTING*
6. MAJORITY RULE
 - EXCEPTIONS SUPPORT THE PRINCIPLES OF NOTICE, QUORUM & DEBATE
7. RECORDS OF ACTIONS TAKEN*

GENERAL

The City of Lake City is accepting applications for CITY CLERK

Job Duties: Clerical support to Mayor, City Council and Administrative staff. Attend and prepare for City Council and other related meetings. Codification and maintenance of official City records.

Skills and Education requirements: Knowledge of Rules and Regulations governing local municipal elections. Knowledge of pertinent federal, state, and local laws, codes, rules, and regulations related to responsibilities of City Clerk.

Associate degree and/or equivalent education and experience in related field. SC drivers license, SC Notary Public. Certification as a Municipal Clerk or participant in programs leading to certification.

Benefits include: Medical, Dental/Vision, Short Term Disability, \$20K Life Insurance.

Salary is contingent upon qualifications, education, and knowledge of position.

Email resume to:
rhousand@cityoflakecity.org or visit our website at lakacitysc.gov for application.
 The City of Lake City is an equal opportunity employer.

HEALTHCARE

CURRENT AD FOR CLERK

NOTICE: DEFINED IN FOIA

- Annual notice of regularly scheduled meeting calendar
 - Council must meet at least once a month
- 24 hour minimum notice of individual meetings to public & media
- Posting of notice and agenda:
 - the location of meeting,
 - Media requesting notice and
 - Municipal website (if regularly maintained) (Act 70 of 2015)



QUORUM: DEFINED IN FOIA



- No official action can be taken without a quorum present
 - Acts are Null & void absent a quorum
- Majority of meetings require a simple majority of members – 50% plus 1
- Absent a quorum?
 - Adjourn
 - Recess and try to get a quorum
 - Fix the time to adjourn

AGENDA & AMENDMENTS: DEFINED IN FOIA

- Agendas are required at all public meetings
- Agenda usually prepared by mayor & manager
- Council has limited ability to add items to the agenda once posted!
 - **Before the meeting**
 - items may be added so long as a new 24 hour notice is provided
 - If less than 24 hours – delay the meeting or wait until meeting begins
 - **Once the Meeting has begun**
 - an item for which action can be taken may be added with a 2/3 vote.
 - Final action item added must have 2/3 vote and a finding by the chair that an emergency or exigent circumstance exists.
 - September 2018 Berkeley County A.G. opinion – emergency must be out of council's control or influence

MOTIONS: FROM RONR OR YOUR ADOPTED RULES

- All motions should be worded in the affirmative rather than the negative
 - Ex: "move to deny" rather than "move to not approve"
- Substantive motions (main/principal)
 - Puts a question before the council
 - Only one main motion at a time
- Subsidiary motions
 - Acts upon a substantive motion
 - Multiple subsidiary motions at the same time
 - Order of precedence
- Incidental & Procedural motions

MOTIONS: AMENDMENTS

- Three types of amendments .. strike, insert, or strike and insert
- Main motion - an amendment - and an amendment to an amendment
- Amendments limited to immediately pending motion and must be germane
- Don't use "friendly amendment" it is either done without objection or vote on it
- Multiple subsidiary motions to the same main motion - Order of debate

SIMPLIFIED CHART OF PARLIAMENTARY MOTIONS

Motion	Debatable	Amendable	Vote
Adjournment	no	no	majority
Recess	no	yes	majority
Lay on the table	no	no	majority
Close debate	no	no	2/3
Limit/Close Debate	no	yes	2/3
Postpone definitely	yes	yes	majority
Refer to committee	yes	yes	majority
Amend amendment	yes	no	majority
Amend main motion	yes	yes	majority
Main motion	yes	yes	majority

VOTING: SC CONSTITUTION REQUIRES VOTING TO BE PUBLIC

- Common method - by voice/show of hands; or you may call the roll each time
- Required for Passage
 - Majority: (simple-majority) 50% + 1—this means not a tie
 - 2/3 Majority: (super-majority) 2/3 present/voting
 - S.C. Code may require that 2/3 of the members present to support
 - Actions affecting rights of members: amending agenda; call the question; postpone to time certain
- Tie votes – considered to have failed, retains the status quo
- Does the Chair vote?

METHODS OF VOTING IN VIRTUAL MEETING: SC CONSTITUTION REQUIRES VOTING TO BE PUBLIC



1. WITHOUT OBJECTION
 2. USING AN ELECTRONIC PLATFORM
 3. ROLL CALL
 4. RAISED HANDS, if visible simultaneously
- DON'T TRY VOICE VOTING

PUBLIC COMMENT PERIODS: NOTHING ON RONR ON THIS MATTER

- Public bodies are not required to allow public comment periods at legislative/business meetings or work sessions. Your council should adopt a rule to define this.
- Bodies may enact reasonable rules for public comments at any meeting
 - Content Neutral - Prohibits viewpoint discrimination
 - Can prohibit abusive language/actions
 - Requirements for notice, and reasonable limits (time, # of speakers, order, etc.)
 - May allow for removal for conduct so disruptive as to render the meeting unable to continue – a “last resort” action

PUBLIC HEARING: NOTHING IN RONR ON THIS MATTER

- SC Law requires council to hold a public hearing prior to final action on specific items.
- Bodies may enact reasonable rules for public comments at any meeting
 - Content Neutral - Prohibits viewpoint discrimination
 - Can prohibit abusive language/actions
- Requirements for notice, and reasonable limits (time, # of speakers, order, etc.)
- May allow for removal for conduct so disruptive as to render the meeting unable to continue – a "last resort" action
- Can require comments to be germane to the subject of the public hearing.

PUBLIC HEARINGS

- Statutorily required for certain actions
 - Personal & property notice
- Publically announce rules for public input
 - Time limits; for/against; number of speakers
- Follow the agenda
- Maintain decorum and public safety
 - Don't allow speakers to attack other speakers or members
- Goal is for members to receive information
 - Members should refrain from personal comments or remarks to speakers

MISCELLANEOUS ISSUES

- Provisions for alternative attendance
 - Not conducive for quasi-judicial hearings
 - A.G. opinion: Town of Tega Cay
 - Ability to hear and be heard
- Alternative meeting place or overflow for hot button issues
- Abuse of proceedings
 - Personal attacks by members or the public
- Removal of a member of the body from a meeting
 - A.G. opinion - MASC: discipline is a legislative action granted to the body
 - Limited in time and scope (can't alter the term of office)

ROLE OF THE CHAIR

- Set agenda and ensure materials are distributed to members
- Preside at meeting/hearings
 - Keep the meeting from "going off the rails" while not "controlling" the meeting
- Maintain order and decorum
 - Extends to public and members
- Rule on points and motions
- Recognize speakers

POSTPONING/REVIVING MATTERS: FROM RONR

- Postpone/carry-over:
 - time certain (2/3 vote)
 - no-limit (majority vote)
 - debatable, amendable, can be reconsidered
- Table/lay on the table – postpones until a later time – dies if not taken from the table by the end of the meeting
 - can't be reconsidered
- Reconsider – reconsider an action made at the same or immediately proceeding meeting.
 - *Motion must be made by member voting on the prevailing side of issue*

REQUESTS AND INQUIRIES: FROM RONR

- Inquiry: directed and answered by the chair only – clarify rule or procedure
- Point of Order: directed to the chair to raise issues of meeting order/conduct
- Point of information: directed to or through the chair seeking information relevant to the current issue
- Point of personal privilege: directed to the chair – address council or make a presentation

EXECUTIVE SESSIONS: FROM FOIA

MORE OF THE FOLLOWING, WHICH SHOULD BE STATED IN THE MOTION TO GO INTO EXECUTIVE SESSION:

1. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a person to a public body; however, in an adversary hearing involving the employee or client, 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 services encouraging location or expansion of industries or other businesses in the area served by the public body.

RECORDS: FROM FOIA



- o The organization must maintain
 - o Records of meetings - MINUTES
 - o Records of financial transactions - AUDIT & BUDGET
 - o Records of elections & appointments
- o Permanent vs. time limited retention & microfilming for security
- o Municipal Retention Schedule

[https://scdah.sc.gov/sites/default/files/Documents/Records%20Management%20\(RM\)/Schedules/cotxt.pdf](https://scdah.sc.gov/sites/default/files/Documents/Records%20Management%20(RM)/Schedules/cotxt.pdf)

MINUTES: FROM FOIA

- Section 30-4-90 requires that minutes be made for all meetings of any public body. The minimum content of these is
 - 1) the date time and place of the meeting
 - 2) recording of the members present and absent
 - 3) the substance of all matters proposed, discussed or decided
 - 4) a record of votes taken
 - 5) any other information requested to be included by a member
- 2-year retention of official recordings
- The Act permits any person to record the meeting by video or audio

??QUESTIONS??