REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council
FROM: Shannon Lavrin, City Manager

AGENDA DATE REQUESTED: October 23, 2023

ORDINANCE/RESOLUTION CAPTION:
ORDINANCE TO AMEND SECTION 2-333 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO REQUIRE A TWO-THIRDS MAJORITY IN CERTAIN CIRCUMSTANCES

SUMMARY BACKGROUND:
City Council desires to amend the City Code to require a two-thirds (2/3) supermajority vote of the City’s boards or commissions present and voting on matters on which the City staff recommended denial.

IMPACT IF DENIED:
The City Code will not be amended.

FINANCIAL IMPACT:
N/A

REQUIRED SIGNATURES
Department Director

City Attorney

OMB Director

City Manager
AN ORDINANCE

TO AMEND SECTION 2-333 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO REQUIRE A TWO-THIRDS MAJORITY IN CERTAIN CIRCUMSTANCES

WHEREAS, the uniform procedures for city of Greenville (“City”) boards and commissions require that the staff liaison submit reports and recommendations for those agenda items requiring decisions or recommendations by the board or commission; and

WHEREAS, the staff liaison has particular knowledge of the facts and circumstances underlying the matters coming before the City boards and commissions; and

WHEREAS, City staff providing input on the reports and recommendations to the boards or commissions have relevant and specific experience, education, and/or professional training in the subject matter; and

WHEREAS, given the knowledge, experience, training, and education of the City staff, they are well qualified to evaluate the matters before the City boards and commissions; and

WHEREAS, currently, where a decision is made by a board or commission or a recommendation proceeds from a board or commission to City Council, a simple majority of the board or commission members to approve action taken on a matter before the board or commission; and

WHEREAS, City Council desires to amend the Code of Ordinances of the City of Greenville (“City Code”) to require a two-thirds (2/3) supermajority vote of the City’s boards or commissions present and voting on matters on which the City staff recommended denial;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, that Section 2-333 of the City Code is amended as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _______________, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER
EXHIBIT A

Sec. 2-333. - Uniform procedures.

(a) Applicability; bylaws.

(1) This section applies to all boards and commissions created solely by city ordinances, whether pursuant to state statute or otherwise, and which exercise powers vested in the municipal government or which perform advisory roles. It does not apply to boards and commissions which are created jointly with other governing bodies or which do not exercise powers vested in the municipal government, even though the city council may have appointive powers for membership.

(2) All city boards and commissions, in consultation with the city attorney, shall draft and approve proposed bylaws governing the operations of their respective areas of authority. Once approved by the board or commission, the proposed bylaws shall be submitted to the city council for acceptance by resolution. The city attorney shall, at the same time, submit to the city council, an opinion as to whether the proposed bylaws comply with this section, and shall provide the city council with such additional information as may be pertinent to the function of the board or commission or as may be relevant to other requirements of law.

(3) Upon acceptance of the bylaws by the city council, the city clerk shall file the bylaws in a file maintained for that purpose. No amendment to the bylaws filed with the city clerk shall become effective, until the proposed amendment has been prepared and submitted to the city council in accordance with the same procedure required by subsection (a)(1) of this section.

(b) Required procedures.

(1) Applicability. Bylaws for all boards and commissions shall contain the provisions contained in this subsection, with variations permitted for the titles by which officers are designated.

(2) Presiding officer. The presiding officer of the board or commission shall be the chairperson. In the chairperson's absence, the vice-chairperson shall be the presiding officer. In all other circumstances, the most senior member shall preside. The presiding officer shall preserve order and decorum at all meetings of the board or commission, while promoting discussion by all members in deliberations.

(3) Staff liaison. The city manager shall designate for each board or commission an employee to serve as a staff liaison. The staff liaison shall assist the chairperson in setting meetings, preparing agendas and other documentary material, and coordinating the acquisition of needed material and training.

(4) Voting.

a. Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention and complete a statement of potential conflict of interest form.

b. Voting by proxy or absentee is prohibited.

c. In the event City staff, in the staff report and recommendation described in subsection 2-333(b)(5), recommends denial for an agenda item requiring decision or
recommendation by a board, commission, or committee, a favorable vote of two-thirds (2/3) of the board, commission, or committee members present and voting is required to approve the agenda item. “Approve” as used in this subsection shall be interpreted to include approvals with conditions and approvals with modifications, and any combination thereof.

(5) **Staff reports and recommendations.** The staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by the board, commission or committee. Other staff having experience, education and professional training in the subject matter may provide input into the reports and recommendations, or may provide supplemental ones. The material submitted may be oral, written or graphic, or some combination of all. The reports and recommendations shall be accepted as evidence of record to the same extent as oral testimony and exhibits accepted from applicants, opponents, persons who are subjects of an inquiry, expert and lay witnesses, and members of the public who provide information for the record of the proceedings.

(6) **Attendance.**

a. Any member who, for reasons other than sickness or bona fide emergency, misses three consecutive regular meetings, or 30 percent of all meetings within a calendar year, shall be removed from the board or commission. The position shall be declared vacant by the city council, which shall fill the vacancy. Where good cause for the absences is shown, the city council may, in its discretion, reappoint the removed member. Any member, who is unable to attend a meeting, whether regular or special, shall contact the staff liaison as soon as possible so that the staff liaison can determine and report to the chairperson whether a quorum can be established.

b. The staff liaison shall maintain a record of attendance for each board member. The staff liaison of the board or commission shall be responsible for notifying the city clerk of any members who violate the attendance requirements. The city clerk shall then provide the city council with the details of the violation.

(7) **Ethics.** All board members shall be subject to the provisions of the South Carolina State Ethics Act and the city's code of ethics (article III, division 5 of this chapter).

(8) **Notices and public information.**

a. The staff liaison of the board or commission shall be responsible for ensuring compliance with the Freedom of Information Act (S.C. Code 1976, § 30-4-10 et seq.) and for notifying the city clerk reasonably in advance of all meetings.

b. The staff liaison is required to comply with guidelines pertaining to matters of public notice and scheduling as provided by the city clerk.

(9) **Rules of order.** Meetings shall be conducted in an orderly manner to ensure the fair treatment of all persons and issues before the board or commission. One or more generally recognized publications on procedure shall be available for reference when procedural issues are to be resolved.

(c) **Training and model procedures.**

(1) The city manager shall develop and implement such periodic training sessions as may be reasonable and appropriate for members of boards and commissions and for staff liaisons. Such training shall include, but not be limited to, basic provisions of parliamentary procedure, the
role of municipal government in the regulatory context, and the extent of authority delegated to boards and commissions by city ordinances. Attendance by members of boards and commissions and staff liaisons shall be mandatory.

(2) The city manager, in his discretion and in consultation with the city attorney, may develop model procedures to be used as a guide for commonly encountered procedural issues or as a basis for bylaws for boards and commissions.

(3) Not less frequently than once annually, the city manager shall convene a meeting of all chairpersons of boards and commissions for purposes of allowing the chairpersons to share experiences in addressing issues of process and procedure.

(4) Nothing contained in this subsection shall be construed to authorize the city manager to impose standards or procedures upon boards and commissions or to expand powers otherwise vested in the city manager.

(d) Implementation. The city clerk shall send a copy of this section to all board and commission members and staff liaisons to initiate steps to ensure compliance.