

Introduction to Public Meetings in South Carolina

New Council Member Orientation



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Creating Rules of Procedure

Before 1876 meetings were an unorganized free for all!



- 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!



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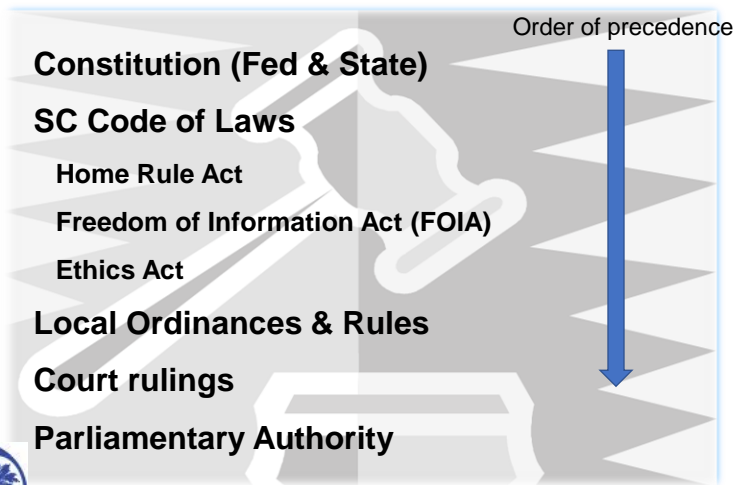
PURPOSE OF RULES OF PROCEDURE

- Provide for fair exchange of information while bringing resolution to issues before the council.
- To govern the conduct of members, staff & the public during the meeting;
 - To ensure the individual rights & privileges of members
 - To ensure the rights of members of the public attending



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Governing Documents - Order of Precedence



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Parliamentary Basics

SC Code section **4-9-110** gives county councils the broad authority to adopt their own rules for conducting official business – as long as they do not conflict with higher state or federal laws.

1. **NOTICE**
2. **QUORUM**
3. **MOTIONS**
4. **DISCUSSION OR DEBATE**
5. **VOTING**
6. **MAJORITY RULE and It's exceptions**
7. **RECORDS OF ACTIONS TAKEN**



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Notice

Annual Notice – beginning of the calendar year

- Meetings that have a set schedule of meetings

Individual Meetings

- 24-hour minimum notice of individual meetings
 - Post and Mail Notice with an agenda:
 - The location of meeting
 - Media/Individuals/Groups requesting notice
 - County website



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Agendas & Amending an Agenda

1. Agendas are required at all public meetings
2. [Know how your agendas are set and how to get an item on the agenda](#)
3. FOIA - 30-4-80(A) restricts the body's ability to add items to an agenda once public notice is given!
 - **Before a Meeting**
 - items may be added so long as a new 24-hour notice is provided
 - **During a Meeting**
 - 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.

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Quorum

- No official action can be taken without a quorum present
 - Null & void (void ab initio) absent a quorum
- Majority of meeting require a simple majority of members – 50% plus 1
 - Local rules may set a different quorum
- Absent a quorum?
 - Adjourn
 - Recess and try to get a quorum



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Motions

No action can be taken without a formal motion to bring an issue before the body.

- **Substantive** motions (main/principal)
 - Should be worded in the positive
 - Puts a question before the council
 - Only one motion at a time
- **Subsidiary** motions
 - Acts upon a substantive motion
- **Incidental & Procedural** motions



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Subsidiary Motions: Amendments

1. Three types of amendments: strike, insert, or strike and insert
2. Amendments are limited to the immediately pending motion and must be **germane**
 - Germaneness is a determination of the chair
3. You can have multiple amendments on the same substantive motion
 - must be handled in order of precedence
 - Working backward from the last to first



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Requests and Inquiries

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



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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



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Debate

1. Civility!!
 - It's a debate, Not an argument!
2. The Chair is responsible for controlling the flow of debate
 - ensure all members have the right to speak
 - Person who raised the issue should speak first
 - First-in-line v. alternate viewpoint
 - Maintain decorum/courtesy
3. Ending debate
 - by motion of a member: "Call the Question"
 - Can't interrupt a speaker
 - 2/3 vote to cutoff debate
 - by the chair when debate exhausted



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Voting

- Generally,
 - By voice/show of hands
 - Roll call by discretion of the chair if results are unsure, or by motion of a member
- Passage
 - Majority: (simple-majority) 50% + 1
 - 2/3 Majority: (super-majority) 2/3 present/voting
- Tie vote – considered to have failed
- Does the Chair vote?
 - County Supervisors are the only Chairs whose votes are restricted by SC law.



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Postponing/Reviving Matters

1. Postpone/carry-over:
 - time certain (2/3 vote)
 - no-limit (majority vote)
 - debatable, amendable, can be reconsidered
2. 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
3. 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*
4. Renewal – unless the local rule is different, an issue that is disposed of previously can't be reintroduced within [the same session](#)



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Minutes

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



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Miscellaneous Issues

1. Provisions for alternative attendance
 - Not acceptable for judicial hearings
 - A.G. opinion: Town of Tega Cay
 - Ability to hear and be heard
2. Abuse of proceedings
 - Personal attacks by members or the public
3. Removal from a meeting
 - A legislative act
 - Must have an adopted rule

Lockaby v. City of Simpsonville, 2023



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Role of the Chair

1. Set agenda and ensure materials are distributed to members
2. Preside at meeting/hearings
 - Keep the meeting from “going off the rails” while not “controlling” the meeting
3. Maintain order and decorum
 - Extends to public and members
4. Rule on points and motions
 - Appeal - the body by simple majority can override a ruling from the chair
5. Recognize speakers



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Public Hearings

1. Statutorily required for certain actions
 - May require additional newspaper & property notice
2. Publically announce rules for public input
 - Time limits; for/against; number of speakers
3. Follow the agenda
4. Maintain decorum and public safety
 - Don't allow speakers to attack other speakers or members
5. **It's not a debate!**
 - Goal is for members to receive information
 - Members should refrain from personal comments or remarks to speakers



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??Questions??



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