AN ORDINANCE

TO AMEND SECTION 30.32 OF THE YORK COUNTY CODE OF ORDINANCES, “CONDUCT OF MEETINGS,” IN ORDER TO AMEND SUBSECTIONS (D) AND (F) TO CLARIFY THE PROCESS AND PROCEDURE RELATIVE TO ALL REQUESTS FOR APPEARANCES AND CITIZEN CONCERNS BEFORE COUNCIL AND USE OF THE PUBLIC FORUM PORTION OF THE AGENDA, TO SPECIFY THE PARAMETERS AND REQUIREMENTS INCIDENT TO ALL REQUESTS, TO CLARIFY THE LIMITATIONS IMPOSED UPON APPEARANCES, AND PROVIDE AN ALTERNATIVE SECTION OF THE AGENDA IN WHICH TO ADDRESS COUNCIL ON A SUBJECT WHEN AN APPEARANCE OR CITIZEN CONCERN MAY NOT BE AVAILABLE OR APPROPRIATE, TO AUTHORIZE COUNTY MANAGEMENT TO PROVIDE, AND PERIODICALLY UPDATE AS NECESSARY, A POLICY DISTILLING THE REQUIREMENTS SET OUT HEREIN RELATIVE TO ALL APPEARANCES, PUBLIC FORUM, AND CITIZEN CONCERNS BEFORE COUNCIL, AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:

SECTION 1. Legislative findings.

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 Chapter 30, Section 30.32 “Conduct of Meetings” of the Code of York County, South Carolina, should be amended by amending Subsection (D) and (F) in order to clarify and the process, procedures, and parameters incident to all requests for appearances before Council;

1.2 Council is empowered to enact ordinances for the implementation and enforcement of powers granted to Council pursuant to Sections 4-9-30(14) and (17), S.C. Code Ann., as amended; and,

1.3 Council is empowered to implement policies, directives, and legislative action under the Council Manager form of Government pursuant to S.C. Code Ann. Section 4-9-830, as amended.
1.4 Council finds that it is in the best interest of Council and the Administration of its meetings to specify the rules appearances and appearing before Council as more specifically detailed herein.

SECTION 2. Code of York County Amended.

Chapter 30, Section 30.32, Subsections D and F are hereby amended in their entirety as more particularly set out immediately below:

“(D) Should any person, elected official, group, governmental entity, public agency, or organization request to be heard upon any matter at a regular or special meeting of the Council, the person, elected official, group, governmental entity, public agency or organization shall follow the parameters set out in this section. The applicable sections of the Council Agenda where presenters may appear before Council are: “Appearances”; “Public Forum”; and “Citizen Concerns.”

I. “Appearances” means the section of the Council Agenda where Employees, Department Heads, Public and Governmental Agency representatives, or Elected Officials may appear and present before Council.

II. “Public Forum” means the section of the Council Agenda which may not exceed thirty (30) minutes in total and which permits individuals and/or representatives to present to Council for a period of time not to exceed two minutes each. This section is available to the first fifteen (15) individuals who sign on behalf of themselves or an organization on the sign-up sheet provided in the entry hall outside Council Chambers.

III. “Citizen Concerns” means the section of the Council Agenda where individuals or organizations seek special dispensation from the County Manager to appear before Council to present on a particular matter or concern. Appearances set out in this section of the Agenda shall be at the sole discretion of the County Manager, and if approved by the County Manager, the requirements specified herein must also be met. For appearances in Citizen Concerns, a requesting individual or organization should request in
writing that the County Manager, by and through the Clerk to Council, place
the matter on the agenda for a meeting at least ten (10) days prior to the date
set for the meeting during which they wish to appear. The subject matter to
be discussed and the anticipated duration of the presentation must be
disclosed to the Clerk to Council at the time of the request and any power-
points, handouts, or other materials to be utilized by the presenter at the
Council meeting must also be provided to the Clerk to Council at the time of
the request for placement on the Council Agenda. Failure to provide the
required disclosures and any presentation materials to the Clerk at the time
of request shall preclude placement on the Agenda sought. At that time, the
Clerk shall deny the request and inform the requestor of the need to make a
timely compliant request for a subsequent Council meeting. Additionally, if
the County Manager determines a matter properly requested for placement in
the Citizen Concerns section of the Agenda is not appropriate or in the interest
of time for the proper conduction of County business for the particular
meeting requested, making such item more appropriate for a subsequent
meeting, the County Manager may place the item on the Agenda for the next
regularly scheduled meeting and so inform the requestor of that change.
These conditions precedent may be waived by the County Manager in cases
of great urgency if the matter is presented in writing and every member of the
Council is provided with a copy prior to the commencement of the meeting
or as otherwise specified in the agenda.
(a) The following guidelines shall be followed:
(i) A presentation placed in this section of the Council Agenda is limited
to six (6) minutes; and
(ii) No requests for funding may be made by presenters slated for an
appearance in this section of the Council Agenda; and
(iii) No presentation relating to ongoing litigation is permitted in this
section of the Council Agenda; and
(iv) No presenter, group, or organization may appear more than once every six months.

(b) Subject to the protocols of any policy developed by the County Manager regarding presentations as authorized herein, any matter not permitted to be presented during the Citizen Concerns section of any Council meeting may nevertheless be pursued by a Citizen Concerns requestor in the Public Forum portion of any Council meeting, pursuant to applicable procedures for appearing at that time in a Council meeting.

(c) The County Manager is authorized to establish a policy regarding protocols for all appearances before Council in conformity with and expounding upon the requirements and parameters established herein, including any limitations on the number of presenters, and also setting forth guidelines for appropriate demeanor and decorum for presenters before Council, including any disciplinary measures for failing to follow the protocols established, all in furtherance of efficient and respectful conduction of County business.

...(F) No matter shall be placed on the agenda or heard by the Council unless it is conformity with the protocols established in this Code Section and with any County Manager promulgated policy, and is within the Council’s authority or jurisdiction; provided however, that Council may entertain requests that the full body or County Manager on behalf of Council make recommendations to other governmental bodies, officials, departments or agencies.”

SECTION 3. No Public Hearing Required.

Pursuant to York County Code of Ordinances Section 30.14 and S.C. Code Ann. Section 4-9-130, the York County Council is not required to conduct a public hearing in
advance of final legislative action being taken for the adoption of this ordinance.

SECTION 4. Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable and effective.

SECTION 5. Repeal of inconsistent sections and ordinances.

All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 6. Effective date.

This ordinance shall take effect immediately upon adoption.

Adopted this 31 day of August, 2023.

YORK COUNTY COUNCIL

By: Christi P. Cox, Chairwoman
York County Council

Attest: David E. Hudspeth, County Manager

First Reading: June 5, 2023
Second Reading: July 17, 2023
Public Hearing: N/A
Third Reading: August 21, 2023