

ORDINANCE NUMBER 2022-03

**AN ORDINANCE TO AMEND SECTIONS 2-61, 2-67, AND 2-75 OF
ARTICLE II (MEETINGS) AND SECTIONS 2-191 AND 2-221 OF
ARTICLE III (OFFICERS AND EMPLOYEES) OF CHAPTER 2
(ADMINISTRATION) OF THE CITY OF SIMPSONVILLE CODE OF
ORDINANCES**

WHEREAS, the City of Simpsonville City Council reviews its Ordinances at various times to make necessary improvements and/or changes; and,

WHEREAS, the City of Simpsonville desires to amend its existing ordinances to remove the requirement for the city attorney to attend meetings of council and to amend its existing ordinances to remove mandatory terms of appointment for the City Clerk, City Treasurer, and City Attorney.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Simpsonville as follows:

Section 1. Amendment. Amend Sections 2-61, 2-67, and 2-75 of Article II (Meetings) and 2-191 and 2-221 of Article III (Officers and Employees) of Chapter 2 (Administration) as follows:

Sec. 2-61. Purpose and authority.

- (a) The City of Simpsonville City Council has hereby established procedural rules and rules of decorum to ensure consistent and fair treatment of citizens, staff, and fellow council members, orderly and efficient public proceedings, and compliance with state and federal law. These rules of procedure are adopted pursuant to S.C. Code § 5-7-250.
- (b) This division setting forth rules and procedures for the City of Simpsonville City Council shall apply to all regular, special, and emergency meetings, and meetings of the committee of the whole.
- (c) It is the intent of council that in the event of a conflict between these rules and the most recent edition of Robert's Rules of Order Newly Revised, these rules shall govern.
- (d) Matters not addressed by state law, ordinance or these rules of procedure shall be governed by the latest edition of Robert's Rules of Order, Newly Revised.
- (e) **If the city attorney is present, ~~T~~the city attorney shall act as parliamentarian. In the absence of the city attorney, then the mayor shall act as parliamentarian. In the absence of the mayor, the mayor pro-tempore shall serve as parliamentarian. In the absence of the mayor pro-tempore, the temporary presiding officer elected pursuant to Section 2-67(a)(2) shall serve as parliamentarian.**

(Ord. No. 2016-05, § 1(attach.), 8-9-2016)

Sec. 2-67. Opening the meeting.

(a) *Calling the meeting to order/presiding officer.*

(1) The mayor shall call the meeting of the council to order at the appointed time. In the mayor's absence, the mayor pro-tempore shall call the meeting of the council to order. Upon the arrival of the mayor, the mayor pro-tempore shall immediately relinquish the presiding officer duties to the mayor.

(2) In the absence of the mayor and mayor pro-tempore, the city **administrator** ~~attorney~~ will call the meeting to order and as the first matter at hand a temporary presiding officer will be elected from amongst the members of the council that are present. Upon the arrival of the mayor or the mayor pro-tempore, the acting presiding officer shall immediately relinquish the presiding officer duties.

(3) At the beginning of each meeting, the presiding officer shall consider inviting each person in attendance, including members of the council, to deactivate or silence any personal electronic devices such as cell phones for the duration of the meeting.

(b) *Roll call/establishing a quorum.*

(1) The city clerk shall conduct a roll call in order to determine if a quorum is present. A majority of the members of the council shall constitute a quorum. A quorum shall be established before any business is conducted other than rescheduling the meeting.

(2) If during the course of the meeting, a member of the council abstains from or must be recused from the discussion or decision on an agenda item, the quorum shall not be considered broken.

(Code 1995, § 2-68; Ord. No. 2016-05, § 1(attach.), 8-9-2016)

State law reference(s)—Rules and procedures for council meetings, S.C. Code 1976, § 5-7-250(b).

Sec. 2-75. City attorney to attend **upon request**.

The city attorney shall attend all meetings of the council **if requested by the council or city administrator.** ~~unless excused by the council.~~ **If the city attorney is present at the meeting,** ~~He~~ **he** shall act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and documents presented to council and give opinions upon questions of procedure, form and law to any member of council and the city administrator.

(Code 1995, § 2-73; Ord. No. 2015-03, 06-09-2015; Ord. No. 2016-05, § 1(attach.), 8-9-2016)

Sec. 2-191. Election; term.

At the time appointed for the regular election of the officers of the city, there shall be elected by the council an officer to be known as the city clerk and an officer to be known as the city treasurer. These officers shall hold office at the pleasure of council. ~~for the term of two years, or until his successor is duly elected and qualified, unless removed from office by the council.~~
(Code 1995 § 2-166)

Sec. 2-221. Appointment; term.

The council shall appoint as city attorney a person who is a member of the state bar association and admitted to practice law in the state. The attorney shall serve at the pleasure of council. ~~The appointment will be for a period of two years, the term to begin on January 1 after appointment and expire on December 31.~~
(Code 1995, § 2-191)

Section 2. This ordinance shall be effective immediately upon second reading approval hereof.

CITY OF SIMPSONVILLE, SOUTH CAROLINA

Paul Shewmaker, Mayor

ATTEST:

Phyllis Long, Municipal Clerk

First Reading: July 12, 2022

Second and
Final Reading: August 9, 2022

Approved as to Form:

Daniel R. Hughes, City Attorney

