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CHAPTER 2. ADMINISTRATION

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the Yemassee Questionnaire and generally accepted municipal practices. (Also, see Article III, this chapter, for Municipal Elections.)

ARTICLE I. IN GENERAL

2.101. FORM OF GOVERNMENT.

The form of government for The Town of Yemassee shall be the Mayor- Council form.

(1976 SC Code §5-5-10, §5-9-10, et seq.) (Appendix C)

2.102. TOWN COUNCIL. COMPOSITION.

The Town Council shall be composed of a Mayor and of four (4) Council members.

2.103. SAME. TERMS.

- a. The term of office for Mayor shall be four (4) years.
- b. The term for the office for Council shall be four (4) year staggered terms.

(1976 SC Code §5-15-40) (YQ 3)

2.104. SAME. ELIGIBILITY.

To be eligible for the office of Mayor or as a member of the Council, a candidate shall be a qualified elector of the municipality. (See §2.316, this code.)

(1976 SC Code §7-5-120)

2.105. COMPENSATION. INCREASES. ACTUAL EXPENSES.

a. The Mayor shall be paid twelve thousand dollars (\$12,000.00), and members of Council shall be paid two thousand four hundred dollars (\$2,400.00), per annum.

(YQ 4)

b. Increases in compensation shall be approved by ordinance and shall not become effective until the commencement date of the next general election.

c. The Mayor and members of Council may receive payment for actual expenses incurred in the performance of their official duties when supported by official expense vouchers.

(1976 SC Code §5-7-170)

(Editor's Note. Compensation includes anything of value provided at public expense for performing official duties... Retirement benefits, insurance benefits, vehicles, etc., which are not reimbursement of actual expenses incurred while performing official duties should also be included in the ordinance setting salaries... Salary setting is a legislative matter the council must address by ordinance. UPTOWN, May, 1997, page 6.)

2.106. MAYOR. DUTIES.

a. The Mayor shall preside at all regular and special meetings of Council, shall execute, on behalf of Council, all ordinances, resolutions, directives, deeds, bonds and other official instruments or documents directed by state law or Council.

b. He shall have other such duties as set forth in SC Code §5-9-10.

(Editor's Note. 1976 SC Code §5-9-10 provides for the authority of the Mayor.)

2.107. MAYOR PRO TEMPORE. DUTIES.

a. The Council shall elect from among its members a Mayor Pro tempore, at the first January meeting following a general election. The Mayor Pro tempore shall act for the Mayor during the absence or disability of the Mayor. In case of a vacancy in the office of Mayor, the Mayor Pro tempore shall serve until a successor is elected.

b. In the absence of both the Mayor and Mayor Pro tempore such member of the Council shall perform the duties of the Mayor as the Council may designate.

(1976 SC Code §5-7-190)

2.108. OATH OF OFFICE. REQUIRED.

The Mayor, each member of Council and other officials, when required, before entering upon the duties of their respective offices, shall take the following oath:

I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed) and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.

(Art. VI, Sec. 5, S. C. Constitution)

As Mayor (Councilman, Judge, Police Officer, etc.) of The Town of Yemassee I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected (or appointed). So help me, God.

(1976 SC Code §14-25-15) (1976 SC Code §5-15-150)

2.109. ORDINANCES.

It shall be the duty of the Council to pass, from time to time, such ordinances as in its judgment shall best promote the interests of the citizens and property owners of the municipality.

(1976 SC Code §5-7-30)

(Editor's Note. See Appendix B for details of ordinance preparation. Section 19-3-10 of the 1976 South Carolina Code of Laws provides that, *in all courts...in this state the...ordinances of the municipalities...shall constitute prima facie of the genuineness of the same.*) (See also §2.110.a, Editor's Note.)

2.110. SAME. SIX DAYS BETWEEN READINGS. AMENDMENTS.

a. No ordinance shall be adopted until it shall have been read two (2) times and on two (2) separate days with at least six (6) days between each reading.

(1976 SC Code §5-7-270)

(Editor's Note. An opinion by the South Carolina Attorney General [No. 77-298, p 225] stated that any town ordinances that have been properly adopted *are valid and enforceable under the provisions of §5-7-270....*)

b. The introduction and reading of any ordinance may be by the reading of the title only, unless full reading is requested by a majority of Council members present.

c. An ordinance may be amended at the time of a second reading.

(Attorney General OP. 1986, No. 86-117, p. 343)

2.111. SAME. BOOK OF.

a. The Town Clerk shall enter in a book the original copy of all ordinances passed by the Council. The book shall be known as the *Book of Ordinances*.

b. The book shall contain the dates of first and second readings of all ordinances, notation of repeals or amendments, whether or not the ordinance is to be codified and a brief summary of the contents.

(1976 SC Code §5-7-290)

2.112. SAME. NOTATION OF AMENDMENTS OR REPEALS. REFERENCE.

a. The Town Clerk shall write on the first page of every ordinance, subsequent to entry in the *Book of Ordinances*, if the same shall be amended or repealed, as the case may be.

b. The words "amended," or "repealed" shall be added with a reference inserted in the margin on the ordinance as to where the amending or repealing ordinance can be found.

2.113. SAME. ENACTING CLAUSE.

The enacting clause of all ordinances shall be, in substance as follows: *BE IT ORDAINED BY THE TOWN COUNCIL OF YEMASSEE, SOUTH CAROLINA THAT:*

2.114. SAME. REQUIRED BY STATE LAW.

The Council shall act by ordinance in all matters required by law to be done by ordinance, in order to:

1. Adopt or amend an administrative code or establish, alter or abolish any department, office or agency;
2. Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violations;
3. Appropriate funds and adopt a budget;
4. Grant, renew or extend franchises, licenses or rights in public streets or in public property and close abandoned streets;
5. Authorize the borrowing of money or the issuance of bonds;
6. Levy taxes, assess property for improvements or establish charges for services;
7. Annex areas;
8. Convey or lease or authorize the conveyance or lease of any lands; and
9. Amend or repeal any ordinance described in subparagraphs 1 through 8 above.

In all other matters, the Council may act either by ordinance, resolution, or on motion, written or oral, which shall be recorded in the minutes.

(1976 SC Code §5-7-30, §5-7-260)

2.115. SAME. ANNUAL CODIFICATION.

All ordinances amending this code shall be codified as often as desired, but at least annually, in loose-leaf form and available for public inspection during normal office hours.

(1976 SC Code §5-7-290)

2.116. SAME. FORM OF. TO BE IN WRITING AND FINAL FORM. TO BE SIGNED.

Every proposed ordinance shall be numbered, in writing and in the form required for final adoption. All ordinances shall include:

1. A number;
2. A title briefly describing the contents;

(South Carolina Attorney General Opinion No. 86-117, p 343.)

3. Findings, reasons or basis for the ordinance, if desired and when appropriate;
4. An enacting clause;
5. A repealing provision, when appropriate;
6. The provisions of the ordinance including section numbers, when appropriate;
7. The name of the person introducing the ordinance, when requested by him;
8. The effective date of the ordinance, dates of first and second readings and, when requested, approval of the Town Attorney as to form.
9. The Mayor and Council shall sign and the Town Clerk shall attest all ordinances, following adoption thereof; provided, however, all members may sign.

(1976 SC Code §5-7-270) (YQ 5) (See also Appendix B, this code.)

2.117. SAME. INTRODUCTION. ATTORNEY APPROVAL. PUBLIC INSPECTION.

- a. Any member of Council may propose an ordinance.
- b. After an ordinance is introduced, the Town Clerk shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when, at a public meeting of Council, its title is read.
- c. When appropriate, a proposed ordinance shall be referred to the Municipal Attorney for approval as to legality and form. He shall render assistance in the preparation of ordinances when requested to do so.

(Editor's Note. Electors may propose ordinances except an ordinance appropriating money or authorizing the levy of taxes. SC Code §5-17-10, as amended.)

2.118. SAME. FINAL FORM BEFORE ADOPTION.

All ordinances shall be complete in the form in which it is finally adopted.

(1976 SC Code §5-7-270)

(Editor's Note. See §2.110, this code, for requirement of six days between readings.)

2.119. EMERGENCY ORDINANCES. EXPIRATION. READING. RESTRICTIONS.

- a. Emergency ordinances shall expire automatically as of the sixty-first (61st) day following the date of enactment.

(1976 SC Code §5-7-250(d))

- b. Emergency ordinances may be adopted without regard for any reading, without notice or hearing, by affirmative vote of two-thirds of the members present.

- c. An emergency ordinance may not levy taxes.

(1976 SC Code §5-7-250)

- d. An emergency ordinance may not relate to a franchise or a service rate.

(1976 SC Code §5-7-250)

(Editor's Note. The reader is referred to the SC Code §5-7-250 through §5-7-280, for further details as to emergency requirements.)

2.120. SAME. STATE OF EMERGENCY. POWERS OF THE MAYOR. CURFEW.

a. A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbances, catastrophe, or for any other reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property.

b. In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the citizenry or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency.

c. In order more effectively to protect lives, safety and property, to define and impose a curfew applicable to all persons within the jurisdiction of the Town Council, the Mayor is further authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the Town Council and to specific hours of the day or night and to exempt from the curfew law enforcement officers, fire fighters, doctors, nurses and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the corporate limits.

(1976 SC Code §5-7-250)

2.121. RESOLUTIONS. INTRODUCTION.

a. A voice motion by a member of Council shall be considered to be the introduction of an oral resolution, which shall require no written record other than a notation by the Town Clerk in the Council minutes.

b. A resolution proposed in writing shall be introduced in the same manner as an ordinance and, when appropriate, in such form as may be recommended as applicable by the Municipal Attorney.

2.122. SAME. ADOPTION.

Written or oral resolutions may be adopted on one (1) reading.

2.123. FEES. SCHEDULE OF RATES AND FEES. EXHIBIT 1.

a. Fees, rates or charges necessary for the efficient and orderly maintenance of town services shall be included in Exhibit 1, entitled *Schedule of Rates and Fees*.

b. The exhibit is hereby made a part of this code as if fully set forth herein, and filed in the office of the Town Clerk.

c. All changes to Exhibit 1 shall be made by ordinance.

ARTICLE II. MEETINGS OF TOWN COUNCIL

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the Yemassee Questionnaire and generally accepted municipal practices. (See SC Code §5-7-250 as to council meetings, rules of procedure, etc.)

2.201. MEETINGS. REGULAR. PLACE.

a. The regular meetings of Town Council shall be held at the Town Hall on the second Tuesday of each month at 7:00 p. m., local time. (See §2.203 herein, for change in meeting date.)

(YQ 6)

b. In the event an official town holiday falls on the scheduled Town Council meeting date, the regular meeting will be held as determined by Council.

c. Public notice of the regular meetings shall be posted at the Town Hall at the beginning of each calendar year, as required by SC Code §30-4-80.

2.202. SAME. SPECIAL. WORK SESSIONS.

a. Special meetings may be held:

1. whenever called by the Mayor in cases of emergency, or;
2. when, in the judgment of the Mayor, the good of the municipality requires it, or;
3. by a majority of the members of Council.

b. Work sessions shall be treated as regular meetings and shall have an agenda.

2.203. SAME. NOTICE OF CHANGE.

Notice of all changed meetings and special meetings shall be given to all available members and the news media, as required by the *Freedom of Information Act*. (Appendix A, this code.)

2.204. SAME. OPEN TO PUBLIC.

All Council meetings shall be open to the public and shall be governed by the *Freedom of Information Act*. (Appendix A, this code.)

2.205. SAME. MAYOR TO PRESIDE.

The Mayor shall preside at all Council meetings.

2.206. AGENDA.

a. Matters to be considered at a regular meeting or work session shall be placed on a written agenda and posted at least twenty-four hours (24) before the meeting.

b. Special meetings shall be posted at least twenty-four (24) hours prior to the meeting, and the time of posting shall be indicated on the notice.

(1976 SC Code §30-4-80.a)

c. Council members may add items to the agenda at any time prior to the posting.

d. Items shall be removed from the agenda, only with the consent of a majority of Council.

e. The agenda shall be prepared by the Mayor and Town Clerk.

(YQ 7)

2.207. APPEARANCE OF CITIZENS.

Any citizen of the town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters.

(YQ 8) (See also §2.215.h, this code.)

2.208. MINUTES OF TOWN COUNCIL MEETINGS.

a. The minutes of all public meetings of the Council shall be a matter of permanent public record. At each regular Council meeting, the minutes of the previous meeting or meetings shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by the Council.

b. Any member of Council desiring to express a position in the minutes on a matter voted upon by Council may do so by presenting the position in writing to Council not later than the next regular meeting.

c. No person shall make any change in the minutes or remove same from Town Hall, without prior approval of the Mayor.

2.209. QUORUM. REQUIRED.

- a. All actions of Council shall require a quorum.
- b. *A majority of the total membership of Council shall constitute a quorum for the purpose of transacting Council business.*

(Editor's Note. §2,209.b is a direct quote from the 1976 SC Code, §5-7-160.)

2.210. RULES OF ORDER. PARLIAMENTARIAN.

- a. Except as otherwise provided by state law or this code, Robert's Rules of Order shall govern all proceedings of Council.
- b. The Municipal Attorney shall act as parliamentarian when present. In his absence, all questions of order shall be decided by the Mayor or, in his absence, the presiding officer, who shall be selected by a majority vote of members.

2.211. MOTIONS. TO BE IN WRITING.

A motion shall be reduced to writing, at the request of the Mayor or of a majority of Council.

2.212. UNLAWFUL TO INTERRUPT MEETINGS.

It shall be unlawful for any person or persons to interrupt the proceedings of Council, the Court or any other official body while in session.

(See also §14.706, this code.)

2.213. ORDER OF BUSINESS.

The order of proceedings of Council meetings, when desired, may be substantially as follows, or as otherwise provided by Council:

- | | |
|-------------------------------|---------------------------------|
| 1. Invocation. | 6. New Business. |
| 2. Approval of the Minutes. | 7. Finance Reports, Bills, etc. |
| 3. Unfinished Business. | 8. Citizens' Agenda. |
| 4. Council Committee Reports. | 9. Adjournment. |
| 5. Department Reports. | |

2.214. VOTING.

a. The Town Clerk shall record the result of each vote on every question in the minutes. The "yeas" and "nays" on any question shall be recorded, when requested by any member.

b. Every member of Council, including the Mayor, shall vote on every question, except when required to refrain from voting by state law.

(Editor's Note. SC Code §5-13-30 authorizes the Mayor to vote as other members of Council; he is not required to "break ties.")

c. A show of hands or a voice vote shall be sufficient to record votes.

d. During the meeting, no member shall leave the Council chamber without permission from the presiding officer.

e. Any member abstaining from voting shall submit his reason in writing which shall be given to the Council, for inclusion in the official minutes of the Council meeting.

(Editor's Note. The Municipal Association strongly recommends that all members vote on every question, except when required by law to refrain, such as having personal interest in the matter under discussion. See also §5-7-130 of the South Carolina Code of Laws.)

f. Any member, at his request, shall have his reasons for voting for or against any measure recorded in the minutes.

g. Neither the Mayor nor any member of Council shall vote on any question of a private nature in which he is personally or financially interested.

(1976 SC Code §8-13-700)

2.215. CONDUCT OF MEETINGS. GENERALLY.

(Editor's Note. This section derives from generally accepted municipal practices.)

a. The presiding officer shall not abuse his position by controlling or directing debate to favor his views.

b. The presiding officer shall ensure that all Council members have an opportunity to express their views on matters properly presented for discussion. The presiding officer may temporarily relinquish the chair in order to engage in active debate or discussion.

c. The presiding officer shall have the same rights/responsibilities as other Council members with regard to making motions and voting.

d. During a meeting, Council members shall request permission of the Mayor or presiding officer before speaking.

e. Council members shall not engage in shouting, arguments or personally disrespectful behavior towards each other during meetings.

f. No member of Council shall speak more than twice on the same question, except to explain his position, without concurrence of a majority of the Council.

g. In unusual cases and by a majority vote, Council may permit public discussion or input on a specific subject during a meeting. Otherwise, no person from the audience may interrupt the Council meeting or address the Council unless recognized by the Mayor or presiding officer. Persons who are disorderly or who act in a threatening manner may be asked to leave the Council chamber.

h. If a number of citizens wish to speak at any meeting, the Mayor or presiding officer may reasonably limit the length of time allotted to each citizen and shall state the time limitations before the public comments begin.

(See also §2.207, this code.)

i. Rules of procedure may be temporarily suspended during a meeting by a favorable two thirds vote of Council present at the meeting.

2.216. MOTIONS. NOT DEBATABLE.

The following motions shall be without debate:

1. To adjourn,
2. To lay on the table,
3. To read any paper,
4. To take the "yeas" and "nays" for the previous question, and
5. To reconsider.

2.217. SAME. PRECEDENCE DURING DEBATE.

When a question is under debate, no motion shall be received except a motion:

1. To adjourn,
2. To lay on the table,
3. For the previous question,
4. To postpone to a certain day, and
5. To commit, to amend or to postpone indefinitely.

The above motions shall have precedence in the order in which they are set forth.

2.218. SAME. TO RECONSIDER.

A motion to reconsider shall not be entertained unless it be made by a member of Council who voted with the majority, and such motion shall be made only at the same or next succeeding meeting.

2.219. COMMITTEES. APPOINTMENT. PUBLIC HEARINGS.

a. The Council may appoint committees to serve at the pleasure of the Council, including a committee to hold a public hearing upon any matter pending before it, unless otherwise prohibited by law.

b. Minutes or reports of hearings held by such committees shall be filed with the Town Clerk as public records.

(YQ 16)

2.220. SAME. REPORTS.

a. Reports of committees shall be rendered as the presiding officer may determine, unless otherwise required by Council.

b. Standing committee reports shall be in writing and signed by a majority of the members. Reports involving the expenditure of money shall include the amount to be expended, or an approximation thereof, and the reasons therefor.

(YQ 16)

2.221. EXECUTIVE SESSIONS.

a. Council may hold Executive Sessions as permitted by the South Carolina *Freedom of Information Act*, at such times and places, as Council may deem necessary and in the public interest.

b. A majority vote of Council members shall be necessary to call such sessions, and the reason shall be stated in the motion, as required by the *Freedom of Information Act*.

c. No official action may be taken in an Executive Session.

d. Any action which results from an Executive Session discussion shall be taken in open session prior to such action becoming effective, as required by the *Freedom of Information Act*.

(Editor's Note. See Appendix A, this code, for requirements of the *Freedom of Information Act*.)

ARTICLE III.. MUNICIPAL ELECTIONS

EDITOR'S NOTE. THE UNITED STATES CONGRESS HAS MANDATED THAT ANY ORDINANCE THAT IMPACTS UPON THE ELECTION PROCESS MUST BE CLEARED IN ADVANCE BY THE UNITED STATES DEPARTMENT OF JUSTICE. (Section 5 of the Voting Rights Act of 1965, as amended.)

Under South Carolina law, each municipal governing body determines by ordinance the time for filing nominating petitions, holding primary elections or conventions, the time for conventions, the time for closing of entries, and the time and manner of filing by candidates in nonpartisan elections, etc.

The municipal governing body determines by ordinance that either filing a statement of candidacy or a petition with the municipal election commission is required to place the name of the candidate on the ballot in nonpartisan general elections.

This article derives from SC Code §5-15-90 et seq., as amended; the Yemassee Questionnaire and generally accepted municipal practices.

2.301. ELECTION LAWS OF THE STATE TO GOVERN.

All municipal elections shall be conducted in accordance with the provisions of the election laws of this state.

(1976 SC Code §5-15-20 et seq.)

2.302. MUNICIPAL ELECTION COMMISSION ESTABLISHED. TERMS.

a. There is hereby established a Municipal Election Commission composed of three (3) electors who shall be residents of the municipality and who shall serve terms of six (6) years.

b. Members shall be appointed by the Town Council and shall conduct all municipal elections.

(1976 SC Code §5-15-90, §5-15-100)

c. The Council shall appoint an interim commissioner to fulfill the duties of any disabled member for the duration of the election period.

2.303. DATE OF ELECTIONS.

All general elections for Council shall be held the first Tuesday after the first Monday in November in each odd numbered year and specified in the public notice of the election.

(1976 SC Code §5-15-50) (YQ 10)

(Editor's Note. The Municipal Association has recommended that all general municipal elections be held "*The first Tuesday after the first Monday in April and November...*" Office holders would continue in office until the next election.) (MASC News of April 4, 1995)

2.304. VOTING HOURS. PLACE.

Polling places shall be open from 7:00 a.m. to 7:00 p.m., at the Yemassee Town Hall or as otherwise determined by Council and incorporated in the minutes of Council.

(1976 SC Code §7-13-60) (YQ 14)

2.305. FILING. STATEMENT OF CANDIDACY. PETITIONS.

All candidates for election shall file a "Statement of Candidacy", not less than sixty (60) days prior to an election. Petitions shall be required.

(1976 SC Code §5-15-70) (YQ 12.b)

2.306. SAME. FEES.

The filing fee for the office of Mayor shall be fifty dollars (\$50.00); for the office of Council it shall be twenty-five dollars (\$25.00).

(YQ 13)

2.307. OATH.

Each candidate shall sign an Oath of Candidacy, which shall be obtained from the Election Commission or its designated representative.

2.308. CERTIFICATION.

The Town Clerk shall certify the nominees to the Municipal Election Commission at least thirty (30) days prior to the election.

2.309. PUBLIC NOTICE REQUIRED.

Public notice of all municipal elections shall be given at least sixty (60) days prior to such elections, as required by law.

(1976 SC Code §5-15-50)

2.310. WRITE-IN VOTES.

Electors shall be permitted to cast write-in votes.

(1976 SC Code §7-13-1380)

2.311. SUCCESSORS TO BE QUALIFIED.

The Mayor and members of Council shall serve, until their successors have been duly elected and qualified.

2.312. WHEN QUALIFIED. ASSUMING OFFICE.

a. Newly elected members of Council shall not be qualified until at least forty-eight (48) hours after the closing of the polls.

(1976 SC Code §5-15-120)

b. Newly elected members of Council shall assume office at the first meeting in November after the election.

(YQ 15)

2.313. AT-LARGE. ELECTIONS. POLITICAL PARTIES.

a. Elections for Mayor and members of Council shall be at-large.

(1976 SC Code §5-15-50) (YQ 11)

b. No political party or affiliation shall be placed on the ballot for any candidate.

(YQ 12)

2.314. NONPARTISAN PLURALITY ELECTIONS. RUNOFFS. TIE VOTES. CONTESTED RESULTS.

a. As prescribed in SC CODE §5-15-61, election results shall be determined by the nonpartisan plurality election and runoff election method.

(Editor's Note. Due to the lengthy requirements of that section, it is not reproduced here.)

b. In the event of a tie vote for any office, a runoff election shall be conducted two (2) weeks following that election.

(1976 SC Code §5-15-125)

c. Should the results of an election be contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

(1976 SC Code §5-15-130) (Ord. No. 9502, July 1, 1995)

2.315. VACANCIES.

A Town Council vacancy with one hundred eighty-one (181) days or more of an unexpired term shall require a special election, and public notice thereof shall be given at least sixty (60) days prior thereto.

(1976 SC Code §5-7-200, §7-13-190) (See §2.309, this article, as to public notice.)

2.316. QUALIFICATIONS FOR VOTING.

Every citizen of The Town of Yemassee shall be entitled to vote in all municipal elections provided they have:

1. reached the age of eighteen (18) years.
2. are not laboring under disabilities named in the constitution of 1895 of this state.
3. resided in the corporate limits for thirty (30) days previous to municipal elections.
4. been registered for national, state and county elections.

(1976 SC Code §7-5-120) (See also §2.104, this code.)

(Editor's Note. SC Code §5-15-145 provides for the transfer of "...authority to conduct municipal elections to county elections commissions."

ARTICLE IV. PERSONNEL

Editor's Note: This article derives from Title 5, Chapter 9 of the 1976 South Carolina Code of Laws and generally accepted municipal practices, to provide guidance relating to personnel matters.

2.401. AUTHORITY TO ESTABLISH.

The Council may create and establish such town offices, departments and sections as it may deem proper for orderly and efficient government.

2.402. CHIEF ADMINISTRATIVE OFFICER.

The Mayor shall be the chief administrative officer of the town.

2.403. APPOINTMENT. SUSPENSION.

Except as otherwise provided by this code, employees of the town shall be appointed by the Mayor and shall be subject to suspension by him.

(1976 SC Code §5-9-10 et seq.)

2.404. SAME. COMPENSATION.

The compensation, as appropriate, of all appointed officers and employees of the town shall be fixed by the Council and incorporated in the annual budget.

2.405. RESISTING OR INTERFERING WITH OFFICIALS OR EMPLOYEES.

It shall be unlawful for any person to resist or interfere with any municipal officer or employee in the discharge of his official duties.

2.406. DUTY TO REPLACE DAMAGED PROPERTY.

Members or employees of the various departments of the town, losing or damaging any of the property and/or equipment furnished by the town, shall be required to replace the same at their own expense.

2.407. DUTY TO RETURN PROPERTY UPON TERMINATION OF EMPLOYMENT.

Employees of the town shall be required to return the said town any and all property which is owned by the town, which may be in their possession at the time of dismissal, suspension or resignation from employment with The Town of Yemassee.

2.408. HOLIDAYS.

a. All town employees, both salaried and hourly, after six (6) months' continuous service, shall receive the following holidays with pay, provided they have worked the work day preceding and the work day following the holiday:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day and the day after
Memorial Day	Christmas Day and the day after
Independence Day	

b. Holidays which fall on Saturdays and Sundays shall be observed the following Monday.

2.409. MILITARY.

Military leave shall comply in all respects with SC Code §8-7-90.

2.410. JURY DUTY.

a. Any employee serving as a juror in a Court of competent jurisdiction shall be entitled to his normal rate of pay from the town for a period not exceeding thirty (30) work days per year. Payment for additional days of jury duty shall be subject to approval of the Mayor and Council.

b. The town shall pay the difference between jury pay and normal pay only.

c. Employees not seated as a juror shall return to work upon dismissal by the Court.

(Editor's Note. It is recognized that jury duty may last longer than anticipated; however, this provision allows the Mayor and Council to monitor the provision for pay purposes.)

ARTICLE V. CLERK/TREASURER

Editor's Note. This article derives from SC Code §5-7-220.

2.501. APPOINTMENT.

- a. The Council shall appoint an officer who shall have the title of Town Clerk.
- b. The Clerk also may have the title of Town Clerk.
- c. The Clerk shall hold office at the pleasure of the Council.

(1976 SC Code §5-7-220)

(Editor's Note. State law requires the appointment of the Clerk to be made by Council.)

2.502. BOND. SURETY COMPANY. FEE.

a. Before entering upon the duties of his office, the Town Clerk shall give bond to the town in such an amount as prescribed by Council. It shall be conditioned upon the faithful performance of the duties of his office and the faithful accounting for all funds of the town in his custody.

b. A surety company authorized by law to engage in business in the state shall write the bond required.

c. The town shall pay the fee therefor.

2.503. DUTIES.

The Town Clerk shall give notice of council meetings to its members and the public, attend all Council meetings, unless excused by the Mayor, keep the minutes of Council proceedings and perform such other duties as are assigned by the Council.

(1976 SC Code §5-7-220)

2.504. COMPENSATION.

The compensation of the Town Clerk shall be incorporated in the annual budget.

ARTICLE VI. MUNICIPAL ATTORNEY

Editor's Note. This article derives from SC Code §5-7-230.

2.601. APPOINTMENT. TERM OF OFFICE. RESIDENCE.

a. The Council may appoint a Municipal Attorney who shall be a lawyer of good and reputable standing, a member of the South Carolina Bar Association and admitted to practice law in this state.

b. He shall serve at the pleasure of the Council.

c. He need not be a resident of the municipality.

(Editor's Note. SC Code §5-7-230 requires the appointment of the Attorney to be made by the Council.)

2.602. DUTIES.

a. It shall be the duty of the Municipal Attorney, whenever called upon by Council, or the necessity arises, to give advice and direction to the Council or any member thereof, or the Town Clerk or such other officer or employees as authorized by Council. This shall include, but not limited to, any and all legal questions that may arise in the course of the administration of the municipal government, or in the discharge of the duties of their respective offices.

b. Whenever required to do so by the Council, he shall give his legal opinion in writing.

c. When appropriate, he shall draft or supervise the drafting of and approve all ordinances and other written instruments relative to the business of the municipality.

d. He shall attend the meetings of Council, when requested, and shall perform such other duties as assigned by the Council.

2.603. COMPENSATION.

The Municipal Attorney shall be compensated as determined by Council and included in the annual budget.