



**JAMES ISLAND PUBLIC SERVICE DISTRICT
ORDINANCE NO. 2019-003**

AN ORDINANCE TO ADOPT THE COMMISSION RULES OF PROCEDURE

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JAMES ISLAND PUBLIC SERVICE DISTRICT
ORDINANCE NO. 2019-003.

AN ORDINANCE TO UPDATE AND REAPPLY THE COMMISSION RULES OF PROCEDURE BE IT ENACTED BY THE JAMES ISLAND PUBLIC SERVICE DISTRICT COMMISSION (“COMMISSION”), THAT THE HEREIN CONTAINED RULES SHALL GOVERN THE CONDUCT OF MEETINGS; THE CONDUCT OF MEMBERS; AND THE RELATIONSHIP BETWEEN THE MEMBERS AND THE STAFF OF THE JAMES ISLAND PUBLIC SERVICE DISTRICT.

WHEREAS, Act No. 498 (1961) created the James Island Public Service District in Charleston County making it a body politic and corporate with perpetual succession; and

WHEREAS, Act 1367 (1974) made amendments to this act providing for the election of commissioners and providing for seven commissioners;

NOW, THEREFORE, be it resolved by the James Island Public Service District Commissioners of James Island, Charleston County, South Carolina, that the following rules of procedure shall hereafter govern all meetings of the Commissioners, namely,

ARTICLE I: RULES GOVERNING THE CONDUCT OF MEETINGS:

Rule 1: Governing Rules. The conduct of the business of the Commission shall be governed by these Rules. Where these Rules are silent, Robert’s Rules of Order most recent edition, shall govern the conduct of the Commission in all cases to which it is applicable and in which it is not inconsistent with the Constitution, Statutes and case law of South Carolina and the United States as these may be applicable to this body politic.

Rule 2: Providing for Suspension of Rules. This ordinance is determined by the Commission to be in the exercise of its powers to determine its rules of procedure. To the extent that any item in this ordinance is a rule of procedure for the Commission, then said provision of this ordinance may be suspended by a majority vote of the Commission. The Commission acknowledges that to the extent a procedure is governed by another ordinance, a statute of this State or the United States, or the Constitution of this State and of the United States that said procedure cannot be suspended by action of the Commission.

Rule 3: Regular Meetings. The Commission shall hold its regular meeting on the fourth Monday of each month at 7 pm, unless agreed otherwise by a majority of the Commission and with proper notice of any change to be given. All regular meetings shall be held at Building #2, 1739 Signal Point Road, Charleston, S.C. The public and the media shall be notified of same pursuant to the requirements of the South Carolina Freedom of Information Act, Title 30, S.C. Code of Laws [hereinafter FOIA]

Rule 4: Changes or Cancellation of Regular Meetings. Any regular meeting may be postponed or canceled by resolution adopted at a regular meeting by a majority of the entire membership of the Commission or by electronic consent of the majority of the membership of the Commission, all members having been contacted. Upon postponement or cancellation of a regular meeting, the media and public shall be notified of such action as soon as possible.

Rule 5: Special Meetings. A special meeting of the Commission may be called by any Officer of the Commission, whenever in their opinion, the public business may require it, provided a majority of the Commission agrees. A special meeting may be requested by any Commissioner by written request addressed to an Officer of the Commission, who then will present the request to the full Commission. Whenever a special meeting shall be called, the notice for same and the conduct of same shall be in compliance FOIA and these rules. Notice shall be provided to the Commissioners not less than 36 hours prior to the date and time for the special meeting. Notice to the Commissioners may use the method most likely to result in receipt of the notice by the individual commissioners at least 36 hours prior to the meeting. The notice shall include the purpose for which the meeting is called, the date for the meeting, the time of the meeting and the place of the meeting. If after reasonable methods for contacting each Commissioner have been used, the failure of all Commissioners to be present for the meeting shall not affect the legality of the meeting if a quorum is present. The minutes of each special meeting shall set forth the manner and method by which notice was given, or attempted to be given, to each Commissioner.

Rule 6: Committee Meetings. To the extent practicable, Administrative, Emergency Prep & Safety, Fire, Fleet, Maintenance, Solid Waste and Wastewater Committees, along with special and standing (Ways & Means) committees of the Commission, shall hold their meetings on any recommended day of the month at a time convenient for the public, for participants in the meeting

both members and invited guests, and for the staff of the Commission. Said meetings are to be noticed consistent with FOIA.

Rule 7: Agenda. The agenda for regular, special and committee meetings shall be prepared by the District Manager with the advice and consent of the Officers of the Commission or the Committee Chair. Matters may be placed on the agenda for a regular meeting by any Commissioner or the District Manager. Public notice pursuant to the FOIA will be 36 hours prior to the meeting. Items to be included on the agenda for regular meetings should be submitted to the District Manager no later than Tuesday at 5:00 p.m., prior to the Commission Officer's Wednesday agenda meeting. Packets will be sent to the Commission the Thursday prior to the meeting.

- (a) The agenda for any special meeting shall be prepared in accordance with the request for the meeting and shall be restricted to the business set forth in the request for the special meeting.
- (b) Agendas shall be posted and distributed in accordance with FOIA.
- (c) Materials in support of the items on the agenda, if any, shall be distributed to the members of the Commission in their packets, excepting those items which will be discussed in executive session.

Rule 8: Executive Session. The Commission may enter into executive session as provided by FOIA. The Commission shall take no action in executive session.

Rule 9: Terms of Officers and Committee Chairs. The officers of the Commission shall be a Chair, a Vice Chair and a Secretary, elected annually for a one-year term. The election for officers of the Commission shall be by open (public) ballot at the first Commission meeting of the calendar year to serve for one year and until their successors are elected and sworn in. The term of office for newly elected Commission Officers shall begin at the first meeting of the new calendar year. In the event of any vacancy in the office, an election shall be held to fill the unexpired term. Committee Chairs shall be appointed by the Chair of the Commission. Commission Officers and Committee Chairs may succeed themselves for not more than two (2) successive terms, except that service for 50% or less of a term shall not be counted in determining the number of successive terms of service.

Rule 10: Duties of Officers. The presiding officer of the Commission is the Chair.

(a) Roles and Responsibilities: The Chair shall have those duties assigned by the parliamentary authority, the ordinances of the Commission and the statutes and case law of South Carolina. The Chair may vote on all questions before the Commission. For Committee meetings, the Chair of the Commission shall serve as ex-officio and may only vote in the event of a tie. The Vice Chair shall preside over the Commission in the absence of the Chair. The Vice Chair shall succeed, temporarily, to the powers and duties of the Chair if the Chair is disabled or unable to perform the duties of the Chair. The Secretary shall preside over the Commission in the absence of the Chair and Vice Chair and shall perform those duties and exercise those powers that are incidental to presiding.

(b) Administration of Meetings: The presiding officer shall preserve strict order and decorum at all meetings of the Commission. The presiding officer shall state every question coming before the Commission and announce the decision of the Commission on all matters decided by the Commission. The presiding officer shall sign all ordinances, rules, regulations and resolutions adopted by the Commission when presiding at that meeting. The Secretary shall assure that the minutes are kept in writing and perform any and all duties directed by the Commissioners as consistent with the laws of the State of South Carolina and the ordinances of the Commission. In the absence of the Chair, then the Vice Chair shall be the presiding officer, and then in the Vice Chairs absence the Secretary. If no presiding officer is present, the senior member of the Commission shall serve as Chair

Rule 11: Attorney. Using State of South Carolina established policies for bidding and proposals, the Commission will engage an Attorney to act as the General Attorney for District business. The Attorney shall handle all legal matters of the District requested by the Commission. The staff will draft ordinances, rules, regulations and resolutions for any member of the Commission as and when directed. These actions will be approved as to language and legality by the attorney prior to submission to the Commission for a vote. Individual Commissioners must advise the Commission chair in writing, or through electronic communication, to provide notification of a request for services of an Attorney. Should specialty Attorneys be required for any action, the Commission will seek a recommendation from the District Attorney, and an Attorney will be hired by the Commission only for that action.

Rule 12: Call to Order. The Chair shall, at the hour appointed for the meeting to begin, immediately call the Commission to order. In the absence of the Chair, the Vice Chair and the Secretary, the senior member present shall determine whether a quorum is present and if a quorum is present, shall call for the election of a temporary Chair. Upon the arrival of the Chair, the Vice Chair, or the Secretary, the temporary Chair shall relinquish the chair upon the conclusion of the business immediately pending before the Commission.

Rule 13: Roll Call. Before proceeding with the business of the Commission, the Commission Clerk or their designee, shall call the roll of the members in alphabetical order and the names of those present shall be entered in the minutes, followed by the names of those absent and the reason for the absence. If the reason is unknown when minutes are finalized, it will be entered in ink by the Commission Clerk at the next regular meeting at which the Commissioner concerned is present.

Rule 14: Quorum. A majority of the whole number of members of the Commission shall constitute a quorum. No ordinance, rule, regulation, resolution, or motion shall be adopted by the Commission without the affirmative determination that a quorum is present. Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the Commission, the Chair, the Vice Chair, or the Secretary will adjourn the meeting. In the absence of an Officer of the Commission, the senior member will adjourn the meeting. This is considered an official meeting and minutes should be taken.

Rule 15: Order of Business. The business of the Commission shall be taken up for consideration and disposition in accordance with the published agenda. Once published, the agenda may be amended only in compliance with FOIA.

Rule 16: Rules of Debate.

(a) Questions under Consideration: When a motion is presented and seconded, it is under consideration and pursuant to the parliamentary authority, no other main motion shall be received until the pending matter has been determined. The motions in order shall be those described in the parliamentary authority. Final action upon a pending motion may be deferred until the next regular or special meeting by a majority of the members present.

(b) As to the Chair: The Chair, or such other member of the Commission as may be presiding, may move, second, vote and debate from the chair, subject only to such limitations of

debate as imposed by these rules upon all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of being the Chair.

(c) Recognition: Every member desiring to speak for any purpose shall address the presiding officer and upon recognition, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language; or make such motions as are permitted under the rules.

(d) Interruption: A member once recognized, shall not be interrupted when speaking unless it be to call a member to order or as herein otherwise provided. If a member while speaking be called to order, he or she shall cease speaking until the question of order be determined by the presiding officer and if in order the member shall be permitted to proceed.

(e) Appeal of Question of Order: Any member may appeal to the Commission from the decision of the Chair upon a question of order. Without debate the Chair shall submit to the Commission the question, "Shall the decision of the Chair be sustained?" and the Commission shall decide by a majority vote.

(e) Privilege of Closing Debate: The Commissioner moving the adoption of an ordinance, rule, regulation or resolution shall have the privilege of closing the debate on same.

(f) Roll Call: All votes shall be taken by roll call. Upon any roll call there shall be no statements by any member voting, and the member shall vote yes, no or abstain. After all members have voted, a member, upon being recognized by the Chair, may give a brief statement to explain his or her vote to be included in the minutes. Members have the privilege of filing a written explanation of their vote to be appended to the minutes. A member of the Commission may abstain from voting on any matter as provided under the S.C. Ethics Act [Title 8] [hereinafter Ethics Act].

Rule 17: Minutes. Written minutes of all meetings shall be recorded and maintained under the supervision of the Secretary. These shall contain all information required by the statutes of South Carolina and the parliamentary authority. The minutes of prior meetings shall be approved by a majority of the members present and, upon such approval, when signed by the Secretary only, shall become the official minutes.

Rule 18: Recorded in the Minutes. Resolutions, rules, regulations, or ordinances shall be signed by the presiding officer at such meetings and by the Secretary and recorded in or appended to the minutes.

Rule 19: Standing Committees. The only standing committee of the Commission shall be the Committee of the Whole, and these rules shall be observed by the Committee of the Whole.

Rule 20: Special Committees. All committees and the Chair thereof shall be appointed by the Commission Chair at a regular or special meeting. Special committees of the Commission shall be not less than four (4) members of the Commission, including the Commission Chair, who shall be an ex-officio member of all such committees. The ex-officio member may only vote in the event of a tie. Meetings of such committees shall be held at such time as to not conflict with regular meetings.

ARTICLE II: RELATIONSHIP TO THE PUBLIC:

Rule 21: Public Addressing the Commission, Manner and Time. The published agenda of the Commission shall provide for two periods of public comment, one at the beginning of the meeting and one after all business has been conducted, during which the Commission will receive the questions and comments of members of the public. Each person who wishes to be recognized during this period must enter his or her name and address on a list maintained by the Commission Clerk to be recognized and when recognized shall state his/her name in audible voice. Each person recognized during this period shall limit his/her address to no more than three (3) timed minutes unless additional time is granted by the Commission. All remarks shall be addressed to the Commission as a body and not to any member thereof.

Rule 22: Purpose of Public Comment. Public Comment is for the purpose of permitting the public to address the Commission, not to debate or berate the Commission or its employees. No person, including the Commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission during this period. No question shall be asked of a Commissioner or staff person for the purpose of eliciting a response during this portion of the meeting. All matters will be recorded, and the Commission will determine if the citizen shall receive a direct response at a later time.

Rule 23: Addressing the Commission. Any person may petition the Commission in writing for permission to make a presentation on a topic within the jurisdiction of the Commission for a longer period of time. Such permission shall be granted only after a majority of the members of the Commission have voted to place this individual and the item on the agenda of the Commission for such presentation.

Rule 24: Decorum. Any person making impertinent or slanderous remarks or who becomes obnoxious or disruptive while addressing the Commission may be barred from further presentation before the Commission by the presiding officer. Said individual shall be first asked by the Chair to conform his or her conduct and if the person does not conform his or her conduct to that appropriate for the meeting, then the person may be removed and barred from further comments. A person so barred from comment during the public comment portion of the agenda will not be recognized, unless permission to address the Commission be granted by the majority vote of the Commission.

Rule 25: Scope of Comments. The Commission will accept public comment only on those issues which are within the scope of the mission and legal authority of the Commission. Any citizen whose comments are not within the scope of the mission and legal authority of the Commission shall be asked to conform to this rule or to cease his or her comments.

ARTICLE III: GOVERNANCE

Rule 26: Ordinances, Resolutions, Motions, Regulations, and Contracts.

(a) Preparation of ordinances or regulations: The District Manager or the District Manager's appointee will draft ordinances or regulations and resolutions which shall be provided to each member of the Commission.

(b) Ordinances or regulations may be introduced and adopted by title.

(c) The Commission may adopt in whole or in part any published code by reference as an ordinance or regulation in the manner provided by law.

(d) Ordinances and regulations shall be effective upon adoption, unless another date is specified in the ordinance.

(e) To meet a public emergency affecting life, health, property, or public safety the Commission, by majority vote, may adopt an emergency ordinance or regulation at the meeting at which it is introduced, and may make it effective immediately. Emergency ordinances shall expire after 90 days unless adopted in the manner of all other ordinances.

(f) Each ordinance or regulation and resolution, after adoption, shall be given a serial number and shall be entered by the Commission Clerk in a properly indexed record kept for that purpose.

(g) All ordinances or regulations, resolutions and contract documents, before presentation to the Commission by the Chair, shall have been reduced to writing and shall have been approved as to form and legality by the Commission's engaged General Attorney. Prior to presentation all such documents shall be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance or regulation, resolution or contract document would devolve. When so referred, the Department Head or his/her designee shall affix his/her signature on the document certifying to the factual content, append his/her recommendations, and reviewed by the CFO, when such matters involve finance, Commission Clerk and forwarded through the District Manager.

(h) Introducing for passage or approval: Ordinances, regulations, resolutions and other matters and subjects requiring action by the Commission, must be introduced and sponsored by a member of the Commission, except that the District Manager may present ordinances or regulations, resolutions and other matters or subjects to the Commission for consideration, and any Commissioner may assume sponsorship thereof by moving that such be adopted in accordance with law; otherwise they shall not be considered. When a Commissioner assumes sponsorship of an ordinance, regulation or resolution, the Commissioner may countersign the same if desired.

(i) Ordinances amending any existing ordinances or regulations shall contain in brackets, the part repealed, and the new part to be inserted shall be underscored.

(j) All actions of the Commission shall be taken by resolution, except that any action of the Commission which provides for raising revenue, or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance.

(k) Those actions of the Commission which are approval of administrative matters or matters of judicial review may be accomplished by motion duly adopted and recorded in the minutes of the meeting.

Rule 27: Adjournment. A motion to adjourn shall always be in order and upon receiving a second shall be decided without debate.

Rule 28: Disruptions by Commissioners. When in the opinion of the Chair or other Commissioners the conduct of one or more Commissioners, including the Chair, is detrimental to the function of the Commission during the meeting, the Chair, or another Officer in the event the disruption comes from the Chair, shall let the Commissioner(s) know that the conduct is disruptive and shall request that the conduct cease. If in the opinion of the Chair, or another Officer in the event the disruption comes from the Chair, the Commissioner(s) does not conform his or her conduct during the meeting and cease the disruption; then the Chair, or another Officer in the event the disruption comes from the Chair, may adjourn the meeting on his or her own authority and the remaining items on the agenda shall be carried forward to the next meeting of the Commission whether a regular meeting or a special meeting. Two or more members of the Commission may require that the Chair or another Officer in the event the disruption came from the Chair, put the question of adjournment to a vote of the Commission and, by a majority vote, the Chair's or another Officer's decision to adjourn may be overturned and the meeting shall continue until further consideration of adjournment whether under this rule or any other.

ARTICLE IV: RELATIONSHIP OF THE COMMISSIONERS WITH DISTRICT STAFF:

Rule 29: Relationships with Department Heads and their Subordinates. Commission members may request information from Department Heads. Committee Chairs are encouraged to discuss items of importance with their assigned Committee Department Head. As a courtesy, the District Manager should be informed that such a meeting or discussion has or will take place. Neither the Commission, acting during a meeting, nor individual Commissioners shall give orders or instructions to any employees subordinate to the District Manager.

Rule 30: Relationship of Commissioners to Auditor, District Manager and Attorneys. Using State of South Carolina established policies for bidding and proposals, The Commission shall hire an auditor, a District Manager, a General Attorney, and appropriate Special Attorneys as needed.

Rule 31: Commissioner Requests for Information. Commissioners shall direct all requests for information or special reports which would require staff research time to the Chair who will promptly forward these requests to the District Manager. Requested information or reports will be provided to all Commissioners at the same time.

ARTICLE V: DEFINITIONS:

1. Electronic shall mean without limitation: voicemail, email, text, phone, and any other form of communication by electronic means which can be directed specifically at the recipient for delivery.

2. FOIA shall mean the S.C. Freedom of Information Act {Title 30, Chapter 4, S.C. Code Ann.} as such may be amended from time to time by the General Assembly and interpreted by the S.C. Courts.

3. Ethics Act shall mean the S.C. Ethics Act (Title 8, Chapter 13) as such may be amended from time to time by the General Assembly and interpreted by the S.C. Courts.

4. MISSION AND LEGAL AUTHORITY OF THE COMMISSION shall mean the legal authority of the District is restricted to providing the following services: wastewater, solid waste, fire protection and rescue services, street lighting, street name signs on James Island. The District provides these services to residents in the unincorporated areas of James Island, the District, as well as the residents of the Town of James Island, and some residents of the Cities of Charleston and Folly Beach. The District has the authority to collect revenues to construct infrastructure and to maintain same in order to deliver these services.

The Mission of the District is to provide fire protection and rescue, solid waste and wastewater services to the citizens and customers in a responsive, cost effective, and professional manner.

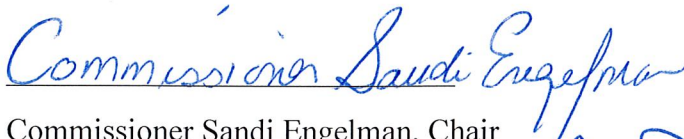
5. There shall be appended to the agenda the following NOTICE REGARDING THE PUBLIC COMMENT PERIOD: Comments are limited to three minutes per person and no personal or verbal attacks will be permitted. The Commission is interested in hearing concerns, but speakers should not expect Commission action or deliberation on subject matter brought up during the Public Comment Period. Topics requiring further investigation will be referred to District Manager and may be scheduled for a future agenda. The public is reminded that the Commission is limited in the scope of its responsibility and the goals it may pursue within its

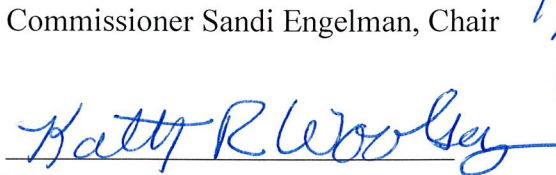
statutory authority. Comments should be relevant to the Commission's scope of responsibility and its statutory authority.

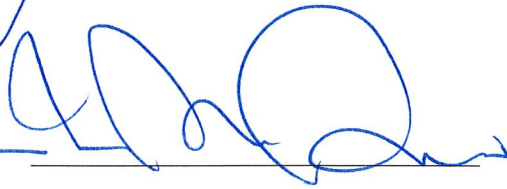
6. The references in this ordinance to the Commission Clerk shall mean that employee of the Commission who is determined in the position description for the job held with the Commission to have the duties to provide technical and logistical support to the Commission meetings; for maintaining the records of the Commission; for attending and recording the meetings of the Commission; for preparing the documentation which is required under FOIA. In the absence of this employee, the District Manager will designate another employee to perform these tasks as required by these rules and the applicable statutes.

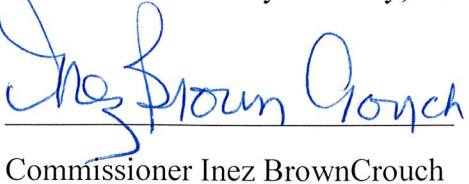
BE IT FURTHER RESOLVED that this ordinance shall become effective immediately upon adoption.

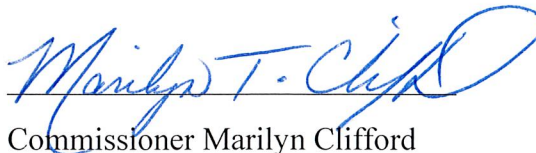
ADOPTED THIS THE 16th DAY OF DECEMBER, 2019.

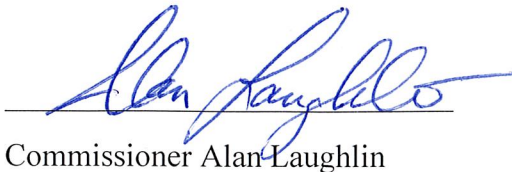

Commissioner Sandi Engelman, Chair


Commissioner Kathy Woolsey, Vice Chair


Commissioner Meredith Poston, Secretary


Commissioner Inez BrownCrouch


Commissioner Marilyn Clifford


Commissioner Alan Laughlin


Commissioner Eugene Platt