ORDINANCE NO.: 2016-042

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, Article I, In General, Article II, Mayor and Council, Article III, Officers and Employees and Article V, Procurement

BE IT ORDAINED by the Mayor and Council this ___ day of _____, 2016, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, Article I, In General, Article II, Mayor and Council, Article III, Officers and Employees and Article V, Procurement, are amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 2-3. Members of council.
The mayor is considered to be a member of council.

Secs. 2-4. Duties of council members.
The council members shall attend all regular and special meetings of the city council and hold themselves at all times in readiness to perform any duty entrusted to them by the city council. The councilmembers shall perform the duties thus imposed upon them with dispatch and to the best of their abilities.

Sec. 2-5. Legislative powers; matters of policy:
All legislative powers of the city and the determination of all matters of policy are vested in the city council with each member, including the mayor, having one vote.

Sec. 2-6. Mayor:
A mayor shall be elected from the city at large in the manner provided by law. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall preside over the meetings of the city council unless otherwise provided by council, but shall have no regular administrative duties. The mayor shall attend all regular and special meetings of the city council.

Sec. 2-7. Mayor pro tempore:
At the first council meeting in January following a general election for the council, the council shall elect one member of their body as a mayor pro tempore to serve as such for one year, who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall act as mayor until a successor is duly qualified and elected.

Sec. 2-8. Qualifications of mayor and council members; proceedings to vacate offices.
(a) The mayor and council members shall be qualified electors of the city. Except where authorized by law, neither the mayor nor any member of council shall hold any other elected position in local, state or federal government or any other municipal office or municipal employment. The mayor or any council member shall forfeit his office if he:

1) Lacks at any time during his term of office any qualification for the office prescribed by city ordinance or the general law and constitution of the state;
2) Violates any express prohibition of S.C. Code 1976, §§ 5-1-10 through 5-17-30;
3) Is convicted of a crime of moral turpitude;

(b) The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office as provided in S.C. Code 1976, § 5-7-210.

Sec. 2-9. Oaths of mayor and council members.
The mayor and council members before entering upon the duties of their respective offices shall take the following oaths:
"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 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.

"As mayor (or council member) of the City of Columbia, I will equally, fairly and impartially, to the best of my ability and skill, exercise the trust reposed in me, and will use my best endeavor to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me God."

The oath of office shall be administered and the effective date of service shall be the first council meeting in January.

Secs. 2-~~3~~ 10—2-30. Reserved.

ARTICLE II. MAYOR, ~~AND~~ COUNCIL AND CITY MANAGER

DIVISION 1. GENERALLY

~~**Sec. 2-31. Salaries of mayor and councilmembers.**~~
~~The salary of the mayor shall be $160,000.00 annually if there is a change in the form of government to mayor-council form effective July 1, 2014. If there is no change in the form of government the salary of the mayor shall be $75,000.00 annually under the council-manager form of government effective July 1, 2014. If the City of Columbia form of government changes from the council-manager to mayor-council, the mayor shall derive no other income from outside employment. Effective July 1, 2006, the salaries of the members of city council shall be $13,350.00 annually.~~

Sec. 2-31. Compensation.
(a) The council shall determine the annual salary of the mayor and council members by ordinance; provided, that an ordinance establishing or increasing such salaries shall not become effective until the commencement date of the terms of two or more members elected at the next general election following the adoption of the ordinance, at which time it will become effective for all members whether or not they were elected in such election. The salary of the mayor shall be $75,000.00 annually under the council-manager form of government effective July 1, 2014. Effective July 1, 2006, the salaries of the members of city council shall be $13,350.00 annually.
(b) The council members shall also be reimbursed for their actual expenses incurred in the performance of their official duties upon submission of signed expense reimbursement forms as provided by the city finance department, subject to the availability of funds budgeted for council expense.

~~**Sec. 2-32. Reimbursement of expenses.**~~

~~The mayor and members of the council shall be reimbursed for their actual expenses incurred in the performance of their official duties upon submission of signed expense reimbursement forms as provided by the city finance department. The mayor and members of council may receive a per diem allowance for meals consistent with the per diem rates approved for city employees.~~

Sec. 2-32. **~~Sec. 2-58. Sec. 2-114.~~** **City manager.**

(a) The city manager shall be the chief executive officer of the city and head of the administrative branch of city government. The city manager shall perform and exercise the duties and responsibilities prescribed by law for this office and such other duties and responsibilities as prescribed by the city council.

(b) The city manager may, within the financial limits imposed by the budget approved by city council, employ one or more assistants to exercise such supervisory responsibilities over departments as may be prescribed by the manager.

(c) The city manager shall attend all meetings of the council unless excused by the council. He shall keep the council advised of the status of matters pending for council consideration, make recommendations and present ordinances and resolutions for council action, participate in discussion of any matter involving the welfare of the city, and present items on the council agenda.

(d) Council shall evaluate the performance of the city manager on an annual basis. The timely completion of the council's goals and work plan objectives shall be a measure used in the manager's evaluation.

Sec. 2-33. Appointment; qualification; residency requirements.

(a) The city manager shall be appointed by a majority vote of the council for an indefinite term. The manager shall be employed solely on the basis of his executive and administrative qualifications.

(b) The manager need not be a resident of the municipality or state at the time of appointment, but may reside outside the municipality while in office only with the approval of the council.

(c) No council member or mayor shall be employed as city manager during the term for which he or she shall have been elected.

Sec. 2-34. **~~Sec. 2-59. Sec. 2-115.~~** **City attorney.**

~~The city attorney shall attend all meetings of the council unless excused by the council. He shall act as parliamentarian, prepare ordinances and resolutions, review all ordinances, resolutions and documents presented to the council, and give opinions upon questions of procedure, form and law to any member of the council and the city manager.~~

(a) Appointment. The city council shall appoint a city attorney, who shall serve at its pleasure.

(b) Duties. The city attorney shall be the chief legal counsel to the city, the mayor and members of the council and the city manager and to the officers and department heads of the city. The city attorney shall prosecute and defend the city in all actions and appear on behalf of the city and its officers in legal proceedings and at all times take appropriate actions to protect the interests of the City. The city attorney shall prepare or supervise the preparation of all legal documents and instruments of the city and shall approve all ordinances, resolutions, contracts and related documents as to form. The city attorney may employ assistant city attorneys and legal assistants as necessary for the performance of his duties, when such positions are provided for in the city budget. The city attorney shall attend meetings of the council, unless excused from attending by council, and serve as the parliamentarian at such meetings, render legal opinions, represent the city at meetings and conferences and perform such other duties as prescribed by law and by the city council.

(c) Council shall evaluate the performance of the city attorney on an annual basis.

Sec. 2-35. **~~Sec. 2-60 Sec. 2-116.~~** **City clerk.**

~~The officer of the city designated by the city manager as city clerk shall give notices of council meetings, post the agenda, attend regular and special meetings, record votes of the council, keep minutes of council meetings and perform such other duties as may be assigned.~~

(a) Appointment. The city manager shall appoint the city clerk, who shall serve at his pleasure.

(b) Duties. The city clerk shall maintain a record of and be responsible for the preservation of minutes of all council meetings and all official maps and plats that are adopted; keep the corporate seal; attest signatures; file and record council actions; maintain election records; and perform such other duties as required by law or assigned by the city manager.

Sec. 2-36. Council interaction with employees.

Except for the purpose of inquiries and investigations, neither the council nor its members shall deal with municipal officers and employees who are subject to the direction and supervision of the manager except through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Sec. 2-~~33~~7—2-50. Reserved.

DIVISION 2. COUNCIL MEETINGS

Sec. 2-51. Meetings; ~~T~~ time and place of regular meetings; special meetings; meetings to be open to public.

(a) A meeting is the convening of a quorum of council, as defined by Sec. 2-54, to discuss or act upon a matter over which the city council has supervision, control, jurisdiction, or advisory power.

(b) To allow the vetting of complex issues, city council schedules work sessions the day of regularly or other scheduled meetings. The time and location of work sessions are subject to meeting notice requirements and are posted on the city's web site. Work sessions are public meetings.

(c) ~~(a)~~ Regular meetings of the council shall be held at 6:00 p.m. at city hall on the first and third Tuesdays in each month unless changed by a majority vote of members present at any ~~regular or special~~ meeting.

(d) ~~(b)~~ Special meetings of the council may be held on the call of the mayor or of a majority of the members. Notice of a special meeting shall be given and posted 24 hours prior to the meeting to all ~~available~~ members, ~~and~~ the news media and the public by the city clerk.

(e) ~~(c)~~ All regular, ~~and~~ special and emergency meetings of the council shall be open to the public.

Sec. 2-52. ~~Conference~~ Executive sessions.

~~The city council may have executive sessions as permitted by the South Carolina Freedom of Information Act, S.C. Code 1976, § 30-3-10 et seq., at such times and in such places as may be deemed necessary and in the public interest by the council.~~

(a) By majority vote in a public meeting, council may hold an executive session as permitted by the South Carolina Freedom of Information Act, S.C. Code 1976, § 30-3-10 et seq., at such times and in such places as may be deemed necessary and in the public interest by the council.

(b) No vote or formal action shall be taken in executive session except to adjourn or to return to public session.

(c) No minutes shall be taken in executive session.

(d) It shall be unlawful for a member of council or person in attendance to disclose to another person or make public the substance of a matter discussed in executive session.

Sec. 2-53. ~~Quorum and rules of order~~ Meeting agenda.

(a) An agenda shall be prepared for all council meetings by the city clerk, under the direction of the city manager. All requests or matters for official action of the city council shall be submitted to the city clerk no later than ten (10) business days preceding the council meeting.
(b) Any supporting materials necessary for review of items placed on the regularly scheduled meeting agenda for action be provided to City Councilmembers and to the public no later than seventy-two (72) hours prior to the City Council meeting.
(c) The final agenda for regularly scheduled meetings shall then be prepared and provided electronically, mailed or physically provided to the members of the city council a minimum of 24 hours in advance of the council meeting.
(d) The mayor or any member of council may request the city manager to place an item on a future agenda by making such a request at a council meeting. Unless a council member or the city manager objects, the requested item shall be included. If a council member or the city manager has an objection, the item in question shall not be included on a future agenda, unless a majority of the council votes in favor of including the item. At the request of a member of the council, the city manager shall prepare a list setting forth items carried over from previous meetings in the preceding three months.
Additions to the agenda at a meeting should be reserved solely for situations requiring immediate action to address a critical and unanticipated situation by two-thirds vote of members present.

Sec. 2-~~53~~54. Quorum and rules of order; presiding officer.
~~A majority of the councilmembers serving shall constitute a quorum for the conduct of business at any meeting. The mayor or assistant mayor shall preside, except that, in the absence of both, the members present shall elect a presiding member. Except as otherwise required by state law or ordinance, all proceedings of the council shall be governed by Robert's Rules of Order, Newly Revised, and the city attorney shall act as parliamentarian~~.
(a) Quorum. A majority of the council members serving shall constitute a quorum for the conduct of business at any meeting. Only council members who are physically present at the meeting shall be counted for purposes of a quorum.
(b) Except as otherwise required by state law or ordinance, all proceedings of city council shall be governed by Robert's Rules of Order, Newly Revised, and the city attorney shall act as parliamentarian.
(c) Presiding officer. The mayor or, in the mayor's absence, the mayor pro tempore, shall preside at any meeting as provided in section 2-51. In the event that the mayor or mayor pro tempore is not in attendance or is ineligible to preside at any meeting, the next most senior member shall preside over the meeting.
(d) Points of order shall take precedent over all other business and shall be ruled on by the presiding officer without debate, subject to appeal to the council.
(e) If, in speaking or otherwise, a councilmember shall violate any rule of order, the presiding officer shall, and any other councilmember may, call such member to order.
(f) When two or more councilmembers shall attempt at the same time to speak, the presiding officer shall decide who is entitled to speak first.

Sec. 2-55. Debate Limitations.
No councilmember shall speak more than twice on the same subject or occupy more than five minutes in making any remarks or address unless further extension is granted a majority of city council.

Sec. 2-~~54~~56. Voting requirements.
(a) All actions of the council shall be by majority vote of members present at a public meeting, including suspension of any rule of order, except as otherwise required by ordinance; provided that an ordinance amending the rules of order and procedure shall require a majority vote of the councilmembers serving.

(b) Every member of the council present shall vote on every question except when required to ~~refrain~~ **abstain** from voting by state law. All conflicts should be stated for the record and the member shall submit a completed Statement of Potential Conflict. Any member of council who declares a conflict and abstains from voting on any matter shall remain present in the room during discussions and voting.
(c) The vote on every question shall be by roll call and shall be recorded in the council minutes by the city clerk.
(d) ~~No member of the council may leave the council chamber while in public session without permission of the presiding officer.~~
(e) Abstentions are not counted and have no effect on the result.

Sec. 2-~~55~~57. Minutes.

The city clerk shall keep the minutes of all public meetings of the council, which shall be a matter of permanent public record. Whenever possible, Aat each council meeting the minutes of the previous meeting shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by the council. Any member of the council desiring to express a position on a matter voted upon by the council in the minutes may do so by presenting the position in writing to the council not later than the next regular meeting.

Sec. 2-~~56~~58. Appearance of citizens.

Any person having a matter pertaining to the city, comments on an agenda item requiring a vote of city council, or its services shall be entitled to present the matter to the city council at any work session, regular, special called or emergency meeting by placing his or her name and purpose for speaking on an agenda list to be maintained by the city clerk prior to the commencement of the city council meeting. The city clerk shall make the agenda list available for public inspection. Except for comments on agenda items requiring a vote of city council, each person whose name appears on the agenda list may be allowed to speak at a time designated by the mayor or the presiding officer during the city council meeting and may be limited to a three-minute presentation at the discretion of the mayor or presiding officer. For comments on agenda items requiring a vote of city council, each person shall be allowed to speak prior to the vote of city council on the agenda item and may be limited to three minutes of speaking time by the mayor or presiding officer. Personnel matters shall not be considered by the council at public meetings.

Sec. 2-~~61~~-59. Council committees and special committees.

~~The council may appoint a special committee to assist in or hold a public hearing for the council at any time upon any matter pending before it. Minutes or reports of hearings held by special committees shall be filed with the city clerk as public records.~~
(a) City Council shall establish and use committees to expedite policy making and legislative functions by equally distributing the responsibilities and work load among members of council.
(b) Council committee assignments shall be made by choice of the council members beginning with the most senior member and concluding with the most junior member until each committee consists of three members of the council. The Budget and Finance Committee shall be a Committee of the Whole.
(c) Council may appoint a special committee to advise and make recommendations to the City's management team, the Mayor, and City Council on a variety of programs and issues.
(d) Minutes or reports of hearings held by special committees shall be filed with the city clerk as public records.

~~**Sec. 2-60. - Duties of city clerk.**~~
~~The officer of the city designated by the city manager as city clerk shall give notices of council meetings, post the agenda, attend regular and special meetings, record votes of the council, keep minutes of council meetings and perform such other duties as may be assigned.~~

Sec. 2-60. Motions generally.
When a motion is made and seconded, it shall be stated by the presiding officer if verbal, and if in writing it shall be read by the city clerk. At the request of the presiding officer or any councilmember, any motion shall be put in writing.

Sec. 2-61. Remote meeting.
(a) Any council member may participate in an open city council meeting remotely, but will not be considered present for the purposes of a quorum or voting. City council minutes shall reflect that the council member participated in the meeting electronically. The council member acting as the presiding officer must be physically present at the meeting.

(b) Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable methods of remote participation. Accommodations shall be made for any council member who requires TTY service, video relay service, or other form of adaptive telecommunications.
(c) If technical difficulties arise as a result of utilizing remote participation, City council shall, whenever possible, suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred and reflect that the member left the meeting.
(d) Other than establishing the remote connection to the meeting, there shall be no communications between the members of council attending the meeting remotely and other members of council, unless such communication is part of the meeting, and can be heard by the members of the public in attendance.

Sec. 2-62. Annual goal setting.
City council shall annually schedule and conduct a process to identify and prioritize goals which shall be the basis for the annual work plan prepared by the city manager and the guide for the appropriation of discretionary spending during the annual budget process.
Secs. 2-63- 2-80. Reserved.

DIVISION 3. ORDINANCES AND RESOLUTIONS

Sec. 2-85. Introduction of resolutions.
A voice motion of a member of the council regarding an item on the agenda shall be considered to be the introduction of an oral resolution, which shall require no written record other than a notation of the city clerk in the council minutes. A resolution proposed in writing shall be introduced in the same manner as an ordinance.

Sec. 2-86. Enactment of ordinances.
(a) An ordinance to levy a tax, adopt a budget, amend a budget, appropriate funds, or grant a franchise, license or right to occupy a public street or public property for commercial purposes shall be complete in the form in which it is finally passed, and in such form remain on file with the city clerk for public

inspection at least one week before final adoption. Any other ordinance may be amended on final reading.

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

(c) Emergency ordinances may be adopted on one reading without notice or hearing by affirmative vote of two-thirds of the members present. An emergency ordinance may not levy taxes or relate to a franchise or a service rate, and shall expire automatically on the 61st day following enactment.

(d) The introduction and reading of any ordinance shall be by the reading of the title only unless full reading is requested by a member of the council.

(e) After the introduction of an ordinance, any member of the council or any citizen of the city interested therein may request a public hearing, which may be held at any time designated by the council prior to final adoption.

(f) Upon final adoption by vote of the council, an ordinance shall be signed by the mayor or presiding member and attested by the city clerk, who shall file the original in the council minutes and send a copy to the head of each department.

ARTICLE III. OFFICERS AND EMPLOYEES

Sec. 2-130. ~~Reserved. Sec. 2-131.~~ Director of municipal court/administrative municipal court judge. The administrative municipal court judge is appointed by City Council, per section 13-2. The director of municipal court, subject to the city manager, shall have administrative supervision over the activities relating to municipal court administration, and city records management and shall perform such additional duties as may be assigned by the city manager. Council may elect to have the administrative municipal court judge perform both functions, in which case the administrative municipal court judge also shall have administrative supervision over the activities relating to municipal court administration, and municipal court records management and shall perform such additional duties as may be assigned by the city manager.

Sec. 2-131. ~~Sec. 2-132.~~ Employee grievance procedures for city-funded agencies.
Any agency receiving from the city more than 20 percent of its operating budget shall as a condition of receipt thereof provide to employees of more than three years a grievance procedure upon dismissal substantially in accordance with the grievance procedures of the city. If the decision to terminate is by the highest staff officer of the agency, the governing board or a committee thereof shall constitute the equivalent of the employee grievance committee. Any appeal must be made in writing to the highest staff officer within 14 days of the last day of employment or compensation therefor.

~~Sec. 2-133~~ Sec. 2-132 --- 2-150. Reserved.

ARTICLE V. PROCUREMENT

Sec. 2-207. Award of contracts.
(a) The city manager may reject or approve bids and purchase agreements and award contracts in accordance with established procurement regulations, provided that contracts ~~involving~~ in excess of ~~$49,999.99~~ up to and including $50,000.00 shall be approved by the city council prior to award except that city council approval for bulk purchases of fuel in excess of ~~$49,999.99~~ $50,000.00 is not required, and the

city manager is authorized to enter into agreements for the purchase of bulk fuel regardless of the amount. Any contracts signed by the city manager for $25,000 to $50,000 shall be reported by the city manager to council.

(b) The city manager, at his discretion, may direct the senior assistant city manager or assistant city managers to reject or approve bids and purchase agreements and award contracts in accordance with regulations up to and including $25,000.00.

(c) The city manager, at his discretion, may direct department heads to reject or approve bids and purchase agreements and award contracts in accordance with regulations up to and including $25,000.00 ~~$5,000.00~~.

(d) In the event that the City is under a state of emergency as declared by the mayor, Governor of the State of South Carolina, or the President of the United States, the city manager may reject or approve bids and purchase agreements and award contracts for emergency goods, supplies, equipment and services in accordance with established procurement regulations, without city council approval, for the duration of the state of emergency. After the state of emergency has ended, city council shall ratify any contracts entered into by the city manager during the state of emergency when the contract amount exceeds $50,000.00. In addition, under an officially declared state of emergency mentioned herein, the city procurement regulation 1.15, which regulation establishes procurement threshold amount for small procurements and procurements requiring the solicitation of quotes, shall be amended to adopt the Federal Emergency Management Agency (FEMA) simplified acquisition thresholds then in effect.

Requested by:

_____ _____

Mayor

Approved by:

_____

City Manager

Approved as to form:

Jeanne Lisowski

Senior Assistant City Attorney

ATTEST:

_____

City Clerk

Introduced:
Final Reading: