

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-16

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; SO AS TO AMEND THE TERM OF OFFICE FOR THE MAYOR AND MEMBERS OF TOWN COUNCIL; SO AS TO AMEND THE GENERAL POWERS OF THE MAYOR AND TOWN COUNCIL; SO AS TO AMEND THE EMERGENCY POWERS OF THE MAYOR; SO AS TO CLARIFY THE ROLE OF THE MAYOR PRO TEMPORE; AND OTHER MATTERS RELATED THERETO; AND CHAPTER 12, ELECTIONS; SO AS TO AMEND THE COMMENCEMENT DATE FOR THE TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF TOWN COUNCIL

WHEREAS, Chapter 2 of the Town Code for the Town of Seabrook Island, South Carolina, (the "Town Code") establishes certain qualifications, powers and duties of the Mayor, Mayor Pro Tempore and Town Council, as well as general policies and procedures related to the operation of the Town government; and

WHEREAS, pursuant to Section 2-1 of the Town Code, the Mayor and members of Town Council are currently elected every other year to concurrent two-year terms; and

WHEREAS, pursuant to Section 12-49 of the Town Code, the Mayor and members of Town Council currently take the oath of office on the third business day following the date of election, or as soon thereafter as the election results are certified; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend the Town Code so as to transition Town Council to four-year staggered terms of office, to allow additional time between the election and swearing-in of the Mayor and members of Town Council, and other matters related thereto; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island believe that changing the current terms of office from two years to four years is in the best interest of the Town and will promote continuity on the Town Council;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Amending Chapter 2, Article I, of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article I, In General; is hereby amended to read as follows:

ARTICLE I. – IN GENERAL

Sec. 2-1. – ~~Mayor-council~~ Form of government ~~adopted; terms.~~

The mayor-council form of government, as provided for in S.C. Code of Laws 1976, §§ 5-9-10 through 5-9-40, as amended, is hereby adopted for the Town of Seabrook Island, pursuant to S.C. Code of Laws 1976, § 5-1-10 et seq., as amended.

~~(a) The form of government for the town is mayor-council. The term of office for the mayor and councilmembers shall be two years. Elections shall be nonpartisan and at large. This provision shall not, however, prevent the terms of office for the mayor and councilmembers from extending beyond two years if such is necessary to comply with sections 12-45 and 12-51.~~

~~(b) On May 18, 1987, the voters approved the incorporation of the Town of Seabrook Island, South Carolina and elected to retain the initial form of government mandated by the South Carolina Code, without change.~~

Sec. 2-2. – Personnel policies and procedures adopted.

In order to establish general personnel policies and procedures for the Town and its employees, the "Town of Seabrook Island Employee Handbook," dated November 27, 2018, is hereby adopted and incorporated by reference as if fully set forth in this article section. The Handbook may be updated from time to time by resolution of Council, upon recommendation by the Mayor.

Sec. 2-3. – Corporate limits.

The corporate limits of the town shall be those now and hereafter specified by law, along with any alterations which may be made from time to time as provided for by law. A map and a description of the corporate limits shall be maintained in the office of the town clerk.

Sec. 2-~~34~~. – Town seal.

The town shall maintain and keep at town hall an official town seal bearing "Town of Seabrook Island, S.C." which shall be used to authenticate all ordinances, resolutions and minutes.~~(Reserved)~~

Secs. 2-~~45~~—2-~~2220~~. – Reserved.

SECTION 2. Amending Chapter 2, Article II, of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article II, Mayor and Council; is hereby amended to read as follows:

ARTICLE II. – MAYOR AND COUNCIL

Sec. 2-21. – Composition and qualifications.

The municipal council of the town shall be composed of a mayor and four councilmembers who shall be qualified electors of the town. A majority of the council shall constitute a quorum for the purpose of conducting council business.

Sec. 2-22. – Election and terms of office.

(a) Mayor.

(1) For general elections held prior to November 1, 2021, the mayor shall be elected to a two-year term of office.

(2) For general elections held on or after November 1, 2021, the mayor shall be elected to a four-year term of office. Subsequent general elections for the position of mayor shall be held thereafter every four years.

(b) Councilmembers.

(1) For general elections held prior to November 1, 2021, councilmembers shall be elected to a two-year term of office.

(2) For general elections held on or after November 1, 2021, councilmembers shall be elected to staggered four-year terms of office. During the first general election held on or after November 1, 2021, the implementation of staggered four-year terms shall be as follows:

a. A separate election will be held for two council seats with an initial term of two years. Individuals filing to be a candidate for these two seats shall so designate on their candidate filing form. Following the completion of the initial two-year term, subsequent general elections for these two seats shall be held thereafter every four years beginning in November 2023.

b. A separate election will be held for two council seats with an initial term of four years. Individuals filing to be a candidate for these two seats shall so designate on their candidate filing form. Subsequent general elections for these two seats shall be held thereafter every four years beginning in November 2025.

Sec. 2-23. – Mayor.

(a) *Duties.* The mayor shall be the chief administrative officer of the town. ~~He~~The mayor shall be responsible to the town council for the administration of all affairs for which he or she is charged and shall have the powers and duties as prescribed by law.

(b) *Powers.* As authorized by statute, the mayor is empowered to:

- (1) Appoint and, when deemed necessary for the good of the town, suspend or remove employees and appointive administrative officers, except as otherwise provided by law. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by law;
- (3) Preside at council meetings and vote as other councilmembers;
- (4) ~~Enforce~~ Act to ensure that all laws and ordinances of the town, subject to enforcement by him or her, or by officers subject to his or her direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual operating budget and capital ~~budget program~~ to the council;
- (6) Submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;
- (7) Make such other reports as the council may require concerning the operations of municipal departments, offices and agencies subject to his or her direction and supervision.
- (6)(8) Appoint advisory committees; and
- (7)(9) Perform other duties as may be prescribed by law ~~required~~ under the mayor-council form of government.

Sec. 2-24. – Town council.

Except as otherwise provided by law, all powers of the town and the determination of all matters of policy shall be vested in the town council, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law. ~~with e~~ Each member of the council, including the mayor, ~~having~~ shall have one vote.

Sec. 2-25. – Compensation and expenses.

- (a) The ~~annual salaries of the mayor and members of town council councilmembers shall be as fixed~~ may receive an annual salary, the amount of which shall be fixed by ordinance from time to time by ordinance. ~~For the first two years of the town's operation, no salary shall be paid to the mayor and town councilmembers.~~
- (b) ~~No~~ Any ordinance ~~changing establishing or increasing~~ these salaries of the mayor and members of town council shall not become effective until the ~~date of~~ commencement

date of the terms of two or more members elected at the next general election following adoption of the ordinance~~any change~~, at which time it will become effective for all members whether or not they were elected in such election.

- (c) The mayor and councilmembers may ~~receive reimbursement~~ be reimbursed for any actual expenses incurred and documented in the performance of their official duties. An expense form detailing each expenditure shall be submitted to the town treasurer in a timely manner with receipts attached. The use of personal vehicles for official town business shall be reimbursed at the prevailing standard mileage rate, as published by the Internal Revenue Service. The mayor and members of council may not receive reimbursement for alcohol or for expenses incurred by their spouses.

Sec. 2-26. – Oath of ~~mayor and councilmembers~~office.

The mayor and councilmembers, before entering upon the duties of their respective offices, shall take the following oath of office:

"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 Town of Seabrook Island, 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."

Sec. 2-27. – Mayor—Emergency powers.

(a) Authority

- (1) *Declaration.* The mayor ~~or designee~~ may, upon the happening, or probable happening, of any one or more of the following events, declare an state of emergency to exist within the town's corporate limits:
- a. The occurrence of civil unrest or rioting, to include the formation of any unruly mob~~;~~
 - b. The existence of a state of war, whether declared or not, or of any insurrection~~;~~
 - c. The ~~occurring~~ occurrence of any tornado, hurricane, cyclone, major fire, earthquake, flood, tsunami or any other force ~~or event~~ of nature that disrupts or threatens to disrupt the normal activities of the community~~;~~

- d. The occurrence of ~~multiple~~ acts of arson, terrorism, or ~~of any act or event similar activities~~ that unduly alarms and/or threatens the public;
- e. The occurrence of ~~a nuclear event~~ an accident or incident which materially and adversely disrupts the normal operation of the Town or the ability of its residents to conduct a routine way of life;
- f. The occurrence of a pandemic or other public health emergency; and
- g. Any other threatening event designated as an emergency by council.

(2) *Proclamation.* ~~The mayor, or in his absence, the person designated by Town of Seabrook Island Ordinance No. 2009-03 (hereinafter "the mayor"), may declare a state of emergency to exist within the town's corporate limits.~~ The state of emergency shall be declared by a proclamation signed by the mayor and posted on the town's official bulletin board, and shall be ~~legally~~ effective immediately upon posting. The proclamation shall be in substantially the following language:

"It has been determined that (here state the event giving rise to the emergency) has occurred (or is likely to occur) within the corporate limits of the Town of Seabrook Island, South Carolina, and that accordingly, a state of emergency does in fact exist. ~~I, the~~ therefore, I hereby proclaim a state of emergency and invoke the emergency provisions of Section ~~1.2.50 of this Ordinance~~ ~~[section 2-27 of the Town Code]."~~

(b) *Vested extraordinary powers.* In the event a state of emergency is declared by the mayor under the provisions of subsection (a) of this section, the mayor shall become vested with the following extraordinary powers, which may be exercised at his or her discretion:

(1) To establish a curfew to be effective within the town's corporate limits;

(2) To prohibit the sale of:

- a. Gasoline, explosives, dynamic and/or any other type of inflammable or explosive materials;
- b. Firearms; or
- c. Any other materials or supplies or any component parts thereof which could be readily utilized as weapons;

~~(3) To mobilize and deputize the community safety task force under the command of the mayor and county's chief law enforcement officer;~~

~~(4)~~(3) To disperse unlawful assemblies or congregations of people;

~~(5)~~(4) To suspend the issuance of ~~parade~~-permits;

~~(6)~~(5) To order the evacuation of the town;

~~(6)~~ To designate off-limit areas;

~~(7)~~ To commandeer boats and vehicles;

~~(8)~~ To restrict trade and commercial activities;

~~(9)~~ To make emergency purchases pursuant to Section 2-290 of the Town Code;

~~(7)~~(10) To request the assistance of the military and/or police-law enforcement forces of federal, state and/or other local agencies; and

~~(8)~~(11) To take such action as appears necessary in his or her judgment to protect life and property and maintain peace and good order.

(c) *Issuance of orders.* Any orders issued by the mayor under his or her extraordinary powers during a ~~declaration of a~~declared state of emergency shall be effective immediately (or at such other time as the mayor shall specifically designate) with the posting of the orders upon the town's official bulletin board, or upon verbal communications by the mayor directly to the person whom the order is intended to affect.

(d) *Ending emergency.* The state of emergency shall legally end when the mayor determines that the peace and good order of the town are no longer threatened and declares this in a proclamation which shall be posted upon the town's official bulletin board or upon a majority vote of town council, whichever occurs first.

~~(e) Community safety task force powers terminate with ending of emergency. Any powers of the community safety task force as authorized under subsection (b)(3) of this section shall be exercised after mobilization by the mayor and shall immediately cease upon the proclamation of the end of the state of emergency.~~

~~(f)~~(e) *Penalty.* Anyone violating any provision of this section or any orders issued by the mayor under this section shall, upon conviction, be punished ~~as provided in~~ pursuant to the general penalty provisions contained within ~~s~~Section 1-7 of the Town Code.

Sec. 2-28. – Same—General powers.

The mayor is authorized to negotiate and enter into agreements, subject to ratification by the town council, with other jurisdictions for the initiation and/or continuance of

~~public services for the town, on an interim basis, pending the adoption of municipal ordinances and the creation of municipal programs for the delivery of these services. These services include, but are not limited to, the following:~~

~~Police protection.~~

~~Fire protection.~~

~~Magistrate review.~~

~~Water service.~~

~~Garbage and trash collection.~~

Sec. 2-29. – Mayor pro tempore.

(a) After any general election for council, the council shall, at the first meeting of the newly constituted council, elect from its membership a mayor pro tempore to serve for a term of not more than two years.

(b) The mayor pro tempore shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the office of mayor, the mayor pro tempore shall serve as acting mayor until a successor is elected.

(c) In the event of the sickness or temporary absence of the mayor pro tempore, while acting as mayor, the councilmembers present shall elect a presiding officer. In the event of the resignation or permanent absence of the mayor pro tempore, the mayor and council shall elect a council member to serve as mayor pro tempore until the next council election.

Secs. 2-~~2930~~—2-47. – Reserved.

SECTION 3. Amending Chapter 2, Article III, of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article III, Procedures, Committees and Ordinances; Section 2-69, Mayor Pro Tempore; is hereby amended to read as follows:

Sec. 2-69. – Mayor pro tempore-Reserved

~~Election; term. The mayor pro tempore shall be elected from among the members of the town council, and shall serve for a term of one year. A sitting mayor pro tempore may be reelected.~~

~~Sickness or temporary absence. In the event of the sickness or temporary absence of the mayor pro tempore, while acting as the mayor, the member of the town council responsible for public safety shall act as the mayor. If the member of the town council responsible for public safety is the mayor pro tempore or otherwise unable due to sickness or temporary absence to act as the mayor, the most senior, in terms of age, of the remaining members of the town council shall act as the mayor.~~

SECTION 4. Amending Chapter 12, Article III, of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 12, Elections; Article III, Procedure; Section 12-49, Taking Office; is hereby amended to read as follows:

Sec. 12-49. - Taking office.

~~(a) Starting date; oath. Candidates~~ Following each general election, candidates elected to the offices of mayor and town council shall be sworn in and shall assume office on the ~~third business day~~ first Tuesday after the first Monday in January following the election, ~~or as soon thereafter as the election results are certified.~~ Following a special election, candidates elected to fill the remainder of an unexpired term of office shall be sworn in and shall assume office on the third business day following the election, or as soon thereafter as the election results are certified.

~~(a)~~ (b) Oath. Candidates elected to the offices of mayor and town council shall take the respective oaths of office set forth in section 2-26.

~~(b)~~ (c) Contested results. If the results of the election are contested, the incumbent shall hold over until the contest is finally determined.

SECTION 5. Severability.

If any part of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 6. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

Public Hearing: November 17, 2020
Second Reading: November 17, 2020

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk