

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2025-04

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; ARTICLE V, OFFICERS AND DEPARTMENTS; SO AS TO ESTABLISH TOWN DEPARTMENTS; AND OTHER MATTERS RELATED THERETO

WHEREAS, Chapter 2, Article V, of the Town Code for the Town of Seabrook Island (the “Town Code”) establishes general provisions related to town officers and departments; and

WHEREAS, the Mayor and Council desire to amend Chapter 2, Article V, of the Town Code, to create a new section, to be called Section 2-507, for the purpose of establishing Town departments; and

WHEREAS, the Mayor and Council believe that adoption of the amendments contained herein are in the best interest of the Town and will further improve the administration of Town government;

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 V, of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article V, Officers and Departments; is hereby amended to read as follows:

ARTICLE V. OFFICERS, EMPLOYEES AND DEPARTMENTS

Sec. 2-501. In general.

(A) Town council may, by ordinance, create, change and abolish offices, departments, or agencies of the town government, in addition to those created by this code, and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by law to a particular department, office, or agency may be discontinued or assigned to any other agency.

Sec. 2-501~~2~~. Town administrator.

(A) Office-Position created. Pursuant to S.C. Code 1976 Sec. 5-9-40, the office-position of town administrator is hereby established.

(B) Appointment. The town administrator shall be recommended by the mayor and appointed by the town council.

- (C) *Term.* The town administrator shall serve at the pleasure of the mayor and town council for an indefinite term unless the appointment is made pursuant to a contract or employment agreement, in which case the contract or employment agreement may be for a fixed term.
- (D) *Compensation.* The town administrator shall receive such compensation as the town council may determine from time to time.
- (E) *Removal.* The town administrator may be removed ~~from office~~ by a majority vote of town council.
- (F) *Duties.* The town administrator shall work under the supervision of the mayor and shall be responsible for the discharge of all administrative functions delegated by the mayor. The town administrator shall act as the zoning administrator when this position is not filled.

Sec. 2-50~~2~~3. Town clerk.

- (A) ~~Office-Position~~ *created.* Pursuant to S.C. Code 1976 Sec. 5-7-220, the ~~office-position~~ of town clerk is hereby established.
- (B) *Appointment.* The town clerk shall be recommended by the mayor and appointed by the town council.
- (C) *Term.* The town clerk shall serve at the pleasure of the mayor and town council for an indefinite term unless the appointment is made pursuant to a contract or employment agreement, in which case the contract or employment agreement may be for a fixed term.
- (D) *Compensation.* The town clerk shall receive such compensation as the town council may determine from time to time.
- (E) *Removal.* The town clerk may be removed ~~from office~~ by a majority vote of town council.
- (F) *Duties.* The duties of the town clerk shall include the following:
 - (1) Providing notice of town council and other meetings to its members and the public;
 - (2) Keeping and maintaining a record of all proceedings;
 - (3) Receiving and delivering all petitions, motions, information, applications, and communications to the mayor and town council;

- (4) Preserving and making available for public inspection all papers, records, and documents of every description pertaining to the town, including, without limitation, all agendas, minutes, ordinances, resolutions, maps, contracts, agreements, deeds, bonds, insurance policies, and financial records of the town, pursuant to the requirements of the South Carolina Freedom of Information Act and the South Carolina Department of Archives and History's General Records Retention Schedules for Municipal Records;
- (5) Issuing all notices as required by law or as directed by the mayor or town council;
- (6) Being the custodian of the town seal;
- (7) Accepting statements of candidacy from candidates for municipal offices and coordinating with the Charleston County Board of Voter Registration and Elections on the conduct of municipal elections; and
- (8) Performing such other relevant duties and services as shall from time to time be prescribed by the mayor and/or town council.

Sec. 2-50~~34~~. Town treasurer.

- (A) Office-Position created. The office-position of town treasurer is hereby established.
- (B) Appointment. The town treasurer shall be appointed by the mayor. Unless otherwise provided by law, the position of town treasurer shall be held by the finance director. In the event of a temporary vacancy in the position of finance director, the mayor may designate any administrative officer or employee who is subject to his or her direction and supervision to exercise the duties of town treasurer.
- (C) Term. The town treasurer shall serve at the pleasure of the mayor for an indefinite term.
- (D) Compensation. The town treasurer shall receive such compensation as the mayor may determine from time to time.
- (E) Removal. When deemed necessary for the good of the town, the mayor may suspend or remove the town treasurer, except as otherwise provided by law or personnel rules adopted pursuant to Section 2-102.
- (F) Duties. The duties of the town treasurer shall include the following:
 - (1) Receiving, processing, and depositing all monies due or coming to the town;
 - (2) Preparing and issuing all payments on behalf of the town, in accordance with approved budget allocations, procurement procedures, purchase authorizations, debt obligations, and other applicable policies and procedures;

- (3) Processing employee payroll;
- (4) Maintaining an itemized account of all receipts and disbursements;
- (5) Providing monthly financial statements to the mayor and town council;
- (6) Coordinating preparation of the town's annual audit and ensuring the timely filing of the annual audit report with all agencies and departments as required by law;
- (7) Managing the town's investment programs in conformity with the provisions of Section 2-607;
- (8) Assisting with preparation of the annual operating budget; and
- (9) Performing such other relevant duties and services as shall from time to time be prescribed by the mayor and/or town council.

Sec. 2-5045. Town attorney.

- (A) ~~*Retention of Town Attorney*~~*Position created*. Pursuant to S.C. Code 1976 Sec. 5-7-230, the position of town attorney is hereby established.
- (B) *Minimum qualifications*. The town attorney must be a member in good standing of the South Carolina Bar and be admitted to practice law in the state of South Carolina.
- (C) *Retention*. The town attorney shall be recommended by the mayor and retained by the town council. For purposes of this section, the town attorney may be an individual or law firm hired or contracted to perform the duties set forth herein.
- (D) *Term*. The town attorney shall serve at the pleasure of the mayor and town council for an indefinite term unless the retention is made pursuant to a contract or employment agreement, in which case the contract or employment agreement may be for a fixed term.
- (E) *Compensation*. The town attorney shall receive such compensation as the town council may determine from time to time.
- (F) *Removal*. The town attorney may be terminated by a majority vote of town council.
- (G) *Duties*. The duties of the town attorney shall include the following:
 - (1) Entering appearance in all actions, cases, and special proceedings and conducting all suits in all courts in which the town is a party, except matters which are under the purview of the town prosecutor, as applicable;

- (2) Drafting and/or reviewing the drafting of all ordinances, resolutions, agreements, and other instruments relative to the business of the town;
- (3) Providing advice and opinions on questions of law when requested to do so by the mayor, town council or town administrator;
- (4) Investigating titles;
- (5) Attending all town council meetings when notified to do so; and
- (6) Performing such other relevant duties as may be required by the mayor and town council.

Sec. 2-50~~56~~. Town prosecutor.

- (A) ~~Retention of Town Prosecutor~~Position created. The position of town prosecutor is hereby established.
- (B) *Minimum qualifications*. The town prosecutor must be a member in good standing of the South Carolina Bar and be admitted to practice law in the state of South Carolina.
- (C) ~~Appointment~~Retention. The town prosecutor shall be recommended by the mayor and retained by the town council. For purposes of this section, the town prosecutor may be an individual or law firm hired or contracted to perform the duties set forth herein. The town council may, at its discretion, designate the individual or law firm retained for the position of town attorney, pursuant to Section 2-50~~45~~, to fulfill the duties of town prosecutor.
- (D) *Term*. The town prosecutor shall serve at the pleasure of the mayor and town council for an indefinite term unless the retention is made pursuant to a contract or employment agreement, in which case the contract or employment agreement may be for a fixed term.
- (E) *Compensation*. The town prosecutor shall receive such compensation as the town council may determine from time to time.
- (F) *Removal*. The town prosecutor may be terminated by a majority vote of town council.
- (G) *Duties*. Upon request by the mayor or town administrator, the town prosecutor may be charged with the following duties:
 - (1) Prosecuting violations of the Town Code and Development Standards Ordinance in the municipal court;
 - (2) Prosecuting appeals from the municipal court to the appellate courts;

- (3) Negotiating plea agreements;
- (4) Advising town staff on the interpretation of laws and strategies for prosecuting municipal violations;
- (5) Conferring with members of town staff and federal and state enforcement agencies to coordinate responses to highly complex or sensitive cases; and
- (6) Performing such other relevant duties as may be required by the mayor and town council.

Sec. 2-507. Town Departments.

(A) Departments established. There are hereby established and created the following departments for the town:

- (1) Administration;
- (2) Community affairs;
- (3) Finance;
- (4) Maintenance;
- (5) Planning and zoning; and
- (6) Public safety;

(B) Department Directors.

- (1) In general. All departments under the direction and supervision of the mayor shall be administered by a director, who shall have supervision and control over his or her department.
- (2) Appointment. Department directors shall be appointed by and subject to the direction and supervision of the mayor; provided, the mayor may delegate all or part of his or her supervisory authority to the town administrator, as provided in Section 2-502(F). Individuals, including the town administrator, may be appointed to serve as the director of more than one department. In the event of a temporary vacancy, an individual may be appointed to serve as a department director on an interim basis.
- (3) Term. Department directors shall serve at the pleasure of the mayor for an indefinite term.

(4) Compensation. Department directors shall receive such compensation as the mayor may determine from time to time.

(5) Removal. When deemed necessary for the good of the town, the mayor may suspend or remove department directors, except as otherwise provided by law or personnel rules adopted pursuant to Section 2-102.

(6) Duties. Department directors shall be responsible for the functions and duties as prescribed in this code and such other duties as the mayor or town council may prescribe from time to time.

Secs. 2-5068—2-600. [Reserved]

SECTION 2. Severability. If any section, subsection, paragraph, clause, or provision 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 3. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2025, having been duly adopted by the Mayor and Council for the Town of Seabrook Island on the ____ day of _____, 2025.

First Reading: April 22, 2025
Public Hearing: May 27, 2025
Second Reading: May 27, 2025

TOWN OF SEABROOK ISLAND

Bruce Kleinman, Mayor

LEGAL REVIEW

ATTEST

Stafford J. McQuillin, Town Attorney

Peter D. Wiggins II, Town Clerk