



County Council Workshop

Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls Complex 100 Ribaut Road, Beaufort

Wednesday, January 08, 2025
9:00 AM

AGENDA

COUNCIL MEMBERS:

ALICE HOWARD, CHAIRMAN
DAVID P. BARTHOLOMEW
LOGAN CUNNINGHAM
YORK GLOVER
MARK LAWSON
LAWRENCE MCELYNN

ANNA MARIA TABERNIK, VICE CHAIR
PAULA BROWN
GERALD DAWSON
JOSEPH F. PASSIMENT
THOMAS REITZ

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. STATEMENT OF ADHERENCE TO SOUTH CAROLINA FOIA
4. APPROVAL OF AGENDA
5. REMARKS FROM CHAIR ALICE HOWARD AND VICE-CHAIR ANNA MARIA TABERNIK
6. PRESENTATION FROM JOHN DELOACH, SOUTH CAROLINA ASSOCIATION OF COUNTIES
7. DISCUSSION OF REVISED FORMAT OF COUNCIL COMMITTEES; AGENCIES, BOARDS, AND COMMISSIONS LIAISONS; AND EXTERNAL LIAISON PREFERENCES.
8. REMARKS FROM THE COUNTY ADMINISTRATOR
9. ADJOURNMENT

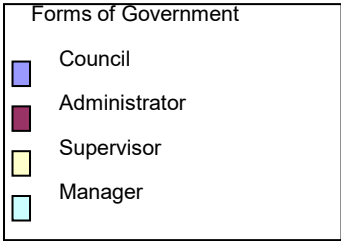
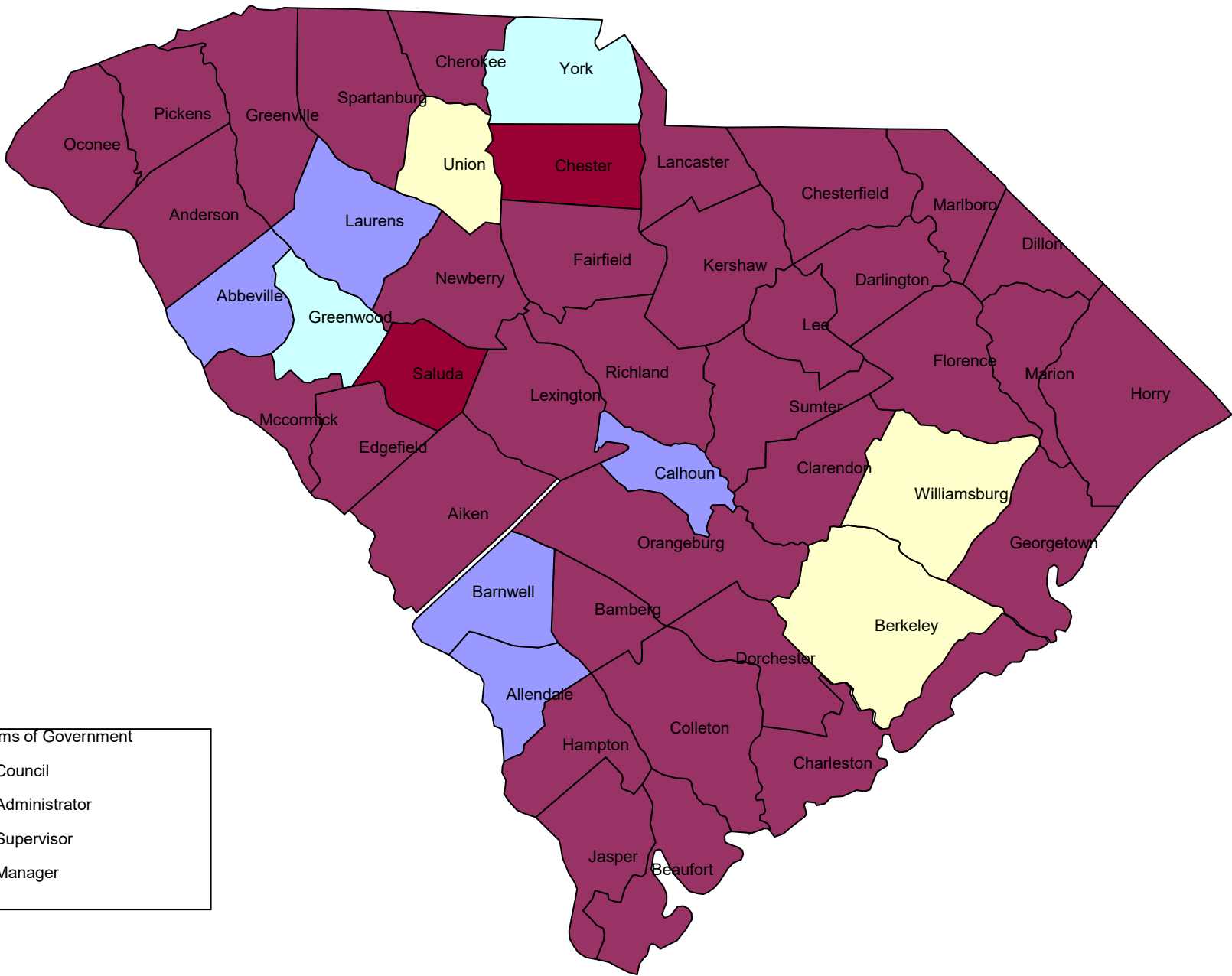
TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>

South Carolina Counties

- Four statutory forms of county government
 - Council – 5
 - Council-Supervisor – 3
 - Council-Administrator – 36
 - Council-Manager – 2

* Fifth form (Board of Commissioners) was ruled unconstitutional shortly after the enactment of the Home Rule Act



Council - Administrator Form

- Legislative & administrative functions divided
- Council invested with legislative authority
- Council appoints a professional administrator
 - Administrator answers directly to council
 - Invested with administrative authority
 - 4-9-620: process for removal (if definite term)
 - 4-9-630: statutory duties

Authority of County Council

- Statutory authority granted to counties in section chapter 9 of Title 4 (Home Rule Act)
 - Broad authority to adopt your own rules of business & procedures
- General police powers: 4-9-25
- Specific Powers: 4-9-30
- Powers and limitation specific to Council-Administrator form: 4-9-610 to 4-9-670

Council Authority over County Employees

SECTION 4-9-660. Authority of council and its members over county officers and employees.

Except for the purposes of *inquiries and investigations*, the council shall deal with county officers and employees who are subject to the direction and supervision of the county administrator solely through the administrator, and neither the council nor its members shall *give orders or instructions* to any such officers or employees.

Duties of the Administrator

S.C. Code 4-9-630: Duties of County Administrator

- (1) to serve as the chief administrative officer of the county;
- (2) Execute the policies, directives and legislative actions of the council;
- (3) Direct operational agencies and administrative activities of the county government;
- (4) Prepare annual operating and capital improvement budgets for submission to the council
- (5) Supervise the expenditure of appropriated funds;
- (6) Prepare annual, monthly and other reports for council on finances and administrative activities of the county;
- (7) Administration of county personnel policies including salary and classification plans approved by council;
- (8) to be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of Section 4-9-30 and subject to the appropriation of funds by the council for that purpose.

Relationship between Council and Administrator

- Council should establish clear goals and expectations for the administration of county policies
 - Establish set procedures for council members to receive information as necessary without undue influence on county employees
 - Regular communication and strategic planning between council and administration

Council Relationship with Elected County Officials

- Council is statutorily required to provide office space, materials and staff to certain elected officials
- Council can't modify, prohibit or usurp the statutory duties of a separately elected or appointed official
- Council retains budgetary authority over county finances

Issues Common to All Forms of Government

- Legislative immunity in tort- SC Tort Claims Act provides immunity so long as actions are in furtherance of the course and scope of your role on Council or done by the body as a whole
 - Consequences: loss of legislative immunity/*personal* liability
 - *Cricket Cove v. Gilland*
 - Individual and civil conspiracy liability for actions taken to harm an individual and the actions are found to be outside the course and scope of employment/position and for personal reasons
- Federal tort law immunity for actions of legislative bodies
 - 1983 actions for violations of established civil rights
- No legislative work product under FOIA for local government bodies



Resources & Publications

- Home Rule Handbook & annual update
- Handbook for County Government in SC*
- Model Rules of Parliamentary Procedure*
- FOIA Manual & annual update

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