

AN ORDINANCE

TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 32, SECTIONS 32.36(A)(1) AND (A)(2) FOR THE PURPOSE OF CREATING STAGGERED THREE YEAR TERMS FOR BOARD MEMBERS SERVING ON THE CULTURE AND HERITAGE COMMISSION; TO SET OUT THE TRANSITION OF SITTING MEMBERS TO THE NEWLY ESTABLISHED INITIAL STAGGERED TERMS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:

SECTION 1. Legislative findings.

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 Council is empowered to enact such ordinances and amendments for the implementation and enforcement of powers granted to Council pursuant to Sections 4-9-30(6), 4-9-30(14) and (17), S.C. Code Ann., as amended;

1.2 The Code of York County, South Carolina, should be amended by amending Chapter 32, Section 32.36(A)(1) and (A)(2) in order to restructure the terms of board members from two year terms to three year staggered terms of membership on the Culture and Heritage Commission;

1.3 The Ordinance should be amended in order to provide, in part, for a more integrated Board which can maintain consistency of mission and institutional knowledge in its Board Membership; and

1.4 So that transition to the restructured Board is smooth and accommodates the current sitting Board to the extent practicable, a transition summary is set out in Section 2(b) below and incorporates a transition directive setting forth those members carried forward into staggered terms.

SECTION 2(a). Code of York County Amended.

Sections 32.36(A)(1) and (A)(2) of the Code of York County, South Carolina should be amended in their entirety, establishing sections 32.36 (A)(1), (A)(2) and (A)(3) to read as follows:

“(A) (1) The Culture and Heritage Commission shall consist of nine members appointed by the County Council, seven of whom shall be voting members, and two of whom shall be ex-officio members, who are not entitled to vote and who shall not be counted in determining a quorum. Voting members shall represent each of the seven County Council districts in the county. The seven voting members shall be appointed by the County Council for terms of three years or until their successors are appointed and qualified, except that of the voting members of the commission initially appointed, after the effective date of this section, not more than three members shall be appointed for terms of three years; not more than two members of the commission shall be appointed for terms of two years; and not more than two members of the commission shall be appointed to terms of one year. Ex-officio members shall be appointed for terms of three years upon their appointment after the effective date of this section.

(2) The initial term of the first nine members of the commission under this staggered term board membership shall be from the date of their carryover appointment and qualification in 2016. Members appointed to an initial term of one year shall serve until the last day of June 2017. Members appointed to an initial term of two years shall serve until the last day of June 2018. Members appointed to an initial term of three years shall serve until the last day of June

2019. Thereafter, second terms of commission membership, or subsequent terms of a representative seat, shall be for terms of three years commencing on July 1 of applicable year. However, sitting members completing a second term whose replacements have not been appointed and qualified may continue to serve up to six additional months until a successor is nominated, appointed, and qualified.

(3) Vacancies on the commission for service of an unexpired term shall be filled in the same manner as original appointment. No member shall be reappointed to serve an additional term on the Culture and Heritage Commission after serving two consecutive terms, or after resigning, until a minimum of one year has elapsed since the last service date of that member on the commission.”

SECTION 2(b). Transition of Board Members and Term Designations Defined.

Transition of the existing Board to the reconstituted Board is as follows:

Districts 3, 6, and 5 shall serve an initial term of three years; Districts 1 and 4 shall serve an initial term of two years; and Districts 7 and 2 shall serve an initial term of one year.

For purposes of transitioning the Board to the staggered term composition, sitting CHC members who, by virtue of their recent appointments, have all currently served less than one year in their respective board seats, shall all be considered, for term limitation calculation purposes, to be in their first initial term as described immediately above, upon adoption of this ordinance.

SECTION 3. Public Hearing Not Required.

Pursuant to S.C. Code Ann. Section 4-9-130, York County is not required to conduct a public hearing prior to final legislative action being taken for the adoption of this ordinance.

SECTION 4. Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable and effective.

SECTION 5. Repeal of inconsistent sections and ordinances.

All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 6. Effective date.

This ordinance shall take effect immediately upon its adoption.

Adopted this 15 day of August, 2016.

YORK COUNTY COUNCIL

By: 

J. Britt Blackwell, O.D., Chairman
York County Council

Attest: 

William P. Shanahan, Jr.
County Manager

First Reading: June 20, 2016
Second Reading: July 18, 2016
Public Hearing: N/A
Third Reading: August 15, 2016