

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

ORDINANCE NO. 24-08

An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions, And Committees), Section 2-201 (Membership) To Clarify The Definition Of Membership For Appointments By County Council To A Board, Commission, Or Committee Enumerated In Section 2-204; And Division 5 (Economic Development Partnership Board) To Restructure The Economic Development Partnership Board; And Establish The Effective Date Of This Ordinance

PURPOSE

The purpose of this ordinance is to clarify that individuals appointed by County Council to serve on a Board, Commission, or Committee enumerated in Section 2-204 may consist of an established number of members determined necessary to meet the objectives of the Board, Commission, or Committee and outlined in ordinance. This ordinance will also restructure the Economic Development Partnership Board.

NOW, THEREFORE, BE IT ORDAINED by the governing body of Darlington County, South Carolina, the Darlington County Council, that:

SECTION 1.

Darlington County Code of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions and Committees), Section 2-201 (Membership), **which currently reads:**

Sec. 2-201. - Membership.

- (a) All boards, commissions, and committees of the county contemplated by S.C. Code 1976, § 4-9-170, limited to those enumerated in section 2-204, shall be limited to eight members appointed by each county councilmember to represent each of the eight council districts. The chairman of each board, commission, and committee shall be elected annually at the first regular meeting after July 1 of each year by the then members. Each board, commission, and committee shall continue in full force and effect and shall have such authority and powers as previously granted by the general assembly and the county council. Chairmen shall be elected to one-year terms and may not succeed themselves in an immediately consecutive term. The county administrator shall serve as an ex officio nonvoting member of all boards, commissions, and committees enumerated in section 2-204.
- (b) Each board, commission, or committee having more than eight members shall attain conformance herewith by not having any member elected thereto until such agency, board or commission shall meet this requirement.

Be amended to read as follows:

Sec. 2-201. - Membership.

(a) All boards, commissions, and committees of the county contemplated by S.C. Code 1976, § 4-9-170, limited to those enumerated in section 2-204, shall be limited to eight members appointed by each county councilmember to represent each of the eight council districts, **except those boards, commissions, and committees where the number of members has been specifically established in the S.C. Code of Laws or Darlington County ordinances.** The chairman of each board, commission, and committee shall be elected **annually** at the first regular meeting after July 1 of each year by the then members. Each board, commission, and committee shall continue in full force and effect and shall have such authority and powers as previously granted by the general assembly and the county council. Chairmen shall be elected to one-year terms, **except as specifically established in the S.C. Code of Laws or Darlington County ordinances. and may not succeed themselves in an immediately consecutive term.** The county administrator shall serve as an ex officio nonvoting member of all boards, commissions, and committees enumerated in section 2-204.

~~(b) Each board, commission, or committee having more than eight members shall attain conformance herewith by not having any member elected thereto until such agency, board or commission shall meet this requirement.~~

SECTION 2.

Darlington County Code of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions and Committees), Section 2-203 (Limitation of Terms), **which currently reads:**

Sec. 2-203. Limitation of terms.

Members appointed to a board, commission, or committee shall serve staggered four year terms, except members serving on the alcohol and drug citizen advisory committee who shall serve until they resign or are replaced by county council. All terms shall commence July 1st and end June 30th of the appropriate year. Members shall serve until their successors are appointed and qualified. Unexpired terms shall be filled for the duration of the term in the manner prescribed for the original appointment.

Be amended to read as follows:

Sec. 2-203. Limitation of terms.

Members appointed to a board, commission, or committee shall serve staggered four year terms, **except and all terms shall commence July 1st and end June 30th of the appropriate**

~~year, except members serving on the alcohol and drug citizen advisory committee who shall serve until they resign or are replaced by county council, as terms may be specifically established in the S.C. Code of Laws or Darlington County Code of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions and Committees). All terms shall commence July 1st and end June 30th of the appropriate year.~~ Members shall serve until their successors are appointed and qualified. Unexpired terms shall be filled for the duration of the term in the manner prescribed for the original appointment.

SECTION 3.

Darlington County Code of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions and Committees), Division 5 (Economic Development Partnership Board), Section 2-271 (Created; membership), **which currently reads:**

Sec. 2-271. - Created, membership.

- (1) There is hereby created the Darlington County Economic Development Partnership, hereinafter "the authority," consisting of membership appointed by Darlington County Progress, Inc., and the Darlington County Council.
- (2) The economic development partnership shall consist of a total of 13 members. Four members shall be appointed by the Darlington County Council for a four-year term. Four members shall be appointed by Darlington County Progress, Inc. for a four-year term. Two members shall be appointed from top executives of existing Darlington County business and industrial companies for a two-year term. One member shall be appointed by Progress Energy for a two-year term. One member shall be appointed by Pee Dee Electric Cooperative for a two-year term. One member shall be appointed from a Darlington County municipality that contributes to the Darlington Progress voting member per capita fee. Two-year term to be rotated among voting member municipalities. The members shall elect a chairman that shall serve a two-year term. Appointees can serve no more than two consecutive terms. Only one appointee per organization.

Be amended to read as follows:

Sec. 2-271. - Created, membership.

- (1) There is hereby created the Darlington County Economic Development Partnership, hereinafter "the authority," ~~consisting of membership appointed by Darlington County Progress, Inc., and the Darlington County Council.~~
- (2) The economic development partnership shall consist of a total of ~~13~~ **12** members, ~~with all appointments confirmed by county council.~~ ~~Four~~ **Five** members shall be appointed by the Darlington County Council for a four-year term. ~~Four~~ **Five** members shall be ~~nominated for~~ **appointed** ~~appointment~~ by Darlington County Progress, Inc. for a four-year term, ~~two of which shall be top executives of existing Darlington County businesses or industries.~~ ~~Two members shall be appointed from top executives of existing~~

~~Darlington County business and industrial companies for a two-year term.~~ One member shall be ~~nominated for appointed~~ **appointment** by ~~Progress Duke~~ Energy for a ~~two four-~~ year term. One member shall be ~~nominated for appointed~~ **appointment** by Pee Dee Electric Cooperative for a ~~two four-~~ year term. ~~One member shall be appointed from a Darlington County municipality that contributes to the Darlington Progress voting member per capita fee. Two-year term to be rotated among voting member municipalities.~~ The members shall elect a chairman that shall serve a two-year term. ~~Appointees can serve no more than two consecutive terms.~~ Only one appointee per organization.

SECTION 3.

Darlington County Code of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions and Committees), Division 5 (Economic Development Partnership Board), Section 2-272 (Qualifications of Service), **which currently reads:**

Sec. 2-272. - Qualifications of service.

The board shall be diverse in gender and race, but appointed members should be visionaries, capable of working collaboratively with others and have a grasp of business practices exemplified in their current work environment. Members should (but are not required) attend and successfully complete the South Carolina Economic Development Institute, an economic development training course initially designed for elected and appointed officials. The Economic Development Partnership budget shall cover the cost of the Economic Development Institute. All members appointed and approved by County Council shall serve at the pleasure of County Council.

Be amended to read as follows:

Sec. 2-272. - Qualifications of service.

The board shall be diverse in gender and race, but appointed members should be visionaries, capable of working collaboratively with others and have a grasp of business practices exemplified in their current work environment. Members should (but are not required) attend and successfully complete the South Carolina Economic Development Institute, an economic development training course initially designed for elected and appointed officials. ~~The Economic Development Partnership budget shall cover the cost of the Economic Development Institute. All members appointed and approved by County Council shall serve at the pleasure of County Council.~~ **Members are not required to be citizens of Darlington County.**

SECTION 4

Darlington County Code of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions and Committees), Division 5 (Economic Development Partnership Board), Section 2-273 (Administration of budgeted funds), **which currently reads:**

Sec. 2-273. - Administration of budgeted funds.

- (1) All county and Darlington County Progress funds appropriated for use by the economic development partnership for operational purchases shall be budgeted and administered in accordance with the applicable sections of the County Code. The director of the Darlington County Economic Partnership shall be designated to act on the authority's behalf in all matters related to budget administration and procurement. The budget for the operational activities of the Darlington County Economic Partnership shall be determined by the budget approved by the Darlington County Council with the budget being funded 50 percent by Darlington County and 50 percent by Darlington County Progress, Inc.

Notwithstanding the foregoing, additional contributions may be made to economic development efforts in Darlington County by either Darlington County or Darlington County Progress, Inc., at their own discretion. The funds for the operating budget shall be placed into a separate fund maintained by Darlington County.

Sec. 2-273. -Administration of budgeted funds. - Be deleted in its entirety.

SECTION 5

Darlington County Code of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions and Committees), Division 5 (Economic Development Partnership Board), Section 2-274 (Procurement and contracting activities), **which currently reads:**

Sec. 2-274. - Procurement and contracting activities.

All procurement of goods and services and contracting activities utilizing public funds shall be governed by the applicable sections of the County Code and the related policies and procedures of the county.

Sec. 2-274. -Procurement and contracting activities. - Be deleted in its entirety.

SECTION 6

Darlington County Code of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions and Committees), Division 5 (Economic Development Partnership Board), Section 2-275 (Powers and duties), **which currently reads:**

Sec. 2-275. - Powers and duties.

The authority shall perform the functions of planning, developing, maintaining, equipping, and advising, benchmarking, and evaluating the county's economic development programs and activities and provide written evaluation of the economic development director's performance to the county administrator. To this end, the authority may:

- (1) Hold regularly scheduled meetings. All meetings shall be posted, advertised, and conducted in accordance with the SC Freedom of Information Act. Provide quarterly

financial and economic development evaluation measures reports to the county council and Darlington Progress, Inc.

- (2) Make bylaws for the management and regulation of its affairs, and define a quorum for its meeting.
- (3) Submit a program of work and strategic economic development plan to the county council for approval. Provide input, benchmarking, and evaluation of the economic development staff relative to the execution of the approved program of work and strategic plan to the county administrator and county council. Design, develop, adopt and implement the use of a cost benefit analysis program to be used as a guide to assist the county council in the use of incentives. The county administrator shall supervise the executive director in the same manner as other county department heads, with written evaluation of the economic development director's performance provided to the county administrator. The economic development director will be responsible for acquiring staff. County directive covering compensation and duties shall govern both the director and his staff.
- (4) Make rules and regulations applicable to all properties of the authority, provided such rules do not conflict with laws of this state and such rules and regulations have approval of the county council.
- (5) Employ engineers, architects, and attorneys and contract for such other services of a technical or professional nature as may be necessary or desired to perform duties of the authority upon approval of the county council.
- (6) Make contracts for the construction, purchase, erections, maintenance, and repair of the facilities and equipment in its charge upon approval of the county council.
- (7) Apply for, accept receipt of, disburse, and expend federal and state funds and such county funds as may be appropriated by the county council and other funds, public or private, made available by grant of loan or both to accomplish in whole or in part, any of the purposes charged to the authority.
- (8) Promote economic development of the county by exercising the above-mentioned powers.
- (9) Purchase, lease, hold and dispose of real and personal property in the name of the county for the exclusive use of economic development, provided any such conveyance, lease or purchase of real property shall be approved by the county council.
- (10) Annually, at a time designated by the county council, submit to the council a budget for the ensuing fiscal year adequate to fund the operation and programs of economic development. Such budget shall list all funds that the authority anticipates will be available for the operation of the authority. All funds appropriated, earned, granted

or donated to the economic development authority or any of its parts shall be used exclusively for economic development purposes. All financial procedures relating to economic development, including audits, shall conform to the procedure established by the county council.

Be amended to read as follows:

Sec. 2-275. - Powers and duties.

The ~~authority~~ **Darlington County Economic Development Partnership Board** shall perform the functions of planning, developing, maintaining, equipping, and advising, benchmarking, and evaluating the county's economic development programs and activities and provide written evaluation of the economic development director's performance to the county administrator. To this end, the authority may:

- (1) Hold regularly scheduled meetings. All meetings shall be posted, advertised, and conducted in accordance with the SC Freedom of Information Act. Provide ~~quarterly financial and~~ economic development evaluation measures reports to the county council and Darlington Progress, Inc. **as requested or minimally on an annual basis.**
- (2) Make bylaws for the management and regulation of its affairs, and define a quorum for its meeting.
- (3) Submit a program of work and strategic economic development plan to the county council for approval. Provide input, benchmarking, and evaluation of the economic development staff relative to the execution of the approved program of work and strategic plan to the county administrator, ~~and county council. Design, develop, adopt and implement the use of a cost benefit analysis program to be used as a guide to assist the county council in the use of incentives. The county administrator shall supervise the executive director in the same manner as other county department heads, with written evaluation of the economic development director's performance provided to the county administrator. The economic development director will be responsible for acquiring staff. County directive covering compensation and duties shall govern both the director and his staff.~~
- ~~(4) Make rules and regulations applicable to all properties of the authority, provided such rules do not conflict with laws of this state and such rules and regulations have approval of the county council.~~
- ~~(5) Employ engineers, architects, and attorneys and contract for such other services of a technical or professional nature as may be necessary or desired to perform duties of the authority upon approval of the county council.~~
- ~~(6) Make contracts for the construction, purchase, erections, maintenance, and repair of the facilities and equipment in its charge upon approval of the county council.~~

~~(7) Apply for, accept receipt of, disburse, and expend federal and state funds and such county funds as may be appropriated by the county council and other funds, public or private, made available by grant of loan or both to accomplish in whole or in part, any of the purposes charged to the authority.~~

~~(8) Promote economic development of the county by exercising the above-mentioned powers.~~

~~(9) Purchase, lease, hold and dispose of real and personal property in the name of the county for the exclusive use of economic development, provided any such conveyance, lease or purchase of real property shall be approved by the county council.~~

(10) Annually, at a time designated by the county council, submit to the council county administrator a budget request for the ensuing fiscal year adequate to fund the recommended operation and programs of economic development. Such budget shall list all funds that the authority anticipates will be available for the operation of the authority. All funds appropriated, earned, granted or donated to the economic development authority or any of its parts shall be used exclusively for economic development purposes. All financial procedures relating to economic development, including audits, shall conform to the procedure established by the county council.

Section 7.

The provision of this ordinance shall be included and incorporated in the Code of Ordinances for Darlington County.

Section 8.

Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 9.

This ordinance shall become effective upon third reading.

ATTEST:



J. Janet Bishop
Clerk to Council

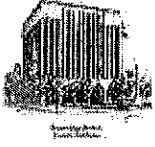
DARLINGTON COUNTY COUNCIL



Bobby Hudson, Chairman

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SECOND READING: July 1, 2024
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Darlington County Recording Page



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