

# **GREENVILLE COUNTY COUNCIL** **POLICY FOR BOARD AND COMMISSION APPOINTMENTS**

## **Section 1:     Application Cycles**

Twice a year, County Council shall fill or recommend to be filled all vacancies on commissions or boards, which County Council has the legal responsibility to either fill or make recommendations to be filled. The process to fill vacancies in the “A” Cycle for those terms beginning on June 1 shall begin on January 1 of the same year. The process to fill vacancies in the “B” Cycle for those terms beginning on December 1 shall begin on July 1 of the same year.

## **Section 2:     Posting Vacancies on the County’s Website**

The Clerk to Council (“Clerk”) shall post on the County’s website all vacancies on commissions or boards, which County Council has the legal responsibility to either fill or make recommendations to be filled. Vacancies to be filled during the “A” Cycle shall be posted by February 15. Vacancies to be filled during the “B” Cycle shall be posted by August 15. The Clerk shall also post the duties of board members, qualifications for serving on certain boards, and the regularly scheduled meeting times of the boards and commissions.

The County’s Governmental Affairs Coordinator is assigned to work with various community organizations and/or news outlets, as well as posting on the County’s social media platforms to inform the public of the upcoming application cycle.

## **Section 3:     Applications**

The Clerk shall make application forms available on the County’s website. Applications may be submitted by U.S. Mail, email, facsimile, hand delivered to the office of the Clerk to Council, or electronically submitted via the County’s website. County Council reserves the right to set qualifiers on the boards and commissions to which the Council has final authority to make appointments.

The office of the Clerk to Council shall accept applications for vacancies to be filled in the “A” Cycle during the months of January and February. The office of the Clerk to County Council shall accept applications for vacancies to be filled in the “B” Cycle during the months of July and August.

It is the responsibility of each applicant to ensure their application has been received by the office of the Clerk to Council. The Clerk has no responsibility for any application not received.

The Clerk shall notify County Council members on a weekly basis of the applications received during the period when applications are accepted.

#### **Section 4. Requirements for Applicants**

- Applicants must be registered to vote in Greenville County.
- Applicants must reside in the district for which they are seeking a position, unless otherwise dictated in the boards' enabling legislation.
- Applicants may apply for only one board or commission at a time.
- Applicants must comply with all State laws regarding dual office holding.
- Applicants shall not be a party to an active legal action against the County of Greenville, or the board or commission for which the applicant is applying.
- ~~• At the time of application, applicants must have attended at least one meeting of the board/commission on which they wish to serve.~~
- At the time of application, applicants who have attended at least one meeting of the board/commission on which they wish to serve will be given preferential consideration.

#### **Section 5. Prohibitions on Board and Commission Members (County Code §2-83)**

Applicants must follow County Code (§2-83) provisions on personal interests which are stated as follows:

“(A) No board or commission member shall participate in board action or vote on any contract involving the sale or lease of land, materials, supplies, equipment, or services in which the board or commission member, or any family member of the board or commission member, or individual with whom the board or commission member is associated, or a business with which a board or commission member is associated, has an economic interest.

(B) In the event an action or vote on a transaction regulated under Subsection (A) comes before a board or commission, the covered member shall:

- (1) Prepare a written statement describing the matter requiring an action or decision and the nature of his or her potential conflict of interest with respect to the action or decision; and
- (2) Furnish a copy of the written statement to the presiding officer of the board or commission who shall cause the statement to be printed in the minutes and shall require the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists. The presiding officer of the board or commission shall have a copy of the member's written statement along with a copy of the minutes of the board or commission meeting forwarded to the office of the Clerk to Council.

(C) A violation of this section by any board or commission member can result in a contract, sale, or lease entered into by the board or commission being voided and may result in removal of the member by Greenville County Council. Upon notice of a violation, the board or commission shall, by majority vote, make a determination:

- (1) Whether an act or failure to act was made in violation of this section; and
- (2) Whether a violation of this section warrants voiding the contract, sale or lease entered into by the board or commission. In making this determination, the board or commission may consider, among other factors, whether the benefit received was direct or indirect, incidental, remote or insignificant so as to not reasonably be regarded as capable of influencing the member and body.

The board or commission shall transmit its determination on the matter to County Council within thirty days. County Council may, within its discretion, uphold or overturn a determination made by a board or commission pursuant to this subsection. In the absence of action by a board or commission, County Council reserves the ability to undertake its own determinations under this subsection.

(D) No board or commission member or family member of a board or commission member shall currently elect to receive direct services from any entity governed by the board or commission they represent. For purposes of this section, the phrase ‘elect to receive services’ shall not include compliance with a governmental regulation or mandate.”

## **Section 6. Review of Applications and Appointment Process**

### **A: Special Tax District and Special Purpose District Boards and Commissions (Special District Boards)**

The Clerk shall forward for review all applications to serve on Special Tax District Boards to the Council Member(s) representing the District(s), which the Special District Board serves. ~~Council member(s) shall elect whether to interview these applicants regarding their qualifications, but interviews are not mandatory.~~

County Council Members representing the Special Tax District Boards may nominate an applicant to serve on a Special Tax District Board at ~~a the first regularly~~ scheduled meeting of the Committee of the Whole in **April** for the **“A”** Cycle and **October** for the **“B”** Cycle, ~~when all other appointments are being considered.~~

### **B: County-Wide Boards and Commissions**

The Clerk shall forward the applications received for all county-wide boards to each County Council member at the end of the application period.

Each Council Member will be responsible for reviewing the applications for all the various boards and commissions.

During the month of **April**, for the **"A"** Cycle, and **October**, for the **"B"** Cycle, Council will hold applicant interviews at a scheduled meeting of the Committee of the Whole, ~~will host Meet and Greet opportunities with board applicants, to be followed by an Executive Session, for the purpose of discussing personnel matters involving the potential appointment of a person(s) to a public body. at which time appointments will be made.~~

### **C: Appointment Ballots**

At a scheduled ~~the first~~ Committee of the Whole meeting in **April**, for the **"A"** Cycle, and **October**, for the **"B"** Cycle, a ballot vote will be taken to elect applicants to fill the contested vacant seats on the County-wide boards and commissions.

Ballots shall be prepared by the Clerk and distributed to County Council members ~~during in a timely manner prior to~~ the regularly scheduled Committee of the Whole meeting at which appointments are to be made. Council members shall mark and sign their ballots and return them to the Clerk who will confirm that all Council members have voted and their ballots are signed. The Clerk will then tally the votes. The results of the vote will be announced at that same meeting. Signed ballots will be maintained with the Committee of the Whole minutes and made available to the public for review.

In the event of a tie vote between applicants, a run-off election will be held with a limit of up to three subsequent votes to break the tie in the same evening. Any board election requiring more than three tied-ballot votes will be carried over until the next regular scheduled Committee of the Whole meeting, where the run-off voting may resume until the tie is broken.

County Council shall ratify the Committee of the Whole vote at the subsequent County Council meeting after appointments have been made.

### **Section 7: Chairman's Appointments**

For those boards and commissions where the Chairman of County Council has the authority to appoint member(s), the Chairman of County Council will announce their appointments at a regularly scheduled County Council meeting of their choosing.

### **Section 8: Notification of Applicants**

The Clerk shall notify each applicant of their status within one week of Council's appointments. The Clerk shall also notify the chairperson of the board or commission of their new and/or reappointed members. The Clerk shall also make required notifications to the Clerk of Court and to the Governor's Office.

### **Section 9: Applications to be Held Over for Vacancies**

The Clerk shall hold the applications of those applicants who were not chosen to fill a designated seat ~~and who express a desire to have their applications held over~~ until the beginning of the next board and commission cycle in the event a new seat opens on that same board or commission for which the applicant applied.

## **Section 10: Vacancies due to Death or Resignation**

The chairperson of the board or commission shall notify the Clerk of the resignation or death of a member of the board or commission. Notification must be made in writing to the Clerk. The vacancy will not be acknowledged until proper notification has been received.

## **Section 11: Emergency Application Process**

In the event ~~that~~ a vacancy results in a board or commission not being able to meet due to lack of quorum, or if the County loses representation on a jointly represented board, the County Council, by majority vote, shall open an Emergency Application Period to receive applications for that board or commission for ten (10) days. County Council shall vote on all qualified nominees with applications received during the Emergency Application Period at the next regularly scheduled County Council meeting after the 10-day period closes.

## **Section 12: Vacancies Due to Unexpired Terms**

~~Where County Council fills vacancies due to unexpired and expired terms on the same board or commission in the same appointment cycle, the newly appointed board member serving the unexpired term shall be, first, a new appointee from the same district as the former board member creating the unexpired term, and, after that, a new appointee drawn at random by the Clerk from those board members appointed by County Council in the most recent appointment cycle.~~

Where County Council fills vacancies due to both unexpired terms and expired terms on the same board or commission, in the same appointment cycle, any newly appointed member from the same district as the former member that created the “unexpired term,” must be assigned to the unexpired “shorter” term. If no newly appointed member is from the same district as the former member who created the “unexpired term,” a new appointee shall be drawn at random by the Clerk from those board members appointed by County Council in the most recent appointment cycle, to fill the unexpired “shorter” term.

## **Section 13: Vacancies Occurring During the Application Period**

In the event the office of the Clerk to Council becomes aware of a vacancy during the period when applications are being accepted, the office of the Clerk to Council may post the vacancy only if the vacancy occurs during the first fifteen (15) days after the application period begins. The office of the Clerk to Council may receive applications for the newly posted vacancy, but the period in which applications are accepted will not be extended.

## **Section 14: Residence in Council Districts (County Code §2-84)**

The County’s current Council District residency policy for appointees is as follows:

“(a) Appointments by County Council. Insofar as possible, the Greenville County Council shall appoint only 1 **duly qualified** member from each Council district to

12-member county boards or commissions or to the governing bodies of special purpose districts whose appointments are made by County Council. In the event that a member ceases to reside in the house or Council district from which he or she was appointed by County Council, his seat shall then be vacated and another resident of the (same) district shall be appointed to serve for the remainder of the unexpired term.

(b) Appointments by Governor. Insofar as possible, the Greenville County Council shall nominate and recommend only 1 **duly qualified** member from each Council district to the governing bodies of 12-member boards, commissions or special purpose districts whose appointments are made by the Governor.

(c) Ex officio members. The residency of ex officio members of boards and commissions and the governing bodies of special purpose districts shall not be considered in determining the district representation of other members of such bodies.

(d) Appointments to boards consisting of fewer than 12 members. Insofar as possible, Greenville County Council shall appoint or nominate only 1 **duly qualified** member from each Council district to the governing bodies of those boards, commissions, or special purpose districts consisting of fewer than 12 members whose appointments are made by County Council or the Governor.”

#### **Section 15: Unfilled Vacancies**

Any seat left vacant after a board election shall be held over until the next Board Cycle. In the event the seat is occupied but no successor is named, the member holding that seat may serve for up to an additional sixty (60) days if the vacancy is eligible to be filled by the Emergency Application Process.

#### **Section 16: Attendance**

Greenville County relies on volunteers to help conduct the business of the County. Boards and commissions are comprised of volunteers that are an integral and necessary part of local government. It is important that board and commission members make every effort to attend all called meetings of the board or commission to which the member is appointed. Excessive absences can affect the board or commission’s ability to form a quorum or effectively conduct business. Board and commission members may be removed for excessive absences pursuant to Section 17 below.

On a quarterly basis (*March, June, September, December*), the chairperson of each board or commission shall provide to the Clerk to Council a signed copy of all approved minutes as well as an attendance report using a form approved by the Clerk’s Office. In reporting absences to the Clerk to Council, chairpersons of boards and commissions may not excuse an absence. The Clerk shall provide a quarterly report to County Council on any absences in violation of this Policy to allow attendance problems to be identified and addressed in a timely manner. Once a board member has been deemed to be in violation of the County’s attendance requirement, the Clerk to Council will forward a letter to the board

chairperson alerting them of the offense and of the pending removal. If the board wishes to retain the board member, the chairperson must submit a signed written request of their decision to the office of the Clerk to Council within two (2) weeks of the date of the notification letter. If no such request is made by the chairperson within the allotted time, and upon County Council approval, the member's term will be suspended. The Clerk will notify County Council members, the board/commission chairperson and the offending individual of the removal.

The provisions of this Section shall apply to all boards and commissions appointed by County Council except where a conflicting provision appears in State law or in County ordinance, in which case, the specific State law or ordinance shall apply. To the extent this section applies to a board or commission, Sections 16 and 17 of this Policy (Attendance and Board Member Removal) shall be incorporated into the by-laws of the board or commission, and a copy provided to the office of the Clerk to Council.

### **Section 17: Board Member Removal**

By majority vote of County Council, board and commission members may be removed from their appointed positions for the following reasons:

- (a.) Conviction of driving under the influence of alcohol (DUI) while serving on a board or commission.
- (b.) Conviction of a felony or misdemeanor while serving on a board or commission.
- (c.) Excessive absences.
  - i. For boards and commissions meeting four (4) or more times per calendar year, excessive absences shall be defined as three (3) consecutive regularly scheduled meetings and/or 25% of all meetings for the calendar year.
  - ii. For boards and commissions meeting fewer than four (4) times per calendar year, excessive absences shall be addressed on a case-by-case basis taking into consideration whether the absence affects the board or commission's ability to form a quorum and/or effectively conduct business.
- (d.) Relocation outside of the board's jurisdictional boundaries.
- (e.) County Council reserves the right to remove or to recommend removal of a board or commission appointee for actions deemed by a majority of all County Council members to be detrimental to that board or commission.

### **Section 18: Waiver or Extension of Policy Guidelines Deadlines; Newly Created Boards, Temporary and Interim Boards**

~~Any section timeline set forth in this Policy may be waived, extended or changed by a two-thirds (2/3) vote of County Council.~~ By two-thirds (2/3) vote of County Council,

any and all requirements of this Policy may be waived or modified to nominate or appoint members to fill vacancies, newly created boards, or temporary and/or interim boards.