

AN ORDINANCE

TO AMEND ORDINANCE NO. 3203, AS AMENDED BY ORDINANCE NO. 4086, RELATING TO THE GREENVILLE COUNTY PLANNING COMMISSION, SO AS TO ESTABLISH CRITERIA FOR APPOINTMENTS; TO PROVIDE THAT THE COMMISSION WILL BECOME A TWELVE-MEMBER COMMISSION WITH ONE SEAT FOR EACH COUNTY COUNCIL DISTRICT AS EXISTING TERMS EXPIRE, WITHOUT SHORTENING ANY TERM; AND TO REPEAL INCONSISTENT PROVISIONS.

BE IT ORDAINED by the County Council of Greenville County, South Carolina:

Section 1. Findings. Greenville County Council established the Greenville County Planning Commission by Ordinance No. 3203, adopted February 2, 1999. Section 2 of that ordinance fixes the Commission's composition. Ordinance No. 4086, adopted February 20, 2007, integrated the Commission's staff into County government but did not change the Commission's composition. Section 2 of Ordinance No. 3203 provides for nine members appointed by Council for three-year terms and assigns no seat to any Council district.

Council is elected from twelve districts, and a nine-member Commission cannot include a resident of every district. State law permits a county planning commission of five to twelve members, S.C. Code Ann. § 6-29-350(A), leaves the length of terms and the method of appointment to the governing body, and authorizes Council to "regulate, modify, merge or abolish" the boards and commissions it establishes, S.C. Code Ann. § 4-9-30(6). Council finds that a twelve-member Commission, with one seat assigned to each Council district, will better represent, promote the general welfare of, and preserve order and good government in a County that has grown substantially since 1999.

Council makes this change by adding seats and by assigning each existing seat to a district as its term expires, so that no member's term is shortened.

Section 2. Amend Section 2 of Ordinance No. 3203 as follows:

Section 2. Composition of Commission. (a) The planning commission shall consist of ~~nine (9)~~ twelve (12) members appointed by Greenville County Council for terms of three (3) years, staggered so that one-third of the members shall have terms expiring in each year once the transition in subsection (f) is complete. When that transition is complete, the Council shall have assigned one seat to each Council district. Council shall appoint to each district seat a qualified elector of Greenville County who resides in the Council district to which the seat

is assigned. Each term expires on May 31. Members shall serve until their successors are appointed and qualified, notwithstanding any other ordinance that limits the period during which a member may continue to serve after a term expires. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. No member of the planning commission shall be the holder of an elected public office in the County of Greenville.

(b) Residence. A member appointed to a district seat who ceases to reside in the Council district to which the seat is assigned vacates the seat, and Council shall fill it for the unexpired term with a resident of that district. A change in Council district boundaries through reapportionment does not vacate any seat. The member continues to serve for the remainder of the term, and Council shall fill the seat at the end of the term with a resident of the district as then constituted.

(c) Transition to district seats.

(1) Each person serving on the planning commission on the effective date of this Ordinance continues to serve for the remainder of the term to which the County Council appointed the person and until the Council appoints a successor and that successor qualifies for the seat. Nothing in this subsection shortens any term.

(2) The Council adds three district seats to the commission. Council shall assign each added seat to a Council district in which, at the time of appointment, no member of the commission resides. The initial term of one added seat expires on May 31, 2027, and the initial terms of the other two expire on May 31, 2029. Council shall designate the initial term of each added seat when it makes the appointment.

(3) When the term of a seat that existed before the effective date of this Ordinance expires, Council shall appoint the successor to a district seat. Council shall assign that seat to a Council district that has no district seat and in which, at the time of appointment, no other member of the commission resides. If no district meets both conditions, Council shall assign the seat to a district that has no district seat. The seat that existed before the effective date of this Ordinance ends when the successor qualifies.

(4) A district seat filled under paragraph (3) to succeed a term expiring on May 31, 2027, has a term expiring on May 31, 2030. A district seat filled to succeed a term expiring on May 31, 2028,

has a term expiring on May 31, 2031. A district seat filled to succeed a term expiring on May 31, 2029, has a term expiring on May 31, 2032. Each seat added under paragraph (2) begins a three-year term when its initial term expires.

(5) A seat added under paragraph (2) is not counted until its first member qualifies. Until every seat is a district seat, the membership of the commission, for any purpose measured by its membership, including a quorum, is the number of persons then serving.

(6) A person serving on the planning commission on the effective date of [this](#) Ordinance is eligible for appointment to the district seat for the Council district in which that person resides. A person who completed orientation training for a prior appointment is not required to repeat it. S.C. Code Ann. § 6-29-1340(B).

Section 3. Existing Members and Pending Matters. This Ordinance does not shorten the term of any person serving on the Commission on its effective date. It does not affect any action the Commission took before its effective date or any proceeding in which the Commission is a party. This Ordinance does not amend the Zoning Ordinance or the Land Development Regulations.

Section 4. Repeal. This Ordinance repeals any ordinance, resolution, or order with provisions that conflict with it only to the extent of the conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance or of Ordinance No. 3203 as amended, which shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall take effect upon its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 20__.

ATTEST:

Regina McCaskill
Clerk to Council

Benton Blount, Chairman
Greenville County Council

Joseph M. Kernell
County Administrator