



Landrum Area Fire and Rescue District

**COMMISSION
BY-LAWS AND RULES OF PROCEDURE**

Article I

Organization

Section 1.1 Rules

These By-Laws are adopted to provide rules to govern the District Commission in the management and regulation of its affairs, and to define a quorum for its meetings.

Section 1.2 Officers

The officers of the Commission shall be a Chairperson, Vice Chairperson, and Secretary/Treasurer elected for two-year terms at a time and place agreed to by a majority of the Commission.

Section 1.3 Powers and Duties

The Commission shall have such powers and duties granted by Act 48 of the 2015 General Assembly of South Carolina as amended and as shall from time to time be provided by law.

Section 1.4 Committees

The Commission may create such standing and special committees as deemed necessary to accomplish the work of the Commission.

Section 1.5 Fiscal Year

The District shall have as the beginning of its fiscal year the first day of July of each and every year. The District's fiscal year shall close on the last day of June of each and every year and the Commission shall engage an independent auditing firm to prepare a written accounting audit of the fiscal affairs of the District for each said fiscal year, which accounting shall be presented within 120 days following the close of the fiscal year.

Section 1.6 District To Deal With Employees Through Fire Chief

Except for the purposes of the official District inquiries and investigations, the District shall deal with District employees who are subject to the supervision of the Fire Chief solely through the Fire Chief, and neither the District nor its members shall give orders or instructions directly to any such officers or employees.

Article II

Officers

Section 2.1 Chairperson

The Chairperson shall be elected by and from the members of the Commission. The duties and powers of the Chairperson shall include the following:

1. Call meetings of the Commission.
2. Preside at all meetings of the Commission.
3. Upon Commission action, the Chairperson shall, on behalf of the Commission, execute all resolutions, directives, deeds, bonds, contracts, and other official instruments or documents unless execution is otherwise directed by other Commission action.
4. Serve with the Secretary/Treasurer as a signatory on check disbursements.

If the office of Chairperson is vacated, the Commission, at its next meeting following the occurrence of the vacancy, shall choose one of its members to serve as Chairperson.

Section 2.2 Vice Chairperson

The Vice Chairperson shall be elected by and from the members of the Commission. The duties and powers of the Vice Chairperson shall include the following:

1. Preside at meetings in the absence of the Chairperson, or when the Chairperson desires to address the Commission.
2. Sign all contracts, bonds, and other documents requiring the signature of the Chairperson when the Chairperson is unable to do so because of illness or other emergency which, in the opinion of the Commission, prevents the Chairperson from performing such functions of the office.
3. Perform other duties as may be from time to time assigned by the Chairperson or by the Commission.
4. In the absence of the Chairperson, assume the duties and responsibilities of the Chairperson.

Section 2.3 Secretary

The Secretary shall be elected by and from the members of the Commission. The duties and powers of the Secretary shall be as follows:

1. Record all Commission proceedings.
2. Make regular entries of all Commission resolutions and decisions upon all questions, including maintaining a chronological file of all formal resolutions adopted by the Commission. All such resolutions shall be numbered beginning each year.
3. Record the vote of each commissioner on any question submitted to the Commission, if required, by any member present.
4. Certify copies of any and all resolutions or decisions on any of the proceedings of the Commission, when requested by the Commission or any member thereof.
5. File all communications addressed to and received by the Commission.
6. Present minutes at meetings.

Section 2.4 Treasurer

The Treasurer shall be elected by and from the members of the Commission. The duties and powers of the Treasurer shall be as follows:

1. Review and approved invoices, vendors, bank accounts and financial issues.
2. Preserve and file all accounts acted upon by the Commission.
3. Retain and consult with accountants, attorneys and other professionals as necessary.
4. Present financial reports at meetings.
5. Serve with the Chairperson as a signatory on check disbursements.

Article III

Meetings

Section 3.1 Time and Place

The Commission shall ordinarily hold its regular meetings for the transaction of official business on the fourth (4th) Monday of each month at six o'clock in the evening. Such meetings will be conducted at the Landrum Area Fire and Rescue District Headquarters located at 200 North Trade Avenue in Landrum, SC 29356. The time and location of regularly scheduled meetings shall be consistent unless otherwise agreed by a majority of Commissioners. An annual schedule of regular meetings shall be adopted at the first regular meeting of the year, and the schedule shall be published at the Landrum Area Fire and Rescue District Headquarters and the District's website, if available.

Amendments to the regular schedule may be made in consideration of conflicts. Consideration of the amendment should be made at the earliest regular meeting as is feasible, with a majority vote of members in attendance required to pass the amended meeting date.

Special meetings may be called by the Chairperson or a majority of the members of the Commission upon 72 hours' notice, with an agenda posted and delivered to all members and posted at the Landrum Area Fire and Rescue District Headquarters.

Notice of special meetings may be reduced to 24 hours' notice by agreement of a majority of the members of the Commission with an agenda posted and delivered to all members and posted at the Landrum Area Fire and Rescue District Headquarters.

Notice to members may be sent by e-mail. Meetings shall be held at the time and place stated in the notices and shall be open to the public. The date and time of meetings must be posted to the general public in accordance with the Code of Laws of South Carolina, 1976.

Section 3.2 Emergency Meetings

The Chairperson, or in their absence the Vice-Chairperson, may call an emergency meeting. An emergency meeting notice must be supported by documentation of the emergency. Only items specified as constituting the emergency shall be considered at an emergency meeting. Notice to the Commission of an emergency meeting may be by telephone or other means, including electronic communication, not less than four (4) hours before the meeting.

Section 3.3. Briefings and Work Sessions

The Chairperson may call a Briefing Meeting or Work Session or such meeting may be scheduled at a regular Commission Meeting. All Commission Members shall be given written notice, which shall include electronic communications, of a Briefing or Work Session Meeting that specifies the subject matter to be discussed at least two (2) working days before the meeting. Only those items mentioned in the notice or on the accompanying agenda shall be discussed at the meeting. The agenda shall be posted at the Landrum Area Fire and Rescue District Headquarters and website/social media no less than twenty-four (24) hours before the meeting. The primary purpose of a Briefing or Work Session meeting shall be to present in-depth information and to provide an opportunity for the Commission to raise questions for the purpose of making more informed decisions on complex issues that would take undue time from a regular meeting.

Section 3.4 Executive Session

The Commission may hold an Executive Session only for a purpose permitted by the Freedom of Information Act as amended from time to time. These purposes are generally limited to:

- a) Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of any employee or a person regulated by a public body, or the appointment of a person to a public body.
- b) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.
- c) Discussion regarding the development of security personnel or devices.
- d) Investigative proceedings regarding allegations of criminal misconduct.
- e) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of an industry or other businesses in the area served.

To hold an Executive Session, a motion must be made, seconded, and adopted to go into Executive Session for a permitted purpose. No vote shall be taken in Executive Session.

Section 3.5 Agenda

A written agenda shall be furnished by the Chairperson to each member of the Commission, and shall be posted at least twenty-four (24) hours prior to each regular meeting. Agendas may be modified only to the extent allowed by and under the provisions in the Code of Laws of South Carolina, 1976.

Section 3.6 Quorum and Presiding Over Meetings

Attendance by a majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted, other than rescheduling the meeting. In extenuating circumstances, a Commissioner may attend a meeting via technological means, provided that the Commissioner participating through technological means makes that technology available. Physical presence is required to preside over a meeting.

Section 3.7 General Conduct at Meetings

Meetings of the Commission are to be presided over by the Chairperson, or in his or her absence the Vice Chairperson, in accordance with Robert's Rules of Order, except as modified by State statute or these rules.

Section 3.8 Decorum and Debate

When a measure is before the Commission for consideration, the presiding officer shall recognize the appropriate individual to present the case. When two (2) or more members wish to speak, the presiding officer shall decide and recognize such members in turn. No member of the Commission shall interrupt another while speaking except to make a point of order or make a point of personal privilege. The presiding officer shall not be obligated to recognize any Commission member for a second comment on a subject or amendment until every Commission member wishing to speak has been allowed a first comment. No member shall speak more than five (5) minutes on any subject or amendment. Such member may use their time in any combination, in separate speech or comment totaling five (5) minutes. Commission members shall also have the right to yield a portion of their time to another member. Any member wishing to speak more than five (5) minutes on any question on any amendment to the question shall be accorded the privilege without objection or upon motion supported by two-thirds of the Commission members present. The Commission may agree to limit debate on any item of business before it. That agreement may be formalized by a majority vote of the Commission. The presiding officer shall not entertain any dilatory motions. No Commission members shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use other language tending to hold a member of the Commission or the public up to contempt or ridicule. If a member is speaking or otherwise transgressing the Rules of the Commission, the presiding officer shall, or any Commission member may, call him or her to order. In such case, he or she shall immediately be quiet unless permitted to explain. The Commission shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise. Any member found in violation of the Rules of the Commission by a majority vote of the Commission shall be liable to censure or such other punishment as the Commission may deem proper.

Section 3.9 Commission Decisions

The members of the Commission have the responsibility to establish policy, make Commission decisions and adopt rules, regulations and resolutions which, in the majority view, will be in the best interests of the Landrum Area Fire and Rescue District and all its citizens. Commission members thus have an obligation to expect differences of opinion and to respect the views of each individual member of the Commission. At the same time, individual members should recognize that when the Commission has made a decision, the issues has been decided whether or not they were in the majority or minority.

Section 3.10 Order of Business

The business of all regular meetings of the Commission shall be considered and transacted in a form permitted under Robert's Rules of Order.

Section 3.11 Requests to be Heard

Members of the public wishing to address the Commission on a matter of District business will have an opportunity to register to speak no sooner than twenty four (24) hours prior to and no later than ten (10) minutes prior to each regularly scheduled Commission meeting. Prior to the Commission's consideration of any item of business listed on the agenda, members of the public registering to speak on any item of business listed on the agenda for that Commission meeting will speak in the order in which they register. Presentations shall be limited to three (3) minutes per person, not to exceed a thirty-minute period. Following the conclusion of remarks by members of the public regarding business items listed on the agenda, members of the public who registered to speak prior to the regularly scheduled Commission meeting concerning items not listed on that meeting's agenda shall have an opportunity to speak about those matters not listed on that meeting's agenda. Presentations shall be limited to three (3) minutes per person with all presentations not to exceed a total period of thirty minutes minus time used by citizens to speak on items listed on the agenda. The Chairperson may permit additional time for speakers who have signed up before the meeting.

No speaker may use language that is obscene, disruptive, scurrilous, or recklessly defamatory. Following any presentation from anyone addressing the Commission, no person other than a member of the Commission will be recognized to question the speaker or to make any other statement unless a member of the Commission requests comment from a member of the staff for clarification. The Chairperson may schedule additional opportunities for presentations by the public as he or she deems appropriate and the above rules for registration and time limits will apply.

Section 3.12 Matters Outside the Commission's Jurisdiction

No matter shall be entered on the agenda or be heard by the Commission unless it is within the Commission's authority or jurisdiction, except that the Commission may entertain resolutions and consider requests that it make recommendations to other governmental bodies, departments, or agencies.

Section 3.13 Matters Previously Heard at Public Hearing

Notwithstanding any other provision of these rules, no person may address the Commission about any matter the Commission has previously heard at a duly called public hearing, as long as the Commission has the item on its agenda, including tabled or held items. Additionally, a person may address a matter previously heard at a duly called public hearing appearing on an agenda if 1) that matter has been materially amended after the public hearing or 2) where more than three (3) months have passed since first consideration of the matter.

Section 3.14 Public Hearings

(A) Notice for Public Hearing

The Secretary shall give notice required by statute or ordinance for all public hearings conducted by the Commission. Members of the public desiring to be heard shall give notice to the Secretary twenty-four (24) hours prior to commencement of the hearing.

(B) Public hearings upon giving reasonable public notice shall be held before final Commission action to:

- (1) Adopt annual operational and capital improvement budgets;
- (2) Make appropriations, including supplemental appropriations;
- (3) Levy taxes;
- (4) Place into effect and to revise a schedule of rates and charges for services;
- (5) Adopt other matters as determined by the Commission.

Each public hearing shall last for a maximum of one hour with thirty minutes allotted to speakers in favor of and thirty minutes allotted to those opposing the proposal. Speakers at public hearings must register to speak according to the procedures for appearances at Commission meetings and must indicate when they register whether they favor or oppose the proposal. Each speaker shall be limited to five minutes. This time limit may be changed upon a majority vote of the members of the Commission to suspend this rule and set a new time limit.

(C) Procedure

No person speaking at public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.

Upon the close of the public hearing, the record is closed and no further testimony will be accepted from the public or the Applicant. Errors of fact may be corrected at any time after the public hearing.

Section 3.15 Voting

A member must be present in person or by accepted technological means to vote. A member cannot be compelled to vote. An abstention counts as a "zero" when counting votes. A majority will be determined on the basis of the number of eligible votes cast. Notwithstanding any other provision, a vote to impose taxes, borrow funds, incur bond indebtedness or amend this Section 3.10 must be approved by four Commissioners.

Section 3.16 Conflict of Interest

No member may make or participate in making, or in any way attempt to use his or her office to influence a decision of the Commission in which he or she, a member of his or her immediate family, an individual with whom he or she is associated, or a business with which he or she is associated has an economic interest or as otherwise defined under applicable South Carolina statutes.

In the event of a conflict or potential conflict of interest, the member shall be excused from any votes, deliberations, and other actions on the matter on which the conflict of interest exists in accordance with the provisions of Section 8-13-700 of the Code of Laws of South Carolina, 1976.

Section 3.17 Statement on Behalf of the Commission

No Commission member shall make or issue any statement which purports to speak on behalf of the entire Commission or the Commission as a body at any time unless the issue in question has been duly adopted by the Commission. The Chairperson shall thereupon be the official spokesperson for the Commission unless the Chairpersons has recommended and the Commission has approved another person to serve as the spokesperson on a particular issue.

Article IV

Records

Section 4.1 Minutes

The Secretary/Treasurer shall be the Recording Secretary for each meeting. In case of an absence of the Secretary/Treasurer or the inability, for whatever reason, to perform the function of Recording Secretary, the Chairperson may designate another Commission member or District employee in attendance to perform the function on a meeting-by-meeting basis. Minutes of each meeting are to be prepared for approval by the Commission at the next regular meeting and maintained. Said minutes shall be public and open to inspection in accordance with state law. Any Commission member shall have the privilege of having an abstract of that member's statement on any subject under consideration by the Commission entered in the Minutes.

Section 4.2 Reports

The Secretary/Treasurer shall assist in the preparation and forwarding of all reports and recommendations of the Commission in the appropriate form. Copies of all notices, correspondence, reports, and forms shall be maintained as public records in accordance with state law.

Section 4.3 Attendance

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member.

Article V

AMENDMENT OR SUSPENSION OF BY-LAWS

Section 5.1 Amendment

The Commission may vote to amend these By-Laws at any regular meeting if notice of the proposed amendment is given at the previous regular meeting.

Section 5.2 Suspension

Rules stated in a South Carolina statute and rules governing quorum and vote requirements cannot be suspended.

Article VI

Miscellaneous

Section 6.1 Policy and Procedures

In order to address items not specified in the By-Laws of the Landrum Area Fire and Rescue District, the Commission may, at its discretion, establish one or more manuals of Policies and Procedures to aid in the daily operation of the District and its affairs. Such policies and procedures will become effective by a simple majority vote of Commissioners present and voting at a regular, special, or emergency meeting that has been posted and advertised in accordance with state law.

DONE AND RATIFIED this the 25th day of October 2021.

Landrum Area Fire and Rescue District

Chairperson

Attest:

Secretary