

TOWN COUNCIL



STAFF REPORT EXECUTIVE DEPARTMENT

MEETING DATE:	April 12, 2016
ISSUE:	Procedure for changing the number of Town Council members and associated impact of such a change to the Town of Bluffton Code of Ordinances Chapter 2, <i>Administration</i> ; Article I, <i>In General</i> ; Section 2-2, <i>Town Council, composition</i> ; and 2-3, <i>Terms</i>
STAFF LEAD:	Scott Marshall, Deputy Town Manager

RECOMMENDATION: Information is presented to inform Town Council regarding process and options for changing number of members on Town Council.

BACKGROUND: At the February 10-11, 2016 Strategic Planning workshop, based on the inquiry of several members of Town Council, this issue was identified as a strategic item of interest. It was agreed that the issue would be researched by staff and that Town Council would be presented, in a workshop format, with the process required to increase the number of members on Town Council from five to seven.

In researching the process as defined in the SC Code of Laws, both the Town Attorney and the Municipal Association of South Carolina were consulted. All parties were consistent in their interpretation of the procedures that are outlined in this report.

The procedure for changing the number or method of election for council members is codified in the *SC Code of Laws*, Section 5-15-30 (see attached). This section is not written as clearly as it should be, hence the consultation with the Town Attorney and the Municipal Association.

The number of Bluffton Town Council members is codified in the *Town of Bluffton Code of Ordinances*, Chapter 2, *Administration*; Article I, *In General*; Section 2-2, *Town Council, composition*; and 2-3, *Terms*.

PROCESS FOR CHANGING NUMBER OF COUNCIL MEMBERS:

The number of members serving on municipal governing body can only be changed by majority vote in a public referendum. The question, as framed by the municipal governing body, must be the sole item on the referendum. Further, no election on the same question may be held for two years following such a referendum.

There are two methods by which the referendum may be called: 1) by action of a majority of Town Council, or 2) by successful petition of 15% or more of registered voters in the municipality.

If the referendum is successful, then the change in number of council member is effective at the next general election of the municipality. Town of Bluffton municipal general elections are held in the odd years. The next municipal general election is in November, 2017.

REFERENDUM BY SUCCESSFUL PETITION:

Under this method, a petition for electors' signatures is circulated calling for a referendum on changing the number of members of Town Council. In order for a signature to be valid, it must be that of an elector who is duly qualified and registered as a voter in South Carolina and must be a resident of the Town of Bluffton.

Once the petition has been submitted to the election commission, it is closed and no other signatures may be added to the petition. The petition must be certified as valid or rejected within 60 days after it has been delivered to the election commission. The municipal governing body must call for a referendum no earlier than 30 days, and no later than 60 days following certification of the petition as valid.

The timeline for a referendum as a result of successful petition cannot be absolutely defined. Variable factors—in sequence—include the length of time the petition circulates, the length of time it takes the election commission to validate or reject the petition and the date the governing municipal body sets for the referendum.

REFERENDUM BY ACTION OF MAJORITY OF COUNCIL:

By vote of the majority of Town Council, a referendum may be ordered. In this case, the referendum must be held no earlier than 30 days, and not later than 90 days following the vote of majority of Town Council. Under this method, the timetable for the referendum is fixed by Town Council.

Given the time constraints above, in order to place a referendum on the November, 2016 General Election Ballot, Council must adhere to the following timeline:

- July 12, 2016 Town Council Meeting – First reading of ordinance.
- August 9, 2016 Town Council Meeting – To **be rescheduled**. General Election is on November 8, 2016, which is 91 days after August 9. Referendum must be held within 90 days of action of majority of Town Council.
- August 10 or August 11, 2016 (Rescheduled) Town Council Meeting – Second and Final reading of ordinance.
- August 15, 2016 – All items to be included on November 8, 2016 General Election Ballot must be received by Beaufort County Election Commission (*SC Code of Laws, Section 7-13-355*).
- November 8, 2016 – General Election with referendum question for Town of Bluffton.

CHAPTER 15

Nominations and Elections for Municipal Offices

SECTION 5-15-10. Municipal primary, general and special elections conducted mutatis mutandi.

Municipal primary, general and special elections shall be conducted pursuant to Title 7, mutatis mutandi, except as otherwise provided for specifically in Chapters 1 through 17.

HISTORY: 1962 Code Section 47-90; 1975 (59) 692.

SECTION 5-15-20. Methods of election of council; mayor elected at large; qualifications.

Each municipality in this State shall provide by ordinance for the election of its council. Councils shall select any one of the following methods of election of council:

(1) Members of the council elected from the municipality at large.

(2) One member elected from each ward of the municipality by the qualified electors of the ward.

Candidates seeking office from a particular ward shall be residents of the ward during their entire terms of office.

(3) Some members elected from wards as provided for in (2) and the remainder elected from the municipality at large.

(4) Members required to be residents of particular wards but be elected from the municipality at large.

(5) Some members may be required to be residents of particular wards and others may be residents of the municipality without regard to a particular ward and all members shall be elected from the municipality at large.

Regardless of the form adopted by the municipality, the mayor shall be elected at large.

Mayors and councilmen shall be qualified electors of the municipality and, if they are elected subject to residential or ward requirements as provided in this section, they shall be qualified electors of the ward prescribed for their election qualification.

HISTORY: 1962 Code Section 47-91; 1975 (59) 692; 1976 Act No. 623, Section 6.

SECTION 5-15-30. Procedure for changing number of or method of election of council members.

If by action of a majority of council, or if fifteen percent of the registered municipal electors present to the municipal election commission a duly executed petition on which none of the signatures is more than six months old, in which an election is sought to change the number of council members to a number authorized by the form of government under which the municipality is then operating or to change the method of election of council members, then the municipal governing body shall call a referendum not later than ninety days nor earlier than thirty days after the petition has been certified and delivered to the governing body by the municipal election commission. A petition must be certified as valid or rejected by the municipal election commission within sixty days after it has been delivered to the commission. There may be only one question framed by the municipal governing body for the referendum in a format similar to that provided by Section 5-5-40, and no other election on the same question may be held for two years after that time. If more than one petition is received before publication of a notice of special election, the change sought in the petition bearing the highest number of qualified signatures must be submitted on the ballot. A change receiving a majority of the votes cast is effective at the next general election of the municipality.

Excerpt from the Town of Bluffton Code of Ordinances Chapter 2, Administration

ARTICLE I. - IN GENERAL

Sec. 2-1. - Form of government.

The form of government for the Town of Bluffton shall be the Council-Manager form.

(Code 1999, § 2.101)

State law reference— Council-Manager form of government, S.C. Code 1976, § 5-13-10 et seq.

Sec. 2-2. - Town Council, composition.

The Town Council shall be composed of a Mayor and of four Council members.

(Code 1999, § 2.102)

Sec. 2-3. - Terms.

(a) The term of office for Mayor shall be four years.

(b) The term for the office for Town Council shall be four-year staggered terms.

(Code 1999, § 2.103)