

# BERKELEY COUNTY PLANNING COMMISSION

## Rules of Procedure Revision 4 Adopted June 28, 2022

### SECTION 1 – LOCATION

The office of the Berkeley County Planning Commission is located in the Berkeley County Office Building in the town of Moncks Corner, South Carolina. Regularly scheduled public meetings of the Commission will normally be held in that building.

### SECTION 2 – MEMBERSHIP

The Berkeley County Planning Commission shall consist of eight (8) members. Each County Councilperson shall nominate one person to the Commission. The nominees shall be appointed to the Commission by majority vote of the Berkeley County Council. The terms of office of the members shall be at the pleasure of Council, and typically coincide with the term of the nominating Councilperson. Any vacancy in membership shall be filled for the unexpired term by appointment by the respective district councilperson, with approval by majority vote of County Council. County Council may remove members in accordance with Berkeley County Ordinance No. 99-1-1, Section IV (as amended). All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

The Planning Commission also shall consist of two non-voting, ex-officio members to include, but not limited to, the Planning Department Director and Chairperson of Land-Use Committee of County Council.

### SECTION 3 – REGULAR MEETINGS

Regular meetings of the Planning Commission will normally be held the fourth Tuesday night of each month at 6:00 P.M.

At such meetings the Commission shall consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting.

### SECTION 4 – SPECIAL/EMERGENCY MEETINGS

The Chairperson or Vice-Chairperson (in absence of the Chairperson), in consultation with the Planning Director, may call Special/Emergency Meetings. Special/Emergency meetings of the Planning Commission shall be held at a time and place designated by the officer calling the Special/Emergency Meeting. Notice thereof shall be given to all members not less than twenty-four (24) hours in advance thereof.

### SECTION 5 – QUORUM

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At any meeting of the Planning Commission a quorum shall consist of five (5) members that when duly assembled is legally competent to transact business.

Members are expected to attend the meeting in person; however, electronic meeting participation (e.g. telephonic, video, or voice conference) may be authorized by the Planning Commission Chairman, or majority vote of the Planning Commission members, when deemed necessary and appropriate due to special or extenuating circumstances. The allowance of a member or members to attend by electronic means shall be permitted with a written or email request prior to the meeting. If a member or members are permitted to attend by way of electronic means it shall be noted on meeting notice, agenda and minutes.

### SECTION 6 – VOTING

Each Planning Commission member shall comply with applicable sections of Title 8, Chapter 13 "Ethics, Government..." S C Code in all matters presented to the Planning Commission. At all meetings of the Planning Commission where a quorum is present, each member attending shall be entitled to cast one (1) vote. Voting shall be by voice or a show of hands. The affirmative vote of a majority of the quorum shall be necessary for the adoption of any resolution or other voting matter.

The Chairperson is not required to vote on questions presented to the Commission except to break a tie.

### SECTION 7 – PROCEEDINGS

At a regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Ascertain quorum present.
2. Call to order
3. Approval of Minutes of the preceding meeting.
4. Public hearings when scheduled.
5. Agenda items
6. Old business.
7. New business
8. Adjournment.

Any Non-Commission person wishing to appear on the agenda must contact the Planning Commission Administrator seven (7) days prior to a meeting.

Each formal action by the Planning Commission required by law, rule or regulation shall be embodied in a formal resolution duly entered in the minutes after an affirmative vote as provided by Section 6 above.

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All actions taken by the Planning Commission are only recommendations to County Council. All waiver actions are final.

### SECTION 8 – AGENDAS and MINUTES

A copy of the Agenda and draft Minutes of each Planning Commission meeting shall be mailed via U S POSTAL SERVICE to each Commission member and shall be received by the Wednesday preceding the fourth Tuesday of the month. Copies of the Agenda and Minutes will be available as a public record at the Berkeley County Planning Commission Office. A nominal charge will be imposed when responding to requests for copies.

### SECTION 9 – RULES FOR PROCEDURE

Meetings of the Planning Commission will be conducted in accordance with Robert's Rules of Order.

### SECTION 10 – OFFICERS

The officers of the Planning Commission shall consist of a Chairperson and Vice-Chairperson elected by the Commission for one (1) year. The Chairman shall appoint a three-person Nominating Committee for this purpose at the November meeting, the Nominating Committee to report nominations to the full Commission for vote at the January meeting or at the next available meeting in which all members of the Planning Commission have been appointed by County Council for the current term. The elected Chairperson and Vice-Chairperson will assume their duties at the February meeting or the next available meeting at which all seats of the Planning Commission have been filled by County Council for the current term. Until the elected officers assume their respective offices, the outgoing officers will retain all official duties and responsibilities.

A Planning Department staff member shall serve in the capacity of secretary for the Commission.

### SECTION 11 – DUTIES OF OFFICERS

#### A. Chairperson

1. Preside at all meetings of the Commission.
2. Call special and emergency meetings of the Commission in accordance with these rules and regulations.
3. Sign documents of the Commission.
4. Ensure that all actions of the Commission are properly taken.
5. Act as spokesperson for the Commission at large.

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### B. Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

For training purposes the Vice-Chairperson shall be required to chair (1) meeting per year.

### C. Secretary

1. The Planning Director or designees shall act as Secretary, and shall communicate such to the Planning Commission.
2. Keep the minutes of all meetings of the Commission.
3. Give or serve all notices required by law or by these rules and regulations.
4. Prepare the agenda for all meetings of the Commission.
5. Be custodian of Commission records.
6. Inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.

## SECTION 12 – VACANCIES

Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Clerk of County Council by the Secretary. Should any vacancy occur among the officers of the Planning Commission the vacant office shall be filled in accordance with Section 10 of these rules and regulations, such officer to serve the unexpired term of the office in which such vacancy shall occur.

## SECTION 13 – AMENDING RULES of PROCEDURES

These Rules of Procedures may be amended at any meeting of the Planning Commission provided that notice of said proposed amendment is given to each member in writing at least five (5) days prior to said meeting.

These Rules of Procedures shall be reviewed and updated as necessary and at least at a five (5) year interval after adoption/revision by the Planning Commission.

The revised Rules and Regulations are effective immediately upon approval by the full Commission.

## SECTION 14 - PROTECTION FROM DISRUPTION (Revision 1 dtd 6-28-2016)

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In the event of a disruption by a non-commission person(s) during a Commission Meeting, the Chairperson shall gavel the non-commission person(s) out of order. Should the non-commission person(s) continue the disruption and disorder, the Chairperson shall gavel the disruptive and disorderly person(s) to be seated. If the request is not adhered to the Chair shall gavel the meeting into recess and Staff shall have the disruptive and disorderly person(s) removed from the meeting by Security. Upon restoration of order the Chair shall gavel the recess over and the meeting shall resume from the point where the disruption and disorder occurred.

### Section 15 -Standing Technical Review Committee (Revision (2) dtd 6-28-2022)

In accordance with Berkeley County Code of Ordinances-Section 59-24, all *preliminary plans* required to be reviewed by the Technical Review Committee (TRC) pursuant to Chapter 59, the Land Development and Subdivision Regulations of Berkeley County, may also be reviewed by the Standing Technical Review Committee (STRC) of the Commission at the regularly-scheduled TRC meeting. The STRC shall consist of a STRC chair and two members of the Commission appointed by the Chairperson. At least one member of the STRC shall attend monthly PRC meeting on a rotating basis with other STRC members unless excused by the Administrative Officer.

### SECTION 16 - ABSENTEEISM (Revision (2) dtd 9-27-2016)

In order to conduct Planning Commission business, a quorum must be present. Therefore, each Commission member is encouraged to attend all Commission meetings. The Secretary shall record the attendance of each Commission member as the Official Attendance Record in the Minutes as: Present; Excused; Unexcused. There will be times when a member cannot attend. For this reason, a threshold is established for absences. When a member is unable to attend a Commission Meeting the Commission Member shall notify the Commission Chair and/or the Planning Director of the absence, as soon as possible, before the start of the meeting for an excusal. Any Commission Member who misses: (a) three (3) consecutive meetings in an unexcused status during the calendar year; (b) six (6) consecutive meetings during the calendar year in an excused status for medical, employment or family issues; or (c) a total of six (6) non-consecutive unexcused/excused meetings during the calendar year shall be reported to the Commission Member's appointing County Council Member for appropriate action after consultation between the Commission Chairperson and the Planning Director.