

**Chapter 2**

**ADMINISTRATION**

**ARTICLE I  
IN GENERAL**

**Sec. 2-1. City seal.**

The seal of the city shall be as follows:  
INSET:

The city clerk shall have custody of the seal of the city and it shall be kept by her at all times in her office.

**Sec. 2-2. Fiscal year.**

The fiscal year of the city shall begin on the first day of July of each calendar year and shall end on the thirtieth day of June of the following calendar year.

**Secs. 2-3--2-20. Reserved.**

**ARTICLE II  
COUNCIL-MANAGER FORM OF GOVERNMENT**

**Sec. 2-21. Adopted.**

There is hereby adopted for the government of the city the council-manager form of government, as provided by state law.

**Sec. 2-22. Composition of council; terms; elections.**

The council shall consist of the mayor and six (6) members who shall serve for terms of four (4) years each. One (1) member of council shall be elected from each election district established in section 6-21 by the qualified electors of each district. The mayor and three (3) members of the city council will be elected at the general election to be held in November of 1989 and every four (4) years thereafter. Three (3) members of the council will be elected at the general election to be held in November of 1991 and every four (4) years thereafter.

Candidates seeking office from a district shall be residents of the district and each member of council from a district shall be a resident thereof during his or her entire term of office. The mayor shall be elected from the city at large.

**Sec. 2-23. Effective date.**

The form of government provided for in this article shall be effective for the fiscal year beginning July 1, 1976.

**Secs. 2-24--2-45. Reserved.**

**ARTICLE III  
CITY COUNCIL**

**Sec. 2-46. Regular meetings.**

- (a) The city council shall hold regular meetings on the second and fourth Monday of each month or at such day and time as may be determined by council.
- (b) Regular meetings of Council shall be held in the Council Chambers at City Hall unless City Council determines in advance that the circumstances or occasion justifies a meeting within the geographical boundaries of the City of Spartanburg other than at City Hall.

**Sec. 2-47. Special meetings.**

The Mayor shall call special meetings of the Council whenever in the Mayor's opinion the public business may require it or when requested by two members of the Council. Whenever a special meeting shall be called, a notice in writing shall be signed by the Mayor and the City Manager and delivered to each Member of the Council, in a reasonable time prior to the meeting stating the date and hour of the meeting, the place of the meeting and the purpose for which the meeting is called. No business shall be conducted at a special meeting except as stated in the notice.

**Sec. 2-48. Mayor pro tempore.**

At its first meeting after January first of each year, the position of Mayor Pro Tempore shall rotate such that all Council Members have an opportunity to serve as Mayor Pro Tempore with the City Council nominating and electing a Council Member who has never served but has been an elected official for at least eleven (11) months. If more than one (1) Council Member is so qualified, then City Council shall nominate and elect a nominee with the most senior status. If the Council Members are of the same seniority, then the Council Member should be elected based on the lowest district number.

**Sec. 2-49. Agenda.**

- (a) All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the council shall be delivered or submitted to the city manager at least four (4) days prior to such meeting. The city manager shall arrange a list of such matters, according to the order of business and furnish each member of the council and the city attorney with a copy of same prior to the council meeting and as far in advance of the meeting as time for preparation will permit. At any meeting, any Member of Council may add with the consent of all Members present and voting at the opening of the meeting additional items to the agenda. Members of the public may submit items to the City Manager to be considered by Council shall be placed on the agenda as a citizen's appearance. Such items must be delivered and submitted to the City Manager at least five (5) days prior to the meeting. The items must be germane to matters within the purview and authority of Council. No item considered by Council within the past twelve (12) months may be added as an agenda item other than with the consent of Council.
- (b) The City Manager shall in preparation of the agenda, when appropriate, consolidate two or more items for passage when the City Manager concludes that the issues are routine, have been fully and adequately considered by Council at a previous reading or other circumstances where passage is perfunctory. Any member of Council who wishes to remove an item from the consent agenda may do so at any time prior to passage of the consent agenda, in which case the item will be placed on the regular agenda for consideration. Passage of items under the consent agenda requires a motion by any Member of Council to "pass the consent agenda." The motion once seconded and passed shall be deemed to be effective.

**Sec. 2-50. Presiding officer.**

The presiding officer of the city council shall be the mayor of the city. The presiding officer shall preserve strict order and decorum at all regular or special meetings of the council. He shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order; provided, however, that any member of the council may appeal such decision to the full council in which event a majority vote of the council shall conclusively determine such question of order. The mayor shall vote on all questions, his name being called last. He shall sign all ordinances and resolutions adopted by the council during his attendance.

**Sec. 2-51. Call to order.**

The mayor, or in his absence, the mayor pro tempore, shall take the chair at the hour appointed for the meeting and call the council to order. In the absence of the mayor or mayor pro tempore, the city manager or his assistant shall call the council to order, at which time a temporary chairman shall be elected by the members of the council present. Upon the arrival of the mayor or mayor pro tempore, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

**Sec. 2-52. Roll call and voting.**

- (a) Before proceeding with the business of the council, the city manager or his designated deputy, shall record the names of the members present at the meeting and enter same in the minutes of each meeting.
- (b) The decision on any question before the council shall be made by roll-call vote when requested by any two (2) members of the council. When a roll-call vote shall be requested, the city manager or his designated deputy shall call the roll and take the names of all who vote aye and all who vote no. The mayor shall vote last on any roll-call vote. During the roll-call, no member shall leave the council chamber and every member shall, when his name is called, give his vote unless excused by a majority of the council present.

**Sec. 2-53. Quorum and Affirmative Votes.**

Four (4) members of the Council shall constitute a quorum. The affirmative vote of a majority of the Council present shall be necessary to adopt any motion or pass any measure other than otherwise specified.

**Sec. 2-54. Rules of debate.**

- (a) *Presiding officer may vote and debate.* The mayor or mayor pro tempore or such other members of council as may be presiding may move, second and debate from the chair, subject only to the limitations of debate as are imposed upon all members of the council and shall not be deprived of any of the rights and privileges of a councilmember by reason of his position as presiding officer.
- (b) *Recognition by presiding officer; improper references to be avoided.* Every member desiring to speak shall address the chair and upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

- (c) *Interruption.* A member, once recognized, shall not be interrupted when speaking, unless it be to call him to order or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined and, if in order, he shall be permitted to proceed.
- (d) Closing debate. The member moving the adoption of an ordinance or resolution shall have the privilege of making final comments before the call for the question.
- (e) Explanation of a Member's vote. A Member may be permitted to explain his or her vote only by leave of a majority of Council present and for such explanation to be allowed not more than five (5) minutes. However, a Member, at his or her option, without the approval of Council, may enter written materials or written statements to be attached to the Minutes by the Clerk.
- (f) *Remarks of council; when entered in minutes.* A councilmember may request from the presiding officer the privilege of having an abstract of his statement on any subject under consideration by the council entered in the minutes.
- (g) Synopsis of debate, when entered in minutes. The Clerk may be directed by the Presiding Officer, with the consent of Council, to enter in the minutes a synopsis of the discussion on any question coming before the Council.
- (h) Addressing Council after motion made. After a motion is made by the Council, no person shall address the Council without first securing the permission of the Council to do so.

**Sec. 2-55. Public Hearings**

Public Hearings shall be conducted for consideration of the following items:

- (1) Rezoning.
- (2) Such other matters as State or Federal law dictate.
- (3) Such matters as a majority of Council may determine to suggest the need for significant public input.

No matter shall be open to a Public Hearing on more than one reading. On matters of rezoning and other as specified by law, Public Hearings will be heard on the first reading. On matters set for Public Hearing by a majority of Council, Public Hearings will be generally conducted on second reading.

Persons may be entitled to speak during the Public Hearing without prior notification to the Clerk or to the City and shall limit their remarks to ten (10) minutes. In matters

before Council when Council determines it is considering opposing positions, Council shall limit each position to a presentation of twenty (20) minutes.

**Sec. 2-56. Addressing Council, Comments or Remarks to Council on Agenda Items Not Requiring Public Hearing.**

On agenda items not requiring a Public Hearing, Council shall consider comments from persons who have notified the Clerk prior to the opening of the meetings of their desire to speak on an agenda item. Remarks shall be limited to five (5) minutes and total remarks on any agenda item shall not exceed twenty (20) minutes.

**Sec. 2-57. Citizen Appearances.**

Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by a decision of City Council. The forms may be obtained from the Clerk and will be maintained by the same. Each person who give notice may speak at the designated time and will be limited to a two (2) minute presentation.

**Sec. 2-58. Matter of addressing Council Time Limit.**

Each person addressing the Council shall speak from the microphone, shall give their name and address for the records, all remarks shall be addressed to the Council as a body and not to any Member thereof. No person other than Council and the person having the floor shall be permitted to enter into any discussion either directly or through a Member of Council. No question shall be asked of a Council Member except through the Presiding Officer.

**Sec. 2-59. Questions of order decided by mayor.**

All questions of order shall be decided by the mayor without debate, subject to an appeal to the council.

**Sec. 2-60. Ordinances.**

- (a) *Method of adoption.* The adoption of any ordinance shall require passage by a majority of councilmembers voting upon two (2) separate readings, which readings shall be held at

separate meetings and such meetings shall be held at least six (6) days apart.

- (b) *Style; to be signed and sealed.* The enacting style of all ordinances shall be "BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE CITY OF SPARTANBURG, IN COUNCIL ASSEMBLED:". All ordinances shall be signed by the mayor and clerk, with the seal of the council affixed.
- (c) *Consent agenda.* See Section 2-49.

**Sec. 2-61. Election of officers.**

The election of all officers shall be by ballot, except as otherwise provided for by ordinance, and determined by a majority of votes actually given.

**Sec. 2-62. Robert's Rules of Order.**

When any point of procedure shall arise not covered by the Rules set forth, then Robert's Rules of Order, Newly Revised 9<sup>th</sup> Edition shall determine questions on procedure.

**Sec. 2-63. Rescission, suspension or alteration of rules.**

- (a) Any of the rules set out in this article, except those requiring unanimous consent, can be rescinded or altered by a majority of the members present.
- (b) By common consent of all members present at a regular meeting, the rules of procedure as set forth herein may be temporarily suspended, with the exception of those rules prescribed in accordance with the laws of the state.

**Sec. 2-64. Reimbursement of Mayor and Councilmembers for official travel and other expenses.**

- (a) The mayor and members of the city council will make their own individual decisions on attending the local, state and national meetings which are held for the purpose of furnishing information and guidance on municipal affairs as they affect the city. Each member is expected to use sound judgment and give proper regard for economical travel and lodging so that reimbursement will not exceed the limits set forth in this section.
- (b) Necessary expenses to attend educational institutes and meetings will vary from city to city and from situation to situation and each member should take these factors into consideration in seeking reimbursement for such expenses.

- (c) Travel and other expenses must be itemized on the approved expense voucher form; one (1) copy should be forwarded to the City Clerk within one (1) week after returning from a trip. In addition, receipts of paid bills for lodging, air travel and other expenses should be attached to the voucher form.
- (d) A travel advance may be secured by completing a voucher form and forwarding same to the City Clerk prior to the date of departure.
- (e) In situations where unusual travel expenses are incurred or are to be incurred and the same is not covered herein, city council may authorize the payment of such expenses.
- (f) The following will constitute the method of reimbursement:
  - (1) *Transportation.* Any preferable mode of transportation may be used. Air travel will be limited to tourist class fare where available and cost of transportation to and from airports will be included. Where travel by private automobile is elected, reimbursement will be at the rate established by the current travel policy.
  - (2) *Lodging.* The actual cost of lodging will be the basis for reimbursement. Should a member elect to arrive early or stay late, additional expenses of lodging will be personal expenses.
  - (3) *Subsistence allowance.* Subsistence expenses will be paid in a reasonable amount based on a daily basis including meals and other necessary items of subsistence.
  - (4) *Miscellaneous expenses.* Members will be provided \$50.00 a day to take care of local transportation, tips, travel and other miscellaneous expenses.
  - (5) *Registration fees.* Registration fees will be reimbursed to the member if not paid in advance by the City Clerk.

**Sec. 2-65. Salaries of mayor and councilmembers.**

- (a) The salaries of the mayor and members of the city council are fixed as follows:
  - (1) Mayor, per annum . . . . \$16,000
  - (2) Member of council, per annum . . . . \$9,000

(b) The above salaries shall be effective on the date the members of the City Council elected in the General Election of November of 1999 take the oath of office.

#### **ARTICLE IV. OFFICERS AND EMPLOYEES**

##### **DIVISION 1. GENERALLY**

###### **Sec. 2-86. Bonds of city employees.**

All city employees including public safety officers and jailers shall before entering upon the performance and duties of their office or position provide a bond for not less than fifty thousand dollars (\$50,000.00). The cost of such bond shall be paid by the city.

###### **Sec. 2-87. Civil leave.**

A municipal employee who is called for jury duty or as a witness for the federal or state governments, or a subdivision thereof, shall be entitled to leave with pay for such duty during the required absence. The municipal employee may keep all fees received for jury duty in addition to his regular compensation.

###### **Sec. 2-88. Retirement plan trust.**

- (a) All eligible employees employed on or after July 1, 1959, shall participate in and contribute to the city's retirement plan trust, excepting any employee covered by some other retirement plan acceptable to city council, which employee shall have the option of so participating and contributing.
- (b) Any employee electing to participate in some other retirement plan, acceptable to city council, shall continue to participate in and be a member of such other retirement plan so long as such employee is employed by the city.
- (c) The provisions of this section do not include firefighters and public safety officers who are governed by the provisions of the Civil Service Act when such act is in conflict with the policies established in this section.

###### **Sec. 2-89. Civil service system created.**

There is hereby created in the city a civil service system which will be administered by a civil service commission and, for the purpose of establishing methods, standards, rules and regulations for the administering of such civil service system, there is hereby adopted the Act of the General Assembly of South Carolina entitled "An Act To Amend Act No. 345 Of The Acts And

Joint Resolutions Of The General Assembly Of 1965, Providing A Civil Service System For The City Of Spartanburg, So As To Clarify The Provisions Of The Act Relative To Certain Provisions Regulating The Personnel Of The City," the same having been approved by the Governor of South Carolina on May 10, 1966.

## **DIVISION 2. CITY MANAGER**

### **Sec. 2-111. Office established; appointment; salary; term.**

There is hereby established in the city the office of city manager. The city council shall select and appoint a city manager whose salary and term of office shall be fixed by the council.

### **Sec. 2-112. Eligibility of Mayor and Councilmembers for office.**

The mayor and councilmembers shall be ineligible to hold the office of City Manager for a period of two (2) years after the expiration of their respective terms of office.

### **Sec. 2-113. Bond.**

The city manager shall be bonded as all other officers and employees of the city. No separate bond shall be required.

### **Sec. 2-114. Policies to be fixed by council, administered by manager.**

It shall be the duty and prerogative of the city council to fix the policies of the city government, and it shall be the duty of the city manager to administer them.

### **Sec. 2-115. Sole administrative officer of city.**

The city manager shall be the sole administrative officer of the city government, having general supervision, management and control of all departments of the city, subject to such rules and regulations as may be prescribed by the city council.

### **Sec. 2-116. Qualifications; to devote full time to office.**

The selection and appointment of the city manager shall be made on the basis of ability, experience and character. At the time of his appointment the city manager need not be a resident of the city or state, but during his tenure of office he shall reside within the city, shall devote his entire time to the

duties of the office and shall not engage in any other business or profession.

**Sec. 2-117. Powers generally.**

Subject to civil service regulations, the city manager shall have the power to appoint, prescribe the duties of, supervise and remove all administrative employees of the city, except the city attorney and the city recorder. The affairs of each department of the city, including the collection and disbursement of revenue, shall be administered under his supervision and control, and he shall be responsible therefor. All disbursements shall be in accordance with the budget as approved by the council. Neither the council, nor any of its members, shall direct or demand the appointment of any person to, or his removal from office, nor in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager.

**Sec. 2-118. Duties generally.**

It shall be the duty of the city manager to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the state are enforced therein; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council currently advised of the financial condition and future needs of the city; to prepare and submit, as provided by section 2-119, to the council an annual budget estimate; to prepare and submit to the council regular monthly reports of the affairs and finances of the city, these reports to be in such form as to be readily understood; to act in an advisory capacity to the city council in the formulation of policies of the city government; and, to perform such other duties and exercise such other authority as the council may fix by resolution or ordinance. All formal contracts on behalf of the city shall be executed by the city manager and attested by the city clerk, after an approving resolution of the council.

**Sec. 2-119. Budget estimate.**

At least forty (40) days prior to the beginning of the fiscal year, the city manager shall prepare a budget estimate which he shall transmit to the city council, which shall set forth all proposed expenditures for the administration, operation and maintenance of all departments and agencies of the city for which appropriations are required to be made or taxes levied by the city government; all expenditures for capital projects to be undertaken or executed during the fiscal year; all interest and debt redemption charges during the fiscal year; and, the actual or estimated operating deficits from prior fiscal years. In

addition thereto, the budget estimate shall set forth the anticipated income and other means of financing the total proposed expenditures of the city government for the fiscal year. As soon thereafter as possible, the city council shall adopt a budget and pass the tax levy ordinance and such other ordinances as may be required to make the budget effective.

**Sec. 2-120. Removal from office.**

During the term of the city manager, he may be removed from office by the city council for cause. At least thirty (30) days before such removal becomes effective the city manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the council, stating the council's intention of removing him and the reasons therefor. During this period of time, he may be suspended from office by the council. If requested in writing by the city manager to do so, the council shall fix a time for a hearing upon the question of his removal, and the final resolution removing the city manager shall not be adopted until such a hearing shall be had. The action of the council in removing the city manager shall be final.

**Sec. 2-121. Temporary absence, etc.**

In the case of the absence, suspension or disability of the city manager, the council may designate a qualified administrative officer of the city to perform the duties of the city manager during such absence, suspension or disability.

**Secs. 2-122--2-145. Reserved.**

**DIVISION 3. CITY ATTORNEY**

**Sec. 2-146. Appointment; powers and duties generally.**

The City Council shall appoint a City Attorney in accordance with the provisions of state law. The City Attorney shall possess all powers and perform all of the duties required by the laws of the state and such other duties as may be prescribed by City Council. The City Attorney shall be appointed from attorneys licensed to practice in the State of South Carolina.

The City Attorney shall appoint or employ from time to time such person or persons to provide legal services to the City and to assist the City Attorney in carrying out the duties of the legal officer for the City.

The City shall also employ a City Prosecutor who shall prosecute criminal and traffic cases on behalf of the City and to perform all other duties required which may be directed by the City Attorney. The City Prosecutor shall be supervised by the

City Attorney. The City Prosecutor shall be appointed from attorneys licensed to practice in the State of South Carolina with an office for practice in the City of Spartanburg, on the recommendation of the City Attorney and on the advice and consent of the City Council.

**ARTICLE V. BOARDS, COMMISSIONS AND COMMITTEES**

**DIVISION 1. GENERALLY**

**DIVISION 2. REDEVELOPMENT COMMISSION\***

**Sec. 2-181. Findings; creation; membership.**

- (a) The city council finds that blighted areas exist within the confines of the city.
- (b) The city council further finds that the redevelopment of certain areas is necessary and in the interest of the public health, safety, morals and welfare of the residents of the city.
- (c) There is created the redevelopment commission of the city in accordance with state law, to have and to enjoy those general powers as designated under state law for redevelopment commissions as now existing or may be hereinafter amended and such other powers and duties as the city council, from time to time, may delegate.
- (d) The membership of the redevelopment commission of the city shall consist of the mayor and members of city council serving ex officio.

**Sec. 2-182. Organization; administration.**

- (a) *Title; authority; transaction of business.*
  - (1) The name of this commission is the "Redevelopment Commission of the City of Spartanburg."
  - (2) The commission was created pursuant to ordinance [No. R-33] adopted by the city council on April 25, 1986, pursuant to state law.
  - (3) The principal office shall be located at 145 Broad Street in the City of Spartanburg.
  - (4) Other offices for the transaction of business shall be located at such places as the commissioners may, from time to time, designate.

(b) *Commissioners; powers.*

- (1) Business affairs of the commission shall be managed by its commissioners [which] shall be comprised at all times of the mayor and members of the city council of the city.
- (2) Each commissioner shall have one (1) vote.
- (3) A majority of the commissioners shall constitute a quorum for its meeting.
- (4) The commission shall have and enjoy all those powers designated for redevelopment commissions under state law and such powers as designated by the city council.

(c) *Officers.*

- (1) The mayor shall serve as chairman of the commission. The mayor pro tempore shall serve as vice-chairman.
- (2) The commission shall select such other officers, agents or employees as it deems appropriate and necessary to carry out the purposes of the commission.

(d) *Amendments.* This section may be altered, amended or appealed and new laws may be adopted by a majority vote of the commissioners at any time.

**Secs. 2-183--2-220. Reserved.**

**ARTICLE VI. PERSONNEL POLICIES**

**DIVISION 1. GENERALLY**

**Sec. 2-221. Administration.**

The responsibility for developing and administering of personnel policies and regulations shall be vested in the city manager.

**Sec. 2-222. Applicability.**

The provisions of this chapter shall apply to all employees except:

- (1) Elected officials;
- (2) Part-time officials appointed by council and to include municipal judges, recorders, the city attorney, any person or persons appointed by the city attorney and

employees of advisory or special boards and commissions who work on an irregular basis.

**Secs. 2-223--2-240. Reserved.**

## **DIVISION 2. APPEALS**

**Sec. 2-241. Right to appeal.**

Any permanent employee, other than employees who are directly supervised by the City Manager, who is suspended, demoted or dismissed, may appeal to the Employee Grievance Committee provided for in the Employee Handbook.

**Sec. 2-242 deleted per Ordinance dated 10/24/05.**

**Secs. 2-243--2-260. Reserved.**

## **ARTICLE VII. DISPOSITION OF REAL PROPERTY OWNED BY THE CITY**

**Sec. 2-261. Determination of sale.**

Real property owned by the city when determined by the city to be no longer needed by the city and its citizens shall be sold subject to the requirements of this article.

**Sec. 2-262. Appraisal.**

The city manager or his designee shall cause the property to be appraised by one (1) independent appraiser as to value unless city council makes the determination, in its sole option, that no current appraisal is required when the property is to be sold to a nonprofit corporation at a nominal price or such other circumstances that city council determines justifies dispensing with the appraisal provided that this article does not conflict with any regulations or directives of the United States Government.

**Sec. 2-263. Notice.**

Notice of the sale shall be given by public advertisement in a newspaper of general circulation in the city on two (2) occasions. The property shall be posted with notice of the sale. City council shall be provided with a copy of the notice of sale.

**Sec. 2-264. Acceptance of bids.**

The city will accept written bids for the property and city council shall make the final decision as to whether to accept any

particular bid or to reject all bids. The bid price shall be a factor considered by council but not controlling.

**Sec. 2-265. Detailed land use prior to bids.**

In appropriate cases as determined by the city, the city will require potential developers prior to the invitation for bids to provide detailed land use including costs of development, schedule of development, preliminary drawings, details of financing and the city shall establish a minimum acceptable price for the property. In such cases, unless council otherwise authorizes, the minimum bid shall be seventy-five (75) percent of the appraised value. In such cases, the city shall provide for any special terms, conditions and restrictions applicable to the sale as a part of the proposal for bids.