

STATE OF SOUTH CAROLINA     )  
   )  
COUNTY OF NEWBERRY         )     **ORDINANCE NO. 09-17-18**

**AN ORDINANCE FOR THE APPOINTMENT AND DUTIES OF THE CLERK TO COUNCIL IN EFFECTUATION OF S.C. CODE OF LAWS § 4-9-110.**

**WHEREAS**, S.C. Code of Laws § 4-9-110 prescribes that the county council of each county in the State “shall appoint a clerk to record its proceedings and perform such additional duties as the council may prescribe;” and

**WHEREAS**, S.C. Code of Laws §§ 4-9-120 and -130 impose on the clerk to county council certain specified duties, namely: recording all proceedings of the county council; compiling, indexing, codifying, and publishing by title all ordinances adopted by the county council; making available to public inspection all ordinances adopted by the county council at the office of the clerk to county council; maintaining a permanent record of all ordinances adopted by the county council; furnishing a copy of that record to the clerk of court of Newberry County for filing in the office of the clerk of court; and making available for distribution or for purchase at a reasonable price any code of technical regulations adopted by the county council.

**WHEREAS**, Newberry County Council (“Council”), mindful of its statutory duty to appoint, oversee, and establish any additional duties for the clerk to Council (the “Clerk”), wishes to consolidate and reform any prior ordinances or practices with respect to the Clerk:

**NOW, THEREFORE, BE IT ORDAINED THAT:**

1. Council shall appoint by a majority vote of a quorum of Council an individual to serve as Clerk at the pleasure of Council.
2. The duties of the Clerk are hereby established as follows:
  - (a) recording all proceedings of Council and its constituent committees (S.C. Code of Laws §§ 4-9-110 and -120);
  - (b) compiling, indexing, codifying, and publishing by title all ordinances adopted by Council (S.C. Code of Laws § 4-9-120);
  - (c) making available to public inspection all ordinances adopted by Council at the office of the Clerk (S.C. Code of Laws § 4-9-120);
  - (d) maintaining a permanent record of all ordinances adopted by Council (S.C. Code of Laws § 4-9-120);
  - (e) furnishing a copy of that record to the clerk of court of Newberry County for filing in the office of the clerk of court (S.C. Code of Laws § 4-9-120); and

- (f) making available for distribution or for purchase at a reasonable price any code of technical regulations adopted by Council (S.C. Code of Laws § 4-9-130).

3. Council shall set the compensation for the Clerk in the annual fiscal year budget established by Council for the County, and Council may adjust that compensation either (i) in any annual fiscal year budget, or (ii) upon any change in the responsibilities and functions of the Clerk made either by Council or by statutory change; or (iii) at such time and for the same reasons as it makes adjustments to the compensation of other Newberry County employees appointed by Council. In connection with any consideration of compensation for the Clerk and not less frequently than annually, the County Administrator shall provide to the Council a performance evaluation of the then-incumbent Clerk.

4. Whenever the County Administrator determines that certain County responsibilities and functions beyond those assigned by statute or by Council to the Clerk can be performed suitably by the then-incumbent Clerk, the County Administrator may, upon the agreement of the then-incumbent Clerk, assign such additional responsibilities and functions to the Clerk. The County Administrator shall, in such instances and from time to time, determine the additional compensation to be paid to the Clerk for the performance of such additional responsibilities and functions in the same manner and at the same time and with the same mechanisms of Council oversight as he does with respect to other County positions for which he is authorized to hire or dismiss personnel. In establishing such compensation, the County Administrator shall take into account any additional benefits that will accrue as a result of the increase in time requirements.

5. Prior to passage of this Ordinance, the County Administrator will advise Council of those duties to be assigned to the Clerk beyond those enumerated in paragraph two, above. The County Administrator will also advise Council of the hours and compensation to be allotted for those duties. Such duties will thereafter remain under the direct supervision and authority of the County Administrator, as described in paragraph four, above.

6. All prior ordinances or portions of ordinances affecting the subject matter of this Ordinance or inconsistent herewith are hereby repealed.

7. This Ordinance shall become effective upon third reading.

**AND IT IS SO ORDAINED** by Newberry County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018, in meeting duly assembled at Newberry, South Carolina.

(SEAL)	<b>NEWBERRY COUNTY COUNCIL</b>
Attest:  _____ Laurie N. Renwick, Clerk to Council	By: _____ Henry H. Livingston III, Chairman
	Reviewed and approved as to form:
1st Reading: September 5, 2018 Public Hearing: _____ 2nd Reading: _____ 3rd Reading: _____	_____ A.J. Tothacer, Jr., County Attorney
	_____ Wayne Adams, County Administrator