

Sponsor(s): County Council
First Reading: September 6, 2022
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: October 4, 2022
Public Hearing: November 1, 2022
Third Reading: November 1, 2022
Effective Date: Immediately

I, Kaela Brinson, Council Clerk,
certify that this Ordinance was
advertised for public hearing on
October 13, 2022.

ORDINANCE 22-O-13

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws.]

WHEREAS:

1. The Edisto River Canoe and Kayak Trail Commission was established by County Council through Ordinance 89-O-85; and
2. The Edisto River Canoe and Kayak Trail Commission recommends that County Council reviews the by-laws in order to fill vacancies.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:

1. **Title 2 – Administration and Personnel, Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission**, of the Colleton County Code of Laws, and all subparagraphs thereof, is hereby established to read as follows:

CHAPTER 2.48. – EDISTO RIVER CANOE AND KAYAK TRAIL COMMISSION

Sections:

- 2.48.010. – Appointive powers of Council.**
- 2.48.020. – Establishment.**
- 2.48.030. – Purpose and Objectives.**
- 2.48.040. – Membership and appointment.**
- 2.48.050. – Removal of a member.**
- 2.48.060. – Organization, meetings, rules, and staff.**
- 2.48.070. – General powers and duties.**
- 2.48.080. – Officers.**
- 2.48.090. – Advisory Committee.**
- 2.48.100. – Standing and Special Committees.**
- 2.48.101. – Rules of Order.**
- 2.48.102. – Amendments.**

2.48.010. – Appointive Powers of Council.

Pursuant to section 4-9-170, Code of Laws of South Carolina, 1976, and section 3 of Act 283, (the Home Rule Act), the Colleton County Council hereby assumes all appointive powers in regard to the Edisto River Canoe and Kayak Commission.

2.48.020. – Establishment.

There is hereby created the Colleton County Edisto River Canoe and Kayak Trail Commission.

2.48.030. – Purpose and Objectives.

The purpose of the Commission shall be to develop, preserve, and protect the Edisto River and the major rivers and waterways in or bordering Colleton County.

- A. Increase the usage of the Edisto River by canoeist, kayakers, campers, and other recreational users.
- B. Increase the usage of Colleton State Park and Givhans Ferry State Park.
- C. Develop other area rivers as canoe trails.
- D. Protect the Edisto and other local rivers from misuse.
- E. Acquire easements and rental property from willing property owners along the rivers to allow picnicking and camping along the rivers.
- F. Develop a canoe program that will enable the commission and committee to provide canoe and kayak trips, and educational programs throughout the year.
- G. Develop a promotional brochure that accurately portrays the canoe and kayak trail and promote the website.
- H. Maintain the momentum of the programs and expand them to appeal to tourists in order to increase economic impact.
- I. Promote and develop safety and safe usage of the waterways.

2.48.040. – Membership and Appointment.

The commission shall be composed of a board of seven members. This board shall have a representative from Colleton County Recreation Commission, and six others appointed at large by County Council and one ex-officio (non-voting) member from the Dorchester County Rivers and Waterways Commission. Each appointment shall be for four years except that for the initial appointment, four members shall be appointed for four years and three members shall be appointed for two years. If a vacancy occurs, the County Council shall fill the vacancy by appointment for the unexpired term. All voting members shall serve without compensation and shall be residents of Colleton County. They shall be selected by County Council to represent a cross-section of the community. Four of the members of the commission shall be present to constitute a quorum for the transaction of business. Voting proxies can be given to the other members from commissioners that cannot attend to vote only on specific items on the agenda.

2.48.050. – Removal of a Member.

Any member may be removed for cause by vote of a majority of the County Council after hearing upon proper notice to the interested party.

2.48.060. – Organization, meetings, rules, and staff.

Quarterly meetings of the commission shall be held during the year. The time and place shall be determined by the commission. Emergency meetings can be called by the chairman or any commissioner with twenty-four hours' notice to all commissioners. Commissioners may attend the meeting of the advisory committee.

2.48.070. – General Powers and Duties.

The Edisto River Canoe and Kayak Trail Committee shall be authorized:

- A. To Establish an Advisory Committee to help run the day to day activities and programs of the Commission.
- B. To set an annual budget and send an approved copy to County Council each June.
- C. To hire, set salary, and have total supervisory responsibilities over the Executive Director and all other personnel.
- D. To receive and expend gifts, bequests, devises, contributions, contracts and leases: to seek financial support from private and corporate sources, foundations, and State and Federal programs to carry out its programs.
- E. To develop tourism program for the river and waterways in Colleton County which will not only help the economy but will protect and preserve our natural resources.
- F. Provide County Council an annual report each year on commission activities and programs.
- G. To cooperate with all other agencies with program directed toward these goals.

2.48.080. Officers.

The officers of the Commission shall be: Chairman, Vice-Chairman, Secretary, and Treasurer. All officers shall be elected by the commission for a (2) two-year term. Officers may serve (2) two consecutive terms and must step down for (2) years before serving again. A vacancy among the offices shall be filled by the Commission for the unexpired portion of the term.

Duties: The duties of the officers shall be as follows:

- A. Chairman: The Chairman shall be the chief Commission officer and shall preside at all meetings of the Commission and Advisory Committee. Subject to the control of the Board of Commissioners, The Chairman, shall, in general, supervise and control all business and affairs of the commission. The Chairman shall also appoint the membership and chairman of all committees, with the exception of the finance committee.

- B. Vice-Chairman: The Vice-Chairman shall assist the Chairman and in the absence of the Chairman perform the duties of the office. He/She shall perform, other such duties as delegated by the Commission.
- C. Secretary: The Secretary shall keep minutes of all meetings, maintain a minute's file, and be responsible for all correspondences of the Commission. The Secretary shall perform other such related duties delegated by the Commission. The Secretary does not have to be a commissioner but can be a member of the Advisory Committee.
- D. Treasurer: The Treasurer shall receive, keep in a bank, and disperse by check upon proper authority all money or assets of the commission, and keep at all times an itemized account of all receipts and disbursements: giving quarterly statements to the commission to be preserved by the Secretary. The books, records, and accounts may be audited when necessary. Members of the Advisory Committee shall be eligible shall to hold this office. The treasurer shall attend all meetings of the Commission.

2.48.90. – Advisory Committee.

The Advisory Committee shall be appointed by the Commission not to exceed twenty members.

There shall be representatives from SC PRT, SC DNR, property owners adjacent to the river, tourism, and the remainder shall be at large representatives.

Duties and Responsibilities:

- A. Advisory Committee members will assist and advise the Commission in carrying out the duties, running the business, and achieving the goals of the commission.
- B. Shall hold monthly meetings to do the work of the Commission and committees.
- C. Shall serve on committees as delegated by the Commission.
- D. Shall be eligible for the offices of Secretary and Treasurer.

2.48.100. – Standing and Special Committees.

- A. There shall be such standing and special committees of the commission as are required to carry out its work and business.
 - 1. The Commission Chairman shall appoint the chairman and membership of all committees, except the finance committee, which will include all Commissioners and the Treasurer.
 - 2. Non-Commission members may be deemed eligible to serve on any committee as delegated by the Commission.
- B. Finance Committee: This committee shall include the Treasurer an all members of the Commission. Financial matters will be discussed at regular board meetings. Guidelines for expenditures by the Advisory Committee shall be established with approval by the Board.

C. Special Committees: The Chairman shall appoint special committees as needed to carry out the work and objectives of the Commission. Some examples of special committees are: The Riverfest Committee, ACE Basin Events Day Committees, and others needed to carry out special events or tasks.

2.48.101. – Rules of Order.

Robert’s Rules of Order in its most recent form shall be used as the guide for parliamentary procedure at all meetings.

2.48.102. – Amendments.

These By-Laws may be amended by two thirds vote of those members of the Commission, provided a statement of the proposed amendments has been presented in writing at least 30 days prior to the vote.

2. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

3. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:


Kaela Brinson, Council Clerk


Approved as to Form
Sean Thornton, County Attorney

SIGNED:


Steven D. Murdaugh, Chairman

COUNCIL VOTE: UNANIMOUS
OPPOSED: