

AGREEMENT  
CREATING A  
REGIONAL COUNCIL OF GOVERNMENTS  
FOR THE GEOGRAPHIC AREA OF  
BEAUFORT, COLLETON, HAMPTON AND JASPER COUNTIES  
TO BE KNOWN AS

THE LOWCOUNTRY COUNCIL OF GOVERNMENTS

WHEREAS, an Agreement did create the Lowcountry Regional Planning Commission in the Spring of 1969; and

WHEREAS, since that time a Constitutional Amendment has been approved by the voters and ratified by the General Assembly which authorizes counties and municipalities to participate fully in Regional Councils of Government and the General Assembly has subsequently amended Article 2 of Act 487 of the 1967 General Assembly to correspond to the wording of the Constitutional Amendment; and

WHEREAS, it is deemed necessary and desirable to revise the original Agreement to correspond with the new enabling legislation;

NOW THEREFORE, the parties hereto do agree to re-create the Lowcountry Regional Planning Commission as a Regional Council of Governments with the powers, duties, and responsibilities hereinafter set forth.

ARTICLE I -- CREATION

Section 1. Creation of the Lowcountry Council of Governments -- There is hereby created a Regional Council of Governments to be known as the Lowcountry Council of Governments, hereinafter referred to as "The Council."

Section 2. Area of Jurisdiction -- The jurisdiction of The Council as set forth in Article 2 of Act 487 of the 1967 General Assembly, as amended shall include all incorporated and unincorporated area within the limits of Beaufort County, Colleton County, Hampton County, and Jasper County, South Carolina, with the exception of that area within the corporate limits of Fairfax, South Carolina located inside Hampton County.

## ARTICLE II -- MEMBERSHIP AND REPRESENTATION

Section 1. Membership of the Council -- The counties and incorporated municipalities in The Council's area of jurisdiction which have ratified this agreement shall be members.

Section 2. Representation of Members -- Members shall be entitled to representation on The Council by elected officials and appointed representatives as follows:

- a. The Council shall be composed of 24 representatives of which eight shall be from Beaufort County, six each from Colleton and Hampton Counties and four from Jasper County.
- b. There must be at least one minority group representative and one representative who is not an elected official from each member county and/or the participating municipality therein.
- c. Member counties with a population of less than 20,001, according to the most recent census of population by the U.S. Bureau of Census, shall be represented on The Council by at least one elected official.
- d. Member counties with a population of 20,001 to 40,000, according to the most recent census of population by the U.S. Bureau of Census, shall be represented on The Council by at least three elected officials.
- e. Member counties with a population of 40,001 to 60,000 shall be represented on The

Council by at least four elected officials and with one additional elected official for each additional 20,000 persons or fraction thereof over a population of 60,000 according to the most recent census of population by the U.S. Bureau of Census.

- f. Each member county shall include among its appointed representatives on The Council elected municipal officials at least equal in number to the number of incorporated municipalities located within the respective county having a population of 1,001 to 10,000 according to the most recent census of population by the U.S. Bureau of Census.
- g. Municipalities with a population of over 10,000 according to the most recent census of population by the U.S. Bureau of the Census, shall be represented on The Council by two elected officials.
- h. An incorporated municipality with a population of 1,000 or less may appoint one advisory representative to The Council from its governing body; provided however, that such representative shall not be eligible to vote on matters before The Council or to hold a Council office. Such municipalities shall not be required to participate in the financial support of The Council.
- i. Should the possibility of change occur in the preceding factors on membership representation, as a result of population shift, the above shall be reviewed.

Section 3. Appointments -- Representatives on The Council may be appointed by the County Governing Bodies of the respective counties provided, however, that a municipality which participates financially by payment of its full per capita share of the expenses of The Council shall be entitled to appoint its representative to The Council.

Section 4. Terms -- The terms of representatives to The Council who hold elective public office, including the advisory representative of municipalities with less than 1,001

population shall be co-terminus with their terms of office. Initial terms of representatives who do not hold elective office shall initially serve for a term of two years, or until replaced or reappointed by their respective appointing body.

If any County shall cease to participate in the fiscal support of The Council, the terms of office of all its, and its municipality, representatives shall thereupon expire. Any additional incorporated municipality which attains a population of 1,001 or more, according to the most recent census of population by the U.S. Bureau of the Census, shall be eligible to participate in The Council by notifying The Council of its intention to participate and appointing its elected member to The Council. Any participating municipality which falls below a population of 1,001 according to the most recent census of population by the U.S. Bureau of the Census, shall cease to participate and the term of its representative shall expire; provided, however, such municipality shall still be eligible to have an advisory representative. If any participating municipality is dissolved as an incorporated municipality or consolidates with another municipality, such municipality shall thereupon cease to participate and the terms of its representatives shall expire.

Section 5. Vacancies -- If a vacancy in The Council representation of a member shall occur by reason of death, resignation, change of residence or any other cause, it shall be filled for the duration of the unexpired term in the same manner as the original appointment.

Section 6. Representation, General -- No representative shall receive any compensation for his services on The Council but any representative may be reimbursed from the funds of The Council for any expenses incurred in connection with authorized activities on behalf of The Council. Council representatives may also be members of a local planning council or boards.

### ARTICLE III -- COUNCIL STRUCTURE

Section 1. Composition -- The Council, in addition to functioning as a whole entity, shall be subdivided into an Executive Committee and several Advisory Committees to be

established by The Council as warranted. The Council shall elect from among its representatives a Chairman, Vice-Chairman, Secretary and Treasurer for a term of one year or until re-elected or their successors are elected. These four officers shall also serve on the Executive Committee in the same capacity along with four other members of The Council, one selected from and by The Council representatives of each member county. The Executive Director shall serve as the Recording Secretary and perform the required duties of that officer. No county may have more than one of its members serve as an officer during the same period of term.

The Advisory Committees may be drawn from the community at large as well as from the membership of The Council. Members of the Advisory Committees shall be chosen with the approval of the Executive Committee. Specifications for membership, meeting times, and procedures for The Council, Executive Committee and Advisory Committees shall be designated in The Council Bylaws, to be adopted at the appropriate time.

Section 2. Duties -- The duties and responsibilities of The Council, Executive Committee, Advisory Committees shall include but not be limited to the following:

The Council

- a. To annually elect officers - Chairman, Vice-Chairman, Secretary and Treasurer.
- b. To adopt and amend Bylaws whenever necessary.
- c. To adopt an annual budget for The Council.
- d. To establish and change as warranted overall policy for The Council.
- e. To review actions of the Executive Committee and insure their adherence to prescribed Council policy.
- f. To remove any member from the Executive Committee based on a majority vote.
- g. To appoint and dismiss the Executive Director.

- a. To execute administrative activities of The Council in accordance with policy determined by The Council.
- b. To act on projects and grant requests and allocate funds as directed by The Council.
- c. To receive and authorize the expenditure of funds for The Council, as approved by The Council, for the operation of The Council.
- d. To prepare budget, policy direction and other recommendations for presentation before The Council.

Advisory Committees

- a. To elicit citizen response and opinions on issues pertinent to the particular Advisory Committee's area of concern.
- b. To appraise, research, discuss, and make proposals which will improve the development and environment of the four-county region.
- c. To make recommendations for approval or rejection of grant applications; set priorities on action project fundings; and conduct program areas of work.
- d. To encourage and assist local units of government in planning projects and programs.

From time to time Citizen Advisory Subcommittees may be formed to present a citizen's point of view on issues, programs, and projects of the four-county region and to give assistance to the Advisory Committees.

ARTICLE IV -- FINANCES

Section 1. Definition of Fiscal Year -- The fiscal year as used in this agreement shall be understood to mean the period beginning July 1 and ending on June 30.

Section 2. Adoption of Annual Budget -- At least thirty (30) days prior to the last Council meeting of each fiscal year, the Executive Committee shall prepare and submit to The Council for approval an annual budget for the upcoming fiscal year.

Section 3. Fiscal Support -- Local funds for the operation of The Council shall be provided by the governing body of each member county. The amount of funds shall be provided on a prorated basis between the member counties in accordance with the most recent census of population reported by the U.S. Bureau of Census. The Council presently receives thirty (30) cents per capita from each member county. This amount may be raised or lowered as required to conduct the affairs of The Council.

Section 4. Annual Audit -- As specified in Act Number 487 of the 1967 Acts of the South Carolina General Assembly, each member county shall be provided an annual audit following the close of each fiscal year.

Section 5. Funds payable quarterly in advance -- Each of the county governing bodies ratifying this agreement shall, on or before the first day of each quarter of the fiscal year, furnish twenty-five percent of the total amount to be provided by it during such year. If any governing body shall not have adopted its own operating budget by July 1 of such year, it shall, immediately upon adoption of said budget furnish the amounts then due to The Council under the provisions of this Section.

Section 6. Additional Funds -- The governing body of any participating political subdivision may, during any year, provide funds to The Council in excess of the amount provided in Section 3 above.

Section 7. Use of Funds -- The Council is authorized to expend the monies provided for its use by the participating political subdivisions and monies received from any other source for the employment of professional staff, consultants, clerical and other assistants and other employees, for obtaining office space, for procuring equipment, materials and supplies, and

for such other purposes as The Council shall determine to be necessary and proper in carrying out the functions of The Council within the budget approved by The Council.

Section 8. Contract Authorization -- In the performance of its duties, The Council may cooperate with, contract with, or accept funds from federal, state, and local public and semi-public agencies, foundations, private individuals and corporations; may expend such funds, and may carry out cooperative undertakings and contracts.

Section 9. Termination of Fiscal Support -- No governing body of any political subdivision who provides fiscal support under this agreement shall terminate its participation in the fiscal support of The Council except at the end of a fiscal year.

#### ARTICLE V -- POWERS AND DUTIES

Section 1. Powers and Duties -- In discharging its responsibilities, The Council shall have the power and duty to:

- a. Prepare studies and make recommendations on such matters as it deems appropriate.
- b. Coordinate and promote cooperative programs and action with and among its members and other governmental and non-governmental entities.
- c. Study and make recommendations on matters affecting the public health, safety, general welfare, education, recreation, pollution control, utilities, planning, development and such other matters as the common interest of the participating governments may dictate.
- d. Provide continuing technical assistance, and information to the member local governments and other agencies and individuals.
- e. In general, The Council shall have the power to carry on such planning activities and the development of such studies and programs as it deems to be in the interest



of the area.

- f. Acquire and dispose of real and personal property necessary to the conduct of its business.
- g. After coordination with the appropriate state, local and federal agencies, The Council may adopt such plans and programs as it may from time to time prepare. Such plans and programs as are adopted shall constitute the recommendations of The Council.

Section 2. Plans Advisory Only -- The Council shall act in an advisory and assisting capacity only and any plan or program prepared and adopted by The Council shall have no binding effect on the governing body of any political subdivision.

#### ARTICLE VI -- IMPLEMENTATION OF AGREEMENT

Section 1. This revised Agreement shall become effective after ratification as provided in Article VIII and shall then supersede the original Agreement which created the Lowcountry Regional Planning Commission, provided however, this revised Agreement shall not affect the officers, by-laws, policies, operating procedures, contractual obligations, program activities, recommendations or other matters as established under authority of such original Agreement.

#### ARTICLE VII -- AMENDMENTS

The Council may from time to time propose amendments to this Agreement. Any such amendment shall become effective only upon ratification by the governing bodies of the political subdivisions which include at least  $66 \frac{2}{3}$  percent of the population within the area of jurisdiction who are eligible to appoint voting members to The Council under the terms of this Agreement. The Executive Director shall notify each representative on The Council of any

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proposed amendment affecting this Agreement at least 28 days before action is taken on such a proposal.

ARTICLE VIII -- EFFECTIVE DATE

Section 1. This Agreement shall become effective upon ratification by the governing bodies of the political subdivisions which include at least 80 per cent of the population within the area who are eligible to appoint voting members under the terms of this Agreement, and its approval by the Governor as required by law.

Approved by the County Council for Beaufort County on November 8, 1971.

Colde R. Battey Chairman Attest: [Signature] Administrative Officer

Approved by the Colleton County Board of Administrators on November 10, 1971.

Mark A. Sipp Chairman Attest: Francis O. Bassett Clerk

Approved by the County Council for Hampton County on November 15, 1971.

Paul J. Crews Chairman Attest: Virginia D. Lathan Clerk

Approved by the County Council for Jasper County on November 15, 1971.

Samon Kieckly Chairman Attest: Randa Cope Clerk

[Signature]  
Senator

11-10-71  
Date

[Signature]  
Senator

11-22-71  
Date

[Signature]  
Representative of Beaufort County

11-5-71  
Date

[Signature]  
Representative of Beaufort County

11-22-71  
Date

[Signature]  
Representative of Colleton County

11-10-71  
Date

[Signature]  
Representative of Hampton County

11/24/71  
Date

[Signature]  
Representative of Jasper County

12-13-71  
Date

Approved by the Governor on December 20, 1971.

[Signature]  
Governor

## BYLAWS OF THE LOWCOUNTRY COUNCIL OF GOVERNMENTS

Article I  
Officers

## Section 1

The officers of the Council shall be elected to serve for terms of one (1) year and shall serve from the date of election to the 30th day of June following their election with eligibility for re-election, provided that no member may serve as Chairman for more than two (2) consecutive terms.

## Section 2

The Chairman shall preside at all meetings of The Council and shall have the authority to call and preside at special meetings. Except as otherwise directed by resolution of The Council, the Chairman shall sign all contracts, reports, and instruments on behalf of The Council. At each meeting the Chairman shall submit such recommendations and information as may be considered proper concerning the affairs and policies of The Council.

## Section 3

The Vice-Chairman shall in the absence of the Chairman or his inability to act assume the duties of the Chairman.

## Section 4

The Secretary shall keep a record of all business transactions of The Council, serve notification to all members of all meetings, keep and file all official records of The Council, and perform such other duties in regard to records as The Council or the Chairman may direct.

## Section 5

The Treasurer shall keep the financial records and books of account. Council funds shall be deposited in such bank or banks or depositories as The Council may designate, provided that the funds be deposited as secured accounts. The Treasurer shall make such reports of The Council's financial condition as may be directed by the Chairman or by resolution of The Council. An annual audit of the Council's books shall be made at the end of the fiscal year.

## Section 6

A vacancy occurring in any office shall be filled by election from among the duly appointed representatives of The Council for the unexpired term.

Article II  
Meetings

Section 1

The Council shall meet at least quarterly. All official meetings of The Council except executive sessions shall be open to the public.

Special meetings may be held at the call of the Chairman or by written request of three (3) representatives provided that notice of such meetings shall be given to all representatives at least 24 hours before the hour for which such meeting is called.

Section 2

The Executive Director shall prepare an agenda for each regular meeting. The agenda shall be mailed to the representatives prior to the meeting. Copies of the agenda shall be made available to the public, if requested. Any matter not listed on the agenda may be introduced by any representative after the matters listed on the agenda have been considered.

Section 3

Members of the LCOG Board, its Executive Committee, advisory committees and subcommittees shall attend in person at least fifty percent (50%) of all scheduled or called meetings during a calendar year. In the event a member is absent from fifty percent (50%) of the meetings held during a calendar year, the Board of Directors will ask for the resignation of that individual and a new appointment will be made. The only exception to this would be when a Board member with a previously good attendance record has an illness requiring hospitalization and necessitating those absences. Whenever a member is unable to attend a meeting, he is encouraged to designate a proxy. An LCOG Board member who is an elected official may designate only another elected official of the governmental body which he represents or an executive, professional or chief administrative officer of that governmental body. Likewise, minority and at-large members may designate only minority or at-large proxies.

Section 4

Twenty-five percent (25%) of the total number of representatives on The Council shall constitute a quorum for the purpose of conducting business provided that at least one representative from each of the four counties or a municipality therein is present. If each county is not so represented, fifty percent (50%) of the total number of representatives on The Council shall constitute a quorum. If less than a quorum is present at any meeting a majority of those present in person may adjourn the meeting from time to time without further notice, provided that the Secretary shall notify any absent representatives of the time and place of such adjourned meeting.

Voting shall be by voice and shall not be recorded by yea's and nay's unless requested by a member of The Council. Secret ballots will be used if requested by any representative.

#### Section 6

No representative shall vote or participate in the discussion on any issue in which he has a direct personal, professional or financial interest or where there exists a reasonable doubt as to a conflict of interest.

#### Section 7

When a representative is unable to attend a meeting or must leave a meeting before a vote is taken, his proxy shall be accepted and used for voting as he directs, but only under the following circumstances:

- (a) The proxy shall be in writing and bear the signature of the absent representative;
- (b) The proxy shall specifically and clearly state the representative's vote;
- (c) The proxy shall contain a statement that the absent representative is well informed as to the facts of the question to be voted on;
- (d) If the question is one on which a hearing has been held, the proxy shall contain a statement that the representative was present at the hearing.

PROVIDED, HOWEVER, THAT any member of The Council who is an elected official may give a general proxy to another elected member of the governmental body of which he is a member or to an executive, professional or chief administrative officer of such governmental body not to exceed four times per fiscal year.

#### Section 8

All meetings of The Council shall be governed by Roberts Rules of Order except when such rules of order are in conflict with these Bylaws.

### Article III Advisory Groups

#### Section 1

The member governing authorities shall recommend to the Executive Committee of The Council the names of persons to serve on the Advisory Committee. The Executive Committee shall appoint Advisory Committee members from these recommendations.

## Section 2

Advisory Committees shall submit their findings and recommendations in writing to The Council for action as needed. No findings or recommendations of any Advisory Committee shall be reported or published until presented formally to The Council at an official meeting.

Article IV  
Staff

## Section 1

The Executive Director shall be responsible to The Council for operating its affairs, employing personnel for authorized positions and directing, disciplining and coordinating the activities of employees; and budgeting in accordance with procedures approved by The Council. He may consult with and retain such experts as appears necessary.

## Section 2

The Council shall determine the extent of employee salaries and benefits provided for the staff.

## Section 3

The Executive Director shall, in the absence of the Chairman, represent The Council. Toward this end he shall take official action in accordance with policies set by The Council. When there is an obvious conflict of interest, public controversy, or uncertainty as to any matter, he shall obtain prior approval of The Council before taking action thereupon.

Article V  
Amendments

## Section 1

These Bylaws may be amended at any regular or special meeting by an affirmative vote of a majority of the members of The Council provided that an advance notice of the proposed change be included in the agenda for the meeting.

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These Bylaws were adopted at the regular meeting of The Council on July 27, 1972 and amended on January 29, 1976 and March 26, 1987.

RESOLUTION

WHEREAS, the people of the State of South Carolina approved an amendment to Article VII of the Constitution of South Carolina, 1895, so as to allow the General Assembly to authorize counties and municipalities to establish Regional Councils of Government and provide financial support therefore; and

WHEREAS, the General Assembly of South Carolina has ratified said Constitutional Amendment and amended Article Two of Act 487 of 1967 to authorize counties and municipalities within ten specified multi-county areas to create Regional Councils of Government by executing an appropriate agreement; and

WHEREAS, it is proposed that the four counties of Beaufort, Colleton, Hampton, and Jasper Counties create a Regional Council of Governments as provided by law; and

WHEREAS, an appropriate agreement to create the Regional Council of Governments to be known as the Lowcountry Regional Planning Council has been reviewed and approved by the Attorney General of South Carolina; and

WHEREAS, the County Council of Beaufort County find it necessary and desirable to create and participate in the support of the Regional Council of Governments as set forth in said agreement;

NOW THEREFORE be it resolved by the County Council of Beaufort County that the attached agreement creating the Regional Council of Government is hereby approved and the County Council Chairman and Administrative Officer are authorized to execute the agreement on behalf of the County Council.

Done this 8 day of November, 19 71

|                    |                    |
|--------------------|--------------------|
| <u>[Signature]</u> | <u>[Signature]</u> |
| <u>[Signature]</u> | <u>[Signature]</u> |
| <u>[Signature]</u> | <u>[Signature]</u> |
| <u>[Signature]</u> | <u>[Signature]</u> |
| <u>[Signature]</u> | <u>[Signature]</u> |

ATTEST:

[Signature]  
Administrative Officer  
Title



RESOLUTION

WHEREAS, the people of the State of South Carolina approved an amendment to Article VII of the Constitution of South Carolina, 1895, so as to allow the General Assembly to authorize counties and municipalities to establish Regional Councils of Government and provide financial support therefore; and

WHEREAS, the General Assembly of South Carolina has ratified said Constitutional Amendment and amended Article Two of Act 487 of 1967 to authorize counties and municipalities within ten specified multi-county areas to create Regional Councils of Government by executing an appropriate agreement; and

WHEREAS, it is proposed that the four counties of Beaufort, Colleton, Hampton, and Jasper Counties create a Regional Council of Governments as provided by law; and

WHEREAS, an appropriate agreement to create the Regional Council of Governments to be known as the Lowcountry Regional Planning Council has been reviewed and approved by the Attorney General of South Carolina; and

WHEREAS, the County Council of Hampton County find it necessary and desirable to create and participate in the support of the Regional Council of Governments as set forth in said agreement;

NOW THEREFORE be it resolved by the County Council of Hampton County that the attached agreement creating the Regional Council of Government is hereby approved and the Chairman and Clerk are authorized to execute the agreement on behalf of the County Council.

Done this 15 day of Nov., 1971.

N. Swett McHenry

M. J. McLean

Charles J. Brown

Richard D. Brown

ATTEST:

William D. Taylor

County Clerk

Title

[Signature]  
Senator

11-10-71  
Date

[Signature]  
Senator

11-22-71  
Date

[Signature]  
Representative of Beaufort County

1-5-71  
Date

[Signature]  
Representative of Beaufort County

11-22-71  
Date

[Signature]  
Representative of Colleton County

11-10-71  
Date

[Signature]  
Representative of L.ampton County

11/24/71  
Date

[Signature]  
Representative of Jasper County

12-1-13-71  
Date

Approved by the Governor on December 20, 1971.

[Signature]  
Governor