

## HORRY COUNTY BOARD OF EDUCATION

### By-Laws Membership

The Board consists of eleven members and a chairperson, all of whom must be qualified electors of Horry County.

The State Constitution prohibits dual office-holding, except in instances when an officer is given ex-officio status by statute. Any officeholder who is elected to a second office must vacate the first office. Thus, a Board member may not hold another office. S.C. Code §59-15-10 prohibits any employee of Horry County Schools from serving as an Horry County Schools Board member.

The chairperson is elected countywide in general elections, beginning with the 1998 general election and every four years thereafter except as indicated below under "Officers." Eleven Board members are elected for four-year terms from 11 districts in the general election held on the traditional Election Day in November of even-numbered years. The single-member election districts from which members of the Horry County Council are elected constitute the election districts from which the 11 members of the Board are elected.

Five members (districts 4, 5, 8, 9, 11) are elected in years whose numbers are divisible by four and six members (districts 1, 2, 3, 6, 7, 10) are elected in other even-numbered years. Members assume office at the first meeting in January following the election.

*Approved: 10/23/00; Revised 01-04-10.*

### Officers

Chairperson. The chairperson is elected county-wide in general elections, beginning with the 1998 general election and every four years thereafter except as indicated below.

If a vacancy occurs in the office of the chairperson, it must be filled at the next regularly scheduled general election for a full term, irrespective of the remaining time in the unexpired term. Until the vacancy in the office of the chairperson is filled, the vice-chairperson performs the duties of the chairperson.

Vice-Chairperson. The vice-chairperson presides over Board meetings in the absence of the chairperson and performs such other duties as are ordinarily considered functions of the vice-chairperson's office. The vice-chairperson is elected for a term of two years at the Board's organizational meeting by the following method.

1. The Board chairperson will call for nominations from the floor. A nomination must have a second. The chairperson will ascertain that there are no more nominations from the floor. After nominations the chairperson will pass out signed ballots for each Board member. Board members may only vote for one nominee. Should one member receive a majority vote of the entire Board membership, that member will be declared by the Board chairperson as the newly elected vice-chairperson.

2. Should no member receive a majority vote of the entire Board membership as the nominee for the office of vice-chairperson, the two candidates with the most votes will be declared nominees for the office of vice-chairperson, and a second signed ballot will be taken by the Board to choose between them.
3. The nominee that receives the most votes will be the new vice chair.

The newly elected officer assumes office at the end of the meeting.

Should the office of the vice-chairperson become vacant between organizational meetings, the Board will use the same method that has been described above to fill the vacancy until the **next** organizational meeting.

The voting tallies will be available to any Board member that requests them at the end of the meeting.

*Approved: 10/23/00; Revised 01-04-10; Revised 10-24-11; Revised 8-25-14; Revised xx-xx-20*

### **Unexpired Term Fulfillment**

Except for the Board chairperson, vacancies on the Board will be filled by appointment of the Board until the next scheduled election, at which time the vacancy must be filled for the remainder of the unexpired term or for a new full term as the case may be. The appointee must be a resident of the election district in which the vacancy occurred.

When a vacancy, other than the office of the chairperson, occurs on the Board, the vacancy will be filled within 90 days from the date the vacancy occurs, using the following procedure:

1. The vacancy will be advertised for a period of one week or one time if the advertisement is placed in a weekly newspaper of general circulation in the area where the vacancy exists.
2. The advertisement will state that persons interested must reside in the district where the vacancy exists and that anyone interested in filling the vacancy must contact the superintendent's office to obtain proper forms for filing for the vacancy.
3. Forms for filing for the vacancy must be addressed to the chairperson of the Board and received in the district office within 21 days from the date the first advertisement appears in a newspaper.
4. Information on all persons filing for the vacancy will be forwarded to the Board chairperson within five working days after the closing date.
5. Within 15 days after receipt of the information, the Board chairperson will call a special meeting of the Board for the purpose of reviewing all filing materials.
6. The Board members will rank those persons filing for the vacancy in priority order and interview the candidates as determined by the Board.

7. At the next regular or special Board meeting following the interviews, the Board will elect by majority vote one person from the candidates to fill the vacancy.

However, in situations in which the vacancy falls in the time period between the primary election (or the primary run-off election) and the general election, the Board may vote to appoint an unopposed candidate, who is from the district in which the vacancy occurred, to fill the vacancy until the general election.

*Approved: 10/23/00; Revised 10-24-11*

## Meetings

Business meetings. The Board will meet at least ten times annually, usually once each month. The time, date, and place of these meetings will be determined or reconfirmed annually at the August Board meeting and announced publicly; notwithstanding, the Board may update/re-state its meeting calendar at any subsequent public meeting as it may from time-to-time deem necessary. If it is necessary to reschedule a meeting, all members should be polled in advance in order to determine a mutually satisfactory time.

Workshop meetings. Workshop meetings will be held the first meeting of each month to provide dialogue and gather information related to items which may be presented during the business meetings. Business items must, except in case of emergency, be presented at the workshop meeting for discussion prior to being placed on the Business meeting agenda for action.

Organizational meeting. The Board will hold an organizational meeting at the first regular meeting that includes newly elected members. Election of a vice-chairperson for a term of two years will take place at the organizational meeting. The agenda of the organizational meeting will include designation or confirmation of the times that the Board will meet regularly through the next year. (Revised 01-04-10)

Special meetings. A special meeting of the Board may be called by the chairperson upon the request of any of its members or the superintendent. Except in emergencies, any special meetings will be announced at regular meetings of the Board, and the public will be informed through the news media. At special meetings, action will be limited to items related to the purpose or purposes for which the meeting was called.

Rules of order. Unless otherwise provided in the Board's policies governing its operations and procedures, the latest edition of Robert's Rules of Order shall be its guide to the conduct of official meetings. However, the vote required for adoption of any motion shall not exceed two-thirds of those present and voting unless otherwise determined by prior action of the Board.

Open forum. Citizens may address the Board on items as provided below.

1. A maximum of 30 minutes of each Board meeting will be allocated for citizens to speak to the Board on any issue they wish to bring forth.
2. Each person wishing to speak must register prior to the Board meeting and, except as may be specifically permitted by the Board Chair, be a resident of Horry County, and must provide a valid phone number and/or e-mail address. The registration may be accomplished during regular business hours up to six hours prior to a regularly scheduled Board meeting. Persons registering shall give their name and a valid address along with their phone number or email address. Only those so registered and recognized by the chairperson will be permitted to address the Board. Persons will be recognized in the order in which they registered. The administration will provide for an expeditious and orderly registration procedure.

3. Each person will be limited to no more than five minutes for his/her presentation. In cases of abusive language or of purely personal attacks on staff, Board members, or others, the chairperson shall rule the person out of order and require him/her to relinquish the floor, if necessary.
4. If more persons register to address the Board than time permits, they may be asked to limit their presentations to fewer than five minutes each or to appoint a spokesperson who may have up to five minutes to summarize their points of view.

Recording of Board meetings. Board meetings that are open to the public may be recorded by any person in attendance at the meeting as long as it does not interfere with the conduct of the meeting.

Meeting Minutes. An official record of all meetings will be kept by the Office of the Superintendent. A searchable record of all official business will be maintained for use by Board members.

*Approved: 12/17/01; Revised 01-04-10; Revised 10-24-11; Revised 10-19-2020*

## **Quorum**

A majority of the Board, or seven members, constitutes a quorum for purposes of transacting business. The only action the Board may take in the absence of a quorum is to adjourn the meeting to another time in the expectation of a quorum.

*Approved: 10/23/00*

## **Voting Method**

All voting of the Board will be by: electronic means, voice, or roll call, with such exceptions as the Board may make for election of officers or other matters as may be determined by the Board. On split votes, the names of those Board members voting "nay" will be recorded in the minutes. In addition, the names of members abstaining will be recorded.

The chairperson can vote in all matters except in the election of the vice-chair and the appointment of a Board member unless it is to break a tie.

The chairperson cannot relinquish the position of chair to make a motion.

Should the vice-chair temporarily assume the role of chairperson, the vice-chair does not forfeit his or her voting rights and the right to make a motion.

*Approved: 10/23/00; Revised 10-24-11; Revised 03-25-13*

## Legal Representation

The District will defend individual Board members and members of advisory boards of trustees in legal actions resulting from acts done or omitted in good faith in the discharge of their Board responsibilities. This applies to civil or criminal actions or special proceedings in the courts of this state or of the United States.

Any Board member or member of an advisory board of trustees needing legal assistance in a legal action arising out of the discharge of his/her responsibilities as a Board member must submit a request in writing to the chairperson. The chairperson will bring the request to the Board's attention to determine whether legal assistance will be provided. However, the Board reserves the right to withdraw legal assistance at any time.

In all cases in which the administration or the attorney becomes aware that unusual kinds or amounts of legal services may be required, the Board must be advised in writing and either an initial or continuing authorization to proceed must be sought from the Board.

If a Board member or a member of a local advisory board of trustees has not been provided with legal assistance by the Board and if the person is exonerated, the Board may reimburse the person for reasonable and customary legal expenses associated with his/her defense.

*Approved: 10/23/00.*