**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4116**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McLeod, Anthony and Kennedy

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Introduced in the House on May 21, 2009

Currently residing in the House Committee on **Judiciary**

Summary: County government

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/21/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\05-21-09.docx)‑44

5/21/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\05-21-09.docx)‑44

**VERSIONS OF THIS BILL**

[5/21/2009](file:///p:\pprever\2009-10\4116_20090521.docx)

**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 9, TITLE 4, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNCIL‑SUPERVISOR FORM OF COUNTY GOVERNMENT, SO AS TO CHANGE THE NAME OF THE FORM OF GOVERNMENT TO THE COUNCIL‑CHIEF EXECUTIVE FORM OF COUNTY GOVERNMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 5, Chapter 9, Title 5 of the 1976 Code is amended to read:

“Article 5

~~Council‑Supervisor~~ Council‑Chief Executive Form

of County Government

(Form No. 2)

Section 4‑9‑410. (A) The council in those counties adopting the ~~council‑supervisor~~ council‑chief executive form of government provided for in this article shall consist of not less than two nor more than twelve members who are qualified electors of the county. The ~~supervisor~~ chief executive shall serve as chairman and vote only to break tie votes. The ~~supervisor shall~~ chief executive must be a qualified elector of the county, elected at large from the county in the general election for a term of two or four years.

(B) The compensation for the ~~supervisor shall~~ chief executive must be prescribed by the council by ordinance. The council shall not reduce or increase the compensation of the supervisor during the term of office for which he was elected.

Section 4‑9‑420. The powers and duties of the ~~supervisor~~ chief executive shall include, but not be limited to, ~~the following~~ to:

(1) ~~to~~ serve as the chief administrative officer of the county government;

(2) ~~to~~ execute the policies and legislative actions of the council;

(3) ~~to~~ direct and coordinate operational agencies and administrative activities of the county government;

(4) ~~to~~ prepare annual operating and capital improvement budgets for submission to the council;

(5) ~~to~~ supervise the expenditure of funds appropriated by council;

(6) ~~to~~ prepare annual, monthly, and other reports for council on finances and administrative activities of the county;

(7) ~~to~~ recommend measures for adoption;

(8) ~~to~~ serve as presiding officer of the council, voting in case of council ties;

(9) ~~to~~ serve as official spokesman for the council with respect to council’s policies and programs;

(10) ~~to~~ inspect books, accounts, records, or documents pertaining to the property, money, or assets of the county;

(11) ~~to~~ be responsible for the administration of county personnel policies approved by the council including salary and classification plans;

(12) ~~to~~ be responsible for employment and discharge of personnel subject to the provisions of ~~subsection (7) of~~ Section 4‑9‑30(7) and subject to the appropriation of funds by the council for that purpose.

Section 4‑9‑430. (A) The council shall not remove any county administrative officers or employees whom the county ~~supervisor~~ chief executive or any of his subordinates are empowered to appoint, unless by two‑thirds vote of the members present and voting.

(B) Except for the purposes of inquiries and official investigations, neither the council nor its members shall give direct orders to any county officer or employee, either publicly or privately.

(C) With the exception of organizational policies established by the governing body, the county ~~supervisor~~ chief executive shall exercise no authority over any elected officials of the county whose offices were created either by the Constitution or by general law of the State.

Section 4‑9‑440. Except as specifically provided for in this article, the structure, organization, powers, duties, functions, and responsibilities of county government under the ~~council‑supervisor~~ council‑chief executive form ~~shall be~~ are as prescribed in Article 1 of this chapter.”

SECTION 2. The name of the council‑supervisor form of county government is changed to the council‑chief executive form of county government. Wherever the term “council‑supervisor” and “supervisor” appears in the Code of Laws of South Carolina, 1976, it means the “council‑chief executive” and “chief executive”, respectively, and the Code Commissioner is directed to change these references at a time and in a manner that is timely and cost effective.

SECTION 3. This act takes effect upon approval by the Governor.

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