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NEW BUSINESS

Introduction and 1st Reading of an Ordinance Establishing the Structure by Which the City Attorney is appointed, the Scope of Services to be Provided, and the Parameters in which Individual Council Members Can Seek Guidance from the City Attorney

ACTION:

Motion to approve Introduction and 1st Reading of an Ordinance Establishing the Structure by Which the City Attorney is appointed, the Scope of Services to be Provided, and the Parameters in which Individual Council Members Can Seek Guidance from the City Attorney

STAFF RESOURCE:

Charlie Funderburk | City Manager

EXECUTIVE SUMMARY:

At Mayor Pro Tem Miller's request Council is considering adopting this ordinance to provide guidelines with regards to the City Attorney's position.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK) **ORDINANCE** ____
)
 CITY OF TEGA CAY)

AN ORDINANCE TO CREATE CHAPTER 2 ARTICLE VI OF THE CITY’S CODE TO ESTABLISH THE STRUCTURE BY WHICH THE CITY ATTORNEY IS APPOINTED, THE SCOPE OF SERVICES TO BE PROVIDED, AND THE PARAMETERS IN WHICH COUNCIL MEMBERS CAN SEEK GUIDANCE FROM THE CITY ATTORNEY.

WHEREAS, the City of Tega Cay recognizes the need to periodically review and update certain sections within its Code of Ordinances;

WHEREAS, the City Council of the City of Tega Cay is authorized to appoint a City Attorney under South Carolina State Law Title 5 Section 5-7-230; and

WHEREAS, The City Council sees the implementation of Chapter 2, Article 6 as a prudent and advantageous step to establish a structured framework overseeing the operations of the City Attorney.

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Tega Cay, duly and properly assembled this day, does hereby adopt Chapter 2, Article 6, of the City’s Code to include the sections and provisions as prescribed herein below and incorporated within.

Article VI City Attorney

Sec. 2-417.- Appointment

- A. A City Attorney shall be appointed by the City Council.
 * State law reference(s)— S.C. Code 1976, § 5-7-230.
- B. A City Attorney shall serve a two (2) year term.

Sec. 2-418. - Qualifications.

- A. The City Attorney shall be a member in good standing of the South Carolina Bar.

Sec. 2-419. - Office.

The City Attorney shall not be considered an officer or employee of the City.

Sec. 2-420.- Duties

The City Attorney shall have the following duties:

- 1. Attend all meetings of the City Council, unless excused thereby.
- 2. Draft, or supervise the drafting of, and provide legal review, when appropriate, to all written instruments relative to the business of the City including but not limited to ordinances, resolutions, and documents presented to the City Council, when requested to do so.

3. When called upon by at least two members of City Council to give advice and direction to City Council, with such advice or direction being related to City procedure, form, and law which may arise in the discharge of the duties of their respective offices.
4. When called upon by the City Manager, and or his/her designee, give advice or direction on matters pertaining to the administration of the City.
5. The City Attorney shall conduct all legal correspondences for the city with regards to all legal matters except in the event a third-party attorney is authorized by the City to handle matters which fall outside the scope of the City Attorney.

Sec. 2-420.- Compensation

The City Attorney shall invoice the City on a regular basis for legal fees which shall be allocated in the annual budget by Council.

FIRST READING: May 20, 2024

SECOND READING: _____

Enacted this _____ day of _____, 2024, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

Signature Page to Follow

SIGNED:

CITY OF TEGA CAY

Christopher T. Gray, Mayor

[SEAL]

Carmen Miller, Mayor Pro Tem

Brian D. Carter, Councilmember

ATTEST:

Scott G. Shirley, Councilmember

Thomas S. Hyslip, Councilmember

Charlie Funderburk, City Manager

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the _____ day of _____ 2024.

Casey O'Brien, Municipal Clerk