

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND SECTION 2-5-15 (*PUBLIC MEETINGS AND PUBLIC HEARINGS OF TOWN COUNCIL AND BOARDS AND COMMISSIONS*); SECTION 2-5-50 (*AGENDA AND ORDER OF BUSINESS*), SECTION 2-5-70 (*APPEARANCE BY CITIZENS DURING PUBLIC MEETINGS*) AND SECTION 2-5-80 (*RULES OF DECORUM*) OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA.**

**WHEREAS**, the Town of Hilton Head Island believes that public participation in local government decision-making is a critical component of local government and the legislative policy making process; and

**WHEREAS**, the Town of Hilton Head Island is committed to providing an open and an easily accessible forum for citizens to address the Town Council and its other boards and commissions during public meetings; and

**WHEREAS**, the Town of Hilton Head Island acknowledges the need to facilitate efficient and effective public meetings as well as establish reasonable rules of decorum to ensure that public meetings are conducted in a safe, respectful, and orderly manner; and

**WHEREAS**, the Town Council now desires to amend Section 2-5-15, Public Meetings and Public Hearings of Town Council and Boards and Commissions; Section 2-5-50, Agenda and Order of Business, Section 2-5-70, Appearances by Citizens, and Section 2-5-80, Rules of Decorum of the Municipal Code of the Town of Hilton Head Island; and

**WHEREAS**, the Town Council has the authority to amend its Code of Ordinances when deemed to be in the best interest of the citizens of the Town, and now desires to do act with respect to the subjects referenced above by enacting the amendments set forth below.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:**

**Section 1. Amendment.** Sections 2-5-15, 2-5-50, 2-5-70, and 2-5-80 of the Municipal Code of the Town of Hilton Head Island related to the agenda and order of business, appearance by citizens during public meetings, and rules of decorum, respectively, are here by amended as set forth in Exhibit A to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

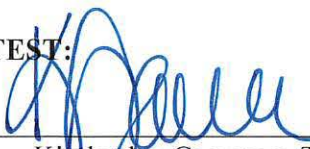
**Section 2. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a

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separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

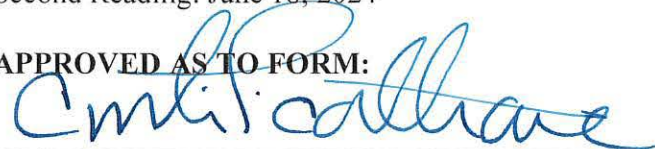
**THIS ODINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL EADING, SIGNED SEALED AND DELIVERED THIS 18TH DAY OF JUNE, 2024**

By:   
Alan R. Perry, Mayor

ATTEST:  
By:   
Kimberley Gammon, Town Clerk

First Reading: June 4, 2024

Second Reading: June 18, 2024

APPROVED AS TO FORM:  
  
Curtis L. Coltrane, Town Attorney

## EXHIBIT A

### **Sec. 2-5-15. Public meetings and public hearings of town council and boards and commissions.**

- (a) Regular meetings, special meetings and/or public hearings of the town council and any of its boards and commissions may be held at town hall, may be held electronically, or by a combination thereof with some members in physical attendance and others attending electronically.
- (1) No less than twenty-four (24) hours prior to the beginning of any meeting to be conducted under the authority of this section 2-5-15, a complete agenda package shall be posted on the Town of Hilton Head Island web page. ~~Any citizen may comment on any agenda item through the "Open Town Hall" application, or such other application as may be used from time to time by the town for that purpose, at any time up to two (2) hours prior to the commencement of the public meeting. All comments made through the "Open Town Hall" application or such other application as may be used from time to time by the town for that purpose, will be forwarded to town council or the members of the board or commission prior to the commencement of the meeting.~~
  - (2) If a meeting is scheduled to be an in-person meeting, any member of the town council or board or commission who desires to attend by way of electronic media must receive prior approval from the mayor or chairperson of the board or commission. At the beginning of any meeting to be conducted under the authority of this section 2-5-15, the presiding officer shall poll the members of the town council, or board or commission, to confirm attendance, and any member of the town council, or board or commission attending by way of electronic media shall be considered present for the purpose of constituting a quorum.
  - (3) Throughout the duration of any meeting to be conducted under the authority of this section 2-5-15, all members of the town council, or a board or commission, as well as any officials, staff, or presenters required to speak at the meeting, must have the capability to be heard at all times by any other member of the town council, or a board or commission, and by the general public.
  - (4) Any vote of the town council, or a board or commission, must be conducted by individual voice vote of the members of the town council, or a board or commission, who shall verbally indicate their vote on any matter by stating "yes" or "no" or equivalent statement or by a show of a visual affirmative or negative vote. All of the members town council, or a board or commission, who shall verbally indicate their vote on any matter by stating "yes" or "no" or equivalent statement. All individual votes shall be recorded by the clerk, secretary, or presiding officer as appropriate. Council members as well as board and commission members in attendance by telephonic or other electronic means shall have all rights, including, but not limited to, the right to make motions, second motions, and discuss

and vote on all matters under consideration.

- (5) Any meeting to be conducted under the authority of this section 2-5-15, shall be recorded or minutes kept in the same manner as an in a solely in-person meeting as required by the South Carolina Freedom of Information Act.
  - (6) All members of town council, or a board or commission, or any officials, staff, or other presenters shall identify themselves and be recognized prior to speaking. Members of the town council, or a board or commission shall comply with the rules of the town council, or a board or commission as they relate to procedural matters.
  - (7) In any meeting to be conducted under the authority of this section 2-5-15, executive sessions shall be permitted in accordance with the terms of S. C. Code Ann. § 30-4-10, et seq. (Supp. 2020) and the town council, or a board or commission shall properly announce its reason for going into executive session in conformity with the terms of S. C. Code Ann. § 30-4-70 (Supp. 2020). The executive session may be held via in person attendance, an electronic platform, or a combination of electronic and in person attendance provided that the executive session shall not be broadcast, made available to the public for viewing or listening, or be distributed by any other means to the public.
  - (8) With respect to any electronic meeting of town council or its boards and commissions, and subject to the terms of the applicable agenda for such meeting, members of the public may also participate electronically as follows:
    - a. Public comments for electronic meetings. Individuals wishing to provide written comments for any public comment period, to include public hearings, may submit written comments to the clerk no later than two (2) hours prior to any meeting in accordance with the instructions printed on the meeting agenda. In the absence of established procedures for admitting individuals desiring to make public comment into the electronic forum, the town clerk, or other person as designated by the mayor, may read such comments aloud during the applicable public comment period.
    - b. If the electronic meeting platform utilized by the town has sufficient capability to allow members of the public to submit comments during a meeting or public hearing, in written form, by voice, or by video, then general public comment, public comment on old business and public comment on new business agenda items, and public hearings shall be taken using the method the electronic meeting platform supports, and shall be otherwise be conducted in accordance with all other rules and procedures of council. Notices of public meetings and public hearings shall include detailed instructions regarding the manner in which the public comment shall be held.
- (b) Section 12.5.80, rules of decorum, shall apply during electronically hosted meetings in accordance with this section.

**Sec. 2-5-50. Agenda and order of appearance.**

- (a) Matters to be considered at a regular meeting or called special meeting, except a called emergency special meeting, of council shall be placed on a written agenda and conform to the order of business of council.
- (b) The municipal clerk shall post the agenda on the town website and on a bulletin board in a publicly accessible place at town hall or at the meeting place of the town council as early as is practicable but not later than twenty-four (24) hours before the meeting.
- (c) Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this section, no items may be added to the agenda without an additional twenty-four (24) hours' notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken may only be added to the agenda by a two-thirds ( $\frac{2}{3}$ ) vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds ( $\frac{2}{3}$ ) vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.
- (d) The mayor may, but shall not be required to, call the order of business of council as follows:
  - (1) Call to order by presiding officer.
  - (2) Pledge of allegiance.
  - (3) Invocation.
  - (4) Reading of minutes of previous meeting, their consideration and approval of the same
  - (5) Proclamations.
  - (6) Reports from municipal officers of the Town Manager.
  - (7) Reports of council. General reports of members of Town Council.
  - (8) Reports of Committees-Chairs.
  - (9) Appearances by citizens. Consent Agenda, if applicable. For the consent agenda, the following shall be the order of matters presented to Town Council:—
    - i. Town Council removal and transfer to Unfinished Business of proposed consent agenda items.
    - ii. Public Comment.
    - iii. Motion, Town Council discussion and vote.

- (10) Proclamations. Unfinished Business, if applicable. For unfinished business, the following shall be the order of matters presented to Town Council:—
- i. Staff Presentation, if applicable.
  - ii. Applicant Presentation, if applicable.
  - iii. Public Comment.
  - iv. Motion, Town Council discussion and vote.
- (11) New Business, if applicable. For new business, the following shall be the order of matters presented to Town Council:\_\_\_\_\_
- i. Staff Presentation, if applicable.
  - ii. Applicant Presentation, if applicable.
  - iii. Public Comment.
  - iv. Motion, Town Council discussion and vote.
- (12) Public comment on matters not on the agenda. Non-agenda Items Only\_\_\_\_\_
- (13) Executive session.
- (14) Possible actions by town council concerning matters discussed in executive session.
- (15) Adjournment.
- (e) If it is desired to transact business out of its order, it shall be necessary to suspend the rules by a vote of a majority of members present.
- (f) ~~The pledge of allegiance and the meeting shall begin at 4:00 p.m. and end no later than 8:00 p.m.~~ The meeting shall begin at the time identified in the published agenda and shall conclude immediately upon the conclusion of all identified agenda items. The mayor shall have the discretion to extend the meeting if circumstances warrant. Council may enter into Executive Session at any time during the public portion of the meeting if a majority of council determines it necessary pursuant to subsection (c) above.
- (g) The rules identified above shall also apply to the extent practical to any other public meeting of any other public body, as those terms are defined in S.C. Code Ann. Section 30-4-20(a) and in

**Sec. 2 Sec. 2-5-70. ~~Appearance by citizens.~~**

- (a) ~~Any interested party shall be entitled to appear before the council at any regular meeting during the appearance by citizens portion of the agenda to present any matters pertaining to the town.~~  
\_\_\_\_\_
- (b) ~~Interested parties shall be entitled to address council on a specific agenda item during the old business or new business portions of the agenda after council has concluded its discussion on such item, but prior to a council vote.~~
- (c) ~~Interested parties desiring to present a matter at a regular meeting must notify the town receptionist or the presiding officer by 12:00 noon on the date of such meeting. Notice must be given prior to each separate meeting at which they desire to address council. Citizens desiring to address council on an agenda item during the old business or new business portions of the agenda need not provide notification. No person shall address the council without first being recognized by the mayor.~~\_\_\_\_\_
- (d) ~~Each person addressing the council during the appearance by citizens portion on the agenda, or during the specific agenda discussion, shall step up to the place provided for the use of the public and give his name and address in an audible tone of voice for the records, state the subject he wishes to discuss, state whom he is representing and if he represents an organization or other persons, present the authority for such right to speak on the subject matter on behalf of an organization or other persons.~~\_\_\_\_\_
- (e) ~~Unless further time is granted by majority vote of the council, he shall limit his remarks to three (3) minutes. All remarks shall be addressed to the council as a whole and not to any member thereof.~~\_\_\_\_\_
- (f) ~~No person other than members of the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the mayor.~~\_\_\_\_\_
- (g) ~~No question may be asked a council member without the permission of the mayor.~~
- (h) ~~Public hearings may be a part of a regular meeting when appropriate or can be the sole subject of a called special meeting.~~\_\_\_\_\_
- (i) ~~Those persons desiring to make presentations at publicly noticed hearings at either regular or special meetings may so indicate by completing and presenting to the clerk, prior to the start of a hearing, a request to be heard. Such presentations must deal only with the subject of the hearing as indicated in the agenda. Deviation from this will not be permitted. Where time permits, following the appearance of those who have filed requests to be heard, others desiring to be heard may so indicate by raising their hands and being recognized by the chair.~~\_\_\_\_\_

- (j) ~~In order to expedite matters at any public hearing and to avoid repetitious presentations, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the mayor to request that a spokesman be chosen by the group to address the council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the council.~~
- (k) ~~After a motion has been made or a public hearing has been closed, no member of the public shall address the council from the audience on the matter under consideration without first securing permission to do so by majority vote of the council.~~

**Sec. 2-5-70. Appearance by citizens during public meetings. Public Comment.**

- (a) Purpose. The purpose of this section is to establish a structured and accessible process for public comment periods, ensuring that citizens have the opportunity to participate in local governance and, express their opinions, while maintaining a respectful and orderly forum for public comments. By setting forth clear rules and procedures for public comment periods, the Town encourages civic engagement and fosters a collaborative approach to decision-making, ultimately contributing to the development of policies and initiatives that reflect the needs and values of the Town of Hilton Head Island.
- (b) Rules and Procedure Governing Public Comment During Public Meetings. In addition to the Rules of Decorum outlined in Section 2-5-80, the following rules and procedures shall apply to all public meetings as defined in the South Carolina Freedom of Information Act Section 30-4-20(d) and shall apply to all public meetings of Town Council, Town Council Standing Committees, and the committees, boards, and commissions created by the Town Council (each, a “public body”). The failure to comply with any of these Rules of Procedure is a violation of this Section.
  - 1. Agenda Items. Any interested person may appear before a public body at a public meeting to address the public body ~~speak~~ regarding an agenda item on which the public body will discuss and/or vote at that meeting.
  - 2. Public comment for public meetings. A public comment period shall be published on the agenda of any meeting of a public body so that at least one public comment period will be held for each public meeting  
\_\_\_\_\_
  - 3. Priority of speakers. Any interested person may speak at a public meeting on a matter pertaining to municipal policy, services, and operations, as allowed in this section. Priority to speak shall be given to Town of Hilton Head Island residents, followed by any other interested individuals  
\_\_\_\_\_
  - 4. Public comment on agenda items. Any person wishing to address a public body regarding an agenda item must either submit an electronic public comment form no later than two hours prior to the start of the public meeting or shall complete a public comment form on the date of the public meeting, in person and no later than ten (10)



minutes prior to the start of the public meeting. Public comment forms must be filled out completely and include the name, address and contact information of the person who will be speaking and must identify the agenda item on which the person wishes to speak. If a person wishes to speak on matters not related to an agenda item that is on that particular meeting's agenda, such person shall speak at the public comment period that shall occur following the completion of any new business agenda items. A separate public comment form shall be completed for each agenda item about which a person wishes to speak. Persons speaking about an agenda item shall limit their comments to only that agenda item.

5. *Public comment on items not on the agenda.* Any person wishing to address the public body regarding an item that is not on the agenda for that particular meeting, such person must either submit an electronic public comment form no later than two hours prior to the start of the public meeting or complete a public comment form, in person and no later than ten (10) minutes prior to the start of the public meeting. Public comment forms must be filled out completely and include the name, address and contact information of the person wishing to speak and must identify the subject about which the person wishes to speak.
6. *Limitation on public comment.* Each person addressing the public body either during public comment for items that are on an agenda or during public comment on items that are not on the agenda, may speak only once during either of these respective public speaking opportunities as provided for in sections b(4) and b(5) listed above.
7. *Duration of public comments.* Each person may speak only during the time designated in the posted agenda of a public body. All speakers shall be limited to three (3) minutes. No speaker shall begin their public comments until recognized by the presiding officer.
8. *Addressing the public body.* Each person addressing a public body during a public comment period shall step up to the speaking podium or any other place provided for the purposes of public speaking, state his or her name and address in an audible tone of voice for the record and state the subject that he or she wishes to discuss. Speakers shall address the public body only and shall not direct their comments to the audience, individual members of the audience, or Town Staff.
9. *Conclusion of public comment.* No person may continue speaking or remain at the speaking podium after their allotted time has expired or after being directed to cease speaking and relinquish the speaker's podium by the presiding officer.
10. *No allocation or transfer of speaking time.* No person may delegate their allotted speaking time to any other individual and any person who speaks on his or her own behalf and is limited to one time to speak and may not speak again on behalf of any other group or individual.
11. In the event ~~Any person speaking on behalf of a group of speakers who wish to speak on the same subject matter, the presiding officer may request that that group are encouraged to~~ appoint one spokesperson to speak on behalf of the group for the purpose

of conducting orderly business efficiently. A person speaking on behalf of a group is limited to one time to speak and may not speak again on his or her own behalf, or any other group or person.

12. No questions without approval and speaking to public body. No questions may be asked of a member of a public body without first receiving the permission of the presiding officer. No person other than the recognized speaker may speak ~~during a public comment period~~ unless otherwise authorized by the presiding officer. All ~~public comments must be directed to the Town Council as a whole and not any member thereof nor shall any public comments be directed towards the public or any member thereof.~~

Speaking after public comments has been closed. No person other than members of the public body or Town staff may speak after the public comment period has concluded unless otherwise recognized by the presiding officer.

13. Closure or termination of public comment. The presiding officer may close or limit any public comment period in the event of ~~for~~ any violations of this section or Section 2-5-80..

**Sec. 2-5-80 Rules of decorum.**

(a) ~~Rules of decorum.~~ While any meeting of town council, its boards or commissions is in session, the following rules of decorum shall be observed:

(1) ~~Any person who speaks at a council, board or commission meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and shall not use any profane, abusive or obscene language nor any fighting words or otherwise engage in disorderly conduct. Any person who makes such remarks or otherwise engages in disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of a council, board or commission meeting shall, at the discretion of the mayor, or in his absence, the mayor pro tempore, or such chairperson of the meeting, be barred from further audience before council, the board, or commission during that meeting and may be removed from the building.~~

(2) ~~This section in no way limits any person from being charged or arrested for criminal conduct which occurs during the course of a council meeting or during the course of a person being removed from a council meeting pursuant to this section.~~

**Sec. 2-5-80. Rules of decorum.**

- (a) Purpose. The Town desires to foster an atmosphere of civility and respect towards all individuals attending public meetings. Allowing the public to voice their opinions enables the Town's elected, appointed, and employed officials to make well-informed and thoughtful decisions. The purpose of any public meeting, which includes Town Council meetings, is to efficiently conduct the Town's business for the benefit of all Town residents, visitors, and businesses, and this does not occur when a public meeting is disrupted by individuals who do not adhere to the requirements of Section 2-5-70 or these Rules of Decorum. These rules shall govern any public meetings before any public body, which includes the Town Council, and shall be observed by all people in attendance.
- (b) Rules of decorum. Any person who attends a public meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting. The decorum appropriate for any public meeting requires all in attendance to speak and behave in a manner that is civil and respectful to the public body and all other people in attendance.
- a. The following conduct disrupts a public meeting and is prohibited during any public meeting and is a violation of this Section:
- i. Addressing a public body without first being recognized.
  - ii. Continuing to speak after the allotted time as set out in Sec. 2-5-70 has expired.
  - iii. Failing to stop speaking and sit down when directed to do so by the chairperson of the public body or failing to comply with any other direction of the chairperson of the public body.
  - iv. Engaging in any act that violates ~~is prohibited by~~ Sec. 2-5-70.
  - v. Interrupting or attempting to interrupt members of any public body, members of Town staff or another speaker that has been recognized by the chairperson of the public body.
  - vi. No speaker or other person in attendance shall (a) use any profane, abusive, defamatory, threatening or obscene language; (b) use any fighting words; (c) make personal attacks against any other person, whether the person attacked is in attendance at the meeting or not; or, (d) engage in conduct that is prohibited by this Sec. 2-5-80 or Sec. 2-5-70, or engage any other type of disorderly conduct.
  - vii. ~~No speaker or other person in attendance shall interrupt or attempt to interrupt members of a public body or members of Town staff, or by shouting or attempting to shout over a speaker, members of a public body or members of Town staff.~~
  - viii. Any speaker who has been recognized by a public body shall address his or her comments to the public body as a whole and shall not address or otherwise engage with any individual member of the public body, any member of the audience or Town Staff.

ix. Engaging in any behavior that impedes, interrupts, stops or makes the continuation of any public meeting of the public body impractical.

(c) Penalties. Violations of this section shall be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both. This is cumulative to any other available remedy. Individuals are also subject to being removed from a public meeting for violations of this section. This section in no way limits any person from being charged or arrested for criminal conduct which occurs during the course of a public meeting or during the course of a person being removed from a public meeting pursuant to this section. For purposes of this section, the term public body shall have the same meaning as set forth in S.C. Code Ann. § 30-4-20(a) and the term public meeting shall have the same meaning as set forth in S.C. Code Ann. §30-4-20(d)

**EXHIBIT A**

**Sec. 2-5-15. Public meetings and public hearings of town council and boards and commissions.**

- (a) Regular meetings, special meetings and/or public hearings of the town council and any of its boards and commissions may be held at town hall, may be held electronically, or by a combination thereof with some members in physical attendance and others attending electronically.
- (1) No less than twenty-four (24) hours prior to the beginning of any meeting to be conducted under the authority of this section 2-5-15, a complete agenda package shall be posted on the Town of Hilton Head Island web page.
  - (2) If a meeting is scheduled to be an in-person meeting, any member of the town council or board or commission who desires to attend by way of electronic media must receive prior approval from the mayor or chairperson of the board or commission. At the beginning of any meeting to be conducted under the authority of this section 2-5-15, the presiding officer shall poll the members of the town council, or board or commission, to confirm attendance, and any member of the town council, or board or commission attending by way of electronic media shall be considered present for the purpose of constituting a quorum.
  - (3) Throughout the duration of any meeting to be conducted under the authority of this section 2-5-15, all members of the town council, or a board or commission, as well as any officials, staff, or presenters required to speak at the meeting, must have the capability to be heard at all times by any other member of the town council, or a board or commission, and by the general public.
  - (4) Any vote of the town council, or a board or commission, must be conducted by individual voice vote of the members of the town council, or a board or commission, who shall verbally indicate their vote on any matter by stating "yes" or "no" or equivalent statement or by a show of a visual affirmative or negative vote. All individual votes shall be recorded by the clerk, secretary, or presiding officer as appropriate. Council members as well as board and commission members in attendance by telephonic or other electronic means shall have all rights, including, but not limited to, the right to make motions, second motions, and discuss and vote on all matters under consideration.
  - (5) Any meeting to be conducted under the authority of this section 2-5-15, shall be recorded or minutes kept in the same manner as an in a solely in-person meeting as required by the South Carolina Freedom of Information Act.
  - (6) All members of town council, or a board or commission, or any officials, staff, or other presenters shall identify themselves and be recognized prior to speaking. Members of the town council, or a board or commission shall comply with the rules of the town council, or a board or commission as they relate to procedural matters.
  - (7) In any meeting to be conducted under the authority of this section 2-5-15, executive sessions shall be permitted in accordance with the terms of S. C. Code Ann. § 30-4-10, et seq. (Supp. 2020) and the town council, or a board or commission shall properly

announce its reason for going into executive session in conformity with the terms of S. C. Code Ann. § 30-4-70 (Supp. 2020). The executive session may be held via in person attendance, an electronic platform, or a combination of electronic and in person attendance provided that the executive session shall not be broadcast, made available to the public for viewing or listening, or be distributed by any other means to the public.

- (8) With respect to any electronic meeting of town council or its boards and commissions, and subject to the terms of the applicable agenda for such meeting, members of the public may also participate electronically as follows:
  - a. Public comments for electronic meetings. Individuals wishing to provide written comments for any public comment period, to include public hearings, may submit written comments to the clerk no later than two (2) hours prior to any meeting in accordance with the instructions printed on the meeting agenda. In the absence of established procedures for admitting individuals desiring to make public comment into the electronic forum, the town clerk, or other person as designated by the mayor, may read such comments aloud during the applicable public comment period.
  - b. If the electronic meeting platform utilized by the town has sufficient capability to allow members of the public to submit comments during a meeting or public hearing, in written form, by voice, or by video, then general public comment, public comment on old business and public comment on new business agenda items, and public hearings shall be taken using the method the electronic meeting platform supports, and shall be otherwise be conducted in accordance with all other rules and procedures of council. Notices of public meetings and public hearings shall include detailed instructions regarding the manner in which the public comment shall be held.
- (b) Section 12.5.80, rules of decorum, shall apply during electronically hosted meetings in accordance with this section.

**Sec. 2-5-50. Agenda and order of appearance.**

- (a) Matters to be considered at a regular meeting or called special meeting, except a called emergency special meeting, of council shall be placed on a written agenda and conform to the order of business of council.
- (b) The municipal clerk shall post the agenda on the town website and on a bulletin board in a publicly accessible place at town hall or at the meeting place of the town council as early as is practicable but not later than twenty-four (24) hours before the meeting.
- (c) Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this section, no items may be added to the agenda without an additional twenty-four (24) hours' notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken may only be added to the agenda by a two-thirds ( $\frac{2}{3}$ ) vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds

( $\frac{2}{3}$ ) vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.

(d) The mayor may, but shall not be required to, call the order of business of council as follows:

- (1) Call to order by presiding officer.
- (2) Pledge of allegiance.
- (3) Invocation.
- (4) Reading of minutes of previous meeting, their consideration and approval of the same.
- (5) Proclamations.
- (6) Report of the Town Manager.
- (7) General reports of members of Town Council.
- (8) Reports of Committee Chairs.
- (9) Consent Agenda, if applicable. For the consent agenda, the following shall be the order of matters presented to Town Council:
  - i. Town Council removal and transfer to Unfinished Business of proposed consent agenda items.
  - ii. Public Comment.
  - iii. Motion, Town Council discussion and vote.
- (10) Unfinished Business, if applicable. For unfinished business, the following shall be the order of matters presented to Town Council:
  - i. Staff Presentation, if applicable.
  - ii. Applicant Presentation, if applicable.
  - iii. Public Comment.
  - iv. Motion, Town Council discussion and vote.
- (11) New Business, if applicable. For new business, the following shall be the order of matters presented to Town Council:
  - i. Staff Presentation, if applicable.
  - ii. Applicant Presentation, if applicable.
  - iii. Public Comment.
  - iv. Motion, Town Council discussion and vote.
- (12) Public comment on Non-agenda Items Only.

- (13) Executive session.
  - (14) Possible actions by town council concerning matters discussed in executive session.
  - (15) Adjournment.
- (e) If it is desired to transact business out of its order, it shall be necessary to suspend the rules by a vote of a majority of members present.
- (f) The meeting shall begin at the time identified in the published agenda and shall conclude immediately upon the conclusion of all identified agenda items. The mayor shall have the discretion to extend the meeting if circumstances warrant. Council may enter into Executive Session at any time during the public portion of the meeting if a majority of council determines it necessary pursuant to subsection (c) above.
- (g) The rules identified above shall also apply to the extent practical to any other public meeting of any other public body, as those terms are defined in S.C. Code Ann. Section 30-4-20(a) and in S.C. Code Ann. Section 30-4-20(d), *mutatis mutandis*.

**Sec. 2-5-70. Public Comment.**

- (a) Purpose. The purpose of this section is to establish a structured and accessible process for public comment periods, ensuring that citizens have the opportunity to participate in local governance and, express their opinions, while maintaining a respectful and orderly forum for public comments. By setting forth clear rules and procedures for public comment periods, the Town encourages civic engagement and fosters a collaborative approach to decision-making, ultimately contributing to the development of policies and initiatives that reflect the needs and values of the Town of Hilton Head Island.
- (b) Rules and Procedure Governing Public Comment During Public Meetings. In addition to the Rules of Decorum outlined in Section 2-5-80, the following rules and procedures shall apply to all public meetings as defined in the South Carolina Freedom of Information Act Section 30-4-20(d) and shall apply to all public meetings of Town Council, Town Council Standing Committees, and the committees, boards, and commissions created by the Town Council (each, a “public body”). The failure to comply with any of these Rules of Procedure is a violation of this Section.
1. *Agenda Items.* Any interested person may appear before a public body at a public meeting to address the public body regarding an agenda item on which the public body will discuss and/or vote at that meeting.
  2. *Public comment for public meetings.* A public comment period may be published on the agenda of any meeting of a public body so that at least one public comment period may be held for each public meeting.
  3. *Priority of speakers.* Any interested person may speak at a public meeting on a matter pertaining to municipal policy, services, and operations, as allowed in this section.
  4. *Public comment on agenda items.* Any person wishing to address a public body regarding an agenda item must either submit an electronic public comment form no



later than two hours prior to the start of the public meeting or shall complete a public comment form on the date of the public meeting, in person and no later than ten (10) minutes prior to the start of the public meeting. Public comment forms must be filled out completely and include the name, address and contact information of the person who will be speaking and must identify the agenda item on which the person wishes to speak. If a person wishes to speak on matters not related to an agenda item that is on that particular meeting's agenda, such person shall speak at the public comment period that shall occur following the completion of any new business agenda items. A separate public comment form shall be completed for each agenda item about which a person wishes to speak. Persons speaking about an agenda item shall limit their comments to only that agenda item

5. *Public comment on items not on the agenda.* Any person wishing to address the public body regarding an item that is not on the agenda for that particular meeting must either submit an electronic public comment form no later than two hours prior to the start of the public meeting or complete a public comment form, in person and no later than ten (10) minutes prior to the start of the public meeting. Public comment forms must be filled out completely and include the name, address and contact information of the person wishing to speak and must identify the subject about which the person wishes to speak.
6. *Limitation on public comment.* Each person addressing the public body either during public comment for items that are on an agenda or during public comment on items that are not on the agenda, may speak only once during either of these public speaking opportunities as provided for in sections b(4) and b(5) listed above.
7. *Duration of public comments.* Each person may speak only during the time designated in the posted agenda of a public body. All speakers shall be limited to three (3) minutes. No speaker shall begin their public comments until recognized by the presiding officer.
8. *Addressing the public body.* Each person addressing a public body during a public comment period shall step up to the speaking podium or any other place provided for the purposes of public speaking, state his or her name and address in an audible tone of voice for the record and state the subject that he or she wishes to discuss. Speakers shall address the public body only and shall not direct their comments to the audience, individual members of the audience, or Town Staff.
9. *Conclusion of public comment.* No person may continue speaking or remain at the speaking podium after their allotted time has expired or after being directed to cease speaking and relinquish the speaker's podium by the presiding officer.
10. *No allocation or transfer of speaking time.* No person may delegate their allotted speaking time to any other individual and any person who speaks is limited to one time to speak and may not speak again on behalf of any other group or individual.
11. In the event a group of speakers wish to speak on the same subject matter, the presiding officer may request that that the group appoint one spokesperson to speak on behalf of the group for the purpose of conducting orderly business efficiently.

A person speaking on behalf of a group is limited to one time to speak and may not speak again on his or her own behalf, or any other group or person.

12. *No questions without approval and speaking to public body.* No questions may be asked of a member of a public body without first receiving the permission of the presiding officer. No person other than the recognized speaker may speak unless otherwise authorized by the presiding officer.
13. *Speaking after public comments has been closed.* No person other than members of the public body or Town staff may speak after the public comment period has concluded unless otherwise recognized by the presiding officer.
14. *Closure or termination of public comment.* The presiding officer may close or limit any public comment period in the event of any violations of this section or Section 2-5-80.

### **Sec. 2-5-80. Rules of decorum.**

- (a) *Purpose.* The Town desires to foster an atmosphere of civility and respect towards all individuals attending public meetings. Allowing the public to voice their opinions enables the Town's elected, appointed, and employed officials to make well-informed and thoughtful decisions. The purpose of any public meeting, which includes Town Council meetings, is to efficiently conduct the Town's business for the benefit of all Town residents, visitors, and businesses, and this does not occur when a public meeting is disrupted by individuals who do not adhere to the requirements of Section 2-5-70 or these Rules of Decorum. These rules shall govern any public meetings before any public body, which includes the Town Council, and shall be observed by all people in attendance.
- (b) *Rules of decorum.* Any person who attends a public meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting. The decorum appropriate for any public meeting requires all in attendance to speak and behave in a manner that is civil and respectful to the public body and all other people in attendance.
  - a. The following conduct disrupts a public meeting and is prohibited during any public meeting and is a violation of this Section:
    - i. Addressing a public body without first being recognized.
    - ii. Continuing to speak after the allotted time as set out in Sec. 2-5-70 has expired.
    - iii. Failing to stop speaking and sit down when directed to do so by the chairperson of the public body or failing to comply with any other direction of the chairperson of the public body.
    - iv. Engaging in any act that violates Sec. 2-5-70.
    - v. Interrupting or attempting to interrupt members of any public body, members of Town staff or another speaker that has been recognized by the chairperson of the public body.
    - vi. No speaker or other person in attendance shall (a) use any profane, abusive, defamatory, threatening or obscene language; (b) use any fighting words; (c)

make personal attacks against any other person, whether the person attacked is in attendance at the meeting or not; or, (d) engage in conduct that is prohibited by this Sec. 2-5-80 or Sec. 2-5-70, or engage any other type of disorderly conduct.

- vii. Any speaker who has been recognized by a public body shall address his or her comments to the public body as a whole and shall not address or otherwise engage with any individual member of the public body, any member of the audience or Town Staff.
  - viii. Engaging in any behavior that impedes, interrupts, stops or makes the continuation of any public meeting of the public body impractical.
- (c) *Penalties.* Violations of this section shall be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both. This is cumulative to any other available remedy. Individuals are also subject to being removed from a public meeting for violations of this section. This section in no way limits any person from being charged or arrested for criminal conduct which occurs during the course of a public meeting or during the course of a person being removed from a public meeting pursuant to this section. For purposes of this section, the term public body shall have the same meaning as set forth in S.C. Code Ann. § 30-4-20(a) and the term public meeting shall have the same meaning as set forth in S.C. Code Ann. §30-4-20(d)