



CITY OF CAYCE

MAYOR
ELISE PARTIN

MAYOR PRO-TEM
JAMES E. JENKINS

COUNCIL MEMBERS
TARA S. ALMOND
EVA CORLEY
TIMOTHY M. JAMES

CITY MANAGER
REBECCA VANCE

ASSISTANT CITY MANAGER
SHAUN M. GREENWOOD

**City of Cayce
Special Council Meeting
June 8, 2015
12:00 p.m. – Council Chambers – 1800 12th Street
www.cityofcayce-sc.gov**

I. Call to Order

A. Invocation and Pledge

II. Public Comment Regarding Items on the Agenda

III. Resolution

A. Consideration and Approval of Resolution Declaring a Revised Date for the Special Election to Fill the Vacancy on City Council for Council District 4

IV. Council Comments

V. Executive Session

A. Receipt of legal advice relating to claims and potential claims by the City and other matters covered by the attorney-client privilege

VI. Reconvene

VII. Possible Actions by Council in follow up to Executive Session

VIII. Adjourn

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

Memorandum

To: Mayor and Council

From: Mendy Corder, Municipal Clerk

Date: June 5, 2015

Subject: Consideration and Approval of a Resolution Declaring a revised Date for the Special Election to Fill the Vacancy on City Council for Council District 4

ISSUE

Council approval is needed for a Resolution declaring a revised date for the Special Election to fill the vacancy on City Council for Council District 4.

BACKGROUND/DISCUSSION

The Lexington County Registration and Elections Commission (which runs the City's municipal elections) advised staff on June 3, 2015 that our special election scheduled for September 1, 2015 needed to be rescheduled to September 15, 2015. The Lexington County Elections Commission has another special election for a vacant school board seat in another part of the County scheduled for September 15, 2015. Because that date is within 28 days of our election date of September 1, 2015, a subsection of the special elections State statute (subsection (D) below) requires that both elections (even though they are unrelated and do not involve the same voters) be held on the later of the two dates.

See the pertinent portions of S.C. Code section 7-13-190 set out below. As you will note, subsection (C) (which we used to calculate September 1 as the special election date) can be trumped by subsection (D).

SECTION 7-13-190. Special elections to fill vacancies in office.

(A) Except as otherwise provided in this code as to specific offices, whenever a vacancy occurs in office by reason of death, resignation, or removal and the vacancy in office is one which is filled by a special election to complete the term of office, this section applies.

(C) If the office is not one for which there are partisan elections, then the filing must be opened at noon on the third Friday after the vacancy occurs for a period to close ten days later at noon. The filing must be made to the same entity to which the nonpartisan officeholders would normally file for office in a general election year. The election must be set for the thirteenth Tuesday after the vacancy occurs. Both the filing date and the election date are subject to the provisions in subsection (B) of this section regarding holidays.

(D) Provided, however, if a vacancy occurs in more than one office in the same county requiring separate special elections to be held within a period of twenty-eight days under the provisions of this section, the county board of voter registration and elections or other authority responsible for the conduct of the elections shall conduct all of the elections on the same date. The special elections must be held on the latest date required for an election during the twenty-eight-day period.

The Lexington County Commission also intends to advertise the filing dates (they will use the City's dates for that) and the September 15, 2015 election date with a first advertisement to appear in the Lexington Chronicle on June 11, 2015. Because of that publication date (and to avoid voter confusion), the City Attorney advised that Council meet and approve another Resolution revising the declared special election date.

RECOMMENDATION

Staff recommends that Council approve a Resolution declaring a revised date for the Special Election to fill the vacancy on City Council for Council District 4.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

RESOLUTION
Declaring a Revised Date for the
Special Election to Fill the Vacancy on
City Council for Council District 4

WHEREAS, the Council, on June 2, 2015, accepted the resignation of Council Member Timothy M. James from Council effective that date; and

WHEREAS, the Council, on that date, also adopted a Resolution declaring the resulting vacancy on City Council from Council District 4 and the necessity for a special election, pursuant to S.C. Code sections 5-7-200(b) and 7-13-190 (C); and

WHEREAS, the Resolution further declared the date for the special election of September 1, 2012, as calculated pursuant to S.C.Code section 7-13-190(C); and

WHEREAS, the City subsequently was advised by the Lexington County Registration and Elections Commission (which conducts elections for the City pursuant to ordinance and S.C.Code section 5-15-145) that the Commission earlier on June 2, 2015 had scheduled a special election for a School Board election in another part of the County for September 15, 2015, and that, because of that, the Commission also intended to schedule the special election for Cayce Council District 4 for September 15, 2015, as required by the mandatory language of S.C.Code section 7-13-190 (D); and

WHEREAS, the Council is compelled by State law to conform the date of the special election to the date required by S.C.Code section 7-1-3-190 (D), even though the City was not previously aware of another scheduled special election in the County,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cayce, in Council duly assembled, that:

The special election to fill the vacancy on City Council from Council District 4 will be held on Tuesday, September 15, 2012, as required by S.C. Code section 7-13-190 (C) and (D).

ADOPTED this _____ day of June 2015.

Elise Partin, Mayor

ATTEST:

Mendy Corder, Municipal Clerk

First Reading and adoption: June ____, 2015

Approved as to form: _____
Danny C. Crowe, City Attorney