

AN ORDINANCE TO AMEND CHAPTER 30, GENERAL PROVISIONS, SUBSECTION 30.090, TO SEPARATE THE FINANCIAL RESPONSIBILITIES FROM THE CLERK POSITION AND TO CREATE A NEW POSITION UNDER SUBSECTION 30.093, TREASURER, TO DEFINE THE TREASURER'S DUTIES.

WHEREAS, to make the town more financially stable, procedures need to be updated from time to time to encompass new practices for local governments; and

WHEREAS, the most recent audits of the Town of Awendaw expressed deficiencies with the current procedures; and

WHEREAS, the new procedures proposed address the deficiencies expressed by the auditors via Ordinance 2026-xx; and

WHEREAS, there is a need to separate the financial responsibilities from the office of the clerk to increase the levels of separation required to comply with the auditors' recommendations.

NOW, THEREFORE, be it Ordered and Ordained by the Council of the Town of Awendaw, S. C. that Chapter 30, General Provisions, of the Code of the Town of Awendaw, South Carolina, shall be amended as follows:

Section 1:

§ 30.090 CLERK.

(A) *Position created.* The office of Town Clerk is hereby established to comply with the requirement of S.C. Code § 5-7-220, as amended. The Clerk shall provide ~~accounting~~, clerical, secretarial and custodian services to Town Council and the Mayor and shall act as the Clerk for regular, special and emergency meetings of Town Council.

(B) *Appointment; salary.* The Clerk shall be recommended by the Administrator and appointed by Town Council and shall serve at its pleasure. The Clerk shall receive such salary as may be provided by Town Council.

(C) *Duties.* ~~The duties of the Clerk shall include the following.~~ **The clerk shall give notice of council meetings to its members and the public, keep the minutes of its proceedings, and perform such other duties as are assigned by the council through the job description, which may be amended from time to time.**

~~—(1) The Clerk shall give members of Council notice for all meetings thereof. He or she shall attend all Council meetings and keep a permanent record of all proceedings. On behalf of Council, he or she shall receive and deliver petitions, motions, information applications and communications and shall make such communications as Town Council shall direct.~~

~~—(2) The Clerk shall have the proceedings of Council promptly published in a local newspaper when so required by Council.~~

~~—(3) The Clerk shall have charge of and be responsible for the preservation of all papers, records and documents of every description pertaining to the town, except where such~~

materials are maintained by and in the possession of another governmental entity under contract with the town for the provisions of a specific service.

~~— (4) The Clerk shall issue all notices, personal and general, which the interest, convenience, laws and orders of the town require in the administration of its government, as directed by the Mayor or by Town Council.~~

~~— (5) The Clerk shall be the custodian of the official copies of all ordinances and indexes and codifications thereof, which shall be available for public inspection at the town's offices at reasonable times.~~

~~— (6) The Clerk shall be the custodian of the titles and deeds of town-owned property, bonds, insurance policies and financial records of the town.~~

~~— (7) The Clerk shall receive all monies due or coming to the town; deposit the same as shall be directed by the Mayor, Town Council or any committee acting under its authority; and shall pay out monies only as duly authorized.~~

~~— (8) The Clerk shall be the general accountant for the town and shall keep a current account of all monies, accounts and inventories of town property real and personal, and render reports thereon as directed by the Mayor and Town Council. He or she shall issue all licenses and badges for which provision may be made and shall safeguard the stock of unissued licenses or badges.~~

~~— (9) The Clerk shall sign or countersign all purchase orders after assuring that the necessary funds therefor have been budgeted by Town Council.~~

~~— (10) The Clerk shall be the custodian of the town seal.~~

~~— (11) The Clerk shall perform such other duties and services in connection with the foregoing duties as shall from time to time be prescribed by the Mayor and/or Town Council.~~

~~— (12) The Clerk shall have staff level responsibilities, subject to the direction and approval of the Mayor, to keep bills of the town in order and in line for payment as due, to prepare checks for signature, and to prepare periodic financial reports required by state and/or federal agencies, including accommodation tax reports.~~

§ 30.092 ADMINISTRATOR.

(A) The office of Administrator is hereby established to comply with the requirement of S.C. Code § 5-11-40(A) and (B), as amended. The Administrator shall provide assistance to the Mayor and Council and shall act as the Chief Executive Officer of the town. The Administrator has only authority delegated by Council.

(B) The duties of the Administrator shall include the following: prepares and submits annual budget to Mayor and Council; recommends organizational changes and assists in formulation of internal plans, policies and programs; maintains the town's code of ordinances and recommends amendments or revisions to the Mayor and Council; conducts such studies or surveys as necessary to maintain an efficient operational level; maintains operational control and supervision of all employees; and serves as primary point of contact for employees in communication with Council.

(C) The Town Administrator shall be responsible to the Mayor and Town Council for the proper administration of the policies and affairs of the town, and to that end, shall have the power and authority and be required to:

- (1) Administer annual operating budget;

- (2) Direct, supervise and coordinate administrative activities and operations;
- (3) Prepare and annually update five-year capital improvements program;
- (4) With the assistance of the ~~Clerk~~ **treasurer**, monitor the financial condition of the town and estimate present and future financial means;
- (5) Approve and sign all documents for the town;
- (6) Recommend and administer policies governing purchasing procedures and inventory control;
- (7) Authorize shifts in departmental budget line items; provided overall departmental appropriations do not change;
- (8) Prepare and submit to the Mayor and Council at the end of each fiscal year a complete annual report on the finances and administrative activities of the town;
- (9) Assist the Mayor in carrying out the duties of the Mayor's office;
- (10) Appoint all employees;
- (11) Evaluate employees and recommend to Council personnel actions that may be necessary to maintain efficient operation of the town government. Approve suspension or dismissal of town employees;
- (12) Investigate complaints concerning administrative matters and personnel performance; and
- (13) Provide the Mayor and Council with information, data and leadership in matters of policy determination.

§ 30.092 TREASURER.

- (A) The Treasurer position is hereby established to provide the necessary accounting and financial services of the town.
- (B) The Treasurer shall be recommended by the Administrator and appointed by the Town Council and shall serve at its pleasure.
- (C) The Treasurer shall be responsible for all the duties and responsibilities outlined in Chapter 34, Finance Administration, in the Town of Awendaw Code of Ordinances. Additional duties and responsibilities of the Treasurer will be detailed in the job description approved by the Town Council, which may be revised periodically.

Section 2. Severability.

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING

First Reading:

Public Hearing:

Second Reading:

Chris Crolley, Mayor
Town of Awendaw

Attest: Town Clerk