

ORDINANCE 2026-05

AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR MEMBERS OF ISLE OF PALMS CITY COUNCIL, INCLUDING MAYOR, AND ANY APPOINTED MEMBER OF A CITY BOARD, COMMITTEE, OR COMMISSION.

WHEREAS, the City Council of the City of Isle of Palms finds that public confidence in municipal government depends upon elected and appointed officials conducting themselves with integrity, civility, transparency, impartiality, and respect for the rule of law; and

WHEREAS, members of City Council and members of City boards, committees, and commissions exercise important public responsibilities and should be guided by clear standards of conduct while serving in their respective offices; and

WHEREAS, the City Council desires to adopt a uniform Code of Ethics Ordinance to promote public trust, encourage fair and equal treatment of all persons and matters coming before the City, and provide standards addressing conflicts of interest, gifts and favors, confidential information, use of public resources, representation of private interests, social media, and interactions with City staff and City boards, committees, and commissions; and

WHEREAS, the City Council recognizes that the South Carolina Ethics, Government Accountability, and Campaign Reform Act, the South Carolina Freedom of Information Act, applicable election laws, and other federal and state laws govern certain conduct of public officials and public members; and

WHEREAS, the City Council intends for this Ordinance to supplement, and not replace, limit, or conflict with, applicable federal law, state law, or the jurisdiction of the South Carolina State Ethics Commission, the Attorney General, a solicitor, a court, or any other appropriate authority; and

WHEREAS, the City Council further desires to establish a fair and orderly local process for receiving, reviewing, and addressing complaints alleging violations of the City's Code of Ethics Ordinance that do not require a determination of a state law violation; and

WHEREAS, the City Council finds that the appointment of a qualified and independent hearing officer to review complaints, make findings, and provide recommendations will promote fairness, consistency, and public confidence in the complaint process; and

WHEREAS, the City Council further finds that this Ordinance serves a valid public purpose by promoting ethical conduct, orderly governance, public accountability, and confidence in the fair operation and integrity of City government.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Isle of Palms, South Carolina, in duly assembled meeting, that the City Code is hereby amended to adopt a Code of Ethics Ordinance for members of City Council and appointed members of City boards, committees, and commissions, as set forth herein.

SECTION 1. That Title 1, Chapter 3, Article E be created as follows:

ARTICLE E. CODE OF ETHICS

Sec. 1-3-69. PURPOSE AND AUTHORITY

The City Council of the City of Isle of Palms adopts this Code of Ethics Ordinance to provide a uniform set of standards so that elected and appointed officials, while exercising their respective offices, shall conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the City's government and provide enforceable ethical standards. The City adopts this Code of Ethics Ordinance to supplement, and not replace or limit, applicable federal law, state law, and rules of procedure, including but not limited to, the South Carolina Ethics, Government Accountability, and Campaign Reform Act and the South Carolina Freedom of Information Act. To the extent any provisions contained in this Code of Conduct conflict with state law, state law shall control.

Sec. 1-3-70. DEFINITIONS.

For purposes of this Code:

- (A) **Member** means any member of Isle of Palms City Council, including the Mayor, and any appointed member of a City board, committee, or commission.
- (B) **Economic Interest** means an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a member may gain an economic benefit of fifty dollars or more. This definition does not prohibit a member from participating in, voting on, or influencing or attempting to influence an official decision if the only economic interest or reasonably foreseeable benefit that may accrue to the member is incidental to the member's position or which accrues to the member as a member of a profession, occupation, or large class to no greater extent than the economic interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.
- (C) **Family Member** means spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild of the member, or a member of the member's immediate family.
- (D) **Immediate Family** means a child residing in a member's household or an individual claimed by the member or the member's spouse as a dependent for income purposes.
- (E) **Substantial Monetary Value** means a monetary value of fifty dollars or more.

Sec. 1-3-71. GENERAL STANDARDS OF CONDUCT.

Members shall conduct themselves in accordance with the following standards:

- (A) **Act in the Public Interest.**

Members shall work for the common good of the residents and visitors of the City and

not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims, and transactions coming before them.

(B) Compliance with Law.

Members shall comply with all applicable federal, state, and municipal laws including, but not limited to, the South Carolina Ethics, Government Accountability, and Campaign Reform Act, the South Carolina Freedom of Information Act, and other applicable election laws and financial disclosure requirements.

(C) Conduct of Members.

The professional and personal conduct of Members while exercising their office must be above reproach and avoid the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Members, the City Staff or public. Members shall practice civility and decorum during public debate.

(D) Respect for Process.

Members shall perform their duties in accordance with the procedures, processes, and rules set forth in the City Code, Robert's Rules of Order, and the rules of conduct contained in the South Carolina Ethics, Government Accountability, and Campaign Reform Act. Members shall honor the role of the Mayor and Chairperson in maintaining order during public meetings.

(E) Decisions Based on Merit.

Members shall base their decisions on the merits and substance of the matter at hand. When making decisions, Members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

(F) Conflict of Interest.

Members shall comply with the South Carolina Ethics, Government Accountability, and Campaign Reform Act. Should a matter before the City affect the economic interest of the Member, family member, an individual with whom the Member is associated, or a business with which the Member is associated, the Member shall prepare a written statement describing the matter and the potential conflict, provide it to the presiding officer, and be excused from votes, deliberations, and other action on the matter. The written statement and the reason for disqualification shall be entered into the minutes. A recused Member should leave the dais during discussion and vote.

(G) Gifts and Favors.

Members shall not, directly or indirectly, solicit, accept, or receive any gift, favor, loan, promise, service, lodging, transportation, entertainment, payment, or other thing of value in violation of S.C. Code Ann. §§ 8-13-705, 8-13-710, 8-13-715, 8-13-1120, or any other applicable law. A Member shall not knowingly accept a gift from a person or entity that is seeking or has recently sought official action, a contract, permit, license, zoning approval, funding, or other City action, except for lawful campaign contributions, gifts from family members, or other items permitted under state law.

(H) Confidential Information.

Members must maintain the confidentiality of all written materials and verbal

information provided to Members which is confidential or privileged under South Carolina law, including information provided during executive session, legal advice provided by the City's legal counsel, and any information otherwise protected by South Carolina law. Members shall not use or disclose confidential or non-public information without proper authorization.

(I) Use of Public Resources.

Members shall not use City personnel, equipment, materials, supplies, facilities, email accounts, social-media accounts, vehicles, funds, insignia, or staff time for personal, private business, campaign, or political purposes except as expressly authorized by law and on terms equally available to similarly situated members of the public. Members shall not order goods or bind the City without proper authorization.

(J) Representation of Private Interests.

Members shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, except as permitted by S.C. Code Ann. § 8-13-740 or other applicable law.

(K) Advocacy

Members shall represent the official policies or positions of the City to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall explicitly state that said position is not endorsed by the City of Isle of Palms.

(L) Policy Role of Members

Members shall respect and adhere to the council form of City government as provided in the City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, Boards, Committees and Commissions, and the public. Members shall not interfere with the administrative functions of the City or direct, supervise, discipline, assign work to, or interfere with City Staff, except as authorized by the City Code, adopted Council policy, or state law.

(M) Independence of Boards, Committees and Commissions

Members shall respect the independent advisory, administrative, and quasi-judicial roles of City boards, committees, and commissions and shall not use their office to unduly influence members of City boards, committees, or commissions or lobby members regarding matters pending before them. This section does not prohibit Members from attending public meetings, responding to factual questions, making referrals through proper channels, or communicating official Council policy when authorized. In quasi-judicial matters, Members shall not have *ex parte* communications and shall comply with all applicable due-process requirements.

(N) Positive Workplace Environment

Members should make every effort to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Members shall not retaliate against City employees for truthful participation in ethics investigations.

(O) Social Media

Members using social media (i.e., Facebook, Twitter, YouTube, blogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, etc.) in an

official capacity, or in a manner reasonably likely to be understood as speaking for the City, shall do so in accordance with all applicable laws, City policies, public records requirements, confidentiality obligations, and anti-harassment rules. While using social media, members shall not disclose confidential information, knowingly make false statements of official City action, use City resources for campaign purposes, threaten or harass City employees or members of the public, or represent personal views as official City positions.

Sec. 1-3-72. JURISDICTION OF COUNCIL FOR VIOLATIONS UNDER THIS CODE.

Allegations that a Member violated the South Carolina Ethics Reform Act, campaign finance law, lobbying law, statement of economic interests requirements, or other state ethics provisions may be referred to or filed with the South Carolina State Ethics Commission or other appropriate authority. Nothing in this Code limits the jurisdiction of the State Ethics Commission, the Attorney General, a solicitor, a court, or any other state authority. Further, nothing in this Code grants authority or jurisdiction to Council over matters within the jurisdiction of the State Ethics Commission, the Attorney General, a solicitor, a court, or any other state authority.

Allegations that a Member violated this Code of Ethics Ordinance, but that do not require determination of a state law violation, may be processed under the procedures set forth herein.

Sec. 1-3-73. RECEIPT OF COMPLAINTS

Complaints against Members for violations of this Code of Ethics Ordinance, shall be filed with the City Clerk provided, however, to discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a Member, whether currently serving as a Member or not, during the 75-day period before an election in which the candidate is running, provided that nothing in this section limits the right to file a complaint with the State Ethics Commission, seek judicial relief, or report suspected criminal conduct to the appropriate authority. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the 75-day period has expired.

- (A) No action may be taken on any complaint for violations under this Code of Ethics Ordinance that is filed later than one (1) year after a violation of this section is alleged to have occurred, and a complaint alleging a violation must be filed within six (6) months from the date the complainant knew or should have known of the action alleged to be a violation. No proceedings under this article shall be instituted or prosecuted after the earlier of: (i) the expiration of the term of office of the person complained against; or (ii) the resignation, death, vacancy, disqualification or withdrawal from office of the person against whom a complaint is filed. Nothing in this section limits the right to file a complaint with the State Ethics Commission, seek judicial relief, or report suspected criminal conduct to the appropriate authority.
- (B) A separate complaint shall be filed for each person alleged to have engaged in any activity violating this Ordinance even if the allegations arise from the same factual basis. Each complaint shall state: (i) a separate count for each alleged violation; (ii) the specific section of this Code of Ethics Ordinance alleged to be violated for each count; (iii) with specificity, the facts which are alleged to constitute the violation; and (iv) the documentary evidence

which the charging party possesses. Copies of said documentary evidence shall be attached to the complaint as exhibits.

(C) All complaints shall contain an oath that the facts set forth therein are true and correct to the best of the complainant's knowledge in a form adopted by Council.

(D) Upon receipt of a complaint, the City Clerk will deliver a copy of the complaint to the City Administrator.

Sec. 1-3-74. APPOINTMENT OF HEARING OFFICER, SERVICE OF COMPLAINT, BURDEN OF PROOF.

(A) All complaints filed hereunder shall be heard before a Hearing Officer who: (i) shall be a competent attorney at law of good standing in his or her profession, (ii) shall have at least five (5) years' experience in the practice of law, and (iii) shall not maintain an office within a ten (10) mile radius of the City of Isle of Palms, SC. The City Clerk shall maintain a listing, which shall be pre-authorized by City Council, of no less than five (5) qualified attorneys to serve as a Hearing Officer pursuant to this section. Upon receipt of a properly verified complaint, the City Clerk shall draw names randomly from the listing of qualified Hearing Officers and appoint the first one who is available to serve in the matter.

(B) Original pleadings shall be filed with the City Clerk and the City Clerk shall cause the complaint to be served on the member charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a verified complaint. Service may be by personal service, by certified mail, return receipt requested or by overnight delivery.

(C) In all proceedings under this section, the Hearing Officer shall determine whether a violation of this Code of Ethics Ordinance has been established by a preponderance of the evidence. Proceedings under this Code shall have no bearing on liability under the South Carolina Ethics, Government Accountability, and Campaign Reform Act, criminal liability, criminal penalties, or any other provision under state or federal law.

Sec. 1-3-75. HEARING.

(A) The member charged in the Complaint shall have fifteen (15) calendar days to file an answer to the complaint provided, however, the member charged shall have no obligation to file an answer to any complaint.

(B) Upon the expiration of the fifteen (15) calendar day answer period, the Hearing Officer shall review the complaint and answer, if any, to determine: (i) whether the complaint is in conformity of the requirements of Section 3 above, (ii) whether upon consideration of the complaint and answer, the complaint is unjustified, frivolous, patently unfounded, or (iii) whether upon consideration of the complaint and answer, the complaint demonstrates facts sufficient to invoke disciplinary jurisdiction as set forth in this Ordinance.

(C) Upon a determination that the complaint should not be dismissed pursuant to the foregoing subsection (c), the Hearing Officer shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint. In furtherance of this investigation, the Hearing Officer may:

- (1) Seek such further information from the complainant or the member charged through inquiry or written questions, provided, however the member charged shall have no obligation to answer any inquiries, or
 - (2) Conduct a hearing regarding the allegations set forth in the complaint. At any hearing, the member who is the subject of inquiry shall have the right: (i) to representation by counsel at all stages of these proceedings, (ii) to written notice of the hearing at least ten (10) calendar days before the first hearing, (iii) to hear and examine the evidence and witnesses and, (iv) to submit evidence and call witnesses to oppose or mitigate the allegations. In all hearings held under this section, the procedures and rules of evidence applicable in civil cases shall apply.
- (D) All investigations under this section shall be completed within a reasonable time, but not to exceed sixty (60) calendar days of the filing of the complaint, unless otherwise agreed by the complainant or the member charged. Should the investigation not be completed in said period or in a period as otherwise agreed, the complaint will be deemed dismissed as a failure to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. Within seven (7) calendar days of the completion of the investigation, the Hearing Officer shall:
- (1) dismiss the complaint on the grounds that it is unjustified, frivolous, patently unfounded, or that it fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; or
 - (2) prepare a report of findings and recommendations to the Mayor and City Council.
 - (3) Should the Hearing Officer determine to submit a report in the matter, the report shall consist of: (1) a written finding of facts; (2) a determination as to whether the complaint establishes by a preponderance of evidence that a violation has been committed, and if so, the specific violation and evidence supporting the same, and (3) a recommendation regarding the punishment for such violation (public or private reprimand or censure by City Council).
 - (4) The Hearing Officer's written determination of findings and recommendations shall be delivered to the City Clerk who shall provide a copy to the City Administrator, the Mayor and Council and serve a copy on the complainant and member charged by personal service, email, by certified mail, return receipt requested, or by overnight delivery.

Sec. 1-3-76. REPORT TO MAYOR AND COUNCIL.

- (A) Upon receipt of findings and recommendations from the Hearing Officer, the Mayor and Council may:
- (1) by a majority, vote to accept the Findings and Recommendations of the Hearing Officer.
 - (2) by a majority, vote to accept the findings of fact and reject the recommended discipline instead substituting its own discipline.

(3) by a majority, vote to reject the findings and recommendations and dismiss the complaint.

(B) Should Council fail to take any action on the Complaint within 45 days after receipt of the Hearing Officer's report, then the Complaint shall be deemed to have been dismissed.

If the Member who is subject to the Complaint is the Mayor or any Council Member, then he or she should disqualify themselves from any votes or deliberations on the matter pursuant to applicable state law.

Sec. 1-3-77. IMPLEMENTATION.

This Ordinance shall be included in the regular orientations for candidates elected to City Council and newly appointed members to Boards and Commissions.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

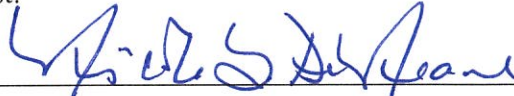
SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 28th DAY OF July, 2026.


Phillip Pounds, Mayor (Seal)

Attest:



Nicole DeNeane, City Clerk

First Reading: June 24, 2026

Public Hearing: N/A

Second Reading: July 28, 2026

Ratification: July 28, 2026

