

# **ORDINANCE NO. 12-22-25**

## **CITY OF LAURENS, SOUTH CAROLINA**

### **AN EMERGENCY ORDINANCE ESTABLISHING INVESTIGATIVE PROCEDURES, TEMPORARY FINANCIAL SAFEGUARDS, COMMUNICATION PROTOCOLS, CONTINUITY MEASURES, INDEPENDENT LEGAL AUTHORITY, AND REFERRAL AUTHORITY IN THE EVENT OF CREDIBLE ALLEGATIONS AGAINST THE MAYOR OR SENIOR APPOINTED OFFICIALS**

## **SECTION 1. PURPOSE AND INTENT**

The purpose of this Ordinance is to:

1. Protect the financial integrity, transparency, and lawful administration of the City of Laurens;
2. Establish neutral, lawful, and non-punitive procedures for City Council oversight when credible allegations of abuse of authority, financial mismanagement, or ethical misconduct arise;
3. Preserve due process, continuity of essential City operations, and public confidence in municipal governance;
4. Clarify the limited continuity role of the Mayor Pro Tem consistent with S.C. Code § 5-7-190; and
5. Affirm City Council's authority over appropriations, investigations, independent legal representation, and referral of findings as provided by South Carolina law.

Nothing in this Ordinance shall be construed as the suspension, removal, discipline, or reduction of the statutory authority of any elected official.

## **SECTION 2. DEFINITIONS**

For purposes of this Ordinance:

(a) **Allegation** – A written statement supported by sworn testimony, documentary evidence, audit findings, or written reports from a governmental or professional oversight body alleging abuse of authority, financial mismanagement, ethical violations, or conduct materially threatening City operations.

(b) **Credible Evidence** – Evidence that, viewed objectively, would warrant further inquiry by a reasonable governing body.

(c) **Forensic Audit** – An independent financial examination focused on identifying misuse of public funds, internal-control failures, or irregular transactions.

(d) **Senior Appointed Official** – Any non-elected official appointed by or serving at the pleasure of the Mayor pursuant to state law or municipal ordinance.

(e) **Mayor Pro Tem** – The Council member elected pursuant to S.C. Code § 5-7-190 to act in the Mayor's stead only under circumstances authorized by state law.

## **SECTION 3. TRIGGERING CONDITIONS**

This Ordinance may be invoked upon receipt of credible evidence indicating:

1. Abuse of administrative authority;
2. Financial irregularities or misuse of public resources;
3. Ethical violations;
4. Obstruction, concealment, or destruction of public records; or
5. A documented pattern of conduct creating material fiscal or operational risk.

Invocation requires a majority vote of City Council at a duly noticed meeting.

## **SECTION 4. TEMPORARY FINANCIAL AND ADMINISTRATIVE SAFEGUARDS**

*(Non-Disciplinary)*

Upon invocation, City Council may implement the following temporary administrative safeguards, which are non-punitive and do not constitute discipline:

### **4.1 Credit Cards and Fuel Cards**

All City-issued credit cards and fuel/gas cards assigned to the Mayor or any official subject to investigation shall be temporarily deactivated pending completion of the investigation.

### **4.2 Expenditure Approval Threshold**

During the pendency of the investigation, **all purchases, expenditures, contracts, or financial commitments exceeding Three Thousand Dollars (\$3,000)**—regardless of funding source—shall require **prior approval by City Council**.

### **4.3 City-Owned Vehicles**

Authorization for use of any City-owned vehicle by the Mayor shall be temporarily suspended during the investigation. This restriction applies solely to City property and does not affect personal transportation.

### **4.4 Discretionary Spending Controls**

Council may impose temporary limitations on discretionary or non-essential accounts to ensure fiscal stability and continuity of essential services.

## **SECTION 5. INDEPENDENT INVESTIGATION AND LEGAL REPRESENTATION**

### **5.1 Independent Legal Counsel**

City Council may appoint and retain independent legal counsel of its choosing, separate from any attorney appointed by or reporting to the Mayor, for the sole purpose of advising Council during matters arising under this Ordinance.

### **5.2 Forensic Audit**

Council may authorize a forensic audit by an independent firm that has not performed services for the City within the prior five (5) years.

## **SECTION 6. SPECIAL MEETINGS AND EXECUTIVE SESSION**

City Council may call special meetings with proper public notice and may enter executive session pursuant to S.C. Code § 30-4-70 for the receipt of legal advice, personnel matters, or confidential administrative practices, provided that **no final action is taken in executive session**.

## **SECTION 7. MAYOR PRO TEM — CONTINUITY ROLE ONLY**

Nothing in this Ordinance authorizes the suspension, removal, or reassignment of the Mayor's statutory powers.

The Mayor Pro Tem may act only when the Mayor is legally absent, incapacitated, or has voluntarily provided written recusal from specific matters under investigation. Authority is strictly limited to continuity of essential operations.

## **SECTION 8. BUDGET STABILIZATION**

Within thirty (30) days of invocation, Council shall conduct a Budget Assurance Workshop and may adopt temporary fiscal controls necessary to ensure continuity of essential City services.

## **SECTION 9. CONTRACTS AND PROFESSIONAL SERVICES**

Where City Council holds approval or funding authority, Council may suspend or terminate contracts in accordance with contract terms and state law and may retain interim professionals under Council oversight.

## **SECTION 10. NON-RETALIATION**

No employee, official, or contractor cooperating with or reporting under this Ordinance shall be retaliated against. Whistleblower protections shall be enforced consistent with S.C. Code § 8-27-10 et seq.

## **SECTION 11. COMMUNICATIONS AND NON-INTERFERENCE**

The Mayor shall refrain from using City-owned communication systems or resources to comment on matters under investigation. Personal speech is not restricted.

The Mayor shall not use City authority or resources to influence, intimidate, or interfere with Council members, witnesses, auditors, or investigators.

## **SECTION 12. FINDINGS, REPORTING, AND REFERRAL AUTHORITY**

Upon completion of any investigation, City Council may receive written findings.

If Council determines reasonable cause exists to believe violations of law or ethics may have occurred, Council may refer findings to appropriate authorities, including:

- South Carolina State Ethics Commission
- South Carolina Law Enforcement Division (SLED)
- Office of the Solicitor

Council makes no determination of guilt or liability.

## **SECTION 13. SUPERSESSON AND CONFLICT**

Any ordinance, resolution, policy, or practice inconsistent with this Ordinance is superseded to the extent of the conflict, provided such supersession does not violate state law.

## **SECTION 14. SEVERABILITY**

If any provision is held invalid, the remainder shall remain in effect.

## **SECTION 15. EMERGENCY DECLARATION AND EFFECTIVE DATE**

Council finds that an emergency exists requiring immediate enactment to prevent irreparable harm to City finances, governance, and public confidence.

Accordingly, this Ordinance shall take effect **immediately upon adoption on one reading.**

## **SECTION 16. ADOPTION**

This Ordinance was adopted by the City Council of the City of Laurens, South Carolina, by emergency enactment at a duly noticed meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20.

**CITY OF LAURENS, SOUTH CAROLINA**

By: \_\_\_\_\_  
Mayor / Mayor Pro Tem

ATTEST:

City Clerk