

# **Report on Daufuskie Island Council Member Attendance and Compliance with Council Bylaws**

10 March, 2017

## **Purpose**

This report reviews the Daufuskie Island Council (DIC) requirements for attendance by members over the previous several years. It considers the specific levels set in the bylaws, reasons for these levels, actual attendance figures for members, and any actions taken by the Council to address member attendance issues. The report presents findings of fact based on documented evidence. Using the findings, conclusions are reached and recommendations for Council follow-up are provided.

## **Findings of Fact**

1. The Council serves as a liaison between the people of Daufuskie and government agencies and is governed by a set of bylaws, organized under the laws of South Carolina on March 8, 2010. No copy of the bylaws with the date of adoption or authorizing signatures can be located. (DIC Bylaws; website)
2. The Council is made up of nine members elected at three-year intervals. Eligibility for Council membership is extended to full-time residents of Daufuskie, and non-resident island property owners. (Bylaws 3.2: Eligibility Requirements; Bylaws 3.3(c): Manner of Election)
3. The Council typically holds Regular Meetings (usually monthly; open to the public), Special Meetings (convened as needed by Council members; usually not public), and Committee Meetings (scheduled and conducted by the chairman). (Bylaw 4.2: Regular Meetings; Bylaw 4.3: Special Meetings; Bylaw 7.1: Committees)
4. Council members are expected to “physically” attend Regular meetings (Bylaw 4.2: Regular Meetings)
5. Minimum attendance for Council members is set at 75%. Members failing to achieve this percentage “will be dismissed” from the Council. (Bylaw 4.2: Regular Meetings)
6. The committee charged with writing the Council bylaws decided that a 75% attendance rate at all regular meetings was appropriate. The group

recognized that property owners who were not full-time residents should have the right to run for the Council and become members, however the committee wanted to ensure that Council members have sufficient presence to serve the island community properly, hence the 75% rate. The term “physically present” was included to make sure all Council members spent time on the island. (Statement and discussion with Aaron Crosby)

7. In addition to the attendance mandate in bylaw article 4.2, Council bylaws provide a provision for removal of members, citing three reasons: for cause, malfeasance, or less than 75% attendance. Removal requires majority Council vote. (Bylaw 3.4: Removal)
8. Meeting minutes, displaying member attendance, are maintained on the Council website.
  - a. Records prior to the 2015-2016 term are incomplete. Participation at meetings cannot be fully reconstructed. (DIC Website)
  - b. Minutes from the 2015-2016 term and 2016-2017 term are complete. (DIC website)
9. During its 2015-2016 term the Daufuskie Island Council conducted 11 regular meetings. No meetings were held in August 2015 due to a conflict with a Beaufort County Council appearance. (DIC website)
10. During its 2016-2017 term the Daufuskie Island Council conducted 11 regular meetings. No meeting was held in October 2016 due to Hurricane Matthew island disruptions. (DIC website)
11. A review of attendance records yields the following:
  - a. During the 2015-2016 term, 6 Council members failed to meet the 75% threshold. Three of these members remained on the Council into the 2017-2018 term.
  - b. During the 2016-2017 term, 3 Council members failed to meet the 75% threshold. One of these members remained on the Council into the 2017-2018 term.
  - c. Over the combined terms, 4 Council members failed to meet the 75% threshold. One of these members remained on the Council into the 2017-2018 term.
  - d. Data can be found at Exhibit 1. Exhibit 2 displays combined data from both terms. (All Data from DIC Minutes, DIC Website)

### DIC Member Attendance 2015-2016 & 2016-2017 Terms

	2015							2016					# of Meetings	Meetings Attended	%
	Feb	Mar	Apr	May	Jun	Jul	Aug*	Sep	Oct	Nov	Dec	Jan			
XXXXXX													11	8	72.7%
XXXXXX								**					7	1	14.3%
XXXXXX													11	9	81.8%
XXXXXX													11	10	90.9%
XXXXXX													11	9	81.8%
XXXXXX													11	5	45.5%
XXXXXX													11	7	63.6%
XXXXXX													11	8	72.7%
XXXXXX													11	8	72.7%
XXXXXX													2	1	

\*No meeting held in August

\*\*Resigned: T. Fine filled seat

	2016							2017					# of Meetings	Meetings Attended	%
	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct*	Nov	Dec	Jan			
XXXXXX													11	8	72.7%
XXXXXX			p**							P		P	11	6	54.5%
XXXXXX													11	10	90.9%
XXXXXX													11	9	81.8%
XXXXXX													11	9	81.8%
XXXXXX													11	6	54.5%
XXXXXX													11	10	90.9%
XXXXXX													11	11	100.0%
XXXXXX													11	10	90.9%

\*No meeting held in October

\*\*Participated remotely by phone

**Combined DIC Member Attendance 2015-2016 & 2016-2017 Terms**

	# of Meetings	Meetings Attended	%
XXXXX	22	16	72.7%
XXXXX	3	3	100.0%
XXXXX	7	1	14.3%
XXXXX	13	7	53.8%
XXXXX	22	19	86.4%
XXXXX	22	19	86.4%
XXXXX	8	6	75.0%
XXXXX	11	9	81.8%
XXXXX	11	5	45.5%
XXXXX	22	13	59.1%
XXXXX	22	18	81.8%
XXXXX	11	11	100.0%
XXXXX	22	18	81.8%

Exhibit 2



12. No Council members were dismissed or Council votes taken on removal due to member non-achievement of the 75% threshold in the 2015-2016 term. Similarly, no Council members were dismissed or Council votes taken on removal due to member non-achievement of the 75% threshold in the 2016-2017 term. (DIC Minutes; website)
13. During the 2015-2016 term one Council member ceased to attend meetings. In the fall of 2015 the member voluntarily resigned. The open seat was filled by the person receiving the next highest vote tally from the previous election. (Interview with C. Hunter, 28 Feb)
14. During the 2014-2015 term a council member ceased attending meetings. The Council deliberated invoking the 75% clause and decided against removal. The member subsequently rotated off the council at the end of the term. (Interview with C. Small, 26 Feb)

### **Conclusions**

1. DIC bylaws do not provide a standard on which to determine overall attendance percentage. Bylaws do not state or provide guidance as to how the target 75% attendance rate should be calculated: period of time is not specified; number of meetings is not defined.
2. Council bylaws make no provision (Art. 4.2: “will be dismissed”) for extenuating circumstances, such as illness or family emergency, precluding member participation or would result in undue burden. In addition, no consideration is afforded for member presence at other Council meetings or activities, or for remote participation at Regular meetings.
3. Council bylaws are conflicted by calling for an immediate dismissal of a member for not meeting the 75% threshold in article 4.2 and providing full council review and vote before removal in article 3.4.
4. Regarding the eligibility of an incumbent Council member who seeks reelection for another term but who did not meet the attendance requirements from a previous session, current bylaws do not prohibit that candidate from running for reelection.

5. Remote participation by electronic device was considered by the authors of the original by-laws, but rejected because of their belief that the Members needed to be “physically present.” Based on a 12-month regular meeting schedule, the by-laws allow for absences due to extenuating circumstances for up to 3 meetings. There is no provision for extenuating circumstances beyond those 3 meetings.

### **Recommendations**

1. DIC bylaws should be edited for clarification, specifically to define the period of time percentage is calculated, and the number of meetings to include.