

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
TOWN OF LYMAN

ORDINANCE NO. 09142026 - A

AN ORDINANCE TO ESTABLISH STANDARDS REGARDING FAMILY AND HOUSEHOLD RELATIONSHIPS AMONG ELECTED OFFICIALS, MEMBERS OF TOWN BOARDS, COMMISSIONS AND COMMITTEES, AND EMPLOYEES OF THE TOWN OF LYMAN; TO PROMOTE INDEPENDENT DECISION-MAKING, PUBLIC CONFIDENCE, FAIRNESS IN APPOINTMENTS AND EMPLOYMENT, AND BROAD COMMUNITY REPRESENTATION; TO PROVIDE FOR PROSPECTIVE APPLICATION OF THESE STANDARDS; AND FOR OTHER MATTERS RELATED THERETO

WHEREAS, the Town Council of the Town of Lyman is vested with authority under the laws of the State of South Carolina to establish policies for the good government and administration of the Town; and

WHEREAS, South Carolina Code Section 8-13-750 establishes restrictions concerning the employment, appointment, promotion, transfer, advancement, and discipline of family members by public officials, public members, and public employees; and

WHEREAS, South Carolina Code Section 6-29-350 provides for the appointment of members of local planning commissions and directs the appointing authority to consider professional expertise, knowledge of the community, concern for the future welfare of the community, and representation of a broad cross section of interests and concerns within the jurisdiction; and

WHEREAS, the Town Council finds that independence of judgment, broad community representation, avoidance of actual or perceived favoritism, and public confidence in Town government are furthered by reasonable limitations upon simultaneous service or employment by members of the same family or household; and

WHEREAS, the Town Council intends for these standards to operate prospectively and does not intend this Ordinance, by itself, to terminate the employment or current appointed term of any person lawfully serving or employed by the Town on its effective date.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Lyman, South Carolina:

Section 1. Purpose.

The purpose of this Ordinance is to promote independent judgment, fairness, broad community participation, sound personnel administration, and public confidence in Town government by establishing reasonable standards concerning family and household relationships among elected officials, appointed members of Town boards, commissions and committees, and Town employees.

Nothing in this Ordinance shall be interpreted to suggest wrongdoing by any person serving or employed by the Town before its enactment.

Section 2. Definitions.

For purposes of this Ordinance:

A. “Covered family or household relationship” means a relationship between two persons who are spouses or domestic partners; parents or stepparents; children or stepchildren; siblings or stepsiblings; grandparents or grandchildren; parents-in-law, children-in-law, or siblings-in-law; aunts or uncles; nieces or nephews; descendants of a common grandparent; or persons residing together in the same primary household in a familial or domestic relationship.

Marriage includes a marriage recognized under the laws of the State of South Carolina.

B. “Covered appointed body” means the Town Planning Commission, Board of Zoning Appeals, and any other board, commission, authority, committee, or similar body whose members are appointed by the Town Council, unless otherwise required by state or federal law.

C. “Town employee” means any person employed by the Town on a full-time, part-time, temporary, seasonal, or other compensated employment basis.

D. “New employment” means any person beginning employment with the Town who is not currently employed with the Town. This includes rehires of previous employees but does not include promotions of current employees.

Section 3. Appointed Boards, Commissions, and Committees.

A. Limitation on simultaneous service.

Following the effective date of this Ordinance, no person shall be newly appointed or reappointed to a covered appointed body if another person with whom the applicant has a covered family or household relationship is then serving on any covered appointed body.

Accordingly, no two people having a covered family or household relationship may simultaneously receive new appointments or reappointments to cover appointed bodies after the effective date of this Ordinance.

B. Relationship with members of Town Council.

No person shall be newly appointed or reappointed to a covered appointed body while a person with whom the applicant has a covered family or household relationship is serving as Mayor or a member of Town Council.

C. Elected office controls over appointed service.

Nothing in this Ordinance shall prohibit or restrict a person who otherwise satisfies the qualifications established by state law from becoming a candidate for Mayor or Town Council or from assuming an office to which that person has been duly elected.

For any person appointed or reappointed to a covered appointed body on or after the effective date of this Ordinance, acceptance of the appointment shall constitute acceptance of the condition that, if a person with whom the member has a covered family or household relationship subsequently

assumes office as Mayor or a member of Town Council, the appointed member shall tender a resignation from the covered appointed body effective no later than the elected official's assumption of office.

Failure of a member subject to this subsection to comply with this requirement shall constitute cause for removal to the extent permitted by applicable law.

D. State Law restrictions remain applicable.

Nothing herein alters or diminishes any restriction imposed by South Carolina law, including restrictions upon Planning Commission members holding elected public office or Board of Zoning Appeals members holding another public office or position.

Section 4. Town Employment.

A. New employment.

After the effective date of this Ordinance, a person shall not be newly employed by the Town if a person with whom the applicant has a covered family or household relationship is:

1. Currently employed by the Town; or
2. Currently serving as Mayor or a member of Town Council.

This subsection establishes a Town policy more restrictive than the minimum requirements of South Carolina Code Section 8-13-750 and shall be administered consistently with state and federal law.

B. Employment actions involving relatives.

No elected official, appointed official, or Town employee shall participate in or attempt to influence an individualized decision concerning the hiring, appointment, promotion, transfer, advancement, evaluation, discipline, compensation, or termination of a person with whom that individual has a covered family or household relationship, except to the extent participation is expressly required by law.

This provision does not prohibit participation in budgets, compensation plans, benefit programs, or other actions applicable generally to a class of Town employees when permitted by state law.

C. Relationships arising during employment.

If two Town employees who were lawfully employed in compliance with this Ordinance subsequently enter into a covered family or household relationship, neither employee shall automatically be required to terminate employment solely because of that relationship.

The Town Administrator shall, to the extent reasonably practicable, ensure that neither employee directly supervises, evaluates, disciplines, or exercises employment authority over the other and shall take such administrative measures as are necessary to comply with South Carolina law and Town personnel policies.

D. Election of a relative of an existing employee.

An existing Town employee shall not be required to resign solely because a person with whom the employee has a covered family or household relationship is subsequently elected Mayor or to Town Council.

The elected official shall comply with all applicable disclosure and recusal requirements of South Carolina law and shall not participate in individualized personnel actions concerning the related employee.

Nothing in this subsection authorizes promotion, transfer, advancement, or other personnel action otherwise prohibited by state law or this Ordinance.

Section 5. Existing Appointments and Employment.

A. Existing appointed members.

A person lawfully serving on a covered appointed body on the effective date of this Ordinance shall be permitted to complete the term for which that person was appointed notwithstanding a family or household relationship that would prohibit a new appointment under this Ordinance.

Upon expiration of that term, any reappointment shall be subject to this Ordinance.

B. Existing employees.

No Town employee employed on the effective date of this Ordinance shall be terminated, demoted, or otherwise deprived of employment solely because of a family or household relationship existing on the effective date.

Existing employees remain subject to all generally applicable personnel policies, performance requirements, conflict-of-interest requirements, and provisions of state law.

C. No creation of entitlement.

The grandfathering provisions of this section do not create a contract of employment, guarantee continued employment, alter the at-will status of a Town employee, or guarantee reappointment to any board, commission, or committee.

Section 6. Disclosure.

An applicant for appointment to a covered appointed body shall disclose to the Town Clerk any covered family or household relationship with a current member of Town Council or a current member of another covered appointed body.

An applicant for Town employment shall disclose to the Town Administrator or other designated personnel official any covered family or household relationship with a current member of Town Council or Town employee.

The Town shall request only such information as is reasonably necessary to determine compliance with this Ordinance and shall maintain personnel information in accordance with applicable law.

A knowledge and material failure to disclose a covered relationship may constitute grounds for withdrawal of an appointment, cause for removal where permitted by law, withdrawal of an employment offer, or employment discipline, as applicable.

Section 7. Relationship with State Law.

This Ordinance is intended to supplement, and not replace or diminish, the South Carolina Ethics, Government Accountability, and Campaign Reform Act; the South Carolina Local Government Comprehensive Planning Enabling Act; or any other applicable provision of state or federal law.

Where state or federal law imposes a stricter requirement, state or federal law shall control.

Nothing in this Ordinance shall be construed to authorize an appointment, employment action, dual office holding, conflict of interest, or other conduct prohibited by state or federal law.

Section 8. Personnel Policies.

The Town Administrator is authorized and directed to review the Town's personnel policies and employee handbook and to prepare such amendments as may be necessary to conform those policies to this Ordinance.

Existing provisions of the personnel handbook concerning nepotism and employment of relatives are reaffirmed except to the extent they conflict with this Ordinance or applicable state or federal law.

Section 9. Severability.

If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance is determined by a Court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

Section 10. Repealer.

All Ordinances or portions of Ordinances inconsistent with this Ordinance are repealed to the extent of the inconsistency.

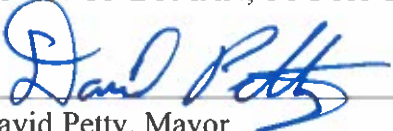
Section 11. Effective Date.

This Ordinance shall become effective upon final adoption by the Town Council of the Town of Lyman.

ADOPTED this 12th day of October, 2026.

SO ORDAINED this 12th day of October, 2026.

TOWN OF LYMAN, SOUTH CAROLINA



David Petty, Mayor

ATTEST:



Candace Brock, Town Clerk

First Reading: 09/14/2026

Second Reading: 10/12/2026