

Town of James Island

Emergency Ordinance pertaining to Electronic Meetings

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (“COVID-19”) and declared that a State of Emergency exists in South Carolina; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention issued guidance recommending the suspension of large events and mass gatherings that consist of 50 people or more in order to slow the spread of COVID-19; and

WHEREAS, while it is imperative for local government to continue to operate during States of Emergency, it is equally imperative for local governments to take steps to minimize the need for large gatherings in order to protect public health and safety and the health and safety of local government officials and staff; and

WHEREAS, the South Carolina Freedom of Information Act, , which is codified at Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, (the “Act”) defines a “Meeting” as “the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power”; and

WHEREAS, due to the State of Emergency related to COVID-19, it is advisable to make provisions for the holding of electronic public meetings, while ensuring any electronic meeting fully complies with the open meeting requirements of the Act; and

WHEREAS, the South Carolina Freedom of Information Act (30-4-80) (A) allows that agenda items requiring final action may be added and considered upon two-thirds vote if the Town finds that an emergency exists,

WHEREAS, South Carolina law provides that cities and counties may enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people upon a single reading, provided that such ordinance does not levy taxes, grant, renew or extend a franchise or impose or change a service rate, upon the affirmative vote of at least two-thirds of the city or county council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

WHEREAS, it is determined that a public emergency affecting life, health, and safety does exist.

NOW THEREFORE, be it hereby ordained in this meeting of the Town Council, as follows:

Section 1. Standards for Electronic Meetings. All Town Council, Boards, Committees, Advisory Councils is hereby authorized to conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any

combination of these, and the conduct of the electronic meeting allows for the following standards and practices to be met:

(a) At the beginning of any electronic meeting, the presiding officer shall poll the members of Council, its Boards, Committees or Advisory Councils to confirm attendance, and any member of the body attending by way of electronic media shall be considered present for the purposes of constituting a quorum.

(b) Throughout the duration of the electronic meeting, all members of Council, its Boards, Committees and Advisory Councils as well as any officials or staff required to speak at such meeting, must have the capability to be heard at all times by a member of Council, Boards, Committees, Advisory Councils, and by the general public.

(c) Any vote of Council, its Boards, Committees, and Advisory Councils must be conducted by individual voice vote of the members who shall verbally indicate their vote on any matter by stating "yay" or "nay." All individual votes shall be recorded by the clerk, secretary, or presiding officers, as appropriate.

(d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the Act.

(e) All members of Council, Boards, Committees and Advisory Councils, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of Council, Boards, Committees and Advisory Councils shall strictly comply with the rules of Council, its Boards, Committees and Advisory Councils as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.

(f) Electronic executive sessions shall be permitted in accordance with the provisions of the Act and Council, its Boards, Committees, and Advisory Councils shall properly announce its reason for going into any executive session in conformance with Section 30-4-70 of the Act. Upon the entry into any electronic executive session, meeting minutes need not be kept and the electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of Council, its Boards, Committees and Advisory Councils must have the capability to be heard at all times.

(g) With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. Members of the public may submit written public comments which shall be distributed to the members of the body.

Section 2. Suspension of Local Provisions. During the period of effectiveness of this Ordinance any ordinance, resolution, policy, or bylaw of the Town that conflicts with the provisions hereof is suspended and shall be superseded hereby.

Section 3. Effective Date; Expiration. The provisions hereof shall be effective upon a single hearing and two-thirds vote of Council and shall expire on the sixty-first day following the effective date hereof.

Section 4. Changes Incorporated.

- a. The Committees and Councils this Ordinance includes are: Board of Zoning Appeals, Planning Commission, Land Use Committee, Environment and Beautification Committee, James Island Pride, Public Safety Committee, Neighborhood Council, History Committee, History Council, Children’s Committee, Children’s Council, Business Development Committee, Business Development Council, Trees Advisory Committee, Trees Advisory Council, and Drainage Committee
- b. Agendas shall be posted three (3) days prior to the deadline which is inclusive of the deadline day.

DONE AS AN EMERGENCY ORDINANCE and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of Council present, this 16th day of July, 2020.

Town of James Island

\_\_\_\_\_  
Mayor Bill Woolsey

ATTEST:

\_\_\_\_\_  
Frances Simmons, Town Clerk

**This Emergency Ordinance was amended at the July 16, 2020 Town Council Meeting duly assembled and slated to expire August 22, 2020 by majority vote**