

EMERGENCY ORDINANCE 21-02
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YEMASSEE,
SOUTH CAROLINA, ESTABLISHING THE STANDARDS FOR ELECTRONIC
MEETINGS, IN LIGHT OF THE COVID-19 PANDEMIC, IN THE TOWN OF
YEMASSEE

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 the 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 continued threat 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 Act further permits that emergency meetings of public bodies may be held without having provided twenty-four hours’ notice of such meeting; and

WHEREAS, South Carolina law provides that municipalities 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 a change in 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 hereby determined that a public emergency affecting life, health and safety does exist, and therefore, it is appropriate and necessary to conduct an emergency meeting in order to enact this Emergency Ordinance.

NOW THEREFORE, BE IT ORDAINED, in regular meeting of the Town Council (the “Governing Body”), as follows;

Section 1. Standards for Electronic Meetings. The governing body 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

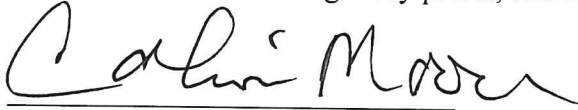
combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

- a) At the beginning of any electronic meeting, the presiding officer shall poll the members of the Governing Body to confirm attendance, and any member of the Governing 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 the Governing Body, as well as any officials or staff required to speak at such meeting, must have the capability of being heard at all times by any other members of the governing body and by the general public.
- c) Any vote of the governing body must be conducted by individual voice vote of members of the governing body, who shall verbally indicate their vote on any matter by stating “yay” or “nay”. All individual votes shall be recorded by the Town Clerk, Secretary or presiding officers as appropriate.
- d) Meetings shall be recorded, or minutes kept in the same manners as an in-person meeting as required by the Act.
- e) All members of the governing body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Governing Body shall strictly comply with the rules of the Governing Body as they relate to procedural matters in or 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 the Governing Body 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 the Governing Body 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, Ordinance, policy, or bylaws are hereby suspended. Members of the public may submit written public comments at least one hour prior to the start of the meeting which shall be distributed to the members of the Governing Body. Public Comment may be e-mailed to the Town Clerk at mattgarnes@townofyemassee.org or dropped off in the designated drop box in front of the Yemassee Municipal Complex no later than one hour prior to the scheduled meeting time.
- h) The video link to the meeting will be attached to the respective Agenda and made available on the Town Facebook page.

Section 2. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, Ordinance, policy, or bylaw of the Governing Body 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 the Governing Body, and shall expire on the sixty-first day following the effective date hereof.

DONE AS AN EMERGENCY ORDINANCE AT ITS REGULAR MEETING, and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Governing Body preset, this 12th day of January 2021.



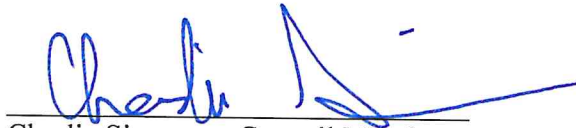
Colin J. Moore, Mayor



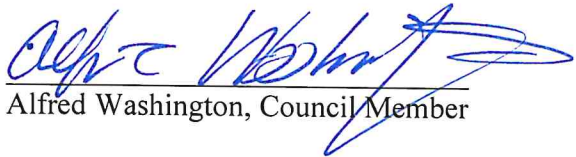
ATTEST: Matthew E. Garnes, Town Clerk



Peggy Bing-O'Banner, Mayor Pro-Tem



Charlie Simmons, Council Member



Alfred Washington, Council Member

Michelle Hagan, Council Member

(Seal)