



EMERGENCY ORDINANCE 747

FAIRFIELD COUNTY EMERGENCY ORDINANCE PROVIDING FOR CONDUCTING ELECTRONIC MEETINGS FOR FAIRFIELD COUNTY COUNCIL AND ALL FAIRFIELD COUNTY BOARDS AND COMMISSIONS

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 10 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, 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" (emphasis added); 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 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 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, Fairfield County Council enacted Emergency Ordinance 744 at its duly assembled meeting on March 18, 2020, declaring a public health emergency in response to the public safety threat of the novel Coronavirus (COVID-19); and

WHEREAS, it is hereby determined that there exists a public emergency affecting life, health, and safety of the citizens of Fairfield County, and therefore, it is appropriate and necessary to conduct an emergency meeting in order to enact this Emergency Ordinance providing for the ability to conduct electronic meetings for all Fairfield County Council Meetings, and all other meetings of Fairfield County Boards and Commissions, should said meetings not be cancelled.

NOW THEREFORE, be it hereby ordained in this emergency meeting of Fairfield County Council (the "**Governing Body**"), as follows:

Section 1. Standards for Electronic Meetings. The Governing Body and all Fairfield County Boards and Commissions (collectively referred to throughout as "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 to be heard at all times by any other member of the governing body and by the general public.

(c) Any vote of the Governing Body must be conducted by individual voice vote of the 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 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; provided, however, any digital broadcast of the meeting is not required to be kept as a record by the Governing Body.

(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 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 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, resolution, policy, or bylaws are hereby suspended. In lieu of public comment periods, members of the public may submit their written public comments via email to the Clerk to Council – patti.davis@fairfield.sc.gov - which shall be distributed to the members of the Governing Body.

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

Section 3. Effective Date; Expiration. This ordinance will remain in effect for the duration of the Governor's Emergency Declaration or any subsequent extensions thereof unless terminated sooner by Fairfield County Council, or upon the sixty-first (61st) day after the effective date of this

Emergency Ordinance in accordance with South Carolina Code of Laws Section 4-9-130.

DONE AS AN EMERGENCY ORDINANCE AT AN EMERGENCY 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 present, this 27th day of March, 2020.

FAIRFIELD COUNTY, SOUTH CAROLINA



Cornelius Robinson, Chairman
Fairfield County Council

ATTEST:



Patti Davis, Clerk to Council