



## ORDINANCE NUMBER 762

### **AN EMERGENCY ORDINANCE TO DECLARE A LOCAL STATE OF EMERGENCY IN FAIRFIELD COUNTY AND PROVIDING FOR CONDUCTING ELECTRONIC MEETINGS FOR FAIRFIELD COUNTY COUNCIL AND ALL FAIRFIELD COUNTY BOARDS AND COMMISSIONS**

**WHEREAS**, on March 18, 2020, Fairfield County Council enacted Emergency Ordinance 744 declaring a local state of emergency in Fairfield County due to COVID-19 and its impacts on the health and welfare of the citizens of Fairfield County; and

**WHEREAS**, on March 27, 2020, Fairfield County Council enacted Emergency Ordinance 747 providing for conducting electronic meetings for Fairfield County Council and all Fairfield County Boards and Commissions due to the state of emergency created by COVID-19; and

**WHEREAS**, on May 26, 2020, Fairfield County Council enacted Emergency Ordinance 749 which extended the local state of emergency in Fairfield County due to COVID-19 and extended the provisions for conducting electronic meetings; and

**WHEREAS**, on July 27, 2020, Fairfield County Council enacted Emergency Ordinance 753 which extended the local state of emergency in Fairfield County due to COVID-19 and extended the provisions for conducting electronic meetings; and

**WHEREAS**, on September 14, 2020, Fairfield County Council enacted Emergency Ordinance 757 which extended the local state of emergency in Fairfield County due to COVID-19 and extended the provisions for conducting electronic meetings; and

**WHEREAS**, on November 9, 2020, Fairfield County Council enacted Emergency Ordinance 760 which extended the local state of emergency in Fairfield County due to COVID-19 and extended the provisions for conducting electronic meetings; and

**WHEREAS**, as provided for in South Carolina Code of Laws Ann. Section 4-9-130, Ordinance Number 760 expires "automatically as of the sixty-first day following the date of enactment;" and

**WHEREAS**, the findings contained in Ordinance Number 760 are still in effect and operative and the dates applicable as to the declarations of the Governor

of South Carolina have been extended and the number of cases of COVID-19 has increased; and

**WHEREAS**, Ordinance Number 760 is referenced herein in its entirety and as modified and extended as incorporated herein and due to COVID-19 a public emergency affecting life, health, safety, and the property of people is hereby established and declared by Fairfield County Council; and

**WHEREAS**, Fairfield County Council, in an effort to protect and preserve the general welfare of its citizenry while promoting and enacting the will of the people, believes this world health event requires the Council to take all necessary actions to ensure the safety, welfare, and health of its residents, visitors, and County staff.

**NOW, THEREFORE**, Fairfield County Council, by the power granted to it by the South Carolina Constitution and General Assembly through Home Rule, hereby declares, enacts, ordains, and orders the following:

**Section 1. Conditions of Emergency Ordinance**

1. By the power granted in South Carolina Code of Laws § 4-9-130, due to COVID-19 Fairfield County Council hereby renews the declaration of a local state of emergency effective as provided for by Ordinance Number 753.
2. That all protection measures available to Fairfield County for health and safety response be utilized and made available in order to preserve health, life, and property.
3. That the County work closely with Federal, State, Local, School District, and Utility officials to ensure a concerted effort of response during the state of emergency.
4. That the Administrator continuously dialogue with local elected officials to establish reasonable and amenable plans of action for their statutory functions and service.
5. That the Administrator may modify personnel policies during the term of the emergency to ensure essential public services are met but also limiting unnecessary county sponsored travel, protecting personnel by utilizing liberal leave for quarantine and isolation, modifying sick time policies for those individuals who are immune suppressed, infected, otherwise need isolation for suspected infection, or have no other means to care for

their K-12 children who are subject to State ordered public school closings, providing for proper policies and procedures by which County facilities work to safely allow the public to access governmental functions, and authorizing remote access to the workplace by employees if the assigned duties allow.

6. That the Administrator may temporarily suspend or alter board, commission, committee, or other similar meetings or authorize remote attendance electronically, authorize remote and electronic participation by the public in public comment or public hearings as necessary, temporarily alter open hours or close certain County facilities, and other temporary measures that prohibit the unnecessary congregation of people in keeping with CDC social distancing preventative measures.
7. Designate the use of emergency procurement and the fund balance, if necessary, and authorize the Administrator to allocate funding to emergency expenditures attributable to the departments necessary during the state of emergency. Any emergency allocation will not require an ordinance during the state of emergency and will be reflected in subsequent budget amendments; the Finance Director will report periodically on monies spent during the state of emergency.
8. That the Chairman of Fairfield County Council will have the authority to postpone and/or reschedule meetings and provide for remote or virtual attendance and public access to meetings during the declared state of emergency in accordance with the South Carolina Freedom of Information Act in accordance with the terms herein.

**Section 2. Standards for Electronic Meetings.** Fairfield County Council 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 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](mailto:patti.davis@fairfield.sc.gov) - which shall be distributed to the members of the Governing Body.

(h) With respect to public hearings required by the South Carolina Code of Laws, said public hearings shall be conducted electronically as provided herein. All public comments made during such hearing shall be submitted in writing to the Clerk to Council via either:

- 1) U.S. Mail addressed to:  
Clerk to Council  
Fairfield County Council  
P.O. Drawer 60  
Winnsboro, South Carolina 29180
- 2) Email addressed to [patti.davis@fairfield.sc.gov](mailto:patti.davis@fairfield.sc.gov)

All comments must be received one (1) hour prior to the scheduled hearing. The comments shall be distributed to the members of the Governing Body prior to the public hearing and read into the record at the time of the public hearing. The comments shall be limited to three hundred (300) words or less. In the event more than ten (10) comments are received, the Chairman is authorized to paraphrase the reading of the comments into the record in order to optimize time efficiency of the public hearing.

**Section 3. 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 4. Effective Date; Expiration.** This ordinance will remain in effect unless terminated sooner by Fairfield County Council or upon the sixty-first (61<sup>st</sup>) day after the effective date of this Emergency Ordinance in accordance with South Carolina Code of Laws Section 4-9-130.

**ORDAINED, ENACTED, AND ORDERED 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 Fairfield County Council present, this 14th day of December, 2020.

**FAIRFIELD COUNTY, SOUTH CAROLINA**



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Cornelius Robinson, Chairman  
Fairfield County Council

ATTEST:



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Patti Davis, Clerk to Council