

COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA)

ORDINANCE 25-20

AN EMERGENCY ORDINANCE PROVIDING FOR THE CONDUCT OF PUBLIC MEETINGS BY MEANS OF ELECTRONIC EQUIPMENT IN LIGHT OF CDC RECOMMENDATIONS DURING THE COVID-19 EMERGENCY.

WHEREAS, Horry County Council is empowered by section 4-9-130 of the South Carolina Code of Laws and Section 2-26 of the Horry County Code of Ordinances to adopt emergency ordinances, enacted by the affirmative vote of at least two-thirds of the members of council present, and effective immediately upon enactment without regard to any reading, public hearing, publication requirements, or public notice requirements, to meet public emergencies affecting life, health, safety or the property of the people; and

WHEREAS, due to the recognition that COVID-19 poses a significant public health threat for infectious disease spread to our residents and visitors, Council enacted emergency Ordinance 20-20 on March 14, 2020 declaring a localized State of Emergency for Horry County; and

WHEREAS, on March 14, 2020 there were 6 confirmed cases and 6 presumptive positive cases in the State of South Carolina, none of which were located in Horry County or surrounding counties, but at present that number has increased to 424 statewide, to include 19 confirmed cases in Horry County; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention (“CDC”) 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, the CDC also has recommended for exposure risk management the practice of social distancing, not being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; and

WHEREAS, while it is important for there to be continuity of County operations and government during this emergency, it is equally important for the County to take steps to minimize the need for large gatherings or close social interaction 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 (“the SC FOIA”), 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 SC FOIA; and

WHEREAS, it is hereby determined that a public emergency affecting life, health, and safety continues to exist, and therefore, it is appropriate and necessary to conduct an emergency meeting in order to enact this emergency ordinance.

NOW, THEREFORE, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, the following hereby is ordained and enacted:

1. STANDARDS FOR ELECTRONIC MEETINGS. County Council hereby authorizes that County public meetings (to include Council, Council standing committees and subcommittees, boards, commissions, committees, and agencies) may be conducted exclusively or in part in electronic form, provided that the means – telephonic, broadcast video, computer-based, or other electronic media – and the meetings themselves provide for the following:

(a) At the beginning of any electronic meeting, the presiding officer shall poll the membership to confirm attendance, and any member of the Council, committee, sub-committee, board, commission, committee or agency (“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 the Body, officials or staff speaking at such meeting, and any person addressing the Body, must have the capability to be heard at all times by the members of the Body and by the general public.

(c) Any vote of the members of the Body must be conducted by individual voice vote, each to indicate their vote on any matter by stating “yea” or “nay.” All individual votes shall be recorded by the clerk, secretary, or presiding officer, as appropriate.

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

(e) All members of the Body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Other than as provided herein, members of the Body shall comply with the rules of the Body as they relate to procedural matters and shall maintain order and decorum.

(f) Electronic executive sessions shall be permitted in accordance with the provisions of the SC FOIA. Upon the entry into any electronic executive session, the electronic meeting utilized for such executive session may be held by separate electronic means wherein the public will not be permitted to participate, or by way of the initial electronic means, with implementation of participation or listening restrictions whereby the public is not permitted to participate, provided that in either instance all members of the Body must have the capability to be heard at all times.

(g) With respect to any electronic meeting, any public comment/input periods (distinguished from public hearings, see below) provided for by local code, ordinance, resolution, bylaw, rule of order, parliamentary procedure, policy, custom or usage are hereby suspended. This provision does not apply to public hearing periods.

2. SUSPENSION OF LOCAL PROVISIONS. During the period of effectiveness of this Ordinance, any code, ordinance, resolution, bylaw, rule of order, parliamentary procedure, policy, custom or usage of the Body that conflicts with the provisions hereof is suspended and shall be superseded hereby.

3. **TERMINATION/EXPIRATION.** This Ordinance will remain in effect for sixty (60) days unless sooner terminated by Resolution of County Council.

4. **SEVERABILITY.** If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

5. **CONFLICT WITH PRECEDING ORDINANCES.** If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, unless expressly so providing, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

6. **EFFECTIVE DATE.** This Ordinance shall become effective immediately.

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this 25th day of March, 2020.

HORRY COUNTY COUNCIL

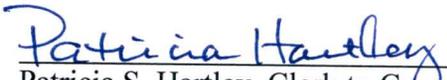


Johnny Gardner, Chairman
On behalf of the entire County Council

not
yes no present

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Johnny Gardner, Chairman
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Harold G. Worley, District 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bill Howard, District 2
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dennis DiSabato, District 3
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gary Loftus, District 4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tyler Servant, District 5
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cam Crawford, District 6
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Orton Bellamy, District 7
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Johnny Vaught, District 8
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	W. Paul Prince, District 9
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Danny Hardee, District 10
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Al Allen, District 11

Attest:



Patricia S. Hartley, Clerk to Council