

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

EMERGENCY ORDINANCE NO. 21-E2

AN EMERGENCY ORDINANCE EXTENDING THE PROVISIONS FOR THE CONDUCT OF PUBLIC MEETINGS BY MEANS OF ELECTRONIC EQUIPMENT IN LIGHT OF THE CENTER FOR DISEASE CONTROL & PREVENTION'S (CDC) RECOMMENDATIONS DURING THE COVID-19 EMERGENCY

WHEREAS, Darlington County Council is empowered by section 4-9-130 of the South Carolina Code of Laws and Chapter 2 and Chapter 14 of Darlington 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 No. 20-E1 on March 17, 2020, declaring a localized State of Emergency for Darlington County and extended the State of Emergency with the enactment of Emergency Ordinance No. 20-E3 on May 18, 2020, Emergency Ordinance No. 20-E5 on June 29, 2020, Emergency Ordinance No. 20-E7 on September 14, 2020, Emergency Ordinance No. 20-E9 on November 2, 2020, Emergency Ordinance No. 20-E11 on January 5, 2021, and Emergency Ordinance No. 21-E1 on March 1, 2021; and

WHEREAS, Darlington County has been and continues to be impacted by or immediately threatened by a public health emergency due to COVID-19; 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."; 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

NOW, THEREFORE, by the power and authority granted to the Darlington 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, subcommittee, 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) 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, subsection, or provision of this Ordinance shall conflict with the provisions of a section, subsection, or part of a preceding Ordinance of Darlington County, unless expressly so providing, then the preceding section, subsection or part shall be deemed repealed and no longer in effect.
6. **EFFECTIVE DATE.** This Ordinance shall become **effective April 6, 2021**, and remain in effect for sixty (60) days (June 4, 2021) unless sooner terminated by Resolution of County Council.

Adopted in meeting duly assembled this 1st day of March 2021.

Attest: 
J. Janet Bishop
Clerk to Council


Bobby Hudson, Chairman
Darlington County Council


Marion Charles Stewart, III
County Administrator