

STATE OF SOUTH CAROLINA) EMERGENCY ORDINANCE OF THE TOWN OF SURFSIDE BEACH
)
COUNTY OF HORRY) COVID-19
TOWN OF SURFSIDE BEACH)

WHEREAS, on March 13, 2020, The Governor of South Carolina declared that a State of Emergency exists in South Carolina related to the Coronavirus ("COVID-19"); and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention issued guidance recommending the suspension of events and gatherings that consist of 50 people or more in order to slow the spread of COVID-19; and

WHEREAS, on March 23, 2020, the Governor of South Carolina empowered local law enforcement to disperse groups in excess of three people; and

WHEREAS, it is imperative for the Town of Surfside Beach to continue to operate during this State of Emergency, while taking steps to ensure social distancing and no meeting of groups, in order to protect public health and safety and the health and safety of local government officials and staff; and

WHEREAS, Town Council's meetings are public and are held in compliance with the South Carolina Freedom of Information Act, which 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..."; and

WHEREAS, Town Council wishes to hold electronic public meetings, while ensuring compliance with the open meeting requirements of the Freedom of Information Act; and

WHEREAS, South Carolina law permits the Town to enact emergency ordinances to meet public emergencies affecting life, health, and safety upon a single reading, provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

WHEREAS, The Town Council of the Town of Surfside Beach hereby determines a public emergency affecting life, health, and safety exists.

NOW THEREFORE, be it hereby ordained by the Town Council of the Town of Surfside Beach as follows:

I. Electronic Meetings. Town Council is authorized to conduct public meetings in electronic form, whether by telephone, video, 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 councilmembers to confirm attendance by way of electronic media, and each of whom shall be considered present for the purposes of constituting a quorum.

(B) Throughout the electronic meeting, all members of the Town Council, 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 must be conducted by individual voice vote, each member stating "yay" or "nay." All individual votes shall be recorded by the Clerk.

(D) Meetings shall be recorded and minutes kept, as in the ordinary course of business.

(E) All members of Council, staff, and presenters should identify themselves and be recognized prior to speaking. Council shall ensure it follows its procedural rules 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, SC Code. 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 Town Council must have the capability to be heard at all times.

(G) With respect to any electronic meeting, any public comment periods provided for in the Town of Surfside Beach Code of Ordinances or by-laws for boards and commissions are hereby suspended. Members of the public may submit written public comments which shall be distributed to the members of the Town Council, board, or commission.

II Suspension of Local Provisions. During the period of effectiveness of this Emergency Ordinance, any ordinance, resolution, policy, or bylaw that conflicts with it is suspended.

III. 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 A SPECIAL MEETING, and approved by Town Council 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.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 27th day of March, 2020.

Bob Hellyer, Mayor

Debbie Scoles, Mayor Pro Tempore

Bruce Dietrich, Town Council

David Pellegrino, Town Council

Paul Holder, Town Council

Cindy Keating, Town Council

Michael Drake, Town Council

Attest:

Sheri Medina, Town Clerk