

**TOWN OF CHAPIN
SOUTH CAROLINA**

ORDINANCE NO. 005-03-2020

**AN EMERGENCY ORDINANCE PROVIDING FOR ELECTRONIC MEETINGS
DURING THE COVID-19 STATE OF EMERGENCY**

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, pursuant to Section 25-1-440(a)(1) of the Code of Laws of South Carolina 1976, as amended, when an emergency has been declared, proclamations and regulations issued by the Governor possess the force and effect of law as long as the emergency exists; and

WHEREAS, on March 17, 2020, Governor Henry McMaster issued Executive Order No. 2020-10 directing local governing bodies to “utilize any available technology or other reasonable procedures to conduct such meeting and accommodate public participation via virtual or other remote or alternate means”; and

WHEREAS, The Mayor of the Town of Chapin issued an Emergency Proclamation on March 19, 2020 pursuant to Chapin Town Code Sec. 2.121, declaring a State of Emergency in the Town of Chapin related to the outbreak of COVID-19, consistent with state and federal requirements and recommendations.

WHEREAS, on March 23, 2020, Governor Henry McMaster issued Executive Order No. 2020-13 restricting gatherings of people in groups of three or more outside of private homes if, in the discretion of law enforcement, such gatherings pose, or could pose, a threat to public health; and

WHEREAS, the South Carolina Freedom of Information Act, which is 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, the Chapin Town Code does not contain provisions to allow for Council Members to participate in Council Meetings by telephone or other electronic means and such a provision is needed during this State of Emergency to facilitate functions of the local government; and

WHEREAS, the outbreak of COVID-19 is a serious threat to the lives, health and welfare to persons in the Town of Chapin such that extraordinary measures need to be taken to minimize person-to-person contact among citizens in order to protect the public health; and

WHEREAS, the Mayor called and properly scheduled a Special Meeting of the Town Council pursuant to Section 2.202(1) in order to adopt this Emergency Ordinance.

NOW, THEREFORE, BE IT ORDAINED in this Special Meeting of the Town Council as follows:

Section 1. Procedures for Electronic Meetings. The Governing Body is authorized to conduct meetings by telephone or other electronic means or by a combination of electronic media, provided the method allows for the following standards and practices to be met:

- a) Electronic meetings are subject to compliance with the South Carolina Freedom of Information Act (the “*Act*”).
- b) At the beginning of any electronic meeting or in-person meeting where one or more participating members of the Governing Body join the meeting by telephone or electronic means, 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 telephone or electronic means shall be considered present for the purposes of constituting a quorum.
- c) The Town Clerk or the Clerk’s designee shall serve as the electronic meeting moderator to monitor participants for compliance with these procedures in the electronic platform and unmute participants permitted to speak during the meeting at the direction of the presiding officer.
- d) Meetings held pursuant to this emergency ordinance will be recorded and minutes kept and posted on the Town website in the same manner as in-person meetings. Other than establishing the electronic connections, there shall be no communications among the members attending electronically, during the meeting, unless such communication is part of the meeting and can be heard by all participants or attendees.
- e) 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.
- f) A call-in line or other process described in the meeting notice will be provided for members of the public to be able to listen to the meeting and address or provide comments electronically to the governing body as set forth in these procedures.
- g) During any period of public comment provided on the agenda for an electronic meeting, the commenter may either (i) submit written public comments which shall be distributed to the members of the Governing Body, or (ii) make a written request to the moderator (as provided in the agenda materials) of the electronic meeting (at any time after the agenda for such meeting is posted until 15 minutes in advance of the start of such meeting) to make a presentation during a public comment period or public hearing.
- h) Any vote of the Governing Body must be conducted by individual roll-call 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 in the minutes.
- i) 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 a separate telephone or electronic media platform wherein the public shall not be permitted to listen or participate, provided that all members of the Governing Body must have the capability to listen and be heard at all times.

Section 2. Procedures for Boards, Commissions, and Committees. The normal operating procedures all boards, commissions, and committees are temporarily suspended in order to allow the meetings thereof to be conducted using electronic means; provided that such electronic means conform to the standards set forth in Section 1, as they may be amended by the Town Council.

FURTHERMORE, BE IT ORDAINED THAT,

1. This Emergency Ordinance pursuant to Chapin Town Code Sec. 2.120(a) and “shall expire automatically as of the sixty-first (61st) day following the date of enactment”. (S.C. Code 1976, § 5-7-250(d));
2. The Town Council may renew this Emergency Ordinance for additional terms by Resolution, provided no renewal term exceeds sixty days; and
3. During the period of effectiveness of this Ordinance, any ordinance, resolution, policy, or bylaw of the Town of Chapin that conflicts with the provisions hereof is suspended and shall be superseded hereby.

DONE AS AN EMERGENCY ORDINANCE AT A SPECIAL CALLED MEETING and approved by the Council duly assembled, by no less than an affirmative vote of two-thirds of the members present pursuant to Chapin Town Code Sec. 2.120(b), this 30th day of March, 2020.

Council Approved: March 30, 2020