

EMERGENCY ORDINANCE

Ordinance 4389

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, 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, 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, on March 31, 2020, Governor Henry McMaster issued Executive Order No. 2020-17 directing that certain “non-essential” businesses, venues, facilities, services, and activities be closed to the public, including recreational and athletic facilities and activities; and

WHEREAS, on April 6, 2020, Governor Henry McMaster issued Executive Order No. 2020-21 directing citizens to not leave their residences unless they are engaging in essential activities or essential businesses; and

WHEREAS, on April 20, 2020, Governor Henry McMaster issued Executive Order No. 2020-28, modifying and extending prior executive orders, to authorize certain businesses, venues, facilities, services and activities to reopen in order to begin the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, notwithstanding the provisions of Executive Order No. 2020-28, individuals are still subject to the remaining provisions of prior executive orders, including Executive Order Nos. 2020-13, as extended by Executive Order No. 2020-23, prohibiting gatherings outside of homes of groups of three or more people, and Executive Order No. 2020-21, ordering residents of South Carolina to limit their movements outside of their residence; and

WHEREAS, on April 28, 2020, Governor Henry McMaster issued Executive Order No. 2020-29, finding that an effective response to the ongoing COVID-19 pandemic represents a new and distinct emergency within South Carolina and declaring that a state of emergency continues to exist; 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, 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, 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, on March 17, 2020 the City Council (the “**Governing Body**”) enacted Emergency Ordinance No. 4387 (the “**Ordinance No. 4387**”) permitting the implementation of electronic meetings in response to the above-mentioned Executive Orders and the State of Emergency related to COVID-19; and

WHEREAS, South Carolina law provides that an emergency ordinance shall expire automatically on the sixty-first day following its enactment, therefore, Ordinance No. 4387 shall expire on May 17, 2020; and

WHEREAS, the evolving public health threat posed by COVID-19 requires that the Governing Body extend Ordinance No. 4387 in order to protect the health and safety of local government officials, staff, and citizens; and

WHEREAS, due to the continuation of the public health threat posed by COVID-19, the Governing Body finds that it is additionally necessary to amend Ordinance No. 4387 to make provisions for conducting public hearings using electronic means in order that the Governing Body may receive public comment as needed and conduct public hearings as required by law;

WHEREAS, it is hereby determined that a public emergency affecting life, health, and safety does still exist, and therefore, it is appropriate and necessary to enact this Ordinance as an emergency ordinance.

NOW THEREFORE, be it hereby ordained in this meeting of the Governing Body, as follows:

Section 1. Extension of Ordinance No. 4387. The Governing Body hereby extends the provisions of Ordinance No. 4387, as amended by the provisions of Section 2 hereof, during such time as the state of emergency with respect to COVID-19 continues or this Ordinance expires pursuant to Section 4 hereof.

Section 2. Amendment of Ordinance No. 4387. Section 1(g) of Ordinance No. 4387 is hereby amended to read, in its entirety, as follows:

(g) With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. Members of the public may submit written public comments to the City Clerk no later than noon prior to any regular meeting, which shall be distributed to the members of the Governing Body at such meeting. With respect to any public hearing that is required by law to be held in connection with any proposed action of the Governing Body, electronic public hearings shall be permitted. Individuals wishing to provide written comments for any such public hearing may email comments to the City Clerk no later than noon on the day scheduled for such public hearing, and the Mayor shall read such comments aloud during the public hearing. Individuals wishing to speak at the public hearing shall sign up with the City Clerk no later than one hour prior to the scheduled time for the public hearing. The City Clerk shall contact those who wish to speak at the public hearing by phone, in the order the requests were received, to admit them to the public hearing. Public hearings shall otherwise be conducted in accordance with all other Council Rules and Procedures. Notices of public hearings shall include detailed instructions regarding the manner in which the public hearing shall be held.

Section 3. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, resolution, policy, or bylaw of the Governing Body that conflicts with the provisions hereof is suspended and shall be superseded hereby.

Section 4. 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.

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DONE AS AN EMERGENCY ORDINANCE/RESOLUTION and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Governing Body present, this 12th day of May, 2020.

**CITY OF HARTSVILLE, SOUTH
CAROLINA**

(SEAL)

Carl M. (Mel) Pennington IV, Mayor

ATTEST:

Sherron L. Skipper, City Clerk