

## EMERGENCY ORDINANCE

20-0701

To temporarily amend Town Ordinances, Sections 2-94 and 2-95 to provide that Council Meetings, Town Committees, Boards and Commissions be allowed meet electronically/telephonically and obtain a Quorum by counting a member(s) attending by electronic and/or telephonic means.

**WHEREAS**, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARSCoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

**WHEREAS**, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States; and

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

**WHEREAS**, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020; and

**WHEREAS**, also on March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State; and

**WHEREAS**, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), and 2020-40 (June 11); and

**WHEREAS**, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of July 3, 2020, the South Carolina Department of Health and Environmental Control (“DHEC”) is reporting that there have been 41,413 confirmed COVID-19 cases and 787 confirmed COVID-19 deaths in the State; and

**WHEREAS**, if COVID–19 cases continue to increase in the State and in the Town of Summerville, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector work force may be negatively impacted by absenteeism; and the demand for medical facilities may exceed locally available resources; and

**WHEREAS**, it is necessary to preserve the ability of Town Government to function properly and at the same time, protect the Public, Town Staff and Elected Officials; and

**WHEREAS**, it is recognized the use of alternative methods of conducting meetings is a means of preventing the spread of COVID-19; and

**WHEREAS**, S.C. Code § 5-7-250(d) provides that “to meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances ... by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;” and

**WHEREAS**, at least one Town Department Head has been infected, one Municipal Court Staff Member and one Council Member have been infected with COVID-19 along with several members of the Fire and Police Departments; and

**WHEREAS**, the Council for the Town of Summerville has determined, based on the recommendations of public health experts and responsive to a serious threat to the public health, safety, and welfare of its citizens, that it would serve the public interest and be within the TOWN’s authority based on S.C. Code § 5-7-60 to provide for electronic and/or telephonic Meetings of Council, Boards, Committees and Commissions and, establish a quorum by counting members attending by electronic and/or telephonic means; and

**WHEREAS**, this Emergency Ordinance must be approved by at least two-thirds of the Councilmembers present at the meeting in which it will be considered;

**NOW, THEREFORE**, be it ordained by Town Council, Summerville, SC as follows:

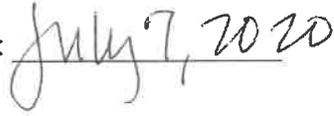
1. During the term of this Ordinance, any ordinance, resolution, policy, or bylaw of the Town that conflicts with the provisions hereof shall be and is hereby suspended and superseded.
2. As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment (the “Emergency Term”) unless at the Council Meeting adopting this Ordinance a sooner termination date is chosen. Notwithstanding the foregoing, however, Council may extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty days, provided that the total duration of the Emergency Term shall not exceed six months without enacting an ordinance in the ordinary course.
3. Electronic and Telephonic Council meetings and other Town Committees, Boards or Commission meetings may be held electronically and/or telephonically, subject to the provisions as stated above.
4. Said meetings must be live streamed to the public.
5. A quorum of Council and all Town Meetings may be obtained by counting Members attending by telephonic and/or electronic means.
6. This emergency Ordinance shall take effect at 2:00pm on the 7th day of July, 2020 and shall expire at 11:59 pm on the 13 day of August, 2020 unless renewed or sooner terminated by Council, and

**IT IS SO ORDAINED!**



Ricky Waring, Mayor

Date:



Attest:



Beth Messervy, Town Clerk