

EMERGENCY ORDINANCE

TITLE: AN EMERGENCY ORDINANCE TO CONTINUE A DECLARATION OF A STATE OF EMERGENCY; TO SET PROCEDURES FOR COUNCIL MEETINGS AS A RESULT OF THE COVID-19 PANDEMIC; TO ALLOW COUNCIL MEETINGS TO BE CONDUCTED VIA ELECTRONIC MEANS; TO DISALLOW PUBLIC ATTENDANCE AT COUNCIL MEETINGS; TO DIRECT THE CITY ADMINISTRATOR TO PROVIDE PUBLIC ACCESS TO MEETINGS VIA THE INTERNET; AND VARIOUS PROVISIONS RELATING THERETO

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of the outbreak of the virus known as COVID-19; and

WHEREAS, on March 13, 2020, the Hon. Henry McMaster, Governor of the state of South Carolina issued Executive Order 2020-08 to declare a state of emergency concerning the outbreak of the virus known as COVID-19; and

WHEREAS, On March 15, 2020, Governor McMaster issued Executive Order 2020-09 that, *inter alia*, directed the closing of public schools and delayed all elections in the state and further called for the cancellation of all public gatherings where the number of attendees may exceed 100; and

WHEREAS, Executive Order 2020-09 does not apply to the City; however, the City Council believes that a state of emergency does exist and that the public and Council gathering for Council meetings increases the risk of exposure to COVID-19 and to the spread of the disease; and

WHEREAS, On March 23, 2020, the Governor issued Executive Order No. 2020-13, authorizing and directing law enforcement officers of the State, or any political subdivision thereof, to, *inter alia*, prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

WHEREAS, On March 24, 2020, the City Council passed Ordinance No. E-2020-01 declaring a state of emergency on the City of Simpsonville which shall expire, by law, on May 24, 2020; and

WHEREAS, on March 28, 2020, the Governor issued Executive Order No. 2020-15, declaring a new, separate, and distinct State of Emergency based on a determination that COVID- 19 posed an actual, ongoing, and evolving public health threat to the State of South Carolina and extending certain provisions of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on April 12, 2020, the Governor issued Executive Order No. 2020-23, declaring an additional State of Emergency based on new facts and circumstances and a determination that the

accelerated spread of COVID-19 throughout the State posed a different and distinct public health threat to the State of South Carolina and extending provisions of certain of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, On April 27, 2020, Governor McMaster issued Executive Order 2020-29 that, *inter alia*, declaring a continued State of Emergency because of COVID-19 and extending provisions of certain of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on May 3, 2020, though Governor McMaster allowed certain previous Executive Orders to expire and allowed partial re-opening of certain businesses, he declared that a state of emergency continued to exist and continued to require social distancing and prohibited large public gatherings; and

WHEREAS, on June 11, 2020, Governor McMaster issued another Executive Order continuing the declaration a state of emergency as infections from COVID-19 continued to rise in South Carolina; and

WHEREAS, on August 2, 2020, August 25, 2020, and October 9, 2020, Governor McMaster issued Executive Orders continuing the declaration a state of emergency and imposing emergency measures to curb the rise of infections from COVID-19; and

WHEREAS, On November 23, 2020, by Executive Order 2020-72, and on January 7, 2021 by Executive Order 2021-03 Governor McMaster again declared a state of emergency in South Carolina because of the COVID-19 pandemic; and

WHEREAS, since the passage of Emergency Ordinance E-2020-06, infections of COVID-19 have continued to rise (4,584 on January 17) and Greenville County has seen the highest number of infections in the state; and

WHEREAS, South Carolina Code Ann. §5-7-250 provides that cities may enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people upon a single reading, provided that such ordinance does not levy taxes, grant, renew or extend a franchise or impose or change a service rate, upon the affirmative vote of at least two-thirds of the city or county council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

WHEREAS, the conduct of the City's business should occur in such a manner that the public can be informed of the actions taken by City Council; and

WHEREAS, the City Council believes that through the use of modern technology, the Council can continue its work of properly governing the affairs of the City and allow the public to be fully informed of its proceedings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

Section 1: A state of emergency continues to exist. Therefore, the Council directs as follows:

1. Council meetings may be conducted via electronic means. The Mayor and Members of Council may attend any meeting of council via telephone conference or other electronic means. The City Administrator is hereby authorized to take such action as may be necessary to provide for electronic, telephonic, or other means to allow the Mayor and Members of Council to attend meetings without having to attend in person.
2. Except as modified by this Ordinance, the City Council reaffirms and re-adopts the other provisions of Emergency Ordinance #2020-01 as fully as if set forth herein verbatim.

Section 2. This ordinance shall expire automatically as of the sixty-first day following the date of its enactment pursuant to S.C. Code Ann. §5-7-250 unless earlier ended at the direction of City Council or the Governor declares that the COVID-19 crisis has ended.

Section 3. Authorization. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the provisions authorized by this Ordinance in accordance with the conditions herein set forth.

Section 4. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. Suspension of Conflicting Ordinances, Rules, Orders or Resolutions. All ordinances, rules, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby suspended for the duration of this ordinance.

Section 6. Effective Date of the Ordinance. This ordinance shall be effective immediately upon passage.

DONE in meeting duly assembled this 26th day of January 2021.

SIGNATURE OF MAYOR:

Paul D. Shewmaker

ATTEST:

APPROVED AS TO FORM:

Phyllis Long
City Clerk

David W. Holmes
City Attorney