

EMERGENCY ORDINANCE

TITLE: AN EMERGENCY ORDINANCE TO DECLARE 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, 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 is hereby declared. 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 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. The City Council believes that allowing members of the public to attend council meetings in person should be prohibited. The President of the United States has issued guidelines that there be no meetings where more than 10 persons are present. The Governor has issued Executive Orders directing the closure of schools, restaurants and bars so that people are not in close contact with one another. Therefore, unless state or federal law requires a public hearing to be held on a matter to be considered by Council, members of the public will not be allowed to be physically present for council meetings.
3. The City Administrator is hereby directed to provide access to the public to any meeting conducted pursuant to this ordinance through such means as will allow the public to hear the proceedings.
4. The City Administrator is hereby authorized to cancel public events, revoke any previously issued public assembly permit, close public facilities to the public and determine the operating hours of city facilities.
5. The City Administrator is further authorized to allow non-essential employees to work remotely, decide whether to discontinue non-essential services, and decide what employees are not required to report for work. Employees who are not required to report for work shall continue to receive full pay and benefits.

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.

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 an emergency meeting duly assembled this 24th day of March 2020.

SIGNATURE OF MAYOR:

Paul D. Shewmaker

ATTEST:

APPROVED AS TO FORM:

Phyllis Long
City Clerk

David W. Holmes
City Attorney

FIRST READING: _____
SECOND READING: _____