

EMERGENCY ORDINANCE NO.

YORK COUNTY COUNCIL DECLARATION OF PUBLIC HEALTH EMERGENCY IN RESPONSE TO THE PUBLIC SAFETY THREAT FROM THE NOVEL CORONAVIRUS (“COVID-19”); AND EMERGENCY ORDINANCE SUSPENDING THE RULES OF COUNCIL FOR THE CONDUCTION OF COUNCIL MEETINGS AND SUSPENDING RELATED COUNCIL RULES FOR THE CONDUCTION OF COUNTY COUNCIL BUSINESS; ESTABLISHING A VIRTUAL MEETING PARTICIPATION PROCESS INCLUDING RULES FOR THE CONSTITUTION OF A QUORUM OF COUNCIL AT VIRTUAL REGULAR AND SPECIAL MEETINGS; PROVIDING FOR ONE REGULAR VIRTUAL COUNCIL MEETING PER MONTH; SETTING FORTH OPERATING PROCEDURES REGARDING POSTPONING AND/OR RESCHEDULING YORK COUNTY COUNCIL COMMITTEE MEETINGS AND IN EXIGENT CIRCUMSTANCES MOVING THE DATE FOR A COUNCIL MEETING; CALLING FOR THE APPLICATION OF THE VIRTUAL MEETING PROCESS TO APPLY SIMILARLY TO COUNTY BOARDS AND COMMISSIONS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO

WHEREAS, COVID-19, a novel, highly contagious and deadly virus, has been declared a pandemic by the World Health Organization and now poses a significant threat to County citizens and citizens of the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency thereby authorizing emergency federal funding and requesting local emergency action plans be activated; and

WHEREAS, on March 13, 2020, the Governor of South Carolina declared a state of emergency for South Carolina ordering the State’s emergency operation plan be activated and requesting the Legislature appropriate funding to combat the effects of the pandemic; and

WHEREAS, on March 17, 2020, the Governor of South Carolina issued Executive Order 2020-10 which provided additional safety measures and protocols to fight the spread of COVID-19; and

WHEREAS, on March 24, 2020, in an effort to curb the spread of COVID-19, the Governor of South Carolina in tandem with the Secretary of the South Carolina Department of Education ordered all public schools in South Carolina to close until May 1, 2020; and

WHEREAS, as of March 24, 2020, the South Carolina Department of Health and Environmental Control has reported at least 342 cases of COVID-19 in South Carolina, with eleven cases occurring in York County; and

WHEREAS, the World Health Organization, and the United Nations Population Division currently report over 428,000 COVID-19 cases globally, of which over 19,100 have resulted in death; and

WHEREAS, York County Council, in an effort to protect and preserve the general welfare of its citizens while promoting and enacting the will of the people, believes this world health event requires the Council to take all necessary actions to ensure the safety, welfare, and health of its residents, visitors, and County staff while maintaining the business of the County and County Council through the emergency provisions set out herein.

NOW, THEREFORE, BE IT ORDAINED, by York County Council, as follows:

1. The County Council hereby declares a County Public Health Emergency and by the power granted to it by the South Carolina Constitution and General Assembly through the Home Rule Act, hereby declares, enacts, ordains, and orders the Emergency Provisions as set out below.
2. In light of the declaration of an emergency, the County Council finds that the provisions herein shall serve to allow the county council and county government to maintain and continue with the business of the county and the provisions of service(s) to the citizens of the County while we are all confronted with the community effects of COVID-19 and in doing so lend stability to our county government in these difficult times.
3. At all times during the pendency of this emergency ordinance, the County will strive to serve the interests of our county and promote protective measures aimed at the health and safety of our citizens, employees, and officials against COVID-19.
4. At all times during the pendency of this emergency ordinance, the County will work closely with Federal, State, and Local officials to ensure a concerted effort of response during this public health crisis of COVID-19 while striving for a return to normalcy in our businesses and way of life, for all affected.
5. During the pendency of this Emergency Ordinance, the existing ordinance amendment provisions, the Rules of County Council "Meetings" provisions, and other ordinance provisions related to the conduction of Council and County business are hereby suspended so that emergency measures as described herein can be adopted and practiced.
6. Regarding the conduction of Council meetings the following procedures shall be followed:
 - (a) Only one Council Meeting per month is required and that meeting shall fall on the third Monday of every month, unless otherwise specially called;
 - (b) The Chairman of York County Council will have the authority to call for remote teleconference participation by Council members at meetings of Council, through utilization of a phone bank or utilization of an audio/video software system, or utilization of other similar means geared towards remote participation in meetings by Councilmembers and interested members of the public ("Virtual Meeting Participation Process" or "Virtual Meeting"), as to Council meetings held during the declared state of emergency, so that meetings comport with the South Carolina Home Rule Act and the South Carolina Freedom of Information Act, with the County continuing to make Council meetings accessible to the public via the Virtual Meeting Participation Process and to the extent practicable the County's current live streaming process, with authority to conduct County Council Public Hearings in a similar, auditory but interactive process, which processes shall be

conveyed to the public via our County website, social media postings, and through a press release to the local media.

- (c) Notices for public hearings will describe the process to be followed by County Council allowing for the public to participate in the public hearings;
- (d) All Council Members who participate in a Virtual Meeting of Council regular and special called meetings may fully participate by Virtual Meeting with the participation of at least four (4) council members being deemed virtually present as part of the Virtual Meeting with such minimum of 4 members participating remotely being validly counted toward the constitution of a quorum for the conduction of County business.
- (e) To accomplish Public Council meetings and Public Hearings through its Virtual Process the Council will incorporate the following processes and procedures for the conduction of council business (the “Virtual Process”):
 - i. At a designated meeting time, a phone bank teleconference call shall be arranged for council members participating remotely;
 - ii. At the designated meeting time, the Chairman, Vice Chairman, or other designated councilmember (“Presiding Member”) shall call the meeting to order and thereafter call the role, by District, asking each participating member to identify him/herself for the public record;
 - iii. Items presented on the Council Agenda will then be followed as published, in the course of council business;
 - iv. The presiding officer shall allow all members participating from remote locations to participate in the discussion on any item or pendency of any motion, by calling on each participant member by district and giving him/her an opportunity to speak during the discussion.
 - v. If a remote participant desires to be recognized by the presiding officer, the participant shall speak the words, “Mr. Chairman,” or “Madam Chairwoman,” or speak other similar words designating the request to speak, and thereafter wait to be recognized by the presiding officer to continue with commentary.
 - vi. Motions will be taken at the call of the Chairman or by council members making points of order or amendatory motions;
 - vii. Votes will be taken from the remote participant(s) by the presiding officer asking each member by District how the member votes on the issue. The remote participant shall vote by saying, “I vote in favor of the motion,” or “I vote against the motion.”
 - viii. For purposes of Public Hearings, the County IT Department will work in conjunction with the County Manager so that an interactive process is established for the public and such process will be included and detailed in any public hearing notice published by the County.
 - ix. Executive Sessions may also be conducted through teleconference means, so long as the Council safeguards the confidentiality of items discussed by closing the virtual meeting public access component for the limited time period so that an executive session item may be discussed fully by Council.
 - x. To the extent these emergency provisions have omitted a procedural or administrative aspect of the conduction of council meetings, the presiding officer

shall look to Council custom and practice not otherwise inconsistent with the procedures set forth herein.

- xi. County IT shall maintain an audio file of the virtual meeting and place the audio file on the county website, in the same or similar manner as existing meetings are catalogued.
 - xii. The Clerk to Council shall maintain Council Agendas, Actions, Minutes, and other records produced through these emergency procedures in similar manner as existing records are currently maintained.
7. During the pendency of this ordinance, the Chairman of York County Council has the authority to postpone Council Committee meetings and Council workshops and should exigent circumstances manifest themselves reschedule the monthly meeting(s) of York County Council during the declared state of emergency, but only after consultation with members of County Council and the Clerk to Council. Said postponement or rescheduling will be in accordance with the provisions of the South Carolina Home Rule Act and the South Carolina Freedom of Information Act.
 8. During the pendency of this Ordinance and to the extent not inconsistent with the laws of the State of South Carolina, the County Manager shall have the authority to suspend and/or postpone the conduction of meetings of County Boards and Commissions, only after consultation with the County Council Chairman, and make policy determinations on the departmental application and filing processes so as to manage the flow of requests coming to the County. Additionally, the County Manager is authorized to provide for the conduction of a meeting by a County Board or Commission though the Virtual Meeting process described herein and he shall utilize his best efforts to have the Boards and Commission utilize the Virtual Process of Council, *mutatis mutandi*.
 9. This ordinance will remain in effect sixty (60) days from the date of adoption unless sooner terminated by York County Council and as provided by S.C. Code Ann. Section 4-9-130.
 10. If any section of this ordinance is declared invalid by a court or found to be in conflict with sound legal principle or law, then the remaining portions of the ordinance will remain in effect.
 11. This ordinance expressly takes precedence over and supersedes any other York County ordinance for the duration of the term provided herein and to the extent the provisions herein conflict with existing County Code provisions, the provisions of this emergency ordinance shall control to the extent of such conflict. To the extent the emergency provisions present a conflict within themselves, they should be harmonized to the fullest extent practicable to serve the orderly conduction of County and Council business.
 12. Nothing herein shall preclude the Council from declaring an ongoing emergency during the pendency of this Ordinance, or establishing a successive Emergency Ordinance, so that procedural and administrative mechanisms herein can be continued or further refined or until such time as a permanent Ordinance is codified by York County.
 13. In the interest of public health, safety, and welfare, the chairman (or other presiding officer) and manager may collectively modify the meeting rules expressed herein to

conform to safety measures which may be mandated by the Governor or federal agencies after the effective date of this Ordinance or administratively modify the technological aspects of the virtual process so that the intent of these modified rules can serve the public access component of Council meetings.

14. This emergency ordinance is effective immediately.

ORDAINED, ENACTED, AND ORDERED THIS 26th DAY OF MARCH, 2020

YORK COUNTY COUNCIL



By: R. Michael Johnson, Jr.
York County Council Chairman

ATTEST:



David E. Hudspeth
County Manager