

CHEROKEE COUNTY, SOUTH CAROLINA  
EMERGENCY ORDINANCE 2020-13

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S  
2020 MAR 23 PM 4:00  
BRANDY W. MOORE

**AN ORDINANCE ALLOWING ELECTRONIC MEETINGS, EFFECTIVE MARCH 23, 2020**

WHEREAS, on March 13, 2020, the President of the United States of America declared that the Coronavirus Disease 2019 (COVID-19) outbreak in the United States constituted a national emergency; and

WHEREAS, the Governor of South Carolina (the "State"), by Executive Order 2020-08 has declared that a state of emergency exists by virtue of the threat posed worldwide by the 2019 Novel Coronavirus ("COVID19"); and

WHEREAS, while it is imperative for local government to continue to operate during States of Emergency, it is equally imperative for local governments to take steps to minimize the need for large gatherings in order to protect health and safety of local government officials and staff; 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, (the "ACT") 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"; and

WHEREAS, due to the State of Emergency related to COVID-19, it is advisable to make provisions for the holding of electronic public meetings, while ensuring any electronic meeting fully complies with the open meeting requirements of the ACT; and

WHEREAS, the ACT further permits that emergency meetings of public bodies may be held without having provided twenty-four hours' notice of such meeting; and

WHEREAS, South Carolina law provides that cities and counties 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, it is hereby determined that a public emergency affecting life, health, and safety does exist, and therefore, it is appropriate and necessary to conduct an emergency meeting in order to enact this Emergency Ordinance.

NOW, THEREFORE, be it hereby ordained in this emergency meeting of the Cherokee County Council (the "Governing Body"), as follows:

Section 1. Standards for Electronic Meetings. The Governing Body is hereby authorized to conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meetings, allows for the following standards and practices to be met:

- (a) At the beginning of any electronic meeting, the presiding officer shall poll the members of the Governing Body to confirm attendance, and any member of the Governing Body attending by way of electronic media shall be considered present for the purpose of constituting a quorum.
- (b) Throughout the duration of the electronic meeting, all members of the Governing Body, as well as any officials or staff required to speak at such meeting, must have the capability to be heard at all times by any other member of the governing body and by the general public;
- (c) Any vote of the Governing Body must be conducted by individual voice vote of the members of the Governing Body, who shall verbally indicate their vote on any matter by stating "yay" or "nay." All individual votes shall be recorded by the clerk, secretary, or presiding officers, as appropriate.
- (d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the ACT.
- (e) All members of the governing body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Governing Body shall strictly comply with the rules of the Governing Body as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.
- (f) Electronic executive sessions shall be permitted in accordance with the provisions of the ACT and the Governing Body shall properly announce its reason for going into any executive session in conformance with Section 30-4-70 of the ACT. Upon the entry into any electronic executive session, meeting minutes need not be kept and the electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of the Governing Body must have the capability to be heard at all times.
- (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 which shall be distributed to the members of the Governing Body.

Section 2. 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 3. 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.


DONE AS AN EMERGENCY ORDINANCE AT AN EMERGENCY MEETING, 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 23rd day of March, 2020.

Effective the 23rd day of March 2020, in the County of Cherokee, South Carolina.

COUNTY COUNCIL OF CHEROKEE COUNTY

By:

  
\_\_\_\_\_  
Tim Spencer, Chairman of Cherokee County Council  
Cherokee County, SC

Attest:   
\_\_\_\_\_  
Doris F. Pearson, Master Clerk to Council  
Cherokee County, SC



CHEROKEE COUNTY, SOUTH CAROLINA  
EMERGENCY ORDINANCE 2020-12

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2020 MAR 23 PM 4:08  
BRANDY W. MCDONALD

**AN ORDINANCE PROVIDING CHEROKEE COUNTY COUNCIL DECLARATION OF PUBLIC HEALTH EMERGENCY IN CHEROKEE COUNTY, SOUTH CAROLINA IN RESPONSE TO THE PUBLIC SAFETY THREAT OF THE NOVEL CORONAVIRUS ("COVID-19"), EFFECTIVE MARCH 23, 2020**

WHEREAS, on March 13, 2020, the President of the United States of America declared that the Coronavirus Disease 2019 (COVID-19) outbreak in the United States constituted a national emergency; and

WHEREAS, the Governor of South Carolina (the "State"), by Executive Order 2020-08 has declared that a state of emergency exists by virtue of the threat posed worldwide by the 2019 Novel Coronavirus ("COVID19"); and

WHEREAS, Cherokee County, South Carolina (the "County") has taken, and must continue to take, all necessary and appropriate actions available to it in proactively preparing for and promptly responding to the COVID-19 and all matters related thereto in Cherokee County; and

WHEREAS, as cases of COVID-19 increase in South Carolina, causing an imminent threat to the citizens of and visitors to Cherokee County, it is necessary for the County to implement emergency planning for anticipated problems and prepare for and implement emergency actions needed to confront the challenges of this public health emergency.

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Cherokee County, in a meeting duly assembled, pursuant to the powers vested therein by the Constitution of the State of South Carolina, and pursuant to Section 4-9-130 of the South Carolina Code of Laws (1976, as amended), that a State of Emergency is hereby declared in the County of Cherokee;

BE IT FURTHER ORDAINED that due to the State of Emergency existing in the County and State, and that the threat therefrom is imminent, and extraordinary emergency measures are deemed necessary and appropriate to cope with the existing and anticipated situation. Cherokee County hereby implements a COVID-19 Operations Plan and all necessary emergency procedures required thereby, immediately upon enactment of this Emergency Ordinance on March 23, 2020, and until further notice as set forth herein;

BE IT FURTHER ORDAINED, that the County Administrator and his designee(s) are authorized to take any necessary actions and use all available resources for protection of the health, safety and welfare of Cherokee County citizens, residents and visitors including but not limited to the following, each of which is hereby authorized and directed and ordered: directing and/or redirecting personnel or functions of County departments and agencies for purposes of facilitating or performing such services as may be required so long as this State of Emergency may exist; utilization of all available resources of county government as reasonably necessary

and as funds are available to respond to and cope with the COVID-19 emergency; Contract, requisition and compensate for goods and services from public or private sources as authorized by the Administrator, without regard to normal procurement procedures, while still attempting to maintain competitive procurement, only to the degree reasonable and possible, in the sole determination of the County Administrator; implement policies and rules regarding nonemergency activities and gatherings including herein the specific prohibition of public assemblies and gatherings of greater than ten (10) persons; and implement curfews as may be necessary; and take any and all other actions or directives deemed necessary by the Administrator or his designees, for the preservation of the health, safety and welfare of citizens, residents, and visitors of and to Cherokee County, South Carolina;

BE IT FURTHER ORDAINED, all orders, ordinances, resolutions, and normal procedures and parts of the Cherokee County Code of Ordinances in conflict herewith, or which would hinder the application and use of emergency procedures pursuant hereto or otherwise, are hereby suspended until the later of the dates set forth hereafter. Specifically, but without limitation in any regard, all meetings of public bodies in Cherokee County may be conducted electronically, using all available electronic means, while still being conducted and broadcast in such a manner as to honor the spirit and intent of the South Carolina Freedom of Information Act to the greatest degree possible, given the circumstances of this emergency and the resources available during this emergency, and specifically with heed to the limitations on meeting size provided herein and by other state and national directives;

BE IT FURTHER ORDAINED, this Ordinance and its declaration of emergency shall remain in force until, in the Administrator's determination, aided and assisted by all such assets and sources of information as he should deem necessary, emergency conditions associated with COVID-19 have subsided and the emergency procedures and limitations in Cherokee County are no longer necessary to protect the life, safety and well-being as well as property of our citizens, or upon the sixty-first (61st) day after the effective date of this emergency ordinance, whichever comes first.

Effective the 23rd day of March 2020, in the County of Cherokee, South Carolina.


COUNTY COUNCIL OF CHEROKEE COUNTY

By:



Tim Spencer, Chairman of County Council, Cherokee County, SC

Attest:



Doris F. Pearson, Master Clerk to Council, Cherokee County, SC