



Executive Committee Beaufort County, SC

Monday, March 23, 2020
5:00 PM

AGENDA

1. PLEDGE OF ALLEGIANCE
2. *[Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act]*
3. APPROVAL OF MINUTES

ACTION ITEMS

4. Discussion of an Ordinance authorizing the conveyance of real property associated with boundary of 50' Right of Way known as Fiddler Drive located on Lady's Island
5. Discussion of a Resolution amending County Council's Rules and Procedures by establishing standards for electronic meetings as authorized by The Freedom of Information Act SC Code of Laws 30-4-10 et. seq. for County Council and County Council Committee Meetings during a State of Emergency
6. ADJOURNMENT

File Attachments for Item:

5. Discussion of a Resolution amending County Council's Rules and Procedures by establishing standards for electronic meetings as authorized by The Freedom of Information Act SC Code of Laws 30-4-10 et. seq. for County Council and County Council Committee Meetings during a State of Emergency



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

A RESOLUTION AMENDING COUNTY COUNCIL'S RULES AND PROCEDURES BY ESTABLISHING STANDARDS FOR ELECTRONIC MEETINGS AS AUTHORIZED BY THE FREEDOM OF INFORMATION ACT SC CODE OF LAWS 30-4-10 et seq. FOR COUNTY COUNCIL AND COUNTY CO

Council Committee:

Executive Committee and County Council

Meeting Date:

March 23, 2020

Committee Presenter (Name and Title):

Christopher S. Inglese, Deputy County Administrator

Issues for Consideration:

Only applies during an emergency as declared by adoption of an Emergency Ordinance approved by 2/3 of members present at a duly assembled meeting of county council.

Points to Consider:

Necessity of announcing who the speaker is each time a speaker address the body so that the Clerk can properly record minutes.

Funding & Liability Factors:

We will want to be proactive to ensure public hearings provide the public multiple forum to submit written comments for consideration. Public comments received should be read into the record by the Chairperson or Clerk to Council.

Council Options:

Council may move to adopt the resolution; or may move to decline adoption of the Resolution; or may move to defer adoption of the Resolution.

Recommendation:

Staff recommends adopting the Resolution for application during the declaration of an emergency.

RESOLUTION NO. 2020/___

A RESOLUTION AMENDING COUNTY COUNCIL’S RULES AND PROCEDURES BY ESTABLISHING STANDARDS FOR ELECTRONIC MEETINGS AS AUTHORIZED BY THE FREEDOM OF INFORMATION ACT SC CODE OF LAWS 30-4-10 *et seq.* FOR COUNTY COUNCIL AND COUNTY COUNCIL COMMITTEE MEETINGS DURING A STATE OF EMERGENCY.

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” (emphasis added); and

WHEREAS, a committee of Council reviewing Council’s Rules and Procedures recommended allowing meetings by means of electronic equipment during an emergency at its November 4, 2019 meeting; 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, the Act providing for meetings “by means of electronic equipment” is generally understood to include use of telephonic equipment, video conferencing, and electronic mail (e-mail); and

WHEREAS, S.C. Code of Laws Section 4-9-110 provides that County Council may “determine its own rules and order of business” including adopting Rules and Procedures for facilitating Council meetings.

NOW THEREFORE BE IT RESOLVED, by County Council of Beaufort County (the “*Governing Body*”), that County Council Rules and Procedures be amended to allow for meetings by means of electronic equipment during the duration of an emergency declaration by inserting into County Council’s Rules and Procedures “**Chapter 2 Meetings and Agendas**” a paragraph “J” as follows:

Section 1. Standards for Electronic Meetings. The Governing Body is hereby authorized to conduct public meetings exclusively in electronic form during a declaration of an emergency adopted by emergency ordinance that has been approved by a 2/3 vote of the members present at a duly assembled meeting of County Council, 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 meeting, 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 purposes 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 *must* 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 meeting of County Council and two-thirds vote of the members present adopting an ordinance declaring an emergency, and shall expire on the sixty-first day following the effective date of the emergency ordinance.

Adopted this ____ day of _____, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council