

AN EMERGENCY RESOLUTION NO. 20-03

TO ESTABLISH IN FURTHERANCE OF HEALTH, PUBLIC SAFETY AND WELFARE, AN EMERGENCY RESOLUTION TEMPORARILY SUSPENDING THE PHYSICAL PRESENCE OF COMMISSIONERS AT COMMISSION MEETINGS AND COMMITTEE MEETINGS TO PERMIT PARTICIPATION AT THESE EVENTS TELEPHONICALLY OR BY VIDEO CONFERENCING OR OTHER VIRTUAL MEANS TO SLOW THE SPREAD OF COVID-19.

BE IT RESOLVED BY THE JAMES ISLAND PUBLIC SERVICE DISTRICT COMMISSION, ASSEMBLED:

Section 1: The James Island Public Service District Commission hereby makes the following findings of fact:

WHEREAS, on March 13, 2020, the President of the United States declared a state of emergency to address the existing public health emergency associated with the coronavirus (“COVID-19”); and,

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to COVID-19 and declared that a State of Emergency exists in South Carolina; and,

WHEREAS, the Centers for Disease Control and Prevention has issued guidelines to mitigate the spread of the virus, including recommending on March 15, 2020 that for the next eight (8) weeks, in-person events that consist of 50 people or more throughout the United States be postponed or cancelled; and,

WHEREAS, Public Health officials and experts including those in the Charleston area have determined that the coronavirus is an imminent threat to the region; 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” (emphasis added); 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, 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 adopt this Emergency Resolution.

NOW THEREFORE, be it hereby resolved in this emergency meeting of the James Island Public Service District Commission (the "Commission") as follows:

Section 1. Standards for Electronic Meetings. The Commission 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 meeting, allows for the following standards and practices to be met:

(a) At the beginning of any electronic meeting, the attendance of each member of the Commission shall be polled, and any member of the Commission 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 Commission, 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 Commission and by the general public.

(c) Any vote of the Commission must be conducted by individual voice vote of the members of the Commission, 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 Commission, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Commission shall comply with the rules of the Commission 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 Commission 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 Commission must have the capability to be heard at all times.

(g) With respect to any electronic meeting, any public comment periods provided for by any ordinance, resolution, policy, rule, or bylaws are hereby suspended, including, but not limited to, Rules 21 through 25 of Article II and Definition 5 of Article V of the Commission Rules of Procedure, as adopted. Members of the public may submit written public comments which shall be distributed to the members of the Commission.

Section 2. Suspension of Local Provisions. During the period of effectiveness of this Resolution, any ordinance, resolution, policy, rule or bylaw of the Commission 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 Commission and shall expire on the sixty-first day following the effective date hereof.

DONE AS AN EMERGENCY RESOLUTION 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 Commission present, this 22 day of April, 2020.

JAMES ISLAND PUBLIC SERVICE DISTRICT
COMMISSION

Sandi Engelman, Commission Chair

Kathy Woolsey, Vice-Chair

Inez Brown Crouch, Secretary

Marilyn Clifford

Alan Laughlin

Meredith Poston

Eugene Platt

ATTEST:

M. Chris Seabolt, Interim District Manager/Fire Chief

Date