

RESOLUTION NO. 22-01

A RESOLUTION IN FURTHERANCE OF HEALTH, PUBLIC SAFETY, AND WELFARE, AND 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 declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that “COVID-19 poses an actual or imminent public health emergency”; and

WHEREAS, on May 22, 2021, Governor Henry McMaster issued Executive Order No. 2021-25 related to COVID-19 and declared that a State of Emergency continued to exist in South Carolina but such Executive Order has since expired; 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 Center for Disease Control (“CDC”) and South Carolina Department of Health and Environmental Control (“SC DHEC”) strongly advise, in addition to social distancing, being vaccinated, avoiding crowds, the use face coverings to slow the spread of COVID-19; and

WHEREAS, according to SC DHEC, the Omicron variant of COVID-19 is currently circulating at high infection rates in the Charleston area. CDC expects that anyone with Omicron infection can spread the virus to others, even if they are vaccinated or do not exhibit symptoms; 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 past State of Emergency declarations associated with COVID-19 and the recent surge of COVID-19 infections in the Charleston area, 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;

NOW THEREFORE, be it hereby resolved by the James Island Public Service District Commission (the “Commission”) as follows:

Section 2. 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 to Tamara White at 1739 Signal Point Road, Charleston, SC 29412, or electronically to whitet@jipsd.org, which shall be distributed to the members of the Commission.

Section 3. 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 4. Effective Date; Expiration. The provisions hereof shall be effective on the date adopted herein and shall expire on the eighty-ninth day following the effective date hereof unless otherwise repealed by the Commission.

ADOPTED, this 24th day of January, 2022.

**JAMES ISLAND PUBLIC SERVICE
DISTRICT, SOUTH CAROLINA**

By:


Chair, James Island Public Service
District Commission

Attest:


Secretary

James Island Public Service District Commission