

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

EMERGENCY ORDINANCE # 2020-16

**AN ORDINANCE OF JASPER COUNTY COUNCIL
AND
A RESOLUTION AFFIRMING PRIOR RESOLUTIONS**

To Adopt an Emergency Ordinance to Provide for the Extension and Incorporation by Reference of the Provisions of Prior Emergency Ordinances, Address the Phased- in Opening of County Facilities and Modifications to the County Declaration of a Local Emergency, and Matters Related Thereto, Including A Resolution Affirming Resolutions Regarding Safety Practices

WHEREAS, in response to Executive Orders issued by Governor Henry McMaster on March 13, 2020, and thereafter, Governor Henry McMaster declared that a State of Emergency existed in South Carolina and directed, among other things, the postponement, rescheduling or cancellation of public meetings to meet “social distancing” measures to assist in minimizing the spread of the COVID-19 coronavirus; and

WHEREAS, in response to the various Executive Orders issued subsequent, and in accordance with the findings and premises of an ordinance authorizing electronic meetings of County Councils, and other measures regarding related matters as set forth therein, County Council adopted on April 6, 2020, Emergency Ordinance 2020-05, which provided detailed procedures and provisions regarding public meetings and extended the County declared State of Emergency as set forth in Resolution 2020-19, which in accordance with state law, expired 61 days after adoption; and

WHEREAS, in response to various subsequent Executive Orders, and in accordance with the findings and premises of an ordinance authorizing electronic meetings of County Councils, and other measures regarding related matters as set forth therein, County Council adopted on May 4, 2020, a second Emergency Ordinance, 2020-06, which provided procedures and provisions regarding public meetings, extended the County declared State of Emergency as set forth in Resolution 2020-19, which in accordance with state law, would have expired 61 days after adoption (August 1, 2020), and by an associated Resolution recommended certain Safety Measures be followed; and

WHEREAS, in response to various subsequent Executive Orders, and in accordance with the findings and premises of an ordinance authorizing electronic meetings of County Councils, and other measures regarding related matters as set forth therein, County Council adopted on July 20, 2020, a third Emergency Ordinance, 2020-10, which provided procedures and provisions regarding public meetings, extended the County declared State of Emergency as set forth in Resolution 2020-19, which in accordance with state law, would have expired 61 days after adoption (September 18, 2020); and

WHEREAS, by Resolution 2020-09 Jasper County Council adopted a Resolution urging the wearing of face masks in public;

WHEREAS, the Governor has by various Executive Orders extended the State of Emergency, the last being Executive Order 2020-56 issued on August 25, 2020; and

WHEREAS, while the national and state Declarations of States of Emergency continue in effect, with “social distancing” and restrictions of public gatherings and operations of businesses remaining in effect at this time, such have been relaxed in scope as the national and state governments begin the process of re-opening government and private activities; and

WHEREAS, it remains imperative for local governments to continue to operate, but is equally imperative for local governments to continue to implement steps to minimize the need for large gatherings in order to protect public health and safety and the health and safety of local government officials and staff; and

WHEREAS, it is hereby determined that a public emergency affecting life, health, and safety continues to exist, and therefore, it is appropriate and necessary to enact this third Emergency Ordinance to continue to provide for restrictions on public meetings and procedures for the conducting of public business using electronic meetings for up to an additional sixty-one days, while also implementing procedures to re-open the public facilities; and

WHEREAS, County Administration developed protocols and procedures to provide for the re-opening of public facilities using a phased approach so as to be able to monitor and assess the practical issues with maintaining social distancing and reducing exposure of both the public and public employees to the continued threat of contagion, and prepared written policies and procedures to be used until the threat of contagion is removed, vaccines become available, and medical treatments are established; and

WHEREAS, by Ordinance 2020-07 adopted June 1, 2020, County Council authorized adoption of the policies, procedures and protocols developed as policies of the County, which were attached to the Ordinance, and authorized the County Administrator to make such amendments to the re-opening protocols issued by the Administrator as he found necessary and desirable to protect the public and public employees, and subsequently, the Administrator suspended the re-opening of the building due to public safety and other matters; and

NOW THEREFORE, be it hereby ordained in this regularly scheduled meeting of the County Council, as follows:

Section 1. The provisions of the prior Emergency Ordinances, including Ordinance 2020-07, adopted on June 1, 2020, and Ordinance 2020-10 adopted on July 20, 2020, including but not limited to the use of virtual meetings and associated measures, are hereby extended and incorporated by reference by adoption of this Ordinance on September 8, 2020 for a period of 61 days, until November 9, 2020, or such shorter time period as Council may decree by subsequent Emergency Ordinance.

Section 2. Extension of the County State of Emergency/Modifications to Resolution 2020-19. County Council provided for an extension of the state of emergency beyond March 31, 2020 in the event the Governor extended the State Declaration of Emergency beyond March 31st; by serial subsequent Emergency Ordinances, the last being Ordinance 2020-10 adopted on July 20, 2020, County

Council acknowledged the continuation of the County State of Emergency; by this Emergency Ordinance 2020-16, Council provides for such State of Emergency to remain in effect until the earlier of three business days after the Governor of South Carolina lifts the State Declaration of Emergency, without further action being taken by County Council in response to such lifting, or at such time County Council itself takes action to lift or modify the County Declaration of Emergency. County Council confirms the authority of the County Administrator to take all measures as required to seek reimbursement from the State of South Carolina and/or FEMA for qualifying expenses and costs incurred in responding to the health emergency resulting from the COVID-19 coronavirus. Notwithstanding this continuation of the state of emergency as declared in Resolution/Proclamation 2020-19, the provisions thereof were modified in the following particulars, which provisions as adopted and modified are ratified and confirmed to remain in effect during the continued state of emergency:

1. The Administrator is authorized to re-open some or all of the public facilities of the County to the general public at such time as he shall determine, in consultation with State officials, that such re-opening is reasonably safe based on infection rates for the county being at or below the desired and recommended infection rates, with such re-openings to be in accordance with the safety policies, procedures and protocols Administration developed and presented to Council on June 1, 2020, with continued leave for the Administrator to make such amendments in the future as he may find necessary and desirable to protect the public and public employees, with such amendments effective immediately and to remain in effect until Council shall direct otherwise, without need for Council ratification. Provided, however, that should Council wish to make amendments to the policies, procedures and protocols, it may do so at the next scheduled meeting of County Council. The policies, procedures and protocols adopted and authorized by the June 1, 2020 ordinance, and any amendments made by the Administrator as authorized by these ordinances, are hereby incorporated by reference into the Jasper County Personnel Policies and Procedures Manual, and Council confirms the continued authority of the Administrator to open or close County public buildings or facilities as he determines best to protect the public, and our public employees and volunteers. .

Section 3. Council Recommended Safety Practices. While the State has the authority to prohibit certain activities during this State of Emergency, and local law enforcement can enforce those orders, the County nonetheless may encourage suggested practices to be followed by its citizens to reduce the risk of spreading the coronavirus. To that end, Council continues to recommend, by resolution incorporated heretofore adopted on June 1, 2020, and not as an ordinance, the practices which were attached to the June 1 Ordinance and Resolution be adhered to by its citizens, as well as future practices developed by the State Department of Health and Environmental Control as the State begins the process of opening businesses, places of assembly, public areas, and buildings to members of the public. Further, Council reiterates and urges the wearing of face coverings in accordance with Resolution 2020-09, adopted on July 6, 2020.

Section 4. Severability. If any section, clause, paragraph, sentence or phrase of this ordinance, or the application thereof to any person or circumstances shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence, phrase or application is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence, phrase or application shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder

of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Section 5. Effective Date; Expiration. The provisions hereof shall be effective upon a single meeting of County Council and two-thirds vote of the County Council, and shall expire on the sixty-first day following the effective date hereof, unless sooner terminated by County Council.

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 County Council present, this ___ day of September, 2020.

Henry Etheridge, Chairman

ATTEST:

Wanda Simmons, Clerk to Council

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date