



DUE TO THE COVID-19 STATE OF EMERGENCY, A HYBRID MEETING WILL BE CONDUCTED WITH COUNTY COUNCIL IN-PERSON IN CHAMBERS

AND **ELECTRONIC VIRTUAL ACCESS FOR THE PUBLIC.** COUNCIL CHAMBERS WILL NOT BE OPEN TO THE GENERAL PUBLIC.

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**JASPER COUNTY COUNCIL
HYBRID MEETING**

Council in Person with Electronic Virtual Access for the Public

Jasper County Clementa C. Pinckney Government Bldg

358 3rd Avenue Ridgeland, SC 29936

May 27th and May 28th, 2021

AGENDA

12:00 PM

May 27, 2021:

I. Call to Order by Chairwoman Barbara B. Clark

Clerk's Report of Compliance with the Freedom of Information Act.

II. David Tedder – 1st and final reading to adopt Emergency Ordinance No. **2021-14** 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.

III. Pledge of Allegiance

IV. Invocation

V. Approval Agenda

VI. Discussion of the FY 2021-2022 Budget

VII. Executive Session

SECTION 30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body – Information Technology

(2) Discussion of negotiations incident to proposed contract arrangements – Heather Rath Consulting

VIII. Adjournment for the day and confirmation for the meeting of 05.28.2021.

May 28, 2021: (If not cancelled at the end of meeting on May 27th)

I. Call to Order by Chairwoman Barbara B. Clark

Clerk's Report of Compliance with the Freedom of Information Act.

II. Pledge of Allegiance

III. Invocation

IV. Approval Agenda

V. Continued discussion of the FY 2021-2022 Budget

VI. Adjourn

ANY EXECUTIVE SESSION MATTER ON WHICH DISCUSSION HAS NOT BEEN COMPLETED MAY HAVE DISCUSSION SUSPENDED FOR PURPOSES OF BEGINNING THE OPEN SESSION AT ITS SCHEDULED TIME, AND COUNCIL MAY RETURN TO EXECUTIVE SESSION DISCUSSION AFTER THE CONCLUSION OF THE OPEN SESSION AGENDA ITEMS

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting was posted on the County Council Building at a publicly accessible place and on the county website at least 24 hours prior to the meeting. A copy of the agenda was given to the local news media and posted at the meeting location twenty-four hours prior to the meeting.

***Special Accommodations Available Upon Request to Individuals with Disabilities*
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**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

EMERGENCY ORDINANCE # 2021-14

**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, would expire 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, continuing levels of infections of COVID-19, and in accordance with the findings and premises of an ordinance authorizing electronic meetings of County Councils, and other measures regarding related matters, County Council, adopted subsequent Emergency Ordinances and Resolutions periodically, the last being Emergency Ordinance 2021-10, adopted on April 5, 2021, all of which provided procedures and provisions regarding public meetings, and extended the County declared State of Emergency as set forth in Resolution 2020-19, and the associated Resolution recommending certain Safety Measures be followed; and

WHEREAS, the Governor has by various Executive Orders extended the State of Emergency, the last being Executive Orders 2021-25 issued on May 22, 2021, recognizing that as of May 22, 2021, March 23, 2021, SC DHEC had identified at least 490,176 confirmed cases of COVID-19 in the State of South Carolina, including 8,517 deaths due to COVID-19; and

WHEREAS, in Executive Order 2021-25, the Governor noted although COVID-19 continues to pose a serious threat to the State of South Carolina and present new and distinct emergency circumstances, the State has recently noted and documented significant improvements in several key indicators, metrics, and data elements used to assess the measure of impact from COVID-19, which are due in large part to the implementation of previous emergency measures and the expedited distribution and administration of the available supplies of authorized and allocated COVID-19 vaccines, as well as the continued diligence, resilience, and persistence of South Carolinians in making responsible choices to protect themselves and their communities; and

WHEREAS, the Governor further noted, notwithstanding the aforementioned measured progress in addressing COVID-19, according to the latest public health data, approximately 67% of the counties in South Carolina are experiencing high or substantial levels of community transmission of COVID-19, and Jasper and Beaufort Counties remain in the moderate infection rates; and

WHEREAS, while measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat with different and additional emergency circumstances, such as the presence of new variants of COVID-19 in the State and the potential emergence of additional variants of COVID-19, such that the Governor declared that a new and distinct State of Emergency exists in South Carolina, and noted that the State of South Carolina must also continue to encourage effective “social distancing” practices and implement targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

WHEREAS, on November 25, 2020, the Governor issued Executive Order No. 2020- 73, superseding, rescinding, and replacing Executive Order No. 2020-63 and further modifying and amending certain emergency measures to ensure that the remaining initiatives and limited restrictions were targeted and narrowly tailored to address the current circumstances and public health and other threats associated with COVID-19; and

WHEREAS, on March 1, 2021, the Governor issued Executive Order No. 2021-11, superseding, rescinding, and replacing Executive Order No. 2020-73 and memorializing additional modifications and amendments to certain emergency measures to account for recent significant improvements in several key indicators, metrics, and data elements used to assess the measure of impact from COVID-19 and to ensure that the remaining targeted restrictions or initiatives were necessary and appropriate and narrowly tailored to address and mitigate the public health and other threats and impacts associated with COVID-19 in the least restrictive manner possible; and

WHEREAS, on March 5, 2021, the Governor issued Executive Order No. 2021-12, superseding, rescinding, and replacing Executive Order No. 2021-11 and memorializing further modifications and amendments to certain emergency measures as part of the process of regularly reviewing the same to confirm that the State’s actions are narrowly tailored to address the evolving needs and circumstances and the various public health and other threats and impacts associated with COVID-19; and

WHEREAS, on April 28, 2021, the Governor approved and signed Act No. __ of 2021 (S. 147, R-39), as passed by the General Assembly on April 23, 2021, and ratified on April 28, 2021, which is known as the South Carolina COVID-19 Liability Immunity Act and provides certain liability protections for

covered entities and individuals “that follow public health guidance in response to the coronavirus public health emergency” and applies to claims “that arise between March 13, 2020, and June 30, 2021, or one hundred eighty days after the final state of emergency is lifted for COVID-19 in this State, whichever is later”; and

WHEREAS, on May 11, 2021, the Governor issued Executive Order No. 2021-23, superseding, rescinding, and replacing Executive Order No. 2021-12, affirmed and incorporated by reference, to the extent applicable, the recitals and other specific factual findings, legal authorities, determinations, and conclusions contained in previous Orders, to include Executive Order Nos. 2021-12 and 2021-22, and, inter alia, memorialized further modifications and amendments to various emergency measures, including the encouragement of all individuals within the State of South Carolina who are not fully vaccinated against COVID-19 to wear a Face Covering, in public settings where they are, will be, or reasonably could be located in close proximity to others who are not members of the same household and where it is not feasible to maintain six (6) feet of separation from such individuals or to otherwise practice effective “social distancing” in accordance with CDC and DHEC guidance, and urged all individuals within the State of South Carolina who are eligible and wish to get vaccinated against COVID-19; and

WHEREAS, THE Governor also clarified that nothing in the Executive Orders should be interpreted, applied, implemented, or construed in a manner so as to prohibit any county, municipality, or political subdivision of this State from promulgating guidelines regarding the use of Face Coverings by its employees or in government offices, buildings, and facilities that are consistent with guidance from DHEC or from implementing appropriate measures or undertaking efforts to “reasonably adhere[] to public health guidance” for purposes of the South Carolina COVID-19 Liability Immunity Act (R-39, S. 147); and

WHEREAS, as of March 28th, 2021, SC DHEC has identified at least 2,395 confirmed cases of COVID-19 in Jasper County, including 47 deaths due to COVID-19; the testing positivity rate in Jasper County for the period ending March 28th is 732 per ten thousand, or 7.32 percent, with the two week incident rate being 56.5 per 100,000 population (moderate), both of which are above the Center for Disease Control recommendations for relaxing social distancing measures;

WHEREAS, it remains imperative for local governments to continue to operate, but is equally imperative for local governments to continue to implement steps to must also continue to encourage effective “social distancing” practices and implement targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19, 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 Emergency Ordinance to continue to provide for certain restrictions on public meetings and procedures for the conducting of public business using electronic meetings for up to an additional sixty-one days, while continuing to also implement 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

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

WHEREAS, County Council finds that the key indicators, metrics and data elements continue to create a public health emergency in like manner as the Governor's Executive Orders recognize, and therefore constitute a County State of Emergency;

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, which are not inconsistent with or expressly superseded by the provisions of this Emergency Ordinance, including Ordinance 2020-07, adopted on June 1, 2020, Ordinance 2020-10 adopted on July 20, 2020, Ordinance 2020-16, adopted on September 8, 2020, Ordinance 2020-30, enacted on November 2, 2020, Ordinance 2020-32, adopted on December 7, 2020, Ordinance 2021-04, adopted on February 1, 2021, and Ordinance 2021-10, adopted on April 5, 2021, including but not limited to the use of virtual meetings and associated measures, are hereby incorporated by reference by adoption of this Ordinance on May 27, 2021 for a period of 61 days, 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 31, 2020; by serial subsequent Emergency Ordinances-Resolutions, the last being Ordinance 2021-10, County Council acknowledged the continuation of the County State of Emergency in conjunction with the State Declaration of Emergency. By Emergency Ordinance-Resolution 2021- 10, in recognition of the need to consider and account for localized circumstances and key indicators, metrics and data elements used to assess the impact from COVID-19, and to target and narrowly tailor its actions to address and mitigate the current public health threats in a least restrictive manner, Council provided for such declaration of a County State of Emergency to remain in effect until such time as the Council determines the two week infection rate in Jasper County has fallen below the 50 infections per 100,000 population in accordance with CDC guidelines for a two-week consecutive period, in conjunction with a testing positivity rate of less than 5% and an acceptable vaccination rate for the County as recommended by the CDC, or at such earlier time County Council takes action to lift or modify the County Declaration of Emergency. County Council specifically acknowledges the continued County State of Emergency, which remains in effect, in light of a failure to yet achieve the above referenced metrics. 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 County 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, and an acceptable level of vaccinations, 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.
2. County Council has determined that it will begin the process of having in-person regular bi-monthly meetings of County Council on a trial basis, with no or limited availability for in-person public presence at the meetings; unless otherwise authorized or prohibited by the Council Chair, there will be limited public seating, non-staff members will be limited to those who have been approved to make agenda presentations or have requested to speak at a scheduled public hearing. These meetings will be live-streamed and opportunities to make public comment will be provided through submitted written comments being read at the meeting, or received electronically before or at the meeting in accordance with processes to be published with the Agenda.
3. Meetings of County Boards, Commissions and agencies will continue to be held electronically until such time as the County State of Emergency is lifted by County Council.
4. Further changes to the manner of holding meetings may be adopted by County Council by properly adopted Resolution from time to time.

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, except as to those recommendations which have been altered by guidelines of the CDC, such as

the allowance for Face Coverings to not be required by vaccinated individuals in certain settings. Finally, Council urges all Jasper County citizens to follow and abide by the emergency measures imposed or recommended by Governor McMaster in his latest Executive Orders.

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 May, 2021.

Barbara B. Clark, Chairwoman

ATTEST:

Wanda Simmons, Clerk to Council

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date