

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 county council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

WHEREAS, Barnwell County Council declared a State of Emergency and implanted a COVID-19 Operations Plan on March 16, 2020, and passed an Emergency Resolution Allowing Electronic Meetings on March 23, 2020; and

NOW, THEREFORE, BE IT ORDAINED, in accordance with South Carolina Code of Laws, Title 4, Article 9, Section 130, and **BE IT RESOLVED**, in accordance with South Carolina Code of Laws, Title 4, Article 9, Section 25, Barnwell County declares, as follows:

1. That a state of emergency exists, that the threat thereof continues to be imminent, and extraordinary emergency measures are deemed necessary to cope with the existing and anticipated situation.
2. That the County Administrator is authorized to take any necessary actions for protection of the health, safety and welfare of Barnwell County citizens and visitors including, but not limited to, the following:
 - a. Utilize all available resources of county and municipal government as reasonably necessary to cope with the COVID-19 emergency;
 - b. Transfer the direction, personnel or functions of county departments and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable;
 - c. Contract, requisition and compensate for goods and services from private sources; and
 - d. Encourage all local governments to follow their FEMA Emergency Preparedness Plan and contractual obligations, including, but not limited to, retaining receipts related to the emergency;
 - e. Suspend or limit nonemergency activities and public assemblies;
 - f. Any and all other actions deemed necessary for the preservation of the health, safety and welfare of citizens, residents, and visitors of Barnwell County, South Carolina.
3. All agencies of Barnwell County shall cooperate to the fullest extent with the County Administrator and the Office of Emergency Management and shall provide such assistance as may be required for response to this emergency;
4. **Standards for Electronic Meetings.** The Governing Body is hereby authorized to conduct public meetings exclusively in electronic form, provided the medium for such meeting,

UNIVERSAL South Carolina law provides that when an ordinance may have emergency
character to meet public emergency, the health, safety or the property of the
people upon which the ordinance is based, the ordinance does not require a public hearing or
exercise a franchise of the local government. The ordinance is effective upon the date of its
enactment by the local government and shall have the same force and effect as if it had been
enacted by the local government.

UNIVERSAL Barrow County Ordinance 2020-01, which was adopted on March 16, 2020, and passed and signed by the Board of Commissioners on March 16, 2020, is hereby amended to read as follows:

SECTION 1. The following sections of the Code of Laws, Title 4, Article 2, Section 20, and Article 2, Section 21, are hereby amended to read as follows:

2. The state of emergency exists, and the local government is authorized to take any necessary action for protection
of the health, safety and welfare of Barrow County citizens and visitors including, but not
limited to the following:

3. The local government is authorized to take any necessary action for protection
of the health, safety and welfare of Barrow County citizens and visitors including, but not
limited to the following:

- a. Declare a state of emergency and take any necessary action for protection of the health, safety and welfare of Barrow County citizens and visitors including, but not limited to the following:
- b. Transfer the jurisdiction, personnel or functions of county departments and agencies to meet the need for protection of the health, safety and welfare of Barrow County citizens and visitors including, but not limited to the following:
- c. Control, regulate and coordinate the use of goods and services that are essential to the health, safety and welfare of Barrow County citizens and visitors including, but not limited to the following:
- d. Encourage all local government officials to follow the FEMA emergency response plan and coordinate a local emergency response plan, but not limited to the following:
- e. Suspend or limit non-emergency activities and public assemblies.
- f. Any and all other actions deemed necessary for the protection of the health, safety and welfare of citizens, residents and visitors of Barrow County, Georgia.

All agencies of Barrow County shall cooperate in the fullest extent with the County Administrator and the Office of Emergency Management and provide such assistance as may be required for the purpose of this emergency.

A resolution for the Board of Commissioners. The Board of Commissioners is hereby authorized to
take any and all actions deemed necessary for the protection of the health, safety and welfare of citizens, residents and visitors of Barrow County, Georgia.

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, should 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 "aye" 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 should 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.

5. During the period of effectiveness of this Emergency Ordinance, any ordinance, resolution, or policy of Barnwell County that conflicts with the provisions hereof is hereby suspended and shall be superseded hereby;

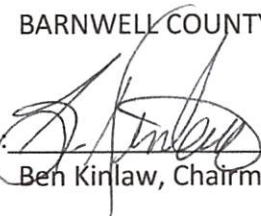
6. The provisions hereby shall be effective upon a single hearing and two-thirds vote of the governing body;

7. This Emergency Ordinance shall be effective upon adoption and shall remain in force until emergency conditions associated with COVID-19 have subsided and the emergency activities in Barnwell County are no longer necessary to protect the life and property of our citizens, or upon the sixty-first (61st) day following the effective date of this emergency declaration.

PRESENTED AS AN EMERGENCY ORDINANCE and RESOLUTION, and approved at a meeting duly assembled by no less than an affirmative vote of two thirds of the members of the Governing Body present, this the 8th day of September, 2020.



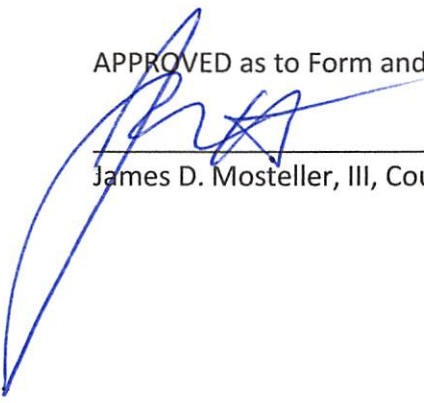
BARNWELL COUNTY COUNCIL

BY: 
Ben Kinlaw, Chairman

ATTEST:


Elaine S. Ferguson, Clerk to Council

APPROVED as to Form and Content


James D. Mosteller, III, County Attorney