

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-09

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; ARTICLE III, PROCEDURES, COMMITTEES AND ORDINANCES; DIVISION 2, TOWN COUNCIL; SECTION 2-75, QUORUM; SO AS TO ALLOW A QUORUM OF TOWN COUNCIL TO BE PRESENT EITHER IN PERSON OR BY ELECTRONIC MEANS; AND SECTION 2-92, REMOTE VOTING; SO AS TO ALLOW REMOTE PARTICIPATION AND VOTING BY MEMBERS OF TOWN COUNCIL

WHEREAS, Section 30-4-20(d) of the South Carolina Code of Laws 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;” and

WHEREAS, Section 2-75 of the Town Code for the Town of Seabrook Island (“Town Code”) states that a quorum consisting of a majority of councilmembers must be present to proceed with council business; and

WHEREAS, Section 2-92 of the Town Code prohibits councilmembers from participating in and casting votes via electronic equipment such as telephone, audio or video conference unless a quorum is present; and

WHEREAS, for the duration of the COVID-19 pandemic, the Mayor and Council have met remotely via electronic equipment without a quorum physically present in council chambers pursuant to a series of emergency ordinances intended to suspend the requirements of Section 2-92 of the Town Code; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend the Town Code so as to bring the town’s ordinance into conformity with the provisions of state law and to make permanent the provisions related to conducting electronic or “virtual” meetings; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on July 8, 2021; and

WHEREAS, the Mayor and Council believe it is fitting and proper to amend the Town Code to achieve the objectives referenced herein;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Amending Section 2-75 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article III, Procedures, Committees and Ordinances; Division 2, Town Council; Section 2-75, Quorum; is hereby amended to read as follows:

Sec. 2-75. Quorum.

- (a) Immediately at the hour appointed for the town council meeting, the presiding officer shall take the chair and call the meeting to order. He or she shall then direct the clerk to call the roll. If a quorum is present either in person or by means of electronic equipment, as provided in Section 2-92, the presiding officer shall proceed with the council business as prescribed by the agenda. If a quorum of the town council fails to appear within 15 minutes after the hour appointed, no member shall be required to attend longer, unless he or she chooses to do so.

- (b) A quorum shall consist of a majority of councilmembers.

SECTION 2. Amending Section 2-92 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article III, Procedures, Committees and Ordinances; Division 2, Town Council; Section 2-92, Remote Voting; is hereby amended to read as follows:

Sec. 2-92. Remote voting.

Provided a quorum is present, either in person or by means of electronic equipment, the mayor and/or any member of town council may participate in and cast votes via telephone, audio or video conference link provided that the member attending remotely is able to both hear the meeting and what is transpiring and that his/her comments and vote may be heard by those attending and/or viewing the meeting, including members of the public. If an executive session is called, only those allowed in the executive session by South Carolina law should be able to hear and be heard by the person attending the meeting remotely. To the extent possible, any eligible person who needs to attend such meetings remotely shall notify the mayor or town administrator in advance to the extent practical; provided, however, such notice shall not be required for any meeting which is advertised and held solely by means of electronic equipment (ie. "virtual" meeting).

SECTION 3. Severability.

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 4. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2021.

First Reading: June 22, 2021
Public Hearing: July 8, 2021
Second Reading: July 8, 2021

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk