

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 03-07-21

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES FOR NEWBERRY COUNTY BY ADDING LANGUAGE PERMITTING COUNCIL MEMBER PARTICIPATION IN COUNCIL MEETINGS REMOTELY THROUGH VIRTUAL/ELECTRONIC MEANS AS A PERMANENT OPTION

WHEREAS, Chapter 31 of the Newberry County Code of Ordinances (“Code”) sets forth general procedures governing County Council’s business activities; and

WHEREAS, County Council, through the passage of emergency ordinances, has heretofore allowed for Virtual/Electronic meetings as a means of assuring that the work of County Council will continue during the COVID-19 pandemic; and

WHEREAS, County Council has now fully demonstrated the ability to conduct its meetings through virtual/electronic means; and

WHEREAS, Newberry County Council now wishes to permanently amend Chapter 31 of the Code to authorize conducting its meetings through virtual/electronic means.

NOW, THEREFORE, BE IT ORDAINED BY NEWBERRY COUNTY COUNCIL, IN MEETING DULY ASSEMBLED, THAT:

Chapter 31 of the Code, “County Council,” is amended by adding the following sections:

Section 31.30 VIRTUAL/ELECTRONIC MEETINGS PERMITTED

- A. Members of the Governing Body may attend by virtual/electronic means, provided they must be able to hear any and all comments made by the public, staff, and other members of the Governing Body.
- B. All public participants and attendees, staff and other members of the Governing Body shall be able to hear the comments, motions, and votes of all the members of the Governing Body attending such meeting by virtual/electronic means, as well as those of any officials or staff required to speak at such meeting.
- C. Other than establishing electronic connections, there shall be no communications among the members of the Governing Body attending virtually/electronically, unless such communication is part of the meeting and can be heard by all public participants and attendees.
- D. The comments, motions, and votes of the members of the Governing Body attending virtually/electronically shall be recorded in the minutes of the meeting, and the meeting itself shall be recorded in the same manner as would a physical meeting of the body.
- E. Committees of the Governing Body may meet virtually/electronically, provided they must observe the provisions set forth in this Section and in the following Section.
- F. Any member that will be unable to attend a meeting in person who wishes to attend

virtually shall give advance notice to either the Chairman or the County Administrator stating the reasons they are unable to attend in person. Once they are appearing virtually in the meeting, they shall also preface any action by stating for the public record the reason they are unable to attend in person.

Section 31.31 VIRTUAL/ELECTRONIC MEETING PROTOCOLS

- A. Immediately after calling the meeting to order, the presiding officer shall poll the members of the Governing Body to confirm attendance.
- B. Any vote of the Governing Body must be conducted by individual vote of the members of the Governing body, who shall verbally indicate their vote on any matter by stating “yea” or “nay” or signify by raising their hand at the appropriate time. All individual votes shall be recorded by the clerk or presiding officer, as appropriate.
- C. All members of the Governing Body, officials, staff, and presenters should identify themselves and be recognized prior to speaking.
- D. Members of the Governing Body shall strictly comply with the ordinary procedural rules, standards of decorum and good practices applicable to physical meetings of the Governing Body, particularly as such rules and standards apply to being recognized by the presiding officer, to preserve order and allow for the effectiveness of virtual/electronic meetings.
- E. With respect to any electronic meeting, members of the public may submit written public comments, which shall be distributed to the members of the Governing Body.

Section 31.32 QUORUM

Any member attending a meeting of County Council by virtual/electronic means, whether physically present or not, shall be counted as present in determining the quorum for such meeting.

This Ordinance is effective upon third reading.

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AND IT IS SO ORDAINED by Newberry County Council this ____ day of _____, 2021 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Henry H. Livingston, III, Chairman

Attest:

Susan C. Fellers, Clerk to Council

1st reading: March 3, 2021
2nd reading: March 17, 2021
3rd reading: April 7, 2021