

ORDINANCE 2021-17

AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 3, PROCEDURES, COMMITTEES, ORDINANCES AND USE OF CODE, ARTICLE A, RULES OF ORDER AND PROCEDURE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO ALLOW CITY COUNCIL TO CONDUCT SPECIAL MEETINGS BY USE OF REMOTE COMMUNICATION TECHNOLOGY DURING STATES OF EMERGENCY OR IN OTHER EXIGENT CIRCUMSTANCES, AND TO ALLOW FOR CITY COUNCILMEMBERS TO ATTEND MEETINGS BY USE OF REMOTE COMMUNICATION TECHNOLOGY IN CERTAIN SITUATIONS THAT PREVENT THEIR PHYSICAL ATTENDANCE SUCH AS PERSONAL EMERGENCIES, ILLNESS, OR OTHER EXIGENT CIRCUMSTANCES.

WHEREAS, City Council has discussed the use of remote communication technology such as computer virtual meetings and telephonic meetings and City Council would like to be able to use this remote communication technology as needed to conduct public City Council meetings and/or to allow council members to participate in in-person council meetings by using remote communication technology; and

WHEREAS, City Council concluded that the adoption of the amendments to the City of Isle of Palms Code of Ordinances is essential to the general health, safety, welfare and economic stability of the City and in the best interest of its citizens.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Chapter 3, Article A, "Rules of Order and Procedure," Section 1-3-1, "Regular Meetings" is hereby deleted in its entirety and replaced it with the following paragraphs to state as follows:

"(a) The regular meeting of City Council shall be held the fourth Tuesday of each month, except when such Tuesday shall fall on a legal holiday, in which event the meeting for such months shall be held the following Tuesday. Each regular meeting shall be called to order at 6:00 p.m.

(b) Regular meetings of City Council shall be open to the public and shall be held in the council chambers located at City Hall."

SECTION 2. That Chapter 3, Article A, "Rules of Order and Procedure," Section 1-3-2, "Special Meetings," is hereby amended by adding new paragraphs (c) and (d) to state as follows:

"(c) Special meetings of City Council shall be open to the public and shall be held in the council chambers located at City Hall, unless the Mayor orders that a special meeting be held using remote communication technology pursuant to paragraph (d) of this section.

(d) During a state of emergency or due to other exigent circumstances when the Mayor deems necessary, the Mayor may order that a special meeting be held using remote communication technology, including virtual meetings utilizing computer programs and telephonic technology, provided the order is issued at least twenty-four hours in advance of the meeting and is properly noticed to the public and the media pursuant to the South Carolina Freedom of Information Act. When a special meeting is held in accordance with this Paragraph (d), the following rules and procedures shall apply:

- 1) Councilmembers and all persons attending by electronic or telephonic means can hear all discussion and participate in the meeting as appropriate.
- 2) Other than establishing electronic or telephonic connections necessary for remote attendance, there shall be no communications between the Councilmembers attending remotely, unless such communication is part of the meeting, and can be heard by the members of the public in attendance.
- 3) All of the comments, motions, and votes of the Councilmembers attending remotely must be capable of being recorded in the minutes of the meeting.
- 4) The meeting shall be conducted in accordance with the requirements of the South Carolina Freedom of Information Act.
- 5) A Councilmember attending a special meeting held using remote communication technology, whether physically present or not, shall be counted as present in determining the quorum for such meeting.
- 6) Councilmembers shall strictly comply with the ordinary procedural rules, standards of decorum, and good practices applicable to physical meetings of City Council, particularly as such rules and standards apply to being recognized by the presiding officer, in order to preserve order and allow for the effectiveness of meetings using remote communication technology.”

SECTION 3. That Chapter 3, Article A, “Rules of Order and Procedure,” shall be amended to add a new Section 1-3-20, to be titled “Remote attendance at meetings,” to state as follows:

“Sec. 1-3-20. Remote attendance at meetings.

Councilmembers may attend Council or committee meetings by using remote communication technology, including virtual meetings utilizing computer programs and telephonic technology, only in cases of personal emergencies, illness, or due to other exigent circumstances, and when the remote attendance is approved by the Mayor or the committee chair. Remote attendance shall be limited to situations that prevent physical attendance at meetings and not used as the primary method of meeting attendance. When remote attendance is permitted in accordance with this section, the following rules and procedures shall apply:

- a) Notice of remote attendance shall be provided to the City Clerk’s office and when possible, not less than twenty-four (24) hours before the scheduled start time for

the meeting. The City Clerk shall advise the Mayor and committee chair of the request. The reason for attending the meeting remotely shall be recorded in the minutes of the meeting.


- b) A quorum of the Councilmembers is physically present at the meeting place, and remain physically present throughout the meeting.
- c) The individual presiding over the meeting is physically present during the meeting.
- d) Councilmembers attending both in person and remotely, and persons in attendance at the meeting can hear all discussion and participate in the meeting as appropriate.
- e) A Councilmember attending remotely shall be considered present at the meeting, shall possess the same authority as Councilmembers who are physically present at the meeting, and their votes shall be considered valid.
- f) Other than establishing electronic or telephonic connections necessary for remote attendance, there shall be no communications between the Councilmember(s) attending remotely and other members of Council, unless such communication is part of the meeting, and can be heard by the members of the public in attendance.
- g) All of the comments, motions, and votes of the Councilmember(s) attending remotely must be capable of being recorded in the minutes of the meeting.
- h) Any meeting where a Councilmember is attending remotely shall be conducted in accordance with the requirements of the S.C. Freedom of Information Act.
- i) Any Councilmember attending a meeting remotely where an executive session is held shall, after the vote to go into executive session is approved, but prior to the convening of the executive session, declare that no other person is on the phone or is within a range that would allow matters to be discussed or considered to be heard. The City Clerk shall enter such declaration into the minutes of the meeting.”

SECTION 4. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 5. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 6. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 28 DAY OF September, 2021.



Jimmy Carroll, Mayor

(Seal)

Attest:



Nicole DeNeane, City Clerk

First Reading: August 24, 2021

Public Hearing: N/A

Second Reading: September 28, 2021

Ratification: September 28, 2021

