



Town of Hilton Head Island
Special Meeting of Town Council
Tuesday, June 23, 2020, 2:00 p.m.
AGENDA

This meeting is being conducted virtually and can be viewed on the Town's Facebook Page (<http://facebook.com/TownofHiltonHeadIslandSC>) and the Town's website (<https://www.hiltonheadislandsc.gov/>).

1. **Call to Order**
2. **FOIA Compliance:** Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
3. **Approval of Agenda**
4. **Unfinished Business**
 - a. **Consideration of Emergency Ordinance 2020-15**

Consideration of Emergency Ordinance 2020-15 extending the standards for electronic meetings in the Town of Hilton Head Island, and providing for severability and an effective date.
5. **Executive Session**
 - a. **Employment Matters:** Review and discussion of proposals submitted for RFP#2020-0014, Executive Search Services/Town Manager Recruitment Services.
6. **Possible Actions by Town Council Concerning Matters Discussed in Executive Session**
7. **Adjournment**

Public comments concerning agenda items can be submitted electronically via the Town's Virtual Town Hall portal (<https://hiltonheadislandsc.gov/opentownhall/>). The portal will close **TWO (2) HOURS** prior to the scheduled meeting. All comments will be provided to Town Council for review and made part of the official record.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA,
EXTENDING THE STANDARDS FOR ELECTRONIC MEETINGS IN THE TOWN OF HILTON HEAD ISLAND,
AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (“COVID-19”) and declared that a State of Emergency exists in South Carolina; and

WHEREAS, on March 16, 2020, Hilton Head Island Mayor John J. McCann, pursuant to Hilton Head Island Municipal Code 7-7-20; has declared a Local State of Emergency; and

WHEREAS, on March 15, 2020 the Centers for Disease Control and Prevention issued guidance recommending the suspension of large events and mass gatherings that consist of 50 people or more in order to slow the spread of COVID-19; and

WHEREAS, on June 11, 2020, Governor Henry McMaster issued Executive Order No. 2020-40 extending the State of Emergency existing in South Carolina; and

WHEREAS, on June 19, 2020 South Carolina Department of Health and Environmental Control continued to report new cases of COVID-19 within South Carolina; and

WHEREAS, while it is imperative for local government to continue to operate during States of Emergency, it is equally imperative for local governments to take steps to minimized the need for large gatherings in order to protect the public health and safety and the health and safety of local government officials and staff; and

WHEREAS, the South Carolina Freedom of Information Act, which is codified at Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, (the “Act”) defines a “Meeting’ as “the convening of a quorum of the constituent membership of a public body, where corporal or *by mean of electronic equipment*, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power” (emphasis added); and

WHEREAS, due to the State of Emergency related to COVID-19, it is advisable to make provisions for the holding of electronic public meetings, while ensuring any electronic meeting fully complies with the open meeting requirements of the Act; and

WHEREAS, as of June 19, 2020 the Town of Hilton Head Island is still in a state of Emergency in response to the COVID-19 pandemic; and

WHEREAS, for the purpose of obtaining maximum citizen participation in Town government, Hilton Head Island Town Council has established various boards and commissions per Hilton Head Island Municipal Code 2-13-10; and

WHEREAS, it is hereby determined that a public emergency affecting life, health, and safety does exist, and therefore, it is appropriate and necessary to enact this Emergency Ordinance.

NOW THEREFORE, be it hereby ordained in this special meeting of the Town Council (the "Governing Body"), as follows:

Section 1. Standards for Electronic Meetings, The Governing Body, boards, committees or commissions are hereby authorized to conduct public meetings and public hearings exclusively in electronic form, provided the medium for such meeting, 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 public meeting or public hearing, the presiding officer shall poll the members of the Governing Body, boards, or commissions, to confirm attendance, and any member of the Governing Body, boards, committees or commissions attending by way of electronic media shall be considered present for the purpose of constituting a quorum.
- (b) Throughout the duration of the electronic public meeting or public hearing, all members of the Governing Body, boards, or commissions, as well as any officials, staff, or presenters required to speak at such meeting, must have the capability to be heard at all times by any other member of the Governing Body, boards, or commissions and by the general public.
- (c) Any vote of the Governing Body, boards, committees or commissions must be conducted by individual voice vote of the members of the Governing Body, boards, or commissions, who shall verbally indicate their vote on any matter by stating "yay" 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, boards, committees or commissions, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Governing Body, boards, committees or commissions shall strictly comply with the rules of the Governing Body, boards, committees or commissions as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings or public hearings.
- (f) Electronic executive sessions shall be permitted in accordance with the provisions of the Act and the Governing Body, boards, committees or commissions 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, boards, or commissions must have the capability to be heard at all times.

(g) With respect to any electronic meeting or Public Hearing, any public comment periods provided for by local ordinance, Ordinance, policy, or bylaws are hereby suspended. For the purpose of any meeting or Public Hearing of the Town Council, If the electronic meeting platform has sufficient capability to allow members of the public to submit comments, either in written form or by voice, during the meeting or Public Hearing, then Council will allow public comment in which ever form the capabilities of the electronic meeting platform allow. In the event that the electronic meeting platform does not have sufficient capability to allow members of the public to submit comments, either in written form or by voice, during the meeting, the complete agenda package for the meeting or Public Hearing shall be posted on the Town's web page one week prior to the date and time of the meeting, and members of the public may submit their comments via email up to two hours prior to the Public Hearings. Any comments submitted by the public shall be made a part of the record.

Section 2. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, Ordinance, policy, or bylaw of the Governing Body, boards, committees or commissions that conflicts with the provisions hereof is suspended and shall be superseded hereby.

Section 3. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date; Expiration. The provisions hereof shall be effective upon a single hearing and two-thirds vote of the Hilton Head Island Town Council, and shall expire on the sixty-first day following the effective date hereof, or upon the termination of the local state of Emergency, whichever first occurs.

DONE AS AN EMERGENCY ORDINANCE AT A SPECIAL MEETING, and approved at a meeting duly assembled by no less than affirmative vote of two-thirds of the members of the Town Council present, this ____ day of June, 2020

MOVED, APPROVED, AND ADOPTED THIS _____ DAY OF JUNE, 2020

John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Read and Adopted on: June _____, 2020.