

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: January 27, 2021

Agenda Items: 3A and 3B	Prepared for: Chris Noury, City Attorney
Agenda Section: Business	Date: January 21, 2021
Subject: Declaration of Extended State of Emergency & Extension of Emergency Ordinance	Division: Legal

Background:

On March 11, 2020, the World Health Organization declared a world-wide pandemic due to COVID-19 and on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus. On the same day, Governor Henry McMaster declared a state of emergency for the State of South Carolina and on March 16, 2020 the City Council declared a state of emergency for the City of North Myrtle Beach. Since that time, City Council has extended the State of Emergency on four occasions (i.e., May 13, 2020, July 8, 2020, August 17, 2020, October 5, 2020, and December 2, 2020).

Recently, the proliferation of COVID-19 throughout the United States, especially in the State of South Carolina and Horry County, has required that City Council take several steps to protect the health and safety of residents and visitors. At this time, both the Centers for Disease Control and Prevention (CDC) and the South Carolina Department of Health and Environmental Control (SCDHEC) agree that a localized state of emergency still exists.

It is, therefore, necessary to pass an extension of the Declaration of State of Emergency and the accompanying Emergency Ordinance prior to January 31, 2021 when the current extension expires.

Recommended Action:

Adopt the 60-day extension of the Declaration of State of Emergency and the Emergency Ordinance.

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:
Motion By _____ 2nd By _____ To _____

DECLARATION OF STATE OF EMERGENCY FOR NORTH MYRTLE BEACH

WHEREAS, according to the Centers for Disease Control (the “CDC”), Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina, Henry McMaster, declared a state of emergency for the State of South Carolina; and

WHEREAS, COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significant risk of exposure and infection and creating an extreme public health risk; and

WHEREAS, City Council finds that COVID-19 continues to present an increasing danger to the health, safety and welfare of the public; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the City’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, there was a rapid spike of COVID-19 cases throughout South Carolina; and

WHEREAS, Horry County was named a COVID-19 hot spot by SCDHEC; and

WHEREAS, the North Myrtle Beach City Council passed an emergency ordinance on June 30, 2020 requiring face coverings; and

WHEREAS, the wearing of face coverings has helped to minimize the spread of COVID-19 but the amount of cases remains sufficiently high to require maintained vigilance; and

WHEREAS, the North Myrtle Beach City Council finds that a State of Emergency continues to exist due to the circumstances as described above, specifically declaring this State of Emergency for North Myrtle Beach, under the authority granted to it under State and local law, authorizing whatever measures necessary to respond appropriately to the emergency, and requests that State and Federal resources be mobilized in response to this extraordinary health event and resulting losses and damages sustained; and

WHEREAS, S.C. Code Section 5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property.

NOW, THEREFORE, the North Myrtle Beach City Council declares an extended State of Emergency to exist in North Myrtle Beach, which as set forth hereinabove, authorizes the City Manager to take the necessary measures to mobilize the necessary life safety mechanisms and responses, and working together with the State and other health organizations and agencies, schools and other governmental and private partners, assist in the taking of all reasonable actions and precautions as is necessary to ensure the fullest possible protection and preservation of life and property and continuation, restoration and recovery of essential public services to include providing for isolation and quarantine, limiting travel, modifying personnel requirements, practices and procedures, providing for remote access to the workplace by employees, canceling or postponing events, activities, appearances, or functions involving group gatherings, suspending the requirement of payment of transactional fees, transferring budgeted federal or state grant monies as necessary pursuant to federal/state guidelines, temporarily suspending attendance requirements for boards, commissions, committees, and the like, temporarily closing certain City facilities or portions thereof and that, in addition, directs that this Declaration be transmitted to the Governor for the State of South Carolina requesting that the Governor make the appropriate declarations and take whatever other actions necessary to address this emergency.

NORTH MYRTLE BEACH CITY COUNCIL

By: _____
Marilyn Hatley

Its: Mayor

Date: January 27, 2021