



Richland County Administration and Finance Committee
February 23, 2021 –6:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, Yvonne McBride, Joe Walker, Overture Walker, and Jessica Mackey

OTHERS PRESENT: Paul Livingston, Derrek Pugh, Allison Terracio, Gretchen Barron, Cheryl English, Michelle Onley, Angela Weathersby, Kyle Holsclaw, Tamar Black, Ashiya Myers, Ashley Powell, Bill Davis, Dante Roberts, Dale Welch, John Thompson, Elizabeth McLean, James Hayes, Jani Hussain, Leonardo Brown, Jennifer Wladischkin, Lauren Hogan, Lori Thomas, Mike Maloney, Clayton Voignier, Randy Pruitt, Ronaldo Myers, Stacey Hamm, Stephen Staley, Dwight Hanna, Hayden Davis and Michael Byrd

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 6:00 PM.

2. **APPROVAL OF MINUTES**

a. **Regular Session: December 17, 2020:** Ms. McBride moved, seconded by Mr. J. Walker, to approve the minutes as distributed.

In Favor: Malinowski, McBride, and J, Walker

Not Present: O. Walker and Mackey

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. McBride moved, second by Mr. J. Walker, to adopt the agenda as published.

In Favor: Malinowski, McBride, and J. Walker

Not Present: O. Walker, Mackey

The vote in favor was unanimous.

4. **ELECTION OF THE CHAIR** – Ms. McBride moved, seconded by Mr. J. Walker, to nominate Mr. Malinowski as Chair.

In Favor: Malinowski, McBride, J. Walker, and Mackey

Not Present: O. Walker

The vote in favor was unanimous.

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Mr. Malinowski noted Mr. O Walker is in Federal Court, which is why he is not currently present.

5. **ITEMS FOR ACTION**

- a. **Southeast Water and Sewer Project – Hopkins Magistrate - Change Order 1 - TCO Construction –**
Mr. Brown noted in the packet you see the request of staff to approve the change order. We believe this change order, if approved, will allow them to connect the Hopkins Magistrate Office at a lower cost than was previously projected.

Ms. McBride noted she thinks she read they would be saving \$12,000. She inquired where that savings would go.

Dr. Thompson responded the savings would go back into the construction of the magistrate facility budget line item.

Mr. Malinowski stated, for clarification, this change order has not been executed.

Dr. Thompson responded in the affirmative.

Mr. Malinowski noted originally a septic and a drain fill were approved. Now are being told the poor soil condition is prohibiting water absorption through the drain fill system. He inquired if a PERC test was done at this location.

Mr. Davis responded this was a design-build project where the intent was, on the plan view, you would see up in the north, beyond the Magistrate's Office, was where the PERC was going to be done for the septic system. The PERC failed, but the property was already purchased and ready to be built with the design-build package. They moved the septic system to the east side of Lower Richland Boulevard, on the back side of the Magistrate's Office. The original equipment and field was going to be about \$15,000, and to move it would require them to triple the size due to poor soil condition. Therefore, it would require an additional \$35,000. Whereas, if the system was coming along about the time the Magistrate's system was coming on board, it was going to make more sense to connect to the sewer system. They went ahead and made a decision based on two things; being able to recapture the land, because it was a significant amount of property that was going to be taken up with the triple-size septic system, and also save \$12,000 with the change order.

Mr. Malinowski noted in the agenda briefing it states "Operational Services and Utilities' staff held several meetings to discuss changes to the septic system for the Magistrate's Office to connect to this system, once the project was approved and funded." He would have liked to have seen the dates when those meeting were held, and what was discussed. Following that line, it states, "The septic tank is still required to ensure the facility restrooms can operate during any force main break." He is not aware of any other business requiring a septic if they are hooked to a public sewer. It appears we are still incurring costs for some portion of a septic system, to include a grinder.

Mr. Pruitt responded they were having difficulties getting the property to PERC. They were going to experience the same situation we currently have at the Lower Richland Fire Station, which is a recurring costs to the County due to having the septic system pumped. The grinder pump has to be installed simply to get the waste material to the force main that is coming into place. The timing of the force main installation that is coming under this new sewer project, and the timing of getting it back up and running with the septic system, it was going to come together at the same time. Therefore, it made more sense, in order for it to be more efficient, effective and operate long-term. We have to have the

septic in order to have a backup in case of a force main break.

Mr. Malinowski inquired if we require everybody to have a septic in the event of a force main break.

Mr. Pruitt responded only if they have a grinder pump.

Mr. Davis stated, for clarification, we do not need the septic drain tiles, we have the septic, which is about 1,000 gallons, so it can store some septic. If the system was down, it could be pumped and hauled, as it has been in the past, when the drain fields are blocked. We still have the tank, just not the drain fields.

Mr. Malinowski noted he sees dates of April/May 2020. He inquired as to why this is just coming to the committee.

Mr. Davis responded the discussion Mr. Pruitt was talking about earlier occurred in late 2019. The projects were paralleling each other, and they determined the projects were going to end close to the same time. The determination was made to go ahead and tag on board with the Southeast Sewer Project. These were shop drawings that came into play after. Due to bonding, we were significantly delayed on the project, and it did not bid until around November. The first step is to approve the products, and the products were approved back in April, for the project in general, not just for the Magistrate. These are very similar to what is being installed in all the individual homes.

In Favor: Malinowski, McBride, J. Walker, O. Walker, and Mackey

The vote in favor was unanimous.

- b. Sewer Availability - Savannah Wood Phase II** – Mr. Brown noted the idea of bringing this information to committee was born out of conversations that Councilmembers were concerned about being aware of new developments that were coming into the County. We are currently using a process that usually comes through the Utilities Department, to inform this body of those developments that are potentially coming online. We are not actually requesting the committee to approve new developments, but rather be aware that is happening as a part of this process.

Mr. Malinowski noted he spoke with Mr. Davis, and he indicated while staff says they recommend Council approve the proposed development, Council cannot approve the development. Council would be approving the information being provided by Mr. Davis and the County is willing to provide sewer.

Ms. McBride stated, for clarification, Mr. Brown has the authority to approve or disapprove, but it is unlikely that one would be disapproved.

Mr. Brown responded there is a process in which they can communicate. Based upon our routine practice, unless there was a specific reason (i.e. we did not have capacity) we would not disapprove.

Mr. Malinowski noted there could be other reasons why we may not want to approve. For example, financial reason, the rate of County growth.

Ms. McBride inquired if the denial would be documented.

Mr. Brown responded in their process they would document why so it would be clear why the request was denied.

Mr. Davis stated, for clarification, as a utility, we are obligated to determine whether or not we have capacity. We would be willing to serve them, but that does not mean Council is willing to serve them. If they came before the body and said we, as a utility, have the capacity and the willingness to serve this client, this is where the body has the opportunity to make other concessions.

Mr. J. Walker moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the sewer availability for these developments.

In Favor: Malinowski, McBride, J. Walker, O. Walker, and Mackey

The vote in favor was unanimous.

- c. **Sewer Availability - Cabin Creek Place** – Mr. J. Walker moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the sewer availability for these developments.

In Favor: Malinowski, McBride, J. Walker, O. Walker, and Mackey

The vote in favor was unanimous

- d. **Sewer Availability - Congaree Project** – Ms. McBride moved, seconded by Ms. Mackey, to forward to Council with a recommendation to approve the sewer availability for these developments.

Mr. Malinowski believes staff needs to advise the recipients there is a typo in the original letter. The last line says the availability will last 12 months, but in parentheses it says 24.

Mr. Brown responded in the affirmative.

In Favor: Malinowski, McBride, J. Walker, O. Walker, and Mackey

The vote in favor was unanimous.

- e. **County Purchase Card Program** – Mr. Brown stated staff recommends centralizing purchase cards. We have included documentation of what that means. He wanted to address a question that came up with Council members about how other municipalities, similar to Richland County, do in terms of purchasing cards. On p. 37, it shows that Charleston County, Greenville County, Spartanburg County, York County, Lexington County do not allow Council members to have purchasing cards. Berkeley County does not disallow Council to have purchasing card, but no Council member currently has a card. The packet also addresses the new purchase card policy and documents associated with the policy that communicates more tightened controls and clarity on how purchasing cards are used, when they are provided to individuals. He requested the committee to approve staff's recommendation. He also noted when he spoke with elected and appointed officials about purchasing cards, many of them stated they would prefer to have staff members assigned purchasing cards, and then they would approve any purchases. Since the discussion began, there has been internal movement where individuals saw the value in changing the process on their own.

Mr. J. Walker moved, seconded by Mr. Mackey, to forward to Council with a recommendation to approve staff's recommendation to centralize purchase card spending within the offices of elected and appointed officials. As follows:

- Eliminate the individual issuance and usage of government purchase cards by individual

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elected and appointed officials. As such, no official will maintain direct purchasing power on behalf of Richland County Government; instead all purchasing on behalf of EAOs will be conducted by a trained member of Richland County staff.

- Identify and train a member of County staff, within the office of each Elected or Appointed Official, to serve as the department's purchasing card coordinator. For larger departments, backup personnel may need to be identified; however, the minimum number of persons practical should be issued purchasing cards. Each department purchasing coordinator will be assigned a purchasing card and will be responsible for all departmental use thereof, to include ensuring adherence to applicable policies, procedures and laws and the immediate reporting of infractions to County Administration. Each department purchasing card coordinator will be required to attend training for departmental purchasing and certify annually their understanding of the responsibilities associated with the County's purchasing card program.
- The implementation of an updated Purchasing Card Policy that prescribes activities, actions and restrictions for appropriate use of purchasing cards and remedies and responsibilities to prevent inappropriate purchasing card activity by providing governance at multiple levels of the County

Ms. Barron noted there are several items listed that deems termination for the use of the card. Perhaps misuse would be something that would terminate their rights to have the card, as well.

Mr. Brown responded there are areas in the document that cover that, but it could be added in more prominent areas.

Ms. Barron stated she had some questions about the policy, and would get with Mr. Brown offline to clarify those questions.

Ms. Mackey inquired if Mr. Brown could address the training of assigned purchasing card coordinators. She inquired if he is developing requirements so it looks the same in every department.

Mr. Brown responded having someone in the department that is already in management versus someone in another department that is not in management, and could that disparity addressed. That may be possible in some instances, and in others it may not be. If there is a small department or an elected official, they may have an office person/supervisor/coordinator who may be the purchasing card coordinator. The training would be uniform, but the level of personnel may not.

Ms. McBride stated, based on best practices, the purchasing cards is one of the better means of reducing purchasing process time. People who have purchasing cards are usually people one can trust. Councilmembers and Elected Officials are elected because people trust them, and they are responsible for the management of millions of dollars, yet they cannot be trusted with a purchase card. She inquired if the benefits outweighed the risks in terms of acquiring supplies and materials with the purchasing card. It is going to take a longer time to process that. She noted some of the recommendations were never a part of the original purchasing card program provided to Councilmembers. She stated, when she looks at policies, she does not let a few bad things that were done by one or two people change a whole process or procedure that was good. She voiced her concerns about the wait time for reimbursements. She noted there is a lot to consider before making policy changes.

Mr. Brown responded they had a third-party independent auditor look at some of our practices and one

of the things they listed was the use of P-cards and the need for additional controls, which is one of the reasons behind bringing this to Council's attention.

Ms. McBride noted we previously lacked internal controls that should have been addressed.

Mr. Malinowski noted on p. 42 it states, "Annual purchasing card training is mandatory by the cardholder as soon as possible after issuance". He feels training should happen prior to the issuance of the card. On p. 43, under Card Purchasing Restrictions, there is a list of what is prohibited, but he feels the list should note that it is not all-inclusive. At the end of the list, there should be a note stating, "If there is a question as to whether or not a purchase is allowable, please contact somebody in Finance Department." He noted on p. 46 where it states "**Any transaction that is found to be unsubstantiated, unapproved or for any purpose not related to County business may be required to be reimbursed by the employee.**" He feels the language should be changed to "will be". In the following paragraph it states, "Cardholders should maintain a copy of all statements and documenting receipts". Again, "should" needs to be replaced with "will". He inquired how long would the cardholder would be responsible for maintaining these records. On p. 48, it states, "Any employee who makes unauthorized purchases or carelessly uses the purchasing card may be liable for the total dollar amount". This language should be changed to "will". Pages 47 and 49 have the same paragraph. He suggested changing the title to "Card Security and Cardholder Responsibility" and deleting one of the paragraphs. On p. 80, under Cardholder Agreement, the language should be changed from "may result" to "will result". He inquired about the amounts allowed for in state vs. out of state meals.

Mr. Brown noted with some of the verbiage stating "may" vs "will" is due to there being employees under the jurisdiction of other officials. He noted they are not at liberty to say what another official shall or shall not do with their staff.

Mr. Malinowski inquired if they could make it more direct for Richland County employees under the Administrator's purview. The elected/appointed officials can deal with it appropriately.

Ms. English inquired if there was a first offense, second offense, or third offense. She noted with the State a third offense would lead to termination.

Mr. Brown stated there is a progressive discipline policy, but in terms of the P-card policy there is not one in place. This policy is a standalone policy.

In Favor: Malinowski, McBride, J. Walker, O. Walker, and Mackey

The vote in favor was unanimous.

- f. **Kneece Rd Sidewalk Award** – Ms. McBride moved, seconded by Mr. O Walker, to forward to Council with a recommendation to approve the award of a construction contract to AOS Specialty Contractors in the amount of \$484,352.50 for the construction of a new sidewalk along Kneece Road.

Mr. Malinowski inquired why this item took so long to get back to committee.

Mr. Maloney responded, when he came to the County about a year ago, they began talking about the road maintenance plan. They wanted to make sure all the roads were going to be in alignment with that plan. This project, as well as the next two items, were stragglers. Also, COVID delayed these projects. The public meeting for this was in the fall, which allowed the developer to finish the design and put it out for bid.

Mr. Malinowski noted the request came from concerned citizens. Then all of a sudden Council is being told that CTC Funds have been approved for the project, yet no one came to Council or Administrator and asked if this was something the County wants to get done. If we keep doing things based on citizen requests, we may never get to the work that is more pressing.

Mr. Maloney responded they have spoken with CTC, and the only projects they were reviewing were outside the County in State hands. As far as projects that have come in for the County, we are making a recommendation in March for a sidewalk project that will fit in their budget.

Mr. Malinowski requested all Councilmembers be provided the policy so everyone knows exactly what it takes to get a sidewalk approved. Anything coming from the CTC, they should send the request to the County, so it can be put into the works with all the other requests. He also inquired why the lowest bidder was found non-responsive.

Ms. Wladischkin responded the lowest bidder did not provide a bid bond.

Mr. Malinowski inquired if there are any line item required of expenses.

Ms. Wladischkin responded there was a breakdown in the bid documents by line item.

Mr. Malinowski noted the bid amount is higher than the amount we are receiving from CTC.

Mr. Staley stated he spoke with CTC and they do not see a problem with it, but he has not received the final paperwork.

In Favor: Malinowski, McBride, J. Walker, and Mackey

Present but Not Voting: O. Walker

The vote in favor was unanimous.

- g. **Wildewood Roads Repair/Resurfacing Award** – Ms. Mackey moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the award of a construction contract to Armstrong Contractors, LLC for \$120,586 for the repair and resurfacing of roads in the Wildewood Neighborhood.

In Favor: Malinowski, McBride, J. Walker, and Mackey

Present but Not voting: O. Walker

The vote in favor was unanimous.

- h. **Spring Park Dr & Greenhill Parish Pkwy Sidewalk Design Award** – Ms. Mackey moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the award of engineering services for the Spring Park Drive and Greenhill Parish Parkway sidewalks to Holt Consulting Company, Inc. in the amount of \$232,208.

In Favor: Malinowski, McBride, J. Walker, O. Walker, and Mackey

The vote in favor was unanimous

- i. **Sonoco Recycling Contract Extension** – Mr. J. Walker moved, seconded by Mr. O. Walker, to forward to Council with a recommendation to approve a Five-Year contract extension with Sonoco Recycling to sort, process, and market recyclable materials collected by the County.

In Favor: Malinowski, J. Walker, and O. Walker.

Present but Not voting: Mackey

Opposed: McBride

The vote was in favor.

6. **ADJOURNMENT** – The meeting adjourned at approximately 6:59 PM.