

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA



RULES AND APPOINTMENTS COMMITTEE

June 2, 2015
4:00 PM
4th Floor Conference Room

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Malinowski called the meeting to order at approximately 4:00 PM

APPROVAL OF MINUTES

May 19, 2015 – Mr. Manning moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Manning moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

ITEMS FOR ACTION

1. NOTIFICATION OF VACANCIES

- a. **Building Codes Board of Appeals – 1** – Mr. Manning moved, seconded by Mr. Malinowski, to advertise for the vacancy. The vote in favor was unanimous.
- b. **Library Board of Trustees – 4** – Mr. Manning moved, seconded by Mr. Malinowski, to advertise for the vacancies. The vote in favor was unanimous.

2. BOARD TERMS

- a. **Review any appointments that go beyond four (4) years and pursue all avenues to amend the terms to make them no more than four (4) years in length [MANNING]** – Mr. Manning inquired about how this matter came before the Rules Committee.

Committee Members Present

Bill Malinowski, Chair
Jim Manning

Others Present:

Michelle Onley
Monique McDaniels
Brad Farrar
Kimberly Roberts

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Ms. McDaniels stated she believed it was initiated by a motion from Mr. Malinowski and Mr. Jackson in regards to the Planning Commission.

Mr. Manning moved, seconded by Mr. Malinowski, to move forward with pursuing all avenues, to include utilization of the lobbyist if necessary, to amend all committee, commission and board terms to four (4) years. The vote in favor was unanimous.

- b. **MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from “two, three year terms” to “three, three year terms” so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [PEARCE]** – Mr. Manning moved, seconded by Mr. Malinowski, to support Mr. Pearce’s motion at this time and pursue amending the term to four (4) years. The vote in favor was unanimous.

DISCUSSION

1. **Richland County has a Non-Discrimination, Equal Opportunity Policy. Council shall develop an action plan that holds the Administrator and staff accountable for not following Council approved guidelines, policies and Ordinances [JACKSON]** – Mr. Malinowski stated he did not have a copy of the policies cited in Mr. Jackson’s motion.

Mr. Manning stated Council cannot legally hold staff accountable and the Administrator is under contract to Council.

Mr. Farrar stated the remedies for the County Administrator not abiding by the policies, guidelines, or ordinances would be outlined in the contract.

Mr. Malinowski suggested this motion be held until Mr. Jackson’s other motion regarding the County’s policies comes before the Rules Committee.

2. **Participation in Executive Sessions of public bodies created in whole or in part by Richland County: I move that any board, committee, agency, entity or public body created in whole or in part by ordinance or act of Richland County may adopt bylaws and rules of procedure for its operation not inconsistent with the ordinances of Richland County; provided, however, that any board, committee, agency, entity or public body created in whole or in part by an ordinance or act of Richland County shall develop permit any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session such board, committee, agency, entity or public body may hold.**

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Should any board, committee, agency, entity or public body created in whole or in part by Richland County refuse to allow any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session described herein, such refusal shall be reported by either the Chair of County Council, or by any member thereof, at the next meeting of County Council after such refusal, or as soon thereafter as is practical. Further, the facts and circumstances of any denial of access to an executive session as provided for herein shall be briefed by or to County Council during the annual budget process.

The purpose of this motion is not to overly burden any public body subject to this motion, or to become involved in the day-to-day operations thereof, but instead to exercise appropriate oversight of public bodies created by, funded by, or created and funded by Richland County [WASHINGTON] – Mr. Farrar stated the reason for this motion is there are some entities created/appointed or who receive their budget through Council and do not allow Council members and/or liaisons from participating in Executive Session.

Mr. Manning stated as an elected official he should be able to participate, but not vote, in Executive Session. A board, commission or committee appointed or created by Council does not have the ability to exclude Council from their official meetings, including Executive Session.

Mr. Manning suggested removing the language “funded by” and only deal with the committee’s created or appointed by Council.

Mr. Farrar stated the boards, commissions and committees could exclude Council from their proceedings, but it could then be reported back to Council.

Mr. Malinowski stated he believes we should focus on only those boards, commissions and committees that are appointed by County Council.

Mr. Manning moved, seconded by Mr. Malinowski, to hold this in committee and have legal review the Richland Memorial IGA and to bring back draft language to the Rules Committee.

- 3. Request for financial, operational and management information from entities funded in whole or in part by Richland County: I move that...”any board, committee, commission, agency, entity or public body or private organization, regardless of size or membership, funded in whole or in part by Richland County provide financial, operational and management information to Richland County, care of its Administrator or the Administrator’s designee, including, but not limited to: [list desired information here]**

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This information should be provided within a reasonable timeframe, but no later than ____, for the County to meaningfully consider the same during its annual budget process.

Any public body or private organization or entity that fails to timely provide the requested information, or that provides incomplete information, will be considered to have an incomplete budget request for the budget year to which the information sought pertains, and shall not be considered for County funding for the budget year to which the information sought pertains until all other organizations and entities which have completed budget submissions are considered for funding. In other words, organizations and entities with incomplete budget submissions will be considered for funding last during that budget cycle.

Any organization or entity may request a partial or full waiver to provide such information as is described herein, and if, in the opinion of the County's governing body, there is a valid justification for the failure to provide the information sought (such as an excessive administrative burden), the County's governing body may grant such a waiver and proceed with the budget funding request at the same point as the organization or entity may have fallen for consideration had such organization or entity filed a completed budget request.

For purposes of a "waiver" as described herein, the same are to be given only for one budget year at a time, and only on a case-by-case basis.

[WASHINGTON] – Mr. Farrar stated this motion deals with the various agencies the County funds and them providing financial data and having them follow a procurement process similar to County's procurement process.

Mr. Malinowski stated it was his understanding there was State law that if an agency receives public funding their financial records can be reviewed during normal business hours.

Mr. Farrar stated this motion is directed toward the agency's initial request and not once the funding has been provided.

Mr. Manning inquired if Council requests the financial data from one organization will they then need to request data of every organization or do they just "cherry pick" the requests.

Mr. Farrar stated the way this would work is if someone says they want to be exempt from this request for insufficient staff or the organization being too small, but if the organization has a full time grants requesting mechanism then that's different.

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Mr. Malinowski stated that many of the organizations Council funds (i.e. SERCO, International Festival) likely do not have full time staff and those are the ones that would be more circumspect.

Mr. Manning stated any Council member can request an organization's financial data at any time. He further stated, staff should not have to insure the organizations are providing the required and/or requested documentation.

Mr. Malinowski stated unfortunately Council members will say at budget time it's their prerogative to put the organization(s) on the motions list.

Mr. Malinowski suggested the legal department contact the Council members to get their feedback on the proposed policy and if there is not a consensus to abide by the policy then to table the item.

- 4. Ordinance clarifying Richland County's role in providing or paying for administrative, legal or other services for public bodies not created by Richland County: "I move that Council pass an ordinance providing that: Richland County shall not provide administrative or other services, or legal representation or funding for legal representation for any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act as codified at the date of the adoption of this ordinance for any public body that 1) was created or established by any authority other than the governing body of Richland County and 2) whose members are appointed by any authority other than the governing body of Richland County.**

For any such public body that is required by the United States of America, the State of South Carolina, or any other competent authority, to be funded by Richland County, the same in its budget request shall include requested funding amounts for all administrative, legal or other services it needs to carry out its mission and operations. In other words, if any such organization or entity anticipates the need for legal or other services, for example, that organization or entity should include a funding request for such services so the same may be paid for out of its budget.

The purpose of this motion is not to deprive any such organization or entity of services it may need, but to appropriately place the responsibility and authority for such services in the hands of the organization or entity over which Richland County has no role or responsibility other than to provide mandated funding [WASHINGTON] – Mr. Farrar stated this item was brought to Council's attention a few years ago when the County was requested to represent Elections.

Mr. Malinowski stated if they are a mandated entity then the amount the County is mandated to fund them is the amount they should be funded. If the

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expenditures exceed that amount then the entity would need to go back to whoever mandated their funding (i.e. State or Federal).

Mr. Manning inquired if the State statute states the County has to provide legal representation for Elections and Voter Registration.

Mr. Farrar stated it is not dictated by State statute and if they need legal representation it will be provided by the Attorney General.

Mr. Farrar stated the entity needs to request the budget amendment and not the legal department.

This item was held in committee.

- 5. Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County.**

The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Robert's Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON] – Mr. Manning stated Council should appoint liaisons, but not appoint ex officio members.

Mr. Manning moved, seconded by Mr. Malinowski, to move to an action item on the next agenda. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 5:02 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council