



Richland County Council
Rules and Appointments Committee
September 14, 2021 – 6:00 PM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, Gretchen Barron, Jessica Mackey

OTHERS PRESENT: Michelle Onley, Tamar Black, Angela Weathersby, Kyle Holsclaw, Justin Landy, Syndi Castelluccio, Dale Welch, Jennifer Wladischkin, Leonardo Brown, Randy Pruitt, Stacey Hamm, Steven Gaither, Dante Roberts, Geo Price and Elizabeth McLean.

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 3:00 PM.
2. **APPROVAL OF MINUTES** – Ms. Barron moved, seconded by Ms. Mackey, to approve the minutes as distributed.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Mr. Malinowski, to adopt the agenda as distributed.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

4. **INTERVIEWS** – Mr. Malinowski inquired about the applicant for the Business Service Center and the description of positions changing from 5 members to 4 members.

Ms. Onley responded there are 4 vacancies. She noted the descriptions were provided by the previous Business Service Center Manager.

Mr. Malinowski inquired who presides over that committee.

Ms. Onley responded Mr. Zachary Cavanaugh is now responsible for the committee.

Mr. Cavanaugh stated, ideally, they would want two (2) CPAs, one (1) attorney and two (2) individuals from the business industry. He noted the CPA could also own a CPA firm, which would make them eligible for either the CPA or business position.

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Mr. Malinowski inquired about what qualifies as a business person.

Mr. Cavanaugh responded it would be a person who has a business within unincorporated Richland County, and/or someone from a larger corporation. Preferably, someone from the executive leadership team (i.e. CEO, CFO or COO) or someone with an intimate knowledge of the day-to-day business activities.

Ms. Mackey inquired if this updated description was in writing, for future applicants. She noted it should be available so applicants who are not appointed will understand.

Ms. Barron inquired if the current applicant would be qualified based on the requirements.

Mr. Cavanaugh responded she has a current 2021 business license and is a local business owner.

Mr. Malinowski stated, based on the resume, the applicant seems to work in education.

Mr. Cavanaugh responded the business license is for Educational Support Services.

Mr. Malinowski inquired if both applicants are eligible.

Mr. Cavanaugh responded the other applicants previously owned CPA businesses, and he would consider her eligible, but he would leave that to the committee's discretion.

Ms. Barron thanked Mr. Cavanaugh for being present. She noted without him they would have bypassed both applicants. She stated the uniformity of the descriptions was something they discussed and requested the Clerk's Office to work on updating the descriptions.

- a. Business Service Center – Four (4) Vacancies (TWO applicants must be from the Business Industry and TWO applicants must be a CPA) – Ms. Toneka Green was interviewed for the Business Service Appeals Board.
- b. Lexington Richland Alcohol and Drug Abuse Council [LRADAC] – One (1) Vacancy – Mr. Marvin Robinson and Ms. Mary Ann Wright were interviewed for the Lexington Richland Alcohol and Drug Abuse Council.
- c. Music Festival – Two (2) Vacancies - Mr. Phillip Gilchrest and Al Martin were interviewed for the Music Festival Committee.
- d. River Alliance – One (1) Vacancy – Mr. Scott Hicks was interviewed for the River Alliance.

5. **APPOINTMENTS** – Mr. Malinowski noted LRADAC was not listed in the “Appointments” section.

Ms. Barron moved, seconded by Ms. Mackey, to reconsider the agenda to add the LRADAC appointments.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous

- a. Business Service Center Appeals Board - Four (4) Vacancies (TWO applicants must be from the Business Industry and TWO applicants must be a CPA) – Mr. Malinowski inquired about the 4 vacancies.

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Ms. Onley responded is one that is completely vacant and the other three (3) members would be rotating off the board.

Ms. Barron stated, for clarification, the members would be unseated once appointments are made since those members did not reapply.

Ms. Onley responded in the affirmative.

Mr. Malinowski stated a paralegal and a business over applied.

Mr. Cavanaugh stated he would not consider a paralegal as part of the legal industry, and would prefer an attorney. He noted the paralegal was not a current business owner, so he would consider her ineligible.

Ms. Mackey moved, seconded by Ms. Barron, to appoint Ms. Green and re-advertise the remaining vacancies.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous

- b. Music Festival - Two (2) Vacancies - Ms. Barron moved, seconded by Ms. Mackey, to appoint Mr. Martin and re-advertise the remaining vacancy.

Ms. Barron noted she enjoyed interviewing Mr. Gilchrist, but there were some uncertainties about him separating his business from his civic work. She would like to encourage young adults to continue applying for seats on the boards and commissions.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

- c. Richland Memorial Hospital Board of Trustees – Two (2) Vacancies – Mr. Malinowski noted the Board advised they needed individuals with financial/banking and legal expertise.

Ms. Barron moved, seconded by Ms. Mackey, to re-advertise the vacancies, and to include the Board's recommendation for individuals with financial/banking or legal experience in the advertisement.

Ms. Mackey noted the five (5) applicants' applications would remain on file for a year, in the event there are any future openings on the Board.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous

- d. River Alliance - One (1) Vacancy – Ms. Mackey moved, seconded by Ms. Barron, to appoint Mr. Scott Hicks.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous

- e. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) one vacancy – Ms. Mackey moved, seconded by Ms. Barron, to appoint Ms. Mary Ann Wright.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous

Ms. Mackey noted they just finished a recent advertisement. She requested an updated list to determine the committee's path forward on interviews and Rules Committee business.

Mr. Malinowski stated he spoke with the Clerk and it appears they are mostly caught up on the appointments. He would like to focus more on the rules, as they affect Council's actions.

6. ITEMS FOR ACTION

- a. I move that Council work with staff to conduct a comprehensive review of Council rules and recommend changes to streamline the rules to improve the functioning of Council business [NEWTON - March 19, 2019] – Mr. Malinowski inquired if there was any input on Rule 2.3, which was crossed out. No one had any input on the item.

Mr. Malinowski requested input on the proposed language for Rule 2.4.

Ms. Mackey inquired about the history of this rule.

Mr. Malinowski stated it was proposed by Mr. Farrar because there were questions about Councilmembers engaging in actions that might not be becoming of an elected official. Council cannot dismiss a Councilmember. The only think Council could do was to administratively censure them. On p. 86, it states, "No member may speak more than once during the censure proceeding absent leave of the Chair". If you give each Councilmember five (5) minutes to speak that could amount to 50 minutes, and the member being censured will only have 15 minutes for rebuttal. He does not think that is enough time to respond.

Ms. Barron noted it was important to have a time limit.

Ms. McLean suggested the Chair state the basis of the censure and allow the accused to speak up to 15 minutes. Each Council member would then speak 2 – 5 minutes, and the accused would be allowed an additional 10 – 15 minutes for rebuttal.

Mr. Malinowski and Ms. Mackey were in favor of that format.

Mr. Malinowski suggested the accused speak for 5 minutes, fellow Councilmembers would be allowed 5 minutes, and then the accused would be granted an additional 10 -15 minutes to speak at the conclusion on the comments.

Ms. Barron stated the accused should get 15 minutes to state their case.

Mr. Malinowski stated, "...the Chair shall state the basis for the censure, or may call upon any member who voted to commence censure proceedings to state the basis for the censure if the basis is

unknown to the Chair. The accused may speak for up to five (5) minutes regarding the censure. Then each member can speak for no more than three (3) minutes, and in summary the accused may speak for no more than 15 minutes for their rebuttal.” He noted that later it states, “If that motion does not receive a second, or, if seconded, it does not pass by a two-thirds vote of the full Council, the matter is concluded and there should be no reference in the record to the member having been censured.” He believes the record should stand as is, “Censured, but not found guilty.”

Ms. Barron noted that is like telling the jury to strike what they just heard.

Mr. Malinowski stated there should be a reference placed in the member’s record that they had been censured, but not found guilty.

Ms. Mackey inquired if that was technically correct. If someone files a censure, but it does not get a vote, it did not happen.

Ms. McLean stated there was no way to undo a hearing on this matter because there is still a record.

Ms. Mackey inquired if a censure happened in open session or executive session.

Ms. McLean stated she was not sure if this would qualify for executive session. She would have to do additional research.

Ms. Barron noted she was not sure if a person was found not guilty it should be in one’s record.

1. Once Council approves an action no Council member is to individually go to a staff member in an effort to accomplish/change something that was not in the approved information/action by Council [MALINOWSKI – August 31, 2020] – No action was taken.
 2. I move that all County Employees presenting to County Council during an official Council meeting (Regular, Special Called, Zoning Public Hearing or Standing Committees) held in Zoom have a live camera running during their actual verbal input [MANNING –October 6, 2020] – No action was taken.
 3. Move to amend Council Rules related to virtual and phone call meeting attendance and have this motion included on the July 20, 2021 Rules and Appointments Committee meeting agenda [MACKEY – July 13, 2021] – No action was taken.
- b. I move to amend the Public Nuisance Ordinance to define "Public Places/Establishments" to include restaurants, taverns, lodges, parking lots, and public places where children or students attend and/or normally congregate [DICKERSON - October 6, 2020] – No action was taken
 - c. I move that if matters such as Clerk to Council Search or Compensation for Interim Clerk of Council are to be a part of the Employee Evaluation Oversight Ad Hoc Committee that the name of the Ad Hoc Committee be changed to better reflect what would fall under the purview of its function, responsibility, and/or purpose [MANNING - October 20, 2020] – No action was taken.
 - d. All County Council contracts and agreements adopted by a majority vote of full Council will require a majority vote of full Council to amend and/or change [NOTE: This motion should be taken up as soon as possible, and not be addressed with the overall Council Rules update.][LIVINGSTON - 7/13/21] – No action was taken.

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7. **ITEM FOR DISCUSSION**

a. Boards, Committees and Commissions Recruitment - No action was taken.

1. Direct the Rules Committee to determine which Richland County Boards, Committees and Commissions should have as a qualification that the person applying must reside in the unincorporated area of Richland County only. There are some of these positions where other municipalities appoint individuals and if a person applying for one of those positions resides in that municipality then they should make application through them [MALINOWSKI – October 6, 2020] - No action was taken.

b. Boards, Committees and Commissions Descriptions and Duties. - No action was taken.

8. **ADJOURNMENT** - The meeting adjourned at approximately 4:59 PM.