



2020 Hampton Street • Room 3063A
 P.O. Box 192 • Columbia, SC 29202
 (803) 576-2080

**Minutes
 April 19, 2021**

Attendance

Commissioner	District	Present
Charles Weber	1	Yes
Tim McSwain	2	Yes
Sam Holland	3	No
Glenice Pearson	4	Yes
Buddy Atkins	5	Yes
John Grego	6	Yes
Robert Squirewell	7	Yes
Carol Kososki	8	Yes
Vacant	9	--
Darrell Jackson, Jr.	10	Yes
Gail Rodriguez	11	No

Staff & Visitors	Affiliation
Quinton Epps	Conservation Division
Brian Crooks	Planning Services Division
Meghan Sullivan	Planning Services Division
Tommy DeLage	Planning Services Division
Robin Carter	CP&D Business Administration
Annette House	CP&D Business Administration
Chanda Cooper	Conservation Division
Kenny Mullis	Richland Soil and Water Conservation District
Sammy Fretwell	The State
Stephen Fasteneau	The News and Courier

Call to Order

John welcomed everyone and called the meeting to order with a quorum at 3:32 pm. All members, staff, and guests participated by Zoom video conference due to the closure of County offices as a result of the COVID-19 pandemic.

Approval of Agenda

⇒ **Buddy moved to amend the agenda to allow Clayton Voignier’s report to go first. The move to approve the amended agenda was seconded by Carol and the motion passed unanimously.**

Approval of Minutes

⇒ **Buddy moved to defer the minutes from March 15, 2021 until the next meeting and Charles seconded the motion. Motion passed unanimously.**

Report of the Community Planning & Development Director

Clayton reported the County Administrator, Mr. Brown, presented his recommended budget last Thursday at a budget workshop to Council for the General Fund and the Special Revenue Fund and the next budget workshop would be on April 29, 2021. He also stated based on a meeting today with Clayton, Administrator Brown, John and Kenny the next step for the Conservation Commission and Richland Soil & Water Conservation District (District) is to develop a list of their recommended resource/project needs to bring to Council at the next budget workshop and to make that request through the Administrator.

Additionally, Clayton reported the Administrator is following up on the general fund transfer in to address questions about any previous documented agreements with Council. Quinton may have documentation which he can forward to Clayton and the Administrator.

Based on his understanding from conversations with the Administrator and the Budget Management Office, Clayton recommended the current vacant conservation positions may not be cut certain if personnel funding is retained in CP&D. Clayton recommended maintaining the positions and with immediate emphasis on the Land Program Planner and the Admin Assistant which seem to be the most pressing needs. As far as the Conservation Program Analyst, Clayton does not want to proceed with hiring until the position is reviewed consistent with the Total Rewards Program.

John asked if the positions had been administratively approved. Clayton stated they have been approved by Administrator Brown and they will be posted. Carol asked what funding sources Clayton will be using for the positions since there are several positions split between general fund and one half mil. In particular, the Administrative Assistant was paid 40% under general fund and 60% under one half mil. Land Program Planner had been 100% via a general fund transfer into the Commissions Special Revenue Fund. Clayton stated there would no change in the funding sources as of the hiring, since it is current fiscal year. John asked if there would be any change in future fiscal years. Clayton stated the positions are recommended to be funded through the Conservation Commission fund. Carol asked the half-mil Special Revenue Fund? Clayton responded in the affirmative.

Buddy stated he would like to see Nancy Stone-Collum's position filled more than the Land Program Planner position to help with the commission's work. That position needs to be filled since Quinton is carrying the burden of both his position and the Conservation Program Analyst position. Clayton stated he needs to get with Quinton to go over the career level and what the architecture should be for that position based on the Total Rewards Program.

Buddy wanted to know where will the Administrative Assistant be housed and who will be the supervisor? Clayton responded administratively Robin Carter will be the supervisor and Quinton of course will have a lot of say over the daily tasks of that position. Buddy asked if the position was posted, Clayton responded it has been sent to HR and is probably not posted as of yet. Buddy requested a copy with the position being posted since it has broad implications for our work and as mentioned before Commissioners are deeply concerned about the inappropriate use of the half-mil for a position not housed within the Conservation Division. In the new budget year, the

administrative assistant position is paid for with the Commission Special Revenue Fund and therefore must be completed used by the Commission to be consistent with the Commission's ordinance. Clayton responded he understood.

John mentioned a lengthy discussion was held about the supervisor of the Administrative Assistant with Clayton and Administrator Brown regarding if the Administrative Assistant would be physically located in the Conservation Division office. Clayton responded that was the intent.

Buddy inquired what information is needed by the Administrator for presentation at the next budget meeting. Clayton explained the Administrator was requesting the Conservation Commission and Soil & Water District develop their list of recommended resource project needs not being funded and provide those to Council at the next budget workshop. There was a question as to when the next budget workshop will be. Clayton stated he thinks it's the 29th. Clayton stated the Administrator wanted the request to be made through him.

There was also a discussion about the removal by the Budget Office of the general fund transfer in for Pinewood Lake Park, Mill Creek and Cabin Branch. John indicated administration did seem movable on the issue of the transfer in even if we had a prior existing arrangement with Council. However, as far as the other budget cuts, he didn't find them persuadable and it is up to the Commission to urge Council to restore the funding. Kenny concurred with John regarding the need to contact Council.

Carol shared some history on the budget transfer particularly concerning Pinewood Lake Park and Council's request for the Conservation Commission to manage Pinewood Lake Park. At that time Richland County Recreation Commission was under scrutiny by Council and the public. She stated it would mostly be passive recreation with conservation aspects to it, trails and a pond and so forth. Council determined the Conservation Commission was well-qualified to manage the park but would need additional funding. As a result, Council provided general fund support to the Conservation Commission to manage Pinewood Lake Park marking the first time the Commission received general fund monies. That was the background of our getting into general fund money in addition to our one half-mil and she wanted to be sure that the people understood that here today.

Charles added he was on the Commission at the time and expressed the reservations about managing the park. The Council made the decision to move it to us with some funding out of the general fund. The following year, Council approved the creation of the Land Planner position. Both general fund support and the new position were Council actions. I think it is totally inappropriate we are now being asked to take those functions from our Special Revenue Fund. In fact, I think there's some legal questions as to whether we can pay those funds out of our half-mil because they are not on our list of operations.

John stated these budget actions may have been arrived at independently by two different arms of the administration, \$144,000 from one arm and a \$227,000 cut from another arm.

Charles also added it is mid-April and as a commissioner, he is just seeing this budget which has already gone to Council. He wanted an explanation regarding why this wasn't discussed with us prior to going to Council as the Administrator's recommendation.

John asked who the question was directed towards. Charles responded at this point you as I just want to know why we did not see the recommended budget before it went to Council. John replied the budget was just released six days ago and I shared it within a day after first seeing it. Charles inquired why we did not have a chance to discuss it before it went to the Administrator.

Clayton responded, he didn't particularly have an explanation, other than he was asked by the administrator to make budget cuts. He didn't indicate to me that they needed to be made in any other fashion.

John stated we had a long discussion about that and of course, it is the focus of our letter too. We tried to impress upon the Administrator Brown that our voices were not being considered in drafting that budget.

Charles stated he wanted to remind all of the other RCCC commissioners that every year we are asked to sign a document, that states that we understand our responsibilities for the commission and if we are not being consulted on this, somebody's got to explain to me how I'm expected to sign that document when I am not getting information and it is being kept from me.

Buddy inquired about a statement made at the special budget session last Thursday for the general fund and special revenue fund by Ms. Thomas of the Budget Management Office that a legal opinion had been rendered already that personnel of Richland Soil Water Conservation District could be funded through our Special Revenue Fund. We have an email from Richland County's Legal office from Elizabeth McLean which was very vague and ambiguous. He inquired of John, if you all discussed this? He also inquired of Clayton if such a memorandum or legal opinion has been issued by Richland County's Legal office regarding how those half-mil monies can be used and if it is appropriate or inappropriate for them to be used to staff the District which is a solely different legal organization?

John replied we talked about it briefly. He was focused on other things such as administration balances, they're talking to the same legal staff we are talking to for their opinion of the interpretation of that ordinance. John replied that he has not seen any of this in writing. The reply we got from Legal was very noncommittal and it would be nice to know if Administration did get it in writing and such a request should be made.

Buddy asked if Clayton had a copy of it; we can FOIA if we need to, that is the issue we are dealing with as we get into our letter and the whole legal issue of whether or not the Special Revenue Fund can be used for other purposes, including funding for the Administrative position not housed within our division.

Clayton responded he hadn't received a separate memorandum other than what you all have received.

Charles stated we should FOIA the document and get to the bottom of it.

John asked if there were other questions for Clayton.

Clayton stated he wanted to clarify that he was not saying there is or isn't a memorandum. He said he hasn't received anything separate than what you all have received.

⇒ **Charles moved to FOIA a Legal memorandum with Administration regarding whether positions in the Richland Soil and Water Conservation Districts can be properly funded through the RCCC half-mil. Buddy seconded the motion. Motion passed unanimously.**

FY22/23 Administrator recommended budget letter

John stated he wanted to take up several things in order such as the issue of the transfer in to Special Revenue Fund for the Pinewood Lake Park, Mill Creek, and Cabin Branch properties zeroed out with the idea that we would use the fund balance of the special revenue fund instead of the transfer in from the General Fund to cover those expenses. John stated Carol put together the last paragraph of the letter basically indicating we wanted to restore the general fund transfer for Pinewood Lake Park and Mill Creek/Cabin Branch.

John mentioned Administrator Brown was asking a lot of questions about who manages Conservation Division staff, who reports to who, and he wants guidance from Council on whether staff report to RCCC, the District or Clayton.

John stated the Administrator made the same comments at the Budget workshop as he made in the meeting with us. We had conversations about issues with communication, collaboration, and Administrator Brown did not give much ground. For example, he repeatedly mentioned when Kenny had asked staff to prepare a set of the impacts from staff reductions which he had received from me and why this had not been shared with Clayton. John expressed to Administrator Brown these were the same questions Clayton should have been considering when he implemented these massive staffing reductions. There was nothing in that letter that necessarily needed to be a surprise if the right questions were being asked by Clayton. Administrator Brown repeatedly went back to this example of missed collaboration and communication rather than the failure to pull the commission and district into a discussion about our recommended FY22 budget.

Tim stated the collaboration should have started before the budget was submitted and a budget should never have been created without the commission's input. That's the bottom line.

John stated the funny thing is we had to push him to talk about this lack of collaboration and what's going to happen different next time. He finally conceded and said if you want to make sure your voices are heard, it's best to communicate with me directly and proactively. Kenny commented that it sounded like the Administration's collaboration efforts do not apply to us.

Tim stated we were not asked to provide input nor any information regarding it and were told here's what we've decided. We will be going to our council people and letting them know what has actually occurred, how it impacts us, and how it's not right.

Buddy stated I am unique on this since I have been a commissioner for two years and was the Conservation Department director from 2010-2014; so I lived with this firsthand, along with Chanda, Nancy and Charlie. The Conservation Commission consistent with our ordinance directs the staff in their activities. The commission, if you read the ordinance carefully, really has responsibility for all the millage money and are responsive directly back to council as a council appointed body, period. Now, as a director and a staff, they have to have a supervisor and right now that is the director of Community Planning and Development, Clayton. So they have to work within the Human Resources framework of the County, but for all practical purposes they are directed in their work by the Commission. Regarding the Soil & Water Conservation District, since they are a separate political subdivision of the State and not a body politic of County Council and not a part of home rule, then they per their statutory authority direct their staff to do work and they have to prepare work plans and they're in charge of the staff. So the relationship going back more than two decades is the County has always allowed the district to supervise and direct the work of Conservation Division staff that are paid out of the general fund money by the County. But again, Quinton, Chanda and Charlie (the former administrative assistant) are still subject to the HR rules. So the key here is collaboration like there used to occur and not the idea of who is in charge. Nothing that the Commission nor the District has ever proposed has been in an adverse interest to CP&D-Community Planning & Development, Clayton, the Administrator or the best interest of Richland County. So our job one which should have been discussed at this meeting and clearly Administration has no idea of the standing here: that we have to communicate what we do, and quite honestly, this is why we need to have a collaborative relationship with Administration instead of the adversarial relationship we have had for the last two and a half years. Now, when you get around to the letter I have one or two comments.

John followed up by saying we did mention the idea of raising conservation to department status and stating again Administrator Brown by no means dismissed that idea.

Carol added she fully supports this recommendation to restore the Conservation Division to its former position as a department prior to Administrator Seals organization. Since the Conservation division includes two sets of commissions with their own authorizing legislation, ordinances with defined programs and services restoration to the departmental organizational level is warranted. She recommended adding this to the letter as it is very important.

John commented an informational flyer has been prepared by staff at our request about the Conservation Commission to share with Conservation Commission supporters; we can use it as a guide when talking to Council members as well and it fits in with our and the District communication efforts.

Buddy commented he wanted to make two more asks on the letter instead of moving forward. He stated it would be beneficial to add various paragraphs describing the commission back into the letter after the first paragraph of this letter. He continued the other thing which also needs to be added to this letter which is also in Carol's comments is we need to talk about the revenue funds being

restricted and committed as well and not able to be used for district personnel. Additionally, we need to add a sentence or two about the administrative position and how it has been placed under a different supervisory situation. There are two big issues; number one, using the millage money to fund district staff and then using the millage money to fund a position that is not under our control which needs to go back into the letter. His final ask is to reduce the \$226,930.00, that's currently budgeted by the County for district personnel to a more correct number of \$134,000.

John explained the \$226,930 is in the Soil & Water Conservation District budget and Kenny has authorization to approve minor changes, Kenny and Chanda say the District needs more support. He also doesn't understand why the commission would ask for Soil & Water Conservation District to absorb almost a \$100,000.00 cut. John stated he thought it was very important to sign the joint letter and the District has given Kenny authority to make minor changes as recommended by the Commission. Buddy suggested a vote to be taken as to what should be in the letter.

Glenice commented there is a lack of knowledge and understanding in the purpose of these two entities which needs to be made clear in our letter to Council fairly early on. While it may be inadvertent in a sense the decisions they have made actually impact the Administrator's processes of these entities as well. These decisions seem rather arbitrary as, apparently, they don't understand how either of these entities have operated in the past and because they're making these budget changes that actually cause changes even in the pattern of the actual operations of the entities. Perhaps these could be pointed out, that it would create a disruption to what she assumed has been fairly successful operation in the past. She does feel we need to clarify early what these entities actually do, because there seems to be severe lack of understanding in the minds of the people who have done this budget work that needs to be cleared up early. Carol and Buddy agreed with these comments.

John stated the supervisory issue with Charlie's position existed before this budget was proposed and this is supposed to be a letter about the budget. He stated he wanted to keep the focus on the budget, keep it simple and straight to the point and it may not be a persuasive letter if we move all of this introductory information to the front.

Buddy stated we need to go through this, have a motion and vote on what needs to be in this letter. He included it's going to be long anyway, we just have to count on Council to read it and certainly as we communicate with our individual Council members, we can hold their hand and provide specific page numbers from the budget.

Charles stated he thought there was an error on the chart; Carol confirmed it was an omission and the 60% needs to should show the Admin Assistant is funded from the Special Revenue Fund.

Kenny stated he was satisfied with it as written on the screen, he doesn't necessarily oppose what was presented for additions, would need to see it in writing to decide whether or not to carry that back to the District board for approval.

John stated there is a lot of the same information presented in different places which had an effect upon the letter.

Tim asked if we have any simple facts we could put here, so that Council could understand such as we manages 3,000 acres of land. These things gives a little bit of magnitude about our tasks and how big they are for us. John stated these items are detailed in the fact sheet. Glenice stated we may want to organize some of the sections of this letter the hard ask is at the very beginning and the explanatory stuff behind it. John stated there is a nice summary at the beginning asking to restore our budget and in the last paragraph is where we detailed the requested changes.

⇒ **John moved to accept the letter as modified. Motion failed for lack of a second.**

Carol pointed out there was one thing that has not been adequately discussed and it surrounds the issue of our special revenue tax funds for the ½ mil, since they are segregated and separate funds for the purpose of funding projects and activities of Richland County Conservation Commission. If the Administrative Assistant position stays in the secretarial pool, that person is not doing Conservation activities entirely, so we have a legal problem. The position should again be supervised by Quinton Epps, Director of the Conservation Commission before an organizational change placed the position into an Administrative Assistant pool for the CP&D department. This is a budget issue because in 2022 & 2023, this position will be funded according to this proposal of the Administration. It will be funded 100% under our ½ mil special revenue funds. It will not however, be doing Conservation activities; it may be doing some Planning activities, it may be doing some Assessor office activities, it may be doing other activities elsewhere. Community Development project activities; not Conservation Commission, yet it is being funded by the Administration proposal under ½ mil segregated Special Revenue Fund. She wants to use specific language specifically in the letter.

John stated we do have this paragraph (*he proceeds to read the paragraph in the letter*) that says special revenue funds are restricted and committed and the letter requested opinions regarding whether such reallocation is not inconsistent with our ordinance. Carol stated we should request supervisory administrative authority over the Administrative Assistant position, it's that simple.

Buddy stated that Carol sent him some language that would be wonderful to go along with the other piece she mentioned previously. It's not going to make the letter much longer and there has to be clarity in this letter to Council because it's hard enough for us to understand.

Charles stated this is going to create an administrative nightmare for us and whoever is supervising that pool. They are going to have to send us on a monthly basis every activity that everybody does in that pool. So we can look at it and make a determination that the millage is being used for Commission purposes. It's going to be a nightmare to whoever is supervising that pool, they are going to end up with gray hairs, if they don't have it already. It's not a matter whether this thing is a ½ mill or 6 tenth of a mill, we got to be able to be assured that the responsibilities not the person, the responsibilities that are going on are absolutely 100% for Commission activities. It's going to take more effort on whoever is administrating this pool then they ever dreamed of.

Buddy stated now since it's going to be completely funded per the Administrator's budget by the ½ mill it is even more problematic. It is no different from misuse of the penny tax for non-penny purposes, it's no different. Charles said he was biting his tongue but this is bordering on fraud.

John stated they talked this issue to death with the Administrator and made less progress than he anticipated. Charles said he heard what John said and I also heard what he said to Council on Thursday and if he told them this was a non-starter it is not cooperation and collaboration. John stated the Administrator was sympathetic to Clayton's agreement that administrative staff should be cross-trained.

Buddy stated in a prior email that included Clayton and the Administrator, some of us may not wait for a legal opinion from the county and may seek other legal counsel concerning this matter. That is not a threat, that's information.

⇒ John moved accept the letter with modifications to put in language about supervisory staff and restoration of the Conservation Division to a department. Charles seconded the motion. After discussion the motion passed unanimously.

Buddy stated he thought it would be beneficial to add some specific page numbers for Council on these references at the end. John stated it is easy to do and he will punch them in. John asked if there were any further discussion. Buddy asked if this was going to be sent snail mail, email or both. John replied we can do it anyway he would like. Charles stated both as he can see email boxes getting filled quickly.

John stated he asked Quinton and Chanda to prepare the infographic which is in your agenda. The next stage for this budget after we have sent the letter is to start talking to friends and communicate with friends. Sending the infographic out to friends that may be interested. Glenice stated she would have suggested a different way to present the African American aspect. John stated it was prepared two hours ago and the website needs to be updated.

Buddy agreed the website needs to be updated, however; Conservation Division is under staffed and if we had an opportunity to advise on the budget we would have asked for more money not less.

Kenny clarified he is the keeper of the district's Facebook page.

Carol stated after the updates or changes are done to the infographic it's a good idea to attach a copy of it to the letter to go to Council. There are five new Council members and they do not understand us or RCCC, or the district or what we do. It's important to have some simple pieces out there as enclosure to our letter. It should be delivered by snail mail and email.

John stated the budget discussion would take up most of the meeting and he does not feel obligated to cover all of the other agenda items.

Strategic Planning Retreat

John stated he would write our goals as to what we planned to do and what we were going to do. He thought our goals and strategies started off in a promising fashion and turned south due to budget cuts and difficulties we have had implementing the Lower Richland tourism plan.

Buddy stated now was not the time for a strategic planning session, we needed to get through the budget issues and John agreed.

Greenway Advisory Committee meeting update:

John stated he and Carol attended the Greenway Advisory Committee meeting. In terms of the Gills Creek Greenway, the Transportation Department is determining the remaining budget after paying for planning documents for the initial phases. They want to start design on phase IV which will take eight to nine months, and Carol wanted to ensure these decisions are coordinated with CP&D.

Carol stated the final destination which is Timberlane, whether they have enough funds to get there and they should have enough to get there based on the approvals by Council and reorganization of the funds for this one segment. She would like to see more detail about where the greenway will end. John stated there are many other greenway projects going on.

John asked for suggestions for new commissioners.

Treasurer’s Report:

Quinton stated there are no major concerns or no major differences from last month. If you have any questions, I will be glad to answer them.

Conservation Committee Report

Buddy stated there is no report.

Historic Committee Report

Quinton stated a new historical marker was placed at the intersection of Henderson & Blossom honoring the former Women’s Club of Columbia. During World War II the members of the women’s club used the clubhouse as a venue for fundraising events aimed at generating money and support for the war effort. During and after the war the club provided a place for women’s public engagement and political actions. In 2000, the women’s club sold the clubhouse property and used the proceeds to create an endowment. The clubhouse was demolished in 2018. This is another historical marker funded by the commission and put up by the community members.

⇒ Charles moved to extend the meeting until 5:15 and Buddy seconded. Motion passed unanimously.

Conservation Manager’s Report: updated by Quinton

Management of Pollinator Garden, funded by a grant to the District, at Pinewood Lake Park is transitioning since Anne Marie Johnson stepped down. Her last official day was April 17th. Robert Reese, a local community member, will manage the garden and the staff are working with him.

Quinton stated he is working with Procurement and the vendors to determine the design cost for replacing the Mill Creek bridge destroyed in last year's flooding. Quinton could not provide details since the process remains within. Buddy asked about the timeframe for approval. Quinton stated he was not sure when they were going to finalize the negotiations and does not have a definite timeframe. John asked if the damaged bridge is in the same condition. Quinton stated he does not recommend driving across it. Charles asked if the bridge was blocked. Quinton stated yes it is blocked and he does not recommend driving across it. Charles asked if the tractor for use at Mill Creek had been purchased. Quinton stated yes. Charles suggested a ditch be dug across the road.

John asked to what extent it limits our access to the property. How many acres. Quinton stated there is another access you if the road is not too muddy or you can walk across the bridge. The people doing the management for the mitigation bankers use four wheelers which are fine to drive across the bridge in its current state.

Mill Creek Mitigation Bank credit sales update

Quinton stated the latest mitigation bank sales were approved by the Transportation Committee and by Council. The credits are for the 601 bridge replacement which included 18.87 wetland credits, 507.5 stream credits, and the Richland County proceeds from those sales will be \$376,834.30.

Adjournment

⇒ Charles moved to adjourn and Buddy seconded. Motion passed unanimously.

Respectfully submitted,
Annette House