



# **RICHLAND COUNTY COUNCIL**

## **ADMINISTRATION AND FINANCE COMMITTEE**

Greg Pearce	Torrey Rush	Joyce Dickerson (Chair)	Damon Jeter	Paul Livingston
District 6	District 7	District 2	District 3	District 4

**SEPTEMBER 24, 2013  
6:00 PM**

**2020 Hampton Street**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: July 23, 2013 [PAGES 3-5]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Contract Award: Engineering Design Services for the Lower Richland Sanitary Sewer Project [PAGES 6-12]
3. Public Defender Attorney Compensation and Retention Plan [PAGES 13-18]

4. UPDATE: Collecting Hospitality Taxes at Sponsored Events [PAGES 19-24]
5. Eastern Federal Lands Access Program Grant [PAGES 25-29]

## **ADJOURNMENT**



### **Special Accommodations and Interpreter Services**

Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

# Richland County Council Request of Action

## **Subject**

Regular Session: July 23, 2013 [**PAGES 3-5**]

## **Reviews**

**MINUTES OF**



**RICHLAND COUNTY COUNCIL  
ADMINISTRATION AND FINANCE COMMITTEE  
TUESDAY, JULY 23, 2013  
6:00 P.M.**

*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.*

=====

**MEMBERS PRESENT**

- Chair: Joyce Dickerson
- Member: Damon Jeter
- Member: Paul Livingston
- Member: Greg Pearce
- Member: Torrey Rush

**ALSO PRESENT:** Kelvin Washington, Bill Malinowski, Norman Jackson, Seth Rose, Jim Manning, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Warren Harley, Daniel Driggers, Brad Farrar, Quinton Epps, Tracy Hegler, Ismail Ozbek, Buddy Atkins, John Hixon, Monique Walters, Michelle Onley

**CALL TO ORDER**

The meeting started at approximately 6:01 p.m.

**APPROVAL OF MINUTES**

**June 25, 2013 (Regular Session)** – Mr. Rush moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

Mr. Pearce moved, seconded by Mr. Rush, to adopt the agenda as distributed. The vote in favor was unanimous.

**ITEMS FOR ACTION**

**Grant Application Approval for Crane Creek Management Plan Implementation for Public Works Department** – Mr. Rush moved, seconded by Mr. Livingston, to forward to Council with a recommendation to approve the request for submittal of a 319 Grant application to SCDHEC

for four (4) high priority projects identified in the Crane Creek Watershed Management Plan. The vote in favor was unanimous.

**Owens Field Trail Improvement Project for Conservation Department** – Mr. Livingston moved, seconded by Mr. Pearce, to forward to Council with a recommendation to allow the Conservation Department to partner with the GCWA to submit a South Carolina Nonprofit Source Program Section 319 Partial Watershed Implementation Grant to assist financially in the implementation of BMPs at Owens Field. The vote in favor was unanimous.

**Request for Bond Ordinance Approval in Accordance with Capital Project Recommendations of Richland County Administrator** – Mr. Pearce moved, seconded by Mr. Jeter, to forward to Council with a recommendation to approve the requested bond ordinance and associated purchases. The vote in favor was unanimous.

**Richland County Sheriff's Department Freedom Award Resolution** – Mr. Pearce moved, seconded Mr. Livingston, to forward to Council with a recommendation to adopt the resolution. The vote in favor was unanimous.

**Consent Agenda Deferral Policy** – Mr. Pearce moved, seconded Mr. Rush, to forward to Council with a recommendation to approve the request to revise the practice of putting items on the consent agenda. The vote in favor was unanimous.

**Request to Add School Resource Officer Positions** – Mr. Pearce moved, seconded by Mr. Rush, to forward this item to Council with a recommendation to approve the eight (8) new School Resource Officer positions and that Richland-Lexington School District 5 will fund the positions 100%. The vote in favor was unanimous.

## ADJOURNMENT

The meeting adjourned at approximately 6:26 p.m.

Submitted by,

Joyce Dickerson, Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Contract Award: Engineering Design Services for the Lower Richland Sanitary Sewer Project [**PAGES 6-12**]

**Reviews**

## Richland County Council Request of Action

**Subject:** Contract Award: Engineering Design Services  
for the Lower Richland Sanitary Sewer Project

### **A. Purpose**

The purpose of this report is to request County Council's approval for the award of the engineering design and construction period services contract to Joel E. Wood & Associates for the Lower Richland Sanitary Sewer Project in the amount of \$862,900.00.

### **B. Background / Discussion**

Richland County Council approved the funding plan and authorized staff to proceed with the development of the Lower Richland Sanitary Sewer Project on February 19, 2013. Richland County Procurement advertised and received responses to a Request for Proposals from previously qualified engineering firms.

Eight (8) Engineering firms submitted proposals to provide the design and construction period service. Those firms were:

1. HGB&D
2. Dennis Corporation
3. URS
4. Davis and Floyd
5. Florence and Hutchenson (ICA)
6. Genesis
7. American Engineering
8. Joel E. Wood & Associates

An evaluation committee reviewed all proposals and ranked firms based on the content of their proposals. The top three firms were invited to make verbal presentations to the evaluation committee. Upon completion of the presentations the evaluation committee ranked the top three firms as follows:

1. Joel E. Wood & Associates
2. Florence and Hutchenson (ICA)
3. URS

Joel E. Wood & Associates was ranked the highest by the evaluation committee. This firm has been certified as a Small Business Enterprise (SBE) which will assist the County in meeting their SBE requirements. Their project team also includes Minority, Woman Owned and Disadvantage Business Enterprise (MWDBE) which meet or exceed the MWDBE participation goal established by the County.

### **C. Legislative/Chronological History**

- October 5, 2010 – Council approved project and Memorandum of Understanding (MOU) with the City of Columbia
- February 19, 2013 – Council approved the funding plan for the system
- May 8, 2013 – RFP was advertised

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- June 21, 2013 – Proposals and Qualifications accepted
- July 26, 2013 – Evaluation Team scores returned to Procurement
- August 27, 2013 – Engineering Firm Presentations
- August 28, 2013 – Evaluation Committee final recommendation
- September 3, 2013 – Negotiated with Joel E. Wood on contract price

**D. Financial Impact**

This project is being funded by a combination of Rural Development, State Revolving Fund and customer tap fee revenue. County Council has accepted the “Letter of Conditions” which establishes the project budget and funding source. The budget and funding sources are as follows:

1. Project Budget – Funding from all sources has been budgeted for the estimated expenditures as follows

<u>Project Costs:</u>	
Construction	\$9,481,700
Legal Fees	25,000
Basic	\$587,900
Inspections	\$275,000
Engineering Fees (Total)	862,900
Land & Rights	92,000
City of Columbia Fees	845,600
Interest	682,300
Project Contingency	948,200
<b>TOTALS</b>	<b>\$12,937,700</b>

2. Project Funds – The project funding is planned in the form of a loan and grant from the following sources and amounts:

<u>Project Funding Source:</u>	<u>Funding Amount:</u>
RD Loan	\$9,359,000
RD Grant	\$2,279,800
Tap Fee/Applicant Contribution	\$ 723,900
Other Fund (SRF Loan)	\$ 575,000

*Total Project Funding (All Sources):* **\$12,937,700**

Rural Development establishes the rate at which they will fund the design and construction inspection services for this project. This rate is a percentage of the estimated construction cost and for this project it is 6.2% for design and 2.9% for construction inspection. The Rural Development Form RD 1942-19 provides this information and is attached as Attachment 1 for review.



The engineering fee negotiated with Joel E. Wood & Associates matches the fee established by Rural Development. A copy of his fee proposal is attached as Attachment 2 for review. No additional funds should be required.

**E. Alternatives**

1. Approve the award of a contract to Joel E. Wood & Associates in the amount of \$862,900.00.
2. Do not approve the contract award to Joel E. Wood & Associates and select another vendor.

**F. Recommendation**

It is recommended that County Council award the contract to Joel E. Wood & Associates in the amount of \$862,900.00.

Recommended by: Andy H. Metts      Department: Utilities      Date: 9/5/13

**G. Reviews**

**Finance**

Reviewed by Daniel Driggers:      Date: 9/16/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation:

Funding has been approved and is available as stated.

**Procurement**

Reviewed by: Rodolfo Callwood      Date: 9/16/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean      Date: 9/16/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett      Date: 9/17/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation:

Form RD 1942-19  
Attachment 1 (S.C.)  
(Rev 12/01/03)

### Fees for Professional Engineering Services As a Percentage of Net Construction Costs

Fees are to be adjusted to suit special conditions stated in the contract.

Table I ordinarily will apply to that portion of a construction project which is unusually complex because it included a water treatment plant, wastewater treatment plant, sewer lines, and rehabilitation of an existing facility. It covers preliminary engineering services, design and contract administration services.

Table II ordinarily will apply to all other work, including wells, water distributions systems, package pumping stations, package treatment plants and water storage tanks. It covers preliminary engineering services.

Table IR and IIR apply to resident inspections. The applicable percentages will be allowed for full-time resident inspection. Table IR will be used for complex (Table I) projects. Table IIR will be used for all other projects. Part-time resident inspection is to be used only when the complexity and scope does not require full-time inspection and requires Rural Development approval. Ninety-five percent (95%) of compensation for resident inspection will be payable periodically during the construction period. The final five percent (5%) will be payable upon final approval of the project by the owner and Rural Development.

TOTAL ACTUAL CONSTRUCTION COST	WWTP, SEWER, REHAB		WATER LINES, WELLS, TANKS, PS, ETC.	
	TABLE I	TABLE IR	TABLE II	TABLE IIR
	% FEE (DESIGN)	% FEE (INSPECTI ON)	% FEE (DESIGN)	% FEE (INSPECTION)
100,000	12.3	8.8	9.9	7.7
200,000	11.2	7.4	8.9	6.3
300,000	10.5	6.6	8.5	5.5
400,000	9.8	6.1	8.0	5.0
500,000	9.4	5.7	7.7	4.6
600,000	9.0	5.5	7.5	4.4
700,000	8.8	5.3	7.3	4.2
800,000	8.6	5.2	7.1	4.1
900,000	8.5	5.0	6.9	3.9
1,000,000	8.3	4.8	6.8	3.7
2,000,000	7.9	3.9	6.3	2.8
3,000,000	7.5	3.4	6.0	2.3
4,000,000	7.1	3.2	5.7	2.1
5,000,000	6.6	3.0	5.6	1.9
10,000,000	6.2	2.9	5.1	1.7
15,000,000	5.9	2.8	5.0	1.7

The fee for project cost falling between the figures shown on these Tables shall be interpolated to the nearest one-tenth of one percent. Compensation may be negotiated on a lump-sum basis for all projects less than \$100,000.

Additional costs for contract administration engineering services and resident inspection due to project not being completed on schedule will be items included in determining the amount of liquidated damages. Additional Engineering compensation for projects not finished on schedule shall be as calculated on the attached sheet.



**JOEL E. WOOD & ASSOCIATES**  
PLANNING • ENGINEERING • MANAGEMENT

Main Office

2160 Filbert Highway  
York, SC 29745

P.O. Box 296  
Clover, SC 29710

Tel (803) 684-3390  
Fax (803) 628-2891

August 29, 2013  
Revised 9/3/13

Ms. Christy Swofford, CPPB  
Assistant Director  
Richland County Office of Procurement and Contracting  
2020 Hampton Street, Suite 3064  
Columbia, SC 29204-1002

**REF: LOWER RICHLAND SEWER SYSTEM PROJECT  
RC-562-P-2013**

Kings Mountain, NC

104 N. Dilling St  
Kings Mountain, NC  
28086

P.O. Box 296  
Clover, SC 29710

Tel (704) 739-2565  
Fax (704) 739-2565

Dear Ms. Swofford:

We appreciate the confidence Richland County has placed in our firm to provide services for the above referenced Project. We have familiarized ourselves with the Project Scope of Services, visited the Project Area, and have determined what we believe to be an accurate determination of the work effort required to complete the Project in accordance with the requirements established by RC-562-P-2013. We are certain that we can provide the services as defined by RC-562-P-2013 for the fees as shown below:

TASK A (Preliminary / Final Design)	\$588,440.00
TASK B (Bidding and Award)	\$ 14,620.00
TASK C (Office Mgmt. During Construction)	\$ 20,280.00
TASK D (Observation of Construction)	\$206,740.00
TASK E (As-Built Certification)	\$ 47,980.00
TASK F (Prepare and Submit NPDES Permit App)	<u>\$ 14,840.00</u>
<b>TOTAL</b>	<b>\$862,900.00</b>

A breakdown of each task showing the proposed manhours by employee classification and hourly rate is attached for your review. If you are in agreement with the fees as proposed, we will prepare a "Standard Form of Agreement Between Owner and Engineer for Professional Services - Funding Agency Edition" and submit to you for review. If another form of agreement is preferred by the County, please provide us with a copy of the document you would propose using.

We have selected Choa and Associates, Inc. as our MWDBE sub-consultant for this Project and they will provide surveying services for the Project. Their estimated fees by TASK are as follows:

A.5	\$150,780.00
A.6	\$ 15,000.00
D.4	\$ 34,580.00
E.4	<u>\$ 28,000.00</u>
<b>TOTAL MWDBE PARTICIPATION</b>	<b>\$228,360.00</b>

The above numbers are estimates and subject to change as the Project progresses. Any changes in fees or participants will be reported in accordance with Richland County Requirement. The MWDBE Participation is estimated to be 26.46% of the total fees. In addition, this percentage will qualify as local participation.

Again, thank you for our selection for this project and we look forward to continuing our working relationship with Richland County. Should you have any questions or need any additional information, please feel free to contact us.

Sincerely,

JOEL E. WOOD & ASSOCIATES, L. L. C.



Joel E. Wood, P. E.  
Managing Partner

Enc.

# Richland County Council Request of Action

**Subject**

Public Defender Attorney Compensation and Retention Plan [**PAGES 13-18**]

**Reviews**

# Richland County Council Request of Action

## **Subject: Public Defender Attorney Compensation and Retention Plan**

### **A. Purpose**

County Council is requested to approve the below described “Public Defender Attorney Compensation and Retention Plan”.

### **B. Background / Discussion**

Since the economic downturn of 2008 the compensation structure for the attorneys in the Public Defender’s Office has become increasingly out of balance with that of other offices in the state and of the Solicitor’s Office in Richland County. Lack of funding has contributed to the problem, and the issue has been further exacerbated by Council’s approval of a payroll structure for the Solicitor’s Office that has magnified the unbalance in pay between the two offices. As a consequence it has become increasingly hard to retain qualified attorneys in the Public Defender’s Office. Additionally, as court options have developed, a number of programs which require attorney participation after normal office hours, have come into being and the attorneys who work these programs should be compensated for the extra time they must spend.

The net result is that this office starts attorneys at a far lower salary than the Solicitor’s Office, and has not been able to advance the pay for its attorneys at a rate sufficient to retain people who have developed the skills necessary to represent the serious cases they are required to handle.

Three specific needs must be addressed: (1) a structure must be put in place that allows for the regular, significant, and steady advance in pay for the attorneys working in the Public Defenders Office, (2) a process must be put in place to raise the salaries of long time attorneys at this office to the level that they would have attained but for the recent recession, and, (3) a process must be developed to compensate a few attorneys who work extra time after hours in court (basically night court).

This request will provide a compensation structure for the attorneys in the Public Defender’s Office which will enable the office to better retain qualified attorneys, raise the salaries of attorneys currently employed here to the level they should be at, and compensate attorneys who regularly work additional time after normal office hours for this work.

Before describing the structure, I should state that what this does is return the salary process in this office to precisely what it was, and what worked perfectly for 5 years prior to the economic downturn of 2008. This works, is easy to implement, and addresses all attorney salary concerns in a reasonable and responsible fashion.

#### Pay Structure:

Attorneys will continue to be hired at the starting rate for the current pay band – this is \$37,009 at present. Regular raises will be given absent an economic crisis such as we have just weathered. These raises will be: at the end of the 1<sup>st</sup> year – a raise to the nearest figure dividable by 5 – *i.e.* at present to \$40,000. Thereafter raises of \$5,000 per year until a salary of \$75,000 is

reached, after which raises will be for COLA only. Pay bands will adjust as necessary as the salaries increase. The exceptions will be for the Deputy Public Defender who will have a salary peak at \$85,000 prior to switching to COLA increases only, and the County Public Defender who will have a salary maximum of \$95,000 prior to switching to COLA increases only. **Attachment “A”** includes raises for both employees “catching up” for time during which they did not receive raises and those for new employees with the new pay structure outlined above.

Current Pay Revision:

Current employees will have their pay increased at an accelerated rate until they reach the level their pay should be under the proposal outlined above. **Attachment “A”** outlines the number of people and the extent of the increases necessary during the first year to advance toward this goal. The process calls for \$5,000 every six months until the salary reaches its correct level.

“Night Court” Work

While attorneys work in the various non-bond night courts in this county (currently Juvenile Drug Court, Juvenile Mental Health Court, Adult Drug Court, Adult Mental Health Court, and Adult Veteran’s Court) they will be entitled to a 5% bonus to compensate them for these additional responsibilities. There are currently two individuals involved in this work, and total bonuses would amount to less than \$5,000. Failure to compensate these individuals may lead to having to end my office’s participation in these programs.

The plan will be accomplished with no additional funding requested from the County. Funds are currently available to cover the increases in the first year, and, to the extent state funding doesn’t increase sufficiently to cover increased payroll after that point, positions will remain unfilled until such time as funds are available to cover the costs.

Given that the average time an attorney spends with the Public Defender is about three years the best estimate would be that salaries for Public Defender attorneys would peak – on average – at \$50,000 – or about the level that the Solicitor’s Office starts their attorneys.

**Addendum to Reviews Section of ROA**

Upon my reading the comments from the various reviewers of my proposal, I would just make the following five points:

1. Mr. Hanna’s initial observations as to what I want to do are completely on point.
2. An exception to the general compensation plan for county employees has already been made for the Solicitor’s Office. I only ask the ability to also try to compensate and retain my attorneys.
3. As Mr. Hanna notes, the proposal is similar to prior department pay plans which have been approved by the Council in the past.
4. Mr. Hanna’s comment on my request to add a 5% bonus is exactly what I want to be able to do, so terming bonus a supplement describes my intent exactly.
5. While I agree that the economic downturn impacted pay adjustments for all county employees, I can only advocate for my own, and note that, as opposed to all other county employees, my budget

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consists of 40% non-county funding, and my budget receives no additional adjustment from the county when the general pay raises are given. This department has a different relationship with the County than any other and faces different budgetary challenges than any other.

**C. Legislative / Chronological History**

There is no legislative history for this request.

**D. Financial Impact**

As mentioned above – there is no additional financial request associated with this proposal as costs will be borne out of State funding. Should the Council decide that funding the request is appropriate the initial year’s expenditure will amount to less than \$180,000. See **Attachment A**.

**E. Alternatives**

1. Approve the request to establish a schedule to raise salaries for attorneys in the Public Defender’s Office in order to retain qualified personnel.
2. Do not approve the proposal resulting in continued excessive turnover of qualified attorneys at the Public Defender’s Office, leading to longer delays in processing cases in the criminal justice system in Richland County.

**F. Recommendation**

It is recommended that Council approve the Public Defender Attorney Compensation and Retention Plan as set forth above

Recommended by: Circuit Public Defender Douglas Strickler  
Department: Public Defender  
Date: September 6, 2013

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers	Date: 9/11/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Recommendation is based on the County’s previous approval of special compensation and retention plans at the department level and that the request requires no additional County funds.

I would recommend that the County incorporate a review by the Human Resources Director prior to approval in order to ensure consistency with other current approved pay plans.

**Human Resources**

Reviewed by: Dwight Hanna	Date:
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
<input checked="" type="checkbox"/> Policy decision left to Council’s discretion.	
Comments regarding recommendation:	

It appears the Public Defender is requesting the ability to address internal wage equity within the County, bring salaries in the Public Defender’s Office up to a market

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competitive pay rates, differentiate pay levels based on seniority or years of service, provide supplemental pay for additional some specific duties, transition to COLA increases once salaries reach a certain level, and consistently fund adequate pay increase annually to keep salaries competitive with the market. These are all acceptable types of pay increases depending on the philosophy of the employer.

In order to prevent or address the same type compensation issues the Public Defender is attempting to address from occurring with other attorney jobs, Human Resources recommends Council consider specially addressing the salaries and pay ranges of all attorney jobs in the County at the appropriate time. In addition, Human Resources generally recommends Council consider consistently offering compensation increase opportunities for all employees as and if applicable. It is important to note that to a greater or lesser extent, most County employees wages were adversely affected by the economic downturn referenced by the Public Defender. If the Public Defender desires to pay additional compensation to attorneys assigned to certain areas, this may be achieved more effectively by designating as a pay supplement. This would enable an easier removal of the supplement if there is the need to transition an employee to another area. Another point for Council's consideration is prior to the economic downturn the County normally awarded pay increases for employees based on their job performance rating (PEP) vs. COLA increases.

Upon reviewing this ROA, it appears this request is similar to prior department pay plans approved by County Council in the past. Finally, Human Resources would need to timely receive an approved written plan that contains all details included in document in order to efficiently implement the plan.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 9/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

### **Administration**

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation is based on the assertion that the funding for the pay plan would come from state funding and would not require additional funding from the county and that there is sufficient funding to cover the initial startup of the pay plan.

Measures may need to be put in place to ensure that if and when state funding is not adequate to fund the pay plan that this does not in the future force the county to increase funding level.

**ATTACHMENT "A"**

	Current Salary	Start Date	Should be as of 11/13	11/1/13	5/1/14
County PD	\$79,560.00		\$95,000.00	<b>\$85,000.00</b>	<b>\$90,000.00</b>
Deputy PD	\$58,344.00	11/01/06	\$75,000.00	<b>\$65,000.00</b>	<b>\$70,000.00</b>
Asst PD	\$47,736.00	11/01/07	\$65,000.00	<b>\$55,000.00</b>	<b>\$60,000.00</b>
Asst PD	\$47,736.00	11/01/07	\$65,000.00	<b>\$55,000.00</b>	<b>\$60,000.00</b>
Asst PD	\$47,736.00	11/01/07	\$65,000.00	<b>\$55,000.00</b>	<b>\$60,000.00</b>
Asst PD	\$50,281.92	11/01/07	\$65,000.00	<b>\$55,000.00</b>	<b>\$60,000.00</b>
Asst PD	\$58,344.00	09/01/08	\$65,000.00	<b>\$65,000.00</b>	\$65,000.00
Asst PD	\$47,736.00	11/01/08	\$60,000.00	<b>\$55,000.00</b>	<b>\$60,000.00</b>
Asst PD	\$42,432.00	11/01/10	\$50,000.00	<b>\$45,000.00</b>	<b>\$50,000.00</b>
Asst PD	\$42,432.00	11/01/10	\$50,000.00	<b>\$45,000.00</b>	<b>\$50,000.00</b>
Asst PD	\$42,432.00	03/01/11	\$50,000.00	<b>\$45,000.00</b>	<b>\$50,000.00</b>
Asst PD	\$47,736.00	05/01/11	\$55,000.00	<b>\$55,000.00</b>	\$55,000.00
Asst PD	\$47,736.00	05/01/11	\$55,000.00	<b>\$55,000.00</b>	\$55,000.00
Asst PD	\$39,259.15	12/01/11	\$45,000.00	<b>\$40,000.00</b>	<b>\$45,000.00</b>
Asst PD	\$39,259.15	05/01/12	\$45,000.00	<b>\$40,000.00</b>	<b>\$45,000.00</b>
Asst PD	\$39,259.15	05/01/12	\$45,000.00	<b>\$40,000.00</b>	<b>\$45,000.00</b>
Asst PD	\$37,009.00	11/15/13	N/A	\$37,009.00	\$37,009.00
Asst PD	\$37,009.00	09/01/12	\$40,000.00	<b>\$40,000.00</b>	\$40,000.00
Asst PD	\$37,009.00	12/01/12	\$40,000.00	<b>\$40,000.00</b>	\$40,000.00
Asst PD	\$37,009.00	12/01/12	\$40,000.00	<b>\$40,000.00</b>	\$40,000.00
Asst PD	\$37,009.00	12/01/12	\$40,000.00	<b>\$40,000.00</b>	\$40,000.00
Asst PD	\$37,009.00	12/01/12	\$40,000.00	<b>\$40,000.00</b>	\$40,000.00
Asst PD	\$37,009.00	6/3/2013	N/A	\$37,009.00	<b>\$40,000.00</b>
Asst PD	\$37,009.00	6/3/2013	N/A	\$37,009.00	<b>\$40,000.00</b>
Asst PD	\$37,009.00	6/17/2013	N/A	\$37,009.00	<b>\$40,000.00</b>
Asst PD	\$37,009.00	11/15/2013	N/A	\$37,009.00	\$37,009.00
Asst PD	\$37,009.00	11/15/2013	N/A	\$37,009.00	\$37,009.00
Asst PD	\$37,009.00	11/15/2013	N/A	\$37,009.00	\$37,009.00
<b>Increase in cost</b>				\$91,935.63	\$73,973.00

Salaries are for current attorneys and positions with start dates as reflected – names have been redacted.

**Raises indicated in bold.**

# Richland County Council Request of Action

## **Subject**

UPDATE: Collecting Hospitality Taxes at Sponored Events **[PAGES 19-24]**

## **Reviews**



## Richland County Business Service Center

2020 Hampton Street, Suite 1050  
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### *Collecting Hospitality Taxes at Sponsored Events*

#### Legislative / Chronological History

- June 4, 2013: At the Council meeting of June 4, Council member Jackson made a motion, shown below. The Council forwarded this Motion to the June A&F Committee meeting.  
“Explore the possibility of vendors paying a fee or a percentage of their vendor’s fee at tourist sponsored events for tourist-related activities. Vendors at these events are not collecting the H-Tax. The Business License Office has no way of monitoring or collecting these taxes.”
- June 25, 2013: The A&F Committee unanimously approved the recommendation that staff further explore new methods of collecting Hospitality Taxes at sponsored events (as delineated under the Alternatives section on page 26 of the Agenda). See Alternatives below.

#### Alternatives

1. Keep the Hospitality Tax to include all applicable businesses, including special event vendors, and initiate a vigorous inspection program for County special events.
  2. Keep the Hospitality Tax to include all applicable businesses, including special event vendors, and conduct random inspections at special events.
  3. Amend the Hospitality Tax ordinance to exempt food vendors at special events, approve an ordinance charging a new tax or fee on food vendors at special events, and initiate a vigorous inspection program for County special events.
  4. Amend the Hospitality Tax ordinance to exempt food vendors at special events, approve an ordinance charging a new tax or fee on food vendors at special events, and conduct random inspections at special events.
- July 2, 2013: Council unanimously approved the Committee’s recommendation for staff to further explore new methods of collecting Hospitality Taxes at sponsored events. ACTION: ADMINISTRATION, BUSINESS SERVICES, FINANCE, AUDITOR, ASSESSOR, TREASURER.
  - August 23, 2013: The Legal Department provided a legal opinion regarding the definition of “establishments” as it relates to businesses subject to the Hospitality Tax.

# Options and Opportunities

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The fundamental question is what type of tax to charge for food vendors at special events: a Hospitality Tax, or some kind of new fee or tax.

## **Ordinance Options**

1. Maintain the existing Hospitality Tax ordinance, revising as needed for greater compliance.
  - a. Pros:
    - (1) The County's Hospitality Tax ordinance is authorized and regulated by the State Code of Laws.
    - (2) This option maintains consistency with the rest of South Carolina cities and counties that have Hospitality Taxes. This allows greater coordination with colleagues around the state.
    - (3) This requirement is also familiar to businesses who operate in other jurisdictions, whether large businesses with locations in many jurisdictions, or small businesses or individuals who travel into various jurisdictions.
    - (4) Businesses collect from consumers, and remit what is collected. At the specified percentage (2% in the unincorporated County), every business collects and remits the same specific percentage.
  - b. Cons:
    - (1) It requires compliance of every business: large and small, private and non-profit, fixed and mobile, permanent and special-event only vendors. This is not always cost- or labor-efficient for the County.
  - c. Financial impact: There is no financial impact associated with this option, as this option involves no changes with the County's current practice.
  - d. Legal impact: There is no legal impact associated with this option, as this option involves no changes with the County's current practice. Hospitality Taxes are authorized by the State Code of Laws. Revisions to the ordinance are made as the County deems appropriate.
2. Amend the Hospitality Tax ordinance to exempt food vendors at special events and approve an ordinance charging a new tax or fee on food vendors at special events.
  - a. Pros:
    - (1) A new tax or fee directly on food vendors, rather than on the consumers of the vendors' food/beverage products, may make the enforcement of the tax or fee easier.
  - b. Cons:

- (1) It would remove the standardization of the Hospitality Tax across SC jurisdictions, resulting in confusion on the part of businesses and Hospitality Tax officials.
  - (2) It may be viewed as a new tax or fee, another burden on and deterrent to doing business in Richland County. It is contrary to Richland County's efforts to become more business-friendly.
  - (3) Any new tax or fee will also need enforcement efforts to ensure compliance.
  - (4) The types of new taxes or fees that are available for consideration as possibilities for replacing the Hospitality Tax on special-event vendors are as yet unknown.
- c. Financial impact: This cannot be determined until the details regarding a new tax or fee on food vendors at special events are established.
  - d. Legal impact: This cannot be determined until the type of new tax or fee is evaluated and selected.

### **Compliance Opportunities**

There are also opportunities at each stage of a sponsored event to help promote the compliance of food vendors. Efforts in this regard have been underway for several months and are ongoing.

#### Before events:

1. Develop a database of all known special events, fairs, festivals, etc. and their organizers to facilitate communication with the organizers.
2. Expand the education effort to include special event organizers and organizations associated with special events.
3. Provide event organizers with County requirements and all applicable forms.
4. Obtain a list of all food vendors and their contact information from the organizer prior to each event for proactive communication directly with food vendors.

#### During Events - Options:

1. Initiate a vigorous inspection program for County special events.
  - a. Pros: (1) It will result in more inspections. (2) It may result in more compliance.
  - b. Cons: (1) It is not business-friendly to require and vigorously pursue compliance from every festival, fair, and special-event food vendor – particularly in front of customers. (2) It may result in more Notices of Violation or citations being written in order to force compliance. (3) It may discourage organizers from hosting events and may discourage food vendors from participating in events.
  - c. Financial impact: (1) Revenues generated from Hospitality Taxes from increased inspections may increase from increased enforcement. (2) Revenues generated from Hospitality Taxes from increased inspections may, however, decrease as a result of decreased participation in festivals and fairs. (3) Overtime expenses will increase, or

other staff responsibilities will decrease, to spend more time conducting inspections at festivals, fairs, and other events.

2. Conduct random inspections at special events in the County.
  - a. Pros: (1) It may result in more compliance with less effort, as vendors will be uncertain whether or not inspectors will be present at the event. (2) This represents a balanced approach between being business-friendly and ensuring equal compliance by all applicable vendors.
  - b. Cons: (1) Some vendors may be noncompliant who might otherwise be discovered through rigorous inspections.
  - c. Financial impact: (1) Overtime costs will be less than with a vigorous inspection program.

After events:

1. Coordinate with the Treasurer's Office to determine which special-event food vendors returned Hospitality Tax vouchers and payments by the next Hospitality Tax deadline.
2. Send follow-up Notice of Violation if a food vendor fails to return a Hospitality Tax voucher and payment by the next Hospitality Tax deadline.

**Background / Discussion**

Any organization that receives Hospitality or Accommodations Tax grant funding for events in the unincorporated areas of the County is provided with a document setting forth the County's requirements to conduct, hold, sponsor or organize an event. This includes a Special Event Reporting Form for vendors to remit Hospitality Taxes to the County following an event. There are eight known festivals or events in the County that *may* have food vendors present for which Hospitality Taxes would need to be remitted.

These forms have been used by special event vendors and returned to the Treasurer's Office. However, these forms are processed in the same manner as all other forms, and therefore the number of forms and the revenues generated from these events cannot be determined.

Additionally, effort is regularly made to proactively contact organizers of events to educate them regarding the County's requirements to conduct business and hold special events.

Strict and vigorous enforcement of these requirements *is* possible. This would involve sending inspectors from the Zoning Office, potentially the Fire Marshal's Office and the Business Service Center to each event and physically inspect each vendor for compliance. However, a vigorous inspection program has several drawbacks:

- (1) significant manpower and potential overtime costs, or less time spent by staff addressing other priorities,
- (2) cost/benefit: the extra Hospitality Tax revenues that would be generated at special events may not cover the cost to the County to collect these revenues,

- (3) more inspections would be disruptive to the event and lessen the enjoyment of the event by vendors and attendees alike,
- (4) more inspections would be contrary to the County's efforts to be "business friendly," and
- (5) more inspections would be contrary to the County's focus on generating more special events and the tourists that attend them.

If the County desires food vendors at special events to pay a fee or a percentage of their vendor's fee to the County in lieu of paying Hospitality Taxes, several changes would need to be made. (1) The Hospitality Tax ordinance would need to be amended to exempt revenues from all sales of prepared/modified foods/beverages at special events, since Hospitality Taxes would no longer be collected from these vendors at these events. (2) A new ordinance would need to be approved by Council requiring the charging, collecting and enforcing of a new tax or fee on special event food vendors.

There are several challenges with implementing a new tax or fee. Since the intent would be to collect the same amount of money from vendors as the Hospitality Tax currently generates from these vendors (to avoid the County losing Hospitality Tax revenues by exempting these vendors), it would be difficult to determine whether the new tax or fee should be a percentage of the vendor's fee (over which the County has no control) or a flat fee, and in either case, what the tax or fee rate should be to avoid losing revenues. Additionally, the new tax or fee would also need to be enforced, which requires the same inspections to be conducted, and with the same challenges, as inspections of the Hospitality Tax.

### **Financial Impact**

While additional Hospitality Tax revenues may be generated with more inspections, the cost in staff time, with possible overtime, may be greater than the resulting Hospitality Tax revenues generated.

If a new tax or fee is ultimately approved by Council, Hospitality Taxes would be reduced (by exempting special event food vendors). It is unknown at this time if a new tax or fee would make up this loss in revenue. Additionally, this tax or fee would also require inspections for enforcement, with similar associated costs.



# Richland County Council Request of Action

**Subject**

Eastern Federal Lands Access Program Grant **[PAGES 25-29]**

**Reviews**

## Richland County Council Request of Action

**Subject:** Eastern Federal Lands Access Program Grant – Leesburg Road Widening

### **A. Purpose**

County Council is requested to approve the Eastern Federal Lands Access Program Grant for the Leesburg Road Widening Project in the amount of \$2.4 million, if awarded. Matching funds will be provided by the Transportation Penny Sales Tax.

### **B. Background / Discussion**

Richland County proposes to widen 3.72 miles of Leesburg Road (SC 262) from Fairmont Road to Lower Richland Boulevard at the estimated cost of \$38.3 million (Attachment 1). Widening Leesburg Road will relieve congestion by increasing capacity, improve safety for motorists and other roadway users by providing safer dedicated facilities, and help improve air quality in the Central Midlands region by reducing idle times for motor vehicles. Leesburg Road's current capacity is 10,800 vehicles, while according to SCDOT, the projected volume is 17,600 vehicles per day, with a projected increase to 31,100 vehicles per day by 2035 under the COATS Travel Demand Model, which is a tool the Central Midlands Council of Governments (COG) utilizes to analyze current and anticipated travel patterns and traffic congestion rates. Annual average daily traffic on Leesburg Road is nearly double the road's capacity, resulting in Leesburg's current Level of Service (LOS) rating of "F."

Providing a two-way left-turn lane and possibly an additional lane in each direction (five-lane section) will increase safety for motorists, pedestrians, and bicyclists. This project appears on the Penny Sales Tax Roadway Projects list as well as the SCDOT 2010-2015 Statewide Transportation Improvement Plan (STIP). The project is ongoing with a completion date estimated for November 2017.

Due to the project's proximity to Fort Jackson, it is eligible for an Eastern Federal Lands Access Program grant. This grant program is funded through MAP 21 legislation. If awarded, the County will receive up to \$2.4 million in funds for construction which will help maximize the \$4 Million allocated to the project in Transportation Penny funds.

The project is estimated to cost \$38.3 Million which includes \$4.7 million for preliminary engineering, \$5.1 million for right-of-way acquisition, and \$28.5 million for construction. The remaining funding is secured through other state and federal sources.

### **C. Legislative / Chronological History**

This is a staff initiated request with no legislative history. This project appears on the 2012 Transportation Penny Roadway list.

### **D. Financial Impact**

Current cost estimates place the total project cost at \$38.3 million. Secured federal and state funds make up the additional \$34.3 million. Up to \$4.0 million in Transportation Penny funds will be used as the match for this grant, if awarded.

**E. Alternatives**

1. Approve the Eastern Federal Lands Access Program grant for the Leesburg Road Widening Project, if awarded.
2. Do not approve the Eastern Federal Lands Access Program grant for the Leesburg Road Widening Project, if awarded.

**F. Recommendation**

It is recommended that Council approve the Eastern Federal Lands Access Program grant for the Leesburg Road Widening Project, if awarded.

Recommended by: Rob Perry

Department: Transportation

Date: 9/6/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 9/8/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Based on ROA, the request is consistent with project plan and the County’s financial policy to leverage the use of grant funds.

**Grants**

Reviewed by: Sara Salley

Date: 9/9/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Emergency Services**

Reviewed by: Michael Byrd

Date: 9/19/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Public Works**

Reviewed by: David Hoops

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 9/19/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion. Legal cannot comment on the grant documents/requirements as they have not been provided.

**Administration**

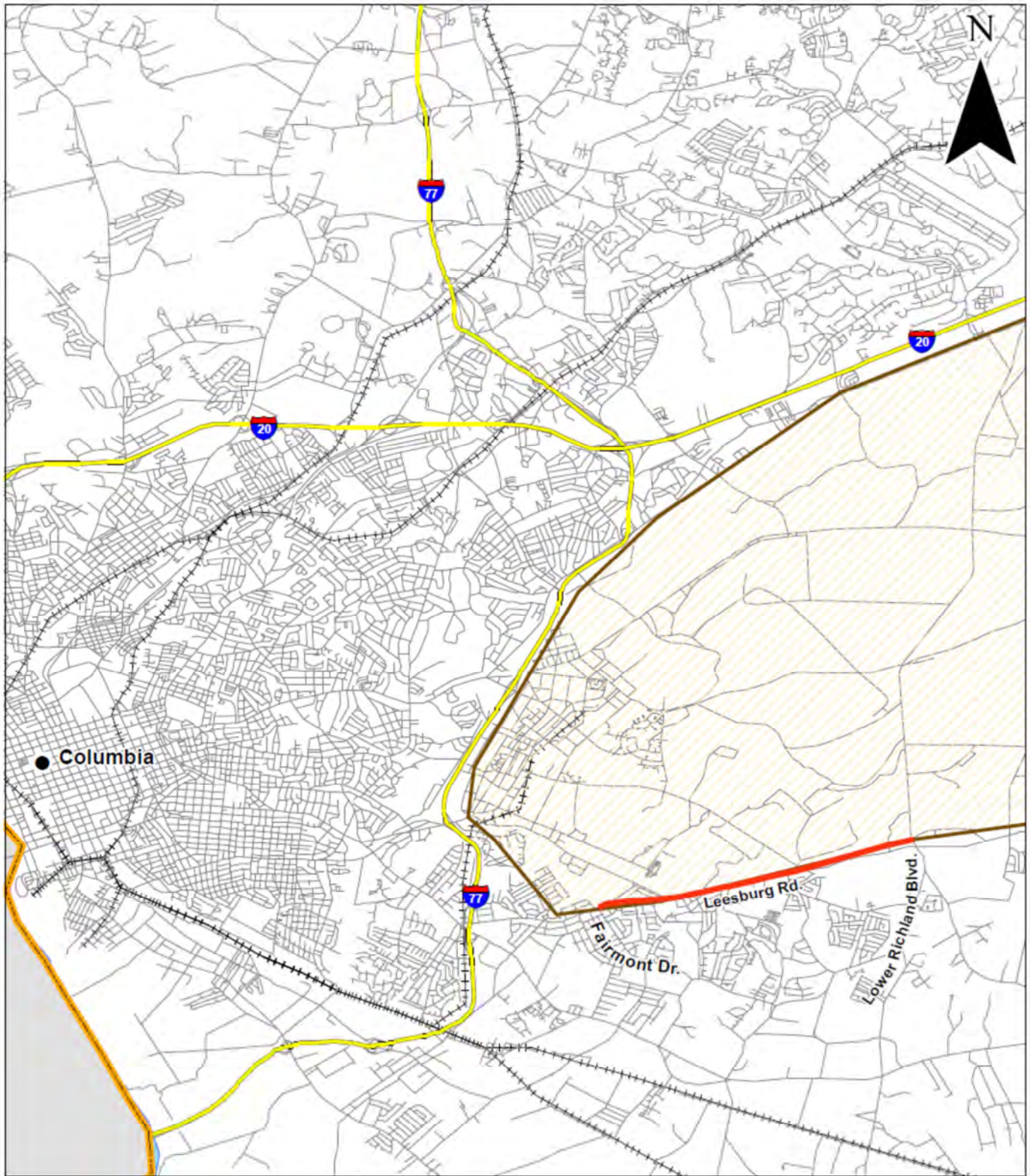
Reviewed by: Tony McDonald

Date: 9/20/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This project is consistent with the Transportation Penny projects list, and provides an excellent opportunity for the County to leverage proceeds from the Penny to obtain additional project funds.



**Legend**

- Interstate
- Project Corridor
- Roads
- Fort Jackson
- ++++ Railroad

**Figure 1: Project Location**  
 Leesburg Road (SC-262)  
 Proposed Roadway  
 Widening Project

