



Richland County Council

ADMINISTRATION AND FINANCE COMMITTEE

April 28, 2020 – 3:30 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Yvonne McBride, Joe Walker and Dalhi Myers

OTHERS PRESENT: Michelle Onley, Larry Smith, Stacey Hamm, Jennifer Wladischkin, John Thompson, Clayton Voignier, Ashiya Myers, Angela Weathersby, Leonardo Brown, Chris Eversmann, Tariq Hussain, Dale Welch, Kimberly Williams-Roberts, Ashley Powell, Synithia Williams, Michael Maloney, David Bertolini, Brad Farrar, Brittney Hoyle-Terry, Quinton Epps, Dante Roberts and Michael Niermeier

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.
2. **APPROVAL OF MINUTES**
 - a. February 25, 2020 – Ms. McBride moved, seconded by Mr. Walker, to approve the minutes as distributed.

In Favor: Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. McBride moved, seconded by Ms. Myers, to adopt the agenda as published.

In Favor: Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Bond Court Consolidation – City of Columbia and Richland County – Ms. McBride moved, seconded by Mr. Walker, for discussion of this item.

Ms. Myers inquired who is recommending the consolidation, and what efficiencies will the County realize. When we consolidate, what savings can be quantified for the County?

Judge Coble stated we currently run the 24/7 bond court, and we handle all of Richland County Sheriff's Department bonds, as well as, other municipalities, including Forest Acres, Irmo, etc. The only municipality they do not currently handle is Columbia; therefore, we have to have 2 separate courtrooms, judges and paperwork that Alvin S. Glenn and Director Myers have to handle for each bond setting. By having the one procedure and process, it makes it much more efficient for Victim's Services, Solicitor's Office and the Public Defender's Office because there is one bond court being set by one agency, which would be Richland County Magistrates. As to the

quantifiable numbers, when it comes to monetary saving, the City of Columbia would pay, which is outlined in the briefing document. The City would be responsible for paying the judge and staff's salaries, as well as, other miscellaneous items to make it more efficient. The dollar figures he and Judge Edmond put together reflect what it currently cost to set an individual bond, and what it would cost the City of Columbia based on an estimated number of arrestees and defendants they set bond on per year. The cost per defendant would seem to be the most efficient, and easiest way, to see what the cost would be.

Ms. Myers stated she would love to see Director Myers and the Alvin S. Glenn Team have one process, rather than two, because the streamlining and making it consistent would help them, and make it more efficient at the Detention Center. Her questions go to the things we see now at the Detention Center, where the costs of maintaining a detainee, for Richland County, is greater than what we are reimbursed by municipalities. She is concerned that we quantify the numbers, and we do not just agree, based on back of the napkin analyses of what the actual cost is, but to have the Finance Department provide us an actual cost we can bank on, so the taxpayers are made whole. Also, she is concerned on the liability side. There are constitutional issues, with regard to how quickly people get access to a judge once they are brought in. These are detainees who have been not been adjudicated guilty of anything. She wants to be sure our Legal Department is recommending this, and has come forward to say this method is the one they would support.

Mr. Smith stated apparently the City of Columbia and County representatives meet with the Magistrates to discuss this issue. It is his understanding, there was an issue that came up regarding whether or not the Supreme Court had issued an edit to the City about their ability to hold bond hearings within the required time. At this point, we do not understand what was issued by the Supreme Court against the City. His concern is that if we consolidate without this issue being resolved that the County assumes that issue. He stated we did not get any clarity, from the City, about what it was that required the Supreme Court to intervene, as it relates to their bonds.

Ms. McBride stated she believes the idea is awesome, but she is also concerned about the liability issues and us having good cost projections.

Ms. McBride made a substitute motion, seconded by Ms. Myers, to defer this item until the May committee meeting.

Ms. Myers inquired if this item is time sensitive.

Ms. Dickerson responded she does not believe the item is time sensitive.

Judge Coble responded, due to the pandemic, bond court has been crunched; therefore, this needs to be addressed sooner rather than later.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

- b. Airport Property Use for a Promotional Event – Mr. Walker moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the use of landside airport property for the purpose of conducting a fundraising event for the 371st Infantry Regiment WWI Memorial Monument Association at the Jim Hamilton – LB Owens Airport.

Mr. Malinowski stated the briefing document notes the event was endorsed favorably by the Airport Commission at their July 2019 meeting. It was originally brought to A&F on February

25th, so he wondered why it was not brought forward earlier. He inquired if Legal and Risk Management are okay with the request.

Dr. Thompson responded that Legal developed the hold harmless agreement, and Risk Management is well aware of this, as they set the coverage rates for insurance the event planner and host must have to hold the event.

Mr. Malinowski stated the hold harmless agreement was not included in the agenda packet, so he does not know if he would agree, or disagree, with the agreement.

Mr. Eversmann responded the hold harmless agreement can be provided prior to this item going to Council. As Dr. Thompson indicated, it was developed in collaboration with Legal and Risk Management.

Mr. Malinowski noted the area will be restored to the way it looked prior to their usage. He stated there is nothing indicating what would happen if they did not restore the area. He would like to have a penalty added to the agreement. He inquired if Richland County can allow use of taxpayer property for a fundraising event.

Mr. Smith responded he is not aware of Council agreeing upon the use of the airport for events. Legal has come up with a hold harmless template, if Council agreed to allow usage of the facility. He noted that during the pandemic there should not be any events taking place at any County properties. He also stated that he is not aware of anything that would prohibit the use of County properties for fundraising events. Additionally, he and Chris discussed who would be providing security for the event.

Mr. Eversmann stated in the hold harmless agreement a date of April 18th was provided. Obviously, that date has come and gone, and was formulated prior to the pandemic. The organization has requested to go to an unspecified date, likely Fall 2020, which would be mutually agreed upon by both parties. Even if we got the authorization, we would never agree to schedule an event, or make the property available, if there was an ongoing public health emergency. The property in question is airport property, but it is outside of the perimeter fence. The security concerns are not as great as they would be if the event were within the perimeter.

Mr. Malinowski stated, for clarification, if the paved parking lot is being used for spectators, where are the vendors, show cars and food trucks going to be located?

Mr. Eversmann stated there is an undeveloped grass lot, beside the paved parking lot, is where the vendors, etc. would be setting up.

Mr. Malinowski stated, if we have had rain prior to the event, there could be damage to the grassy area; therefore, they would have to put it back to the way it was, according to the hold harmless agreement.

Mr. Eversmann responded in the affirmative. Although, they would not go forward with the event, if the conditions were not right.

Ms. Myers inquired, with COVID-19, are we putting clauses in these agreements so that we require anyone using our facilities to obey all of the recommendations for social distancing, in order to protect the County.

Mr. Smith responded we have not done anything to the hold harmless agreement, related to this particular pandemic. Obviously, to the extent that Council believes it appropriate to go forward

with this event, during this pandemic, we would include language in the agreement to address the issue.

Mr. Farrar stated we need to think this through because we have not had occasion to have a County function since the beginning of the pandemic. One of the things that came up, other counties are talking about allowing people back into County buildings. The question came up, should we require them to wear masks. So, is the County going to provide a mask for everyone that comes through the door. What if the person does not have a mask, or cannot afford one? If we put a requirement in there, and we somehow mess it up, now we have exposure because we did not put adequate masks and procedures in place. There would be a lot that would have to be thought through, if you were going to hold an event on County property while there are still orders in place about distancing. If the County is not interested in using any of its property for fundraising, we seriously need to rethink the relationship with the United Way.

Mr. Eversmann stated we are not going to move forward with this until the public health emergency has abated.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

- c. Past Due Payment In Car/Body Worn Cameras and digital evidence program – Ms. Myers moved, seconded by Mr. Walker, to forward to Council with a recommendation to approve the past due payment of the Sheriff's Department camera and digital evidence program to Axon Enterprise, Inc.

Mr. Malinowski noted the Office of Budget and Grant Management were unaware these items were being leased. They were under the impression they had been purchased, as capital assets, and approved by Council.

Chief Cowan stated the in-car portion of this program was presented to Council as a contract approval. It clearly states 70 – 80% is a service agreement that we are paying to retain an evidentiary retention program. The majority of what we are paying for is to retain evidence, which is required by law. Nothing has changed since we implemented the program 8 years ago. Nothing has changed since we implemented the program for body cameras 3 years ago.

Mr. Brown stated this particular matter has been a little confusing for a few of us.

Mr. Hayes stated, when this was approved, under the previous Administrator, there were no funds allocated for this item. When he took over as Budget Director, and we had the payments, we had to go through the budget to find funds. There were no funds linked with this project, when the previous Administration built Biennium Budget I. Even though Council approved this in 2017, there was no funding source allocated and linked with it.

Mr. Brown stated, as Chief Cowan mentioned, this a payment for a service that needs to be paid. At this point, we are requesting approval, which will allow Mr. Hayes to do the appropriate budget amendment to account for these dollars.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

- d. Intergovernmental Agreement – Municipal Judge – Town of Arcadia Lakes – Ms. McBride moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the Intergovernmental Agreement (IGA) with the Town of Arcadia Lakes.

Mr. Malinowski inquired if Legal has reviewed the IGA.

Mr. Brown responded through the routing process Legal reviewed this information.

Mr. Farrar stated Ms. McLean had reviewed the document.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

- e. South Carolina Department of Transportation (SCDOT) Interstate 26 Widening – Mr. Malinowski moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the relocation of sewer lines and appurtenances in conflict with the proposed I-26 expansion; to award the contract for engineering services to Joel Woods and Associates; to award the contract for the construction phase to Archer United Joint Venture as part of the general contract with SCDOT; and to execute the MOU with SDDOT to secure the relocation funds.

Mr. Malinowski noted in the briefing document that relocation of all utilities that are in conflict with this proposed expansion must be completed before April 1, 2020, which has already passed. It further states that failure to meet the project contract requirements and construction schedule may result in the utility provider having to bear relocation costs. He inquired if we are going to have to bear these costs, and why were we not given to us prior to the deadline.

Ms. Dickerson responded she believes this is one of the items that were not able to address in a prior committee meeting, due to time constraints.

Mr. Brown affirmed Ms. Dickerson's response.

Mr. Malinowski inquired why the date on the MOA was changed from January 9th to February 24th, and has Council approved the agreement, or is that what the request is tonight.

Mr. Brown responded that is the request tonight. It is his understanding, when this project was beginning to be underway that SCDOT reached out to Richland County and said there was a formula that existed that talks about utilities, which are in their right-of-way that need to be moved, and how that would be paid. The individual that was working with the County, said they were going to try to get all the costs included, so that Richland County would not have to expend dollars. Some of the information is a little bit older because there was a push for them to move forward with their project, and we needed to get the MOU executed, but we did not do that. He is not sure if they will turn around and say they would not take care of the expenses. He thinks we should continue to move forward to allow them to move forward with their process.

Mr. Malinowski inquired if Mr. Brown will need to change the date of his signature, as well, since the date on the first page was changed.

Mr. Farrar stated Mr. Brown could simply initial and date the change on the first page.

Mr. Malinowski inquired how the company, Joel Wood and Associates, we are awarding the contract to was chosen.

Mr. Hussain responded the engineering company was selected because they are already a SCDOT provider, and are working on a project at this location, so their services were expanded.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

- f. Condemning a property for SE Sewer/Water Project – Ms. Myers moved, seconded by Mr. Walker, to forward to Council with a recommendation to approve the condemnation of the property located at TMS # R21915-12-02 for the SE Sewer/Water Project to move forward.

Mr. Malinowski inquired, if the taxes have not been paid for 11 years, why has the Forfeited Land Commission not placed the property at auction, or taken in by the County.

Mr. Hussain responded he was told the property is landlocked and that is the reason they have not pursued it further. The owner also has not been identified.

Mr. Malinowski requested the Assessor’s Office to provide an explanation for why this property has not been placed up for auction, or reverted back to the Forfeited Land Commission.

Dr. Thompson stated he will contact the Treasurer’s Office to find out why the property has not been taken back.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

- g. South Carolina Aeronautics Commission (SCAC) Grant Acceptance/Contract Award – Mr. Walker moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the acceptance of a grant from the South Carolina Aeronautics Commission (SCAC) in the amount of \$22,350 for the purpose of repainting the elevated light poles that illumine the aircraft parking apron at the Jim Hamilton – LB Owens Airport (CUB) and that the designated subcontractor be used to perform the work.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

- h. Request to Purchase County Property – TMS # R06400-01-01 – Mr. Malinowski moved, seconded by Ms. McBride, to defer this item until the policy for acquiring and disposing of County property, outlined in Item 4(m), has been approved by Council.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

Mr. Walker inquired, for clarification, when is this item deferred until.

Ms. Dickerson responded it will be deferred until the May committee meeting.

- i. Budget Amendment – First Vehicle Services Refunds – Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve an amendment to the Risk Management budget in the amount of \$670,599.68 for expenditures directly related to

Fleet operations only, primarily consisting of repairs and improvements to our Central Garage facility.

Mr. Malinowski stated he does not understand why the Risk Management budget will receive the funds that obtained from the Fleet Operations budget.

Mr. Hayes responded a few years back the Office of Risk Management had Fleet Operations reassigned to them. The Central Garage budget was combined with Risk Management.

Mr. Malinowski stated a while back they received a list of items that needed to be either improved, repaired, or rebuilt. He was curious if some of the items list on p. 161 include some of those items.

Ms. Terry responded these items are duplicative. Some of them have been proposed in the past, but have not been funded.

In Favor: Malinowski, Dickerson, McBride, Walker and Myers

The vote in favor was unanimous.

- j. Columbia Hospital Historical Marker – Ms. Myers moved, seconded by Ms. McBride, to forward to Council without a recommendation.

Mr. Malinowski stated the purpose of a committee is not to move items forward to get them out of committee. They are supposed to be vetted. If they are not time sensitive they need to remain in committee.

Mr. Walker made a substitute motion, seconded by Mr. Malinowski, to defer Items 4(j) – 4(n) to the next committee meeting.

Ms. Myers stated she agrees with Mr. Malinowski is right, but the distinction is, due to COVID-19, we have missed successive meetings. One of these items is a matter that is under construction now. These items should have been before Council, but for the pandemic.

In Favor: Malinowski and Walker

Opposed: Dickerson, McBride and Myers

The substitute motion failed.

Mr. Malinowski moved, seconded by Mr. Walker, to adjourn the meeting.

Ms. Myers stated the original motion is on the floor.

Mr. Malinowski inquired if there is going to be discussion on the motion.

Ms. Dickerson responded we are not going to have discussion, and called for the vote.

Mr. Malinowski inquired of the Parliamentarian, since when do we move a motion without discussion.

Ms. Myers made a substitute motion, seconded by Ms. McBride, to expand the meeting for 3 minutes to allow Mr. Malinowski time for discussion.

In Favor: Dickerson, McBride and Myers

Opposed: Malinowski and Walker

The vote was in favor of the substitute motion.

POINT OF ORDER – Mr. Walker inquired if all of the remaining items are time sensitive.

Ms. Myers amended the original motion to defer action on Item 4(k): “Replacement Office Building – Stormwater Management Division” until the May committee meeting.

In Favor: Dickerson, McBride and Myers

Opposed: Malinowski and Walker

The vote was in favor.

- k. Replacement Office Building – Stormwater Management Division – Deferred until May committee meeting.
 - l. Hopkins Magistrate Facility Expansion – Forwarded to Council without a recommendation.
 - m. Acquisition and Disposal of County Real Property – Draft Policy – Forwarded to Council without a recommendation.
 - n. Clarification – Sewer/Water Connection – Forwarded to Council without a recommendation.
5. **ADJOURNMENT** – The meeting adjourned at approximately 4:35 PM.