



RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS

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|--------------------|------------------------|------------|
| Valerie Hutchinson | Bill Malinowski, Chair | Kit Smith |
| District 9 | District 1 | District 5 |

**MAY 4, 2010
4:00 PM**

Admin Conference Room

CALL TO ORDER

Approval Of Minutes

1. April 6, 2010

Adoption Of Agenda

- 2.

Discussion

3. To request the Attorney General's Opinion regarding the possibility of a conflict of interest as it related to the methodology used to compensate voter registration appointees [DICKERSON]

Other Items

- 4.

Adjournment



Richland County Council Request of Action

Subject

April 6, 2010

Purpose

Minutes of



RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS COMMITTEE

April 6, 2010
4:00 PM

MEMBERS PRESENT:

Member Chair, Bill Malinowski
Member Valerie Hutchinson

ABSENT: Member Kit Smith was unable to attend the Committee meeting due to scheduling conflict and has requested to be removed from the Rules Committee

ALSO PRESENT- Kelvin Washington, Milton Pope, Michielle Cannon-Finch, Amelia Linder, Larry Smith, Monique Walters

CALL TO ORDER

The meeting was called to order at approximately 4:12 p.m.

APPROVAL OF MINUTES

March 16, 2010 was approved as submitted.

ADOPTION OF AGENDA

The agenda was reordered with Item 8 becoming 2-1/2, and the pages 15-20 were switched. The agenda was adopted as amended.

INTERVIEWS

Accommodations Tax Committee-2 there was no applicants for this committee.

Appearance Commission, Horticulturalist-1-the applicants for this commission was Todd Beasley and James E. Strozier. Mr. Beasley withdrew his application; Mr. Strozier interviewed for the horticulturalist position on the commission. The Committee recommended Mr. Strozier for appointment.

Board of Assessment Appeals-1-the applicant, Eric John Grant interviewed for this board. The Committee recommended Mr. Grant for appointment.

Employee Grievance Committee-4-no applications was received for this committee. The Rules Committee recommended the positions for this committee be advertised through an in-house media forum since only persons employed by the county can be appointed.

Internal Audit Committee-2-Eric John Grant also applied for this committee; however, the Rules Committee felt his qualifications better served the needs of the Board of Assessment Appeals; and the positions on this committee be re-advertised.

ITEMS FOR ACTION

Planning Commission Members and Occupations-the Committee recommended forwarding all options to council without a recommendation.

ADJOURNMENT

The meeting adjourned at approximately 5:10 pm.

Minutes transcribed by Monique Walters

Richland County Council Request of Action

Subject

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Richland County Council Request of Action

Subject

To request the Attorney General's Opinion regarding the possibility of a conflict of interest as it related to the methodology used to compensate voter registration appointees [DICKERSON]

Purpose

April 28, 2010

The Honorable Henry McMaster
Attorney General
State of South Carolina
Post Office Box 11549
Columbia, SC 29211

Dear General McMaster:

At the request of the Richland County Council, I would like to formally request an opinion from your office regarding whether members of the Richland County Board of Voter Registration have a conflict of interest by serving as members of the Board and employees of Richland County.

Pursuant to S.C. Code Ann. §§ 7-5-10 and 7-27-405, the Governor appoints members of the Richland County Board of Voter Registration and has the power to remove these members for incapacity, misconduct, or neglect of duty. Although not required by statute, it has been the practice of this governor and prior governors to appoint individuals recommended by the Senators of the Richland County Legislative Delegation. Currently, and consistent with past practice, the members of the Board, appointed by the Governor upon the recommendation of the Senators of the Legislative Delegation, are also employed as full-time staffers within the Richland County Department of Voter Registration.

The members of the Board serve as employees of the Department of Voter Registration pursuant to Richland County Ordinance § 2-238(d), which provides:

The department of voter registration shall be the operational unit for the county board of voter registration, with each board member being responsible for administrative functions within the department. The board shall be appointed by the Governor of South Carolina, with advice and consent of the county senatorial delegation, and shall be directed by the chair of the board of voter registration, who is appointed by the Governor in the same manner as above. The department shall comply with the requirements of the South Carolina Code of Laws, 1976, as amended, section 7-5-10 through 7-5-30, and all members shall have the rights of regular

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county employees, but shall not have grievance rights as set forth elsewhere in this Code. The department shall be responsible to:

- (1) Provide for the proper registration of all persons qualified to vote;
- (2) Maintain all equipment, books and records necessary to effect such registration of voters in the county; and
- (3) Operate an office to serve the general public and maintain the records, files and all other relevant information and/or data on voter registration.
- (4) Establish absentee and fail safe voting precincts.

Thus, the Board members have the rights of county employees, perform the work of county employees, and are paid a salary as full-time county employees. However, neither Richland County Council nor the County Administrator has the ability to hire, terminate, or discipline the Board members under the South Carolina Code of Laws. Thus, the Board members appear to be their own masters.

The fact that the Board members occupy dual roles as Board members and county employees immune from accountability suggests a possible violation of the conflict of interest rule announced in *McMahan v. Jones*, 94 S.C. 362 (1913), in which the South Carolina Supreme Court declared:

No man in the public service should be permitted to occupy the dual position or master and servant; for master, he would be under the temptation of exacting too little of himself, as servant; and, as servant, he would be inclined to demand too much of himself, as master. There would be a constant conflict between self-interest and integrity.

This concern of a possible conflict of interest is heightened by the fact that Richland County appears to be unique among South Carolina counties by allowing its members on the voter registration board to serve as county employees. Accordingly, I ask that you provide an opinion on whether there is an illegal conflict of interest by serving as a member of the Richland County Board of Voter Registration and an employee of the Richland County Department of Voter Registration.

As the question above is a time sensitive matter, we would appreciate any help you could give in expediting any response.

Thank you in advance for your assistance. Please feel free to contact me with any questions.

With kindest regards,

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RICHLAND COUNTY ATTORNEY'S OFFICE

By: _____
Larry C. Smith
Richland County Attorney

LCS:eam

Cc: J. Milton Pope, County Administrator
Richland County Council

Richland County Council Request of Action

Subject

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