

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA



RULES AND APPOINTMENTS COMMITTEE

October 12, 2015
4:00 PM
4th Floor Conference Room

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

CALL TO ORDER

Mr. Malinowski called the meeting to order at approximately 4:02 PM

APPROVAL OF MINUTES

September 15, 2015 – Mr. Malinowski requested the vote be recorded for the following item: “Employee Grievance Committee Alternates – 2”

Ms. Dixon moved, seconded by Mr. Malinowski, to approve the minutes as corrected.

The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Ms. Dixon moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

NOTIFICATION OF VACANCIES

- a. **Building Codes Board of Adjustment & Appeal – 3**
- b. **East Richland Public Service Commission – 1**
- c. **Hospitality Tax Committee – 2**
- d. **Accommodations Tax Committee – 2 (One position is at large; the other applicant must have a background in lodging)**
- e. **Internal Audit Committee – 1**

Ms. Dixon moved, seconded by Mr. Malinowski, to advertise for the above vacancies. The vote in favor was unanimous.

- f. **Music Festival Commission – 1** – Ms. Roberts is to contact Mr. John Whitehead to confirm that Richland County has appointment authority to this commission.

Committee Members Present

Bill Malinowski, Chair
Julie-Ann Dixon

Others Present:

Monique McDaniels
Kimberly Roberts
Michelle Onley

ITEMS FOR ACTION

- a. **Ordinance providing for the appointment of Ex-Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex-officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex-officio member shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex-officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex-officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON] – Mr. Malinowski requested an opinion on this matter from the County Legal Department; a definition of a “public body” and to identify the governing body of Richland County.**

Mr. Malinowski further inquired as to the effect the proposed ordinance would have on boards, commissions and committees that have members from other bodies (i.e. the City of Columbia, Lexington County, etc.)

Mr. Malinowski stated he does not feel that it's fair to give a Council members all of the rights, but none of the responsibilities.

This item was held in committee for additional information.

b. Council Rules of Richland County Updates –

Mr. Malinowski moved, seconded by Ms. Dixon, to approve the change to Rule 1.7(b)(6) as follows: [“In the case of a resolution honoring or recognizing a citizen or organization, the same by unanimous consent may be placed on the agenda and voted on during Council’s motion period.”](#) The vote in favor was unanimous.

Ms. Dixon moved, seconded by Mr. Malinowski, to approve the change to Rule 1.7(c)(11) as follows: [“...Items shall consist of those matters that do not require further discussion by Council that have been forwarded to Council by the unanimous vote of the Committee; provided, however, that an item forwarded to Council by Committee without recommendation shall not be listed as a Consent Agenda item...”](#) The vote in favor was unanimous.

Ms. Dixon moved, seconded by Mr. Malinowski, to approve the change to Rule 4.1 (Standing Committee) as follows: [Absent exigent circumstances, no meeting of a standing committee of council shall be scheduled at the same time as another meeting of a standing committee of council.](#) The vote in favor was unanimous.

Ms. Dixon moved, seconded by Mr. Malinowski, to approve the change to Rule 4.6 (Legislative Action) as follows: [“Notwithstanding items 1 through 4 in this subsection, any item on the Administration and Finance \(A&F\) or the Development & Services \(D&S\) Committee agendas listed](#)

as an "Item Pending Analysis" must be resolved, tabled or otherwise disposed of within 100 days of that matter's referral to the A&F or D&S Committee. The vote in favor was unanimous.

Mr. Malinowski requested that when the Council Rules are updated the adoption date be included on the document.

- c. **Citizens' Input and Public Hearing Sign-In Sheets** – Mr. Malinowski requested the "Citizens' Input" form be amended to read "up to two (2) minutes" and redline any changes when brought back to Committee.

Ms. Dixon agreed to Mr. Malinowski's proposed change to the language and then to allow the Chair and/or Vice Chair decide if the rules are suspended regarding the 30 minute time limit.

Mr. Malinowski inquired how the Clerk's Office proposes to handle materials that citizens wish to provide Council and what is the purpose in providing the materials to the Clerk's Office prior to the meeting.

Ms. McDaniels stated the reason is to prevent propaganda from being provided to Council and to insure Council isn't inundated with documents the night of the meeting.

Mr. Malinowski suggested not having public hearings for items on the agenda for Third Reading.

Mr. Malinowski stated in addition to the form being placed online to be sure it is clear that citizens can receive the public input forms via U. S. Mail or the night of the meeting for those that are not computer savvy.

Ms. McDaniels stated the Clerk's Office would like a time frame be included on the form to allow ample time for the materials to be review. It is her suggestion the time frame be at least 48 hours or 2 business days.

Ms. Dixon moved, seconded by Mr. Malinowski, to forward this item to the Ordinance Review Committee. The vote in favor was unanimous.

ITEMS FOR DISCUSSION

- a. **Council Rule 1.4 Closed Meetings** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve the change to Rule 1.4 – Closed Meetings as follows: "The Council may go into Executive Session as provided for in the South Carolina Freedom of Information Act as amended." The vote in favor was unanimous.

INTERVIEWS

- a. **Board of Zoning Appeals – 1** – Ms. Roberts stated Mr. Patrick E. Pinckney and Mr. Aaron Dupree informed the Clerk's Office they would not be able to attend today's meeting.
- b. **Accommodation Tax – 1 (Applicant must have a background in the Cultural Industry)** – Mr. Malinowski stated he did not believe the applicant had a background in the Cultural Industry; therefore, he would not be eligible for appointment to the vacancy.

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Ms. Roberts provided the following clarification as to what qualifies as a cultural industry: "Cultural as it applies to members of an advisory committees in Section 6-4-25 means persons actively involved and familiar with the cultural community of the area including , but not limited to, the arts, historical preservation, museums and festivals."

The committee determined that Mr. Edmond was not eligible for appointment to the Accommodations Tax vacancy. Ms. Roberts is to contact Mr. Edmond and let him know the committee's decision and re-advertise for the vacancy.

Ms. Roberts stated neither Mr. Shane Ousey nor Mr. David Edmond arrived for their interviews.

ADJOURNMENT

The meeting adjourned at approximately 4:41 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council