



Richland County
Rules and Appointments Committee
March 2, 2021 – 4:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair; Gretchen Barron and Jesica Mackey

OTHERS PRESENT: Paul Livingston, Allison Terracio, Chakisse Newton, Leonardo Brown, Angela Weathersby, Tamar Black, Kyle Holsclaw, Elizabeth McLean, Lori Thomas, Lauren Hogan and Dale Welch

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 4:00 PM.
2. **APPROVAL OF MINUTES**
 - a. February 16, 2021[UNDER SEPARATE COVER] – Mr. Malinowski noted the minutes were not sent under a separate cover because they were not ready for distribution.
3. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Ms. Mackey to approve the agenda as published

In Favor: Malinowski, Barron, and Mackey

The vote in favor was unanimous.

4. **INTERVIEWS**
 - a. Community Relations Council – 8 – Mr. William Zachery Riley and Mr. Derrick Fickling were interviewed for the Community Relations Council.

There are additional applicants to be interviewed; therefore, the committee made no recommendations.

5. **ITEMS FOR ACTION**
 - a. Consider moving the Horizon meeting to Tuesday and have delivery of finished agenda to Council members by Thursday close of business – Mr. Malinowski noted the County Attorney’s Office has expressed concerns regarding their ability to meet the proposed deadline due to limited staffing presently available. It was noted there may be occasions when they are unable to timely complete their review.

Ms. Barron responded this is a problem which we are currently experiencing due to a shortage of staff. She feels once the Legal Department is fully staffed, this would not be a challenge. It is

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definitely noted; however, it is a loaded problem because we need to get those positions filled.

Mr. Malinowski stated, bear in mind, we did indicate we would start this out on a trial basis. He inquired, under additional comments for consideration, it states, "The Administrative due date should be 10 working days prior to committee consideration", yet in the current Council Rules it was originally two weeks. He inquired why the number of days were reduced.

Ms. Myers responded the days were not reduce, but extended. Previously with the two weeks, staff only had seven (7) working days because you do not count the due date as the Council day. You count it as that preceding Thursday, because that is when the documents have to be to the Clerk's Office, which gave us seven (7) working days. In those seven (7) days, you often included holidays, so we would actually lose a day, and be further reduced to six days. In order to ensure staff had time to review, we did ten (10) working days, which she believes was the original intent, when you ha the two (2) weeks.

Mr. Livingston suggested we defer this for a month or two until we get everything in placed in the Attorney's Office.

Mr. Malinowski responded, while the Attorney's Office expressed that one concern, they also ended by saying there may be occasions when they are unable to timely complete their reviews.

Mr. Livingston responded as long as we take that into consideration.

Mr. Malinowski noted, in the beginning, when we were speaking to Mr. Brown and Ms. Myers about this, if we did this on a trial basis we needed the staff's input to see how it would work, and if it would work. We may start this and three (3) months down the line we may decide it is not working.

Ms. Newton noted, as we shift the Horizon meeting, we are also looking at shifting the dates when information is due. If we are extending the deadline, do you essentially have the same amount of time as before?

Ms. Myers responded previously it was essentially seven (7) working days. Without the proposal to change it to ten (10) working days, it would reduce it to five (5) working days, because it would have to be to the Clerk's Office by Wednesday to get it to Council on Thursday. It does not include any of the weeks that have County holidays. What she did with the proposed changed, based upon the motion made last week, she made it so staff still had the same amount of time, and that would not impact staff's ability to review documents. She noted, if you do not want that, and want to keep the rules as is and move the Horizon meeting up, she could give a different worksheet that shows you what that looks like.

Mr. Malinowski stated staff feels that by taking this from the seven (7) working days to the ten (10) working days, it will help staff complete the reviews.

Ms. Myers responded in the affirmative. On p. 15, it demonstrates the change she suggested. She noted September has back-to-back meetings; October is normal; and November is has holidays. There are only two (2) weeks in that time span where staff is not having to submit any briefing documents. That is where the lag comes, in terms of delays in getting things turned around. Staff is essentially focusing on turning briefing documents around in a timely manner to get them to the appropriate meetings. This also includes requests for documents or agenda addendums from previous Council meetings, which have to be produced by the next Council meeting for

consideration. This does not include any documents from any ad hoc meetings. This may illuminate what Legal referenced when they spoke about having a delay in getting things back to Council, and may impact how fast minutes are turned around from the Clerk's Office.

Mr. Malinowski and Ms. Barron expressed appreciation for the chart.

Ms. Newton inquired when the trial would begin.

Ms. Myers suggested starting in September. This gives staff the month of August to work things out and move forward. She noted departments have been moving their documents based upon when they would be considered by Council. If we shift that may disrupt how certain things have already been arranged in relation to procurement.

Ms. Newton noted she felt September is a long time. She inquired, as part of the motion, if starting earlier could be an option, if staff determined they would be ready earlier.

Ms. Myers responded she would speak with the impacted staff to see if they would have any issues with starting sooner or any recommended dates.

Mr. Malinowski noted he thought the September 6th meeting would have been the start date, based on the chart. He also stated, since we do not meet in August, it would a good time to start because you are starting new after everything has been concluded from previous work.

Ms. Barron noted, while she does understand the timing of August/September date, it seems so far away. Taking into consideration, staff and their current schedule, she would be leery to insert change. She suggested holding this in committee and directing Ms. Myers to speak with staff about the possibility of starting sooner than September.

Ms. Mackey stated she would prefer starting in September. She noted this is a big undertaking to change staff's entire process. Based on the calendar and workload already in front of them and budget preparation, she can see September being an adequate start time.

Mr. Malinowski inquired if moving this up earlier would have a negative effect on the budget process.

Ms. Myers responded in the affirmative. She knows how involved Mr. Hayes is with his team's preparations for budget, so to add this schedule may impact his office's operations.

Ms. Terracio inquired how long the trial basis would be.

Mr. Malinowski responded they have not discussed the length, but he would take recommendations from staff. He stated, when they bring back additional information at the next meeting, to include how long they think would be needed to determine if this is a viable working option.

Ms. Myers stated she would add the length of the trial to the additional information.

Ms. Barron requested Ms. Myers to also consider a tentative date they feel comfortable with.

Ms. Myers responded in the affirmative.

Ms. Mackey moved, seconded by Ms. Barron, to keep this item in committee to allow Ms. Myers time to respond to the committee's questions.

In Favor: Malinowski, Barron, and Mackey.

The vote in favor was unanimous.

- b. Unless there are truly extenuating circumstances agenda items should not be listed as "Title Only". (Somebody was late getting it to us" is not extenuating.) This only gives the public two opportunities to see an item prior to final approval by Council when in fact there should be three. [Malinowski] – Mr. Malinowski stated he brought this up because there were so many items brought to Council with just a title and no details. In doing it that way, we reduce it to two (2) readings because there is no information provided. If you were not around for the next meeting, you are now down to third reading when all questions and vetting has been done. It is not against the law, but to him it is like voting on a blank check.

Mr. Livingston stated about 95% of these items are Economic Development items. He suggested getting a response on how it might impact Economic Development.

Mr. Malinowski requested Ms. Black to reach out to Economic Development to determine if there is another way to title the items. He inquired if Economic Development items could be discussed in Executive Session during the Council meeting to provide basic information to full Council.

Ms. Livingston responded we could. A large part of it is confidentiality.

Ms. Barron stated, at the end of the day, this is more about transparency than anything, and making sure the citizens of Richland County are fully knowledgeable about what is on the agenda. She noted Economic Development items are one of the topics we do not want to provide too much information. She requested moving forward with this item, as written, but exclude Economic Development items.

Mr. Malinowski noted he would be fine with that change. His only reason for making this motion was because other departments put items on the agenda with "title only" because they did not have time to give the details. Council has rules to follow, and outside agencies need to realize that.

Ms. Terracio noted she would be open to an explanation during Executive Session at Council meetings because not all Council members can attend the Economic Development meetings. She stated, when Ms. McBride gave the Report of the Economic Development meeting, she included some details. She would advocate for whatever details that can be made public (i.e. investment amount, job amount, types of jobs, etc.).

Mr. Malinowski noted, any information, without divulging the company's identity, would be appreciated. He inquired if Legal could provide proposed language for the Council Rules that states, "Any matter coming to the Council agenda, cannot be "title only" with the exception of Economic Development. At which point, Economic Development will provide basic information so that Council members, and the public know what we are talking about. Further information can be provided in Executive Session.

Ms. McLean responded in the affirmative.

Ms. Mackey moved, seconded by Ms. Barron, to keep this item in committee.

In Favor: Malinowski, Barron, and Mackey.

The vote in favor was unanimous.

6. **ITEMS FOR DISCUSSION**

- a. Boards, Committees and Commissions Descriptions and Duties – Mr. Malinowski noted he reviewed this and he thinks they are still lacking some information. On many of these, they do not have information about the meetings, days, times, and where they meet. He thinks they need to try to get that information. When a vacancy comes up on one of these committees, we tell them, if they want us to staff their committee, we need this information.

Ms. Newton noted she did not see information about board member agreements. She does not know if that is information we would want to request. For example, the Richland Library has an agreement, which they share with their Board members.

Mr. Malinowski requested that be added to the descriptions and.

Ms. Barron noted the information received ranged from 2-3 sentences to a list of all the qualifications. She suggested we may want to push for the organizations to craft, so we have some type of uniformity. This will be helpful for someone looking to fill a board or commission to know upfront. It would also help Council members when they are looking to recruit.

Mr. Livingston stated, if we want specific information, we need to create a template.

Mr. Malinowski stated he would be willing to work with the Clerk's Office to create a template.

- b. I move that Council work with staff to conduct a comprehensive review of Council rules and recommend change to streamline the rules to improve the functioning of Council business[NEWTON] – No action was taken.
- c. Board, Committees and Commission Recruitment – No action taken.
- d. Once Council approves an action no Council member is to individually go to a staff member in an effort to accomplish/change something that was not in the approved information/action by Council [Malinowski] – No action was taken.
- e. I move to amend the Public Nuisance Ordinance to define "Public Places/Establishments" to include restaurants, taverns, lodges, parking lots, and public places where children or students attend and/or normally congregate – No action was taken.
- f. I move that all County Employees presenting to County Council during an official Council meeting (Regular, Special Called, Public Zoning Hearing or Standing Committees) held in ZOOM have a live camera running during their actual verbal input. – No action was taken.
- g. I move that if matters such as Clerk to Council Search or Compensation of Interim Clerk Of Council are to be a part of the Employee Evaluation Oversight Ad Hoc Committee that the name of the Ad Hoc Committee be changed to better reflect what would fall under the purview of its function.

responsibility, and/or purpose - No action was taken.

- h. Direct the Rules Committee to determine which Richland County Boards, Committees and Commissions should have as a qualification that they person applying must reside in the unincorporated area of Richland County only. There are some of these positions where other municipalities appoint individuals and if a person applying for one of those positions resides in that municipality then they should make application through them - No action was taken.

- 8. **ADJOURNMENT** - The meeting adjourned at approximately 5:00 PM.