



Richland County Council
Rules and Appointments Committee
May 19, 2020 – 4:00 PM
4th Floor Conference Room
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Kimberly Williams-Roberts, and Ashley Powell

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 4:06 PM. For the record, the meeting started a few minutes late due to the previous meeting running over its allotted time.

2. **APPROVAL OF MINUTES**

a. May 5, 2020 – Ms. Newton moved, seconded by Mr. Malinowski, to approve the minutes as submitted. The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Newton moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

4. **ITEMS FOR DISCUSSION/ACTION**

a. I move that Council work with staff to conduct a comprehensive review of Council rules and recommend changes to streamline the rules to improve the functioning of Council business [NEWTON] – Mr. Malinowski stated since we started this discussion and reviewing the rules, he has more comments.

Ms. Newton stated she also has several questions and comments. Many of them since the COVID-19 pandemic began, and how we want to move forward. She inquired if we want to discuss this now, or move along to the other items, some of which will need to be reflected in the rules.

Ms. Terracio requested to forward her comments/questions, so they can be addressed in the amended Council Rules.

Mr. Malinowski requested Ms. Roberts to have the proposed changes “incorporated” into Rules, so the changes can be forwarded to full Council.

Ms. Newton noted as an example, one of the things that keeps coming up at Council meetings is when a meeting is a “Special Called” meeting.

Ms. Newton moved, seconded by Mr. Malinowski, to hold this item in committee.

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In Favor: Malinowski and Newton

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] – Ms. Newton inquired if the only reason this occurs is timeliness.

Mr. Malinowski responded it is not only timeliness. For example, we put the two (2) budget ordinances in the agenda as Title Only, when we know that a year from now we are going to be having an agenda item for the budget. He stated he believes there needs to be additional information (i.e. amount for millage agencies, departments, etc.), so the public can see what we are talking about from the beginning and allow them time to get their questions answered.

Ms. Newton stated she wanted to make sure that she understood the ramifications are, and if there are some instances, for legal reasons, something might come up as Title Only that does not cut the public off from information.

Mr. Malinowski stated if it were for legal reasons, it would be taken up in Executive Session. He made an inquiry about this with the Legal Department, and they said in theory, and in practice, a government could adopt an ordinance that contains nothing but a title. In practice, the key is that the ordinance text, assuming there is any, should be available before the public hearing on the ordinance. There is no prohibition on giving First Reading to an ordinance by title only. Whether or not that is a desirable practice is a policy decision. He personally does not think it is a desirable practice to cut the public off one out of three times.

Ms. Newton moved, seconded by Mr. Malinowski, to approve this item.

In Favor: Malinowski and Newton

The vote in favor was unanimous.

- c. In my continued decade long battle for accountability, transparency, efficiency and effectiveness, I move that all County Council standing committees, ad hoc committees and one time/short term committee meetings be held in Council Chambers, as is the Transportation Ad Hoc Committee, with votes recorded in like fashion [MANNING] – Ms. Newton stated she recalls us having a conversation about this at a previous meeting, and deciding not to forward it to full Council.

Mr. Malinowski requested the Clerk's Office to review the minutes to determine if this item was acted up on. In his recollection, the Transportation Ad Hoc Committee did not initially begin meeting in Council Chambers. They met in the 4th Floor Conference Room, and moved to Chambers when it became crowded. He inquired if the Transportation Ad Hoc Committee meetings are recorded.

Ms. Roberts responded the meeting is not recorded.

Ms. Newton stated another part of the conversation was about not wanting to make a blanket decision without being aware of availability, as there are other boards, commissions, and other groups that meet in Chambers, and we did not want to disrupt that without knowing. Certainly, any

member should be able to request recording any committee meeting, but we talked about not mandating it, as a matter of course.

Ms. Newton moved, seconded by Mr. Malinowski, to hold this item in committee.

In Favor: Malinowski and Newton

- d. Consider moving the Horizon meeting to Tuesday and have delivery of finished agendas to Council members by Thursday close of business [MALINOWSKI, McBRIDE, MYERS, NEWTON & TERRACIO] – Ms. Roberts and Mr. Brown responded that this would be feasible, but would require a change to Council Rules.

Mr. Malinowski stated this came about because there are some Council members, when they get an agenda late Friday afternoon, and have to read 400+ pages by Tuesday, it makes it difficult.

Ms. Newton moved, seconded by Mr. Malinowski, to approve for discussion.

Mr. Brown stated he recalls asking staff what would be the issue with us providing Council with items in a more timely fashion. Ms. A. Myers responded there were some rules in place, which dictates the flow of information. As a result, that would weigh in on his desire to have departments move information out in a timelier manner.

Ms. Newton inquired, from Mr. Malinowski's perspective, with the intent of the motion, would that affect our committee agendas, as well.

Mr. Malinowski responded it did not think about the committee agendas. His was strictly for the Council agenda.

Ms. Newton stated we have been in situations where it is not unheard of for us to receive a committee agenda the day before the meeting. She would like for us to have a discussion of what it would mean for all of our materials to come to us sooner, rather than later.

Mr. Malinowski stated the Clerk's Office and Administration needs to get together to draft language for this item.

Ms. Newton stated, it is her understanding, it would require them to change the internal deadlines for submission of information. Perhaps considering it is a workflow issue, when we put this rule into effective, we may want to make it go into effect on "X" day, so we do not interrupt the workflow of an agenda that is already being scheduled per the old deadlines.

Mr. Malinowski stated, Rule 4.4 says, "Agendas with backup information shall be provided to all members of Council on or before the Friday prior to the committee meeting." The deadlines would have to be backed up the equal amount of dates for committees and Council agendas.

Ms. Newton stated we should consult with staff on setting the effective date. She does not want to be insensitive, and staff be unable to meet the deadline for the next meeting because they did not know it was requirement.

Ms. Roberts noted, in previous discussions, the minutes tend to be affected in months where there are back to back meetings. It could also affect Council motions being forwarded to said committees.

Mr. Malinowski stated there are times now when we have back to back meetings, and the minutes are there.

Mr. Malinowski moved, seconded by Ms. Newton, to hold this item in committee for the Clerk's Office and Administration to coordinate and develop language to present to the committee for review.

In Favor: Malinowski and Newton

The vote in favor was unanimous.

- e. I move that Richland County disqualify any vendor in its procurement process as a "qualified bidder" if Richland County is currently in any legal dispute, lawsuit or settlement negotiation either individually or jointly named [WALKER, MALINOWSKI, ETC.] – Mr. Malinowski moved, seconded by Ms. Newton, to hold this item in committee for legal input at the next meeting.

Ms. Newton inquired if there will be interviews at the next meeting, which we would need to be worried about from a time perspective.

Ms. Roberts responded in the affirmative.

Mr. Malinowski stated he and Ms. Roberts will discuss what vacancies there are, and the number of applicants, in order to pare back the number of interviews so we can move forward with the Items for Action/Discussion.

In Favor: Malinowski and Newton

The vote in favor was unanimous.

- f. Boards, Committees, and Commission Descriptions and Duties – Mr. Malinowski stated he believes there was a deadline for this information to be provided to everyone.

Ms. Roberts responded she does not recall if there was a deadline. She has received several responses, but she has not received responses from all of the boards and committees.

Mr. Malinowski suggested Ms. Roberts to send a follow-up email to the boards and committees she did not receive a response from and give them a deadline of June 1st. He directed Ms. Roberts to provide the information to full Council. The information that should be included is what the boards, committees and commissions are made up of, who serves on them, where they are from, the terms of service, etc.

Ms. Newton stated in addition, any important dates Council needs to be aware of. For example, she knows of an organization that had to adjust their calendar because of our schedule appointing.

Mr. Malinowski moved, seconded by Ms. Newton, to hold this in committee to allow the Clerk's Office to send a follow-up email to boards, committees and commissions that have not submitted their information. The deadline for submission of this information will be June 1st. The Clerk's Office is to provide the information to full Council for their review.

5. **ADJOURNMENT** – The meeting adjourned at approximately 4:45 PM