



Richland County Council  
Rules and Appointments Committee  
July 21, 2020 – 4:00 PM  
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair and Chakisse Newton

OTHERS PRESENT: Paul Livingston, Michelle Onley, Leonardo Brown, Brad Farrar, Tammy Addy and Kyle Holsclaw

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 4:00 PM.
2. **ADOPTION OF AGENDA** – Ms. Newton moved, seconded by Mr. Malinowski, to adopt the agenda as amended to take up Item (e) first.

In Favor: Malinowski and Newton

The vote in favor was unanimous.

3. **ITEMS FOR DISCUSSION/ACTION**

- a. 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] – This item was held in committee.
- b. 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] – Ms. Newton noted there is a proposed new rule for Section 1.7(7): “Administrator’s Nomination” of things to be placed on the agenda. She recognizes there have been some times when there have been time-sensitive items that we need to discuss. She requested clarification on Section 1.7(7)(c): “must meet the notice requirements of the South Carolina Freedom of Information Act.”

Mr. Farrar stated the FOIA requires 24-hour notice, but when Council receives their agenda is a longer period than that. If there were things that came up at the meeting, you would still have to meet the “emergent situation” criteria, with a super majority vote.

Mr. Malinowski proposed not adding this new language because it would potentially allow circumvention of the committee vetting process we currently have in place. If it is an emergency, a Councilmember could bring it forward and ask for a two-thirds vote. He noted that a lot of information Council is provided after the agenda deadline is information that could have been provided earlier; therefore, he cannot support the proposed rule change.

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Mr. Livingston stated the Administrator may be aware of a situation that a Councilmember may not be aware of, and he may better understand the impact that has on the County, as a whole. He is also concerned about it being misused, but at the same time he does not want our hands tied to the point where we cannot deal with something that could impact the County.

Mr. Malinowski suggested “tightening” the language for when the rule would apply.

Mr. Farrar stated FOIA lays out the minimum of what you have to do regarding notice. Council has chosen a process that is a little stricter, and does not accommodate last minute things.

Mr. Brown stated an example of when this rule would have been beneficial to him when the Crossroads Project we dealt with earlier this year. Because he was unable to get before the body, he went ahead and executed the agreement, and brought it back to the body to have it ratified. He felt Council needed to know about it, but we were on a tight deadline. Had we not executed the agreement, we would not have received the State funding. He would have preferred to have come to the body ahead of time, rather than signing the agreement and having the body ratify, because it brings up other concerns.

Mr. Malinowski stated he believes Roll Call needs to be added to Section 1.7(c) as #1, before the Invocation. He also requested Legal to review the language in Section 1.7(c)(6): “Citizens’ Input – Agenda Items”. He does not understand why the following language is not permissible: “Individual members of Council shall not be referred to by name...”. He understands why derogatory remarks are not allowed, but he does not see an issue with referring to a Councilmember by name. He would like to either see this language eliminated or tweaked.

Ms. Newton stated the Vice Chair can remind people of the rules before we start Citizens’ Input.

Mr. Malinowski suggested adding the requirement that materials to be presented to Council need to be provided to the Clerk prior to the start of the meeting on the Citizen’s Input sign-in sheet.

Ms. Newton stated we need to find a way to pull out the public facing information in the Council Rules, and share it on the County’s website.

Mr. Malinowski noted the following language was struck from the rules: “The Chair will request that in the event a citizen who has signed up to speak intends to speak, or does speak, on behalf of any group, association, community or anyone besides or in addition to himself or herself, that the speaker advise Council during his or her citizen input of that fact, and name or identify anyone else for whom the citizen is speaking or represents.”, but individuals come up frequently and state they are from the “Conservation Commission”, “Gills Creek Watershed”, etc. In place of the struck language, he would propose a rule to advise people they can only represent themselves during Citizens’ Input.

Ms. Newton stated the Zoning Public Hearing is a good test case for the Citizens’ Input item.

Mr. Malinowski noted under Rule 1.7(c)(8) and (9) the following proposed language: “In the event the Clerk/Chair recommends or requests an item for action during this section of the agenda, the Administrator may nominate the same for action in accordance with Rule 1.7(b).” expands the ability to add items to the agenda for action. If the Clerk and Chair can do it, then any Councilmember can add an item to an agenda. He does not believe the language needs to be included here.

Mr. Farrar stated the rationale is these are officials that have a dedicated report on the agenda, so not just anyone could throw an item on the agenda. Those type of action items should already be on the agenda, but if the Clerk had a last minute item, this would be a vehicle for that.

Mr. Malinowski suggested putting the specific deadline in Section 17(c)(10): "Presentations". In Section 17(c)(15): "Requests by Council members: items may include those that were defeated (or deferred beyond 90 days) by committee and reintroduced by three members of Council." He believes language needs to be included that requires the Council members to submit their request in writing, so there is something substantive to show the request was made. In addition, "Other Items" needs to be included in Section 17(c). Additionally, he does not think the following language belongs in Section 17(c)(17): "Motions/Announcements – 'Further; any Council member may use this time to inform Council, Administration and County staff of upcoming matters or items likely to come before Council, to orient Administration and staff thereto and to request information or the commencement of research in the ordinary course of Council-Administrator dealings.'" He would suggest placing the language under "Other Items".

Mr. Farrar responded the intent of the language is to request staff to begin working on an item a Council member may know is coming up.

Mr. Malinowski recommended that language be included in Section 17(c)(17) that indicates motions that are received after the printed agenda is distributed, but 24 hours before the commencement of the meeting, will be provided to Councilmembers the night of the meeting.

Ms. Newton stated she would like to see the motions posted, so that citizens are aware of what they are.

Mr. Farrar noted the motions could be posted outside of Council Chambers prior to the meeting, so the citizens have an opportunity to review the untimely motions.

Mr. Malinowski recommended removing the following language: "The Council Member may request, among other things, that an item be referred to committee for: a) Action; b) Discussion; c) The purpose of receiving information or an update from staff and/or legal; or d) A presentation" from Section 17(c)(17). He suggested that Section 17(c)(18): Pending Items should read: "Issues that have been raised by a Council member wherein a response is expected from staff shall be listed on the agenda along with a time frame in which a response from staff will be provided. These items shall be for information only and no discussion shall take place."

Ms. Newton stated she is fine with the proposed language as long as the timeframe is provided since the majority of the discussion is about when someone is coming back to Council with information.

Mr. Malinowski stated Mr. Manning had concerns about the language in Section 17(d).

Mr. Farrar stated the language include in the proposed rules is the verbatim language from the statute.

Mr. Malinowski stated he believes we need to be consistent with the "two-thirds vote of the members present" when we go back to rewrite this.

Mr. Farrar stated it is a pretty drastic thing to censure someone, which is why he recommended the language to include "at least 8 of Council's 11 members".

- c. 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]  
– This item was held in committee.
- d. Boards, Committees, and Commission Descriptions and Duties – This item was held in committee.
- e. Proposed CMRTA Board Member Qualifications – Ms. Newton noted they are requesting the individual to have experience, or interest, in transportation. She believes we would also want someone that is familiar with the COMET System.

Mr. Malinowski noted under the criteria it says, “Have a fiduciary responsibility to vote for the best interests of the region and not those of their appointment body”, which he would like to see worded differently because it is the appointment body that is providing the funding for this entity. Therefore, he thinks there should be a fiduciary responsibility the appointment body to make sure the funding provided is handled properly. He recommended the following language: “To have a fiduciary responsibility to vote for the best interest of the region, as well as the appointment body.” In addition, he suggested the following language: “Are responsible for keeping their respective jurisdiction, *and the appointing body*, informed of key issues...”. He stated he has some questions about the COMET Academy. He does not know how often the academy is offered, how long it takes (hours or days), where it is given or how it is advertised.

Ms. Newton stated she had recently inquired about this this, but has not had time to look at the information. One of way of addressing this “experience” would be similar to the way job description work, where there are requirements you have to have, and then there are things that are preferred. She noted she would rather the qualifications be “preferred” instead of “suggested”.

Ms. Newton moved, seconded by Mr. Malinowski, to forward this to Council with a recommendation for approval of the proposed changes.

In Favor : Malinowski and Newton

The vote in favor was unanimous.

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