



Richland County Council
Rules and Appointments Committee
December 8, 2020 – 3:30 PM
Zoom Meeting

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

OTHERS PRESENT: Paul Livingston, Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Kyle Holsclaw, Ashiya Myers and Brad Farrar.

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 3:32 PM.
2. **APPROVAL OF MINUTES** – Ms. Newton moved, seconded by Mr. Malinowski, to approve the minutes as distributed.

In Favor: Malinowski and Newton

Not Present: Kennedy

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Malinowski stated one of the members of the Richland Memorial Hospital Board submitted her resignation because she is moving out of state. Therefore, he is requesting to add the advertisement of this vacancy to the next vacancy posting by the Clerk.

Ms. Newton inquired when the next advertisement would be.

Mr. Malinowski responded the next posting would be in February.

Ms. Onley responded in the affirmative.

Ms. Newton moved, seconded by Mr. Malinowski, to adopt the agenda as amended.

In Favor: Malinowski and Newton

Not Present: Kennedy

The vote in favor was unanimous.

4. **INTERVIEWS**

- a. Richland Library Board of Trustees – 1 - Mr. Kimico Myers and William P. Stork were interviewed for the vacancy.
- b. Advertisement for the Richland Memorial Hospital Board. – Ms. Newton moved, seconded by Mr. Malinowski, to advertise the vacancy for the Richland Memorial Hospital Board during our next advertisement period.

In Favor: Malinowski, Newton

Not Present: Kennedy

The motion in favor was unanimous.

5. **ITEMS FOR ACTION**

- a. I move that Council work with staff to conduct a comprehensive review of the Council rules and recommend changes to streamline the rules to improve the functioning of Council business [NEWTON]

2.4 Censure

- Mr. Malinowski stated the language “two-thirds vote of the full Council (i.e., at least 8 of Council’s 11 members, whether a full Council has been seated or not)” is include twice. He requested to have the language reviewed to determine if it needed to be included both places. Ms. Newton stated she believes that it does need to be included both places.
- In response to the language “The member subject to the censure proceedings shall have up to fifteen (15) minutes to speak in reply”, Mr. Manning noted “absent leave of a majority vote of the body. If there is an 8-member vote for censure proceeding, then these rules allow for those 8 to speak for 5 minutes twice; thus the potential for 80 minutes. He thinks the member subject to censure proceeding should be allowed the same number of minutes to speak in reply”. Ms. Newton responded, generally the Chair presides and make the determination, so it would be most consistent with our other rules and Roberts to continue to leave that determination in the hands of the Chair. She further suggested the following language “Any member may speak up to 5 minutes. No member can speak more than once without leave of the Chair. The member subject to the censure proceeding shall have up to 15 minutes to speak in reply, but additional rebuttal time may be granted by the Chair.”

2.5 Appeal

- (a) Amend language to read: “The Point of Order is in order when another person has the floor and can interrupt a person speaking if the point requires attention at the time it is raised.”

2.6 Participation

- Amend the language to read: “The Chair shall vote in all cases (except when the Chair may be personally or pecuniarily interested) in accordance with Rule 5.18.”

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2.8 Vice Chair

- Mr. Manning recommended the language for the Chair and the Vice Chair should be consistent. “The Vice Chair shall be elected either at the first regular or special called Council meeting in January majority vote of the full Council. *The Vice Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council.* The Vice Chair shall preside in the absence of the Chair.” Mr. Malinowski and Ms. Newton agreed to the change.

3.1 Seating

- Amend language to read: “At the first meeting in which January after the election and seating of the Chair and Vice Chair of Council...”

3.2 Attendance

- Amend the language to read: “The Chair *must* note for the record any member’s absence and the circumstances *therefore* as appropriate, and such absence and the circumstances *therefore*, if known, shall be noted in the minutes.” Mr. Farrar will review the spelling of “therefore”

3.4 Speaking

- Amend the language to read: “The Chair shall hear from the members desiring to *speak*...”
- Amend the language to read: “No member shall speak more than twice on the same question without leave of Council, except merely to *provide clarification.*”
- Mr. Malinowski requested clarification on the following language: “If a member shall be called to order while speaking, such member shall forfeit the floor until the question of order is decided.”

3.5 Original Papers

- “Any member leaving a meeting of Council or its committees who possesses original papers relating to the business of the Council (signed ordinances, contracts, etc.), shall leave original papers with the Clerk before departing.” Mr. Malinowski requested a definition of what “original papers” consist of. Ms. Newton noted the intent is the original copies of documents that “belong” in the safe keeping of Council or the Council Office. If you did a resolution and the intent is for the document be delivered to the recipient that would not be violating Council Rules.

4.1 Standing Committees

- (a) & (b): add customarily meets on the 4th Tuesday of the month.
- (c) Ms. Newton noted that it specifically states how the vacancies are going to be advertised. She inquired if it needs to be included in the rules, and if, so then it needs to be updated because this is an antiquated requirement for advertising. She would like for it to include the County website and the County’s communication channels.

Ms. Onley stated currently the vacancies are advertised in The State Newspaper, Free Times, County website and PIO's Weekly Review.

Mr. Malinowski stated the language should be amended to read "newspaper(s), County website, PIO's Weekly Review and other appropriate media."

Amend the language in the opening paragraph of (c) as follows: Rules and Appointments, consisting of three (3) members, functions as a review and advisory body on the rules of County Council and serves as an interviewing and *recommending* body for applicants to concerning appointments to County boards, commissions and committees created by or whose membership consists in whole or in part in County Council appointments. The Committee meets on an as needed basis.

- Amend language in (d) as follows: Economic Development Committee, consisting of three (3) members to consider economic development matters brought before them and make recommendations to the full Council. The Committee meets on an as needed basis.

Ms. Newton recommended changing the number of member to five (5) instead of three (3).

Mr. Malinowski requested Ms. Onley to research if the number of members on the committee is provided for in an ordinance.

4.2 Organization

- Amend language as follows: Each committee of Council shall select a Chair and function as an advisory committees to the full Council. Once appointed for the year, no member of a committee may be removed by the Chair of Council without the approval of Council. During the remainder of the year, any vacancy occurring on these committees shall be filled *by the Chair* as soon as it may reasonably be accomplished.

4.4 Agendas

- Mr. Malinowski stated many times he gets a call from the Clerk stating that she is waiting on this department or that department with the backup documents. He believes we need to hold the departments to the Thursday 5:00 PM deadline, unless in limited circumstances.
- Ms. Newton stated, when we get back to the discussion regarding Horizon that will effect some of these dates we are talking about. She inquired how you balance getting these documents at the end of the day on Friday, and then you are supposed to digest hundreds of pages before the Council meeting. She also does not want to limit us if there is something that is truly emergent, so we cannot handle it.

4.5 Meetings

- Mr. Manning noted there needs to be consistency in the language with that in 1.7(c)(6).
- Mr. Malinowski stated we do not have anything to address electronic participation in committee meetings. His suggestion would be to not allow electronic participation in committees to the small number of members on the committee. Ad hoc committees would follow the same rules as standing committees.

- Ms. Newton would like to come back and discuss this in more detail.

- b. Unless there are truly extenuating circumstances agenda items should not be listed as “Title Only”. (Somebody was late getting it to use” 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] - No action taken.
- c. Consider moving the Horizon meeting to Tuesday and have delivery of finished agendas to Council members by Thursday close of business - No action taken.
- d. Boards, Committees and Commission Description and Duties - No action taken

6. **ITEMS FOR DISCUSSION**

- a. Once Council approves and action no Council member is to individually go to a staff member in an effort to accomplish/change something that as not in the approved information/action by Council [MALINOWSKI] - No action was taken
- b. I move to amend the Public Nuisance to define “Public Places/Establishments” to include restaurants, taverns, lodges, parking lots, and public places where children and students attend and/or normally congregate [DICKERSON] - No action taken
- c. 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 [Manning] - No action taken
- d. Direct the Rules Committee to determine which Richland County Boards, Committees and Commissions should have as a qualification that the 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 [MALINOWSKI] - No action taken
- e. I move that if matters such as Clerk to Council Search or Compensation for 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 [MANNING] - No action taken

6. **ADJOURNMENT** – Ms. Newton moved, seconded by Mr. Malinowski, to adjourn the meeting.

In Favor :Malinowski and Newton

The vote in favor was unanimous

The meeting adjourned at approximately 5:00 PM.