



Richland County Council
Rules and Appointments Committee
December 15, 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 3:302 PM.

2. **APPROVAL OF MINUTES**

- a. **December 8, 2020** – Ms. Newton moved to approve the minutes as distributed.

The motion died for lack of a second.

Mr. Malinowski requested a hard copy of the minutes be included with his outgoing mail.

3. **ADOPTION OF AGENDA** – Ms. Newton moved, seconded by Mr. Malinowski, to adopt the agenda as published.

Ms. Newton noted she was notified the Richland Library has an additional vacancy, and did not know if it would be appropriate to add it to the agenda.

Mr. Malinowski responded, if we start giving everybody an ad that sends us an email that is all we will be doing. He would prefer keeping them all together like we have done in the past.

In Favor: Malinowski and Newton

Not Present: Kennedy

The vote in favor was unanimous.

INTERVIEWS

4.
 - a. **Richland Library Board of Trustees** – 1 – Ms. Melissa Watson Ward was interviewed for the vacancy.
 - b. **Richland Memorial Hospital Board of Trustees** – 2 – Ms. Helen B. Woods was interviewed for the vacancy.

5. **APPOINTMENTS**

- a. Richland Library Board of Trustees—1 – Ms. Newton moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to appoint William P. Stork.

In Favor: Malinowski and Newton

The vote in favor was unanimous.

- b. Richland Memorial Hospital Board of Trustees –2 – Ms. Newton moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to re-appoint Ms. Helen B. Woods and re-advertise for the remaining vacancy.

In Favor: Malinowski and Newton

The vote 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]

4.5 Meetings

- Mr. Malinowski stated Mr. Manning suggested the language in 1.7(c)(6) should be consistent. Therefore, the language should read as follows: “...must be provided to the Clerk of Council.”

4.7 Reports

- Mr. Malinowski stated Mr. Manning noted the language in 1.7(b)(2) clarifies written requests and suggested there should be consistency throughout. Therefore, the language should read as follows: “Any item not reported out to the full council by a committee within 90 days of that item having first appeared on the committee’s agenda may be placed on the Council agenda when the Clerk’s Office has received a written request (includes electronic mail or messaging) from three members of Council not less than 24 hours prior to the scheduled meeting.” Ensure the language is consistent in Rule 1.7(b)(2), as well.

4.10 Motions Forwarded to a Committee

- Mr. Malinowski stated Mr. Manning disagreed with the change to the language. Therefore, the language should read as follows: “Items Pending Analysis and the reason the item remains pending.”

5.16 Delays

Proposed language: “*The Chair shall entertain no motion that would have the effect of unnecessarily delaying the business of Council.*”

- Mr. Malinowski noted Mr. Manning indicated “This seems WAY too broad of a power. The Chair could use this not to accept most of the motions listed in Rule 5.13.”
- Mr. Malinowski stated the “Nondebatable Motions” would not delay Council. It seems those haste the business because we are stopping debate.
- Ms. Newton stated she believes the intent of this rule is to prevent someone from introducing frivolous motions, or things intended not to move Council business forward.
- Mr. Farrar stated this rule as always been in Council Rules, but he has never seen it invoked. He noted this rule does not appear in the SCAC Rules, and he does not believe any other County has this rule.
- Ms. Newton suggested deleting this rule.

5.18 Voting

- Amend the language to read: “In such a case, voting by a show of hands or roll call shall be in order.”
- “No member shall, under any circumstances be permitted to vote after a decision has been announced by the Chair.” Mr. Manning noted this happens all the time.
- “After the decision of the question, an absent member may be permitted to declare the vote she/he would have given if present, but such vote shall not affect the previous question.” Mr. Manning inquired as to when and how the member makes this declaration, and will it be recorded anywhere. Mr. Farrar suggested the following language: “*Following the vote, Council member XX declared his/her vote as follows*”.
- Mr. Malinowski inquired if the reason for the abstention has to be stated at the time of the abstention. Mr. Farrar responded the Council member is supposed to state a reason, but if they do not there is not a lot that can be done about it.
- Amend language as follows: “...must be stated at the time of the abstention, or delivered to the Clerk following the meeting.”

5.19 Voting for Board and Committee Appointments

- Ms. Newton stated we requested this rule when there was disagreement and/or when Council did not want to go with the recommendation of the Rules and Appointments Committee. She inquired if we want to indicate this is an option, as opposed to mandatory.
- Add the following language after the first paragraph: “Any Council member may make a motion to request a candidate be voted on individually.”

6.1 Suspension/Amendments

- Add the word “and” prior to the #2.

RULE VII: OFFICIALS TO SERVE THE COUNCIL

- Mr. Malinowski noted this whole section was struck. Mr. Farrar stated the language seemed out of place and antiquated. This is provided for by State Law. It does not hurt to have it in the rules, but it adds very little value.

1.7 Agenda

- Mr. Malinowski stated Ms. Terracio requested the reason for Executive Session be published on the agenda for the public to review in advance of the meeting.
- Ms. Newton inquired if the language in 1.7(c)(5) and 1.7(c)(16) should be consistent.
- Add language “Agenda shall state the reason for Executive Session” in Rule 1.7(c)(5) and 1.7(c)(16).

Mr. Malinowski stated Ms. Terracio also requested “All agendas and information packets for Regular Session, Special Called and Council Retreat meetings shall be posted online within the appropriate timeframe required for public notice” He inquired if this is already a State law.

Mr. Farrar responded the State FOIA law sets the baseline, but if you want to aspire to something beyond that it is fine. He has seen many cases where we have had great intentions, but they end up hamstringing us because we set more stringent guidelines than the law requires.

Ms. Newton inquired if violation of Council Rules would prevent us from having a meeting. For example, if we emailed the public, but did not post it on the website.

Mr. Farrar responded if you comply with the State law you could have the meeting. If you have a rule that puts in additional safeguards, and you want to proceed with the meeting, in light of that rule you would need to get unanimous consent to waive the rule.

Mr. Malinowski stated, additionally, Ms. Terracio requested, “more opportunities for constituents to speak on an issue, especially if the item has been before Council for an extended period of time.” He believes that constituents are given ample opportunities to speak on a particular item.

Ms. Newton stated, hypothetically, there could be an effort that is taking a long time to evaluate. Per our current rules, if somebody spoke on that when it first appeared on our agenda, they would not be able to speak on it again.

Mr. Farrar suggested handling this on a case by case basis.

Mr. Livingston stated if a matter has not been addressed within 6 – 9 months, then we could allow an additional public hearing.

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