



Richland County Council
Administration and Finance Committee
October 27, 2020 –6:00 PM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Joyce Dickerson, Chair, Bill Malinowski, Yvonne McBride, Dalhi Myers

OTHERS PRESENT: Paul Livingston, Allison Terracio, Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Kyle Holsclaw, Michael Byrd, Shane Kitchens, Ashiya Myers, Ashley Powell, Bill Davis, Brad Farrar, Clayton Viognier, Dale Welch, John Thompson, Geo Price, Hayden Davis, James Hayes, Dwight Hanna, Jennifer Wladischkin, Kerry Smyer, Brittney Hoyle-Terry, Randy Pruitt, Ronaldo Myers, Stacey Ham, Jani Hussain, Brian Crooks and Michael Maloney.

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:03 PM.
2. **APPROVAL OF MINUTES** – Ms. Myers moved, seconded by Ms. McBride, to approve the minutes as distributed.

In Favor: Malinowski, Dickerson, McBride, Myers

Not present: Walker

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Brown indicated that Item 4(g): “Sewer and Water Connection for Residents Living Within the Southeast Sewer and Water Expansion Zone” needed to be removed from the agenda, as it was addressed at the October 6th Council meeting.

Ms. Myers moved, seconded by Ms. McBride, to adopt the agenda as amended.

In Favor: Malinowski, Dickerson, McBride, Myers

Not present: Walker

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. **Utilities Delegated Review** – Mr. Brown noted this process is currently in place. The purpose of this item was to show Council members the additional steps they would have to take (i.e. hiring another professionals for the process), if they did not want to utilize the process currently in place, which

Administration & Finance Committee
October 27, 2020

allows staff to make decisions. Staff's recommendation would be to allow the current process to continue. He indicated there have been questions in the community related to items about sewer requests and sewer accessibility. Therefore, staff wanted to bring this to Council's attention, in an effort to affirm this is the process that Richland County has been using to carry out the sewer availability process, and will continue to use in the future.

Mr. Malinowski moved, seconded by Ms. Dickerson, to forward to Council with a recommendation to follow the staff's recommendation to allow the process in place to continue.

Ms. Myers inquired about staff's timing on these issues, and at what point the body is notified.

Mr. Davis responded, when they get a request, the first thing they do is utilize the existing data to determine whether we have the ability to provide service. If we allow service on a system, which does not have capacity, we will end up having sewer overflows and face compliance issues. The first step is to make sure that we can handle the flow. Secondly, because the process takes a long time, as soon as we make a determination that we can handle the flow, and we have availability, then we come to the A&F committee with a formal request to approve. We come to you as soon as we can to let you know that we have availability for this sewer. For example, if a particular developer wants to develop a 200-lot subdivision, we bring that to your attention. In the briefing document, we would identify the property, the size of the property, as well as, the implications for tap fees and other ramifications for collecting the sewer. At that point, the A&F committee would vote to forward the request to Council for approval.

Ms. Myers noted she is looking for a specific timeframe. Mr. Davis indicated, "It takes a long time," which is the community's main concern. In some cases, Council, and other parties, have requested third parties to do this.

Mr. Davis responded this is the dilemma they find themselves in with the multiple levels of Council approval. When they have capacity, if they were able to go ahead and issue the letter of sewer availability to the developer, they could move much faster. As it stands now, they have to come to the A&F committee to ask for permission to do what they have already determined can be done. Then, instead of just notifying Council, that they have approved so many taps in the process.

Ms. Myers inquired as to how many days the team is given to decide whether we have capacity.

Mr. Davis responded sometimes you have to look it up, so it could take 2-5 days, and sometimes they can answer immediately. He indicated there is no set timeframe. It depends on where it is in the system, which is why they have different timeframes.

Ms. Myer suggested there needs to be a maximum number of days, so the development community, and people who are building individual houses, know how long it's going to take us.

Mr. Malinowski stated, it has always been his understanding, a sewer availability letter is merely to advise the person inquiring that Richland County sewer is available within an accessible distance from the place they are interested in getting sewer. It is not a commitment to provide sewer. The decision to provide sewer can be made when the developer hires an outside consultant that provides Richland County the requirements the County must have before committee. It seems like it should be a two-step process. The first step, the letter of availability, is just what it says it is, it is a letter that says it is available. We can come back with the specific afterwards. We do not have to approve an availability letter. When they give Council the details, then the decision can be made if

we are provide it. There is a State law that states, “Nobody has to be given sewer” whether it is there or not. That is up to the elected officials, and he thinks we need to follow State law.

Ms. McBride stated, in reviewing the standard operating procedures, it would be good to add some of the recommendations that Ms. Myers and Mr. Malinowski provided, so we get a fuller understanding of the SOPs for utilities.

Ms. Dickerson stated, if this goes to the Council, she would request Mr. Davis adding the language “up to 10” or “up to 30” days, so they will be able to look at it in more detail.

Mr. Davis responded in the affirmative. He stated that goes in line with the former DHEC process, which had a 20-day working day’s timeframe.

Mr. Malinowski made a substitute motion, seconded by Ms. McBride, to keep this in committee, until we receive the responses to the questions raised. There were numerous questions, and we may even need to amend ordinances. In summation, the property owner does not have a protected property interest to connect to a sewer line. Therefore, he would like to ensure the way we are doing it is proper, and a sewer availability letter merely states there is availability of sewer. It does not grant the sewer. After the sewer availability letter goes out, the property owner may decide they cannot afford the property, so they do not submit everything needed to commit to sewer. He would like to have the definition of what a sewer availability letter is, and the requirements there are for a requestor prior to approval.

In Favor: Malinowski, Dickerson, McBride, Myers

Not present: Walker

The vote in favor was unanimous.

- b. Alvin S. Glenn Detention Center - Detainee Telephone Service – Mr. moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation to award the contract to GTL for the detainee telephone service at Alvin S. Glenn Detention Center.

Ms. Myers inquired about the cost to detainees to utilize the service.

Mr. Myers responded the cost for Richland County was \$0.15, for Lexington County it was \$0.21, and Charleston County is approximately \$0.11.

Ms. Myers stated, for clarification, Mr. Myers left the cost at \$0.15/minute.

Mr. Myers responded they have not negotiated with the provider, as far as what we want them to charge.

Ms. Myers stated, for clarification, after we have selected a provider, we can negotiate the cost.

Mr. Myers responded they can negotiate up to a certain amount. The FCC has capped the amount at \$0.21/minute.

Ms. Myers inquired if they could negotiate below that.

Mr. Myers answered in the affirmative.

Ms. Myers offered a friendly amendment that the rates not exceed those of Charleston County.

Mr. Malinowski accepted the amendment. He noted the Charleston County rates are not listed on the cost comparison statement. The lowest rate on the cost comparison is Greenville County at \$0.12/minute.

Ms. Myers stated these detainees are not convicted of any crime, and she would not want them to be unable to talk to their families due to inability to pay. Frankly, she would suggest capping the cost at \$0.10/minute.

Mr. Malinowski stated he would accept that amendment.

Mr. Myers noted that he wanted to ensure the phone company is covering their costs, when we are capping the amount. The telephone companies do have a cost.

Ms. McBride stated she had the same concerns Ms. Myers expressed. She inquired if the County is making money off the phones. She indicated she was going to vote no to keep the item off the consent agenda, so we can have further discussion.

Ms. Dickerson restated the motion as follows: to award the contract to GTL for detainee telephone services at the ASGDC, and to cap the amount at \$0.10/minute.

In favor: Malinowski, Dickerson, Myers

Oppose: McBride

Not present: Walker

The vote was in favor.

- c. Richland County amend the retirement insurance benefit for employees to be granted full insurance benefit to employees who serve a total number of accumulative years instead of total consecutive years for their perspective terms for full retirement. Example: employees who qualify for full retirement at 25, 28 and 30 years be granted full retirement benefits based on a total accumulated years served instead of consecutive years. The total years must be with Richland County Government – Ms. McBride requested Mr. Hanna to provide the overall potential fiscal impact.

Mr. Hanna responded the cost for the retiree premium would be up to \$30,432. The estimated GASB 75 liability would be \$56,691, which equates to approximately \$87, 123. In addition, there would be the cost of any claims incurred by the additional retirees, which would be the estimate to approximately \$100,000 per retiree, per year.

Ms. McBride stated, for clarification, the total impact on the budget would be \$100,000 per year.

Mr. Hanna responded, because of the GASB liability, we can fund that with dollars, or we can show it on our balance sheet. He does not want to say it would be a budgeted amount, but it would be a liability the County would have to show on their balance sheet.

Ms. McBride stated, for clarification, this would not be for each individual.

Mr. Hanna stated, we currently have a total of \$160M, in terms of GASB 75 liability. He took the number of members and came out with an average of \$56,691. For each retiree, it would be a combination of the GASB 75 liability, the premium costs, and an estimate for claims, which would equate to approximately \$100,000 per year for each additional retiree. He does not know how many retirees would be eligible and/or would take the plans, so he does not have a total number.

Ms. Dickerson stated, for clarification, we are looking at approximately \$44,000 per person, per year.

Mr. Brown stated, in order to answer Ms. McBride's question, it would require an actuary study. Mr. Hanna is only offering is an estimate.

Mr. Malinowski inquired about the average number of employees that retire annually from Richland County.

Mr. Hanna responded approximately 15-20 employees retire, per year.

Mr. Malinowski noted, based on Mr. Hanna's estimate, the additional annual cost would be approximately \$1.5M - \$2M.

Mr. Hanna stated, he believes Mr. Malinowski's numbers would accurate. If we changed the criteria, there would be many individuals that already retired that would be eligible. So, if this were made retroactive, there may be more than just the normal number that would apply for retirement.

Ms. McBride inquired, if we made these changes, would this be consistent with other counties or the City of Columbia, and why are we trying to provide some consistency.

Mr. Hanna responded this was a motion made by Ms. Kennedy, not a staff recommendation. Generally, employer are moving away from providing retirement benefits. We checked with the City of Columbia, Greenville, Lexington, Horry and Fairfax County, and they are all moving away from increasing the obligation for retirement benefits. In 2009, because of GASB 45, which is now GASB 75, and the added financial obligations to the counties, Council approved the criteria for continuous service.

Mr. Malinowski moved, seconded by Ms. Dickerson, to deny this item, and maintain the current system.

In favor: Malinowski, Dickerson, McBride, Myers

Not present: Walker

The vote in favor was unanimous.

- d. We move to reduce the amount of discretionary funds available to individual council members; be it funds for training, travel and entertainment, printing materials, or otherwise, by one half of the currently authorized amount. This is to include funds reimbursed to council members as well, be it from a discretionary account or otherwise – Mr. Malinowski stated part of the reason he would like to see this passed is because of COVID, and all of the other departments and County agencies being

asked to reduced their spending. Travel has been, and continues to be restricted, as do gathering where you would have educational opportunities. Therefore, we should also show our support on what everyone else is doing, and we likely do not need all the funding we did previously.

Mr. Malinowski moved to approve this item.

The motion dies for a lack of a second.

Ms. Dickerson stated she would entertain a motion that we maintain the current discretionary funding.

Mr. Livingston noted a motion is not necessary for something that already exists.

Ms. Myers noted this was originally brought through newspaper articles that were used in a roundabout way to essentially say that some of us were spending flagrantly and abusively from our discretionary funds. She wanted to go on the record to say, she thinks it is high time that at Richland County we stop reflectively accusing people of things. Staff has the authority to ask what is being spent. They should use that authority, to not use this information to bludgeon people, and to ruin people's reputations, without any information. She knows, in her particular case, it was flat out wrong. She would just like to be clear that her district it 360 sq. miles. Everybody does not have the same constraints and do not have the same need to do things, but we should be really careful. She would admonish the staff, rather than passing individual councilmembers discretionary account spending to their colleagues, they just call and ask what is going on.

Mr. Malinowski stated, on the record, it was certainly not the reason for this particular motion. It had nothing to do with newspaper reports. It had nothing to do with any allegations anywhere. It had to do with the fact that he, as well as, Mr. Walker, who is the co-maker of this motion, felt the amount of discretionary funding approved in 2017 was not needed.

- e. We move to immediately terminate the individual issuance of and usage of Government Procurement Cards by elected and appointed officials in Richland County – Mr. Malinowski moved to approve staff's recommendation to centralizing purchase card spending within the offices of elected and appointed officials.

The motion dies for lack of a second.

Ms. Myers reiterated her earlier comments and associate it with this item as well.

- f. Repeal and change a portion of Richland County Ordinance Article XI, INQUIRIES AND INVESTIGATIONS, Sec. 2-652. Conduct of investigations. (a)(1), that starts with, "Commence any official investigation..."
 - 1. *In addition, have the Richland County Legal Department in conjunction with the Richland County lobbyist contact SC State Legislators and the South Carolina Association of Counties to request Section 4-9-660 of the South Carolina Code of Laws be repealed/changed*

Mr. Malinowski stated, on p. 106 of the agenda, Mr. Smith noted a proposal to add language to Sec. 2-652, to make it clear a councilmember may, in their individual capacity, file a report with the appropriate law enforcement authorities , if deemed necessary.

Mr. Malinowski moved, seconded by Ms. Dickerson, to forward to Council with a recommendation to add language to Sec. 2-652 to make it clear that a Councilmember may, in his individual capacity, file a report with the appropriate law enforcement authorities as deemed necessary by that member, and retain the 2nd part of the motion in the A&F committee because Section 4-9-660 of the South Carolina Code of Laws has not been addressed.

Ms. McBride requested to keep both portions in committee.

Mr. Malinowski amended the motion to keep both portions in committee for additional information.

In favor : Malinowski, Dickerson, McBride, Myers

Not present: Walker

The vote in favor was unanimous.

h. FY20-21 Public Service Projects – Mr. Malinowski moved, seconded by Ms. McBride, for discussion.

Ms. McBride inquired if these were competitive grants.

Mr. Viognier responded in the affirmative.

Ms. McBride stated, it is her understanding, staff evaluated the grants.

Mr. Viognier responded in the affirmative.

Ms. McBride requested, in the future, to look at best practices with grant evaluations and procurement processes, in order to get the best prototype and insure there is no bias, and perhaps utilize an external reviewer.

Mr. Brown responded in the affirmative.

Mr. Malinowski noted, on pp. 118 – 119, there is an average recommended, yet in some instances the recommended amount is nowhere near what the requested amount was. The Central Midlands Regional Transit Authority trial decision was declined, yet that is one that has been approved on the list for receiving funds. Then, you have another one that was approved, which was “Serve and Connect”, and they are not on the list for receiving funds. He inquired if this is an error.

Mr. Viognier replied it is was an error in the agenda packet. CMRTA was not recommended for funding, and was included by mistake. They will update the summary page to reflect North Columbia Youth Empowerment Initiative, if this is forwarded to Council.

Ms. Dickerson inquired if this is time-sensitive.

Mr. Viognier replied, the sooner move this forward, the sooner the funding gets approved and the funds drawn down from the Federal Government.

Mr. Malinowski moved, seconded by Ms. Myers, to forward this to Council without a recommendation, pending the corrected briefing document.

In favor: Malinowski, Dickerson, McBride, Myers.

Not present: Walker

The vote in favor was unanimous.

- i. Sale of Property located on Farrow Rd. (Tax map Numbers #R17300-02-10 and #17300-02-33) – Ms. McBride inquire if this was the same property that was brought to council previously in order to build a basketball court.

Ms. Dickerson responded in the affirmative.

Mr. Malinowski noted this request was generated by an outside purchaser submitting an unsolicited contract of sale. He stated this Council enacted a set of rules on how to obtain, as well as, sell property. A part of those rules is, if we are selling property, it has to be declared excess, or available for sale. We do not decide to make it available.

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

In favor: Malinowski, Dickerson, McBride, Myers

Not present: Walker

The vote in favor was unanimous.

- j. Grant Request for Community Beautification – Lake Elizabeth Homeowner’s Association – Mr. Malinowski moved, seconded by Ms. Dickerson, to deny this request, based on the fact it says it is not an acceptable use of discretionary funds.

Ms. McBride inquired why was this item was brought before the committee.

Dr. Thompson responded the request came from an outside entity. Therefore, in order for staff to be responsive and do its due diligence, we brought the request before the committee, so no one thinks staff is dropping the ball when we get these requests from the public.

Ms. McBride inquired if this request came through Ms. Kennedy.

Dr. Thompson responded it came from an outsider person that contacted him. Ms. Kennedy has been briefed on this particular matter.

In favor: Malinowski, Dickerson, Myers

Abstain: McBride

Not present: Walker

The vote in favor was unanimous.

Ms. Dickerson requested, in the future, to have the Councilmember, for that area, to bring the request forward, and have the Chair refer it to the appropriate committee.

- k. Sewer Availability Letter for Bunch at Garners Ferry Road Development – Mr. Malinowski moved, seconded by Ms. Myers, to hold this item in committee.

In Favor: Malinowski, Dickerson, McBride, Myers

- l. Annual Leave Rollover – This item was not taken up.
- m. Sick Leave Policy Amendment – This item was not taken up.

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. I move to restore \$37,561 to the Richland County Conservation Program Historic Preservation Grants from the Richland County Conservation Commission Reserve Account to be allocated in the FY21 grants program – No action was taken.
- b. Move to remit the \$300,000 private donation (negotiated by Councilman Dalhi Myers and Councilman Chip Jackson) earmarked for the Taylor’s Community to Richland County Parks & Recreation under and IGA, to be designated as funding for the Taylor’s Community Park promised and fully funded, as part of an Economic Development plan for the Reign Community on Shop Road before December 31, 2020. These funds were donated beginning in 2017 prior to the construction of the 2,000 bed new Reign Community, which is now complete. RC staff has not begun planning or construction on the fully-funded park. – No action was taken.
- c. Move to engage a third-party design-build company to begin work on the \$2M SE Richland County multi-purpose facility, as approved by Council in 2018. The funds were earmarked and approved, but RC staff has not undertaken any planning or construction of the Council-approved project by the end of November 2020 – No action was taken.

6. **ADJOURNMENT** – The meeting adjourned at approximately 7:00 PM.