



Richland County Council  
Interim Administrator Ad Hoc Committee  
• September 10, 2018 – 1:30 PM  
Administration Conference Room  
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Norman Jackson, Chair; Jim Manning, Co-Chair, Calvin Jackson, Paul Livingston and Yvonne McBride

OTHERS PRESENT: Dalhi Myers, Michelle Onley and Dwight Hanna

1. **Call to Order** – Mr. N. Jackson called the meeting to order at approximately 1:30 PM
2. **Adoption of Agenda** – The agenda was amended as follows: Addition of Item 2(a) General Discussion.
  - a. **General Discussion** – Mr. Manning moved, seconded by Mr. C. Jackson, to direct Mr. Hanna to notify all scheduled applicants that the interviews are being deferred until further notice, and profusely apologize.

Mr. N. Jackson stated he disagrees with deferring the interviews because we had a committee meeting on August 28<sup>th</sup> and decided to move forward, per Council's directive. The HR Director did send the committee a list of candidates, as requested by the Council directive. He stated the August 28<sup>th</sup> meeting was scheduled because Ms. McBride wanted to have a meeting. She was not present at the meeting because she got the meeting date and/or time mixed up. At the end of the day, the committee did meet and agree. There are some assumptions. The assumption by Mr. C. Jackson and Mr. Manning was that it was new applicants only. However, Council did make a motion, and his assumption was based on the motion by full Council. Because of the assumptions, and misunderstandings, he is sure Mr. C. Jackson and Mr. Manning have talked about their assumptions. It should have been clear at the end of the meeting, but everyone thought everybody knew what they assumed, and he thinks that is where the misunderstanding is. However, we have 3 applicants today to be interviewed. The motion is to postpone the interviews.

Ms. McBride stated she would like to go on record to say that Ms. McBride did not make the meeting because of a difference in time, but she never called the meeting. She was only attending the meeting that was scheduled by the Chair.

Mr. N. Jackson stated he has emails wherein Ms. McBride stated she would be available on Monday. He inquired as to the time she would be available to meet, in order to accommodate her schedule. The meeting was the scheduled to accommodate her schedule.

Ms. McBride stated she would attend the meeting.

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Mr. C. Jackson stated, no disrespect, but Mr. N. Jackson and Ms. McBride's comments are not germane to the motion.

In Favor: Livingston, McBride, Manning, and C. Jackson

Opposed: N. Jackson

The vote was in favor.

Mr. N Jackson inquired as to how the committee would like to move forward.

Mr. Manning stated Ms. Myers was saying earlier, and he thinks maybe it is time for some clarification or re-clarification. His understanding was the County Attorney, Mr. Smith, told us that the Assistant County Administrator could act in the absence of the County Administrator. The fact that there was not a "the County Administrator", that made that portion of their responsibilities and duties null and void. They could not act in the absence of "the County Administrator" because there was not a "the County Administrator." Now, that is the last he has known from what they heard from the County Attorney, and why we had to get an Acting in. Now, Ms. Myers is saying that has been delegated.

Ms. Myers stated the first half of it is absolutely right. It is an urgent situation that we do not have an Administrator. We need one yesterday, the day before, and the day before that. But, to the extent, that where we are, is we do not have one, there is no court in this country, that would say that all acts that we have delegated to be done by our most senior employee, in that capacity, in the absence of an Administrator, are null and void because all of the authority to administer the County is delegated to the Council by the Home Rule Act. On the authority of the Home Rule Act, we have the power to hire somebody and bifurcate the Administrator from the legislative function. That is what the Home Rule Act gives the authority to do. It would be turning the Home Rule Act on its head to say that since we can hire an Administrator for as long, or as short, a period as we choose, that we could not, on an ad hoc basis, delegate this person to be the administrative head of the County for these functions, until we find one. What if our Administrator gets hit by a bus? Does the whole County come to a stop? There is no judge that is going to say that. It is nonsensical. She understands what Mr. Manning is saying, but that is a theoretical, hyper-technical reading of the law. And, the law has to be read in the context of common sense. Common sense says, if we have the authority to hire anybody to be the Administrator for a day, an hour, a minute, or 20 years, then certainly we can delegate that authority to someone for specific tasks. To say that we have to unwind everything that we have done because we do not have a permanent Administrator, is illogical, and she does not believe a court is going to go there.

Mr. Manning stated that argument leads him to Mr. Smith because he is the one that told us that.

Ms. Myers stated she told him that she disagrees with that analysis, and she thinks that is deeply flawed.

Mr. N. Jackson stated he understands Ms. Myers may disagree with the analysis, but he is the County Attorney.

Ms. Myers stated that is why she has not promulgated that to you.

Mr. Manning stated that needs to be part of the discussion tomorrow night. He stated he, as the

representative for District Eight, is left with the County Attorney saying that.

Mr. N. Jackson stated they never delegated to anyone, that he knows of, to do anything.

Ms. Myers and Mr. Manning stated we did.

Mr. N. Jackson inquired as to what we asked the Assistant Administrator to do.

Mr. Manning stated we did in 2 instances. There were bonds, and he made the motion that the Chair, that had the authority of the Council, to sign those 2 bonds.

Ms. Myers stated the easy way to answer your question, and to figure out what Mr. N. Jackson has rightly pointed out. We have the authority to ratify those actions, with a simple vote. It is our authority as the governing body.

Mr. N. Jackson stated he has to hear what the County Attorney has to say. Ms. Myers is an attorney, and he respects that, but he has to have to go on what the County Attorney tells him. He cannot go by what Ms. Myers' opinion is. We asked the County Attorney for his opinion, and he gives us his opinion, that is the only thing he has to go by.

Ms. Myers stated all she is saying is, any County in South Carolina, not Richland County...she is not a County Attorney, which is why she has not issued a legal opinion to say any of this, but she does how to read, and she understands statutory construction, and this is a pretty plain vanilla statute. The way you fix problems, exactly as we have with the Penny some time back, is you adopt either a resolution or an ordinance. That is how County's fix what are our problems. If this is something that is pointing at us, we can enumerate it and fix it. Saying they are invalid actions, and we are stuck without an Administrator is a flawed interpretation of the law. She understands she is not the County Attorney, which is why she has been incredibly silent on that issue the whole time. She has talked to enough of her colleagues about it, specialists in County Administration, and lawyers who practice this every day, all day, and not one of them agrees that where we are is in limbo.

Mr. Manning inquired if the County Administrator is the County Administrator because there is a contract. How is a County Attorney, a County Attorney, because there is no contract?

Ms. Myers stated we do have a contract with him. We do not have a written contract, but we have a verbal contract. We continuously give him County Attorney work. Verbal contracts are enforceable in South Carolina. He is definitely our attorney. He is employed as that.

Mr. Manning stated he is going with what he says until you convince him to say something different.

Ms. Myers stated she has not said anything about this just because of that.

Mr. N. Jackson stated the only thing we have to go by is what the County Attorney told us. Everybody has an opinion. Everybody talks. Just like when we were dealing with the Administrator, and he was leaving. They told us certain things, and we believed it. Sometimes things are true, sometimes they are not. The only thing he has to go by is what he told us. That is his concern. How do we move forward? But, his concern is how do we move forward with this meeting, first?

Ms. McBride stated, based on the meeting that was called, to accommodate her, which she was unable to attend, the purpose of the meeting was to meet with everybody and come together with a

decision as to what practice we would follow. Based on the input from the committee members, they said we need to follow the same procedure or practice that we used initially. We have 2 choices. We can look at what we have done before, review the applicants, and identify those we want to interview. She stated you have been through this process many times, so maybe this is not the correct process for an interim, and we need an acting.

Mr. N. Jackson stated there is no difference between acting and interim. They are doing the same thing. What is before us now is a committee, and we have been through that before. Unless we make a recommendation to Council to cancel the interim, and get an Acting Administrator.

Ms. McBride stated that is she was bringing that up for discussion purposes.

Mr. N. Jackson inquired if we are going to talk about interviewing anyone or is there any recommendation to Council. Are we going to make a decision today about how to move forward? We have already interviewed 3 people, so we already have a process started.

Ms. McBride stated we follow the same procedure that we followed before.

Mr. N. Jackson stated the procedure is that we get all of the new applications, since we already went through the others.

Ms. McBride stated we looked at the applications and determined which ones would be good applicants that meet the criteria. The last time we selected the applicants that had been screened by Human Resources, and those that met the basic and preferred qualifications. If we have disqualified a candidate, as Mr. Livingston has stated, that needs to come back before the committee. The only issue was having the committee involved in the process. Last time we had the committee involved, and this time the committee was not actively involved.

Mr. N. Jackson stated we did not disqualify a candidate. The candidate was not disqualified. We decided not to interview the candidate, based on social media and "Me Too Movement".

Ms. McBride stated the candidate was disqualified from being interviewed.

Mr. N. Jackson stated the motion was to move forward not to interview this candidate. He does not want the term "disqualified" being used. What is going to happen is what they did to be disqualified.

Ms. McBride stated she did not say the candidate's application was disqualified. The committee did not want to interview the candidate.

Mr. Livingston stated he would suggest this committee set a date to review the applications, that have come in by that date. If there is an old that someone wanted to discuss they can do so, but we would vote and decide on those that we want to interview. The next meeting will not be to interview them, but to simply discuss the applications and decide on who we want to interview, as a committee.

Mr. Manning inquired as to why we cannot do that today.

Mr. Livingston stated because there may be another applicant.

Mr. Manning stated he does not know why we cannot look at the Excel spreadsheet, and see what we

have before us now. Unless something has come in since Friday, the spreadsheet has everything current. For technical purposes, there were motions made on who to interview the first go around. At least one person's name was brought up, and that motion failed for lack of a second. It was not any disqualification. It was not a motion to not interview. There were many names that did not get to a motion. There were motions that were seconded and passed. We did not come up with a disqualification process, and there was not a motion, that passed, to not interview.

Mr. N. Jackson stated, when we send a report to full Council, full Council still has a right to accept our recommendation or Council can make substitute motion, and we would have to follow what full Council asks us to do.

Mr. C. Jackson inquired why there is a need to take anything back to full Council, at this point, since full Council has given us the charge to come up with a slate of candidates, interview them, and make a recommendation. However, we do that. Whatever criteria we set up. Why do we need to go back to them and say, "we are thinking about changing the criteria", "we're thinking about deciding to interview and/or not interview", when they have charged us to interview whomever we decide?

Mr. N. Jackson stated the meeting was advertised. We met, and at the end of the meeting, at least an account of what happened needs to be given to Council. We took action in the committee not to accept the agenda.

Mr. C. Jackson stated the only thing that would be reported would be that we deferred the interviews to a later time.

Mr. N. Jackson stated that is true, but we are not finished yet and we are not sure what we are going to come up with. Mr. Manning asked why do we not look at the applications today.

Mr. Manning stated that is his thinking. We have the Excel spreadsheet, unless a new applicant comes in, and even if one does we can still consider it.

Mr. Livingston stated that is his concern, when it says open until filled. If you decide today you are going to interview someone next week, based on the way it is stated, that person should be considered. He just wants to make sure we include any new applicants.

Mr. Manning stated, if we have the list today, there is no reason to schedule another meeting to look at the same list.

Ms. Myers stated, when she got the information on Friday, she read through all the information. She stated the only really sensitive information included was people's credit information, and she does not know that we need that to make a decision. She inquired if the committee would consider not circulating people's credit information.

Mr. C. Jackson stated he thought it was a little funny too, and he wondered why we got it. He stated someone should have screened that.

Mr. N. Jackson stated HR was sending us all the information to make a decision because they usually screen out people with credit problems.

Mr. Manning stated, if he was Mr. Hanna, he would be really gun shy about working with us right now. If you feel like this is disqualifying, and that can be disqualifying, you should contact the Chair

and then we can decide as a committee if we want to accept them.

Ms. Myers stated we do not need to know if the person has a speeding ticket, unless we are going to give them a car, and then it is important. She stated there is a lot of information, that was circulated via email, that she considered sensitive, including the criminal background check and the credit check. If we can give them some parameters.

Mr. C. Jackson stated he did not feel the same way about the criminal background check. In interviewing other applicants for the job, criminal background has really helped play a major role in a decision and avoiding a major conflict.

Ms. Myers stated she agrees with Mr. C. Jackson, so maybe anything in the criminal background would be important.

Mr. N. Jackson stated that HR's process includes some of these screenings, so we would have to change their process.

Ms. McBride stated it may cost more, but maybe the applications should be hand-delivered instead of sent out via email.

Mr. Manning stated he had a concern about the Excel spreadsheet and the scoring of it. Under Education, it was 5 pts. for Undergraduate, 10 pts. for a Master's, and 15 pts. for a PhD. We advertised MPA preferred, and we used that in the first thing. He is of the opinion that since we advertised it that way that an MPA should get the equivalent of a PhD. If we advertised it as preferred, and we do not give extra points for it, then why did we advertise that was preferred. The only thing that we say is preferred, in the advertisement, but then you look at the scale and you do not get any points for getting the preferred, there is something wrong with that.

Mr. Manning moved, seconded by Mr. C. Jackson, to schedule a time for the Ad Hoc Committee to meet and interview Stanley Paisley and Edward Gomeau. The vote was in favor.

Mr. Manning moved, seconded by Mr. N. Jackson, to reschedule the interviews for today. The motion failed.

Mr. C. Jackson moved, seconded by Ms. McBride, to hold the interviews on September 13<sup>th</sup> from 11:00 a.m. – 1:00 p.m. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. C. Jackson, if other applications come in prior to the interviews on September 13<sup>th</sup> that they also be considered. The vote in favor was unanimous.

3. **Interviews for Interim Administrator Position** – There were no interviews conducted.

5. **ADJOURN** – The meeting adjourned at approximately 3:11 PM