



Richland County Council

Rules and Appointments October 20, 2015 - 4:00 PM 4th Floor Conference Room

Julie-Ann Dixon	Bill Malinowski (Chair)	Jim Manning
District 9	District 1	District 8

Call to Order

- 1 The Honorable Bill Malinowski

Approval of Minutes

- 2 October 12, 2015 [PAGES 4-7]

Adoption of Agenda

- 3

Interviews

- 4 Board of Zoning Appeals - 1 [PAGES 8-14]
 - a. Patrick E. Pinckney
 - b. Aaron Dupree
 - c. Shane Ousey

Notification of Vacancies

- 5
 - a. Music Festival Commission - 1



Richland County Council

b. Accommodations Tax Committee - 1 (Applicant must have a background in the Cultural Industry)

Items for Action

- 6** Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON] [PAGE 15]
- 7** Modify the Rules of Council to allow Council to respond to citizens during the Citizens' Input portion of Council meetings [PEARCE]
- 8** Employee Grievance Committee [PAGE 16]

Adjournment



Richland County Council



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

RICHLAND COUNTY COUNCIL SOUTH CAROLINA



RULES AND APPOINTMENTS COMMITTEE

October 12, 2015
4:00 PM
4th Floor Conference Room

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Malinowski called the meeting to order at approximately 4:02 PM

APPROVAL OF MINUTES

September 15, 2015 – Mr. Malinowski requested the vote be recorded for the following item: “Employee Grievance Committee Alternates – 2”

Ms. Dixon moved, seconded by Mr. Malinowski, to approve the minutes as corrected.

The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Ms. Dixon moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

NOTIFICATION OF VACANCIES

- a. **Building Codes Board of Adjustment & Appeal – 3 –**
- b. **East Richland Public Service Commission – 1**
- c. **Hospitality Tax Committee – 2**
- d. **Accommodations Tax Committee – 2 (One position is at large; the other applicant must have a background in lodging)**
- e. **Internal Audit Committee – 1**

Ms. Dixon moved, seconded by Mr. Malinowski, to advertise for the above vacancies. The vote in favor was unanimous.

- f. **Music Festival Commission – 1** – Ms. Roberts is to contact Mr. John Whitehead to confirm that Richland County has appointment authority to this commission.

Committee Members Present

Bill Malinowski, Chair
Julie-Ann Dixon

Others Present:

Monique McDaniels
Kimberly Roberts
Michelle Onley

ITEMS FOR ACTION

- a. **Ordinance providing for the appointment of Ex-Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex-officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex-officio member shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex-officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex-officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON] – Mr. Malinowski requested an opinion on this matter from the County Legal Department; a definition of a “public body” and to identify the governing body of Richland County.**

Mr. Malinowski further inquired as to the effect the proposed ordinance would have on boards, commissions and committees that have members from other bodies (i.e. the City of Columbia, Lexington County, etc.)

Mr. Malinowski stated he does not feel that it's fair to give a Council members all of the rights, but none of the responsibilities.

This item was held in committee for additional information.

b. Council Rules of Richland County Updates –

Mr. Malinowski moved, seconded by Ms. Dixon, to approve the change to Rule 1.7(b)(6) as follows: **“In the case of a resolution honoring or recognizing a citizen or organization, the same by unanimous consent may be placed on the agenda and voted on during Council’s motion period.”** The vote in favor was unanimous.

Ms. Dixon moved, seconded by Mr. Malinowski, to approve the change to Rule 1.7(c)(11) as follows: **“...Items shall consist of those matters that do not require further discussion by Council that have been forwarded to Council by the unanimous vote of the Committee; provided, however, that an item forwarded to Council by Committee without recommendation shall not be listed as a Consent Agenda item...”** The vote in favor was unanimous.

Ms. Dixon moved, seconded by Mr. Malinowski, to approve the change to Rule 4.1 (Standing Committee) as follows: **Absent exigent circumstances, no meeting of a standing committee of council shall be scheduled at the same time as another meeting of a standing committee of council.** The vote in favor was unanimous.

Ms. Dixon moved, seconded by Mr. Malinowski, to approve the change to Rule 4.6 (Legislative Action) as follows: **“Notwithstanding items 1 through 4 in this subsection, any item on the Administration and Finance (A&F) or the Development & Services (D&S) Committee agendas listed**

as an "Item Pending Analysis" must be resolved, tabled or otherwise disposed of within 100 days of that matter's referral to the A&F or D&S Committee. The vote in favor was unanimous.

Mr. Malinowski requested that when the Council Rules are updated the adoption date be included on the document.

- c. **Citizens' Input and Public Hearing Sign-In Sheets** – Mr. Malinowski requested the "Citizens' Input" form be amended to read "up to two (2) minutes" and redline any changes when brought back to Committee.

Ms. Dixon agreed to Mr. Malinowski's proposed change to the language and then to allow the Chair and/or Vice Chair decide if the rules are suspended regarding the 30 minute time limit.

Mr. Malinowski inquired how the Clerk's Office proposes to handle materials that citizens wish to provide Council and what is the purpose in providing the materials to the Clerk's Office prior to the meeting.

Ms. McDaniels stated the reason is to prevent propaganda from being provided to Council and to insure Council isn't inundated with documents the night of the meeting.

Mr. Malinowski suggested not having public hearings for items on the agenda for Third Reading.

Mr. Malinowski stated in addition to the form being placed online to be sure it is clear that citizens can receive the public input forms via U. S. Mail or the night of the meeting for those that are not computer savvy.

Ms. McDaniels stated the Clerk's Office would like a time frame be included on the form to allow ample time for the materials to be review. It is her suggestion the time frame be at least 48 hours or 2 business days.

Ms. Dixon moved, seconded by Mr. Malinowski, to forward this item to the Ordinance Review Committee. The vote in favor was unanimous.

ITEMS FOR DISCUSSION

- a. **Council Rule 1.4 Closed Meetings** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve the change to Rule 1.4 – Closed Meetings as follows: "The Council may go into Executive Session as provided for in the South Carolina Freedom of Information Act as amended." The vote in favor was unanimous.

INTERVIEWS

- a. **Board of Zoning Appeals – 1** – Ms. Roberts stated Mr. Patrick E. Pinckney and Mr. Aaron Dupree informed the Clerk's Office they would not be able to attend today's meeting.
- b. **Accommodation Tax – 1 (Applicant must have a background in the Cultural Industry)** – Mr. Malinowski stated he did not believe the applicant had a background in the Cultural Industry; therefore, he would not be eligible for appointment to the vacancy.

Rules & Appointments Committee
Monday, October 12, 2015
Page Four

Ms. Roberts provided the following clarification as to what qualifies as a cultural industry: “Cultural as it applies to members of an advisory committees in Section 6-4-25 means persons actively involved and familiar with the cultural community of the area including , but not limited to, the arts, historical preservation, museums and festivals.”

The committee determined that Mr. Edmond was not eligible for appointment to the Accommodations Tax vacancy. Ms. Roberts is to contact Mr. Edmond and let him know the committee’s decision and re-advertise for the vacancy.

Ms. Roberts stated neither Mr. Shane Ousey nor Mr. David Edmond arrived for their interviews.

ADJOURNMENT

The meeting adjourned at approximately 4:41 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Patrick E. Pinckney
Home Address: 1402 Brennen Rd., Columbia, SC 29206
Telephone: (home) (803) 960-2287 (work) (803) 754-8667
Office Address: 420 McNulty Ave., Blythewood, SC
Email Address: pat.pinckney@yahoo.com
Educational Background: Denmark Tech - 2 yr. degree
Professional Background: Barber

Male [checked] Female [] Age: 18-25 [] 26-50 [checked] Over 50 []

Name of Committee in which interested: Board of Zoning Appeals, Service Center Appeals
Reason for interest: To become more involved in my community and to begin my political interests
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

interact well with people, good listener, honest, hard worker, dedicated, work to find solutions

Presently serve on any County Committee, Board or Commission? no

Any other information you wish to give? have been a business owner

Recommended by Council Member(s): Mary Lynn Kinley - Fairfield County Council

Hours willing to commit each month: as many as possible within work schedule

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

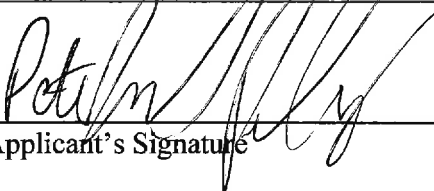
Yes No

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes No

If so, describe: _____


Applicant's Signature

7/8/15
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

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**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Aaron Dupree

Home Address: 1674 Woodlake Drive, 29206

Telephone: (home) 803-466-3037 (work) 803-744-6859

Office Address: 1333 Main Street, Suite 210, Columbia, SC 29201

Email Address: aaron.dupree@cbre.com

Educational Background: Bachelor of Business Administration from Baylor University

Professional Background: Commercial Real Estate Broker at CBRE

Male Female Age: 18-25 **26-50** Over 50

Name of Committee in which interested: Board of Zoning Appeals

Reason for interest: Eager to improve the business/overall community, as well as the process through which the county requires its citizens to navigate.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

Pragmatic business person who works with people and companies in real estate and zoning matters on a regular basis.

Presently serve on any County Committee, Board or Commission? No. _____

Any other information you wish to give? _____

Recommended by Council Member(s): Seth Rose and Torrey Rush

Hours willing to commit each month: 3-4

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All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ X _____ No _____

If so, describe: As a commercial real estate broker, it is possible that one of my clients, or a client of my company, would come before this board with a real estate project that could potentially result in a commission for me and/or my company. _____



Applicant's Signature

8-11-15 _____
Date

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For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

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Staff Use Only		
Date Received: _____	Received by: _____	
Date Sent to Council: _____		
Status of Application:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied <input type="checkbox"/> On file



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Shane Ousey

Home Address: 279 Quiet Pond Way

Telephone: (home) 803-397-8877 (work) 803-743-0600

Office Address: 4910 Trenholm Road Columbia 29206

Email Address: _shane.p.ousey@gmail.com

Educational Background: B.A.- Organizational Communications M.S. – Administration

Professional Background: Retired US Army LTC – 26 years retired Dec 2014 , Homeowner’s Association Management and Development – 1 year, Member of SC House/Senate Joint Committee on HOA legislation, VP of Cooper’s Pond HOA

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Board of Zoning Appeals

Reason for interest: Living in one of the fastest growing section of Richland County I am very conscious of how the development and zoning will impact the community and environment and want to be able to contribute to the decisions involving that developemnt

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: I have vast experience in leadership and decision making at the strategic level as well as experience in dealing with community members. Me or my family members have lived in NE Richland County for over 10 total years and have seen the growth and the benefits/drawbacks it can bring to the community first hand. I have the ability to grasp the second and third order effects of strategic decisions and to balance needs of various constituencies.

Presently serve on any County Committee, Board or Commission? NO

Any other information you wish to give? NO

Recommended by Council Member(s): _____

Hours willing to commit each month: 5-10 or as needed

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: As an HOA manager I work with many Developers on projects that could require a zoning decision

Shane Cleary
Applicant's Signature

Sept 11, 2015
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

Ordinance providing for the appointment of Ex Officio members to the public whose membership is appointed by the governing body of Richland County

“The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Robert’s Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically.”

[Washington]

SCAC Response:

July 14, 2015

County Council is authorized by the state code to enact rules of procedure. There are no statutes in the state code that I can find that prohibit the council from enacting specific rules for the appointment of members ex officio to county boards/commissions.

While I found nothing in the code to prohibit the council rule you discussed, I would address this issue with your county attorney.

John K. DeLoache
Staff Attorney
SC Association of Counties
PO Box 8207
Columbia, SC 29202
(803) 252-7255 toll free in SC 1-800-922-6081
Fax (803) 252-0379

The Employee Grievance Committee

The County Council will appoint a committee composed of seven (7) employees to serve for staggered terms of three (3) years, except that the members appointed initially will be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms will expire each year.

A member will continue to serve after the expiration of his term until a successor is appointed.

Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term will be for the unexpired term.

Any member may be appointed for succeeding terms at the discretion of the County Council.

All members will be selected on a broadly representative basis from among County employees

Members employed in the same department as the grieving employee and members who have formed an opinion on the issues prior to the hearing, will not participate in that employee's hearing.

The Council will qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the Employee Grievance Committee. In the event three (3) or more permanent members of the committee are disqualified or otherwise unable to participate in a grievance proceeding, such that a quorum of the committee as required by this section would otherwise be unavailable, a sufficient number of alternate members should be called to constitute a quorum so that the grievance may be heard.

Alternate members may seek appointment as interim or permanent committee members as vacancies occur, in which event the council will designate replacement for such alternate members so chosen for full membership on the committee.

The committee annually will select its own chair from among its members. The chair will serve as the presiding officer at all hearings which s/he attends, but may designate some other member to serve as presiding officer in his/her absence. The chair will have authority to schedule and to re-schedule all hearings.

A quorum consists of at least five (5) members, and no hearings may be held without a quorum.