

# **RICHLAND COUNTY**

## **ADMINISTRATION & FINANCE COMMITTEE AGENDA**



**TUESDAY, DECEMBER 19, 2017**

**6:00 P.M.**

**COUNCIL CHAMBERS**

**2020 HAMPTON ST.**

**COLUMBIA, SC 29204**

# RICHLAND COUNTY COUNCIL 2017-2018



**VICE CHAIR**  
Bill Malinowski  
District 1



**CHAIR**  
Joyce Dickerson  
District 2



Yvonne McBride  
District 3



Paul Livingston  
District 4



Seth Rose  
District 5



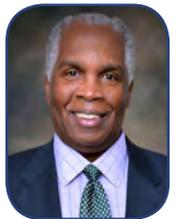
Greg Pearce  
District 6



Gwendolyn Kennedy  
District 7



Jim Manning  
District 8



Calvin "Chip" Jackson  
District 9



Dalhi Myers  
District 10



Norman Jackson  
District 11



Richland County Administration & Finance Committee

December 19, 2017 – 6:00 PM  
Council Chambers  
2020 Hampton Street  
Columbia, SC 29204

Bill Malinowski  
District 1

Paul Livingston  
District 4

Greg Pearce (Chair)  
District 6

Jim Manning  
District 8

Norman Jackson  
District 11

1. **CALL TO ORDER**

The Honorable Greg Pearce, Chair,  
Administration & Finance Committee

2. **APPROVAL OF MINUTES**

The Honorable Greg Pearce

- a. Administration & Finance Committee Meeting: November 16, 2017 [Pages 6-15]

3. **ADOPTION OF AGENDA**

The Honorable Greg Pearce

4. **ITEMS FOR ACTION**

The Honorable Greg Pearce

- a. Richland School District 2 (RSD2) FY 17-18 Budget request to County Council: Amend Official Records and FY 2018 Budget Proviso [Pages 16-23]
- b. Restructuring Ordinance: Phase II [Pages 24-67]
- c. Award of Rivers Station Subdivision Road Repair and Paving project [Pages 68-82]

5. **ITEMS PENDING ANALYSIS – [PAGE 83]**

- a. Council Motion: Any entity placing a person in the Alvin S. Glenn Detention Center will be responsible for paying the daily fee as determined by Richland County, as well as all medical costs incurred to include mental needs [Malinowski and Myers]
- b. Council Motion: Have the Administrator and EMS Director explore the possibility of a public/private relationship for EMS services in Richland County [Malinowski]
- c. Council Motion: Determine if a cost savings can be obtained by leasing certain technical equipment versus purchase [Malinowski]

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Note: Pursuant to Council Rules, Council will record non-electronic roll call voting for all votes that are not unanimous for second and third reading or one time votes; and which are not merely procedural in nature.

- d. Council Motion: I move that Council get specific answers regarding the PDT's past performance and the current status of projects before moving forward with the bonding [N. Jackson]
- e. Funding Request for Little Lake Katherine

6. **ADJOURN**



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

### ADMINISTRATION AND FINANCE COMMITTEE

November 16, 2017 – 6:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Greg Pearce, Chair; Bill Malinowski, Paul Livingston, Jim Manning and Norman Jackson

OTHERS PRESENT: Joyce Dickerson, Dalhi Myers, Brandon Madden, Michelle Onley, Larry Smith, Shane Kitchens, Tracy Hegler, Ismail Ozbek, Jamelle Ellis, Brad Farrar, Quinton Epps, Lillian McBride, and Kimberly Williams-Roberts

1. **CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 6:00 PM.

2. **APPROVAL OF MINUTES**

a. October 24, 2017 – Mr. N. Jackson moved, seconded by Mr. Manning, to approve the minutes as distributed.

Mr. Manning stated on the top of p. 3 there is a typo. The word “community” needs to be changed to “committee”. The Clerk’s Office will make the necessary correction prior to posting the minutes online.

In Favor: Malinowski, Pearce, N. Jackson, and Livingston

The vote in favor was unanimous.

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

Mr. Malinowski stated he was provided an amended agenda prior to tonight’s meeting and wanted clarification on which agenda the committee will be working off.

Mr. Pearce stated the committee will be working off of the amended agenda.

In Favor: Malinowski, Pearce, N. Jackson, and Livingston

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. Award of Rivers Station Subdivision Road Repair and Paving Project – Mr. Pearce stated the roads were built substandard and the roads are falling apart. The company that constructed the roads is no longer in business and the developer cannot afford to repair the roads. The County has negotiated a

plan to spend \$200,000 to correct the deficiencies. He stated it was his understanding the developer is going to reimburse the County.

Ms. Hegler stated that was the intention. Several months ago, Council passed the agreement that would do what Mr. Pearce outlined with the developer. This unique opportunity was proposed by the developer to help fund some of the deficient roads. At the last committee meeting it was noted, the developer had not and would not sign the agreement; therefore, the selection of a vendor to do the work was deferred by the committee. She stated there were options she could present to the committee to amend the contract that may be more amenable to the developer.

Mr. Pearce stated for clarification the motion before the committee tonight is to spend the \$200,000 to correct the roads.

Ms. Hegler stated to select the vendor to do so.

Mr. Pearce stated the issue is open for discussion.

Mr. Livingston inquired as to where the money is to come from.

Ms. Hegler stated it was approved by Council during the original contract discussion to pull it from the Roads & Drainage fund balance to cover the cost until we received reimbursement from the developer.

Mr. Malinowski stated the original action item did say we would take it from Roads & Drainage, but we also had a contract. When we voted for that it, it was that we were going to be receiving reimbursement to replenish the fund. Now he is hearing we may not. He inquired if we are back to the original one where we will get the reimbursement.

Ms. Hegler stated we are not. She has reached out to the developer, the subject of the original contract, and suggested amendments to the agreement, which would have been brought back to the committee tonight, to see if he might be more amenable to it and have not heard back from him. The clauses within the original agreement were to pave and/or correct the roads in Rivers Station and a 2<sup>nd</sup> community Blythecreek. The estimate provided at the time for \$200,000. The developer agreed to repay that over the course of 2 years. When the contract was presented to Council, staff suggested adding a final accounting clause to the agreement should the amounts go over \$200,000. Council agreed to the additional language. When the additional language was presented to the developer that was his contention. The developer did not want the final accounting clause because he knew we could come back and say well it actually cost us \$500,000. What has happened since the last committee meeting, Blythecreek the 2<sup>nd</sup> community listed in the contract is located in the Town of Blythewood and their current responsibility. She stated she could present the option of removing Blythecreek and the final accounting clause from the contract, keep it at \$200,000 and assume a repayment from the developer. He may be more amenable to doing so.

Mr. Pearce stated the options would now be either to approve the \$200,000 and move forward or to defer and allow staff to present the option to the developer.

Ms. Hegler stated if that is the will of the committee.

Mr. Malinowski stated in the agenda it says, "Impact of Action – Operating Budget: Not applicable" and then for the funding it says it is not applicable because we are going to pay it and get it back; therefore, what is in front of the committee is incorrect.

Mr. Malinowski made a motion, seconded by Mr. Manning, to hold this item in committee and direct staff to create a document with the option outlined by Ms. Hegler, present it to the developer and see if he will be willing to sign the agreement and reimburse the County.

Mr. N. Jackson inquired if anything had been done to the roads in the subdivision.

Ms. Hegler stated the County has been paving potholes.

Mr. N. Jackson stated the residents of the community are at the mercy of when this is approved. If the developer chooses not, then it is up to Council to fix it. But that same developer can come and build houses anywhere else he chooses.

Ms. Myers stated the original contract had 2 developments in it and that was a \$200,000 assessment. Obviously, it would be divided between the two. If we are taking out one, is the number going to change?

Ms. Hegler stated what we have now is knowledge of a bid. What is truly before the committee is the solicitation award for a contractor we found to do the work in one of those neighborhoods, Rivers Station. The estimate is \$211,000 and why she feels more comfortable removing the final accounting clause, but also removing the 2<sup>nd</sup> neighborhood because it would clearly be more than \$200,000.

Ms. Dickerson inquired as to what the future intentions are for the Blythecreek community.

Ms. Hegler stated they realized in their error the community was actually within the Town of Blythewood. They are talking to the Town of Blythewood to address the matter.

Mr. Pearce stated the motion on the floor is to hold this item in committee to give staff time to discuss with the developer an amended agreement and return that to the committee at the December committee meeting.

In Favor: Malinowski, Pearce, N. Jackson, and Livingston

The vote in favor was unanimous.

- b. Request of Board of Voter Registration and Elections: Repeal of Ordinance Section 1-19 of Chapter 1, General Provisions of the Richland County Code of Ordinances – Mr. Pearce stated Council previously voted not to forward payment for legal fees for the Election Commission.

Mr. Smith stated when the committee briefing document flowed through, the legal department became aware the Board of Voter Registration and Elections had requested an Attorney General's opinion. He believes Mr. Madden indicated he had reached out to get a copy of what the Attorney General was asked to address, but he did not get a copy. The ordinance before you is the one Council previously voted on and is currently in place.

Mr. Malinowski stated it was his understanding from previous discussions regarding legal payments for this entity, Board of Voter Registration and Elections, there was a State law that addressed how they were supposed to seek legal advice or counseling to take care of their legal matters. And it was not from this body. He does not believe this is properly before us. In order to get whatever legal remedies they need, they need to review the State law and go to the proper body. He further stated under "Fiscal Impact" it says, "no immediate". Well there is obviously some immediate needs and

some monies owed. If in fact we are going to consider this, we have not been given the benefit of the dollar amounts they are asking for.

Ms. Dickerson stated she agrees. She met with the Director approximately 3 months ago and had a long discussion with him about the Attorney General's opinion. At that time, he stated he would be submitting that opinion within the next week. She stated she is amazed we do not have the opinion and why that opinion was withheld from Council so we can see what the request was and what the Attorney General's opinion is. She further stated we need hear what the Attorney General's opinion is before we even look at amending the ordinance.

Mr. Malinowski stated, based on Ms. Dickerson's comments, rather than make an outright motion for denial and tell them to review the State law, he moved to hold this committee until we obtain the information Ms. Dickerson has requested.

Mr. Livingston stated for clarification that is the legal opinion.

Mr. Manning seconded Mr. Malinowski's motion to hold this item in committee.

Mr. N. Jackson stated for clarification that we are going to get an opinion to see if we can repeal.

Mr. Pearce stated he believes the opinion is where the proper authority is for the Election Commission to receive legal assistance.

Ms. Dickerson stated when this was presented to her, they gave her an approximate figure on how much they were requesting and outlined the legal bills they have. She was in agreement with Mr. Malinowski that the bills have not been presented notating the amount. That is one of the reasons she requested they get a legal opinion and if we were in violation or that was something we needed to do then that's what we would do, based on State law and the AG's opinion. Without having that information, she believes the Director did not give this Council the respect to say this is what our request was and this is what the Attorney General's opinion was.

Mr. N. Jackson stated he knows staff will give us an opinion also. What he saw last time with members of a board, who volunteer services for the County, was they were sued and they had come out of their own pockets. He does not feel that is fair. Anything we can do to prevent something happening like that again. He stated he would do anything to help that. In the budget, the Election Commission had a budget for "X" amount of money to handle legal fees, but we struck it down from \$140,000 to \$5,000. If they had that line item, enough money in their budget, they would not have to come to us. He is not sure if we cannot do it this way, in the future they can access an amount that may be needed for legal fees and if not used can be carried over.

**POINT OF CLARIFICATION** – Ms. Dickerson stated the request was twofold. It was like our attorney was responsible for handling their legal matters. Our attorney is the Council's attorney and it was one of her questions to the Director and he was not able to answer that.

Mr. Pearce stated the Director of the Voter Registration is in the audience and was invited to briefly assess the committee of his position.

Mr. Suleman stated they have requested the Attorney General's opinion. He spoke with the Attorney General's Office today and they are expecting the opinion to be completed by next Wednesday. They have been working on it for the last 3 weeks. Part of the delay with submitting it was because he had to write the request for opinion himself. Since his arrival in Richland County, he has not been able to have legal counsel for the Board. He has inherited 3 lawsuits and have had

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another lawsuit to the Board. The Board has entered into settlement agreements on 2 of the lawsuits that they feel the settlements benefit the citizens of Richland County. They were also in mediation for a 3<sup>rd</sup> lawsuit where he had to go into mediation by himself because they do not have legal counsel to appear with us because they cannot pay anyone. The request is to rescind the ordinance because he has already submitted legal bills and has a potential settlement figure, which cannot be released publicly. The hope is to pay these settlement fees out of the \$300,000 Council gave them back in their budget from the money that should have received in FY17. He stated he may have misspoke on the agenda, but the fiscal impact is that it is going to be coming out of the monies already been appropriated to our agency, which are not Council funds but reimbursement funds that were due back to our agency. They know they are able to cover the costs of the current attorney's fee and the settlements with the \$300,000. They are hoping to cover the settlement fee of the lawsuit currently in mediation, as well. He stated he could forward copies of the 4 questions asked of the Attorney's General's Office.

Mr. Livingston stated he shared some of Mr. N. Jackson's concerns. If we have a Voter Registration Office and people are serving and there are reasons for legal issues. We have to figure out a way to resolve that. It has to be paid. How we do that, he does not know. We cannot simply say go figure it out and not provide them with money. It is our Voter Registration Board, whether we are directly responsible for it or not. It is in Richland County and it is going to affect our constituents.

Mr. Malinowski inquired if Mr. Suleman was an attorney.

Mr. Suleman responded he was not.

Mr. Malinowski stated Mr. Suleman indicated he did not have funds for legal assistance, yet he indicated he entered into a good settlement agreement. He inquired how Mr. Suleman would know it was a good settlement agreement not being attorney or not having any representation.

Mr. Suleman stated, in that case, they did have representation because they had an attorney working that had not been paid for over a year. She was continuing to represent them in the case to get settlement. Her firm will not represent them in further legal actions because they have not been paid for over a year of legal fees. In that instance, he is confident they have a good settlement in hand and they can pay that. They are under a court imposed deadline of January 2<sup>nd</sup> to pay that settlement or it will go back to active docket. In the current case, they have put a pause on the mediation until he could confer with an attorney. He is supposed to speak to the mediator tomorrow to discuss settlement options and see if they are going to be able to reach and move forward with a settlement.

Mr. Malinowski stated the other problem with rescinding the ordinance is he believes we are opening the door for others to come forward because there no longer something in place to prevent others from coming to Council asking for payment of their legal fees. He cannot say the citizens are or are not being affected in this case. We do not have any information or specifics on it. He believes once Council starts paying fees, regardless of what they are, for entities that State laws or other laws say we are not responsible for we are going to get a lot more tear shedding coming in here requesting funds.

Mr. Pearce stated he was not aware of what the proposal was. There would be some consideration to let them settle these cases with this money without repealing the ordinance. Let them get this behind them, with this money they already have, without repealing the ordinance. So that would be an option for consideration.

Mr. Malinowski inquired about where the money is coming from.

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Mr. Suleman stated this is the money that Council had three readings for the ordinance a few months ago for a budget amendment in the amount of \$308,000. It was originally approximately \$400,000. It was reimbursement money they were due from elections that were held and they were supposed to get monies back in. The money went to the General Fund and was supposed to be returned to their budget. It was never returned to their budget, so their budget was shorted those monies.

Mr. N. Jackson stated, apart from that, we have to have a mechanism for the Election Commission, or any other board, to pay legal fees if they are a standalone or independent board.

Mr. Suleman stated they are hoping the Attorney General's opinion will assist them with moving down the road to a solution that everyone can agree on.

Mr. N. Jackson made a substitute motion, seconded by Mr. Livingston, to forward to Council with a recommendation to allow the Board of Voter Registration to use the funds they have in their budget to pay their legal fees.

Mr. Pearce stated for these specific cases.

Ms. Dickerson stated we were talking about how we help others, but the money we paid earlier for Board members that were appointed. We were helping Board members and not staff, so that is a very distinct difference between the two.

Mr. Pearce stated that would not repeal the ordinance.

Mr. Malinowski stated while we are going to give them the authority to spend these funds they have been reimbursed from the County. He wanted to ensure that 2 or 3 months from now Council does not hear, "well we used these funds for legal funds and now we need you to give us another \$300,000".

Mr. Suleman stated they are presently working on their budget. The November 7<sup>th</sup> election was just held and they are working on the reimbursement from the cities and towns that had that election. They are going to be putting together their budget for the June primaries. They are going to be working diligently to work within the budget they have. They may not have some of the amenities that Council members are used to seeing in some of the elections, but they are going to have the elections and will do the best they can with the caveat they believe they were underfunded to begin with.

Mr. N. Jackson inquired if the Election Commission has a board appointed by the Legislative Delegation, and they have a budget, does Council have a right to tell them how to spend their money or what to do with the money they have.

Mr. Pearce stated Council is not recommending that, they are.

Mr. N. Jackson stated in the past the board recommended or needed something done, but Council said no. He stated if you have a board appointed by the delegation and they made decisions for the agency, does Council have a right to tell them what they can and cannot do with their board's decision.

Mr. Smith stated there have been several different issues that has come before the Council related to Voter Registration and Elections. He stated perhaps what Mr. N. Jackson is referring to was a situation that came before Council where there was not a line item in their budget for legal fees.

Obviously they could not pay something out of their budget when there was no line item for that in their budget. At that time, there was a request to pay some legal fees; however, there was not a line item in their budget for legal fees. At point, it was determined that was not something they could do because Council had not supplied any funds for that purpose. He further stated that was based on the premise there was a State law which basically said it was the Attorney General's responsibility to deal with these kinds of issues. Or at least that is our interpretation of what State law says.

Mr. Manning inquired about Mr. Suleman's comment, in regards to the June elections, that Council would not see the amenities they are accustomed to.

Mr. Suleman stated one of the things they are looking at cutting would be absentee satellites available for absentee voting in the primaries. If they do not have the money to open them, they will not be opening them. They will only have absentee voting here at the Voter Registration and Elections office.

Mr. Pearce stated the motion on the floor is to permit Voter Registration and Elections to spend the money they recently received to settle the 3 lawsuits and would not result in the repeal of the current ordinance.

In Favor: Malinowski, N. Jackson and Livingston

The vote in favor was unanimous.

Mr. Smith stated Mr. Suleman indicated there was something that had to be done tomorrow. He wanted to make certain there is an understanding this committee makes a recommendation to Council.

Mr. Suleman stated he understand. He inquired if this matter would be on Council's next agenda.

Mr. Pearce responded in the affirmative.

- c. Extension of Waverly Magistrate Lease – Mr. Pearce stated the item before committee is a routine extension of the Waverly Magistrate's lease.

Mr. Livingston moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the extension.

Mr. Malinowski inquired about the difference between the old installment and the new installment.

Staff responded it is the same.

Mr. Malinowski stated once again we have a lease that has already expired. He stated it seems we are always chasing the things. We need to find a better way to track these.

In Favor: Malinowski, Pearce, N. Jackson, and Livingston

The vote in favor was unanimous.

- d. Direct staff, in conjunction with the legal department, to determine how a service fee can be imposed on property that is not taxed in Richland County. The purpose is that even though certain properties are exempt from taxes, they still receive all amenities provided by Richland County that others must pay for in addition to property taxes [MALINOWSKI and N. JACKSON] – Mr. Pearce

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stated the motion before Council is to impose fees on non-profit entities in the County that currently do not pay taxes. It is his understanding there is a precedence on this.

Mr. Farrar stated this came up at Council's Retreat. The law is clear on taxes, as far as who is exempt. It includes a number of entities: State property, County property, municipal property, school district, churches, schools and colleges, etc. are generally exempt if they are used for those purposes. It is unchartered water in terms of uniform service fees. There was one case found, *German Evangelical Lutheran Church of Charleston v. City of Charleston*, and there was a fee imposed in connection with a municipal improvement act, which is a specific piece of legislation. The assessment was held to legal. He further stated that is an assessment and not necessarily the same thing as a uniform service fee or charge. What he was trying to say is there is no prohibition against attempting to impose it, but you have to understand the entities you might impose this against you would likely hear from those entities. Not on the legal side, per se, but they are going to appeal to you along the lines of, look we are exempt from taxes what is the difference between that and a fee. You may get into a in the weeds discussion. They are probably going to want to keep it on the philosophical level of there is really no difference. Why are you imposing it? It is not something you could not legally attempt to do, but you need to understand you will probably hear public relations issues, political issues that go along with that initiative.

Mr. Pearce stated he would suspect if we passed one we would have legal challenges.

Mr. Malinowski stated right now the taxpayers are paying for the non-tax property. What he is saying is they are receiving services that everyone else is paying for. We are already giving them a break on not paying taxes. Yet we continue to send fire, sheriff, local law enforcement, and EMS. They get the benefits of all this. They may even have the benefits of trash pickup. Yet they do not pay a penny. We are not asking that we tax their property. He is simply saying they should pay their fair share like all other residents of the County do for these special services, which are very important for them.

Mr. Malinowski moved, seconded by N. Jackson, to direct legal to create a fee agreement or ordinance we can use in order to begin to reap some benefits to defray the costs.

Mr. N. Jackson stated Midlands Technical College has a County fee, an in State fee and an out of State fee. The residents of Richland County pay a lower fee just because of the taxes the residents pay in Richland County. Instead of a fee, it would be great if all the institutions (i.e. USC) would give the residents of Richland County a discount to attend. He requested a friendly amendment to have staff explore the possibility of reduced fees for County residents at these entities.

Mr. Malinowski accepted Mr. N. Jackson's friendly amendment.

Mr. Manning stated he is fine with looking at the entities that are not governmental entities. He stated he does not have a problem with not charging, for example, the State Department of Social Services and someone has a heart attack over there during the day and we send EMS. Because all we are doing, if we do that, is the State government is going to raise taxes to pay for it. It seems like this will be getting people all wound up and upset. Ultimately, at the end of the year, when we are done paying local and State taxes we are still going to pay the same amount. The County tax may be a little less and my State tax a little higher because the government entity, whether it is the County or the State, is still going to get the money to pay for it. Mr. Manning requested a friendly amendment to remove purely government organizations.

Mr. Malinowski accepted Mr. Manning's friendly amendment.

Mr. Pearce stated the motion is to request the legal department to prepare a structured proposal, excluding government entities, and bring back to committee.

In Favor: Malinowski, Pearce, Manning, N. Jackson and Livingston

The vote in favor was unanimous.

- e. A Resolution in support of the issuance of JEDA Bonds in the aggregate principal amount of \$1,500,000,000 and authorizing a pledge of revenues of SC Health Company in connection herewith – Mr. Pearce stated this is an action requested by Palmetto Health.

Mr. Manning moved, seconded Mr. Pearce, to forward to Council with a recommendation for approval.

Mr. Pearce stated to keep in mind all we are doing is providing a resolution in support of this. It does not apply against our debt capacity in any way.

Mr. Malinowski stated he supports the resolution. He wants it on the record that Council rules states agenda items, with all backup material, have to be before us 2 weeks prior to the meeting. This one was not. The rules further state in exigent circumstances the Chair can put it on and that is why this was put on because time was of the essence.

In Favor: Malinowski, Pearce, Manning, N. Jackson and Livingston

The vote in favor was unanimous.

## 5. **ITEMS PENDING ANALYSIS**

- a. Council Motion: The City of Columbia announced that they will be targeting Hospitality Tax businesses in the unincorporated area for annexation to take HTax funds. The City receives more than \$10 million annually while the unincorporated area receives over \$5 million annually. The County spends more than half its funds in the City while the City spends its funds in the City only. I move unless the City develops an IGA or MOU with the County not to take target and take the County HTax funds that Richland County then there should be some discussion to reevaluate collection of the HTax funds [N. JACKSON & MALINOWSKI] – No action was taken.
- b. Council Motion: Explore funding Eco Tourism with funds from Mitigation Bank Credits and Economic Development [N. JACKSON] – No action was taken.
- c. Council Motion: Explore additional options on supplemental insurance for employees. NOTE: There are new products available. Staff should talk to existing and additional agencies to provide better or additional options for employees. [N. JACKSON] – No action was taken.
- d. Council Motion: Move that the Recreation Commission provide an update of the Recreation Bond to ensure that it was executed as council approved and that any funds remaining after all items are completed it is Richland County Council's decision on how it is spent [N. JACKSON] – No action was taken.
- e. Council Motion: Richland County funds thirteen mills eight mills more than the five mills required by statute. I move that County Council develop a separate Recreation Commission to manage the eight additional mills if the Recreation Commission does not agree to the MOU or if Council still feels that

there is taxation without representation. NOTE: This is a partial solution to the constant challenge for taxation and representation [N. JACKSON] – No action was taken.

- f. Council Motion: Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project [MALINOWSKI and MYERS] – No action was taken.

- 6. **ADJOURNMENT** – The meeting adjourned at approximately 6:48 PM.



# RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

## Administration & Finance Committee Meeting December 19, 2017 Briefing Document

### Agenda Item

Richland School District 2 (RSD2) FY 17-18 Budget request to County Council: Conform Official Records and FY 2018 RSD2 Budget

### Background

As part of County Council's Biennium Budget I deliberations and according to the June 8, 2017, Special Called Meeting's video, Councilman "Chip" Jackson moved "to increase the original budget request [for Richland School District 2] from the number that's on your sheet to the new dollar amount, which will be \$148,354,353." Council then engaged in discussion and, prior to voting, Councilman Jim Manning requested clarification from Councilman C. Jackson because "the letter that was sent to us by the school district, I believe, the number in that letter was a little higher than the number that he [(Councilman "Chip" Jackson)] just asked for." Councilman C. Jackson then restated his motion, which included the amount in the RCSD2's letter. The school district's letter dated June 7, 2017, is included as Attachment 1.

County Council has not adopted the June 8, 2017, minutes.

Administration and finance staff met with RCSD2 finance personnel on December 5, 2017. County staff discussed a solution with RCSD2 staff for County Council to approve a budget proviso by which the School District's budget will be increased by the difference of \$427,203.

### Issues

RSD2's Chief Financial Officer Dr. Harry W. Miley, Jr. brought to Councilmen C. Jackson's and Manning's attention that "The budget document that the County has published has the District's budget = \$148,354,353. \$427,203 less than our request."

The June 8, 2017, video confirms that Councilman C. Jackson's intent was to request and approve \$148,781,556, which was the amount in the letter and not the amount originally indicated and was recorded in the June 8, 2017, minutes (see Attachment 2).

Councilmen C. Jackson and Manning were also informed that Council minutes serve as the official County record of the 3<sup>rd</sup> reading of the budget document. The budget ordinance in the published minutes reflects \$148,354,353 as the amount that Council approved. In addition, the County Administrator's Office informed Deputy Clerk to Council of this situation and referred the matter to her for consultation with the County Attorney's Office for action to conform the minutes to Council's intent.

By the time this issue was brought the County's attention, the Auditor's Office had already mailed the tax bills levying the amounts according to the budget ordinance.

### Fiscal Impact

RSD2 requested that the budget document be conformed to the amount included in its June 7, 2017, letter. This will reflect an increase of \$427,203 to the District's amount included in the budget ordinance.

## Past Legislative Actions

FY 2018 Budget Ordinance #031-17-HR (see Attachment 3).

## Alternatives/Solutions

Amend the published June 8, 2017, minutes to conform to Council's intent and adopt the minutes:

Upon consultation with the County Attorney's Office, the Deputy Clerk to Council conformed the minutes as follows:

*Mr. Manning stated the letter sent to Council by the school district had a slightly higher number than the amount Mr. C. Jackson requested in his motion.*

*Mr. C. Jackson clarified the requested amount is \$148,781,556, which is the amount in the letter from the school district.*

Added language to the minutes: "The language in italics was to correct a scrivener's error made during the drafting of the 3<sup>rd</sup> Reading Budget minutes. This correction does not change the intent of the maker of the motion."

Adopt the June 8, 2017, minutes.

### Funding solution:

The school district had \$1.7 million carry-forward (surplus) from FY 2017 which was used to budget for FY 2018. A budget proviso could be prepared which could state:

"If the School District 2 millage generates the amount requested in the District's June 7, 2017, letter (which is \$148,781,556), its budget shall automatically be adjusted upward by \$427,203."

The Budget proviso has been used as tool for the school district in the past and thus a historical precedent is available for such a strategic alternative

## Staff Recommendation

1. Adopt of the conformed June 8, 2017, minutes; and
2. Approve the funding solution.



Attachment 1

June 7, 2017

Richland County Council  
2020 Hampton Street  
Columbia, SC 29202

Dear Members of County Council:

The Richland School District Two Board of Trustees would like to amend our budget request submitted to the Council on May 3, 2017. Based on the Auditor's latest projections, the District is requesting the County Council approve a revised FY 17-18 General Fund budget request of \$148,781,556 from local funds. Like the May 3<sup>rd</sup>, request, this request reflects a 4.9 mill increase. The amended budget request is consistent with the County Auditor's June 5, 2017 projections. The 4.9 mill increase is below the mill cap of 7.9 mills established by Act 388.

We hope County Council and County Administration will give consideration to the amended budget request. If you have any questions or need additional information, please call our Chief Financial Officer, Harry W. Miley, Jr., Ph.D., at 738-3294.

Sincerely yours,

A handwritten signature in cursive script that reads "James A. Manning".

James Manning  
Chair

Visit us at:  
763 Fashion Drive  
Columbia, SC 29229

Send mail/packages to:  
124 Risdon Way  
Columbia, SC 29223

Contact us:  
803-787-1910/(F) 738-3334  
[www.richland2.org](http://www.richland2.org)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_17-HR

**AN ORDINANCE TO RAISE REVENUE, MAKE APPROPRIATIONS, AND ADOPT A BUDGET FOR RICHLAND COUNTY, SOUTH CAROLINA FOR FISCAL YEARS BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018**

**WHEREAS**, 4-9-120 and 4-9-140 of the Laws of South Carolina require that a County Council shall adopt an annual budget, and shall act by Ordinance to adopt a budget and levy taxes.

**NOW THEREFORE**, be it ordained by County Council of Richland County in Council, duly assembled, and by the authority of the same:

**SECTION 1:** The following appropriations by activity, and the estimated revenue to support these appropriations, as well as other supporting documents contained in the recommended budget are hereby adopted, such supporting documents being made thereof and incorporated herein by reference:

Fund	Revenue	Transfer In	Fund Balance	Total Sources	Expenditures	Transfer Out	Total Uses
1100 General Fund Operating	\$161,447,634	\$3,022,404	\$1,639,931	\$166,109,969	\$159,261,916	\$6,848,053	\$166,109,969
<b>General Fund</b>	<b>\$161,447,634</b>	<b>\$3,022,404</b>	<b>\$1,639,931</b>	<b>\$166,109,969</b>	<b>\$159,261,916</b>	<b>\$6,848,053</b>	<b>\$166,109,969</b>
<b>Special Revenue</b>							
Victim's Rights	\$460,750	\$686,021	\$97,311	\$1,244,082	\$1,145,082	\$99,000	\$1,244,082
Tourism Development	\$1,344,000	\$0	\$0	\$1,344,000	\$1,319,000	\$25,000	\$1,344,000
Temporary Alcohol Permits	\$128,700	\$0	\$59,814	\$188,514	\$122,910	\$65,604	\$188,514
Emergency Telephone System	\$2,800,000	\$2,512,660	\$553,601	\$5,866,261	\$5,854,613	\$11,648	\$5,866,261
Fire Service	\$25,607,480	\$0	\$674,830	\$26,282,310	\$25,092,359	\$1,189,951	\$26,282,310
Stormwater Management	\$3,264,000	\$0	\$765,862	\$4,029,862	\$3,496,293	\$533,569	\$4,029,862
Conservation Commission Fund	\$781,644	\$218,988	\$0	\$1,000,632	\$982,305	\$18,327	\$1,000,632
Neighborhood Redevelopment Fund	\$781,644	\$0	\$0	\$781,644	\$746,669	\$34,975	\$781,644
Hospitality Tax	\$6,592,000	\$0	\$4,044,142	\$10,636,142	\$8,071,342	\$2,564,800	\$10,636,142
Accommodation Tax	\$700,000	\$0	\$230,000	\$930,000	\$930,000	\$0	\$930,000
Title IVD - Sheriff's Fund	\$70,000	\$0	\$0	\$70,000	\$64,176	\$5,824	\$70,000
Drug Court Program	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Road Maintenance Fee	\$6,313,000	\$0	\$0	\$6,313,000	\$5,957,725	\$355,275	\$6,313,000
Public Defender	\$1,567,650	\$2,000,448	\$0	\$3,568,098	\$3,568,098	\$0	\$3,568,098
Transportation Tax	\$63,175,500	\$0	\$219,000	\$63,394,500	\$63,175,500	\$219,000	\$63,394,500
School Resource Officers	\$5,486,095	\$0	\$0	\$5,486,095	\$5,486,095	\$0	\$5,486,095
Economic Development	\$847,750	\$0	\$106,271	\$954,021	\$954,021	\$0	\$954,021
<b>Special Revenue Total</b>	<b>\$119,920,213</b>	<b>\$5,418,117</b>	<b>\$6,750,831</b>	<b>\$132,089,161</b>	<b>\$126,966,188</b>	<b>\$5,122,973</b>	<b>\$132,089,161</b>
<b>Debt Service</b>							
General Debt Service	\$23,290,102	\$0	\$0	\$23,290,102	\$23,290,102	\$0	\$23,290,102
Hospitality Refund 2013A B/S	\$0	\$1,483,750	\$0	\$1,483,750	\$1,483,750	\$0	\$1,483,750
Broad River Sewer 2011A	\$0	\$2,139,613	\$0	\$2,139,613	\$2,139,613	\$0	\$2,139,613
East Richland Public Svc Dist	\$1,438,560	\$0	\$0	\$1,438,560	\$1,438,560	\$0	\$1,438,560
Recreation Commission Debt Svc	\$3,306,500	\$0	\$0	\$3,306,500	\$3,306,500	\$0	\$3,306,500
Riverbanks Zoo Debt Service	\$2,909,205	\$0	\$0	\$2,909,205	\$2,909,205	\$0	\$2,909,205
School District 1 Debt Service	\$42,913,405	\$0	\$0	\$42,913,405	\$42,913,405	\$0	\$42,913,405
School District 2 Debt Service	\$57,478,304	\$0	\$0	\$57,478,304	\$57,478,304	\$0	\$57,478,304
Midlands Technical Capital Debt Service	\$3,178,609	\$0	\$0	\$3,178,609	\$3,178,609	\$0	\$3,178,609
<b>Debt Service Total</b>	<b>\$134,514,685</b>	<b>\$3,623,363</b>	<b>\$0</b>	<b>\$138,138,048</b>	<b>\$138,138,048</b>	<b>\$0</b>	<b>\$138,138,048</b>
<b>Enterprise Funds</b>							
Solid Waste Enterprise Fund	\$34,876,997	\$0	\$0	\$34,876,997	\$34,601,416	\$275,581	\$34,876,997
Broad River Enterprise Fund	\$7,002,271	\$0	\$0	\$7,002,271	\$6,903,953	\$98,318	\$7,002,271
Lower Richland Sewer Fund	\$120,750	\$319,121	\$0	\$439,871	\$410,403	\$29,468	\$439,871
Lower Richland Water	\$183,750	\$249,680	\$0	\$433,430	\$403,962	\$29,468	\$433,430
Parking Enterprise Fund	\$110,000	\$0	\$0	\$110,000	\$110,000	\$0	\$110,000
Hamilton-Owens Airport Oper	\$265,000	\$322,580	\$0	\$587,580	\$587,580	\$0	\$587,580
<b>Enterprise Funds Total</b>	<b>\$42,558,768</b>	<b>\$891,381</b>	<b>\$0</b>	<b>\$43,450,149</b>	<b>\$43,017,314</b>	<b>\$432,835</b>	<b>\$43,450,149</b>
<b>Millage Agencies</b>							
Richland Cnty Recreation Comm	\$14,352,887	\$0	\$0	\$14,352,887	\$14,352,887	\$0	\$14,352,887
Columbia Area Mental Health	\$2,125,940	\$0	\$0	\$2,125,940	\$2,125,940	\$0	\$2,125,940
Public Library	\$26,698,677	\$0	\$0	\$26,698,677	\$26,698,677	\$0	\$26,698,677
Riverbanks Zoo	\$2,306,074	\$0	\$0	\$2,306,074	\$2,306,074	\$0	\$2,306,074
Midlands Technical College	\$5,861,027	\$0	\$0	\$5,861,027	\$5,861,027	\$0	\$5,861,027
School District One	\$214,153,871	\$0	\$0	\$214,153,871	\$214,153,871	\$0	\$214,153,871
School District Two	\$148,354,353	\$0	\$0	\$148,354,353	\$148,354,353	\$0	\$148,354,353
<b>Millage Agencies Total</b>	<b>\$413,852,829</b>	<b>\$0</b>	<b>\$0</b>	<b>\$413,852,829</b>	<b>\$413,852,829</b>	<b>\$0</b>	<b>\$413,852,829</b>
<b>Grand Total</b>	<b>\$872,294,129</b>	<b>\$12,955,265</b>	<b>\$8,390,762</b>	<b>\$893,640,156</b>	<b>\$881,236,295</b>	<b>\$12,403,861</b>	<b>\$893,640,156</b>

**SECTION 2.** Mileage rate paid to County employees shall be the same as the U.S. Federal reimbursement rate per mile for the fiscal period stated above.

**SECTION 3.** All fees previously approved by the County Council, either through budget ordinances or ordinances apart from the budget, will remain in effect unless and until the County Council votes to amend those fees.

**SECTION 4.** No County fees based on CPI shall be adjusted on the current year inflationary adjustment (CPI) due to the small incremental change.

**SECTION 5** At fiscal year-end, any funds encumbered for capital purchases shall reflect as a designation of fund balance in the Comprehensive Annual Financial Report and shall be brought forward in the subsequent fiscal year as budgeted fund balance. This automatic re-budgeting shall not require a supplemental budget ordinance.

**SECTION 6.** Continuation grants and those with no personnel or match requests are considered approved as presented with budget adoption up to available budgeted match dollars. All other grants will require individual Council approval prior to award acceptance.

**SECTION 7.** Commensurate with budget authority, the County Administrator may approve purchases in the amount of one hundred thousand dollars (\$100,000) or less. Purchases in excess of one hundred thousand dollars (\$100,000) shall be reviewed and approved by the County Council prior to acceptance. The County Administrator is granted authority to transfer up to \$100,000 between all General Fund direct report budgets.

**SECTION 8.** All non-exclusive contracts exceeding \$100,000 and existing at the time of budget adoption shall be renewed for the subsequent fiscal year provided the following conditions exist: The services provided under the contract will continue to be required in the subsequent fiscal year; the contract was originally procured through the County's Procurement Division utilizing the competitive procurement method, where appropriate, and following all other procurement ordinances, regulations and guidelines; The contract is within a five-year period during which contracts may be renewed annually upon mutual agreement by both parties not to exceed five years; the performance of the contractor has been confirmed, in writing, by the user department and by the Manager of Procurement to be satisfactory; Budget dollars have been appropriated by the County Council to fund the contract for the subsequent fiscal year. All items included on the State contract greater than \$100,000 are considered as reviewed and approved therefore will not be required to go back to Council for additional approval.

**SECTION 9.** Designated fund balance allocated in prior years for the establishment of an emergency disaster fund, economic development fund and an insurance reserve fund shall remain as designated, but only to the extent of available fund balance as approved by the County Administrator.

**SECTION 10.** All One-percent funds collected through established Multi-County Industrial Park agreements or the funds from the completed sale of any county-owned property in a multi-county park shall be placed in the Richland County Economic Development Fund and be immediately appropriated for the purpose of continued Economic Development. This appropriation shall not require a supplemental budget ordinance.

**SECTION 11.** Funds awarded to the Sheriff's Department through forfeiture are included as part of this ordinance and Council designates, as the governing body, that the Sheriff shall maintain these funds in accordance with Federal, State and County guidelines. All forfeited funds will be audited along with the General Fund and posted at that time.

**SECTION 12.** The County will be self-funded against tort claim liability and shall no longer carry an excess liability insurance policy. Funding shall be established through the annual automatic re-budgeting of these County funded accounts. The amount to be carried forward shall not exceed the unspent portion of the current year appropriation and shall be used only for the original intended purpose as identified in the year of appropriation. This shall increase the original appropriated budget and shall not require a separate budget amendment.

**SECTION 13.** The Sheriff and Finance Director will assess the status of fees collected through the Special Duty Program prior to the end of fiscal year 2017. All excess funds collected for the administrative cost over cost incurred shall reflect as a designation of fund balance and shall be brought forward in the following fiscal year as budgeted fund balance. This automatic re-budgeting shall not require a supplemental budget ordinance. Continuation of the Special Duty Program and associated fees shall be evaluated each year during the budget process.

**SECTION 14.** The appropriation includes the approval of the Sheriff's Department School Resource Officer Program. Funding shall be contingent upon annual approval and appropriation by county Council. At the end of each fiscal year, the Finance Director and the Sheriff will assess the status of the billing and collections for each school district as of the end of the fiscal year. Any program shortfall of collections for the fiscal year by the School District shall result in additional collection procedures inclusive of charging shortfall to the Sheriff's Department fiscal budget. All excess funds collected beyond cost of the program shall be brought forward in the subsequent budget year as a budgeted use of fund balance and made available to the Sheriff's Department to be used toward the district-specific program cost. The automatic re-budgeting shall not require a supplemental budget ordinance. Continuation of the School Resource Officer program and associated fees shall be evaluated each fiscal year during the budget process.

**SECTION 15.** All funds collected by the Sheriff's Department as a cost reimbursement from employees shall be credited back to the sheriff's budget and allowed to utilize for other operational cost.

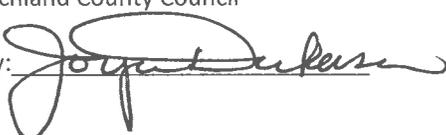
**SECTION 16.** Approve the increase of the daily inmate per diem for all jurisdictions at the Alvin S. Glen Detention Center from \$25/day to \$35/day beginning July 1, 2016, and increasing \$10 each July 1 thereafter until reaching at least 95% of the current daily cost per inmate. Once the rate has stabilized to reflect at least 95% of the actual daily costs, the per diem will automatically increase annually by the Consumer Price Index (CPI).

**SECTION 17. Conflicting Ordinances Repealed.** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 18. Severability.** If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

**SECTION 19. Effective Date.** This Ordinance shall become effective July 1, 2017.

Richland County Council

By: 

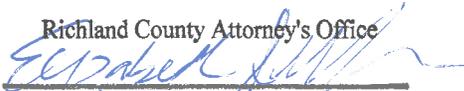
First Reading: April 27, 2017

Public Hearing: May 18, 2017

Second Reading: May 25, 2017 (Grants Only); May 30, 2017 (Non-Grants)

Third Reading: June 8, 2017

Richland County Attorney's Office



Approved As To LEGAL Form Only.

No Opinion Rendered As To Content.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

Mr. Manning moved, seconded Mr. Livingston, to approve the millage agencies up to the cap, as presented in Budget Memorandum 2017-4.

Mr. Rose inquired how this will affect what was passed on 2<sup>nd</sup> Reading.

Mr. Manning stated the Auditor's Office revised the value of the mill. As a result, the dollar amount for the cap went up the following agencies: Columbia Area Mental Health, Public Library, Riverbanks Zoo and Richland County Recreation Commission.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

Mr. C. Jackson moved, seconded by Mr. Manning, to increase the funding for Richland School District #2 to \$148,354,353.

Mr. Malinowski stated Richland School District #2 was funded at 2<sup>nd</sup> Reading at the requested dollar amount. He further stated he realized a statement was made that they were a \$1 million short because the State did not provide all their funding, but the County is not here to make up for all the State funding that is denied to all the agencies. In addition, this school district has had an average of \$2.6 million per year added to their fund balance for the last 5 years for a total of approximately \$13 million.

Mr. C. Jackson stated it is a sad state when a millage agency is penalized for being prudent in managing their budget and because of circumstances beyond their control, the funds they were allowed to ask for they choose not to do that. They chose to come significantly less than that and now because they did not ask for the cap they now find themselves in a situation even asking for this increase of a \$1 million, which is still significantly below the cap they are entitled to request, to state that they somehow got what they asked for is an affront to people who

are trying to manage budgets they have been given and work within the funds they are allotted.

Mr. Pearce called for the question, seconded by Mr. Manning.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor of calling for the question was unanimous.

<u>FOR</u>	<u>AGAINST</u>
Pearce	Malinowski
Rose	
C. Jackson	
N. Jackson	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote was in favor of the Richland School District #2 budget increase.

Mr. Manning moved, seconded by Ms. Kennedy, to approve Midlands Technical College to the cap in the amount of \$9,039,636.

<u>FOR</u>	<u>AGAINST</u>
Pearce	Rose
N. Jackson	C. Jackson
Dickerson	Malinowski
Kennedy	Myers
Manning	
McBride	

The vote was in favor of approving Midlands Technical College to the cap. Mr. Livingston abstained.

Mr. N. Jackson moved, seconded by Mr. C. Jackson, to approve Richland School District #1 at \$214,153,871.



# RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

## **Administration & Finance Committee Meeting December 19, 2017 Briefing Document**

### **Agenda Item**

Restructuring Ordinance Phase II

### **Background**

During its April 4, 2017 meeting deliberations, County Council gave third reading approval to the organizational restructuring ordinance. As promised, this ordinance is being presented for the Council's consideration via the A&F Committee for the second phase of the restructuring. This phase includes staff's efforts to fully implement the restructuring. Enumerated below are the additional changes made and provided in the ordinance:

1. In section 2-134. "Expand" was changed to "expanding"
2. The Office of Budget and Grants Management was added to Sec. 2-92
3. References to "Support Services" were updated to "Operational Services"
4. "As prescribed in the S.C. Code of Laws Code Section 4-1-80" was added to Sec. 2-152. Responsibilities; powers; duties, of Operational Services
5. The Human Resources Departmental Divisions were updated to include the following:
  - a. Total Rewards & Employment
  - b. Compliance & Employee Relations
  - c. Organizational Development & Strategy
6. Department of Public Works updated the language of its divisions in Sec. 2-157
7. In section 2-137 the a reference to the director as "chief" was added to be compliant for authority level, based on SC Laws and designating emergency vehicles
8. In section 2-92. Departmental Offices, the office of Risk Management, the following responsibilities were added vis-à-vis Fleet Management:
  - Procurement of vehicles and motorized equipment
  - Selection of vehicles and motorized equipment
  - Assignment of vehicles and motorized equipment
  - Reassignment of vehicles and motorized equipment
  - Transfer of vehicles and motorized equipment
  - Repair of vehicles and motorized equipment
  - Disposal of vehicles and motorized equipment
9. In section 2-92. Departmental Offices, the office of Ombudsman, the following responsibilities were added:
  - Process citizen service requests

- Records management for citizens input, concerns, and questions,
- Records management for ADA accommodation requests, grievances, and complaints
- Perform trend analysis
- Receive, respond and track Freedom of Information Act Requests
- Conduct quality control checks
- Send citizen surveys

10. In section 2-92. Departmental Offices, the Office of Small Business Opportunity was added.

11. Division 7. Human Resource Services, the responsibilities and departmental divisions were updated.

## **Issues**

None.

## **Fiscal Impact**

None.

## **Past Legislative Action**

During its April 4, 2017 meeting deliberations, County Council gave third reading approval to Phase I the organizational restructuring ordinance.

## **Alternatives**

1. Consider the ordinance amendment and proceed accordingly.
2. Consider the ordinance amendment and do not proceed.

## **Staff Recommendation**

Recommend approval of the ordinance amendment as presented.

**Submitted by:** Administration

**Date Submitted:** December 12, 2017

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-17HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; SO AS TO RESTRUCTURE THE DEPARTMENTS OF THE COUNTY.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article III, Administrative Offices and Officers; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

DIVISION 1. GENERALLY.

**Sec. 2-75. Department created.**

The office of the county administrator is hereby created as the chief administrative office of the county with such personnel necessary to assist the county administrator in affecting the proper and efficient administration of the affairs of the county government.

DIVISION 2. COUNTY ADMINISTRATOR

**Sec. 2-76. Position created; term.**

There is hereby created the position of county administrator. The term of office of the county administrator shall be at the pleasure of the council, which may, in its discretion, employ the administrator for a definite term.

**Sec. 2-77. Appointment, qualifications and compensation.**

The county administrator shall be appointed solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, and knowledge of, the duties of office as hereinafter prescribed. At the time of his/her appointment, the county administrator need not be a resident of the county or of the state. The compensation of the county administrator shall be fixed by the council by contract.

**Sec. 2-78. Chief administrative officer.**

The county administrator shall be the chief administrative officer of the county government. He/She shall be responsible to the council for the proper and efficient administration of the affairs of the county government.

## **Sec. 2-79. Powers and duties.**

The powers and duties of the county administrator shall be:

- (1) To direct and supervise the administration of all county officials and departments for which the council is responsible, or may hereafter be responsible, including specifically the construction, maintenance and operation of all county roads, bridges, drainage, buildings and other public works, and the care and maintenance of all personal property owned by the county; the administration of personnel policies, purchase of all supplies and equipment, finance, accounting, budgeting, payroll, auditing and any other administrative responsibilities necessary for implementation of the council's policies;
- (2) To appoint, and when in his/her discretion the welfare of the county requires it, suspend, discharge, transfer, remove or otherwise deal directly with all employees for whom council is responsible, excepting the county attorney, the internal auditor and the clerk of council, and any assistants thereto, who are appointed directly by the council or who are employed in the offices of elected officials and officials appointed by an authority outside county government as those terms are used in South Carolina Code, 1976, section 4-9-30(7);
- (3) To see that all ordinances, resolutions and orders of the council and all laws of the state which are subject to enforcement by him or by officers or department heads and subject, under this article, to his/her direction and supervision are faithfully executed;
- (4) To prepare and submit the annual budget and capital program to the council and to execute the budget and capital program adopted by the council, approving all disbursements and expenditures as budgeted and/or authorized by the council;
- (5) To confer with and advise all other elected or appointed officials of the county who are not under the immediate control of county council, but who receive financial support from the council, such as probate judges, magistrates, solicitor, sheriff, coroner, auditor, treasurer and the like;
- (6) To examine regularly at periods fixed by the council the accounts, records and operations of county boards, commissions, departments, offices, and agencies which receive appropriations from the council; to make regular, monthly reports to the council on county fiscal and other affairs as are appropriate; to keep the council fully advised on the financial conditions and future needs of the county; and to make such recommendations on county affairs as he deems necessary;
- (7) To submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year; and
- (8) To execute such other powers and duties as may be prescribed from time to time by the council.

**Sec. 2-80. Relationships with county employees.**

Neither the council nor any of its members shall direct or request the appointment of any person to, or his/her removal from, office by the county administrator or by any of his/her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the county, except where, by majority vote of council, an inquiry as to the removal of an officer or employee is demanded. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the county administrator, and no member thereof shall give orders to any county employee or subordinate of the county administrator, either publicly or privately.

**Sec. 2-81. Bond.**

The county administrator shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

**Secs. 2-82- 2-87. Reserved.**

DIVISION 3. OFFICE OF THE COUNTY ADMINISTRATOR; STAFF

**Sec. 2-88. Assistant County Administrator.**

There are hereby created three (3) positions of assistant county administrator. The assistant county administrators shall be selected and appointed by the county administrator and shall serve at the pleasure of the county administrator with no definite term of office assigned.

**Sec. 2-89. Qualifications; compensation.**

The assistant county administrators shall be appointed solely on the basis of merit, including executive and/or administrative qualifications with special emphasis on education, training, experience and knowledge of the duties of the office. Preference will be given to individuals with a graduate degree in the field(s) of public administration, business administration, or some other related discipline. The assistant county administrators shall be paid an annual salary as recommended by the county administrator and approved by county council.

**Sec. 2-90. Responsibilities, powers and duties.**

The duties and responsibilities of the assistant county administrators shall be:

- (1) To serve as assistant to the county administrator;
- (2) To plan and direct budget studies, research projects and manpower needs;

- (3) To assist in formulating administrative policies;
- (4) To represent and speak for the county administrator in meetings with boards, commissions, citizens groups and officials of various public agencies;
- (5) To collect, compile and interpret data on policies, functions, organization structures, forms and procedures relating to the administration of assigned programs;
- (6) To seek legal opinions and prepare recommendations supported by administration research findings;
- (7) To review departmental reports, proposed programs, supplemental appropriation requests, personnel requisitions, overtime reports, etc., and make or direct investigative reports and recommendations as required;
- (8) To prepare correspondence and reports;
- (9) To act for the county administrator in his/her absence;
- (10) To participate in formulating policies and in developing long range plans; and
- (11) To perform related work as required and as assigned by the county administrator.

**Sec. 2-91. Staff and assistants.**

The county administrator may employ such staff and assistants for positions approved through annual budgetary appropriations by county council as are deemed necessary by the county administrator to the performance of his/her duties. They shall be subject to the county personnel system and their compensation determined accordingly.

DIVISION 4. OFFICE OF THE COUNTY ADMINISTRATOR; OFFICES

**Sec. 2-92. Departmental Offices.**

The office of the county administrator shall also include the following offices:

- (1) *Risk Management* - The office of risk management is hereby created and the position of director of risk management, who shall be responsible to the county administrator to eliminate, minimize and transfer risk exposure as much as is feasible, and for losses that do occur, to finance and mitigate them in a manner that is in the best interest of the County, including authority to negotiate and settle workers' compensation, general liability, and vehicle liability claims. Disposition

of general liability and vehicle liability lawsuits shall be accomplished in collaboration with the county attorney.

(a) Fleet Management - The office of risk management shall include the fleet management program. The program shall work to manage Richland County's fleet, including managing and / or facilitating the procurement, selection, assignment, reassignment, transfer, maintenance, repair, replacement, and disposal of vehicles and motorized equipment.

(b) Occupational Safety – The office of risk management shall include the occupational safety program. The program shall work to keep Richland County employees safe at work and ensure OSHA compliance.

(2) *Public Information* - The office of public information is hereby created and the position of public information director, who shall be responsible to the county administrator to assist Council and County departments with media and public outreach efforts; manage Richland County's brand to residents, businesses and news outlets through various multi-media platforms and events.

(3) *Ombudsman* - The office of the ombudsman is hereby created and the position of ombudsman director, who shall be responsible to the county administrator to provide informal assistance to citizens and to assist citizens with county concerns and request for service, which includes the following responsibilities: process citizen service requests; records management for citizens input, concerns, and questions; records management for ADA accommodation requests, grievances, and complaints; and performs trend analysis of the concerns and responses related to the organization, receive, respond and track Freedom of Information Act Requests, conduct quality control checks and send citizen surveys.-

(4) *Court Appointed Special Advocates* – The office of court appointed special advocates is hereby created and the position of court appointed special advocates director, who shall be responsible to the county administrator to advocate for the best interests of abused and neglected children in Richland County Family Court.

(5) *Government and Community Services* - The office of government and community services is hereby created and the position of government and community services director, who shall be responsible to the county administrator to facilitate improved community outreach, administration of government services and resolution to community issues.

(a) Office of Small Business Opportunity - The office of government and community services shall include the office of small business opportunity which shall manage and administer the SLBE (Small Local Business Enterprise) Program (see Section 2-639 et. seq.) and shall undertake other functions and duties as assigned by the county administrator or county council.

(6) Budget and Grants Management – There is hereby created the division of budget and grants management and the position of budget and grants management director, who shall be responsible to the county administrator through the assistant county administrator to create and maintain the County’s annual budget, conduct fiscal research and trends analysis, issue budget reports, and other duties as assigned.

## DIVISION 5. COUNTY ATTORNEY

### **Sec. 2-93. Office established.**

There is hereby established the office of the county attorney, who shall be the chief legal officer of the county. The county attorney shall be retained from the membership of the county bar by the county council and shall serve at its pleasure.

### **Sec. 2-94. Eligibility.**

No member of the council or of the county legislative delegation, or any partner of any such member, shall be retained as county attorney or assistant county attorney, or perform any service for compensation as an attorney for the council, any county agency which is funded in whole or in part from county funds, or for any board, commission, committee, or agency of the county over which the council has any appointive powers. No member of any county board, commission, committee, or agency which is funded in whole or in part from county funds, or any board, commission, committee or agency of the county over which the council has any appointive powers, or any partner of any such member, shall be attorney or do any legal work for such board, commission, committee, or agency; provided, however, that, a partner of such member may serve as county attorney or as an assistant county attorney.

### **Sec. 2-95. Duties and responsibilities.**

The county attorney shall represent and defend the county and all of its officers in any of the courts of this state or of the United States, shall do such work in connection with county real estate conveyancing, title work and bond issues, shall bring all actions and proceedings that may be necessary to enforce payment and collection of any claims existing in favor of the county or of any of its officers, boards, or agencies, and shall advise the county administrator and all county officers and department heads in all matters wherein they may seek advice or counsel. The county attorney shall meet with the council whenever requested for the purpose of advising them as to any matters that may properly come before them.

### **Sec. 2-96. Compensation.**

The county attorney shall receive compensation for his/her services in the amount determined by the council. The annual salary of the county attorney shall constitute his /her total compensation from the county for all of the services enumerated above, except under unusual circumstances as directed by council.

**Sec. 2-97. Annual appropriation.**

The council shall establish in the annual operating budget the compensation of the county attorney. Such budget shall also provide for the compensation of any assistants employed pursuant to section 2-98 of this division.

**Sec. 2-98. Assistants.**

The county attorney may employ such staff and assistants for positions approved through budgetary appropriations by council as are deemed necessary to the performance of the duties of the office.

**Sec. 2-99. Employment of attorney, other than county attorney, by council agencies.**

No officer, board, commission, committee, or agency in the county appointed in whole or in part by the council may employ an attorney other than the county attorney, or agree to pay for services out of public funds without first obtaining the county attorney's approval of the employment of such attorney.

**Sec. 2-100. Settlement of claims.**

The county attorney shall have the authority to settle and approve payment of lawsuits, up to an amount approved by County Council in the annual budget, or in his/her discretion brings those matters to County Council for its decision and approval.

The county attorney shall have the sole discretion to decide whether to file an appeal or to waive the filing of same in instances up to an amount approved by County Council in the annual budget.

**Sec. 2-101. Bond.**

The county attorney shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

DIVISION 6. CLERK ~~TO~~ COUNCIL

**Sec. 2-102. Creation; appointment; term of office.**

There is hereby created the office of clerk ~~of~~to council. The clerk ~~of~~to council shall be appointed by the council and shall serve at the pleasure of the council.

**Sec. 2-103. Responsibilities; duties.**

The clerk ~~of~~to council shall:

- (a) Record all proceedings of the council and supply copies of certified records as appropriate;
- (b) Distribute copies of the minutes of each meeting to council members prior to the next meeting;
- (c) Review reports and records for completeness and accuracy;
- (d) Prepare ordinances and resolutions for presentation to council and arrange for their publication as approved by council and as directed by the county attorney;
- (e) Attend regular meetings of the council and attend other meetings as requested;
- (f) Type reports and recommendations of all council committees or designee of the clerk;
- (g) Notify councilmen of all council meetings;
- (h) Maintain the council calendar;
- (i) Be custodian of the county seal, minute books and Code of Ordinances;
- (j) Maintain county files and any records which should be kept for quick accessibility;
- (k) Supervise a complete records management system for department;
- (l) Research materials and supply background information as required;
- (m) Take follow-up actions on the following matters (including initial follow-up and subsequent actions necessary to ensure carrying out of council actions):
  - (1) Easements;
  - (2) Contracts, leases and agreements;
  - (3) Bond issues;
  - (4) Damage claims which are submitted to county council for acceptance or rejection;
  - (5) Ordinances;
  - (6) Resolutions; and

(7) Appointments;

(n) Prepare council agenda and advise news media of items to be considered; shall maintain a complete record of all matters pending council consideration;

(o) Act for the county in attesting and certifying official documents;

(p) Be responsible for the appointments book; insure appointments are made in timely fashion in accordance with established procedures;

(q) Maintain a record of leases, contracts, agreements, rights-of-way, grants and bonds;

(r) Insure that the overall objective of the council office is achieved in an efficient manner;

(s) Prepare and monitor budget for operating expenses for the clerk ~~of~~to council office and the council services budget; and

(t) File documents, as required, with the clerk of court.

**Sec. 2-104. Compensation; employee status.**

The council shall approve in the annual budget the compensation of the clerk ~~of~~to council. Such budget shall also provide for assistants to the clerk if employed pursuant to the following section. The clerk and any full-time assistants shall be employees of the county and eligible for all insurance, retirement and other benefits of county employees.

**Sec. 2-105. Assistants.**

The council may appoint such assistant or assistants to the clerk ~~of~~to council as may be deemed necessary, who shall perform varied secretarial and stenographic tasks for the council and who shall exercise the duties of the clerk ~~of~~to council in the event of the clerk's absence or disability.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article IV, Code of Ethics; is hereby renumbered beginning with section number 2-106 and proceeding accordingly.

SECTION III. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

DIVISION 1. ANIMAL SERVICES

**Sec. 2-122. Creation; director.**

There is hereby created the animal services department, and the position of animal services director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.

**Sec. 2-123. Qualifications of director; selection; compensation.**

The director of animal services shall possess the education, training, and experiences that are commensurate with the industry standards for this position..

**Sec. 2-124. Responsibilities; powers; duties.**

The director of animal services shall supervise the divisions of animal care and vector control.

**Sec. 2-125. Departmental Divisions.**

The animal services department shall include the following divisions:

(1) *Animal care* – The division shall enforce all the provisions of Chapter 5 of the Richland County Code of Ordinances as it pertains to animal control and/or care and the manager of the division shall serve as the chief animal control officer.

(2) *Vector Control* – The division of vector control shall be charged with the following duties:

- (a) Management of the mosquito control program, including abatement in accordance with the policies of the program.
- (b) Provide technical advice, education and assistance about vectors to the county's citizens.
- (c) Conduct vector-borne disease surveillance and response.
- (d) Enforce county ordinances related to vector control.
- (e) Commensal rat abatement in accordance with division policies.
- (g) Respond to inquiries, investigate complaints, conduct evaluations to help reduce or eliminate public hazards and nuisance conditions associated with vectors and disease transmission.
- (h) Other programs or functions assigned to the department by the county administrator or county council.

## DIVISION 2. COMMUNITY PLANNING AND DEVELOPMENT

### **Sec 2-126. Creation; director.**

There is hereby created the community planning and development department, and the position of community planning and development director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.

### **Sec. 2-127. Qualifications of director; selection; compensation.**

The director of community planning and development shall possess the education, training, and experiences that are commensurate with the industry standards for this position. .

### **Sec. 2-128. Responsibilities; powers; duties.**

The director of community planning and development shall supervise the divisions of planning, building, community development, conservation, business service center, assessor, and register of deeds.

### **Sec. 2-129. Departmental Divisions.**

The community planning and development department shall include the following divisions:

(1) *Planning* – The division of planning is hereby created and the position of planning manager, who shall be responsible to the community planning and development director to direct and coordinate the operations and activities of the division. The planning manager shall be a graduate of an accredited college or university, preferably with a degree in planning, engineering, architecture or related field; and shall have had at least five (5) years of responsible, practical experience in urban planning and/or in a municipal or county regulatory agency. The planning division shall undertake the permitting and enforcement provisions of the county's zoning and land development regulations.

(2) *Building Inspections* - The division of building inspections is hereby created, and the position of building codes and inspections manager who shall be responsible to the community planning and development director to direct and coordinate the operations and activities of the division. The building codes and inspections manager shall be a graduate of an accredited college or university, preferably with a degree in engineering, architecture, construction or related field; and shall have had at least five (5) years of responsible, practical experience in construction, inspections, administration and/or in a municipal or county regulatory agency. The manager shall hold South Carolina registration as a Certified Building Official. The building division shall be responsible for the permitting and enforcement provisions of the county's building code regulations.

(3) *New Development* - The new development division shall be responsible to the the community planning and development director to direct and coordinate the operations and activities of the division

(4) *Community Development* – The division shall administer grants from the U.S. Department of Housing and Urban Development to improve low-income neighborhoods. The community development manager shall be responsible to the community planning and development director to direct and coordinate the operations of the division.

(5) *Conservation* – The division of conservation is hereby created, and the position of conservation manager, who shall be responsible to the community planning and development director to direct and coordinate the operations and activities of the division. The conservation manager shall be a graduate of an accredited college or university, with a master's degree in environmental or agricultural science or engineering, hydrology, water resources management or closely related field; and shall have had at least five (5) years of responsible, practical experience in the above fields. The conservation manager shall direct and supervise all functions of the division and implement the responsibilities of the Richland County Conservation District and Richland County Conservation Commission. The manager shall consult with and advise the community planning and development director regarding the conservation and protection of the county's natural, cultural and historical resources. The division shall also interact with federal and State agencies, other counties and municipalities, institutions of higher education, and not for profit conservation and environmental organizations to support the responsibilities of the division, District and Commission.

(a) *Sustainability Program* – The Conservation division shall include the Sustainability Program. The program shall work to ensure Richland County's operations and decision making reflect our commitment to environmental, social and economic sustainability and to provide innovative solutions to decrease energy demand through energy efficiency and conservation, create livable sustainable communities, and promote the green economy.

(6) *Business Service Center* – The business service center division is hereby created, and the position of manager of the business service center. The manager of the business service center – and every employee therein – shall give to the county a surety bond in an appropriate amount for the faithful performance of his/her duties as such officers; such bond shall be filed in the office of the clerk of court. The manager of the business service center shall be responsible to the community planning and development director for the performance of the duties and responsibilities of the department, which shall be to:

(a) Issue licenses and permits for businesses needing these licenses and permits by county ordinance to operate lawfully, including, but not limited to (unless otherwise preempted and/or prohibited by federal or state law):

1. Business licenses,
2. Fireworks licenses, and/or
3. Hazardous Materials permits.

(b) Collect the payments, via the Internet and/or other convenient methods, for the aforementioned licenses and permits in subsection (1) above, as well as for other business fees and taxes (not otherwise preempted and/or prohibited by federal or state law), including, but not limited to:

1. Hospitality Taxes,
2. Sewer Fees,
3. Sewer Tap fees,
4. Water Fees,
5. Landfill Fees, and/or
6. Solid Waste Fees.

(c) Make business forms and information available in many diverse and convenient ways to assist businesses operate as required by applicable county ordinances.

(d) Inspect and audit businesses for compliance with applicable county ordinances regarding these licenses, permits, fees, and taxes.

(e) Serve as a liaison to the business community on behalf of Richland County on issues relating to issuances and collections of the Business Service Center.

(f) Serve as the single point of contact for businesses required to comply with applicable county ordinances.

(g) Serve as the catalyst for integrating Business Service Center services with other county departments, State agencies, and other groups or organizations.

(7) *Register of Deeds* – The register of deeds division is hereby created, pursuant to state law, along with the position of register of deeds, such office to be located in the county courthouse at the discretion of the clerk of court. The register of deeds shall give to the county a surety bond in the value of twenty-five thousand dollars (\$25,000.00) for the faithful performance of his/her duties, such bond to be lodged in the office of the state treasurer. The register shall be responsible and under the direct supervision of the community planning and development director, for the performance of the duties of this office which include, but are not limited to:

(a) Directing the division of mesne conveyances and supervising its staff and activities;

(b) Indexing and recording all deeds, conditions, restrictions, contracts, agreements, descriptions of real estate from the probate judge's office, cemetery plots, easements, leases, mortgages on chattel and real property, satisfactions, assignments, releases, modifications, mechanics' liens, state, federal and

employment security commission tax liens, plats and financial statements under the Uniform Commercial Code; provided, however, that no deed shall be accepted for recordation unless it bears the tax map number of the property being conveyed;

- (c) Maintaining books for recording business establishments, corporate charters, U.S. military and naval forces discharges;
- (d) Maintaining a notary public register;
- (e) Maintaining an index of cross-index books for all instruments of record logged in the office;
- (f) Collecting necessary fees for the recording of records as set by law;
- (g) Answering requests and giving assistance to those seeking information from the records of the office;
- (h) Preparing a division budget; and
- (i) Rebinding books and records.

(8) *Assessor* – The tax assessor division, and the position of tax assessor, who shall be responsible to the community planning and development director to direct and coordinate the operations and activities of the division. The tax assessor shall be a person with education, training, skills, and/or experience that is satisfactory to the county administrator. The powers, duties, and responsibilities of the tax assessor shall be those set forth by state law.

### DIVISION 3. DETENTION CENTER

#### **Sec 2-130. Creation; director.**

There is hereby created the detention center department, and the position of detention center director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator. The manager shall have the following duties and responsibilities:

- (1) Operate and manage the county detention center, and any prison camps or other detention facilities that may be established;
- (2) Provide for the proper care and custody of all prisoners assigned to county detention facilities;
- (3) Be responsible for the effective and efficient operation of the detention center and any related buildings and grounds;

- (4) Control all employees under his/her direction and be responsible for all equipment and supplies needed to operate the detention center.

**Sec. 2-131. Departmental Divisions.**

The detention center department shall include the following divisions:

- (1) *Security* – The division of security is hereby created and the position of security manager, who shall be responsible to the detention center director to ensure the detention remains secure.
- (2) *Operations* – The division of operations is hereby created and the position of operations manager, who shall be responsible to the detention center director to facilitate and execute the operation of the detention center.
- (3) *Programs* – The division of programs is hereby created and the position of programs manager, who shall be responsible to the detention center director to successfully implement the programmatic initiatives of the detention center.
- (4) *Support* – The division of support is hereby created and the position of support manager, who shall be responsible to the detention center director to support the detention center director and contribute to the effective functioning of the detention center.

DIVISION 4. ECONOMIC DEVELOPMENT OFFICE

**Sec. 2-132. Creation; director.**

There is hereby created the economic development office and the position of director of the economic development office.

**Sec. 2-133. Qualifications of director; selection; compensation.**

The director of the economic development office shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

**Sec. 2-134. Responsibilities; powers; duties.**

The director shall work to assist new companies considering locating in Richland County and existing companies considering expanding their operations. The office shall have the following duties and responsibilities:

- (1) Maintain demographic and economic data on Richland County;
- (2) Conduct building and site tours for prospective companies;

- (3) Facilitate meetings with existing industry to discuss human resources and labor force issues;
- (4) Conduct community tours for prospective companies;
- (5) Negotiate incentive proposals on behalf of the County.

## DIVISION 5. EMERGENCY SERVICES

### **Sec. 2-135. Creation; director.**

There is hereby created the emergency services department and the position of director of emergency services, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

### **Sec. 2-136. Qualifications of director; selection.**

The director of emergency services shall possess the education, training, and experiences that are commensurate with the industry standards for this position

### **Sec. 2-137. Responsibilities; powers; duties.**

The director of the department of emergency services or “chief” of emergency services shall be the county fire ~~marshall~~-marshal. The director of the department of emergency services shall enforce all provisions of this Code of Ordinances pertaining to the operation of emergency services within the county.

### **Sec. 2-138. Departmental Divisions.**

The emergency services department shall include the following divisions:

(1) *Emergency Medical Services* - The emergency medical services division shall provide county-wide 911 emergency medical services designed to respond to medical emergencies and to provide initial medical response and/or treatment as a means of stabilizing accident and/or trauma victims for transportation to medical facilities for primary, secondary and/or tertiary care or treatment as may be required.

(a) Fees for ambulance services to the general public within the boundaries of the county and outside of the boundaries of the county shall be determined from time to time by council.

(b) Fees for ambulance services will be limited to the maximum allowed

under the health care insurance plan for each county employee. These fee schedules are subject to amendment, repeal, or deletion by the county council from time to time.

(c) The county council hereby grants permission for the operation of private convalescent transport units within the county.

Private convalescent transport units are any vehicle making nonemergency calls within the county and to destinations within the county as scheduled to a physician's office or hospital for treatment, routine physical examinations, x-rays, or laboratory tests which is used for transporting within the county, patients upon discharge from a hospital or nursing home to a hospital, nursing home or residence, or a vehicle making any other calls dispatched within the county as nonemergency. Such vehicles are described in S.C. Code 1976, § 44 61 10 et seq. (as amended).

(d) The department of emergency services is hereby authorized to promulgate and enforce rules and regulations governing and controlling such private convalescent transport units and the nonemergency ambulances as deemed by the department to be necessary pursuant to federal, state and applicable regulating agency requirements.

Further, all nonemergency private ambulances that originate calls within the county shall be required to comply with the provisions of this Code of Ordinances, including the business license ordinance [chapter 16], and reporting requirements promulgated by the division.

(2) *Fire* - The fire division shall be responsible for providing countywide fire, services, but not be limited to the following:

- (a) Coordination and supervision of the development and operation of a county fire service system in the unincorporated areas and participating municipalities; to include coordination, supervision, and monitoring or any of the fire duties which may be contracted out to third parties pursuant to contract or intergovernmental agreements;
- (b) Emergency communications;
- (c) Determine the Cause and Origin of fires;
- (d) The provision of assistance to the various units of the fire service in resolving technical problems;
- (e) Coordination of the management of all county fire service units;
- (f) Enforcement of county ordinance and the county fire prevention code;

- (g) Coordination of the emergency services department special response and rescue capabilities

(3) *Emergency Management Division* - The emergency management division shall be responsible for ensuring the complete and efficient utilization of all the county facilities to combat disaster from enemy attack, manmade or natural disaster; for directing the day-to-day operations of the office and coordinating the activities of county and city governments during a period of disaster. The department shall be empowered and required to coordinate with and render assistance to county and city officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the county and the municipalities existing within the county for the purpose of minimizing or preventing damage to persons or property in disaster situations. The department shall further direct the efforts of the county emergency management division in the implementation of the provisions of this subsection.

The emergency management division shall be the coordinating agency for all activity in connection with integrated emergency management; and it shall be the instrument through which the county government shall exercise its authority under the laws of this state during an attack against this county, its political subdivisions, or any part of the state, or during manmade or natural disasters. This subdivision will not relieve the county or any city department existing within the county of the normal responsibilities and/or authority given to it by general laws or local resolution or ordinance, nor will it limit the work of the American Red Cross or other volunteer agencies organized for relief in natural disaster.

As used in this subsection:

*Attack* shall mean a direct assault against the county, its political subdivisions, or any part of the state, by forces of a hostile nation, including assault by nuclear, chemical or biological warfare, espionage or sabotage.

*County* shall mean Richland County, including all municipalities and political subdivisions.

*Emergency management* shall have a broad meaning and shall include preparations against and relief from the effects of attack on the county, or any part of the state, by the forces of any enemy nation; and it shall also include such activity in connection with manmade or natural disaster as defined herein. It shall not include any activity that is the responsibility of the military forces of the United States.

*Emergency management organization* shall mean all county and municipal officials and employees of the county and municipalities, together with those volunteer forces enrolled to aid them during a disaster, and persons who may, by agreement or operation of law, be charged with duties incident to the protection of life and property in the county, city and towns during times of disaster.

*Manmade disaster* shall mean such disasters as those caused by hazardous material or

radiation accidents or incidents and terrorist activities.

*Natural disaster* shall mean any condition seriously threatening public health, welfare, or security as a result of a severe fire, explosion, flood, tornado, hurricane, earthquake, or similar natural or accidental cause which is beyond the control of public or private agencies ordinarily responsible for the relief of such conditions.

*Volunteer* shall mean contributing service, equipment or facilities to the emergency preparedness organization without remuneration or without formal agreement or contract of hire. While engaged in such services, volunteer personnel shall have the same immunities as persons and employees of the county performing similar duties.

- (a) The emergency management division shall maintain liaison with the state and federal authorities, and the authorities of other nearby political subdivisions, so as to ensure the most effective operation of the emergency plan. The duties shall include, but shall not be limited to, the following:
  1. Development and publication of emergency plans in conformity with state emergency plans for the immediate use of all of the facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons or property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
  2. Control and necessary recordkeeping for funds and property which may be made available from the federal, state, county and municipal governments.
  3. Submission of annual budget requirement to the state, federal and county governments.
  4. Signing such documents as are necessary in the administration of the county emergency preparedness program, to include project applications and billing for purchases under project applications.
  5. Coordination of the recruitment and training of the volunteer personnel and agencies to augment the personnel and facilities of the county emergency preparedness purposes.
  6. Through public information programs, education of the civil population as to the actions necessary and required for the protection of their persons and property in case of enemy attack or natural disaster.
  7. Conducting simulated disaster exercise and public practice alerts to

ensure efficient operations of the emergency plans and to familiarize residents of the county and municipalities with civil defense regulations, procedures and operations.

8. Coordination of the activity of all other public and private agencies engaged in any emergency preparedness programs.
  9. Negotiation with owners or persons in control of building or other property for the use of such buildings or property for emergency management purposes, and designating suitable buildings as public fallout shelters.
  10. Development of a community shelter plan.
  11. Assumption of such authority and conducting such activity as may be necessary to promote and execute the emergency operations plan.
- (b) The chairman of the county council shall be responsible for meeting the problems and dangers to the county and its municipalities and their residents resulting from disasters of any origin and may issue proclamation and regulations concerning disaster relief and related matters which during an emergency situation shall have the full force and effect of law.
- (c) In accordance with annex K of the emergency plan, emergency shelters may be opened during an emergency and may be housed at schools, churches and other locations. The type and location of an emergency will determine which shelters will be opened. After shelters are opened, the public will be notified and given instructions through the public information officer.
- (d) Notwithstanding any other provision of the law, authority in an emergency in the county shall be determined by the current County Code of Ordinance and the County Emergency Plan.
- (e) A state of disaster may be declared by the chairman of the county council with the knowledge of officials of the affected municipalities if he determines that a disaster has occurred, or that the threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing or anticipated situation. Once declared, that state of emergency shall continue until terminated by the chairman of county council. All proclamations of a disaster issued pursuant to this section shall indicate the nature of the disaster, the area or areas affected, the conditions which required the proclamation of the disaster, and the conditions under which it will be terminated. In addition to any other

powers conferred by law, the county and municipal governments may, under the provisions of this subsection:

1. Suspend existing laws and regulations prescribing the procedures for conduct of county or municipal business if strict compliance with the provisions of any statutes, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.
2. Utilize all available resources of county and municipal government as reasonably necessary to cope with a disaster emergency.
3. Transfer the direction, personnel or functions of county and municipal departments and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable.
4. Compel performance by government officials and employees of the duties and functions assigned in the county emergency plan.
5. Contract, requisition and compensate for goods and services from private sources.
6. Direct evacuations of all or part of the population from any stricken or threatened area within the county or municipality if such action is deemed necessary for preservation of life or other disaster mitigation, response or recovery.
7. Prescribe routes, modes of transportation and destinations in connection with evacuations.
8. Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.
9. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.
10. Make provisions for the availability and use of temporary housing.
11. Suspend or limit nonemergency activities and prohibit public assemblies.

12. Implement curfews during declared disaster events.

- (f) All employees of departments, commissions, boards, institutions and other agencies of the county and municipalities who are designated as civil emergency forces shall cooperate with the emergency management division in the formulation of the county emergency plan shall comply with the requests of emergency management personnel when such requests are issued pursuant to the provisions of this subsection. County and city personnel shall include in such plans the restoration of governmental services and public utilities necessary for the health, safety and welfare of the general public.
- (g) All such civil emergency forces shall notify the director of emergency services of conditions in the county or municipalities resulting from enemy attack or natural disaster, and they shall inform the director of any conditions threatening to reach the proportions of a natural disaster as defined herein.
- (h) County and municipal employees assigned to duty as part of the civil emergency forces pursuant to the provisions of this subsection shall retain all the rights, privileges and immunities of their employment and shall receive the compensation incident to that employment.
- (i) The director of emergency services may at any time make the appointment of volunteer citizens to augment personnel in the time of emergency. Such volunteer citizens may be enrolled as civil emergency volunteers in cooperation with the heads of the county or municipal department affected, and they shall be subject to the rules and regulations set forth by their department for such volunteers.
- (j) The director may appoint volunteer citizens or from the personnel of a civil emergency service for which the county or municipalities have no counterpart. He may also appoint volunteer citizens as public shelter managers, who, when directed by the director, shall open public shelters and take charge of all stocks of food, water and other supplies and equipment stored in the shelter; admit the public according to the community shelter plan; and take whatever control measures are necessary for the protection and safety of the occupants.
- (k) The director of emergency services may appoint and permit volunteers to operate privately owned vehicles to respond to disasters and emergencies using lights and sirens after first meeting the established rules and criteria promulgated by the emergency services department for volunteer privately owned vehicle response.

- l. The emergency services department public information officer shall serve as public information officer for the emergency management division.
- m. This subsection is an exercise by the county and city of their governmental authority for the protection of the public peace, health and safety; and county or municipal agents and representatives, or any individual, receiver firm, partnership, corporation, association, or trustee, or any of the agents thereof in good faith carrying out, complying with, or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this subsection shall not be liable for any damage sustained by persons or property as a result of such activity.
- n. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an authorized civil emergency practice exercise shall not be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission, or for loss of or damage to the property of such person.
- o. It shall be unlawful for any persons to violate any of the provisions of this subsection or the regulations issued pursuant to the authority contained herein or willfully to obstruct, hinder or delay any member of the civil emergency organization in the enforcement of the provisions of this subsection or any regulation issued thereunder. Any violation of this subsection shall be considered as a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) or confinement of not more than thirty (30) days.

(4) *Hazardous Materials Division* - The hazardous materials division shall include, but not be limited to the location, identification, monitoring and/or control of all hazardous/toxic waste(s) existing in or transported through the county. Such control shall include the permitting and enforcement of all relevant codes and the coordination of effort with other county and public agencies assigned public safety responsibilities in the field of hazardous/ toxic wastes.

(5) *Emergency 911 Communications*

- (a) Funding for emergency 911 telephone system

It is the desire of Richland County Council to shorten the time and to simplify the methods required for a resident of Richland County to request and to receive emergency aid. It is the further intent of the County Council to provide funding by which to allow operation, maintenance and

enhancements of E911 by levying a monthly charge of fifty (50) cents upon each local exchange access facility subscribed by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the E911 service and/or system of Richland County. Wireless E911 fees will be levied as outlined in South Carolina Code of Laws Section 23-47-50.

(b) E911 Service fee, billing and collection.

- (1) The E911 Service Fee shall include charges as may be required by the Service Suppliers and agreed upon by Richland County and such charges for support, planning, operation and current or future enhancements that are required by Richland County and outlined in South Carolina Code Sections 23-47-10 through 80.
- (2) A monthly charge shall be levied upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the 911 service and/or system of the jurisdiction of the county as provided for in this section, in amounts permitted by the State of South Carolina, provided that the amount of such levy shall be set forth precisely in each annual, or supplemental budget ordinance as appropriate, together with a provision providing that such charges were tax enforceable under South Carolina Code 23-47-50(B). Said E911 Service Fee rate shall include funding for only such expenses and costs as are authorized under provisions of South Carolina Code Section 23-47-40(A)(B), and (D) as amended from time to time, as may be approved by the Richland County Council attendant to the normal adoption of the County's Ordinary and Capital Budgets. Said budget shall clearly delineate the estimated E911 Service Fee revenue and the associated expense, and sources of revenue and authorized expenses from sources other than the E911 Service Fee, by budget account and line item.
- (3) The E911 Service Fee shall be uniform and not vary according to the type of local Exchange access.
- (4) Coin operated telephones are toll free 911 calls, but certain locations, such as detention centers or institutions may be denied access to 911 at the discretion of the emergency services director. Other coin operated telephones where it can be clearly justified as not being in the public interest to continue or have access to 911 may also be denied such access.
- (5) Service Suppliers shall remit to Richland County E911 Service Fee Collections within 45 calendar days following the end of the month

of collections of such funds and, upon receipt of a monthly bill from the Service Supplier, Richland County will remit payment.

- (6) An audit and budget reconciliation shall be conducted annually. The audit shall comply with the requirements of the South Carolina Code Section 23-47-50(E).
- (c) Accounting and management.
  - (1) As provided in South Carolina Code Section 23-47-50(C), Richland County is responsible for the collection of delinquent accounts having access to the E911 system. The emergency services director and finance director shall cause procedures to be established with the Service Supplier and shall forward such information to the appropriate authority for collection procedures.
  - (2) The emergency services director is responsible within Richland County for the administration of this section and South Carolina Code Sections 23-47-10 through 80.
- (d) Addressing and road name. All road naming activity shall be coordinated with the public works department, the planning division of the Community Planning and Development Department and if applicable the City of Columbia. Public safety is of the highest priority and road names contribute significantly to the efficiency of the emergency response system.
- (e) It shall be a violation for any person to misuse or abuse the 911 system or to make a false 911 call. Any person in violation of this section shall be subject to the penalties set forth in (f).
- (~~e~~) (f) Penalties. Any person who shall violate any provision of this section, including the provisions of South Carolina Code Title 23, Chapter 47, shall be guilty of a misdemeanor and, upon conviction of such offense, shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, and in addition, shall pay all costs and expenses involved in the case. Each and every day or portion thereof during which any violation continues shall be considered a separate offense.

## DIVISION 6. FINANCE

### **Sec. 2-139. Creation; director.**

There is hereby created the finance department and the position of director of finance, who shall be responsible to the county administrator and who shall direct and coordinate the

operations and activities of the department. The department shall be responsible for all facets of finance administration including budget preparation and budgetary control, accounting, financial reporting, and other related financial/fiscal activities. It shall be responsible also for insurance; payroll and leave administration; and, in cooperation with the department of human resources, shall be responsible for development and implementation of a personnel data and information management system; and such other responsibilities as may be assigned by the county administrator. The director of finance shall give to the county a surety bond in the value of thirty thousand dollars (\$30,000.00) for the faithful performance of his/her duties as such officer, such bond to be filed in the office of the clerk of court.

**Sec. 2-140. Qualifications of director; selection.**

The director of finance shall possess the education, training and experiences that are commensurate with the industry standards for this position.

**Sec. 2-141. Responsibilities; powers; duties.**

The director of finance shall be the chief administrative finance officer of the county, responsible to the county administrator for the performance of his/her duties and responsibilities which shall be to:

- (1) Direct the finance department and supervise its staff and activities;
- (2) Approve all warrants issued by officers of the county and draw drafts in payment thereof;
- (3) Maintain current accounts of all county budget expenditures and make periodic reports thereon as required by the county administrator;
- (4) Maintain a current inventory of all county property, real and personal; and collect and account for all income from rental or sale of same;
- (5) Receive all requests from county offices and agencies in excess of budget allowances, and prepare recommendations for the county administrator to submit to the council for consideration thereof;
- (6) Obtain and supervise contracting and payments for all insurance on county property, including liability and related insurance;
- (7) Cooperate with the county council, treasurer, attorney and other officers concerned in the preparation and sale of all county bond issues and other long-term financial transactions;
- (8) Cooperate with the county auditor, treasurer and other county officers in securing annual and special audits of all county accounts as required by law or directed by council; and

- (9) Serve as the trust officer of the county and be granted authority to sign necessary documents and create accounts for the proper maintenance of such funds, provided that such procedures shall be approved by the county administrator.

#### **Sec. 2-142. Departmental Divisions.**

The finance department shall include the following divisions:

- (1) *Accounting* – There is hereby created the division of accounting and the position of accounting manager, who shall be responsible to the finance director to prepare annual financial statements and other financial reports as required or requested by federal and state agencies, County Council, Administration, or financial markets.

~~(2) *Budget* – There is hereby created the division of budget and the position of budget manager, who shall be responsible to the finance director to create and maintain the County's Annual Budget.~~

- (3) *Procurement* - There is hereby created the division of procurement and the position of procurement manager. The procurement manager shall be a person with education, training and/or experience in purchasing, contract administration, and inventory. The division of procurement shall be responsible for the following:

- (a) Purchasing all supplies, materials, equipment, and contractual services required by county agencies and performing the purchasing-related functions required of the director of procurement herein;

- (b) Negotiating contracts for professional services and submitting them for approval and award as provided herein;

- (c) Using standard specifications wherever they are applicable to purchase orders and contracts and ensuring compliance with such specifications through adequate inspection of deliveries;

- (d) Transferring between agencies, supplies, materials and equipment which are no longer needed by a holding agency but which can be used by the receiving agency;

- (e) Exchanging, trading in or selling those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the county administrator not to be required for public use;

- (f) Developing, with the approval of the county attorney as to legal sufficiency, standard forms and conditions for invitations to bid, requests

for proposals, purchase orders, and contracts; developing and prescribing the use by agencies of other forms required in carrying out the provisions of this article; and amending or eliminating any such forms;

(g) Upon request of the council, and subject to its approval of each transaction, performing all delegable functions in connection with acquisition and disposal of real property;

(h) Acting as the procurement, purchasing and contracting agent for all officers, offices and agencies of the county, subject to regulations promulgated by the council and approval authority of the director of finance;

(i) Establishing and maintaining a central purchasing warehousing and supply system for all county offices and agencies, providing for requisition of materials and supplies by county offices and agencies authorized by the council;

(j) Placing, with a newspaper to be determined pursuant to the requirements of Chapter 2, Article X, "Purchasing," of this Code, all requests for advertising by a county agency or department. Any agency or department requiring advertisement shall prepare the advertisement and present same to the division of procurement for the purposes of processing it for publication. The division of procurement shall have the responsibility of determining the most practical and least costly medium of advertising. In connection with this subsection, the office of procurement shall provide each county agency and department a schedule of processing time allowance so that the requesting agency or department will be assured of the actual date of publication of the advertisement. However, any advertising which is not paid for with county funds, or for which the county is reimbursed by a private individual or company, may be exempt from the provisions of this subsection;

(k) Other duties as directed by the director of finance or county administrator.

## DIVISION 7. HUMAN RESOURCES

### **Sec. 2-143. Creation; director.**

—The department of human resource services is hereby created and shall be responsible for the development and implementation of a modern human resources program. The human resources department shall be managed by the director of human resource services who shall be responsible also for the following human resources functions: classification and compensation, benefits, records management, wellness, leaves, retiree services, employment, training, employee relations/civility and inclusion,

performance management, recruiting and retention, communication, audits and compliance, budget, guidelines and handbook, ADA and Title VI, human resources information system, and such other responsibilities as may be assigned by the county administrator. The director of the human resource services department shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

~~The department of human resources is hereby created and shall be responsible for the development and implementation of a modern personnel program employing whatever resources and assistance are needed from the finance department. The human resources department shall be managed by the director of human resources who shall be responsible also for administrative and legislative research, economic and community development, public affairs, data information management, and such other responsibilities as may be assigned by the county administrator. The director of the human resources department shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.~~

#### **Sec. 2-144. Qualifications of director; selection.**

The director of human resources shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

#### **Sec. 2-145. Responsibilities; powers; duties.**

The duties and responsibilities of the director of human resources shall be:

- (1) To serve as personnel director and, as such to plan, organize, direct and coordinate the personnel program of the county;
- (2) To formulate and recommend operating policies and procedures to the county administrator for the effective administration of the county's human resources program to ensure the County is in compliance with all local, state, and federal labor laws and regulations;~~To formulate and recommend operating policies and procedures to the county administrator for the effective administration of the county's personnel program;~~
- (3) To be responsible for the coordination of all programs, activities, services and facilities throughout the County in order to accomplish the implementation of and compliance with the Americans with Disabilities Act (ADA)~~To direct and control the county's research resources and activities serving the administrative and legislative branches of the government;~~
- (4) To perform such other related work as may be required and as assigned by the county administrator.~~To provide leadership and support in the areas of economic and community development and, in so doing, establish effective liaison and working relationships with all appropriate private and public enterprises as related to economic and industrial development, and with all appropriate civic groups/associations, as related to community development;~~

- ~~(5) To administer a program of public affairs and, to that end, establish effective relationships with the media and the general public through the development of viable public information programs;~~
- ~~(6) To organize, direct, and administer management information and word processing programs assigned to receive, store and provide organizational data and information on a timely and well-organized basis as a service to the entire organization; and~~
- ~~(7) To perform such other related work as may be required and as assigned by the county administrator.~~

## **Sec. 2-146. Departmental Divisions.**

The human resource services department shall include the following divisions:

- (1) Total Rewards– This division shall manage Total Rewards for the Human Resource Services Department.
- (2) Employee Development – This division shall manage Employee Development for the Human Resource Services Department.
- (3) Compliance and Audits - This division shall manage Compliance and Audits for the Human Resource Services Department.

The human resource services department shall be responsible for the following human resources functions:

- Classification and Compensation
- Benefits
- Records Management
- Wellness
- Leaves
- Retiree Services
- Employment
- Training
- Employee Relations / Civility and Inclusion
- Performance Management
- Recruiting and Retention
- Communications
- Audits and Compliance
- Budget
- Guidelines and Handbook
- ADA and Title VI

- Human Resources Information System

~~The human resources department shall include the following divisions:~~

~~(1) *Compensation, Benefits, and Classification* – This division shall manage the compensation, benefits and classification related services for the human resources department.~~

~~(2) *Operations* – This division shall manage the operations of the human resources department.~~

## DIVISION 8. INFORMATION TECHNOLOGY

### **Sec. 2-147. Creation; director.**

There is hereby created the information technology department and the position of director of information technology, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, with the term of office being at the pleasure of the county administrator. The department shall be responsible for ~~all~~ providing the technological vision and leadership to deploy the appropriate technology that will contribute towards an enriched community and providing timely, efficient, effective, and proactive technology support to the employees of Richland County.

### **Sec. 2-148. Qualifications of director; selection.**

The director of information technology shall be the chief information officer and shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

### **Sec. 2-149. Departmental Divisions.**

The information technology department shall include the following divisions:

- (1) Network & Telecommunications – This division shall ensure a secure and fully resilient technical environment that supports all of the county’s software, hardware, mobile, and cloud technologies, as well as future technologies. The division shall be responsible for the telecommunication system(s) serving the entire organization, including wired and wireless, Voice over Internet Protocol phone system, cell phones, data lines, cabling, and the county’s tower at Fort Jackson. The division is also responsible for mission critical cybersecurity. The division shall propose new or amended county policies as needed to ensure that the county responds to new threats and / or opportunities. The division shall also partner with other local / state agencies and private industry to expand broadband to citizens in Richland County.

- (2) Business Systems – This division shall provide proactive, realistic, and fiscally sound solutions to short, middle and long-range business goals whenever application software and / or project management can facilitate. The division shall develop new business software, oversee vendor software, perform feasibility studies and research, confer with departments to identify business needs and desired outcomes, perform business analysis, project management, quality assurance / quality control, and application training. The division will prepare procurement solicitations for new vendor systems and oversee implementation projects from start to finish. The division shall oversee and support all business software, from small ~~on-one~~ department systems, to enterprise-wide software systems. The division also provides a county-wide training program for all county employees on various software tools to enhance productivity and on cybersecurity best practices. The division shall also manage the county website's technical platform.
- (3) GIS - The division of geographic information system (GIS), as well as the manager of GIS, is hereby established to furnish various county departments with tools to measure, model, and map data regarding geographically related phenomena. While data, in and of itself, cannot assist in making decisions or policy, the information created from such data is a valuable tool in executing county business. As a work product, the data will be used to produce thematic information that can be combined to assist county personnel in the decision-making process.

GIS data will be continuously updated and improved as technology and county capabilities improve. The county council understands that to sustain the county's utility and effectiveness, data must be maintained. The county council also recognizes that the nature of accurate local data and the potential of GIS are reflected in the value of spatial data to entities other than Richland County. Thus, to provide for costly maintenance of the GIS and to lessen the burden of annual budget requests, system data elements will be available for purchase pursuant to an established fee schedule. Such fee schedule may be modified ~~as described in subparagraph (d)(3)~~ below from time to time by council.

- (a) For the purposes of this section, and unless the context specifically indicates otherwise, the following general terms shall have the meanings designated below:

*Applicant.* Any person who submits a request for GIS products or services.

*Customer.* Any applicant who executes a contract for GIS products or services, or purchases copies of standard system products, custom hard copy system products, digital data, technical assistance, or other products or services.

*Data.* Recorded quantitative and qualitative observational measurements and facts.

*Data steward.* The person, or his/her designee, responsible for the maintenance and security of GIS data elements within a particular county department.

*Geographic Information System (GIS)* is an organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, use, analyze, and display all forms of geographically referenced material.

*Information.* The result(s) obtained from processing, classifying, or interpolating data.

*Open records.* Standard system products as defined herein and non-digital source documents.

*Standard system products.* Paper products generated from GIS databases for internal use and for the purpose of meeting requests submitted under current state law concerning open records.

*Subscriber.* Customer who purchases GIS service or products on a regular, frequent, and on-going basis.

(b) Data and information distribution.

1. Information derived from the county GIS and presented in a geographic context may be made available to the public via the Internet. Furthermore, standard system products will be made available on digital media or, if requested, in hard copy pursuant to S.C. Code 1976, § 30-4-30, as amended.
2. All GIS-related data requests must be approved by both the data steward of the department in possession of such data and the GIS division of the information technology department. Once approved, the GIS division is responsible for filling the request. All GIS data customers must enter into a non-transferable data license agreement with the county. Each license agreement shall identify limitations in the use of county GIS data and shall indemnify and hold harmless Richland County, its elected officials, officers, agents, and employees from loss, damage, or other liability arising from the use of the data.
3. A fee shall be collected from customers for copies of GIS data. An initial fee schedule of individual data elements will be reviewed by

county council. The fee schedule will include a description of each thematic data element to be sold, distribution format, file format, and unit pricing information. The county administrator, as necessary, may update the fee schedule. Regardless of changes in data product fees, a county GIS data fee schedule will be submitted annually to the county council as an informational update. For good cause, the county administrator may waive or reduce fees for GIS data when such actions result in serving the best interest of the county.

4. Customers requesting data on a regular basis may request to receive data at a subscription rate, but must enter into a non-transferable data license agreement with the county.
5. All GIS-related information constituting a public record, as defined by S.C. Code 1976, § 30-4-20, as amended, may be provided at no charge via Internet access or at a minimal charge if such information is in digital or hard copy format. The minimal fees for digital or hard copy public record information shall be included in the approved fee schedule.

## DIVISION 9. OPERATIONAL SERVICES

### **Sec. 2-150. Creation; director.**

There is hereby created the ~~support services~~operational services department and the position of director of ~~support services~~operational services, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The ~~support services~~operational services department shall be responsible to administer the internal or housekeeping needs of the county government. It shall be responsible for the maintenance, custody and security of the entire physical plant and all of the ~~support services~~operational services required to keep the plant and all equipment at an acceptable level of operation and usability. The office shall be managed by the director of ~~support services~~operational services and shall be responsible also for coordinating a program of records management through the county archivist, and for such other responsibilities as may be assigned by the county administrator. The director of ~~support services~~operational services shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

### **Sec. 2-151. Qualifications of director; selection.**

The director of operational services shall possess the education, training, and experiences that are commensurate with the industry standards for this position

### **Sec. 2-152. Responsibilities; powers; duties.**

The duties and responsibilities of the director of ~~support services~~operational services shall be:

- (1) To develop and implement a comprehensive program of maintenance, custody and security for the county's physical plant, including all buildings and facilities owned and operated by the county government;
- (2) To formulate and submit to the county administrator recommendations for continued improvement and effective utilization of the county's physical plant;
- (3) To establish a working relationship and liaison with all department and agency heads relative to their specific operational and/or space office requirements and needs as prescribed in the S.C. Code of Laws Code Section 4-1-80;
- (4) To provide assistance for all county departments and agencies to obtain auxiliary and/or housekeeping support and services;
- (5) To coordinate through the county archivist, a program of records management designed to serve all county departments and agencies; and
- (6) To perform such other related work as may be required and so assigned by the county administrator.

#### **Sec. 2-153. Departmental Divisions.**

The ~~support services~~operational services department shall include the following divisions:

- (1) Facilities and Grounds – This division shall perform routine maintenance on Richland County owned facilities and grounds.
- (2) Central Services –This division shall manage and operate the Richland County mailing services.

#### **DIVISION 10. PUBLIC WORKS**

#### **Sec. 2-154. Creation; director.**

There is hereby created the public works department and the position of director of public works, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

#### **Sec. 2-155. Qualifications of director; selection.**

The director of public works possess the education, training, and experiences that are commensurate with the industry standards for this position

**Sec. 2-156. Responsibilities; powers; duties.**

The director of public works shall be responsible for the custody, security and maintenance of public works and physical ~~properties~~ infrastructure of the county and shall be responsible to and under the supervision of the county administrator in the performance of his/her duties.

**Sec. 2-157. Departmental Divisions.**

The public works department shall include the following divisions:

- (1) *Administration* – This division shall coordinate all department-level administrative support, including personnel management, safety, training, standardization, finance, budget, payroll, material management, and procurement; ~~and geographic information services (GIS).~~
- (2) *Engineering* – This division, which shall be managed by a registered professional engineer, shall manage and provide engineering services in support of county operations and infrastructure development, including the management and coordination of capital improvement projects and public works related geographic information services (GIS).
- (3) *Stormwater Management* – This division shall provide stormwater management services in support of positive public drainage, ~~and “receiving water” quality;~~ and environmental compliance with prevailing Federal, State and Local regulations.
- (4) *Roads and Drainage Maintenance* – This division shall maintain and improve the county road maintenance network and county drainage infrastructure.
- (5) *Airport* – This division shall manage the Jim Hamilton – LB Owens Airport (CUB) operations, maintenance, and administration.
- (6) *Solid Waste & Recycling* – This division shall provide residential collection of municipal solid waste (MSW) and recyclable materials within the unincorporated county, provide limited construction & demolition (C&D) landfill services, manage the Solid Waste stream within the county, and promote cost-effective recycling.
- (7) *Special Services* – This division shall be responsible for:
  - ~~1.a.~~ Effectively managing a labor pool of community service and inmate labor personnel in support of county operations, such as

picking up trash along the road right of ways and beautifying the community through a clean sweep program; and

~~2~~.b. Helping communities become self-sufficient through sponsoring community cleanups; and

~~3~~.c. Holding community forums to address participants' questions about the clean sweep program and neighborhood cleanups.

## DIVISION 11. TRANSPORTATION PENNY

### **Sec. 2-158. Creation; director.**

There is hereby created the transportation penny department and the position of director of the transportation penny department, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator. The transportation penny department shall manage all items of the Transportation Penny Program approved by voters in November 2012.

### **Sec. 2-159. Qualifications of director; selection.**

The director of the transportation penny department shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

### **Sec. 2-160. Responsibilities; powers; duties.**

The duties and responsibilities of the director of the transportation penny department shall be:

- (1) To develop and implement the Richland County Transportation Program
- (2) Serve as the liaison with the South Carolina Department of Transportation on all joint transportation projects
- (3) Coordinates all transportation projects with the Central Midlands Council of Governments
- (4) Oversees design and construction of all transportation projects
- (5) Coordinate and manage the distribution of transportation program information to the Transportation Advisory Committee
- (6) Study and pursue outside funding sources for the Richland County Transportation Program

## DIVISION 12. UTILITIES

### **Sec. 2-161. Creation; director.**

There is hereby created the department of utilities and the position of director of utilities, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

### **Sec. 2-162. Qualifications of director; selection.**

The director of utilities shall possess the education, training, and experiences that are commensurate with the industry standards for this position

### **Sec. 2-163. Responsibilities; powers; duties.**

The utilities department shall be responsible for enforcing all the provisions of Chapter 24, Utilities, and Chapter 24.5, Special Sewer Assessment Districts, of the Richland County Code of Ordinances.

### **Sec. 2-164. Departmental Divisions.**

The utilities department shall include the following divisions:

- (1) *Administration* – This division shall coordinate all department level administrative support, including personnel management, standardization, finance, budget, payroll, material management and procurement.
- (2) *Operations* – This division shall provide professional operation of county water and wastewater treatment facilities, laboratory facilities and shall administer provisions of the county's pre-treatment program.
- (3) *Maintenance* – This division shall manage, maintain, and improve all county utility systems, including facilities, grounds, water and sewer lines and associated apparatus.
- (4) *Engineering* - This division shall provide engineering services in support of county utility operations and infrastructure development, including the management and coordination of capital improvement projects funded by both public and private sources. Also develops and maintains the department mapping and geographic information system.

SECTION IV. The Richland County Code of Ordinances, Chapter 21, Roads, Highways, and Bridges; Article I, In General; is hereby amended by the addition of the following sections and

amendment of reserved sections:

**Sec. 21-25. Use of county equipment by private parties and during public emergencies.**

(a) Use and operation of county equipment. Only authorized employees of the county shall be allowed to use and operate equipment owned by the county. No such equipment may be used at any time on private property or for private purposes except for public emergencies as hereinafter defined and as duly authorized by the director of public works and/or the county administrator.

(b) Public emergency. A public emergency is hereby defined as a flood (as defined under Section 26-22 of this Code of Ordinances), earthquake, tornado, hurricane, plane crash, train wreck, vehicular wrecks involving five (5) or more vehicles and/or ten (10) or more persons, fires and other occurrences, natural or man-made, where the public health is threatened or the potential of extensive damage to private property exists and immediate, emergency steps are necessary to protect life, health, the environment, and prevent substantial property loss.

(c) Records. In the event of such public emergency, the department of public works must, as soon thereafter as possible, make a record of the nature of the emergency, the property and/or owner involved, the operator of the equipment, the names of county employees utilized, the date(s) thereof, and the man-hours involved.

(d) Reimbursement. The director of public works and/or the county administrator may apply for reimbursement for the services rendered by county employees and equipment where the private party either had or has insurance available for such services or where federal or state funds are available, such as disaster aid.

(e) Violation. The failure to comply with this section shall be grounds for suspension, removal or termination.

**21-26. Burial of paupers and cremains.**

The public works department shall bury paupers at a site designated for that purpose when directed to do so by the county administrator. Further, cremains originating from medical schools may be buried within the county cemetery by appropriately authorized personnel of such schools. Medical schools wishing to enter into these arrangements shall provide a list of names of authorized personnel and shall execute appropriate releases and hold-harmless agreements prior to any burials.

**Secs. 21-27--21-33. Reserved.**

SECTION V. The Richland County Code of Ordinances, Chapter 1, General Provisions; is hereby amended by the addition of the following section:

**Sec. 1-17. Home Detention Program.**

(a) *Purpose.* The purpose of this section is to provide for a pilot Home Detention Program in Richland County as an alternative to confinement in the Alvin S. Glenn Detention Center, in accordance with the Home Detention Act of 1990 (S.C. Code 1976, § 24-13-1510 et seq, as amended).

(b) *Home Detention Program provided.* Pursuant to S.C. Code 1976, § 24-13-1530, electronic and nonelectronic home detention programs may be used by the magistrates of Richland County as an alternative to incarceration for low risk, nonviolent adult and juvenile offenders, as selected by the court. Applications for home detention by persons who are awaiting trial or by offenders whose sentences do not place them in the custody of the Department of Corrections may hereafter be made to the magistrates of Richland County as an alternative to incarceration. The county's home detention program shall comply with all applicable state and local laws and regulations, including S.C. Code 1976, § 24-13-1510 et seq.

SECTION VI. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION VII. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VIII. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2017.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joyce Dickerson, Chairwoman

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Michelle Onley  
Deputy Clerk ~~of~~to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

First Reading:  
Second Reading:  
Third Reading:  
Public Hearing:

SECTION 4-1-80. County officers shall be furnished office space, furniture and equipment by county.

The governing body of each county shall furnish the probate judge, auditor, superintendent of education, clerk of court, sheriff, treasurer and master in equity of their respective counties office room, together with necessary furniture and stationery for the same, which shall be kept at the courthouse of their respective counties, and it shall supply the offices of such officials with fuel, lights, postage and other incidentals necessary to the proper transaction of the legitimate business of such offices.

The provisions of this section, as they relate to office space in the courthouse, shall not apply to Richland County.

HISTORY: 1962 Code Section 14-11; 1952 Code Section 14-11; 1942 Code Section 3877; 1932 Code Section 3877; Civ. C. '22 Section 1118; Civ. C. '12 Section 997; Civ. C. '02 Section 812; R. S. 699; 1900 (23) 291; 1903 (23) 29; 1909 (26) 27; 1965 (54) 213.



**Administration and Finance Committee Meeting  
December 19, 2017  
Committee Briefing Document**

**Agenda Item**

Award of Rivers Station Subdivision Road Repair and Paving project.

**Background**

On July 11, 2017, County Council approved the execution of an agreement between the County and Cascata Development, LLC and Rivers Station, LLC to complete the construction of the roads in Rivers Station Subdivision and Blythecreek Subdivision.

The agreement was approved by Council because both neighborhoods are 100% occupied, but roadwork has not been completed. When approached about fulfilling this obligation, the Developer indicated the Limited Liability Companies that originally developed the neighborhoods are dissolved and no longer in a position to complete the construction of the roads in both neighborhoods. Further, the Developer indicated he was not in a financial position to perform all the work needed to complete the roads at one time and is unlikely to be able to secure bank loans on such an old project. The Developer, personally and with his current corporation, offered to enter into an agreement to satisfy the obligations of Cascata Development, LLC and Rivers Station, LLC. The agreement allows the County to accept the roads in their current conditions and complete their construction, to include making repairs that will bring the roads into compliance. The Developer will be required to make an initial payment and subsequent agreed-upon payments to reimburse the county for services rendered.

A Request for Bid was issued for the repairs and paving for Rivers Station Subdivision only on September 8, 2017, in good faith the developer would execute the proposed agreement and repair could commence as soon as possible thereafter. Two bid submittals were received and opened on October 12, 2017. CR Jackson was identified as the lowest, responsive, responsible bidder with a bid of \$211,074.00 (Attachment A).

At the November 16, 2017 A&F Committee meeting, when considering the approval of the recommended vendor, staff noted the developer was unwilling to execute the agreement as presented. Council directed staff to bring back an amended agreement for their consideration. That agreement follows (Attachment B) and has been verbally agreed to by the developer. The major difference is the removal of:

- The Blythecreek neighborhood, which is within the municipal limits of the Town of Blythewood and
- Final accounting language, since we have good estimates for the work via the vendor solicitation

The original briefing document is attached for reference (Attachment C), as well as the request of action pertaining to the agreement (Attachment D).

**Issues**

There are no other issues.



# RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

## **Fiscal Impact**

Per Council Action on July 11, 2017, the Department of Public Works Roads and Drainage Fund Balance will cover the expense of the work with repayment by the party to the agreement (Developer of Rivers Station).

## **Past Legislative Actions**

July 11, 2017 approval by Council to enter into a contract with the Developer for reimbursement of roads to be repaired by the County in Blythecreek and Rivers Station Subdivisions.

## **Alternatives**

1. Approve the proposed agreement amendments with Rivers Station LLC and approve the request to award this Contract for construction services described herein contingent upon the full execution of the proposed agreement as stipulated by Council.
2. Approve the proposed agreement amendments with Rivers Station LLC but do not approve the request to award this Contract for construction services described herein.
3. Do not approve the proposed agreement amendments with Rivers Station LLC but approve the request to award this Contract for construction services described herein.
4. Do not approve the proposed agreement amendments with Rivers Station LLC and do not approve the request to award this Contract for construction services described herein.

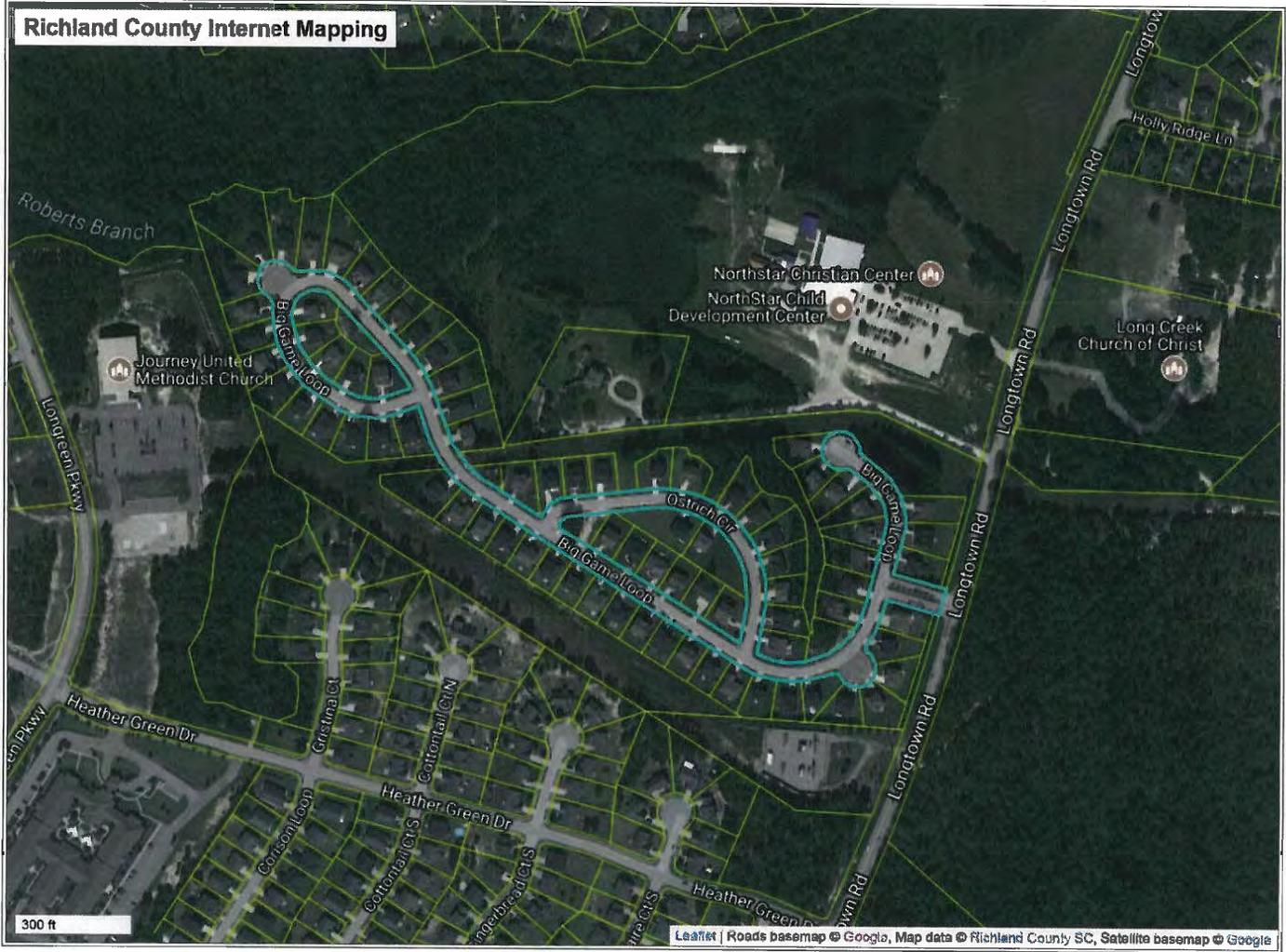
## **Staff Recommendation**

It is recommended Council approve the proposed agreement amendments with Rivers Station LLC and award a construction contract to CR Jackson for the repairs and paving of roads in Rivers Station subdivision contingent upon the full execution of the proposed agreement as stipulated by Council.

**Submitted by:** Tracy Hegler, Director Community Planning & Development

**Date:** December 13, 2017

ATTACHMENT A





**RICHLAND COUNTY GOVERNMENT CERTIFIED BID TABULATION**

<b>SOLICITATION NUMBER :</b> RC-019-B-2018		<b>PROJECT NAME:</b> Riverstation Subdivision Road Repair & Paving		<b>DATE ISSUED:</b> 9/8/17		<b>RECEIPT DATE:</b> 10/12/17		<b>TIME OPEN:</b> 2:00PM	
<b>DEPARTMENT:</b>			<b>REQUISITION #:</b>			<b>CONTRACT#:</b>		<b>PURCHASE ORDER #:</b>	
<b>POINT OF CONTACT:</b> Jennifer Wladischkin			<b>T:</b> 803-576-2130 <b>F:</b> 803-576-2135 <b>EMAIL:</b> wladj@rcgov.us			<b>NUMBER OF ADDENDUM ISSUED:</b> 3		<b>APPARENT LOW BIDDER</b>	
ITEM	MINIMUM DESCRIPTION	UI	QTY		COMPANY:	COMPANY:	COMPANY:	COMPANY:	
					CR	Armstrong			
1	Lump Sum	LS	1	(\$)	Jackson 211,074.00	Armstrong 220,941.00			
2				(\$)					
3				(\$)					
4				(\$)					
5				(\$)					
6				(\$)					
7				(\$)					
8				(\$)					
<b>SHIPPING</b>									
<b>TAX</b>									
<b>GRAND TOTAL</b>									
<b>DELIVERY CALENDAR DAYS</b>									
<b>WARRANTY</b>									
<b>GUARANTEE</b>									
<b>NAME AND TITLE OF CERTIFYING OFFICIAL</b> Jennifer Wladischkin					<b>NAME AND TITLE OF ASSISTANT</b> Toya Thomson				
<b>SIGNATURE</b> <i>Jennifer Wladischkin</i>					<b>SIGNATURE</b> <i>Toya Thomson</i>				
<b>DATE:</b> 10/12/17					<b>DATE:</b> 10/12/17				

RICH LAND COUNTY  
 GOVERNMENT DEPT 1  
 2017 OCT 12 PM 2:00

RCPD TABULATION FORM-2011\_(RAC)

Richland County Govt



rcgov » Formal Solicitations »

# RC-019-B-2018 Riverstation Sub Road Repair Paving.pdf

## Tags from "Formal Solicitation"

Assign Solicitation	RC-019-B-2018	
Number:		
Description:	Riverstation Subdivision Road Repair & Paving	
Department:	Planning	
Procurement Contact:	Jennifer Wladischkin	
Review Scope of Work.:	August 24, 2017	NO ALERT
Reviewed By.:	Procurement, Department	
Create Solicitation	September 08, 2017	NO ALERT
Package.:		
Advertise1:	September 08, 2017	NO ALERT
Pre-Solicitation Conf.:	September 21, 2017	NO ALERT
Issue Addendums:	—	
Bid Opening:	October 12, 2017	NO ALERT
Publish Tabulation.:	October 12, 2017	NO ALERT
Evaluate Responses.:	October 16, 2017	NO ALERT
Council Approval	Yes	
Required?:		
Council Approved Date:	—	
Issue Notice of Intent.:	—	
Intent to Award to.:	—	
Sent Contract to Legal:	—	
Received back from	—	
Legal:		
Sent Contract to Admin:	—	
Received back from	—	
Admin:		
Assign COR.:	—	

## ATTACHMENT B

### *DEVELOPMENT AGREEMENT*

THIS DEVELOPMENT AGREEMENT (the "Agreement"), is made as of the \_\_\_\_\_ day of ~~October~~December, 2017 ("Effective Date"), by and between ~~CASCATA DEVELOPMENT, LLC~~ ("Casecata"), ~~a South Carolina limited liability company, and~~ RIVERS STATION, LLC ("Rivers Station"), a South Carolina limited liability company (~~collectively, "Owner"~~) and COUNTY OF RICHLAND, SOUTH CAROLINA ("Richland County"), a body politic and corporate and a political subdivision of the State of south Carolina.

#### WITNESSETH

~~WHEREAS, Casecata is the owner of the roads in the Blythecreek subdivision ("Blythecreek") located in Richland County, South Carolina, and controls the developer's rights in Blythecreek; and~~

~~WHEREAS, the roads within Blythecreek are in need of repairs to the base layer and a surface course of asphalt on all roads in Phase I of the subdivision; and~~

WHEREAS, Rivers Station is the developer of the River Station subdivision located in Richland County, South Carolina, and the roads within the Rivers Station subdivision are in need of repairs to the base layer and a surface course of asphalt on all roads; and

WHEREAS, ~~Casecata and~~ Rivers Station has~~ve~~ agreed to convey and Richland County has agreed to accept the dedication of the roads within ~~Blythecreek and~~ River Station subdivisions, to perform the needed repairs and paving to the roads, and, thereafter, to take full responsibility for the maintenance of the roads, all according to the terms and conditions of the Agreement.

NOW, THEREFORE, for and in consideration of these premises and the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ~~Casecata,~~ River Station and Richland County hereby agrees as follows:

NOW, THEREFORE, for and in consideration of these premises and the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ~~Casecata,~~ River Station and Richland County hereby agrees as follows:

1. Conveyance of Roads. ~~Casecata shall convey to Richland County and Richland County shall accept from Casecata the roads within the Blythecreek subdivision as shown on the Blythecreek Map attached hereto as Exhibit 1, which shall thereafter be owned and held by Richland County.~~ Rivers Station shall convey to Richland County and Richland County shall accept from Rivers Station the roads within Rivers Station subdivision as shown on the Rivers Station Map attached hereto as Exhibit 2, which shall thereafter be owned and held by Richland County. These conveyances shall be made in accordance with Richland County's standard documentation.

2. Road Improvements. After taking possession of the roads, Richland County shall make needed repairs to the base layer and place a surface course of asphalt on all roads within ~~Blythecreek (Phase I) and~~ Rivers Station subdivisions.

3. Payments. ~~Owner~~ Rivers Station shall cause to be paid to Richland County the sum of fifty Thousand Dollars (\$50,000) on the Effective Date. ~~Rivers Station~~ Owner shall make a second payment to Richland County in the sum of Fifty Thousand Dollars (\$50,000) within twelve (12) months of the Effective Date. ~~Rivers Station~~ Owner shall make a third payment to Richland County in the sum of One Hundred Thousand Dollars (\$100,000) within twenty-four (24) months off the Effective Date. ~~Upon completion of the work in Blythecreek and Rivers Station subdivisions by Richland County, a final~~

~~accounting will be conducted and made available to all parties herein. If the total cost of improvements exceed the amount of the total payments made by Owner, then Owner shall pay the difference within twenty four (24) months of the final payment. If the total cost of improvements are below the amount of the total payments made by the Owner, then the Owner shall be reimbursed the difference by Richland County within twenty four (24) months of the final payment.~~ Harold V. Pickrel, III (“Pickrel”) agrees that regardless of the responsibility of ~~Cascata and~~ Rivers Station to make the payments herein established, he is also personally liable for the payments herein, and in the case of any default in payment. Pickrel agrees that the County may take any action available to it in law or equity to recover the debt from him personally. Upon the last payment to Richland County, ~~Rivers Station~~ Owner and Pickrel shall have no further obligations to Richland County with respect to the roads within the ~~Blythe creek and~~ Rivers Station subdivisions.

4. Entire Agreement, Successors; Headings. This agreement contains the entire understanding between the parties with respect to the subject matter hereof and supersedes all prior agreements or understandings, inducements or conditions, express or implied, oral or written and shall extend to and bind the successors and assigns of the respective parties hereto. The headings in this Agreement are for convenience of reference only and shall not affect the construction hereof.

5. Governing Law and Jurisdiction. This Agreement has been executed and delivered in the State of South Carolina, and its validity, interpretation, performance and enforcement and all matters relating thereto, shall be governed by and construed and interpreted in accordance with the laws of the State of South Carolina. For purposes of any litigation arising from or related to this Agreement, the parties hereby submit to the jurisdiction of the appropriate state or federal court located in Richland County, South Carolina.

6. Attorneys’ Fees. In the event of any litigation arising out of any matters pertaining to this Agreement, or any agreements between parties described herein, the prevailing party shall be entitled to reasonable attorneys’ fees and costs as awarded by a court of competent jurisdiction.

7. No Adverse Presumption. It is acknowledged that this Agreement arose as the result of arms-length negotiations between the parties and that this Agreement, although prepared by representatives of ~~Rivers Station~~ Owner, was prepared with the advice, consent, recommendation and review of Richland County and its counsel, and is the product of input by all parties. As a result, any ambiguity or uncertainty is not to be construed against the party whose counsel prepared this Agreement on the grounds that such party’s representatives drafted this Agreement.

IN WITNESS WHEREOF, the parties hereto, have caused this Agreement to be executed the day and year first above written.

WITNESSES:

\_\_\_\_\_

~~CASCATA DEVELOPMENT, LLC~~  
~~a South Carolina limited Liability Company~~

By: \_\_\_\_\_  
~~Harold V. Pickrel, III, Authorized Member~~

**RIVERS STATION, LLC,**  
A South Carolina limited Liability Company,

By: **HVP3 DEVELOPMENT, LLC**  
a South Carolina limited Liability Company,  
Managing Member

\_\_\_\_\_

By: \_\_\_\_\_  
Harold V. Pickrel, III, Sole Member

Harold V. Pickrel, III joins in an individual capacity for the purpose of acknowledging his responsibilities under Section 3 of the Agreement.

\_\_\_\_\_ [SEAL]

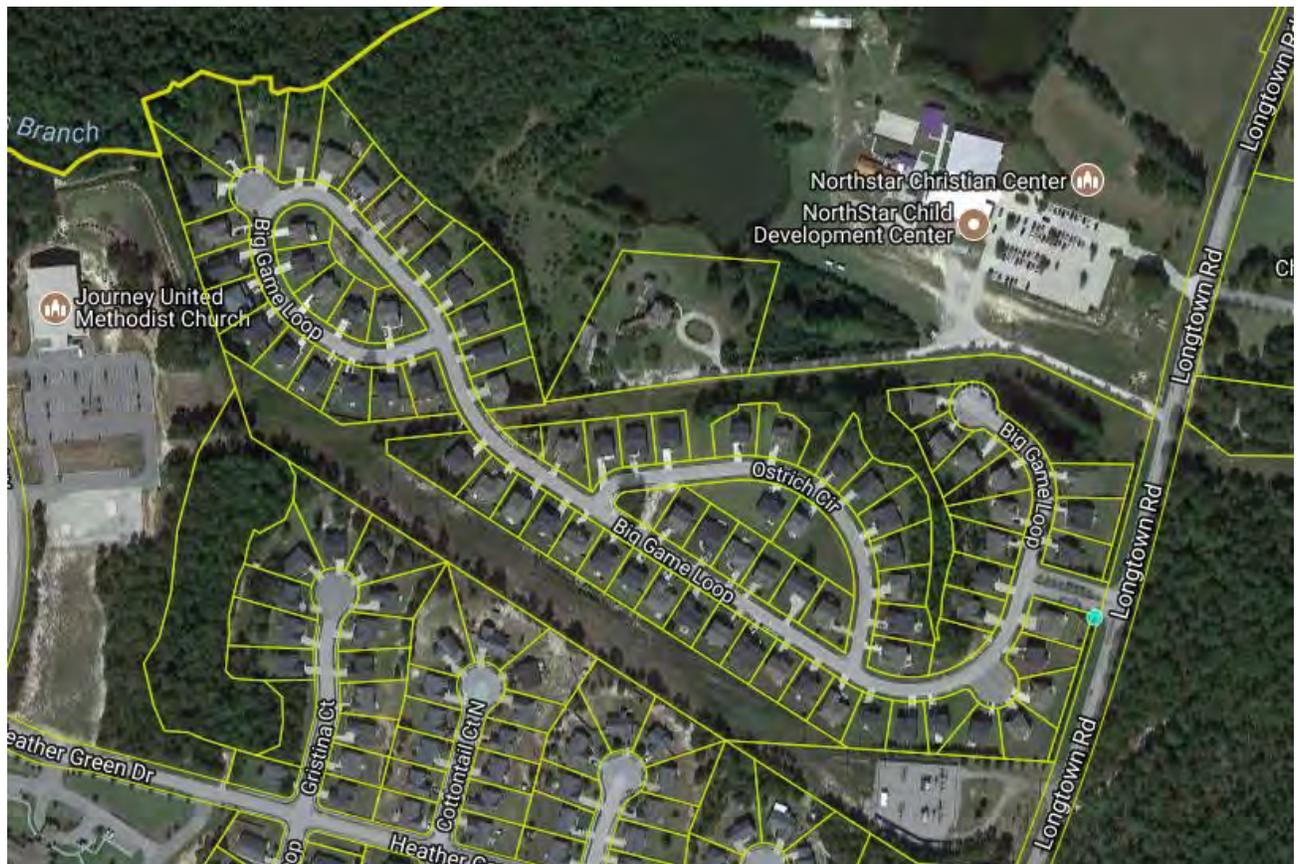
\_\_\_\_\_  
Harold V. Pickrel, III

\_\_\_\_\_  
Witness

SWORN to before me this  
\_\_\_\_ Day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: \_\_\_\_\_

Exhibit 21



## Briefing Document

### Agenda Item

Award of Rivers Station Subdivision Road Repair and Paving project.

### Background

On July 11, 2017, County Council approved the execution of an agreement between the County and Cascata Development, LLC and Rivers Station, LLC to complete the construction of the roads in Rivers Station Subdivision and Blythecreek Subdivision.

Both subdivisions are 100% occupied and the citizens in both developments have voiced concerns about the conditions of the unfinished roads in their neighborhoods. Richland County has been responding to complaints from homeowners concerning the conditions of the roads and the County conducted a full assessment of both projects to present a report to the developer to make said repairs. The Developer had indicated the Limited Liability Companies that originally developed the neighborhoods are dissolved and no longer in a position to complete the construction of the roads in both neighborhoods. Further, the Developer indicated he was not in a financial position to perform all the work needed to complete the roads at one time and is unlikely to be able to secure bank loans on such an old project. The Developer, personally and with his current corporation, offered to enter into an agreement to satisfy the obligations of Cascata Development, LLC and Rivers Station, LLC. The agreement allows the County to accept the roads in their current conditions and complete their construction, to include making repairs that will bring the roads into compliance. The Developer will be required to make an initial payment and subsequent agreed-upon payments to reimburse the county for services rendered. The County will take an accounting of services rendered to assure that the total payment from the developer covers all labor, materials, and professional services.

A Request for Bid was issued for the repairs and paving for Rivers Station Subdivision on September 8, 2017. Two bid submittals were received and opened on October 12, 2017. CR Jackson was identified as the lowest, responsive, responsible bidder with a bid of \$211,074.00.

### Issues

There are no other issues.

### Fiscal Impact

Per Council Action on July 11, 2017, the Department of Public Works Roads and Drainage Fund Balance will cover the expense of the work with repayment by the party to the agreement (Developer of Blythecreek and Rivers Station).

### Past Legislative Actions

July 11, 2017 approval by Council to enter into a contract with the Developer for reimbursement of roads to be repaired by the County in Blythecreek and Rivers Station Subdivisions.

### **Alternatives**

1. Approve the request to award this Contract for construction services described herein and further described in detail in the project plans and specifications as advertised.
2. Do not approve the request to award this Contract for construction services.

### **Staff Recommendation**

It is recommended that Council approve the recommendation to award a construction contract to CR Jackson for the repairs and paving of roads in Rivers Station subdivision.



**REQUEST OF ACTION SUMMARY SHEET**

Agenda Item No.: Meeting Date: June 27, 2017

To: Gregory Pearce, Chair, Administration and Finance Committee  
 From: Tracy Hegler  
 Department: Community Planning and Development

**Item Subject Title:** Council Motion: Enter into an agreement with Cascata Development, LLC and Rivers Station, LLC to complete the construction of the roads in Rivers Station Subdivision and Blythecreek Subdivision.

**Action Taken by Committee previously:** None.

- Options:**
1. Consider the motion and approve accordingly.
  2. Consider the motion and do not approve.

**Motion Requested Today:** Council is asked to approve the execution of this agreement, with the language recommended by the Developer, which will allow the County to make road repairs that will serve the citizens in Blythecreek and Rivers Station Subdivisions. Staff also recommends adding a clause about final accounting of the repairs and what will occur if those repairs are over or under the estimated amounts.

**Staff Recommendation:** Approval.

**Impact of Action:** Operating Budget: Not applicable.

Capital Budget: Not applicable.

**Funding Amount/Source:** Department of Public Works (DPW) Roads and Drainage Fund Balance will cover the expense of the work (est. \$200,000) with repayment by the party to the agreement (Developer of Blythecreek and Rivers Station).

**Requested by:** Tracy Hegler, Director of Community Planning & Development

**Staff Representative:** County Administrator Gerald Seals

**Outside Representative:** None.

- List of Attachments:**
1. Detailed Request of Action
  2. Maps of Neighborhoods

6/21/17  
Date Submitted

Brandon Madden  
Approved by the County Administrator's Office

2 and 7  
Council District

## Richland County Council Request of Action

**Subject:** Enter into an agreement with Cascata Development, LLC and Rivers Station, LLC to complete the construction of the roads in Rivers Station Subdivision and Blythecreek Subdivision.

### A. Purpose

County Council is requested to approve the execution of an agreement with Richland County and Cascata Development, LLC & Rivers Station, LLC to complete road construction, including repair of existing infrastructure, at Blythecreek Subdivision (Council District 2) and Riverstation Subdivision (Council District 7). The agreement will allow Richland County to make the necessary repairs in both subdivisions in order to bring the roads into compliance, and receive arranged payments from the Representative of both entities to cover the expenses incurred by the County, which will include labor, materials, and professional services.

### B. Background / Discussion

Blythecreek Subdivision (Attachment A) is a single-family residential development located on Boney road (S-40-1367). The 80.61 acre neighborhood consists of 153 lots and approximately 9,000 linear feet of road, along with approximately 20 acres of common area. A land disturbance permit was issued on September 29, 2006 and the project was constructed in two (2) phases.

Riverstation Subdivision (Attachment B) is a single-family residential development located on Longtown Road. The neighborhood covers 31.17 acres with 106 lots, approximately 4,500 linear feet of road and approximately 9 acres of common area. A land disturbance permit was issued on July 30, 2007 and the project was constructed in two (2) phases.

Both subdivisions are 100% occupied and the citizens in both developments have voiced concerns about the conditions of the unfinished roads in their neighborhoods. To date, the developer of Blythecreek Subdivision and Riverstation Subdivision has 'not' petitioned the county to accept the roads in these neighborhoods, given their unfinished state and non-compliance with County standards.

Richland County has been responding to complaints from homeowners concerning the conditions of the roads and the County conducted a full assessment of both projects to present a report to the developer to make said repairs. The Developer indicated the Limited Liability Companies that originally developed the neighborhoods are dissolved and no longer in a position to complete the construction of the roads in both neighborhoods. Further, the Developer indicated he is not in a financial position to perform all the work needed to complete the roads at one time and is unlikely to be able to secure bank loans on such an old project. The County conducted a search of bonds for both projects and no information can be found on Blythecreek Subdivision and a bond was in place for Riverstation Subdivision in the amount of \$471K which expired on January 1, 2010.

The Developer, personally and with his current corporation, has offered to enter into an agreement to satisfy the obligations of Cascata Development, LLC and Rivers Station, LLC. The agreement will allow the County to accept the roads in their current conditions and complete their construction, to include making repairs that will bring the roads into compliance. The Developer will be required to make an initial payment and subsequent agreed-upon payments to reimburse the county for services rendered. The County will take an accounting of services rendered to assure that the total payment from the developer covers all labor, materials, and professional services.

The following steps have been taken to develop the structure of the agreement:

- Richland County prepared a report for each subdivision that identifies deficiencies and list quantities of failures for the purpose of developing a cost estimate.
- The County Engineer created a cost estimate based on the quantities submitted.
- The scope of work was presented to the developer with an estimated total cost.
- The agreement defined the scope of work to be conducted and outlined a schedule of payments to be made by the developer.

The proposed agreement has been reviewed by the County's Legal Department and the Developer. The County's Legal Department indicates the agreement is legally sound and provides adequate protection for the County. However, it should be noted the Developer removed language proposed by the County's Legal Department that would explicitly strengthen the recourse available to us in the event of a default. The alternate language for paragraph 3 follows. The decision as to the acceptable language is a policy decision for Council.

Pickrel agrees that regardless of the responsibility of Cascata and Rivers Station to make the payments herein established, he is also personally liable for the payments herein, and in the case of any default in payment, Pickrel agrees that the County may take any action available to it in law or equity to recover the debt from him personally, including execution on his real and personal property. Until receipt by Richland County of the final payment, Owner and Pickrel do hereby bind themselves and their heirs, successors, and assigns to indemnify, defend, hold harmless and release the Richland County, its successors and assigns, from all losses, damages, destruction and claims in any way relating to the design, construction, or previous maintenance performed by anyone other than Richland County of such streets, roads or rights-of-way hereinabove specified.

Richland County Department of Public Works (DPW) has been a part of these discussions and reviewed the agreement, as it is assumed the work can be completed by DRW personnel and equipment. DPW agrees to complete the necessary work and recover funds from the Developer for those costs.

The cost to complete the roads in both neighborhoods is not estimated to exceed \$200,000 and would be covered by DPW's Roads & Drainage Fund Balance. The terms of the proposed agreement require the Developer pay the County back in three installments within twenty-four

(24) months of the agreement's effective date. That repayment should be deposited into the County's Roads & Drainage Fund Balance.

The County will prepare final accounting of the repairs. The Developer would be responsible for any additional funds or work that may be required outside of the original scope or an additional contract may be negotiated.

This request has been reviewed by Finance with no concerns.

**C. Legislative / Chronological History**

This is a staff-initiated request. Therefore, there is no legislative history.

**D. Financial Impact**

There is no financial impact associated with this request.

**E. Alternatives**

1. Approve the execution of the agreement which will allow the Department of Public Works to facilitate repairs and completion of the road to serve the citizens in the neighborhoods.
2. Do not approve the execution of the agreement. Choosing this alternative would leave the citizens living in these two neighborhoods with failing and incomplete infrastructure. The County will continue to hold the developer responsible for making repairs and completing the construction of the roads.

**F. Recommendation**

It is recommended that Council approve the execution of this agreement, with the language recommended by the Developer, which will allow the County to make road repairs that will serve the citizens in Blythecreek and Rivers Station Subdivisions. Staff also recommends adding a clause about final accounting of the repairs and what will occur if those repairs are over or under the estimated amounts.

Recommended by: Tracy Hegler

Department: Planning

Date: June 16, 2016



# RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

## Administration & Finance Committee December 19, 2017 Items Pending Analysis – Status Updates

- a. Council Motion: Any entity placing a person in the Alvin S. Glenn Detention Center will be responsible for paying the daily fee as determined by Richland County, as well as all medical costs incurred to include mental needs [Malinowski and Myers]

**Status Update:** This motion was brought forth by Vice-Chairman Malinowski and Councilwoman Myers during Council's November 7, 2017 meeting deliberations. Detention Center staff is working with the County's Financial staff to perform a detailed analysis of the medical costs incurred over the last 10 years. Once staff's analysis is complete, a briefing document will be provided to Council for its consideration.

- b. Council Motion: Have the Administrator and EMS Director explore the possibility of a public/private relationship for EMS services in Richland County [Malinowski]

**Status Update:** This motion was brought forth by Vice-Chairman Malinowski during Council's November 14, 2017 meeting deliberations. Staff is researching the possibility of a public/private relationship for EMS services and will present a briefing on its findings once complete.

- c. Council Motion: Determine if a cost savings can be obtained by leasing certain technical equipment versus purchase [Malinowski]

**Status Update:** This motion was brought forth by Vice-Chairman Malinowski during Council's November 14, 2017 meeting deliberations. Staff is exploring the potential cost savings that could be realized via leasing vs. purchasing and will present a briefing on its findings once complete.

- d. Council Motion: I move that Council get specific answers regarding the PDT's past performance and the current status of projects before moving forward with the bonding [N. Jackson]

**Status Update:** This motion was brought forth by Councilman N. Jackson during Council's December 12, 2017 meeting deliberations. Staff is researching the possibility of a public/private relationship for EMS services and will present a briefing on its findings once complete.

- e. Funding Request for Little Lake Katherine

**Status Update:** The Homeowners' Association of Little Lake Katherine requested Council's consideration of funding the dredging of Little Lake Katherine. Staff is working with Councilman Pearce regarding this request.