

**RICHLAND COUNTY**

**ADMINISTRATION & FINANCE**

**COMMITTEE AGENDA**



**Tuesday, JULY 24, 2018**

**6:00 PM**

**The Honorable Paul Livingston, Chair**

**County Council District 4**

**The Honorable Bill Malinowski**

**County Council District 1**

**The Honorable Yvonne McBride**

**County Council District 3**

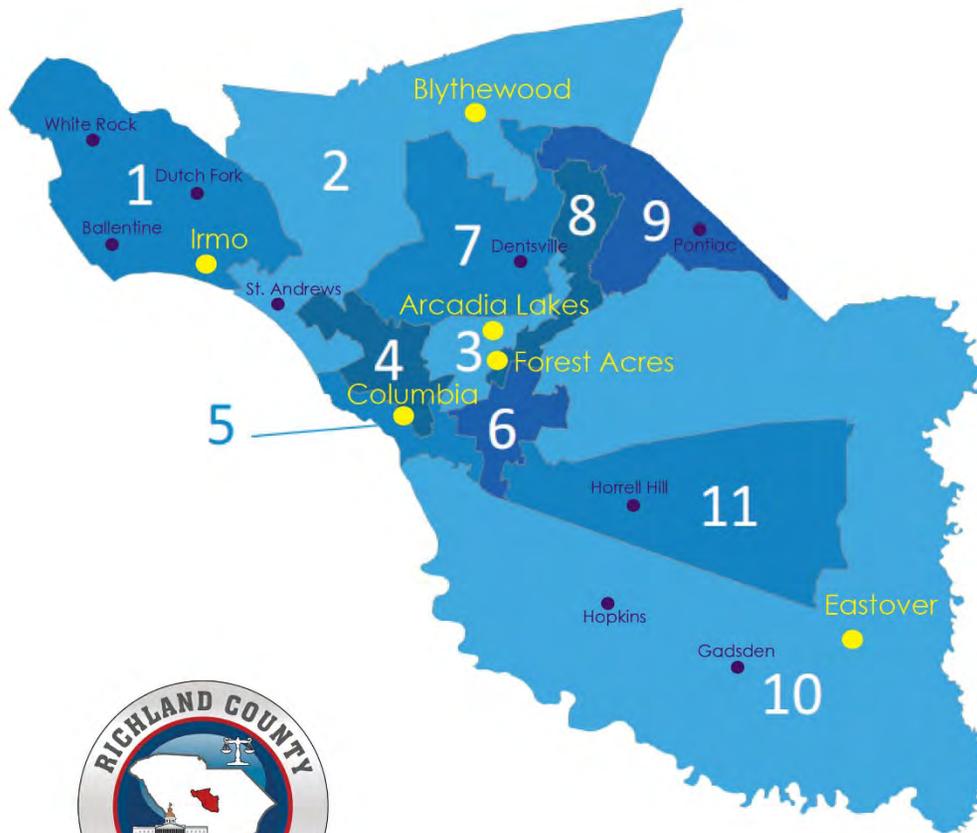
**The Honorable Dalhi Myers**

**County Council District 10**

**The Honorable Norman Jackson**

**County Council District 11**

# 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



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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

July 24, 2018 - 6:00 PM

2020 Hampton Street, Columbia, SC 29204

1. **CALL TO ORDER** The Honorable Paul Livingston
2. **APPROVAL OF MINUTES** The Honorable Paul Livingston
  - a. Regular Session: June 26, 2018 [PAGES 7-17]
3. **APPROVAL OF AGENDA** The Honorable Paul Livingston
4. **ITEMS FOR ACTION**
  - a. Amendment to lease for Economic Development Office [PAGES 18-23]
  - b. City of Columbia and Richland County Animal Care Facilities Intergovernmental Agreement [PAGES 24-32]
  - c. Approval of an Intergovernmental Agreement (IGA) between Richland County and the City of Columbia regarding FY 2019 Transportation Penny Program projects [PAGES 33-36]
  - d. Affordable Housing Development [PAGES 37-38]
  - e. Candlewood Neighborhood Park Land Acquisition and Subsequent Deed to Richland County Recreation Commission for Park Maintenance [PAGES 39-51]
  - f. Approval to negotiate and enter into a contract for the modernization of the six (6) Judicial Center elevators located at 1701 Main St. [PAGES 52-57]
  - g. This is a request for Council to award a contract for the construction of a landfill gas control system to include perimeter and in-waste active landfill gas extraction wells

connected by piping to a vacuum blower system, along with ancillary systems [PAGES 58-87]

- h.** Council Motion: Reconsider the order to request the return of funds used to purchase four acres for county projects by CHAO and Associates and move the project forward immediately giving appropriate time to complete the project [N. JACKSON] [PAGES 88-111]
- i.** Council Motion: Appropriate up to \$300,000 from the Gills Creek Part A project to repair the emergency spillway and an additional \$300,000 to build the boardwalk where the temporary bridge was removed [N. JACKSON] [PAGES 112]
- j.** Council Motion: Allocation of additional \$3M in funding for the Pinewood Lake Park project [N. JACKSON] [PAGE 113]
- k.** Council Motion: Conservation Commission to revise the proposed contract agreement with the Pinewood Lake Park Foundation [N. JACKSON] [PAGE 114-150]
- l.** Council Motion: Council review of the Hospitality Tax process [KENNEDY] [PAGES 151-167]
- m.** The Richland Program Development Team (PDT) requests a wage rate increase for Calendar Year (CY) 2018 and retroactive payment for wage rate increases for CYs 2016 and 2017 [PAGES 168-186]
- n.** Request from the University of South Carolina's Center for Applied Innovation and Advanced Analytics to partner and implement (including funding) a project that would provide rural internet to those areas of unincorporated Richland County that do not have access to broadband. [PAGES 187-191]

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

- a.** Council Motion: Funding the Senior programs should be distributed equally and fairly. It is not right for one organization to be receiving hundreds of thousands of dollars annually while other areas receive none. All areas pay taxes and all seniors should get the same and equal opportunity in receiving funding. I move that funding for seniors (Senior Activities) be distributed equally in all eleven districts. [PAGE 192]

The Honorable Norman Jackson

**6. ADJOURN**



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## Richland County Council

### ADMINISTRATION AND FINANCE COMMITTEE

June 26, 2018 – 6:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Paul Livingston, Chair; Bill Malinowski, Dalhi Myers, Yvonne McBride, and Norman Jackson

OTHER COUNCIL MEMBERS PRESENT: Calvin Jackson

OTHERS PRESENT: Brandon Madden, Michelle Onley, Ismail Ozbek, Jennifer Wladischkin, Trenia Bowers, Tim Nielsen, Sandra Yudice, Kimberly Williams-Roberts, Larry Smith, Michelle Rosenthal, Jamelle Ellis, Michael Byrd, Art Braswell, Chris Eversmann, Melissa Watts, Stacey Hamm, Ashley Powell, Hayden Davis, Stephen Staley, and Synithia Williams

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **APPROVAL OF MINUTES**
  - a. May 22, 2018 – Ms. Myers moved, seconded by Mr. Malinowski, to approve the minutes as distributed.

In Favor: Malinowski, Myers, Livingston, and McBride

The vote in favor was unanimous.

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

In Favor: Malinowski, Myers, Livingston and McBride

Opposed: N. Jackson

The vote was in favor.

4. **ITEMS FOR ACTION**
  - a. Council Motion: In 2007, Richland County Council approved Ordinance # 029-07HR, filed with the Clerk of Court on April 12, 2007, Book 010, Page 386. This motion is to direct the Finance Department to provide an accounting for these funds since July 1, 2007 as described so user know how the system currently stands financially [MALINOWSKI] –Mr. Malinowski inquired about how much is currently in escrow for this account.

Ms. Hamm stated it is \$2.8 million in the unrestricted Utilities fund.

Mr. Malinowski stated he is sure he is getting the difference between escrow vs. unrestricted.

Ms. Hamm inquired what Mr. Malinowski meant by escrow.

Mr. Malinowski stated he means by what is in the ordinance where it states an escrow account would be set up for this particular system, so that fees would be put aside, and in the future the rate payers, after a certain amount of time, would begin to get small rebates back.

Ms. Hamm stated then that would be \$0.00. The additional fees that were put in, the increase, and the amount for the increased tap fees, it shows that the amounts collected were about \$12 million, and we paid \$25 million in debt service. So, all of the money was used to pay debt service.

Mr. Malinowski stated he is not sure this particular ordinance is being implemented, according to the way it is written. He inquired as to how it is being implemented, specifically as it relates to Sec. 2(e), which states, "that 25% of the increased revenue from each tap fee shall be placed in an interest bearing escrow account, and utilized for rate stabilization to reduce the frequency, or amount of increases in the monthly user fee rate and tap fee, rate reduction to reduce the monthly user fee rate, rebates to customers, or former customers of the system, for amounts paid as monthly user fees, operations and maintenance, debt service, and capital expenditures, or capital reserves." Then, it says, "The budget approved for the system each year shall contain appropriate provisions regarding the use, or expenditure of funds from the escrow account." He stated he does not know at budget time he has ever seen a statement saying, "We are using escrow account funds." Apparently we are not following it, because at budget time we are not mentioning, if we are using these escrow funds.

Mr. Madden stated you may recall, at our previous committee meeting, there was an item that was on the agenda related to the Utility System that outlined some of the concerns staff had in reviewing the way the system was functioning, including the financial measures that are in place for it. They suggested having a work session, which is projected to be held in September, where they examine some of the issues, including your concerns with the funding mechanisms for our Utility System. Right now we have 2 systems, the Lower Richland and Broad River, which have rates that are different. That results in subsidies provided to those systems. We have policies in place that say otherwise, that an Enterprise System should operate like a business. We have not been doing that. What we are trying to do is correct that. They want to have a comprehensive plan to address this issues, along with the other issues mentioned. They are presenting the information in the September work session. This item can be on this list, as well. In answer to Mr. Malinowski's question, it is not in place. Staff went back and reviewed it. What we have, and were able to find, is what was included in the agenda packet.

Mr. Malinowski stated he understood what Mr. Madden said, and he recalled it being here before, but the fact is we have an ordinance in place. And, if that ordinance is not being followed, he would like to know what the plans are to find a remedy to putting the ordinance back where it belongs. This particular ordinance was for the sale of General Obligation bonds in the amount of \$16,970,000. According to the figures provided in the agenda packet on p. 14, it shows the debt payments totaled over \$25.6 million. We have less than \$17 million in a GO Bond. According to the figures provided, it shows there should be almost \$423,000 in an escrow account somewhere. He stated you can have the work sessions you want. Lower Richland did not come into play when this ordinance was done. He is in favor of Lower Richland, and combining all this, but he also believes we need to correct this problem. The rate payers that paid these amounts need to have this money restored to the escrow account. And, based on the figures provided, the GO Bond should have already been paid off. He

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thinks what you have done is combine a previous GO Bond, that was initially issued for this for approximately \$16 million, which makes it \$32 million total. In his understanding, each one has to stand on its own. We do not combine them and pay them off simultaneously. What was collected for this bond should be paid, or pretty close to paid. Even if it is not, there should be over \$400,000 in an escrow account.

Ms. Myers stated some of this came up at the rate workshop that we had. Are the Broad River repairs what was wrapped into these costs?

Mr. Madden stated he cannot say for certain they were wrapped up in these costs. He does not want to speak to what was done in the past.

Ms. Hamm stated there are 2 bonds. There is a 2003 bond and a 2007 bond for Broad River. The 2003 one was around \$15 million, and the other one is \$16.7 million. The bonds have been refunded.

Ms. Myers stated, what we have practically done, as opposed to what the ordinance says, is there some way we can get a small document that looks at what we actually did, so that Mr. Malinowski, and the rest of Council, can have an accounting that helps us understand when the costs got combined. That seems to be what has happened. The costs have all been conflated. Therefore, there has been no money rolling over. She stated she sees in the note the increase monthly premium was meant to be put in the 1054 Account, but that has not been done. It would be helpful to explain why that has not been done. In anticipation of the work session, if you could give her some detail on the repayment of the bonds, and where we stand. Ms. Hamm earlier said there was \$2.8 million in the account for this system. She inquired if that is proceeds from fees, or bond proceeds.

Ms. Hamm stated that is the excess revenue over the expenditures.

Ms. Myers stated it may just be that something has not been put on the right line item, and it has not been lost. It can be assigned to where it is meant to be. She also stated these rates look very different from the rates that we discussed in the rate session. She would like for the session coming up to have an analysis. Her understanding is once we have a Countywide Enterprise System all of the rates should be a little lower. The flat monthly fee should be \$20 rather \$42.02, and the usage fee will come down. She thinks that answers part of Mr. Malinowski's question, as well. She is sure his constituents, who are currently on a system, want to know what building a bigger system is going to do to their fees.

Mr. Malinowski moved, seconded by Ms. Myers, to hold this item in committee until after the work session in September.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- b. Council Motion: Funding the Senior programs should be distributed equally and fairly. It is not right for one organization to be receiving hundreds of thousands of dollars annually while other areas received none. All areas pay taxes and all seniors should get the same and equal opportunity in receiving funding. I move that funding for seniors (Seniors Activities) be distributed equally in all eleven districts. [N. JACKSON] –Mr. N. Jackson stated, when he first got on Council, there was an organization that required a one-time \$164,000 allocation to fix something, but it continued year after year, and started increasing. He sees them getting hundreds of thousands of dollars, while other areas got nothing. He does not think it is fair. Sometimes in the unincorporated areas,

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especially the rural areas, they may not have established a way to have this large set up. They have small churches or organizations that help seniors. They do not have these opportunities. They do not apply for the grants, or anything. He thinks we should develop a system that is fair, in each district. Let the Council person, or those that apply, see how it can be shared equally. They paid taxes their entire life and they want to do things also. Get out of the house and have things to do, and it is not available everywhere.

Ms. Myers requested a friendly amendment to give parks and recreation an earmarked amount because most of them do sponsor senior programs. If we were to earmark a specific amount annually to be used exclusively for senior programs.

Mr. N. Jackson stated he has no problem with the amendment because parks and rec are the ones who really goes to their foundation for the different areas. It is just not enough. For example, in the City they get almost \$2 million. It does not matter where it goes, as long as the funding is available for the unincorporated areas, and these senior centers and programs.

Ms. Myers stated maybe we should suggest the Chair establish a committee to work with staff and look at this, and see how the funding has been appropriated. She is troubled by the numbers, as well. She has seen the good work that Senior Resources does, but it does not reach many of the areas that need to be reached. When you have them getting \$500,000 from the Council this year, and other senior programs not having \$5,000 - \$10,000 to support senior programming. She agrees with Mr. N. Jackson that it should be one of our priorities, but she thinks we should look at it, and suggest something to full Council that takes this into consideration and comes up with some holistic suggestion.

Mr. Livingston stated these entities have different sources of funding. It would be helpful know which source of funding. He would agree to look at what the Recreation Commission is doing.

Mr. Malinowski stated it was a few years ago that we tried to get some information on senior assistance, and how many different programs there were out there. Some of the churches were providing different programs. Staff came up with this information.

Mr. Madden stated he does recall. Staff worked with the CMCOG.

Mr. Malinowski inquired if we are talking about all senior programming. He stated we may need to differentiate and show how much is going toward senior programming, other than meals, and what is going toward meals. He would certainly rather see the seniors being fed than worrying about having a square dance.

Ms. McBride inquired if we know how the \$548,000 is being spent, and are there other programs they are providing resources to.

Mr. Madden stated he does not have it in front of him. Senior Resources provides a quarterly report on the programs, who they are serving, and the amount that goes toward those specific programs. He stated he can compile that information and have it for this item.

Ms. McBride inquired if they "sub-grant" or contract out with other programs.

Mr. Madden stated he does not think so, but he does not want say for certain until he has had an opportunity to look. They may have different funding sources, but he thinks it is an in-house operation.

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Ms. McBride stated so we are not sure whether they are giving financial resources, or other types of resources.

Mr. N. Jackson stated the Lt. Governor's office manages the senior programs. The Meals on Wheels, through the CMCOG and the Ombudsman's Office handles those programs also. All senior organizations know how to tap into the CMCOG to get the funding for Meals on Wheels. He is talking about what the County is giving out to these communities. If they are short on meals, and they need meals, the organization will know they need meals. As seniors, you do not put them in a category and say, "You do not need any social program. Just eat and go home."

Mr. N. Jackson moved, seconded by Ms. Myers, to have a designated entity to accept the funds and distribute it to the centers that apply.

Ms. Myers stated because it is such an important issue might need a little more refinement before we start divvying up money. She suggested deferring this item to the next meeting, to request staff to provide answers, and give us some guidance about how we might address senior issues across the County, rather than just through one entity. Senior Resources does a good, but it has got about 7 programs under its umbrella, but it does not comprehensively touch the whole county.

Ms. Myers made a substitute motion, seconded by Mr. N. Jackson, to defer this item.

Mr. Malinowski stated, as part of what we are doing here, in addition to just giving the funds out because of the number of bodies requesting it, we may need to see what is required for a person to be able to receive these.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- c. Council Motion: Guidelines for dedications at the Decker Center – Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to have staff give Council some guidance, and look for comparable entities to provide guidance on how to move forward with dedications

Mr. Malinowski stated we may want to add to the motion that until that is done we will not be doing any of these requests.

Mr. N. Jackson stated he thought we had already established some protocol or guidelines.

Mr. Livingston stated not that he is aware of.

Mr. N. Jackson stated he remembers in the discussion when we did the first one for Judge Jones we agreed that if someone submits something we can hang their picture and have a ceremony for them.

In Favor: Malinowski, Myers, N. Jackson, Livingston, and McBride

The vote in favor was unanimous.

- d. Approve the purchase of EMS equipment with funding coming from bond proceeds set aside for EMS equipment – Mr. Madden stated the reason this item is before the committee is because the amount exceeds \$100,000.

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Ms. Myers moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation to approve the purchases of equipment.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- e. Melody Garden Stream/Ditch Stabilization Design Professional Services Contract – Mr. Madden stated this is a stabilization project that was bid out. A request for proposals was submitted, and staff has reviewed the bids. The recommendation is to award the contract to KCI Technologies, Inc. to complete construction management for the Melody Garden Stabilization project.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the award of a contract to KCI Technologies, Inc. to design, permit and complete construction management for the Melody Garden Stabilization project.

Mr. Malinowski stated, prior to this getting to Council, he would like to see all of the bids with dollar amounts.

Mr. Madden stated it was for proposals, so you would not have an actual dollar amount.

Mr. Malinowski stated if we do the proposal first, and say they are the highest ranked, they can come in with whatever bid they want.

Ms. Wladischkin stated, during the Request for Proposal process, we ask for a cost submittal. The cost submittal is evaluated, and is part of the points awarded to the vendors. However, it is a negotiable process, so once we establish the highest ranked offer, we would enter into negotiations. If those are successful, then we would ask for award of the contract.

Mr. Malinowski requested the figures submitted with the requests for proposals.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- f. An Intergovernmental Agreement (IGA) between Richland County (the County) Government Office of Small Business Opportunity (OSBO) and the United States Small Business Administration (SBA) – Mr. Madden stated, for clarification, it is not an IGA, it is a Strategic Alliance Memorandum, so it is a mutual understanding the OSBO and SBA will have.

Mr. Smith stated Legal has reviewed the document. It basically outlines a collaborative effort between the SBA and the Small Business Administration, in terms of moving small businesses forward. There are no financial obligations from either one of the entities. It is an exchange of information and collaboration between the two.

Mr. N. Jackson inquired if a certified business with the OSBO Office would be able to access programs through the SBA. What benefit would a business have with the Small Business Administration to access capital through them.

Mr. Madden stated, on p. 30 of the agenda packet, there is a section that outlines OSBO's undertakings. Essentially, this will allow the people that work with the OSBO Office would have access to resources, information, as it relates to their relationship with SBA.

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Mr. N. Jackson stated the frustration he has seen with a lot of small businesses is they get all certification, training, but what they really need is to get the capital to move them forward. The OSBO Office has tried to have classes and certification, and only 2 or 3 people show up. The businesses hear the opportunity they are supposed to have, but they are still not getting what they want. He stated we should have a work session, or call an OSBO meeting, to find out what they want or need to move forward. They want to contracts, access to capital, and bonding, but is it really happening. The SBA is saying they will partner with us. He hates when someone partners any entity, but it does not really help.

Ms. Myers inquired if this is something the OSBO Office desired to help move the office along.

Dr. Ellis responded in the affirmative.

Ms. Myers inquired if OSBO sought this agreement out.

Dr. Ellis stated OSBO staff has been working a number of stakeholders in the area to increase visibility of opportunities across the board, and this is just one of those opportunities. It has come as a result of going out a meeting with different organizations. As a part of the discussion with SBA, this is a standard form they present to their stakeholders when they are working in collaborative relationships. In order for us to engage, this is a part of our reciprocation.

Ms. Myers inquired if the County is guaranteeing any payments to anybody. Are there any contracts for money, or is this just to engage in additional training and assistance?

Dr. Ellis stated there are no financial obligations or commitments.

Ms. Myers inquired if there were to arise financial obligations or commitments, the OSBO Office would have the right to bring this back.

Dr. Ellis responded in the affirmative.

Ms. Dickerson inquired if most of the obstacles are financial. Is the office supposed to help them qualify financially for loans?

Ms. Myers stated she believes Ms. Dickerson is right. The issue, as it pertains to small businesses, is always access to capital, contracts, and bonding. Usually the SBA partners with local governments to do training and facilitate seminars. There are things that will provide them insight in to how you go about making your business ready to get bonded.

Ms. Dickerson stated with all of the training, if you had 10 companies, on a scale of 1 – 10 how many will have the ability to achieve their goals. From what she is hearing, it is not very successful.

Dr. Ellis stated historically the success rate has not been high at all. Mr. N. Jackson and Ms. Myers' points are valid. One of the things we are trying to do, and that is the reason for this agreement, is to increase visibility of opportunities, both within the County, and across the board for those small businesses. Last week, they had a "Why Get Certified" workshop. They had 35 participants in the workshop. They had SCDOT, Federal presence, the City of Columbia, and the Minority State Office were in attendance at the workshop. One of the point that they stressed with the participants is that the end goal is not to just become certified. The reason for this alliance is so that the County has more of a presence, and more involvement with those organizations so we can expand the exposure to the small business community.

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Mr. Malinowski stated he is not sure why this is in this committee. We have an OSBO Ad Hoc Committee. It seems that should have went there, and all of the discussion should have been there before being brought to Council. Is there a reason it came to this committee, and not the OSBO Committee?

Mr. Madden stated there was not a specific reason. This is the committee meeting that reviews agreements or memorandums of understanding regularly. But, if it is referred to that committee, staff will present to that committee, as well.

Mr. N. Jackson stated we can have this lengthy discussion in this committee, or inside the proper committee. His point is that we have the mentor protégé and sheltered market programs, which he is not sure where they are going. What is the decision on those programs, and how does it affect those organizations that participate in those markets. So, it is a more in depth discussion with the OSBO Committee. Those are some of the things on the agenda. Where we are? Is it working? When we have an agreement like this, will it benefit those organizations? The mentor protégé? What needs to be done? The staff involved in a committee meeting is more detailed and you have more input. Then you have people from the small business that comes to those meetings to give their input. Usually when we have OSBO meetings, small business people come to tell us what they like, dislike or need. He recommended sending this to the OSBO Ad Hoc Committee for more detailed information. If we move it forward to Council, he is still going to put it on the OSBO Ad Hoc Committee agenda to receive input from the community.

Mr. Malinowski moved, seconded by Ms. Myers, to forward this item to Council with a recommendation to enter into a Strategic Alliance Memorandum with the SBA South Carolina District Office (Columbia) to collaborate on increasing business development, outreach opportunities, and exposure for Richland County certified small businesses and small business candidates for certification with the OSBO Small Local Business Enterprise program. Anything else that needs to be discussed should be taken up in the OSBO Ad Hoc Committee.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- g. This is a request for Council to award a contract for the construction of a landfill gas control system to include perimeter and in-waste active landfill gas extraction wells connected by piping to a vacuum blower system, along with ancillary systems – Mr. Braswell stated this is a request to approve a contract to construct a landfill gas control system. The County has operated a landfill off of Caughman Road since 1975. The site stopped accepting waste in 1995. It was an unlined landfill, so the groundwater beneath has been contaminated by chemical waste placed in the landfill over the years. The levels in the groundwater are above regulatory limits. The County, over the years, has tried several measures to address the groundwater issue, including passive gas venting, capping the landfill, chemical injection, pump and treat, and natural continuation. The concentrations of the volatile organic compounds and gas have decreased, but they are still above regulatory limits. In 2016, CEC conducted a landfill gas study. That indicated the landfill gas was probably impacting the groundwater, and DHEC concurred with the findings. In 2017, CEC designed a landfill gas control system and had it approved by DHEC. A public meeting was held at the Upper Richland County Community Center in December 2017, at the direction of DHEC, to discuss corrective measures at the landfill. On March 8<sup>th</sup> the County issued solicitation to hire a vendor to construct the landfill gas system. Four vendors submitted bids. The County's engineering firm, CEC, reviewed the bids, and recommended Tric Con Works, LLC. They were the lowest, responsive, responsible bidder. The bid is high. It is \$714,074.34, along with a contingency of 5%, which totals \$749,778.06. Staff recommends award of the contract for construction.

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Mr. Malinowski moved, seconded by Mr. Livingston, to forward to Council with a recommendation to award the contract to Tri Con Works, LLC.

Mr. Pearce stated the capture of these gases has been one of his areas of interest for years. He inquired, once the capture system is installed, where would the gas then go?

Mr. Braswell stated it would be vented. It would be under pressure. The levels right now are not high enough to flare the gas, so DHEC has said we can vent it to the atmosphere. If we start having issues about odors in the future, we may put a flare in the system.

Mr. Pearce stated there is enough natural gas on the big landfill to power a manufacturing operation. He just wanted to see how much we were getting out of this, and if we wanted to capture that and potentially do something with it.

Ms. Myers stated in the briefing document it talks about the levels being higher than what DHEC allows. There has been the migration of methane and non-methane VOCs. And, moving the primary source of groundwater contamination at the landfill. She inquired if it had contaminated anything outside of it.

Mr. Braswell stated the contamination has moved a little bit off property onto DNR property to the south of the landfill, and it has migrated just across the property land onto some private property to the north. That is why DHEC is pushing us to put a system in to mitigate the groundwater issues.

Ms. Myers inquired if those property owners are aware.

Mr. Braswell responded in the affirmative. They had the public meeting, and discussed it with the owners.

Ms. Myers stated, for clarification, with the specific owners, not just the people that showed up at the meeting. She inquired if they are happy with the mitigation plan.

Mr. Braswell stated they did not comment one way or the other. Once we held the meeting, everyone seemed pleased with it in the area. We did not ask them specifically, but they can address that with them.

Ms. Myers inquired if it would be prudent, given that this is a contaminant that is on the ground, that is owned by someone else, to speak specifically with those property owners to obtain a waiver and release.

Mr. Smith responded in the affirmative.

Ms. Myers stated her concern is that once we have gone in and done this, that if they later come back and somebody says, "you know your land was part this." Then we have someone that thinks they are in position to claim against the County. She is concerned with the specific landowners who are impacted by this, whose land has been contaminated. She knows it is probably it is de minimis. She is sure that you are trying to prevent a great contamination, but we probably need some form of a release. So, that once we remediate the problem, the property owners have the assurance the land is restored back to what it was before this incident, and that they get to ask all of their specific questions, given it is their specific land that is impacted. She requested Mr. Braswell to work with the Legal Department to ensure that is done.

Mr. Braswell stated he will do so.

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Ms. Myers stated she would like that part done before we approve expending the funds. If we have issues that arise with those land owners, we might have to revisit this.

Mr. Malinowski withdrew his motion.

Ms. Myers inquired if that would get us in a penalty phase with DHEC.

Mr. Braswell stated we are not in a penalty phase yet with DHEC. When we explain to them that we are going to talk to the property owners, they should give us additional time to address this.

Ms. Myers inquired if we can put this on the agenda for the next A&F meeting, so we can get the property owners to agree to this so that once we have done it all the money that has to be spent. We do not have a revisiting. They could later come back and claim against us, if we do not get them in it.

Mr. N. Jackson inquired if they have ever explored a plasma plant.

Mr. Braswell stated they have not. Right now we have a long-term contract with Waste Management to send out waste to them. That would have to be something down the road. For a plasma facility, or an incinerator, you would need a large volume of waste. More than what the County itself generates.

Mr. N. Jackson stated some states are using it now, and the byproduct can be used for paving. The pollution is less than 1%. It is great deal, it just costs a lot.

Mr. Braswell stated the capital expense is high, but on the back end you do eliminate your environmental issues.

Mr. Livingston inquired if all of the current landfills have linings.

Mr. Braswell stated all the landfills built since 1993 that manage household waste, are required to have liners.

Mr. Livingston inquired as to how long the closure time is for a landfill.

Mr. Braswell stated regulations require 30 years, at a minimum. If you have groundwater issues, like this, DHEC is allow to extend the post closure time.

Mr. Malinowski inquired as to what a plasma plant is.

Mr. Braswell stated you have a plasma arc, which you expose the waste to. The plasma arc breaks it down into its basic component. You end up with a slag type material, which is like glass. You burn off all your carbon waste.

Ms. Myers moved, seconded Ms. McBride, to defer this item.

In Favor: Malinowski, Myers, Livingston, and McBride

The vote in favor was unanimous.

- h. Approval to negotiate and enter into a contract for the modernization of the six (6) Judicial Center elevators located at 1701 Main St. – Mr. Madden stated this is staff's attempt to correct the 6

**Administration and Finance**

**June26, 2018**

**-10-**

elevators in the Judicial Center. They are older elevators, and are constantly needing to be repaired. Instead of repairing them, this is an attempt to just replace them. Mr. Hayden Davis can provide a more bird's eye view of the details of this request. There was a solicitation issued, and the request is to enter into a contract with the firm to replace the 6 elevators.

Mr. Pearce stated he thought we did this a year ago.

Mr. Davis stated we have done some repairs to the elevators, but this would be a major modernization of the elevators.

Mr. N. Jackson moved, seconded by Ms. Myers, to forward to Council with a recommendation to move forward with entering into a contract with Carolina Elevator, Inc., the recommended contractor to supply and install all required equipment, material, and labor to modernize six (6) elevators at the Judicial Center. The total project cost is in the amount of \$1,060,350.79, with a contract amount of \$922,050.79, and a reserved contingency amount of \$138,300.00.

Mr. Malinowski stated the agenda packet says, "With the development of a new Judicial Center several years away." Prior to deferring the Renaissance, it seemed like that was the first thing, after Administration moving out. We need to get more of a definitive answer on the timeframe here before we invest over a \$1 million into something that is ultimately is going to be gone.

Mr. Malinowski made a substitute motion, seconded by Ms. Myers, to defer this to the next committee meeting.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- i. FY18-19 Annual Action Plan budgets for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) federal funds – Mr. N. Jackson moved, seconded by Ms. Myers, to forward without a recommendation.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

5. **ADJOURNMENT** – The meeting adjourned at approximately 6:59 PM.



## **Administration & Finance Committee Meeting Briefing Document**

### **Agenda Item**

Amendment to lease for Economic Development Office

### **Background**

In October of 2012, Richland County moved its Economic Development Department to 1201 Main Street on a temporary basis. In December of 2014, Richland County entered into a 5-year lease term on 1,994 SF. The existing space includes 3 offices, a reception area and conference room.

The 2009 strategic plan called for the Economic Development Office to grow and eventually house 5 full-time positions. In 2017, the Director began implementing the plan and added two new positions – an Existing Industry Manager and an Administrative Coordinator. In 2018, the final position – Manager of Research – was created and hired.

### **Issues**

There is currently not enough space in the existing office for all staff. New space on the same floor has been identified and an initial lease rate and configuration have been negotiated. The lease would be a simple amendment to the current lease with Capitol Center, the owner of 1201 Main Street.

### **Fiscal Impact**

Initial lease rate would increase from \$21 per square foot to \$22.50 per square foot. This would include an increase of approximately 400 feet and incorporate all upfit. There are sufficient funds in the economic development department budget to cover the additional costs.

### **Past Legislative Actions**

Economic Development Staff briefed the Economic Development Committee in June, and the item was referred to A&F.

### **Alternatives**

1. Approve lease amendment and refer to full council.
2. Approve staff to renovate current office with changes amortized within a new office lease.

### **Staff Recommendation**

Staff has reviewed options and recommends approval of lease amendment to accommodate staff growth.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

\_\_\_\_\_ **AMENDMENT TO**  
**LEASE AGREEMENT**

This \_\_\_\_\_ Amendment to Lease Agreement (the "\_\_\_\_\_ Amendment") is entered into to be effective as of the \_\_\_ day of \_\_\_ 2018, between **HAMILTON CAPITOL CENTER LLC**, a Delaware limited liability company ("Landlord") and \_\_\_\_\_, a \_\_\_\_\_ ("Tenant").

WHEREAS, U.S. REIF/MJW CAPITOL CENTER FEE, LLC (predecessor in interest to Landlord) and Tenant entered into that certain Lease Agreement dated \_\_\_\_\_ (the "Lease"), for the lease of approximately \_\_\_\_\_ square feet of rentable space in the Capitol Center, Suite \_\_\_, located at 1201 Main Street in the City of Columbia, Richland County, South Carolina (the "Premises"); and

WHEREAS, Landlord and Tenant desire to amend the terms of the Lease to: (i) to modify the size and location of the Premises (ii) to modify the Term, (iii) to modify the Base Rent, and (iv) to provide for certain other matters more particularly set forth below.

NOW, THEREFORE, for and in consideration of the mutual promises and provisions contained in the Lease, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant, intending to be legally bound, agree as follows:

1. Premises. Prior to \_\_\_\_\_, ("Extension Commencement Date"), Tenant shall vacate and relinquish Suite \_\_\_ and shall relocate to Suite \_\_\_ which consists of \_\_\_\_\_ square feet of rentable space as shown in Exhibit A ("Relocation Premises").

2. Lease Extension. The Term of the Lease is hereby extended for an additional \_\_\_\_\_ (12) months from \_\_\_\_\_, 2018 to \_\_\_\_\_, 20\_\_ (the "Extension Period").

3. Rent Amendment.

(a) Section \_\_\_ of the Lease is hereby amended to provide that, during the Extension Period, Tenant shall pay Base Rent in accordance with the following:

<u>Period</u>	<u>Monthly Base Rent</u>	<u>Annual Base Rent</u>
_____ - _____	\$ _____	\$ _____

(b) During the Extension Period, Tenant shall continue to pay Base Rent adjustments with respect to Operating Expenses and all other additional rent and other amounts payable under an in accordance with the Lease to Landlord.

4. Landlord Notice Address. Section \_\_\_ of the Lease is hereby amended to provide that all notices to Landlord shall be sent to Landlord at the following address:

c/o Capitol Center Management  
Attn: Property Manager, Capitol Center  
1201 Main Street, Suite 230  
Columbia, South Carolina 29201

5. Condition of Premises. Landlord, at its sole cost, shall make improvements to the Retained Premises as specified in Exhibit B.

6. Rules of Construction. No rules of construction against the drafter of this Amendment shall apply in any interpretation or enforcement of this Amendment. The parties hereto acknowledge and agree that they are sophisticated commercial entities and freely enter into this Amendment with the advice and consent of legal counsel of their choosing.

7. Tenant Representations. As of the date of this Amendment, Tenant represents and warrants to Landlord as follows: (i) all obligations of Landlord under the Lease have been performed, and no event has occurred and no condition exists that, with the giving of notice or lapse of time or both, would constitute a default by Landlord under the Lease, and (ii) Tenant has no existing defenses, offsets, counterclaims or deductions against Base Rent or any other amounts due from Tenant to Landlord pursuant to the Lease.

8. Brokers. Tenant warrants and represents that it has had no dealings with any broker in connection with the negotiation or execution of this Lease other than CBRE (“Landlord’s Broker”) represents Landlord’s interests in connection with this transaction and shall be paid by Landlord for its services pursuant to a separate, written agreement fully executed by Landlord’s Broker and Landlord prior to full execution of this Lease. Except as expressly provided above, Landlord will not be responsible for, and Tenant will indemnify, defend, and hold Landlord harmless from and against, any brokerage or leasing commission or finder’s fee claimed by any party in connection with this Amendment.

9. Legal Effect. Except as specifically modified herein, all of the covenants, representations, terms, and conditions of the Lease remain in full force and effect and are hereby ratified by Landlord and Tenant.

10. Counterparts. This Amendment may be executed in two or more counterparts and shall be deemed to have become effective when and only when one or more of such counterparts shall have been signed by or on behalf of each of the parties hereto (although it shall not be necessary that any single counterpart be signed by or on behalf of each of the parties hereto, and all such counterparts shall be deemed to constitute but one and the same instrument) and shall have been delivered by each of the parties to the other.

11. Defined Terms. All capitalized terms not otherwise specifically defined herein have the same meaning ascribed to them in the Lease.

[signatures appear on following page(s)]

SIGNATURE PAGE FOR  
\_\_\_\_\_ AMENDMENT TO LEASE AGREEMENT

IN WITNESS WHEREOF, Landlord and Tenant have executed the foregoing \_\_\_\_\_  
Amendment the day and year first above written.

***LANDLORD:***

**HAMILTON CAPITOL CENTER LLC**, a Delaware  
limited liability company

By: \_\_\_\_\_

Name: Malkiel Svei

Its: Authorized Signatory

***TENANT:***

\_\_\_\_\_, a \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Exhibit A

Premises

Exhibit B

Modifications to the Retained Premises include:



**Administration & Finance Committee Meeting  
Briefing Document**

**Agenda Item**

City of Columbia and Richland County Animal Care Facilities Intergovernmental Agreement

**Background**

The City of Columbia and Richland County began joint Animal Shelter operations July 1, 2007. This partnership provides for the efficiency of operations and streamlined customer service for all Richland County residents. The first renewal of this Intergovernmental Agreement (IGA) was completed on July 10, 2012 with a five year renewal term that ended on July 31, 2017.

In March of 2017, the City and the County initiated negotiations for a second renewal of the IGA. The County reviewed the City’s new fee proposal breakdown and recommended that the current holding per diem cost per animal per day of \$14.00 remain in effect for FY2018, with the per diem cost increasing by the CPI (Consumer Price Index) each subsequent fiscal year. On June 27, 2017, County Council was presented with staff’s recommendation during the Council’s Special Called Meeting which was subsequently approved. However, the City did not agree with the per diem cost remaining at \$14.00. Consequently, the second renewal was not executed. Since that time, both entities have been operating pursuant to the terms of the first IGA renewal

On June 20, 2018, the City informed the County that the animal per diem cost per day will increase from \$14.00 to \$24.00, effective 7/1/2018, for the second renewal of the IGA. The per diem cost will automatically increase annually by the CPI. The City is requesting that the County re-adopt the IGA for a second renewal of five years, ending July 31, 2022.

**Issues**

The primary issue is the per diem per animal per day increase from \$14.00 to \$24.00.

**Fiscal Impact**

An increase in per diem cost will affect the Animal Services budget. The estimated increase for the FY18-19 is as follows:

	<b>FY16-FY17</b>	<b>FY15-FY16</b>	<b>FY14-FY15</b>
Paid to City of Columbia	\$284,970	\$282,016	\$284,697.00
Current Rate	\$14.00		
3 Yr. Avg. Paid to City	\$283,894		
3 Yr. Avg. Paid/\$14.00 = Avg. number of days paid for	20,278 days		

**Using the average number of days paid and the new rate:**

New Rate	\$24.00
Average number of hold days (20,278) * New Rate (\$24.00) = Estimated new costs	\$486,672
New Costs (\$486,672) – 3 Yr. Avg. Paid (\$283,894) = Estimated Cost increase	\$202,778

The estimated increase would be about \$203,000/yr. There is funding in the budget to absorb the increase. Staff will budget accordingly in future fiscal years to offset the CPI increase if approved by County Council.

If no agreement is reached the negative effect on the budget could be great, as the County would have to secure a facility and staff to house and care for impounded animals.

#### **Past Legislative Actions**

- July 1, 2007 - The City of Columbia and Richland County began joint Animal Shelter operations
- July 10, 2012 - The first renewal of this Intergovernmental Agreement was completed

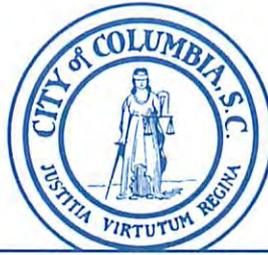
#### **Alternatives**

1. Approve the second renewal of the IGA as presented.
2. Do not approve the second renewal of the IGA as presented. If this alternative is selected, then the County would likely have to seek alternative housing measures if the City is unwilling to negotiate further.

#### **Staff Recommendation**

Staff recommends that County Council approve the second renewal of the IGA. The County has the funding in the current fiscal year budget to absorb the per diem fee increase.





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We Are Columbia

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June 20, 2018

Dr. Sandra Yudice  
Assistant County Administrator  
Richland County Government  
PO Box 192  
Columbia, SC 29204

Dear Dr. Yudice:

This letter is to inform you that the holding per diem cost per animal per day will increase from \$14.00 per day to \$24.00 per day effective July 1, 2018 for the second renewal of the Animal Care Facilities Intergovernmental Agreement which is attached.

The City of Columbia has not increased this fee for over ten years. This fee increase represents the true cost of housing an animal in our animal shelter each day. Currently Richland County only contributes to the legal hold period for each animal originating from its jurisdiction. This will continue to be the case. Richland County is not held responsible for any expenses associated with providing for an animal's live disposition once that animal finishes its legal hold time.

The per diem cost will automatically increase annually by the Consumer Price Index (CPI).

If you have any further questions, please feel free to contact Mr. Robert Anderson, Public Works Director at 803-545-3782.

Sincerely,

Teresa Wilson  
City Manager

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF RICHLAND                )        **SECOND RENEWAL TO  
INTERGOVERNMENTAL AGREEMENT  
(Animal Care Facilities)**

THIS RENEWAL is entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between Richland County (hereinafter the "County") and the City of Columbia (hereinafter "City").

WHEREAS, the parties entered into an Intergovernmental Agreement (hereinafter "IGA") dated July 31, 2007, regarding the County's use of the City's Animal Shelter with an Initial Term of five (5) years; and

WHEREAS, the parties also entered into a First Amendment of that IGA, dated November 5, 2010, replacing Paragraphs 2 & 6 of the IGA dealing with per diem costs and adoption revenue sharing through the end of the Initial Term expiring July 1, 2012; and

WHEREAS, the First Amendment expired and the IGA reverted back to its original terms; and

WHEREAS, the parties then entered into a First Renewal of the Intergovernmental Agreement, which expired July 31, 2017. Since that time, the parties have been operating pursuant to the terms of the First Renewal and desire to re-adopt the IGA and enter into this Second Renewal for another five (5) year term expiring July 31, 2022.

NOW THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties hereinafter set forth their intent to re-adopt and renew the IGA.

1. The terms of the First Renewal to the Intergovernmental Agreement are hereby expressly renewed and incorporated herein.

2. The IGA is renewed with the addition of new language in Paragraph 2 (Per Diem Fees), as follows:

Notwithstanding any of the foregoing, the per diem fees from FY 2016/2017 shall be the per diem fees for FY 2017/2018 (\$14) and FY 2018/2019 shall increase to the per diem of (\$24). Based upon the CPI published by the Bureau of Labor Statistics as an economic indicator, the per diem for FY 2019/2020 and continuing through year 5 shall increase by the CPI increase between FY2018/2019 to FY 2019/2020. If the CPI decreases, the fee shall remain the same as the preceding year.

3. In all other respects, the IGA shall remain in full force and effect for a five (5) year renewal term ending on July 31, 2022, a copy of which is attached hereto and incorporated herein by reference thereto.

4. This Second Renewal may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: County Administrator

WITNESS:

CITY OF COLUMBIA, SOUTH CAROLINA

Tasha Light  
Shalaine Jones

Cheresa Wilson  
By: Teresa Wilson  
Its: City Manager

APPROVED AS TO FORM  
Jamie G  
Legal Department City of Columbia, SC

STATE OF SOUTH CAROLINA            )            SECOND RENEWAL TO  
   )            INTERGOVERNMENTAL AGREEMENT  
 COUNTY OF RICHLAND                 )            (Animal Care Facilities)

THIS RENEWAL is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between Richland County (hereinafter the "County") and the City of Columbia (hereinafter "City").

WHEREAS, the parties entered into an Intergovernmental Agreement (hereinafter "IGA") dated July 31, 2007, regarding the County's use of the City's Animal Shelter with an Initial Term of five (5) years; and

WHEREAS, the parties also entered into a First Amendment of that IGA, dated November 5, 2010, replacing Paragraphs 2 & 6 of the IGA dealing with per diem costs and adoption revenue sharing through the end of the Initial Term expiring July 1, 2012; and

WHEREAS, the First Amendment expired and the IGA reverted back to its original terms; and

WHEREAS, the parties then entered into a First Renewal to the Intergovernmental Agreement, which expires July 31, 2017.

NOW THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties hereinafter set forth their intent to renew the IGA.

1. The terms of the First Renewal to the Intergovernmental Agreement are hereby expressly renewed and incorporated herein.
2. The IGA is renewed with the addition of new language in Paragraph 2 (Per Diem Fees), as follows:

Notwithstanding any of the foregoing, the per diem fees from FY 2016/2017 shall be the per diem fees for FY 2017/2018 and FY 2018/2019 and shall not increase. Based upon the CPI published by the Bureau of Labor Statistics as an economic indicator, the per diem for FY 2019/2020 shall increase by the CPI increase between FY2018/2019 to FY 2019/2020. If the CPI decreases, the fee shall remain the same.

For years 3 through 5 of the contract, the per diem fees shall increase in a percentage equal to the CPI for that year. If the CPI decreases, the fee shall remain the same.

3. In all other respects, the IGA shall remain in full force and effect for a five (5) year renewal term ending on July 31, 2022, a copy of which is attached hereto and incorporated herein by reference thereto.

4. This Renewal may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

S. Yidice  
[Signature]

RICHLAND COUNTY, SOUTH CAROLINA

[Signature]  
By: \_\_\_\_\_  
Its: County Administrator

WITNESS:

\_\_\_\_\_  
\_\_\_\_\_

CITY OF COLUMBIA, SOUTH CAROLINA

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: City Manager

Richland County Attorney's Office  
Elizabeth A. Miller  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.



## Richland County Council

SPECIAL CALLED MEETING  
June 27, 2017 – 5:30 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29201

**COUNCIL MEMBERS PRESENT:** Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Norman Jackson, Gwendolyn Kennedy, Paul Livingston, Jim Manning, Yvonne McBride, Dalhi Myers, Greg Pearce, and Seth Rose

**OTHERS PRESENT:** Michelle Onley, Kevin Bronson, Brad Farrar, Jamelle Ellis, Sandra Yudice, Sandra Haynes, Ismail Ozbek, Kim Roberts, Quinton Epps, Nancy Stone-Collum, Brandon Madden, Michael Byrd and Gerald Seals

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 5:30 PM.
2. **ADOPTION OF THE AGENDA** – Ms. Kennedy moved, seconded by Ms. Myers, to adopt the agenda as distributed. The vote in favor was unanimous.
3. **INTERGOVERNMENTAL AGREEMENTS**
  - a. **Inter-Governmental Agreement between Richland County and City of Columbia for Animal Care Services** – Mr. Bronson stated before Council tonight is a renewal of an intergovernmental agreement with the City of Columbia to manage animal care. This would be an extension of the current contract.

The City of Columbia requested a fee increase per animal, per night. Because the request came in after budget development, staff did not incorporate the increase into the County budget. Therefore, staff is not recommending the fee increase. The City of Columbia has been informed staff would be recommending not to proceed with the fee increase in either year of the biennium budget. Beginning in FY19-20, the CPI would then become effective for an increase.

Mr. Pearce moved, seconded by Mr. C. Jackson, to approve the intergovernmental agreement.

Mr. Malinowski stated he understands if the CPI increases the fee increases, but does not understand why if the CPI decreases the fee would remain the same.

Mr. Bronson stated if Council would like that adjusted staff would adjust the language accordingly.

Mr. Malinowski requested a friendly amendment that if the CPI decreases, the fee would decrease.

Mr. Pearce accepted the friendly amendment.

Mr. Manning and Ms. Myers expressed concern with Mr. Malinowski's friendly amendment to decrease the fee based on the CPI.

Mr. Pearce withdrew his acceptance of the friendly amendment.

Mr. Malinowski made a substitute motion to direct the Animal Care personnel to determine what fees are necessary to cover the costs. The motion died for lack of a second.

Mr. Malinowski requested an explanation of "Collection of County Differential License Fee".

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Dickerson  
Myers  
McBride

AGAINST  
Malinowski  
Kennedy

The vote was in favor.

- b. Inter-Governmental Agreement between Richland County and City of Columbia for E911 Services – Mr. Bronson stated the item before Council is a one year extension of the 911 Service Agreement between Richland County and the City of Columbia. Currently the County contracts with the City of Columbia to run one system for 911 services across the County.

Administration has spoken with the Sheriff's Department and there are concerns about the management of the 911 operations. Over the course of the next year, County staff will endeavor to pursue a 911 facility operated or managed by Richland County. Should the County establish a 911 operation, the County may terminate the contract with 120 days' notice to the City of Columbia.

Mr. Pearce moved, seconded by Mr. Rose, to approve staff's recommendation.

Mr. Malinowski inquired if the oversight committee has met with the CRC 911 Director has outlined in the agreement.

Mr. Byrd stated 2 of the 4 meetings has been held.

Mr. Malinowski inquired if the concerns of the entities (i.e. Sheriff's Department) had been brought to the committee's attention.

Mr. Byrd stated the concerns have been expressed at these meetings. Furthermore, as issues have come up they have been addressed immediately with CRC 911 staff.

Mr. Malinowski inquired as to why the concerns have not been acted up or resolved.

Mr. Byrd stated he could not answer that, but that the issues have been brought to the attention of the 911 staff.

Mr. Malinowski requested Council be provided with the issues the entities expressed prior to the end of the agreement.

Mr. Malinowski inquired as to why the City has until February to provide their budget to the County when County entities have to provide their budget in January.

Mr. Byrd stated the City has had a hard time providing their budget by the County's deadline in January.



## **Administration & Finance Committee Meeting Briefing Document**

### **Agenda Item**

County Council is requested to approve the Intergovernmental Agreement (IGA) between Richland County and the City of Columbia for three projects.

### **Background**

In a January 19, 2018 letter to former County Administrator Gerald Seals, the City of Columbia requested funding for the Park Street Sidewalk Improvement Project, the Main and Laurel Pedestrian Improvement Project, and the Main and Blanding Pedestrian Improvement Project. Through the budget amendment process, County Council approved the FY 2019 Penny tax funding for the City of Columbia.

### **Issues**

In addition to Council approving the funding to the City, it is essential that the County executes an IGA with the City for the terms and conditions for utilizing Penny tax funds.

### **Fiscal Impact**

The fiscal impact to the County is restricted to the amount for each of the three projects, as established in the approved Referendum Penny Ordinance number 039-12HR. The total approved amount for the three projects is \$359,642.

### **Past Legislative Actions**

County Council approved the FY 2019 Penny tax funding for the City of Columbia in its budget amendment process.

### **Alternatives**

1. Approve the IGA.

Or,

2. Do not approve the IGA.

### **Staff Recommendation**

It is recommended that County Council approve and execute the IGA with the City of Columbia for the one sidewalk improvement project and the two pedestrian improvement projects.

**Submitted by:** Department of Transportation

**Date:** July 19, 2018

State of South Carolina	)		)	RICHLAND COUNTY AND CITY OF COLUMBIA
	)		)	RICHLAND COUNTY SALES AND USE TAX
	)		)	TRANSPORTATION PROGRAM
COUNTY OF RICHLAND	)		)	INTERGOVERNMENTAL AGREEMENT
	)		)	

THIS AGREEMENT ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between Richland County, South Carolina, ("County") and the City of Columbia, ("Columbia").

WHEREAS, the County and Columbia agree to work together in the planning and implementation of the Richland County Sales and Use Tax Transportation Program ("Program"); and

WHEREAS, this Intergovernmental Agreement sets for the understanding and the terms between Richland County and Columbia for the implementation of the Program's transportation projects within the jurisdiction and the limits of the City of Columbia for fiscal year 2019; and

WHEREAS, the County is a body politic with all the rights and privileges of such including the power to contract as necessary and incidental powers to carry out the County's functions covered under this Agreement; and

WHEREAS, Columbia is a body politic with the authority to enter into contracts necessary for the proper discharge of its functions and duties; and

WHEREAS, pursuant to Ordinance #039-12HR ("Referendum Penny Ordinance"), Columbia submitted an annual funding request for fiscal year 2019; and

WHEREAS, the April 12, 2018, Circuit Court Order requires Richland County to be subject to the South Carolina Department of Revenue's Guidelines for Use of Transportation Tax Revenue ("Guidelines"), incorporated herein and attached as Exhibit A; and

WHEREAS, the Guidelines apply to all counties and political subdivisions receiving Transportation Tax funds; and

WHEREAS, on June 21, 2018, Richland County Council approved awarding Columbia a total of \$359,642.00 from the Program to fund the authorized transportation projects included herein for fiscal year 2019;

NOW THEREFORE, in consideration of the several promises to be faithfully performed by the County and Columbia as set forth herein, the County and Columbia do hereby agree as follows:

I. Purpose

The purpose of this work is to construct and improve certain transportation facilities throughout Columbia using, in part, funds derived from the one (1) cent (1%) transportation sales and use tax imposed by Richland County and approved by referendum held November 6, 2012.

This Agreement lists the funding totals and terms agreed upon by Richland County and the City of Columbia. By accepting the itemized funding totals below, Columbia agrees to adhere to the terms and conditions included herein.

II. Description of Work

The projects for this Agreement include only those projects listed below to be complete in fiscal year 2019 and are hereinafter referred to as the "Project" or collectively the "Projects." The Projects include:

Project	Total Program Funding for FY 2019 per Approved Referendum Penny Ordinance
Park Street Sidewalk Improvement Project	\$170,570.00
Main and Laurel Pedestrian Improvement Project	\$94,536.00
Main and Blanding Pedestrian Improvement Project	\$94,536.00
Not to Exceed Total Program Funding	\$359,642.00

III. Administration, Allocation of Funding, and Obligations

City of Columbia:

Columbia assumes the complete management, construction, completion, and any and all future maintenance of the Projects according to its standards and specifications.

Columbia shall fund any and all Project's additional costs beyond the Project's individual, authorized funding in the Referendum Penny Ordinance.

Columbia shall comply with the SC Department of Revenue's Guidelines for Use of Transportation Tax Revenue included as Exhibit A (i.e., each Project's work funded under the Program shall be "tethered" to the transportation projects authorized under Ordinance #039-12HR) and the Transportation Act.

Columbia will submit requests for payments by the 15<sup>th</sup> day of each month for the work performed the previous month.

Columbia shall assist the County with its audit of all expenses related to the Projects to ensure compliance with the Guidelines.

Richland County:

Richland County will administer the funding, through its Department of Transportation, as listed above according to the Guidelines and the Optional Methods for Financing Transportation Facilities Act (Transportation Act), Code of Laws of South Carolina 1976, as amended and incorporated herein as reference.

The County shall reimburse Columbia only for costs incurred as part of Columbia's completion of each Project up to its amount approved in Referendum Penny Ordinance and approved by Richland County Council.

Upon review of the monthly invoices for compliance with the Guidelines and inspection of the worked performed each month, the County shall process Columbia's payment requests by the end of each month. The County shall not authorize payment for work performed outside the Guidelines and the Transportation Act.

The County shall conduct an audit of all expenses related to the Projects to ensure compliance with the Guidelines.

IV. Indemnification

To the extent permitted by existing South Carolina law, Columbia hereby assumes complete responsibility for any loss resulting from bodily injuries (including death) or damages to property, arising out of any negligent act or negligent failure to act on Columbia's part, or the part of any employee or agent of the City of Columbia in the performance or participation in the work undertaken under this Agreement.

Richland County hereby assumes no liability and/or responsibility for any loss resulting from bodily injuries (including death) or damages to property, arising out of any negligent act or negligent failure to act on Columbia's part, or the part of any employee or agent of the City of Columbia in the performance or participation in the work undertaken under this Agreement.

V. Governing Law

This Agreement shall be governed by the laws of the State of South Carolina, and by execution of this Agreement, the County and Columbia consent to the exclusive jurisdiction of the courts of Richland County, South Carolina, for resolution of any dispute arising hereunder.

VI. Severability

In the event that any part or provision of this Agreement shall be determined to be invalid and/or unenforceable, the remaining parts and provisions which can be separated from the invalid and/or unenforceable provision or provisions shall continue in full force and effect.

VII. Notices

All notices pertaining to this Agreement shall be in writing and addressed as set forth below, and shall be deemed properly delivered, given or served when (i) personally delivered, or (ii) sent by overnight courier, or (iii) three (3) days have elapsed following the date mailed by certified or registered mail, postage prepaid.

Notices to Richland County:  
County Administrator  
Richland County  
P.O. Box 192  
Columbia, South Carolina 29202

Notices to City of Columbia:  
City Manager  
City of Columbia  
PO Box 147  
Columbia, South Carolina 29217

VIII. Assignment

Except as otherwise provided by applicable law, this Agreement may not be assigned by either party without the written consent of the other party.

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

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Richland County

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

City of Columbia

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_



## **Administration and Finance Committee Meeting Briefing Document**

### **Agenda Item**

Affordable Housing Development

### **Background**

Request County Council approval to award FY16 Federal HOME Investment Partnership funds in the amount of \$128,725.00 for the development of affordable rental housing for very low income household in the Broad River Heights Master Plan area, County Council District 4.

A Request for Proposals was issued in March of 2018 for proposals from Community Housing Development Organizations (CHDO) to own, develop and/or sponsor affordable housing. There were two submittals- Santee Lynches Affordable Housing CDC and SC Uplift Community Outreach. An evaluation team comprised of County employees evaluated the proposals for the project strategy, project budget, quality/experience and affordability for tenants. Santee Lynches Affordable Housing CDC, a County designated CHDO, was the highest ranked offeror. Santee Lynches Affordable Housing CDC submitted a request to receive HOME funding through a competitive application process for the purpose to acquire and rehabilitate a single family home in the Riverview Terrace Sub-division. This project will provide affordable rental housing in a well-established neighborhood where household incomes are above 80% of the area median. The total project cost is \$128,725.00 of which \$41,900.00 will be issued to the CHDO as a 2% interest loan.

### **Issues**

HUD requires 15% of annual HOME allocation be awarded to CHDOs. This project will be counted toward the Assessment of Fair Housing 5 year goal to create 1000 units of affordable housing by year 2021. As reviewed by County Staff, there are no issues presented and no foreseeable delays moving forward. Santee Lynches CDC has more than 25 years' experience developing affordable housing throughout the state of SC.

### **Fiscal Impact**

Richland County must commit FY16 HOME funds by September 30, 2018 or take the chance of losing the funds back to HUD. Otherwise there is no fiscal impact to the County's funding or general budget. All HOME funds come from the US Department of Housing Urban Development grant managed by the County's Community Development Department.

### **Past Legislative Actions**

County Council has not taken a previous action concerning this project.

### **Alternatives**

1. Approve the request to award HOME funding in the amount not to exceed \$128,725 for the development of affordable housing for very low income household to Santee Lynches CDC.

2. Do not approve the request to award to Santee Lynches CDC, and the project may not proceed. If we do not proceed and the contract is not executed, Richland County will risk de-obligation of this amount of federal HOME funds.

**Staff Recommendation**

Staff recommends approving the request to award HOME funds in the amount of \$128,725.00 to the highest ranked offeror, Santee Lynches CDC, to develop one unit of affordable housing of available listing property, currently in the Board River Heights neighborhood.

**Submitted By:** Jennifer Wladischkin, Procurement      **Date:** June 25, 2018



**Administration & Finance Committee Meeting  
Committee Briefing Document**

**Agenda Item**

Candlewood Neighborhood Park Land Acquisition and Subsequent Deed to Richland County Recreation Commission for Park Maintenance

**Background**

The Neighborhood Improvement Program [NIP] was established by County Council in Fiscal Year 2004 to coordinate and fund Neighborhood Master Plans [NMP] and improvement projects in Richland County. On March 1, 2005, County Council approved the first 10 priority focal areas for Neighborhood Master Planning.

On March 12, 2009 the Candlewood NMP was adopted by County Council. The Candlewood NMP is comprised of three major “Catalyst Projects.” Development of a neighborhood recreation park is the 3<sup>rd</sup> catalyst project for Candlewood. A conceptual plan of the park consists of a clubhouse, fitness stations, pavilions, basketball courts, playground and a dog park [see Appendix A]. According to the NMP, the site would be located on 9.34 acres of currently vacant land N and S of Seton Hall Drive. In NIP’s Five Year Project Plan, the neighborhood park land acquisition has a priority rank of 1.

In October of 2014, NIP utilized Integra Reality Resources to obtain an appraisal for the land, which was valued at \$73,000 at that time. On April 7, 2015 Council approved staff negotiating with the property owner up to the appraised value of \$73,000. Council directed the purchase price and agreement of the property come before council as a separate item for review and action prior to the final execution of a purchase agreement. Council further instructed staff to have a formal park maintenance agreement with the Richland County Recreation Commission [RCRC] in place prior to purchasing the property.

At least two phases of the park development are proposed for this site. The first phase would utilize approximately 1 acre of the parcel and would be developed by RCRC. RCRC has allocated funding in the amount of \$120,000, from the 2008 Recreational Bond, for the development of a recreation facility in the Candlewood Master Plan area. Use of these funds will require deeding approximately 1 acre of the parcel to RCRC for development. Initiation of this phase can start immediately upon purchase of the property.

The second, more long-term phase would develop the catalyst project envisioned by the NMP utilizing remaining acreage. There are no immediate plans to initiate this portion of the park’s development and funds have not yet been allocated thereto.

In spring of 2015, Staff had favorable conversations with the RCRC Director and Deputy Director about the phased approach to the park development [see Appendix B]. It was understood that the portion to be immediately developed by RCRC would be deeded via quitclaim, upon purchase of the property. The resulting deed would go before Council when prepared. As such, the design, construction, and on-going maintenance of the improvements would be the sole responsibility of RCRC as owners of that site and project.

Staff and RCRC also discussed long-term plans to develop the second phase and agreed it would be prudent to revisit the scope and vision of those plans with the community and RCRC. Waiting and revisiting the second phase will afford the opportunity to develop a project that is feasible for all parties, and more specifically, provide direction on who will be responsible for what components. Appropriate agreements would be drafted at that time.

In June of 2015, the property owner verbally, and via a memo, agreed to sell at the appraised value. However, the agreement and negotiations fell through due to an inability to reach a compromise regarding indemnification language in the final contract.

In September of 2017, staff contacted the seller to see if they were once again amenable to selling the property. Talks have progressed favorably and an agreement has once again been reached with the seller. A new appraisal of the property was obtained through Rosen Appraisal Associates on June 27, 2018, with a current value of \$89,000 [see Appendix C]. An amended contract to reflect the new appraisal value and requested language by the seller has been drafted for executing the sale [see Appendix D].

### Issues

N/A

### Fiscal Impact

Acquisition costs would be provided from the Neighborhood Redevelopment fund, where sufficient funds currently exist. The property is currently appraised at \$89,000. A maximum offer for the property would not exceed the appraisal amount.

### Past Legislative Actions

At the April 7, 2015 meeting, Council approved staff negotiating with the property owner, up to the appraised value of \$73,000. This approval also included bringing the purchase price and agreement, as well as a formal park maintenance agreement with RCRC, back before Council for approval.

During the July 28, 2015 meeting, Council approved the acquisition of 9.34 acres of vacant land located on the North and South sides of Seton Hall Drive (TMS R20200-03-46) for the development of a neighborhood park as prescribed in the Candlewood Master Plan at the appraised value of \$73,000, and initiate the process to deed 1 acre of the site to RCRC for the construction and maintenance of a recreational shelter utilizing the 2008 Recreation Bond.

### Alternatives

1. Approve the acquisition of the identified parcel, N/S Seton Hall Drive (TMS R20200-03-46), for use as a neighborhood park up to the appraised value of \$89,000 and initiate the process to deed 1 acre of the site to RCRC for construction and maintenance of a recreational shelter utilizing the 2008 Recreation Bond.
2. Do not approve the acquisition of the identified parcel, N/S Seton Hall Drive (TMS R20200-03-46), for use as a neighborhood park up to the appraised value of \$89,000 nor initiate the process to deed 1 acre of the site to RCRC for construction and maintenance of a recreational shelter utilizing the 2008 Recreation Bond.



**Staff Recommendation**

Staff recommends Council approve the acquisition of the identified parcel of land for use as a neighborhood park up to the appraised value of \$89,000 and initiate the process to deed 1 acre of the site to RCRC for construction and maintenance of a recreational shelter utilizing the 2008 Recreation Bond.

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

**Date:** July 20, 2018



Using the recreation plans and/or programs that each design team developed during the Design Charrette, a park and recreation area plan has been developed. The program for the park includes the following:

- 12,000 SQUARE FOOT COMMUNITY CENTER
- 3 PAVILIONS
- DOG PARK
- BASKETBALL COURTS
- PLAYGROUND
- TOT LOT PLAYGROUND
- 50 PARKING SPACES
- WALKING TRAILS
- OPEN AREAS
- NATURE AREAS
- NEW ROAD TO CONNECT SETON HALL DRIVE
- SENIOR FITNESS STATIONS



**June 18, 2015**

**Mr. James Brown  
Richland County Recreation Commission  
7473 Parklane Road  
Columbia, SC 29223**

**Subject: Notice of Intent – Grantee  
N/S Seton Hall Drive  
Tax Map #R20200-03-46  
Candlewood Master Plan Area**

Dear Mr. Brown:

This letter confirms Richland County Government's interest in acquiring the vacant parcel of land located to the north and south of Seton Hall Drive for the purpose of developing a neighborhood park as a part of the implementation of the Candlewood Master Plan.

In April of 2015, Richland County Council approved staff's request to negotiate with the owners of 9.34 acres of land, Tax Map #R20200-03-46, located to the north and south of Seton Hall Drive. In a memo dated June 25, 2015, the property owners notified Richland County of their intent to sell at the appraised value and this sale is going before Council for consideration on July 28, 2015. Richland County Recreation Commission intends to fulfill a 2008 recreational bond, which has funds allocated specifically for use in the Candlewood Community.

Upon acquisition of the 9.34 acre parcel, Richland County intends to process a quitclaim deed to transfer all interests in real property for one (1) acre of the site to Richland County Recreation Commission, at which point the commission assumes ownership and all responsibility for design, development, maintenance and upkeep of the aforementioned acre.

In addition, Richland County Government and Richland County Recreation Commission have found it to be mutually agreeable to work together on a design and maintenance plan for the remaining 8.34 acres of land, which will be revisited when future development is initiated.

Please indicate your acknowledgement and support of the aforementioned intentions by signing and returning a copy of this letter.

Thank you,

**Ashley M. Powell**  
Neighborhood Planner

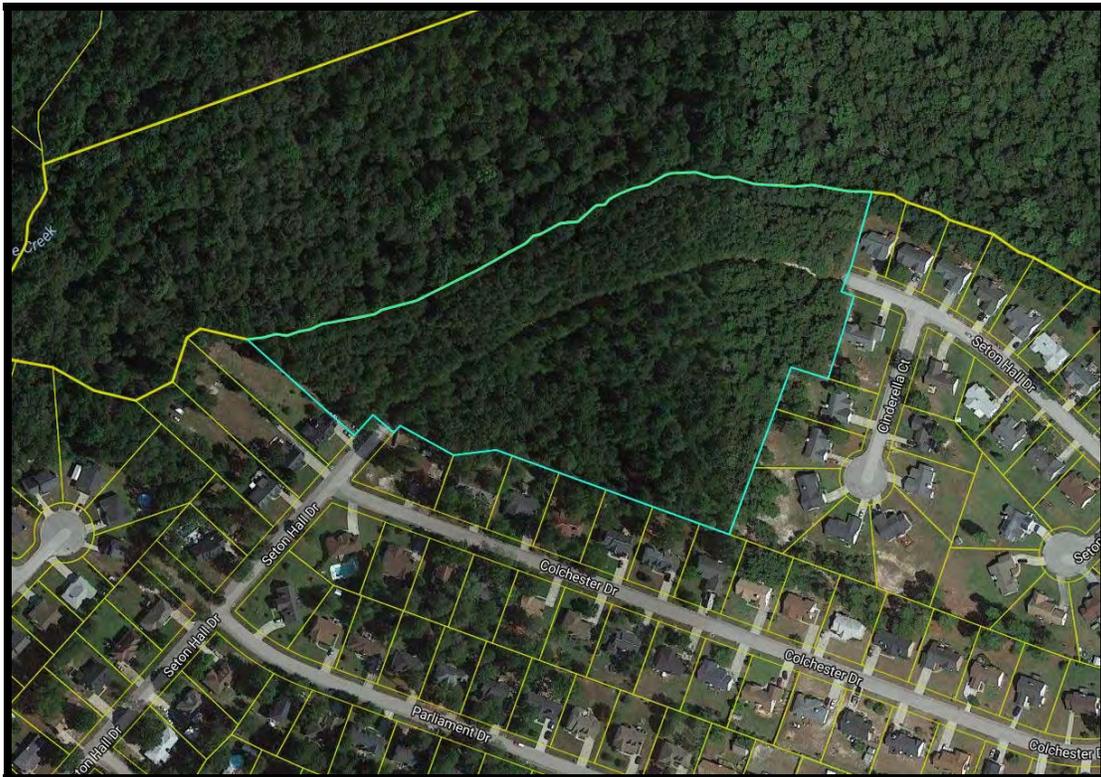
James Brown  
Mr. James Brown

Kenya V. Bryant 7/16/15  
Witness

7/16/15  
Date

# APPRAISAL REPORT OF

## 9.34 ACRES OF UNIMPROVED, VACANT LAND LOCATED ON SETON HALL DRIVE, COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA



AS OF:

JUNE 27, 2018

BY:

ROSEN APPRAISAL ASSOCIATES

# *Rosen Appraisal Associates*

1717 LAUREL STREET  
COLUMBIA, SC 29201-2624

*Real Estate Appraisers and Consultants – Serving the Public Since 1956*

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JOSEPH B. ROSEN, MAI, SRA, ASA  
HARVEY J. ROSEN, SRA  
TOBY M. BROOKS  
STEPHANIE MASSEY  
DAISY RIVERA

MAIL ADDRESS: P.O. BOX 28  
COLUMBIA, SC 29202-0028  
PHONE: 803-252-9321  
FAX: 803-765-9889  
EMAIL: rosenappraisal28@bellsouth.net

June 27, 2018  
File 18-161

Richland County Planning Services  
(Neighborhood Improvement Program)  
2020 Hampton Street, 1<sup>st</sup> Floor  
Columbia, SC 29204

Dear Richland County Planning Services:

At your request, we have inspected and evaluated for appraisal the 9.34 acres of unimproved, vacant land located on Seton Hall Drive, Columbia, Richland County, South Carolina. The subject is located within Candlewood Subdivision and it is shown on Richland County Tax Map 20200, in Block 3, as Lot 46. The purpose of this appraisal is to estimate the market value of the fee simple interest of the subject property. No Certificate of Title was made available from which easements and other items could be recognized and analyzed.

This is an **Appraisal Report** and is intended to comply with the reporting requirements of Standard II of the Uniform Standards of Professional Appraisal Practice. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated herein. The appraisers are not responsible for unauthorized use of this report.

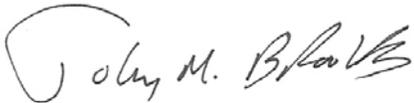
As a result of the investigation, the analysis of the data collected and the appraisers' general knowledge of real estate valuation, it is concluded that the market value of the fee simple interest of the subject property, as described in the report to follow, as of June 27, 2018, is:

EIGHTY NINE THOUSAND DOLLARS  
(\$89,000)

Richland County Planning Services  
(Neighborhood Improvement Program)  
June 27, 2018  
Page Two

A description of the property appraised and an explanation of the valuation procedures used are contained in the body of the attached report. Your attention is also directed to the Limiting Conditions and Assumptions upon which the value conclusions are contingent.

Respectfully submitted,



Toby M. Brooks  
S.C. State Certified General Real Estate  
Appraiser #CG858



Joseph B. Rosen, MAI, SRA  
S.C. State Certified General Real Estate  
Appraiser #CG177

TMB/JBR:sm

**SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

LOCATION: The subject property is located on Seton Hall Drive, Columbia, Richland County, South Carolina. The site is located within Candlewood Subdivision.

TAX MAP IDENTIFICATION: TMS# 20200, in Block 3, as Lot 46

PROPERTY SIZE & TYPE: The subject consists of 9.34 acres of unimproved, vacant land.

DATE OF VALUE: June 27, 2018

DATE OF INSPECTION: June 27, 2018

DATE OF REPORT: June 27, 2018

OBJECTIVE: Estimate the market value of the fee simple interest of the subject property.

ZONING: RS-MD, Residential, Single-Family – Medium Density District (Richland County)

HIGHEST & BEST USE: As Vacant: Single Family Development

VALUE CONCLUSIONS:

Cost Approach:	N/A
Sales Comparison Approach:	\$89,000
Income Capitalization Approach:	N/A
Final Value Estimate	\$89,000

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND ) **CONTRACT OF SALE**

This Agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between \_\_\_\_\_ (hereafter combined as "Seller"), and Richland County, South Carolina (hereafter "Buyer").

WITNESSETH: That for and in consideration of the sum of Five and No/100 Dollars, to be applied as part of the cash portion of the purchase price, and the conditions and terms hereinafter mentioned, the Seller agrees to sell and the Buyer agrees to buy 9.34 plus or minus acres located to the north and south of Seton Hall Drive in the Candlewood community, to include all rights, easements, access agreements and other pertinent materials, said property more particularly described as follows:

**SEE ATTACHMENT A**

Sale to be consummated upon the further payment of Eighty Nine Thousand (\$89,000.00) Dollars from Buyer to Seller after Buyer's completion of any appraisals, tests, studies, inspections and upon expiration of the "Feasibility Period" set forth herein, and approval of the Richland County Council, Buyer's Governing Body.

It is herein agreed that for a period ending ninety (90) days after execution of this Agreement (the "Feasibility Period"), Seller grants Buyer permission to have its engineers, employees, contractors, agents and also potential tenants of the Property enter upon the Property for the purpose of conducting surveys, engineering, environmental and other tests, market studies and other items deemed necessary by Buyer in connection with its proposed purchase of the Property.

At any time during the Feasibility Period or its extensions, Buyer may rescind and cancel this Agreement for any or no reason by giving written notice to the Seller of its desire to do so and this Agreement shall be terminated, null and void and neither party shall thereafter have any further obligation to the other hereunder.

The Seller has made the Buyer aware that a survey of the Property dated September 28, 2006 was made by B.P. Barber and Associates and is recorded in the Register of Deeds Office for Richland County, SC, in Record Book 1820 on page 193. Buyer has acknowledged receipt of a copy or copies thereof. Buyer has previously advised that said survey is acceptable to Buyer for purposes of its purchase of the Property. In the event Buyer, in its sole discretion, elects to have a new survey prepared, the cost and expense of such survey preparation and the recording thereof shall be paid entirely by Buyer.

The Seller hereby covenants and agrees to convey the above described property to the Buyer, its heirs or assigns in fee by proper deed, with covenant of general warranty, free from all defects and encumbrances, except such as are herein agreed to be assumed. Seller shall pay for preparation of deed and for all statutory deed recording fees.

The above described property shall be conveyed subject to applicable zoning ordinances and valid recorded easements, restrictions and covenants provided the foregoing do not make the title unmarketable or prohibit Buyer from using the property for its intended lawful purposes.

Upon tender of such deed at the time below provided, the Buyer agrees to comply fully with the terms of this Agreement.

All taxes, rents, water rents, paving assessments and interest to be prorated to date of completion of sale. Hazard insurance to be prorated or canceled at the option of buyer.

Any and all rollback taxes which might be assessed or levied upon the Property as a result of the sale of the Property as contemplated under this Agreement will be paid by the Buyer with no liability for the payment thereof by the Seller.

This sale and purchase to be completed within thirty (30) days of the expiration of the Feasibility Period.

Buyer shall not be responsible to pay any portion of any real estate commission associated with the transaction contemplated in this agreement unless expressly agreed to by Buyer in a separate agreement with any real estate agent chosen by Buyer.

This Agreement is binding upon ourselves, our heirs, executors, administrators, successors or assigns.

It is understood that this written Agreement constitutes the entire contract between the parties hereto.

Witness our Hands and Seals the day and year first above written.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

In the presence of:

\_\_\_\_\_  
\_\_\_\_\_

SELLER: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SELLER: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

{Remainder of Page Intentionally Left Blank}

BUYER: Richland County, South Carolina

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_



**Administration and Finance Committee Meeting  
Briefing Document**

**Agenda Item**

Approval to negotiate and enter into a contract for the modernization of the six (6) Judicial Center elevators located at 1701 Main St.

**Background**

The Richland County Judicial center, located at 1701 Main Street, was constructed in the late 1970's. The building design incorporated six elevators: three banked passenger elevators that are located in the main lobby and service all floors (G3-L4), a secure freight elevator that services five floors (G1-L4), a secure judges elevator that services four floors (G1-L3), and a secure prisoner's elevator that services 3 floors(G1, 2,3). The three passenger elevators were modernized with new controllers in the mid 1990's; however the mechanical equipment (gears & motors) were not replaced. Therefore, most of the elevator equipment in the building is original to the facility, which has far exceeded its expected lifespan of 25 years.

Due to high annual service cost, high repair cost and due to difficult to obtain replacement parts, it was determined that the elevators needed to be reviewed and determine the best course of action to improve the reliability and reduce the monthly down time. Over the past year, a total of 177 service calls have been performed (almost once a day) to keep the elevators operational. Even one unit was down for 11 weeks due to replacement part unavailability, which adversely effected the vertical movement throughout the facility by staff.

An outside elevator consultant was engaged through a solicitation (RC-043-P-2017) to help evaluate the elevators and to recommend a solution to address the issues listed above. After fully evaluating the site, it was determined that a complete modernization of the elevators would be required. The consultant was then contracted to provide a complete scope of work and bid documents.

The modernization, which includes but is not limited to the following items:

- Replacement of the control systems for each elevator (the computer that operates the elevator)
- Replacement of the motor and machines (the motor & gears that physically move the elevator)
- Replace the cab interiors & lights (up-fit the inside of the elevator cabs with new materials)
- New call buttons at the hall stations & cab (new buttons inside and outside the elevator)
- New elevator door panels (the door panels inside the elevator cab)
- New door operators (the equipment that opens and closes the elevator doors)
- Tie all required elevator equipment into required building systems (tie elevators to the fire, security access, & HVAC systems as required by code)

Due to construction constraints or still in operational condition, the following items will not be replaced:

- Elevator hall door frame (is within the concrete/block walls- but are in good condition)
- Elevator door panels hall side (is tied into the door frame- are in good condition)
- Elevator rails (the beams that the elevator rides on- are in the elevator shaft and too large to install- and are in good condition)
- Elevator cab frame (The structural box of the elevator cab-this item is in good condition and does not need to be replaced)

Once the modernizations are completed, the elevators will comply with the current safety codes.

When the consulting engineer completed the required bid documents and scope of work, the project was put out for a bid solicitation. A mandatory pre-bid meeting was held to ensure the potential contractors had a full understanding of the project constraints and required scope of work. Three different contractors attended the meeting. All three of the contractors submitted bids. After reviewing the submissions, the consulting engineer made the recommendation that Carolina Elevator Services Inc. has the lowest, most responsive, responsible bid, with the other two contractors having bids that were \$216,549.21 and \$382,130.21 more expensive respectfully.

The work on the elevator will be coordinated with the court system to help minimize the impact on the facility. The contractor will ensure that no more than two elevators will be scheduled to be out of service at a time. Due to the complexity and long delivery time (each elevator is manufactured specifically for each elevator shaft); it is anticipated that the project will take about ten (10) months to complete once a contract is executed (five months to manufacture and five months to install).

Once the modernizations are completed, the elevators will comply with the current safety codes. Furthermore, it is expected that the down-time of each elevator will greatly reduce and that the maintenance cost will also reduce.

### Issues

Due to the age of the elevator equipment, a large number of the required repair parts are rare, thus extremely expensive, leading to high repair costs and high annual maintenance costs. Additionally, if the modernization does not take place, the down-time and reliability for the elevators will only increase, which is already significant, due to the shortage of repair parts. This increased down time will continue to adversely affect the daily operations of the facility, and also could result in impacting life safety issues, such as limiting quick access for EMS personnel with a stretcher.

With the development of a new Judicial Center several years away, this modernization has become even more critical.

### Fiscal Impact

If approved, Richland County will enter into a contract with the recommended contractor, Carolina Elevator Service, Inc., in the amount of \$922,050.79 with an additional \$138,300.00 in contingency (15%), bringing the total project cost to \$1,060,350.79. The contingency is requested to address any unforeseen conditions due to the complexity of modernizing equipment in an existing facility and due to the number of systems that the elevator systems tie into, such as the fire alarm and security access systems. Contingency use must be requested in writing by the contractor, evaluated by the Richland County Department of Operational Services as a change order, and no contingency use will be approved by Richland County staff without strict examination of all the facts and possible options by the project management team.

Funds for this project have been identified in in the existing Operational Services Capital Project budget noted below:

- GL-1339995000.530300/JL-13395417.530300 (Building Improvements)

### Past Legislative Actions

None

### Alternatives/Solutions

1. Authorize the Procurement Department Manager and staff to move forward with entering into a contact with Carolina Elevator Service, Inc., the recommended contractor from solicitation RC-074-B-2018, to

supply and install all required equipment, material, and labor to modernize six (6) elevators at the Judicial Center located at 1701 Main Street. The total project cost requested for approval is in the amount of \$1,060,350.79, with a contract amount of \$922,050.79 and a reserved contingency amount of \$138,300.00.

-Or-

2. Do not approve the expenditure of the funds and leave the existing elevators in their current state. This decision could have impact on the daily operations of the Judicial Center and put the County at risk of liability.

-Or-

3. Continue working with the recommended contractor to develop options to encompass direction given by Council regarding the cost and operations of the elevators and how they would like to proceed with the facility.

#### **Staff Recommendation**

The recommendation is Option #1 (authorize the expenditure of funds). Richland County would enter into a contract in the amount of \$922,050.79, with an additional \$138,300.00 in contingency, with Carolina Elevator Service, Inc. to modernize six (6) elevators at the Judicial Center located at 1701 Main. St.

**Procurement Spread Sheet BID TAB Calculations for RC-074-B-2018 Judicial Center Elevator Modernization**

ITEMS SERVICE	BIDDER <b>Carolina Elevator</b>	<b>Delaware Elevator</b>	<b>Oracle Elevator</b>
1 Mobilization, license fees	2760.00	\$22,069.00	\$12,000.00
2 Parronqor Elevator #1,2&3	\$463,904.98	\$611,222.00	\$546,100.00
5 Judge Elevator	\$127,953.88	\$194,317.00	\$182,100.00
6 Freight Elevator	\$158,223.28	\$219,936.00	\$182,100.00
7 Prisoner Elevator	\$125,017.65	\$190,517.00	\$182,100.00
* Fire Alarm Tbbair Cart Quoted as \$23,690.00)	\$44,191.00	\$41,563.00	\$43,700.00
9 Labor/Security	\$0.00	\$3,524.00	\$0.00
10 Project Cleanup	\$0.00	\$21,033.00	\$2,500.00
<b>TOTAL</b>	<b>\$919,298.74</b>	<b>\$1,384,151.00</b>	<b>\$1,150,600.00</b>

**Consultants Review and Ratings:**

1 Addendum 1- Acknowledged	X	X	X
2 Addendum 2- Acknowledged	X	X	X
3 Addendum 3- Acknowledged	X	X	X
4 Statement of Assurance, comp	X	X	X
5 Drug Free Workplace	X	X	X
6 Solicitation, Offer & Award	X	X	X
7 Appendix A	X	X	X
- Regular Hourz - Mechanic	\$220.00	\$225.00	\$199.00
- Regular Hourz - Helper	\$190.00	\$135.00	\$175.00
- Regular Hourz - Team	\$395.00	\$360.00	\$270.00
- Overtime Hr (1.5/1.7)-Mechanic	\$330.00	\$338.00	\$298.00
- Overtime Hr (1.5/1.7)-Helper	\$285.00	\$202.00	\$263.00
- Overtime Hr (1.5/1.7)-Team	\$593.00	\$540.00	\$561.00
- Overtime (2x) - Mechanic	\$330.00	\$450.00	\$298.00
- Overtime (2x) - Helper	\$285.00	\$270.00	\$263.00
- Overtime (2x) - Team	\$593.00	\$720.00	\$298.00
8 Appendix B	X	X	X
9 Appendix C	X	X	X
10 Appendix D	X	X	X
11 Appendix E	X	X	X
12 Appendix F - Maint. Central Praq	X	X	X
13 Appendix G	X	X	X
- Contractors Chosen Suppliers	X	X	X
Machiner	Halliter-Whitney Geared OH Machine	Halliter-Whitney Geared OH Machine	Halliter-Whitney Geared OH Machine
Controllezz	Motion Central Engineering MCE 4000	Motion Central Engineering MCE 4000	GAL Galaxy
Door Equipment	GAL MOVFR II Heavy Duty Clared Loop	GAL MOVFR II Heavy Duty Clared Loop	GAL MOVFR II Heavy Duty Clared Loop
Signal Fixturaz	PTL Manufacturing	Innovation Interrior	GAL
Cab Refinrh	Bell Elevator Interiozz	Bell Elevator Interiozz	Wright Elevator Interiozz
-Location of Full Service Office	X	X	X
	777 Old Clemran Road Columbia, SC 29229 803-665-1400	2024-A Independence Commerce Drive Mathour, NC 28105 704-628-5189	519 Enterprise Drive Charlotte, NC 28206 800-526-6115
11 Interim Service Included in Bid	YES	YES	YES
12 Warranty Service Included in Bid	YES	YES	YES
13 Continuing Service Price per Unit per Month	\$225.00 per unit	\$375.00 per unit	\$250.00 per unit

**Consultant Review and Evaluation:**

All bidders appear to have complied with the Bid Documents and Specifications. All Products prepared are acceptable and equal.

Carolina Elevator Service, Inc. has a distinctly better price and service location.

I recommend proceeding with the recommendation of award to Carolina Elevator Service, Inc. and request their scheduler and lead time for Submittal, Approval, Final Drawing and Release of Orders, Delivery of Material, and Installation Schedule.

Full Submittal of Products offered are to be submitted for Approval along with Schedule. Cab Interior Design will be presented and coordinated with Hayden Davis.

Please advise of any questions or further requests for clarification.



**Administration & Finance Committee Meeting  
Companion Document**

During its June 26, 2018 meeting the A&F Committee vetted the approval to negotiate and enter into a contract for the modernization of the six (6) Judicial Center elevators located at 1701 Main St. This item was deferred to the July 24, 2018 Committee meeting. During the Committee's discussion regarding this matter, several concerns were raised. Additional information is presented below to address those concerns.

**Q: Councilperson Pearce:** I thought these repairs occurred a year ago?

**A:** The funding was requested over a year ago and the Engineering and design was completed and now at this point we are ready to enter into a contract in order to modernize the elevators to meet the compliance of State LLR regulations.

**Q: Vice-Chairperson Malinowski:** The agenda packet says, "With the development of a new Judicial Center several years away." Prior to deferring the Renaissance, it seemed like that was the first thing, after Administration moving out. We need to get more of a definitive answer on the timeframe here before we invest over a \$1 million into something that is ultimately is going to be gone.

**A:** During its May 24, 2018 Special Called Meeting, Council voted to defer the Richland Renaissance project. Staff is unaware of any Council action to remove the project from a status of "deferment". Any timeframes related thereto are contingent upon Council direction. However, the completion of the elevator upgrades should improve the value of the structure.

To augment its discussion on this matter, Council may wish to note the following questions and answers from staff:

**1. What is the cost of the elevator service contract? How much does it cost for the Judicial Center?**

\$42,504 per year for (19) County-owned elevators; of that \$22,320 is for the (6) Judicial Center elevators

**2. How many service calls were there for each Judicial Center elevators?**

In the last (12) months – 177 Service calls for the Judicial Center elevators have been made. The breakdown below illustrates the number of service calls for other County operations: Administration Building - 13; Public Health Building – 7; Laurens St. Garage – 9; Township Auditorium – 18; Decker Center – 5; Sheriff's Headquarters – 8

**3. What are the most common service calls for the Judicial Center elevators?**

The elevator units do not respond to calls; the elevator doors will not close; the elevator unit does not level out on each floor, gets stuck between floors and makes strange noises.



**4. Which elevator was out of service the longest and why?**

The freight elevator at the Judicial Center – drive motor failed and required replacement. The elevator unit was down 11 weeks resulting in the Judges and/or Prisoners elevators being utilized in its absence.

**5. How long is the typical down time for the Judicial Center elevators?**

Most service calls are responded to and addressed the same business day. Approximately 31 service calls resulted in elevator units being taken out of service for at least (1) day up to (1) week for parts to arrive and repairs to be completed.





**Administration and Finance Committee Meeting  
Briefing Document – Contract Award for the Construction of a Landfill Gas Control System**

**Agenda Item**

This is a request for Council to award a contract for the construction of a landfill gas control system to include perimeter and in-waste active landfill gas extraction wells connected by piping to a vacuum blower system, along with ancillary systems.

**Background**

Richland County owns and operates a solid waste management facility located at 1070 Coughman Road North in Columbia. The facility consists of a closed Construction and Demolition Debris Landfill (Phase 1 and 1A); two closed unlined municipal solid waste landfills (Phase 2 and 3); and an active Class 2 Landfill (Phase 4). The site also contains a recycling center that accepts recyclable materials and waste from the public.

Because the closed municipal solid waste landfills were unlined, the groundwater beneath the landfill has been impacted over the years by chemicals leaching from the waste. The County has tried several measures to address the groundwater issues, including gas venting (2006), capping (2007), chemical injection (2007), pump and treat (2009), and natural attenuation. Though there has been some improvement in the groundwater and concentrations of VOCs have decreased, monitoring wells are still showing levels above regulatory limits.

From May to September of 2016, CEC (Civil & Environmental Consultants, Inc.) performed a landfill gas evaluation at the landfill and data suggested that landfill gas may be a significant source of the groundwater impacts at the landfill. On September 6, 2016, Richland County's engineering consultant submitted the Landfill Gas Evaluation Report for the Richland County Landfill to SCDHEC with a recommendation to remediate the cause of the groundwater impacts by controlling and removing landfill gas from targeted landfill areas. In a November 14, 2016 letter, SCDHEC acknowledged their review of the report and concurred with the recommendation that the landfill facility should design a landfill gas system to help reduce groundwater impacts.

During 2017, CEC conducted an assessment of corrective measures to address the groundwater contamination at the landfill. Given the potential efficiency of addressing landfill gas control and groundwater impacts with a single, cost-effective technology, CEC proposed to remediate the cause of the groundwater contamination impacts by controlling and removing the landfill gas from targeted landfill areas. On September 29, 2017, SCDHEC notified the Division that the proposed addition of a landfill gas extraction system to the ongoing corrective action measures could not be approved until the proposed remedy was presented to interested and affected parties in a public meeting. On December 7, 2017, the Solid Waste & Recycling Division, along with CEC, conducted a public meeting at the Upper Richland County Community Center to discuss removal of landfill gas as a possible corrective measures to address the groundwater impacts at the Richland County Landfill.

On March 8, 2018, Richland County Procurement issued Solicitation #RC-066-B-2018 to hire a vendor to construct the landfill gas system. Bids from four vendors were received for the project on May 11, 2018 and reviewed by the County's consulting engineer, CEC, the Solid Waste Division and Procurement. Following the review, CEC recommended that the County proceed with the award of a contract to Tri Con Works, LLC. The County concurs that Tri Con Works is the lowest, responsive, responsible bidder.

### Issues

Migrating landfill gas was identified during routine quarterly perimeter methane monitoring readings, from methane measurements conducted in existing passive gas vents, and during a recent landfill gas assessment conducted within several in-waste areas across the site. Landfill gas control is needed to prevent the off-site migration of landfill gas and to address partitioning of volatile organic compounds (VOCs) from the landfill gas into the site groundwater.

### Fiscal Impact

The project will be funded through the Solid Waste Enterprise Fund. Funding for constructing the project was included in the Fiscal Year 2018 (FY-18) budget. The bid was in the amount of: \$714,074.34, plus a 5% contingency equals a total of \$749,778.06 for the project.

### Past Legislative Actions

None

### Alternatives

1. Award the contract to Tri Con Works, LLC.

Or,

2. Disapprove the award of the contract to Tri Con Works, LLC.

### Staff Recommendation

Staff recommends the award of the contract for construction of the landfill gas system to Tri Con Works, LLC.

**Submitted by:** Procurement Department      **Date:** June 13, 2018



# RICHLAND COUNTY GOVERNMENT CERTIFIED BID TABULATION

<b>SOLICITATION NUMBER :</b> RC-066-B-2018		<b>PROJECT NAME:</b> Landfill Gas Expansion Project		<b>DATE ISSUED:</b> 3/8/18	<b>RECEIPT DATE:</b> 5/9/18	<b>TIME OPEN:</b> 2:00PM	
<b>DEPARTMENT:</b> Solid Waste		<b>REQUISITION #:</b> R1801946		<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> wladi@rcgov.us		<b>NUMBER OF ADDENDUM ISSUED:</b> 3		<b>APPARENT LOW BIDDER</b>	
ITEM	MINIMUM DESCRIPTION	UI	QTY	COMPANY:	COMPANY:	COMPANY:	COMPANY:
				AEG	Advance One	Tri con Works	SCS Field Svcs
1	LGE Project	LS	1	(\$)	No Bid	732,926.25	714,074.34
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, Procurement Manager					<b>NAME AND TITLE OF ASSISTANT</b> Nathan Bivens		
<b>SIGNATURE</b> <i>Jennifer Wladischkin</i>					<b>SIGNATURE</b> <i>Nathan Bivens</i>		
<b>DATE:</b> 5/9/18					<b>DATE:</b> 5-9-18		



# RICHLAND COUNTY GOVERNMENT CERTIFIED BID TABULATION

<b>SOLICITATION NUMBER :</b> RC-066-B-2018		<b>PROJECT NAME:</b> Landfill Gas Expansion Project		<b>DATE ISSUED:</b> 3/8/18	<b>RECEIPT DATE:</b> 5/9/18	<b>TIME OPEN:</b> 2:00PM	
<b>DEPARTMENT:</b> Solid Waste		<b>REQUISITION #:</b> R1801946		<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> wladi@rcgov.us		<b>NUMBER OF ADDENDUM ISSUED:</b> 3		<b>APPARENT LOW BIDDER</b>	
ITEM	MINIMUM DESCRIPTION	UI	QTY	COMPANY:	COMPANY:	COMPANY:	COMPANY:
1	LGE Project	LS	1	APTIM 782,857.00			
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, Procurement Manager				<b>NAME AND TITLE OF ASSISTANT</b> Nathan Bivens			
<b>SIGNATURE</b> <i>Jennifer Wladischkin</i>				<b>SIGNATURE</b> <i>Nathan Bivens</i>			
<b>DATE:</b> 5/9/18				<b>DATE:</b> 5-9-18			

RCPD TABULATION FORM-2011\_(RAC)

Richland County Procurement Dept  
'18 MAY 9 PM 2:00

May 18, 2018

Mr. Arthur Braswell  
Solid Waste and Recycling Division  
Richland County  
400 Powell Road  
Columbia, South Carolina 29203

Dear Mr. Braswell:

Subject: Bid Evaluation –  
Richland County Landfill  
2018 Landfill Gas Expansion System Project  
Project Bid No. RC-066-B-2018  
Richland County, South Carolina  
CEC Project 152-843

Dear Mr. Braswell:

Bids were received for the above referenced project on May 11, 2018 at 2:00 PM at the Richland County Procurement Office. The Bids were publicly opened, and the Total Base Bid price read aloud at the date, time, and place specified.

Bids for the project were received from:

- Tri Con Works LLC;
- SCS Field Services;
- Advance One Development, LLC; and
- Aptim Environmental & Infrastructure, Inc.

A “no-bid” response was received from American Environmental Group, Ltd.

The Bids were examined for discrepancies in extended unit price totals and total base bid. The following discrepancy was noted:

*Tri Con Works, LLC, quoted a unit cost of \$27.55 for Bid Item 10 “10-IN HDPE Plastic Butterfly Valves” however, the total cost for ten valves was listed as \$27,550.00.*

The Selection of the apparent low bidder is not affected by this discrepancy. Tri Con Works, LLC, is the apparent low bidder for the Base Bid.

Mr. Arthur Braswell – Solid Waste and Recycling Division  
CEC Project 152-843  
Page 2  
May 18, 2018

The apparent low bid submitted by Tri Con Works, LLC, has been reviewed for compliance with bidding requirements included in the Bid Documents (2018 Richland County Landfill Gas Expansion Project, dated December 2018). Based upon our review of Tri Con Works, LLC's qualifications, and other documentation submitted as part of the bid evaluation process, their Bid is considered to be complete and responsive with respect to the bidding requirements for this project.

As such, it is Civil & Environmental Consultants recommendation that the County proceed with the award of a contract to Tri Con Works, LLC.

Please let us know if you need any additional information in support of this review.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Nathan Bivins, P.E.  
Project Manager



Scott L. Brown, P.E.  
Vice President

**Bid Form - Richland County Solid Waste & Recycling  
Landfill Gas System Expansion  
1070 Caughman Road North, Columbia, SC**

Construction				Advance One Development, LLC		Tri Con Works LLC		SCS Engineers		Aptim Environmental & Infrastructure, Inc.	
Bid Item	Area of Work	Unit	Quantity	Unit Cost (\$)	Total Cost (\$)	Unit Cost (\$)	Total Cost (\$)	Unit Cost (\$)	Total Cost (\$)	Unit Cost (\$)	Total Cost (\$)
<b>GENERAL</b>											
1	Mobilization and Demobilization	LS	1	\$25,000.00	\$25,000.00	\$22,600.00	\$22,600.00	\$38,560.00	\$38,560.00	\$32,000.00	\$32,000.00
2	Driller's Mobilization	LS	1	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00	\$8,100.00	\$8,100.00	\$17,450.00	\$17,450.00
3	Site Survey and Control	LS	1	\$20,000.00	\$20,000.00	\$7,500.00	\$7,500.00	\$15,750.00	\$15,750.00	\$25,530.00	\$25,530.00
<b>GAS WELL</b>											
3	Vertical LFG Wells	EA	1,725	\$85.00	\$146,625.00	\$69.00	\$119,025.00	\$71.00	\$122,475.00	\$75.00	\$129,375.00
5	Bentonite/Foam Plug	LF	100	\$150.00	\$15,000.00	\$130.00	\$13,000.00	\$65.00	\$6,500.00	\$75.00	\$7,500.00
6	Borehole Abandonmen	LF	150	\$32.00	\$4,800.00	\$24.00	\$3,600.00	\$45.00	\$6,750.00	\$30.00	\$4,500.00
7	Well Head Assemblies	EA	25	\$750.00	\$18,750.00	\$550.00	\$13,750.00	\$525.00	\$13,125.00	\$575.00	\$14,375.00
<b>GAS COLLECTION SYSTEM PIPING</b>											
8	4-IN HDPE Piping	LF	1,651	\$24.00	\$39,624.00	\$13.50	\$22,288.50	\$22.50	\$37,147.50	\$26.00	\$42,926.00
9	10-IN HDPE Piping	LF	6,341	\$36.00	\$228,276.00	\$35.30	\$223,837.30	\$39.25	\$248,884.25	\$37.00	\$234,617.00
10	10-IN HDPE Plastic Butterfly Valve	LF	10	\$2,750.00	\$27,500.00	\$27.55	\$27,550.00	\$3,880.00	\$38,800.00	\$2,700.00	\$27,000.00
11	Landfill Gas Header Riser	EA	3	\$1,250.00	\$3,750.00	\$1,290.00	\$3,870.00	\$1,700.00	\$5,100.00	\$750.00	\$2,250.00
12	Condensate Traps	EA	4	\$5,800.00	\$23,200.00	\$14,900.00	\$59,600.00	\$12,500.00	\$50,000.00	\$8,000.00	\$32,000.00
13	Blower Skid	EA	1	\$125,000.00	\$125,000.00	\$143,050.00	\$143,050.00	\$150,000.00	\$150,000.00	\$154,978.00	\$154,978.00
14	Road Crossing CMP	LS	2	\$1,500.00	\$3,000.00	\$2,200.00	\$4,400.00	\$5,500.00	\$11,000.00	\$2,850.00	\$5,700.00
15	Stabilization - Seeding, Revegetation	LS	1	\$12,500.00	\$12,500.00	\$12,000.00	\$12,000.00	\$19,000.00	\$19,000.00	\$15,377.00	\$15,377.00
16	Contingency (5% of items above)	LS	1	\$34,901.25	\$34,901.25	\$34,003.54	\$34,003.54	\$38,560.00	\$38,560.00	\$37,278.90	\$37,278.90
<b>TOTAL</b>					<b>\$732,926.25</b>		<b>\$714,074.34</b>		<b>\$809,751.75</b>		<b>\$782,856.90</b>



November 14, 2016

Mr. Rudy Curtis  
Richland County Public Works  
Solid Waste Director  
1070 Caughman Rd North  
Columbia, SC 29203

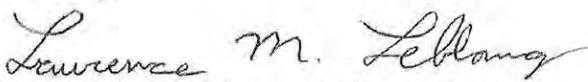
Re: Richland County Class 3 Landfill  
Landfill Gas Evaluation Report  
Stephens to Leblang, dated September 6, 2016  
Solid Waste Permit Number: 401001-1101  
Richland County

Dear Mr. Curtis:

The above referenced document has been reviewed with regard to the requirements of R.61-107.19 Parts IV and V Subpart E of the South Carolina Solid Waste Management Regulations and the Facility's solid waste permits. Based on this review, the Department concurs with the recommendation that the Facility should design a landfill gas control system which may help reduce groundwater impacts. The proposed design should be submitted to the Department on or before **March 1, 2017**.

If you have any questions, please feel free to call me at (803) 898-1308 or e-mail me at [leblanlm@dhec.sc.gov](mailto:leblanlm@dhec.sc.gov).

Sincerely,

  
Laurence M. Leblang, Hydrogeologist  
Solid Waste Permitting and Monitoring Section  
Division of Mining and Solid Waste Management  
Bureau of Land and Waste Management

Cc: John Ansell, Midlands Region EQC  
Ed Stephens, C&EC Inc., [estephens@cecinc.com](mailto:estephens@cecinc.com)  
Alan Huffstetler, Landfill Manager, [huffstetlera@rcgov.us](mailto:huffstetlera@rcgov.us)  
File # 20455



**Administration & Finance Committee Meeting  
Companion Document**

During its June 26, 2018 meeting the A&F Committee vetted a request for Council to award a contract for the construction of a landfill gas control system to include perimeter and in-waste active landfill gas extraction wells connected by piping to a vacuum blower system, along with ancillary systems. This item was deferred to the July 24, 2018 Committee meeting.

During the Committee's discussion regarding this matter, Councilperson Myers raised a concern regarding whether or not the property owners impacted by the contamination have signed a waiver and release.

Following the June 26, 2018 A&F Committee meeting, staff met with the two property owners and they are agreeable to the installation of the gas system. Staff is drafting the related waiver and release document for their execution. Staff is requesting approval of the contract award.

**LANDFILL GAS EVALUATION REPORT**

**RICHLAND COUNTY LANDFILL  
FACILITY PERMIT NOs. 401001-1101, -1201, and -1202  
1070 CAUGHMAN ROAD NORTH  
COLUMBIA, SC 29203**

**Prepared For:**

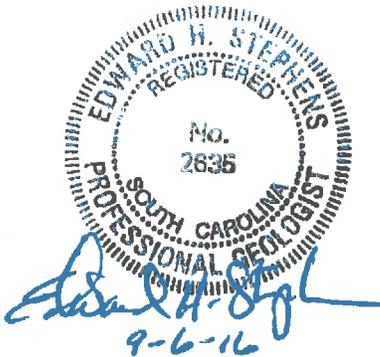
**RICHLAND COUNTY  
SOLID WASTE & RECYCLING DEPARTMENT  
1070 CAUGHMAN ROAD NORTH  
COLUMBIA, SC 29203**

**Prepared By:**

**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.  
1900 CENTER PARK DRIVE, SUITE A  
CHARLOTTE NORTH CAROLINA 28217**

**CEC PROJECT NO. 152-843.0006**

**SEPTEMBER 6, 2016**



**Edward H. Stephens, P.G.  
Project Manager**



**Scott L. Brown, P.E.  
Vice President**



**Civil & Environmental Consultants, Inc.**

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## FIGURES

- Figure 1 – Site Location Map
- Figure 2 – Site Vicinity Map
- Figure 3 – Methane Monitoring Well Location Map
- Figure 4 – Percent Methane Distribution Map

## TABLES

- Table 1-1 – Quarterly Methane Monitoring Data - September 2014 to June 2016
- Table 2-1 – LFG Data from New Methane Monitoring Wells - June 2016

Attached

- Table A Landfill Gas and Groundwater Monitoring Well Headspace Vapor Data
- Table B Equilibrium Groundwater Concentrations

## APPENDICES

- Appendix A Field Data Sheets
- Appendix B Laboratory Analytical Data Reports

## 1.0 INTRODUCTION

### 1.1 PROJECT INFORMATION

Report Title:	Landfill Gas Evaluation Report
Project Site:	Richland County SC Landfill 1070 Caughman Road North Columbia, SC 29203 Facility Permit Nos. 401001-1101, -1201, and -1202
Facility Owner/Operator:	Richland County/Richland County Solid Waste & Recycling Department 1070 Caughman Road North Columbia, SC 29203
County Representatives:	Rudy Curtis, Interim Director, Solid Waste & Recycling Department Alan Huffstetler, Manager of Disposal Division
Consultant:	Civil & Environmental Consultants, Inc. 1900 Center Park Drive, Suite A Charlotte, NC 28217
Consultant Contact:	Edward H. Stephens, P.G. #2635

### 1.2 SITE DESCRIPTION

The Richland County Landfill is located on Caughman Road North approximately one mile southwest of SC Highway 215. The facility is situated approximately five miles north of Columbia, South Carolina. A Site Location Map is presented as Figure 1. The County actively operates a Class Two Landfill in the northeast portion of the facility as Phase 4, and maintains a closed C&D landfill (Phase 1 and 1A) and two closed municipal solid waste (MSW) landfills (Phase 2 and 3).

As shown on the local USGS topographic quadrangle map presented in Figure 2, the land surface across the eastern portion of the facility slopes predominantly to the east and southeast toward

Nipper Creek. In the western half of the facility, the land surface slopes to the southwest and west toward Nipper Creek and the Broad River, respectively. A prominent topographic high occurs in the north-central portion of the landfill area. From the northern half of this knoll, the land surface slopes in a northerly direction toward topographic swales that trend down both to the east and west to intermittent streams draining to Nipper Creek to the east and to the Broad River to the west.

### **1.3 FACILITY METHANE MONITORING PROGRAM**

R.61-107.19 regulations require that the landfill facility conduct methane monitoring on a quarterly basis in accordance with the facility's approved Revised Methane Monitoring Plan (February 2013). The methane monitoring system for the landfill facility currently consists of 15 methane monitors that are shown at their approximate locations in Figure 3. Landfill methane monitoring data are routinely reported in the spring and winter semi-annual groundwater monitoring reports that are submitted to SCDHEC in July and January. The most recent June 2016 Annual Groundwater Monitoring Report was submitted to SCDHEC in July 2016. This report presents: 1) a summary of the quarterly and semi-annual landfill monitoring data acquired for the 2015-2016 reporting period; 2) an updated evaluation of water quality trends; 3) a determination of groundwater flow rates and patterns; 4) a summary of the last four quarterly methane monitor readings; and 5) conclusions and recommendations.

Methane measurements were recently obtained from the methane monitoring wells on a quarterly schedule in September 2015, December 2015, March 2016, and June 2016. Field data sheets recording methane readings are included in Appendix A. These recent methane readings are summarized in Table 1-1 below. Elevated methane readings have been recently exhibited in methane monitors MM-13 and MM-15. These methane monitors are located within the volatile organic compound (VOC) groundwater plume at the southern margin of the landfill facility, which is described in Section 5.2.4 of the June 2016 Annual Groundwater Monitoring Report. The detection of migrating landfill gas in MM-13 and MM-15 and its correlation with the VOC groundwater plume suggest that landfill gas may be the source of the groundwater impacts.

**Table 1-1 – Quarterly Methane Monitoring Data  
September 2014 to June 2016**

MM ID	9/25/14	12/16/14	2/10/15	5/13/15	9/28/15	12/16/15	3/10/16	6/20/16
MM-1	0	0	0	0	0	0	0	0
MM-2A	0	0	0	0	0	0	0	0
MM-3A	0	0	0	0	0	0	0	0
MM-4A	0	0	0	0	0	0	0	0
MM-8A	0	0	0	0	0	0	0	0
MM-9A	0	0	0	0	Well Abandoned			
MM-13	2	1	1	0	57.8	48.8	56.7	50.6
MM-14A	0	0	0	0	0	0	0	0
MM-14B	0	0	0	0	0	0	1	0
MM-15	0	0	0	0	34.7	0	0	0.4
MM-16	0	0	0	0	0	0	0	0
MM-16A	0	0	0	0	Well Abandoned			
MM-17	0	0	0	0	0	0	0	0
MM-18	0	0	0	0	0	0	0	0
MM-18A	0	0	0	0	Well Abandoned			
MM-19	0	0	0	0	0	0	0	0
MM-20	0	0	0	0	0	0	0	0
MM-21	0	0	0	0	0	0	0	0

Table Notes:  
Values are percent methane.

#### 1.4 APPROVED PLAN FOR LANDFILL GAS EVALUATION

In a letter dated December 11, 2015, the SCDHEC provided comments on the 2015 Annual Groundwater Monitoring Report and the 2015 Corrective Action Effectiveness Report for the landfill facility. SCDHEC requested that the landfill facility determine the effectiveness of the groundwater recovery system in intercepting the entire southern VOC plume. Per subsequent conversations with agency staff, SCDHEC agreed to postpone the requested recovery well effectiveness so that additional water level data may be obtained over time to assess any change in groundwater flow patterns since dewatering was ceased in the off-site Vulcan quarry pit. In

the interim, it was mutually agreed that Richland County should investigate for the presence of landfill gas and its potential to impact site groundwater. SCDHEC requested that CEC provide a written assessment plan to respond to SCDHEC's comments. On behalf of Richland County, CEC submitted a letter response dated March 1, 2016 that outlined a proposed alternate plan to evaluate remediation effectiveness.

The mechanisms causing the groundwater impacts at the site were not clearly understood. To propose an appropriate groundwater remedy, CEC deemed it important to ascertain whether the impacts are caused by landfill leachate or landfill gas because the remedial approaches to address these sources are significantly different. Whereas evidence for landfill gas has been observed within the waste boundary of the closed MSW landfill cells and within groundwater monitoring wells located beyond the landfill perimeter, it was suspected that landfill gas may be impacting site groundwater. The facility maintains numerous passive gas vents within the waste disposal areas of the closed Phase 1, Phase 2 and Phase 3 Landfills, and a gas collection trench at the northern perimeter of the Phase 3 Landfill. Recently, the closed Phase 3 Landfill was capped with fill materials obtained from the neighboring Vulcan quarry that may impede the vertical movement of landfill gas.

Based on the preliminary indications, CEC suspects that landfill gas may be a significant source for the identified site groundwater impacts. Consequently, an assessment was implemented to evaluate landfill gas and remediation effectiveness at the landfill facility.

## **2.0 LANDFILL GAS INVESTIGATION**

### **2.1 PHASE I – METHANE MEASUREMENTS IN PASSIVE GAS VENTS AND THE LFG INTERCEPTOR TRENCH**

The Richland County Landfill has installed a network of passive landfill gas vents in the waste disposal areas of three closed landfills in an effort to mitigate the potential for lateral landfill gas migration. In addition, the facility installed a passive gas interceptor trench along the northern perimeter of the closed Phase 3 MSW Landfill. The approximate locations of passive gas vents and the gas interceptor trench are depicted on Figure 4. The landfill facility maintains eight passive gas vents (GV-1 through GV-8) in a linear array at the southern margin of the closed Phase 2 MSW Landfill. In addition, the facility maintains 41 passive gas vents (GV-9 through GV-47, GV-75, and GV-76) within the waste disposal area of the Phase 3 MSW Landfill. Within the waste disposal area of the closed Phase 1 C&D Landfill, the facility maintains 26 passive gas vents (GV-48 through GV-74).

On May 18-19, 2016, CEC field personnel performed and recorded methane measurements from passive gas vents in three closed landfills and from methane monitors previously installed within the gas interceptor trench. Percent methane was measured from each vent/monitor using a CES Landtec GEM 2000 Landfill Gas Monitor. The GEM 2000 samples and analyzes methane, carbon dioxide, and oxygen content as a percentage of landfill gas. A tabulated summary of the landfill gas measurements is presented in the attached Table A. The approximate locations of passive gas vents and the monitors within the gas interceptor trench are depicted on Figure 4.

### **2.2 PHASE I – EVALUATION OF METHANE DATA**

CEC generated isoconcentration maps based on percent methane content in the landfill gas samples measured in the various passive gas vents/trench monitors for the closed Phase 1 C&D Landfill and the closed Phase 3 MSW Landfill. The percent methane isoconcentration maps are presented in Figure 4. The mapped methane data indicated significant methane generation within the closed Phase 1 C&D Landfill in which gas content exceeded 20% methane over 75%

of the waste disposal area. Gas content exceeding 60% methane is shown for approximately 25% of the waste disposal area.

For the closed Phase 2 MSW Landfill, the array of gas vents at the southern margin of the waste disposal area exhibited methane content of the measured landfill gas samples from 4.3% to 45.3%, with an average of 30% methane.

For the closed Phase 3 MSW Landfill, the methane measurements taken from the network of passive gas vents were considerably lower than for the closed Phase 1 C&D Landfill. Facility personnel indicated that the base of each gas vent in the Phase 3 waste disposal area is at the surface of the “old cap”, which has since been elevated by at least ten feet of additional fill material. This typical vent construction was field-verified by CEC field personnel. The lower methane content readings for the Phase 3 Landfill suggest that the gas vents did not penetrate the waste mass. The data show that approximately 30% of the waste disposal area has a gas content of greater than 10% methane. The isoconcentration map shows several “hotspots” within the waste disposal area including the south-central area, and southern, northern, and northwestern perimeters.

Three accessible PVC methane monitors appear to penetrate the gas interceptor trench installed along the northern perimeter of the closed Phase 3 Landfill. Measurements of landfill gas samples from three monitors (Trench-1 through Trench-3) detected methane contents of 0.1%, 18.7%, and 40.6%. These data indicate significant lateral gas migration to the north of the closed Phase 3 Landfill.

### **2.3 PHASE II – INSTALLATION OF ADDITIONAL METHANE MONITORING WELLS**

Following the assessment of landfill gas data collected during the Phase I study, CEC deemed that several data gaps needed further evaluation. CEC engaged an SC-registered well contractor, Elite Techniques, Inc., to install nine methane monitoring wells at the facility. Unlike the existing methane monitoring wells that are placed outside the waste boundaries, the new wells are screened within the waste mass. Approximate locations of the recently install methane

monitoring wells are depicted on Figure 4. As the well boreholes were advanced using a Geoprobe® 7822DT direct push rig, a CEC geologist visually inspected the Macro-Core® samples for buried waste so that the entire waste interval was penetrated by the boring. A 2-inch PVC well was installed in each borehole in which the well screen was placed to span the entire waste interval that was encountered. Methane well construction records and well logs are included in Appendix A.

Employing a CES Landtec GEM 2000 Landfill Gas Monitor, methane measurements were taken in the new methane monitoring wells on June 27, 2016. These data are summarized in Table 2-1 below.

**Table 2-1 –LFG Data from New Methane Monitoring Wells  
June 2016**

Sampling Point	% CH4	% LEL	% CO2	% O2	Bar. Pres.	Lat.	Lon.	Comments
MM-22	58.9	1178	34.8	1.5	29.82	34.129791	81.189403	Strong odor & pressure
MM-23	0.0	0	4.7	16.7	29.82	34.129412	81.128311	
MM-24	0.0	0	0.0	20.2	29.81	34.132229	81.125131	
MM-25	56.9	1138	43.3	0.8	29.9	34.10735	81.151357	Strong odor & pressure
MM-26	63.6	1272	35.8	0.6	29.85	34.129905	81.118315	Strong odor & pressure
MM-27	67.9	1358	31.4	0.6	29.85	34.129453	81.119162	Strong odor & pressure
MM-28	16.0	320	8.1	16.3	29.87	34.129195	81.119933	Mild odor
MM-29	52.9	1058	37.0	3.0	29.81	34.131673	81.117341	Strong odor & pressure
MM-30	69.5	1390	27.8	1.1	29.81	34.127678	81.129886	Strong odor & pressure

The data obtained from the new methane monitoring wells, along with previous recent monitoring data, indicate the potential for LFG migration in several site areas. Elevated methane

concentrations and pressures observed in MM-22, GV-10, GV-47, Trench-2, and Trench-3 wells along the northern perimeter of the closed Phase 2 and 3 Landfills indicate the potential for LFG migration to the north of these landfill waste boundaries. This potential area of LFG migration coincides with the area of VOC-impacted groundwater of the northern VOC plume. Should low-level VOCs be present in the LFG, vapor-phase transport with subsequent dissolution in groundwater is a possible mechanism for area groundwater impacts.

MM-25 was installed on the western edge of the closed Phase 1A Landfill and was sited hydraulically upgradient of groundwater monitoring well MW-39 in which VOCs have been previously detected. Elevated methane concentration and pressure observed in MM-25 suggest the potential for LFG migration to the west of the closed Phase 1A Landfill. This potential area of LFG migration coincides with the area of VOC-impacted groundwater in the vicinity of MW-39. Should low-level VOCs be present in the LFG, vapor-phase transport with subsequent dissolution in groundwater is a possible mechanism for area groundwater impacts.

Elevated methane concentrations and pressures observed in new wells MM-26, MM-27, and MM-28 at the southern edge of the closed Phase 3 Landfill, along with similar observed conditions in the arrayed gas vents (GV-1 through GV-8) along the southern perimeter of the closed Phase 2 Landfill indicate the potential for LFG migration to the south of these landfill waste boundaries. LFG migration is confirmed by the observation of elevated methane concentrations in existing methane monitoring wells MM-13 and MM-15 located beyond the landfill waste boundaries to the south. Further, methane was observed in the well headspace in groundwater monitoring well MW-18B. This area of LFG migration coincides with the area of VOC-impacted groundwater of the northern VOC plume. Should low-level VOCs be present in the LFG, vapor-phase transport with subsequent dissolution in groundwater is a possible mechanism for area groundwater impacts.

Elevated methane concentrations and pressures in new wells MM-29 and MM-30 at the eastern edge of the closed Phase 3 Landfill, along with similar data from GV-32, GV-34, GV-44, and GV-76 suggest the potential for LFG migration to the east of the closed Phase 3 Landfill.

## 2.4 PHASE III – WELL HEADSPACE GAS SAMPLING AND ANALYSIS

Given the potential for and/or confirmation of LFG migration in several site areas, CEC collected soil gas samples from new methane wells MM-22, MM-25, and MM-27 and well headspace samples from groundwater monitoring wells MW-18B, MW-39, and MW-41 to evaluate whether LFG is impacting site groundwater quality. These samples were collected in 1.4 L Summa canisters using an approximate 140 cc/min sample flow controller. The gas samples were submitted with a chain-of-custody record to Enthalpy Analytical, Inc. for analyses of hydrogen, oxygen, nitrogen, carbon monoxide, methane, and carbon dioxide using ASTM D1946-90 (Reapproved 2000), Standard Practice for Analysis of Reformed Gas by Gas Chromatography and for the TO-15 Target Compound List using EPA Method TO-15, Determination of Volatile Organic Compounds (VOCs) in Air Collected in Specially Prepared Canisters and Analyzed by Gas Chromatography/Mass Spectrometry (GC/MS). The laboratory analytical data report is included in Appendix B. These LFG sample data are summarized in the attached Table A.

Methane content (47.2% to 66.7%) was elevated in both methane and groundwater well headspace samples, with the exception of sample MM-39 which has a methane content of 1.21%. Carbon dioxide content (33.7% to 40.2%) was similarly elevated in both methane and groundwater well headspace samples, with the exception of sample MM-39 which has an estimated carbon dioxide content of 1.07%. The presence of elevated methane and carbon dioxide in the groundwater well headspace samples in MW-18A (southern VOC plume) and MW-41 (northern VOC plume) indicates that LFG migration is occurring beyond the southern and northern perimeters of the closed Phase 2 and 3 Landfills.

Similar VOCs were detected in the methane well and groundwater well headspace samples. The detected VOCs with typically the most elevated concentrations were 1) petroleum hydrocarbons including benzene, ethylbenzene, toluene, xylenes, heptane, hexane, cyclohexane, n-octane, propylene, and 2,2,4-trimethylpentane; 2) Freon<sup>®</sup> gases including dichlorodifluoromethane (Freon<sup>®</sup> 12) and 1,2-dichlorotetrafluoroethane (Freon<sup>®</sup> 114); and 3)

chlorinated aliphatics including 1,1-dichloroethane, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, and vinyl chloride.

Numerous gas-phase VOCs were detected in the methane monitoring well samples that are the same as those detected in aqueous-phase groundwater samples. Specifically comparing the VOCs detected in the gas phase from methane well MM-27 to those detected in groundwater from MW-18B, similar VOCs include chlorobenzene, 1,4-dichlorobenzene, cis-1,2-dichloroethene, trichloroethene, and vinyl chloride. A comparison of gas data from methane well MM-22 with groundwater data from MW-41 indicates similar VOCs including benzene, 1,4-dichlorobenzene, 1,1-dichloroethane, cis-1,2-dichloroethene, 1,2-dichloropropane, methylene chloride, tetrachloroethene, trichloroethene, vinyl chloride, and xylenes.

In the attached Table B, the air-water partition coefficients, also known as Henry's Law constants for the selected VOCs were used to calculate the equilibrium groundwater concentration (EGWC) of the compound as a result of interaction with the observed soil gas concentration (OGC) either in the groundwater well headspace or the nearest upgradient methane monitoring well. The EGWC was compared with the respective observed groundwater concentration (OGWC) detected during the December 2015 and June 2016 monitoring events. For the datasets, observed groundwater data from MW-18B was compared with MW-18B gas data and upgradient MM-27 gas data. Observed groundwater data from MW-41 data was compared with MW-41 gas data and upgradient MM-22 gas data. It should be noted that soil gas sampling was not conducted within isolated intervals in near contact with the targeted groundwater location; thus, the gas concentrations being compared may be diluted.

EGWCs calculated for the selected compounds detected in upgradient gas well MM-27 and groundwater well MW-18B indicate a similar fingerprint that suggests that groundwater quality in MW-18B in the southern VOC plume is being impacted by VOCs migrating in landfill gas. The significant correlation between EGWCs and OGWCs for MW-41 suggests that groundwater quality in MW-41 in the northern VOC plume is also being impacted by VOCs migrating in landfill gas.

If we assume that the system is at disequilibrium but tends toward equilibrium, then comparing the observed and the equilibrium concentrations of the same media can provide an indication of the direction of partitioning (Morris, H.H., The Potential for Landfill Gas to Impact Ground Water Quality). For MW-41, the calculated equilibrium gas concentrations (i.e. OGWC x H) for the majority of the detected VOCs detected in groundwater are less than the observed gas concentrations (OGCs) indicating that VOCs are partitioning from the gas phase to the aqueous phase. This is further supporting evidence that landfill gas is impacting groundwater quality in the northern portion of the landfill site. Although anticipated, a similar correlation was not observed for the MW-18B data.

### 3.0 FINDINGS

The following findings are drawn from our evaluation of the landfill gas and groundwater quality data:

- Methane measurement data indicated significant methane generation within the closed Phase 1 and 1A C&D Landfill in which gas content exceeded 20% methane over 75% of the waste disposal area. Gas content exceeding 60% methane was indicated for approximately 25% of the waste disposal area.
- For the closed Phase 2 MSW Landfill, the linear array of gas vents at the southern margin of the waste disposal area exhibited methane content of the measured landfill gas samples from 4.3% to 45.3%, with an average of 30% methane.
- Lower methane readings in the Phase 3 Landfill gas vents are likely because the vents did not penetrate the waste mass. The methane data show that approximately 30% of the waste disposal area has a gas content of greater than 10% methane. The generated methane isoconcentration map shows several “hotspots” within the waste disposal area including the south-central area, and southern, northern, and northwestern perimeters.
- Three accessible PVC methane monitors appear to penetrate the gas interceptor trench installed along the northern perimeter of the closed Phase 3 Landfill. Measurements of landfill gas samples from three monitors (Trench-1 through Trench-3) detected methane contents of 0.1%, 18.7%, and 40.6%. These data indicate significant lateral gas migration to the north of the closed Phase 3 Landfill.
- The landfill facility has built up the landfill cap on the closed Phase 2 and 3 Landfills, which has resulting in lateral LFG movement as demonstrated by elevated methane measurements in perimeter methane monitoring wells
- Elevated methane readings have been recently exhibited in methane monitors MM-13 and MM-15 located within the southern VOC plume. The detection of migrating landfill gas in MM-13 and MM-15 and its correlation with the southern VOC groundwater plume suggest that landfill gas may be a source of the groundwater impacts.
- The measured presence of elevated methane in the well headspace of groundwater monitoring well MW-18B in the southern VOC plume and MW-41 in the northern VOC plume indicates the potential for LFG impacts to groundwater in these VOC plume areas.

- Similar gas phase VOCs were detected in the methane well and groundwater well headspace samples. The detected VOCs with typically the most elevated concentrations were 1) petroleum hydrocarbons including benzene, ethylbenzene, toluene, xylenes, heptane, hexane, cyclohexane, n-octane, propylene, and 2,2,4-trimethylpentane; 2) Freon<sup>®</sup> gases including dichlorodifluoromethane (Freon<sup>®</sup> 12) and 1,2-dichlorotetrafluoroethane (Freon<sup>®</sup> 114); and 3) chlorinated aliphatics including 1,1-dichloroethane, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, and vinyl chloride.
- Numerous gas-phase VOCs were detected in the methane monitoring well samples that are the same as those detected in aqueous-phase groundwater samples. Specifically comparing the VOCs detected in the gas phase from methane well MM-27 to those detected in groundwater from MW-18B, similar VOCs include chlorobenzene, 1,4-dichlorobenzene, cis-1,2-dichloroethene, trichloroethene, and vinyl chloride. A comparison of gas data from methane well MM-22 with groundwater data from MW-41 indicates similar VOCs including benzene, 1,4-dichlorobenzene, 1,1-dichloroethane, cis-1,2-dichloroethene, 1,2-dichloropropane, methylene chloride, tetrachloroethene, trichloroethene, vinyl chloride, and xylenes.
- Equilibrium groundwater concentrations (EGWCs) calculated using Henry's Law constants for selected VOCs detected in upgradient gas well MM-27 and groundwater well MW-18B indicate a similar fingerprint that suggests that groundwater quality in MW-18B in the southern VOC plume is being impacted by VOCs migrating in landfill gas. The significant correlation between EGWCs and observed groundwater concentrations (OGWCs) for MW-41 suggests that groundwater quality in MW-41 in the northern VOC plume is also being impacted by VOCs migrating in landfill gas.
- For MW-41, the calculated EGWCs for the majority of the VOCs detected in groundwater are less than the OGCs indicating that VOCs are partitioning from the gas phase to the aqueous phase. This is further supporting evidence that landfill gas is impacting groundwater quality in the northern portion of the landfill site. Although anticipated, a similar correlation was not observed for the MW-18B data.

#### 4.0 RECOMMENDATIONS

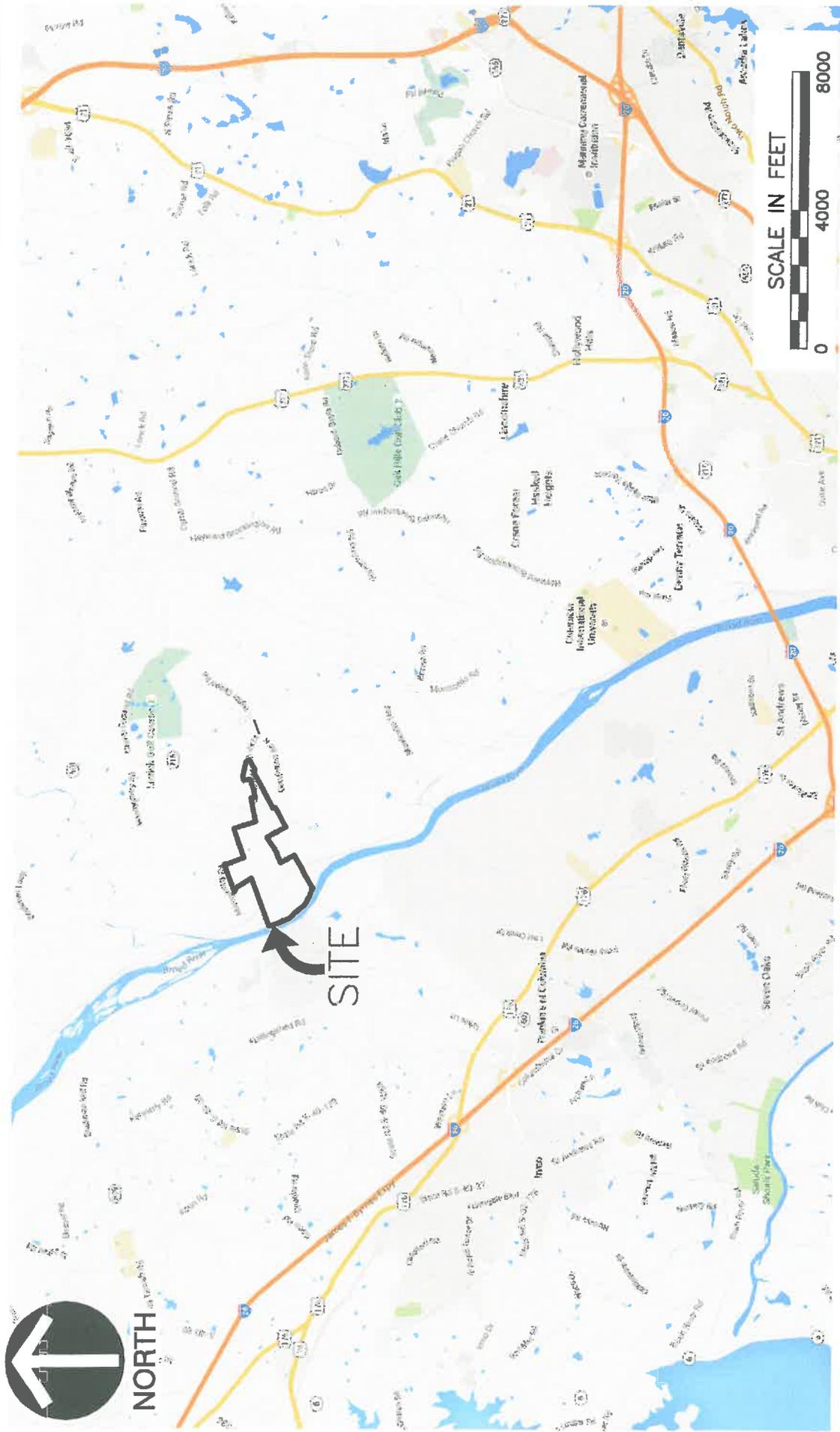
The data collected and evaluated during this landfill gas study indicate that significant landfill gas concentrations and pressures exist within the closed Phase 2 and 3 Landfills. These data also confirm that landfill gas is migrating beyond the waste boundaries, and that non-methane VOCs contained with the landfill gas are likely impacting site groundwater quality resulting in groundwater VOC plumes emanating to the south and north of the aforementioned landfills.

A landfill gas control system will mitigate the migration of methane and non-methane VOCs; thus, removing the primary source of groundwater contamination at the landfill. Should you concur with our conclusions and recommendations, CEC will initiate the design of a LFG control system and bid specifications within 90 days of your approval.

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## **FIGURES**

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**REFERENCE**  
 IMAGERY TAKEN FROM GOOGLE  
 MAPS JANUARY 7, 2016.



**Civil & Environmental Consultants, Inc.**

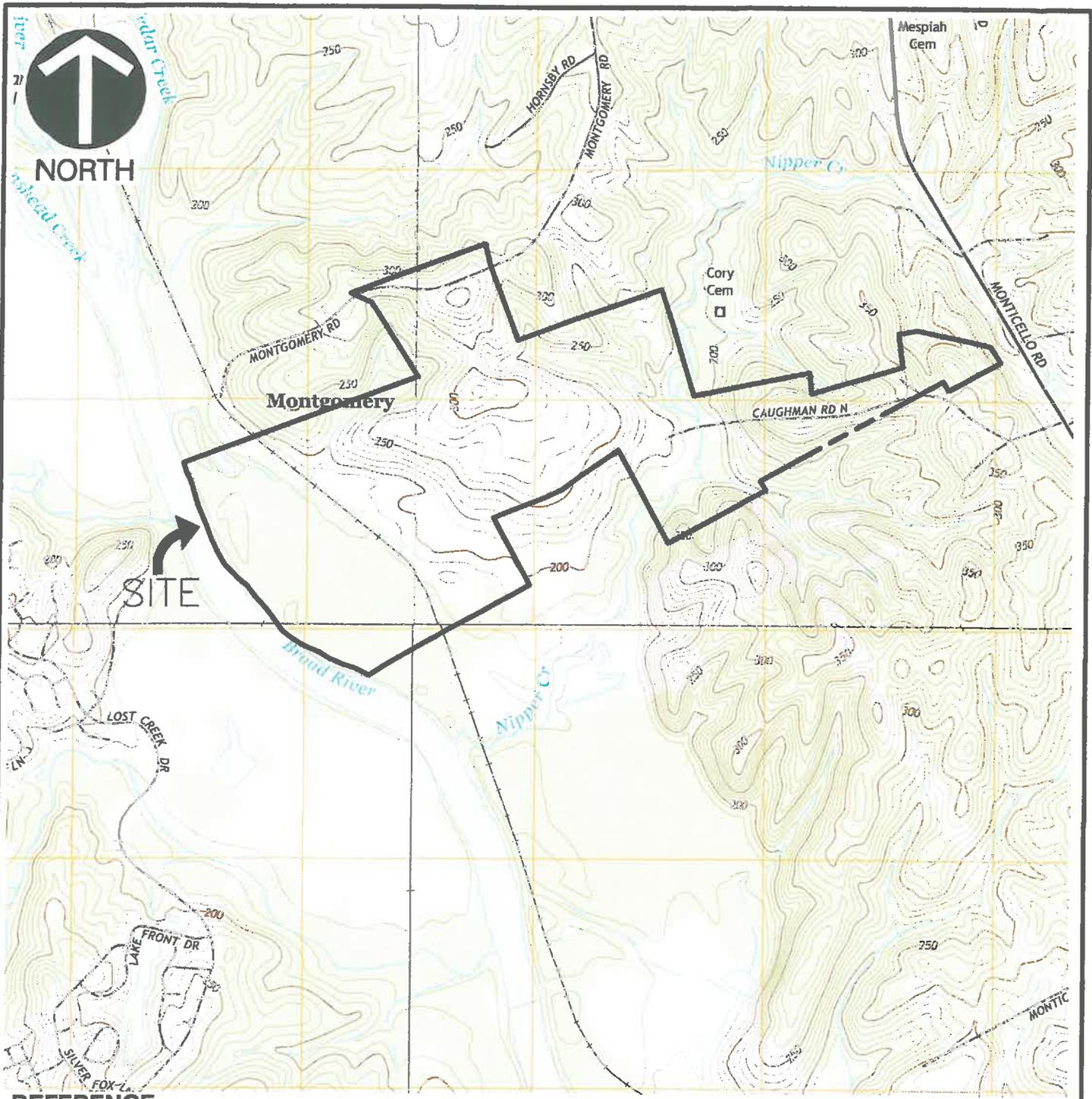
1900 Center Park Drive - Suite A - Charlotte, NC 28217  
 Ph: 980.237.0373 • Fax: 980.237.0372  
 www.cecinjnc.com

**RICHLAND COUNTY LANDFILL  
 1070 CAUGHMAN ROAD NORTH  
 COLUMBIA, SOUTH CAROLINA**

**SITE LOCATION MAP**

<b>DRAWN BY:</b>	<b>PNP</b>	<b>CHECKED BY:</b>	<b>EHS</b>	<b>APPROVED BY:</b>	<b>EHS</b>	<b>FIGURE NO.:</b>
<b>DATE:</b>	<b>JANUARY 2016</b>	<b>DWG SCALE:</b>	<b>1" = 4000'</b>	<b>PROJECT NO.:</b>	<b>152-843.0003</b>	<b>1</b>

P:\2015\152-843\152-843-CADD\DWG\December 2015 GW\152843-Site Vicinity Map.dwg[LAYOUT]f LS:(2/2/2016 - ppressley) - LP: 2/2/2016 2:39 PM



**REFERENCE**

1. U.S.G.S. 7.5' TOPOGRAPHIC MAP, COLUMBIA NORTH QUADRANGLE, SC DATED: 2014.
2. U.S.G.S. 7.5' TOPOGRAPHIC MAP, IRMO QUADRANGLE, SC DATED: 2014.
3. U.S.G.S. 7.5' TOPOGRAPHIC MAP, IRMO NE QUADRANGLE, SC DATED: 2014.
4. U.S.G.S. 7.5' TOPOGRAPHIC MAP, RICHTEX QUADRANGLE, SC DATED: 2014.

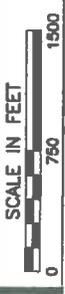


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**RICHLAND COUNTY LANDFILL**  
 1070 CAUGHMAN ROAD NORTH  
 COLUMBIA, SOUTH CAROLINA

**SITE VICINITY MAP**

DRAWN BY:	PNP	CHECKED BY:	EHS	APPROVED BY:	EHS	FIGURE NO.:	<b>2</b>
DATE:	JANUARY 2016	DWG SCALE:	1"=2000'	PROJECT NO.:	152-843.003		



**SCALE IN FEET**  
0 750 1500

**Richland County Landfill**  
1070 CAUGHMAN ROAD NORTH  
COLUMBIA, SOUTH CAROLINA

**METHANE MONITORING WELL LOCATION MAP**

**Civil & Environmental Consultants, Inc.**  
1900 Center Park Drive - Suite A - Charlotte, NC 28217  
Ph: 980.237.0373 - Fax: 980.237.0372  
www.ceinc.com

**DRAWN BY:** PNP | **CHECKED BY:** EHS | **APPROVED BY:** EHS | **FIGURE NO.:** 3

**DATE:** JANUARY 2016 | **DWG SCALE:** 1" = 750'

**REFERENCE**

1. AERIAL IMAGERY PROVIDED BY RICHLAND COUNTY DATED JANUARY 1, 2015.





## **Administration & Finance Committee Meeting Briefing Document**

### **Agenda Item**

Reconsider the order to request the return of funds used to purchase four acres for county projects by CHAO and Associates and move the project forward immediately giving appropriate time to complete the project

### **Background**

During its July 10, 2018 Council meeting, Councilperson N. Jackson brought forth the following motion:

“I move that Council reconsider the order to request the return of funds used to purchase four acres for county projects by CHAO and Associates and move the project forward immediately giving appropriate time to complete the project.”

During its February 20, 2018 meeting Council voted to seek reimbursement from Chao for the property purchase. Further, Council clarified that the Administrator was to “proceed no further”. Review of the archives attendant to Council actions regarding this matter did not reveal any actions taken by Council to lift the “hold” directive.

### **Issues**

Reconsideration of Council’s February 20, 2018 action regarding this matter.

### **Fiscal Impact**

The amount of the reimbursement being sought from Chao for the property purchase is \$126,010. Subsequently, if the Council directive to seek reimbursement is changed, the impact to the County for the property purchase is \$126,010.

### **Past Legislative Actions**

- February 20, 2018 - Council voted to require reimbursement from Chao for the property they purchased without proper Council action. Staff transmitted the directive in its February 21, 2018 letter. (Attachment A)
- March 1, 2018 – Chao’s response to Council’s action of February 20, 2018. In summary, Chao offers to credit the County \$126,010.00 towards outstanding invoices, with the assumption the County would purchase this property at a later date. (Attachment B)
- May 1, 2018 – The March 1, 2018 offer from Chao was presented to Council under the Attorney’s report. At this time Council voted to proceed with seeking reimbursement for the property purchase, pay outstanding invoices for work performed on County-owned property only and that the two transactions should remain separate for accounting purposes (determined to be \$107,360.80). (Attachment C)
- May 4, 2018 – Council’s directive from May 1, 2018 was sent to Chao (Attachment D)

- May 14, 2018 - Chao responded to the May 1 action and subsequent letter. In this letter, Chao offers to pay the County for the property purchase provided the County agree to pay \$276,682.04 in all outstanding invoices, which includes work on property owned by Chao, and provided the County agree to the purchase the property from Chao within a year. (Attachment E)
- June 5, 2018 – The Assistant County Administrator presented the May 14 letter to County Council, which voted to uphold prior directives (Attachment F)
- June 11, 2018 - Council’s directive from June 5, 2018 was sent to Chao (Attachment G)

#### **Alternatives**

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

#### **Staff Recommendation**

Staff requests direction from Council in regards to this motion.



Attachment A

- b. Contractual Matter: Pinewood Lake Update – Mr. Livingston moved, seconded by Mr. Malinowski, to instruct the Administrator to move forward with reimbursement from the contractor as discussed in Executive Session.

Mr. Seals requested that Council make it clear that all the County Administrator is to do is seek reimbursement of the \$126,000 and proceed no further.

In Favor: Malinowski, C. Jackson, Pearce, Kennedy, Dickerson, Livingston, Rose, and McBride

Opposed: N. Jackson

The vote was in favor.

- c. Contractual Matter: City of Columbia – Ms. Dickerson moved, seconded by Mr. Rose, to defer this item to the March 6<sup>th</sup> Council meeting.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

27. **MOTION PERIOD**

- a. Direct Administrator Seals to research the Richland Renaissance to touch all parts of Richland County for economic and tourist development, especially in areas that are gateways to Richland County. Following his research provide Council an updated potential plan/recommendation by the March 20, 2018 Council meeting. [MALINOWSKI] – This item was referred to the County Administrator.
- b. I move to declare “bump stock” “bump fire stocks” “trigger crank” and “gat crank” trigger devices illegal in Richland County. NOTE: In 2010 the US Bureau of Alcohol, Tobacco, Firearms, and Explosives declared a “bump stock” is a firearm part and is not regulated as a firearm under the US Gun Control Act or the National Firearms Act. (a) Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of the firearm using recoil, commonly known as “bump stocks” or “bump fire stocks”, are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court. (b) Any device capable of attaching to a firearm and which repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion, commonly known as “trigger crank” or “gat crank”, are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court. (c) Violations as stated in Section (a) or (b) above are subject to the following exceptions: 1. Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training; 2. Any “bump stock” or “trigger crank” device which is possessed by a person who is not prohibited under State or Federal law from using, owning or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon; 3. Any law enforcement officer or department which has seized a firearm, with “bump stock” or “trigger crank” attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, inside Richland County; provided, however, any law enforcement agency taking possession of a “bump stock” attached to a firearm must notify the Sheriff’s Department



# RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

February 21, 2018

Mr. Jimmy Chao  
Chao and Associates, Inc.  
7 Clusters Court  
Columbia, SC 29210

Dear Mr. Chao:

This letter follows up to my February 20, 2018 correspondence in which I shared my final decision concerning the inappropriate acquisition of TMS No. 19011-02-02 (portion) (now TMS# R19011-02-12) from Scale, Inc. by Chao and Associates using County funds on July 20, 2017. To accommodate the review that resulted in this final decision and in light of your having exceeded the "Notice-to-Proceed" deadline attendant to "Pinewood Lake Phase II" and requested an extension, the County extended the agreement judiciously pending the subject review.

The "acquiring the additional property..." upon which your request for extension was based was without merit since said property acquisition was not a part of the aforementioned "Notice-to-Proceed." Further, the Master Agreement between Richland County and Chao and Associates, Inc. contemplated no such property acquisition. Additionally, the record revealed no proposed "change in scope" to the project authorized via said "Notice-to-Proceed" by an authorizing County official or you. Accordingly, the extension so judiciously given was terminated as having been granted on the basis of a circumstance that was never authorized or possible to consummate.

That Chao and Associates, Inc. invoiced (#3999935D-1) the County \$126,010.00 for the purchase of property not part of the Notice-to-Proceed and/or the project scope was inappropriate and could be objectively adjudged fraudulent in as much as you took said acquisition action as if Chao and Associates was an agent of Richland County authorized to purchase property for Richland County. That the County staff processed the invoice was in error and not authorized pursuant to the Notice-to-Proceed. The purported "minutes" submitted by you to support your acting as the County's agent only affirmed that no staff member authorized you to so act and that the staff member involved did not have authority to direct or grant property acquisition authority to you. To be clear, Chao and Associates, Inc. is not an authorized agent of the County and was not at any time delegated or granted property acquisition authority to act on behalf of Richland County.

During its February 20, 2018 meeting, the aforementioned findings were presented to Richland County Council. Upon the conclusion of its deliberations regarding the findings, Richland County Council directed me to seek reimbursement from Chao and Associates, Inc. in the amount of \$126,010.00 which was used by Chao and Associates, Inc. to effect the acquisition (July 20, 2017) of TMS No. 19011-02-02 (portion) (now TMS #R19011-02-12). This letter transmits Council's directive.

Please make the reimbursement check in the amount of \$126,010 payable to Richland County and include in the memo line that it is for reimbursement for purchasing TMS# R19011-02-12. Please mail said reimbursement check to:

Attn: Gerald Seals, County Administrator  
County Administrator's Office  
Re: Pinewood Lake Phase II  
P. O. Box 192  
Columbia, SC 29202

Please note that that until further notice and direction from County Council, the Pinewood Lake Park Project is on hold.

In the Spirit of Excellence,



Gerald Seals  
County Administrator

cc: Members of Richland County Council  
Larry Smith, County Attorney  
Sandra Yúdice, Ph.D., Assistant County Administrator  
Jamelle Ellis, Ph.D., Director, Community and Government Services  
Tracy Hegler, Director, Planning and Community Development  
Jennifer Wladischkin, Manager, Office of Procurement and Contracting  
Carol Kososki, Chair, Richland County Conservation Commission

## Attachment B



March 1, 2018

Mr. Gerald Seals  
County Administrator  
Richland County  
P.O. Box 192  
Columbia, SC 29202

RE: Pinewood Lake Cease and Desist Letter on Feb. 20, 2018 and Feb 21, 2018

Dear Mr. Seals:

Chao and Associates acknowledges receiving your letters dated February 20 and February 21, 2018. Based on the February 21 letter, I understand that the Pinewood Lake Park Project is on hold. However, the February 20 letter indicates that Chao and Associates' Master Agreement and this Project have been terminated. At this point, I am not clear on the County's intentions.

As always, we want to work with the County to do what is best for the County in accordance with our contract; however, your letters contain several misunderstandings, discrepancies and statements that are unclear. The purpose of this letter is to offer clarification and request further discussion.

As a respected firm within this industry and community, please note that at no time has Chao and Associates acted inappropriately or outside the scope of its duties on this project. We take our work and reputation seriously and always strive to act in a manner that is beyond reproach. In this case, I believe we have not fallen short of that goal.

I am hopeful that we can resolve this matter and restore a positive relationship that does not have to end in termination of our Master Agreement and the Project.

It is important that you and all members of Council understand the history of this project. Please allow me to outline the history in an accurate and orderly manner.

### **April 2015**

Chao submitted the Phase II Preliminary Cost Estimate, "with each component separately itemized" as required by the Master Agreement. The cost of the land acquisition was itemized on the cost estimate, along with other itemizations.

### **May 29, 2015**

We submitted a revised Cost Estimate, (attachment 1) which is the basis for the Phase II project (attachment 2). The same line item for land acquisition was included.

### **September 30, 2016**

We received the Notice-To-Proceed to construct Phase II Pinewood Lake as a design-build project. Even though the Purchase Order was not issued at that time, Chao and Associates



began work immediately because the project had to be completed in 15 months. Please note that the Community Building was the critical path of the project and the design and construction of the building could not be started until the land was purchased.

**October 10, 2016**

We sent our first email to Chad Fosnight, the County Project Manager. We addressed the need to acquire the property timely to facilitate the design/construction of the community building. He acknowledged that the land needed to be purchased but he seemed uncertain about how to handle that requirement and would seek further guidance (attachment 3). From that day, we repeatedly communicated with the County asking for direction on the land purchase. Despite no official direction being given, Mr. Fosnight provided names of acceptable appraisers. With this information, we proceeded with having the property appraised.

**February 24, 2017**

After a 5-month delay, the Purchase Order was issued. At that time, the property had been appraised and Chao was preparing for the purchase of the property. The only information needed was how the County wanted to handle the purchase.

**March 8, 2017**

We emailed Chad Fosnight about the property appraisal and indicated that we could request funds from the County to purchase the property. We received no objection to this.

**March 20, 2017**

We submitted an invoice for the land acquisition. The invoice clearly indicated that the billing was for the land purchase. No questions were raised by the County.

**April 11, 2017**

The invoice was paid.

**June 19, 2017**

Even though we had continued communication on the process to purchase the land, a definitive decision about the process was never relayed to us in writing. On June 19, we received verbal authorization from Chad Fosnight to proceed with the land purchase.

**June 20, 2017**

We proceeded with the purchase of the land, with the funds that the County previously remitted to us.

From then on, Chao continued performing architectural and engineering services. We submitted invoices 1 through 6 (revised), which is dated February 14, 2018.

We hope our summary, breakdown by date, and attached documents show that:

- a) the County was aware of the land acquisition since the inception. The land purchase and payment to Chao was discussed with the County for over 10 months and was not an error;
- b) Chao did not act unilaterally or recklessly in purchasing the land. In addition, Chao never claimed to be the Agent of the County. We simply acted according to the turn-key design-builder's responsibility to complete the project in accordance with our contract; and
- c) the contract extension was discussed and agreed to by County staff. The delays on the project occurred through no fault of Chao's; therefore, the extension was proper.



The land acquisition was an integral part of delivering this project since it was on the critical path for the design and construction of the Community Building. The design of the Community Building was being developed as the land acquisition issue was being discussed however the actual site adaptation could not proceed without the land and therefore delayed the completion of the construction documents, permitting and of course the actual construction of the building.

**Invoices**

Your letters indicate that Chao is owed \$86,550.98. Our records indicate that Chao is owed \$276,682.04. The invoices submitted are as follows:

- Invoice 1- 3/20/17- \$186,375.85
- Invoice 2- 4/17/17- \$28,170.73
- Invoice 3- 6/19/17- \$152,926.82
- Invoice 4- 7/14/17- \$20,121.95
- Invoice 5- 9/28/17- \$34,233.91
- Invoice 6 (revised) 2/14/18 \$222,326.18

Total Billed - \$644,155.44  
Less Payments received- \$367,473.40  
Total due- \$276,682.04

We understand that the County may continue with putting this project on hold or even terminating it. If either decision is made, it is our desire to convey the property to the County. However, we are willing to credit the County \$126,010.00 for the property now and have the County pay for the property when the Community building is constructed. With the credit for the property, Chao is owed \$150,672.04 for services rendered on the project.

We are open to discussing these options and any other reasonable resolution to bring this matter to an amicable close that preserves both organizations.

Allow me to conclude by stating that Chao and Associates has been providing Engineering Services for the County for over 20 years. We have enjoyed the professional relationship and would like to do whatever we can to maintain it. Please review the information provided and we will be happy to supplement any information you may need. We are looking forward to hearing from you.

Sincerely,  
Chao and Associates, Inc.

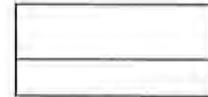


C. Jimmy Chao, PE  
President

- cc. Members of Richland County Council
- Larry Smith, County Attorney
- Sandra Yudice, Ph.D., Assistant County Administrator
- Jamelle Ellis, Ph.D., Director, Community and Government Services
- Tracy Hegler, Director, Planning and Community Development
- Jennifer Wladischkin, Manager, Office of Procurement and Contracting
- Carol Kososki, Chair, Richland County Conservation Commission
- Bob Fuller, Esquire.



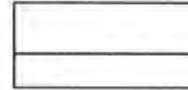
# Pinewood Lake Park Phase II



Date: May 29, 2015

Description	Est. Qty	Unit	Unit Cost	Total
<b>Docks and Trails</b>				
Boardwalk (lake crossing)	1200	lf	\$705	\$846,000
Community Pier	1	ea	\$235,000	\$235,000
Docks	2	ea	\$47,000	\$94,000
New Asphalt Trails	960	lf	\$53	\$50,880
Pave Gravel Trails from Phase 1	1440	lf	\$53	\$76,320
Concrete Sidewalks	620	lf	\$59	\$36,580
Pave Gravel Parking Area	1354	sy	\$14	\$18,956
<b>Total Pond and Trails</b>				<b>\$1,357,736</b>
<b>Existing Structures</b>				
Repurpose Existing House	1	ls	\$117,500	\$117,500
Historical/Educational Allowance	1	ls	\$141,000	\$141,000
Furniture Allowance	1	ls	\$110,000	\$110,000
Existing Auxiliary Buildings Repairs	4263	sf	\$65	\$277,095
<b>Total Exist Structures</b>				<b>\$645,595</b>
<b>New Structures</b>				
Picnic Shelters	3	ea	\$58,750	\$176,250
Fish Cleaning Stations	2	ea	\$5,875	\$11,750
Amphitheater	1	ea	\$235,000	\$235,000
Restroom Buildings	2	ea	\$75,000	\$150,000
Community Building Multipurpose	12000	sf	\$176	\$2,112,000
<b>Total New Structures</b>				<b>\$2,685,000</b>
<b>Perimeter and Vehicular Access</b>				
Install Misc Site Lighting	1	ls	\$58,750	\$58,750
New Perimeter Fencing/Repairs	2850	lf	\$32	\$91,200
Playground Equipment	1	ls	\$35,250	\$35,250
Ent/Parking/Drive Community & Theatre	1	ls	\$211,500	\$211,500
Land Acquisition	4	ac	\$35,250	\$141,000
<b>Total P&amp;VA</b>				<b>\$537,700</b>
<b>Miscellaneous</b>				
Arborist/Landscape/Garden Tree assmt.	1	ls	\$146,875	\$146,875
Irrigation/Water Main and Tap fee	1	ls	\$143,938	\$143,938
Benches/Tables	10	ea	\$588	\$5,880
<b>Total Miscellaneous</b>				<b>\$296,693</b>
<b>Subtotal</b>				<b>\$5,522,724</b>
<b>A &amp; E Fees (11%)</b>				<b>\$607,500</b>
<b>Construcion Manage/Profit (12%)</b>				<b>\$662,727</b>
<b>Grand Total</b>				<b>\$6,792,951</b>

# Pinewood Lake Park Phase II Final



Date: Oct 7, 2016

Description	Est. Qty	Unit	Unit Cost	Total	Pro Rated (.6625)
<b>Docks and Trails</b>					
Boardwalk (lake crossing)	1200	lf	\$705	\$846,000	\$ 560,433.90
Community Pier	1	ea	\$235,000	\$235,000	\$ 155,676.08
Docks	2	ea	\$47,000	\$94,000	\$ 62,270.43
New Asphalt Trails	960	lf	\$53	\$50,880	\$ 33,705.53
Pave Gravel Trails from Phase 1	1440	lf	\$53	\$76,320	\$ 50,558.29
Concrete Sidewalks	620	lf	\$59	\$36,580	\$ 24,232.47
Pave Gravel Parking Area	1354	sy	\$14	\$18,956	\$ 12,557.43
<b>Total Pond and Trails</b>				<b>\$1,357,736</b>	<b>\$ 899,434.13</b>
<b>Existing Structures</b>					
Repurpose Existing House	1	ls	\$117,500	\$117,500	\$ 77,838.04
Historical/Educational Allowance	1	ls	\$141,000	\$141,000	\$ 93,405.65
Furniture Allowance	1	ls	\$110,000	\$110,000	\$ 72,869.66
Existing Auxiliary Buildings Repairs	4263	sf	\$65	\$277,095	\$ 183,561.97
<b>Total Exist Structures</b>				<b>\$645,595</b>	<b>\$ 427,675.32</b>
<b>New Structures</b>					
Picnic Shelters	3	ea	\$58,750	\$176,250	\$ 116,757.06
Fish Cleaning Stations	2	ea	\$5,875	\$11,750	\$ 7,783.80
Amphitheater	1	ea	\$235,000	\$235,000	\$ 155,676.08
Restroom Buildings	2	ea	\$75,000	\$150,000	\$ 99,367.71
Community Building Multipurpose	12000	sf	\$176	\$2,112,000	\$ 1,399,097.39
<b>Total New Structures</b>				<b>\$2,685,000</b>	<b>\$ 1,778,682.05</b>
<b>Perimeter and Vehicular Access</b>					
Install Misc Site Lighting	1	ls	\$58,750	\$58,750	\$ 38,919.02
New Perimeter Fencing/Repairs	2850	lf	\$32	\$91,200	\$ 60,415.57
Playground Equipment	1	ls	\$35,250	\$35,250	\$ 23,351.41
Ent/Parking/Drive Community& Theatre	1	ls	\$211,500	\$211,500	\$ 140,108.47
Land Acquisition	4	ac	\$35,250	\$141,000	\$ 93,405.65
<b>Total P&amp;VA</b>				<b>\$537,700</b>	<b>\$ 356,200.13</b>
<b>Miscellaneous</b>					
Arborist/Landscape/Garden Tree assmt.	1	ls	\$146,875	\$146,875	\$ 97,297.55
Irrigation/Water Main and Tap fee	1	ls	\$143,938	\$143,938	\$ 95,351.93
Benches/Tables	10	ea	\$588	\$5,880	\$ 3,895.21
<b>Total Miscellaneous</b>				<b>\$296,693</b>	<b>\$ 196,544.70</b>
<b>Subtotal</b>				<b>\$5,522,724</b>	<b>\$ 3,658,536</b>
<b>A &amp; E Fees</b>				<b>\$607,500</b>	<b>\$ 402,439</b>
<b>Construciton Manage/Profit</b>				<b>\$662,727</b>	<b>\$ 439,024</b>
<b>Grand Total</b>				<b>\$6,792,951</b>	<b>\$ 4,500,000</b>

## Gerald Lee

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**From:** Chad Fosnight <FosnightC@rcgov.us>  
**Sent:** Monday, October 10, 2016 11:32 AM  
**To:** Gerald Lee; Jimmy Chao  
**Cc:** Norman Jackson  
**Subject:** RE: Phase II NTP

Gerald,

I'm fine with this schedule. Let's keep the schedule though as the executed NTP states a completion date of 12/31/17. We need to discuss how we are handling the land acquisition and the temporary bridge, particularly as it relates to responsibilities. In your role as the Design/Builder, are you taking the lead in these discussions? I see both of these as being some of the biggest hurdles on the schedule. Let's work through lines of responsibility early so that there are no misunderstandings later.

Please keep me updated on all progress and include me on all meeting invitations as I will be providing regular updates to the County Administrator on this project.

Respectfully,

**Chad D. Fosnight**

*Capital Projects Program Manager*  
Richland County Administration  
2020 Hampton Street  
Suite 4058  
Post Office Box 192  
Columbia, South Carolina 29202  
(803) 576-3584 Office  
(803) 394-7296 Cell  
[fosnightc@rcgov.us](mailto:fosnightc@rcgov.us)



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**From:** Gerald Lee [<mailto:GeraldL@chaoinc.com>]  
**Sent:** Wednesday, October 05, 2016 6:01 PM  
**To:** Chad Fosnight; Jimmy Chao  
**Cc:** Norman Jackson  
**Subject:** RE: Phase II NTP

Chad, attached is the requested schedule. The critical path will be the community building obviously. Let me know if you have any questions.

**Gerald A. Lee, PE**  
[GERALDL@CHAOINC.COM](mailto:GERALDL@CHAOINC.COM)

## Attachment C

The vote was in favor of coming out of Executive Session.

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05 – Ms. Dickerson moved, seconded by Ms. Myers, to approve Third Reading of the ordinance authorizing a deed to 908 Group Holdings and the execution of the deed at the closing.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Dickerson and McBride

Opposed: Manning, N. Jackson, Livingston and Rose

The vote was in favor.

Ms. Dickerson moved, seconded by Mr. C. Jackson, to reconsider this item.

In Favor: N. Jackson and Rose

Opposed: Malinowski, C. Jackson, Myers, Pearce, Dickerson, Livingston and McBride

The motion for reconsideration failed.

- b. Payment of invoices submitted by Chao & Associates related to their work on Pinewood Lake Park Phase 2 – Mr. Malinowski moved, seconded by Mr. Livingston, to pay Chao & Associates for work performed on Richland County property.

In Favor: Malinowski, Pearce, Dickerson, Livingston and McBride

Oppose: Rose

Abstain: C. Jackson, Myers, Kennedy, Manning and N. Jackson

The vote was in favor.

Dr. Yudice stated Council need to reaffirm that Chao & Associates needs to reimburse \$126,010.

Mr. Malinowski moved, seconded by Ms. Myers, that the land purchase transaction be handled according to staff's recommendation.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson and Rose

Opposed: Manning and Livingston

Abstain: N. Jackson

The vote was in favor.

- c. Release of Hospitality Tax Funds to Pinewood Lake Foundation – Ms. Dickerson moved, seconded by Mr.

Regular Session

May 1, 2018

-19-



# RICHLAND COUNTY GOVERNMENT

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Office of the County Administrator

May 4, 2018

Mr. Jimmy Chao  
Chao and Associates, Inc.  
7 Clusters Court  
Columbia, SC 29210

Dear Mr. Chao:

Thank you for your March 1, 2018 letter regarding the February 20 and February 21, 2018 correspondence from the Richland County Administration Office which transmitted decisions concerning the inappropriate acquisition of TMS No. 19011-02-02 and subsequent invoicing from Chao and Associates, Inc. attendant to the Pinewood Lake Park project.

During its May 1, 2018 meeting, County Council considered the concerns you presented in your March 1, 2018 letter attendant to the aforementioned matters. Upon conclusion of its deliberations, Richland County Council voted to affirm the position transmitted to Chao and Associates, Inc. in the February 21, 2018 correspondence of seeking reimbursement from Chao and Associates, Inc. in the amount of \$126,010, which was used by Chao and Associates, Inc. to effect the acquisition (July 20, 2017) of TMS No. 19011-02-02 (portion) (now TMS #R19011-02-12). Additionally, Richland County Council approved payment to Chao and Associates, Inc. for services rendered on County-owned property in the amount of \$107,360.80 (see attached invoice for details).

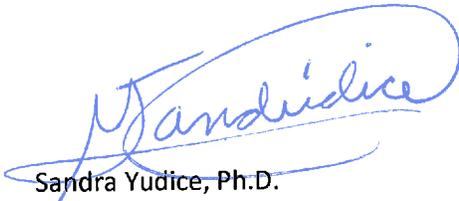
This letter transmits these directives.

Pursuant to GAAP (Generally Accepted Accounting Principles), which guides the County's financial practices, the \$126,010 reimbursement for the inappropriate property acquisition cannot be netted against the payment of the invoice submitted by Chao and Associates, Inc. This means that the \$126,010 reimbursement for the inappropriate property acquisition must be provided to the County prior to the release of the aforementioned \$107,360.80 payment to Chao and Associates, Inc. for services rendered on County-owned property.

Please make the reimbursement check in the amount of \$126,010 payable to Richland County and include in the memo line that it is for reimbursement for purchasing TMS# R19011-02-12. Please mail said reimbursement check no later than May 25, 2018 to:

Attn: Sandra Yudice, Assistant County Administrator  
County Administration Office  
Re: Pinewood Lake Phase II  
P. O. Box 192  
Columbia, SC 29202

Sincerely,



Sandra Yudice, Ph.D.  
Assistant County Administrator

cc: Members of Richland County Council  
Larry Smith, County Attorney  
Janelle Ellis, Ph.D., Director, Community and Government Services  
Tracy Hegler, Director, Planning and Community Development  
Jennifer Wladischkin, Manager, Office of Procurement and Contracting  
Carol Kososki, Chair, Richland County Conservation Commission

Enclosures (1): Chao Invoice 399935D-6

**Chao and Associates, Inc.**

7 Clusters Court  
Columbia, SC 29210

Phone # 803-772-8420

# Invoice

<b>Bill To</b>
Ms. Tracy Hegler Director of Community Planning & Develop. Richland County 2020 Hampton St., Suite 3064 Columbia, SC 29204

<b>Date</b>	<b>Invoice #</b>
2/14/2018	399935D-6

RE:Pinewood Lake Phase II C&A Project No.:399935D Billing Period:09/01/17 to 02/14/17
---

<b>Terms</b>
Due on receipt

Description	Contract Amt.	% Complete	Fee Earned
PO: CPS17074			
Construction Budget:\$3,658,537.00	\$3,658,537.00	6%	215,398.18
* Property Acquisition: \$126,010.00			
**Subdivision Survey: \$1,200.00			
**Topographic/Tree Survey: \$3,050.00			
**Appraisal: \$1,760.00			
**Purchase Fee: \$120,000.00			
* Landscape Design: \$6,050.00			
* Asphalt Paving of Gravel Lots and Trails: \$74,992.50			
* Remaining Construction Budget \$3,325,474.50			
Architectural and Engineering Services	\$402,439.00	100%	402,439.00
Construction Management	\$439,024.00	6%	26,318.26
Previous Amount Invoiced			-421,829.26
<div style="border: 1px solid red; padding: 5px; display: inline-block;"> <b>Total for work on County-owned Property = \$107,360.80</b> </div>			

Thank you for your business.	<b>Total</b>	\$222,326.18
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Invoices not paid in full 20 days from date of invoice are subject to a financial charge of 1.5% per month on unpaid balances

<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$222,326.18

Attachment E



May 14, 2018

Sandra Yudice, PH.D.  
Assistant County Administrator  
Richland County  
P.O. Box 192  
Columbia, SC 29202

Re: Pinewood Lake Project

Dear Ms. Yudice:

Chao & Associates acknowledges receipt of your May 4, 2018 letter. It is our understanding that Richland County is affirming the position asserted in its February 21, 2018 letter; however, your May 4 letter unfortunately does not address the explanations we provided regarding the purchase of the property and the outstanding invoices.

As indicated in our March 1 letter, Chao & Associates wants to cooperate and is willing to put the project on hold as that appears to be the County's desire. However, Chao & Associates performed work under a valid contract with the County and wishes to be paid for that work. The County appears to make a distinction for work performed on "County-owned" property and is only offering to pay for that work. Chao had a valid design-build, turn-key contract with the County per the Master Agreement and Notice to Proceed to perform a specified scope of work and Chao requests to be paid for that work. Chao recognizes that the County may have internal issues relating to the purchase of the property and is willing to retain ownership to the property until these issues have been resolved; however, Chao performed design work for the benefit of the County and is entitled to be paid for that work.

Accordingly, Chao agrees to write a check to the County for \$126,010 to reimburse the County for the property provided the County agrees to pay \$276,682.04 to Chao & Associates within 7 days after receipt of the check for \$126,010 and to purchase the property from Chao for \$126,010 within one year of the date of this letter.

The \$276,682.04 is determined as follows:

Amount billed to date:	\$644,155.44	
Refund for property:	(\$126,010.00)	
Total billed for work performed-	\$518,145.44	(i.e. total billed less amount billed for property)
Amount received for work performed-	(\$241,463.40)	(i.e. total received less amount received for property)
Total due for work performed-	<u>\$276,682.04</u>	



We look forward to hearing from you regarding this matter.

Sincerely,  
Chao and Associates, Inc.



C. Jimmy Chao, PE  
President

- cc. Members of Richland County Council  
Larry Smith, County Attorney  
Jamelle Ellis, Ph.D., Director, Community and Government Services  
Tracy Hegler, Director, Planning and Community Development  
Jennifer Wladischkin, Manager, Office of Procurement and Contracting  
Carol Kososki, Chair, Richland County Conservation Commission  
Bob Fuller, Esquire.  
Franklin Smith, Esquire.

## Attachment F

serious thought and time on it.

Mr. Malinowski inquired if the County Coordinator is Mr. Michael Byrd. The only thing he see for the County, on the organizational chart, is on the left side. There is an Assistant Chief of Professional Services, Staffing and County Coordinator.

Chief Jenkins stated the County Coordinator is the Volunteer Coordinator.

Mr. Malinowski inquired as to where the County comes in.

Chief Jenkins stated there is not a, per se, label of a County person. Everybody on the list works for the City and County.

- b. Recognition of Richland County Fleet Manager, Bill Peters – Dr. Yudice stated Mr. Peters has put the County on the map because he has done an excellent job of managing the fleet.

Ms. Hoyle recognized Bill Peters on the County's Fleet Service being named the 15<sup>th</sup> Best Fleet in the Americas. This is an immense achievement considering there are over 38,000 public fleets in North America alone. Richland County's impressive ranking is a testament to the hard work and dedication of the Fleet Management staff, which is comprised of 2 employees, Bill Peters and Jaci Ricks.

- c. Assignment of Solid Waste Collections Contract – Dr. Yudice stated on May 16<sup>th</sup> the received notification from Waste Management of its intention to acquire the assets of All Waste Services. Waste Management has indicated the desire to extend the expiration of the current service contract to match the Area 6's contract, which will expire on February 28, 2022. Staff recommendation is that Council approve the assignment of the contract extension from All Waste Services to Waste Management.

Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski inquired if this will conflict with the rule that no one company can have more than 2 areas.

Dr. Yudice stated it will not conflict.

In Favor: Pearce, Rose, N. Jackson, Malinowski, Dickerson, Livingston, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

Mr. Pearce inquired, for clarification, if the motion referred to both contracts.

Dr. Yudice responded in the affirmative.

- d. Payment of Chao and Associates Reimbursement for Land Acquisition – Dr. Yudice stated, if Council recalls, Council directed staff to request reimbursement \$126,010 from Chao & Associates. We sent a letter to them on May 4<sup>th</sup> with a deadline to submit payment no later than May 25<sup>th</sup>. On May 14<sup>th</sup>, Chao & Associates sent a response to the May 4<sup>th</sup> letter. In the letter, they indicated they would reimburse the

Regular Session

June 5, 2018

-17-

County for that amount; however, that is provided the County pay \$276,682.04 for the work they have completed on County-owned property, and their property. In addition, they requested the County purchase the property from Chao & Associates for \$126,010 within one year of the date of the letter. Staff's recommendation is to stay with Council directive provided on May 1<sup>st</sup>, which requires Chao & Associates to reimburse the County \$126,010.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve staff's recommendation outlined on p. 100 of the Council agenda.

Mr. N. Jackson stated, his understanding of this project initially was that, Chao & Associates was supposed to pay back \$120,000 for the property they purchased, wherein they received a check from the County for \$136,000 to purchase the property. Council decided, as discussed in Executive Session, that Chao would reimburse the County. Where do we go from there? And, why is this project still on hold because Council did not make a decision to cease and desist on the project. But, he received a letter to cease and desist and the project has been on hold ever since. We instructed the former Director to release the cease and desist because that was not Council's directive, just the land. He would like to know when a letter will go out, so the project can continue. The money has been encumbered. The project is sitting there and there are other parts of the project that needs to move forward.

Dr. Yudice stated the recommendation is to continue with Council's directives of May 1<sup>st</sup>, which is stated on her May 4<sup>th</sup> letter.

Mr. Livingston requested the status of the project, and also if the land that was purchased under Chao is vital to the success of the project.

In Favor: Malinowski, Dickerson, McBride, Livingston, Rose, Pearce, C. Jackson and Myers

Opposed: Kennedy, Manning and N. Jackson

The vote was in favor.

e. Contractual Matter – Property Acquisition – This item was taken up in Executive Session.

## 10. REPORT OF THE CLERK OF COUNCIL

- a. Upcoming Budget Meetings: June 7 - Public Hearing and 2<sup>nd</sup> Reading of the Budget; June 14 – 3<sup>rd</sup> Reading of the Budget, 6:00 PM, Council Chambers – Ms. Roberts reminded Council of the upcoming budget meetings on June 7<sup>th</sup> and 14<sup>th</sup> at 6:00 PM.
- b. Community Relations Council's 54<sup>th</sup> Anniversary Luncheon, June 27, 12:00 PM, Columbia Metropolitan Convention Center, 1101 Lincoln Street – Ms. Roberts reminded Council of the upcoming Community Relations Council Luncheon on June 27<sup>th</sup>.



June 11, 2018

Mr. Jimmy Chao  
Chao and Associates, Inc.  
7 Clusters Court  
Columbia, SC 29210

Dear Mr. Chao:

Thank you for your May 14, 2018 letter regarding the May 4, 2018, correspondence from the Richland County Administration Office transmitting Council's decisions concerning the acquisition of TMS No. 19011-02-02 with public funds and subsequent invoicing from Chao and Associates, Inc. attendant to the Pinewood Lake Park project.

During its June 5, 2018, meeting, County Council considered the concerns you presented in your May 14, 2018 letter. Upon conclusion of its deliberations, Richland County Council voted to reaffirm the position transmitted to Chao and Associates, Inc. in the May 4, 2018, correspondence. The County is seeking reimbursement from Chao and Associates, Inc. in the amount of \$126,010, which Chao and Associates, Inc. used to effect the acquisition (July 20, 2017) of TMS No. 19011-02-02 (portion) (now TMS #R19011-02-12). Additionally, Richland County Council approved payment to Chao and Associates, Inc. for services rendered on County-owned property in the amount of \$107,360.80 (see attached invoice for details).

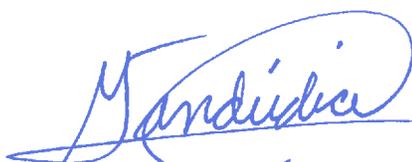
This letter retransmits those directives.

Pursuant to GAAP (Generally Accepted Accounting Principles), which guides the County's financial practices, the \$126,010 reimbursement for the inappropriate property acquisition cannot be netted against the payment of the invoice submitted by Chao and Associates, Inc. This means that the \$126,010 reimbursement for the inappropriate property acquisition must be provided to the County prior to the release of the aforementioned \$107,360.80 payment to Chao and Associates, Inc. for services rendered on County-owned property.

Please make the past due reimbursement check immediately in the amount of \$126,010 payable to Richland County and include in the memo line that it is for reimbursement for purchasing TMS# R19011-02-12. Please mail said reimbursement check to:

Attn: Sandra Yudice, Assistant County Administrator  
County Administration Office  
Re: Pinewood Lake Phase II  
P. O. Box 192 Columbia, SC 29202

Sincerely,



Sandra Yudice, Ph.D.  
Assistant County Administrator

cc: Members of Richland County Council (via email)  
Larry Smith, County Attorney (via email)  
Jamelle Ellis, Ph.D., Director, Community and Government Services (via email)  
Tracy Hegler, Director, Planning and Community Development (via email)  
Jennifer Wladischkin, Manager, Office of Procurement and Contracting (via email)  
Carol Kososki, Chair, Richland County Conservation Commission (via email)

Enclosures (1): Chao Invoice 399935D-6

**Chao and Associates, Inc.**

7 Clusters Court  
Columbia, SC 29210

Phone # 803-772-8420

# Invoice

<b>Bill To</b>
Ms. Tracy Hegler Director of Community Planning & Develop. Richland County 2020 Hampton St., Suite 3064 Columbia, SC 29204

<b>Date</b>	<b>Invoice #</b>
2/14/2018	399935D-6

RE:Pinewood Lake Phase II C&A Project No.:399935D Billing Period:09/01/17 to 02/14/17
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<b>Terms</b>
Due on receipt

Description	Contract Amt.	% Complete	Fee Earned
PO: CPS17074			
Construction Budget:\$3,658,537.00	\$3,658,537.00	6%	215,398.18
* Property Acquisition: \$126,010.00			
**Subdivision Survey: \$1,200.00			
**Topographic/Tree Survey: \$3,050.00			
**Appraisal: \$1,760.00			
**Purchase Fee: \$120,000.00			
* Landscape Design: \$6,050.00			
* Asphalt Paving of Gravel Lots and Trails: \$74,992.50			
* Remaining Construction Budget \$3,325,474.50			
Architectural and Engineering Services	\$402,439.00	100%	402,439.00
Construction Management	\$439,024.00	6%	26,318.26
Previous Amount Invoiced			-421,829.26
<div style="border: 1px solid red; padding: 5px; display: inline-block; color: red;"> <b>Total for work on County-owned Property = \$107,360.80</b> </div>			

Thank you for your business.	<b>Total</b>	\$222,326.18
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Invoices not paid in full 20 days from date of invoice are subject to a financial charge of 1.5% per month on unpaid balances

<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$222,326.18

# **Supplemental Information Provided by Councilperson N. Jackson**





## **Administration & Finance Committee Meeting Briefing Document**

### **Agenda Item**

Appropriate up to \$300,000 from the Gills Creek Part A project to repair the emergency spillway and an additional \$300,000 to build the boardwalk where the temporary bridge was removed.

### **Background**

During its July 10, 2018 Council meeting, Councilperson N. Jackson brought forth the following motion:

“Appropriate up to \$300,000 from the Gills Creek Part A project to repair the emergency spillway and an additional \$300,000 to build the boardwalk where the temporary bridge was removed”

The Gills Creek Part A project is a project currently funded through the County’s Transportation Penny Program. \$2,246,160 was allocated in Penny Tax funds for this project and it is anticipated that the contractors will expend the total budgeted amount on the completion of this project. The project is currently ongoing with an estimated completion date of December 2020.

### **Issues**

The Gills Creek project is funding through the County’s Transportation Penny program. As such, it would be a violation of state law and the Richland County Transportation Penny Ordinance to re-allocate the indicated sums without amending the Penny Ordinance projects list to include the new project which would require three readings and a public hearing.

### **Fiscal Impact**

Pursuant to the intent of the motion, the fiscal impact to the County is \$600,000. Any Council actions to allocate additional funding would require a budget amendment.

### **Past Legislative Actions**

July 10, 2018 – Motion brought forth by Councilperson N. Jackson

### **Alternatives**

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

### **Staff Recommendation**

Staff requests direction from Council in regards to this motion.



## **Administration & Finance Committee Meeting Briefing Document**

### **Agenda Item**

Allocation of additional \$3M in funding for the Pinewood Lake Park project

### **Background**

During its July 10, 2018 Council meeting, Councilperson N. Jackson brought forth the following motion:

“I move that an up to additional \$3 million be appropriated to the project due to constant delays for the past four years.”

Council appropriated \$4.5M in hospitality tax funds for Phase II of the Pinewood Lake Park project. Of that amount \$367,473.40 has been expended, with \$4,132,527.00 remaining.

Currently, via Council action, Phase II of the Pinewood Lake Park project is on hold.

### **Issues**

Allocation of additional funding for the Pinewood Lake Park project

### **Fiscal Impact**

Pursuant to the intent of the motion, the impact to County will be \$3M. Any Council action taken to allocate additional funds will require a budget amendment. The County's estimated hospitality tax fund balance is \$4M. As such, Council may consider using the general fund balance as a funding source.

### **Past Legislative Actions**

Motion brought forth by Councilperson N. Jackson during the July 10, 2018 Council meeting.

### **Alternatives**

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

### **Staff Recommendation**

Staff does not have any recommended changes and requests direction from Council in regards to this motion.



## **Administration & Finance Committee Meeting Briefing Document**

### **Agenda Item**

Motion made by Councilman Norman Jackson on July 10, 2018, for the Conservation Commission to revised the proposed contract agreement with the Pinewood Lake Park Foundation.

### **Background**

During its July 10, 2018 Council meeting, Councilperson Norman Jackson brought forth the following motion:

“The Conservation Commission must revisit their proposed contract agreement with the Foundation and make it feasible for the organization to consider the proposal. How it is written is flawed and not with Council or Administration directive. Staff was asked to meet with SCDOT to leave the temporary bridge on Garners Ferry Road which would save thousands of dollars for the completion of the greenway nature trail. The Contractor and SCDOT agreed but staff did not follow through”

Attached hereto (Attachment A) is the proposed agreement with the Pinewood Lake Foundation which was approved by the Conservation Commission on February 26, 2018. The purpose of the agreement was to formalize the use of hospitality taxes by the Foundation allocated by County Council to the Conservation Commission for promotions at the Pinewood Lake Park in the first year of the Biennium Budget (FY18) and to outline the Foundation’s involvement in the park moving forward. Also, a memorandum from the Conservation Commission detailing its interaction with the Pinewood Lake Park Foundation is attached (Attachment B).

### **Issues**

Proposed contractual agreement between the Conservation Commission and the Pinewood Lake Park Foundation.

### **Fiscal Impact**

None.

### **Past Legislative Actions**

June 8, 2017 – 3<sup>rd</sup> Reading of the Budget for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018. That ordinance allocated \$75,000 to the Conservation Commission “to develop tourism at the Pinewood Lake Park” and further “approved for FY18 the Pinewood Lake Park Foundation to be named as the proper entity for the promotion of the Pinewood Lake Park and the Conservation Commission to be so instructed.” (Attachment C and D)).

July 10, 2018 – Motion brought forth by Councilperson N. Jackson

### **Alternatives**

1. Consider the Council motion and proceed accordingly.

2. Consider the Council motion and do not proceed.

**Staff Recommendation**

Staff requests direction from Council in regards to this motion.

## Tracy Hegler

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**From:** Tracy Hegler  
**Sent:** Friday, March 02, 2018 2:04 PM  
**To:** 'liewendelyn hart'  
**Cc:** GERALD SEALS; Brandon Madden; carolk2005@gmail.com; ken@kendriggers.com; JAMES HAYES; STEVEN GAITHER; Quinton Epps  
**Subject:** Agreement between Richland County and Pinewood Lake Foundation  
**Attachments:** Agreement with PLPF 2 28 18\_RCCC approved.doc

Good afternoon, Ms. Hart

If you recall at our January 30 meeting, we discussed the terms of the agreement the County proposed to the Foundation in December 2017, which clearly outlined responsibilities for the Pinewood Lake Park and requirements for the hospitality tax (h-tax) award authorized by County Council in FY 18. At that time, and further supported by the follow up email I sent on February 15, you were to provide mark-ups to that agreement. Also, discussed in our meeting, was the fact that the Richland County Conservation Commission (RCCC) had not reviewed or approved that agreement.

Attached, please find the agreement reviewed, slightly modified and approved by the RCCC at their meeting held February 26. Modifications are shown in red. Please review this version and respond with your acceptance at your earliest convenience.

Be advised that any activities performed by the Foundation at Pinewood Lake Park not pursuant to this agreement will not be authorized for h-tax reimbursement. Specifically note that all promotional activities at the Pinewood Lake Park, which are the basis for the h-tax grant award, must have prior, written permission by the RCCC (instructions for such are outlined in the attached agreement).

Thank you and I look forward to hearing from you.

Tracy Hegler, AICP  
Director of Community Planning & Development  
Richland County, SC  
803-576-2168  
heglert@rcgov.us

STATE OF SOUTH CAROLINA ) AGREEMENT BETWEEN RICHLAND COUNTY,  
 ) SOUTH CAROLINA AND PINWOOD LAKE  
COUNTY OF RICHLAND ) PARK FOUNDATION  
(PINWOOD LAKE)

THIS AGREEMENT (“Agreement”) entered into on this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between Richland County, South Carolina (the “County”) and the Pinewood Lake Park Foundation (the “Foundation”), collectively the “Parties.”

WHEREAS, the County owns the Pinewood Lake Park property (hereinafter “Park”) which includes a lake, walking trails, benches, picnic shelters, an historic home with out-buildings, and may in the future include other facilities built by the County, but specifically excludes all land and structures (including the dam) owned by the Foundation; and

WHEREAS, the Foundation, pursuant to a prior, now expired, agreement dated June 15, 2016 (“Prior Agreement”), provided services at the Park, including educational programs, management, and litter control; and

WHEREAS, the County has determined that the Richland County Conservation Commission, through the Richland County Conservation Division of the Community Planning & Development Department (the “Division”), is the proper entity for Park management; and

WHEREAS, the Foundation, a non-profit 501(c)(3) corporation, has been granted Hospitality Tax funds from Richland County to promote tourism at the Park; and

WHEREAS, the Parties wish to set out the new relationship between the Parties;

NOW THEREFORE, in consideration of the above, and the mutual benefits, covenants and agreements described herein, the parties hereto agree as follows:

1. The Parties previously entered into the Prior Agreement for management services at the Park. The Parties understand and agree that such agreement has expired and is hereby null and void.

2. As the Prior Agreement has expired, unless otherwise provided herein, the Foundation has no right or authority to undertake any activities at the Park it may have been authorized to do pursuant to the Prior Agreement. These activities include, but are not limited to management, cleaning, trash and pet waste control, maintenance and repairs of any kind, reservation of shelters or picnic tables, providing staffing or volunteers, and providing educational programs. The Foundation understands that it is not to undertake any of these activities or services on Park property, and that if it does so, it is without the consent of the County, is in specific violation of this agreement, and the Foundation will not be paid for any of the activities or services; provided, however, if the Foundation receives specific prior written permission from the Community Planning & Development Director to proceed with any volunteer services at the Park, it may provide those specific services at the Park for the time period authorized only. No remuneration will be provided for such volunteer services.

The Division shall manage the property to include such activities to include, but are not limited to management, cleaning, trash and pet waste control, maintenance and repairs of any kind, reservation of shelters or picnic tables, providing staffing or volunteers, and providing educational programs. The Division may partner for these activities or may enter into such agreements as to ensure the successful management of the facility.

3. The Foundation understands and agrees that the County may enter into multiple agreements for volunteer services at the Park, with either groups or individuals, and that the Foundation has no authority over such volunteers or any Park areas.

4. The Foundation has been granted a Hospitality Tax Grant for fiscal year 2017-2018 to promote tourism at the Park. As such, the Foundation shall provide the Division an annual plan (the "Plan") for Park promotions for the upcoming fiscal year. No promotional activities or events may be undertaken at the Park without prior approval of the Community Planning & Development Director. Such approval may be given annually based on the Plan, or for individual events/activities, at the discretion of the Community Planning & Development Director. The first Plan will be due no later than fifteen (15) days from the date of this agreement.

5. Hospitality Tax Fund Grants are managed through the Richland County Budget and Grants Division. The Foundation shall follow all policies and procedures provided by the Budget and Grants Division and shall make all pay applications as required by the applicable policies and procedures.

6. The parties agree that the Foundation is an independent contractor and any employees, volunteers or persons authorized by Foundation to conduct or carry out the requirements of this Agreement shall be the sole responsibility of the Foundation, which shall insure that the Foundation and all such persons shall comply with all applicable laws, rules, regulations or decisions of any federal, state, county or local governmental authority (including all requirements of state, federal or other grant authorities to insure a drug-free workplace). Nothing in this Agreement creates an employee/employer relationship between the County and the Foundation, its employees, volunteers, or members. The Foundation agrees that, in the performance of this Agreement, it will not discriminate on the basis of race, disability, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity; this prohibition against discrimination shall include the Foundation's dealings with the public as well as in the hiring of personnel or use of volunteer staff. Foundation must at all times during the term of this Agreement be a non-profit corporation in good standing with the South Carolina Secretary of State, and must fully comply with all applicable State, Federal, and local laws, rules and regulations as they apply to non-profit corporations.

7. If in upcoming fiscal years the Foundation fails to be awarded a Hospitality Tax Grant for Park tourism promotion, those portions of this agreement dealing specifically with Hospitality Tax Grant funds and Park promotion shall automatically become null and void.

8. This Agreement supersedes and replaces all previous agreements between the parties in reference to the Park.

9. Foundation agrees to hold harmless and shall fully and completely indemnify the County from any and all claims, demands or actions brought against the Foundation or the County by any person, natural or corporate, arising from any negligent act, omission, or willful conduct on the part of the Foundation or its employees, volunteers, members, or staff during the course of this Agreement. This indemnification specifically excludes claims, actions, or demands related to security, maintenance or repair of the Park.

WITNESSES AS TO  
THE FOUNDATION

\_\_\_\_\_  
  
\_\_\_\_\_

PINEWOOD LAKE PARK FOUNDATION

BY: \_\_\_\_\_

\_\_\_\_\_

ITS: \_\_\_\_\_

DATED: \_\_\_\_\_

WITNESSES AS TO  
RICHLAND COUNTY

\_\_\_\_\_  
  
\_\_\_\_\_

RICHLAND COUNTY, SOUTH CAROLINA

BY: \_\_\_\_\_

Gerald Seals

ITS: County Administrator

DATED: \_\_\_\_\_

## MEMORANDUM

On October 18, 2016 Richland County Council (Council) voted to transfer the management and operation of the Pinewood Lake Park (Park) to the Conservation Department effective July 1, 2017. Further clarification from County Administrator Gerald Seals stated, “*The management and operation of the Pinewood Lake property will be absorbed by Richland County Government through the County’s Conservation Department, effective July 1, 2017.*” This was communicated to the Park’s previous management Pinewood Lake Park Foundation (PLPF) via the attached letter from the County Administrator.<sup>1</sup>

Attempting to negotiate the arrangement was taxing on RCCC and its staff. In February 2018 Richland County Conservation Commission (RCCC) voted to adopt a Statement of Operations at Pinewood Lake Park. This outline of how the Park is to be operated was forwarded to County Council upon a motion unanimously adopted by RCCC to alert Council to a severing of the relationship between Richland County and PLPF.

RCCC hoped in good faith to continue a relationship with PLPF for volunteer coordination. RCCC, however, felt no clear alternative existed for its motions of March 19<sup>th</sup>. RCCC reached this position based upon three troubling weaknesses in the operation of the Park.

### **Difficulty in the Management Relationship**

The Administrator’s communication to PLPF emphasized that “*The Conservation Department will work with volunteer and nonprofit organizations such as the Pinewood Lake Foundation to ensure that local community involvement with the property is uninterrupted during this transition.*”<sup>2</sup> RCCC has found this relationship not suitable for a professionally managed facility adhering to the highest standards of service Richland County taxpayers should expect.

Failure to Execute a Contract RCCC has followed its own standards by insisting PLPF’s use of the Park be governed by a contract outlining the roles and responsibilities of each party. PLPF has not signed the contract nor has it returned comments on how the draft should be changed. RCCC admitted the effort was unsuccessful in its unanimously adopted motion alerting Council that its efforts to negotiate such a contract had failed. This failure effectively severs the relationship between RCCC and PLPF.

No Clear Line of Responsibility Staff communications with PLPF has left troubling confusion over the roles and responsibilities at the Park. The management of the Park suffers from the lack of clear lines of responsibility. PLPF receives directives, authority and suggestions from outside the normal line of management and this creates confusion in achieving the County’s goals for the property. More troubling, RCCC has been unable to install clear lines of inventory control, financial and expenditure standards and risk management at the Park. RCCC has been

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<sup>1</sup> See attached memorandum

<sup>2</sup> See email of October 17, 2016

given responsibility for the Park but the PLPF has not transferred these matters to the County. RCCC cannot allow for this separation to continue in attempting to fulfill its responsibilities to the taxpayers.

No Previous Experience Richland County is new to a type of facility like Pinewood Lake Park. This inexperience has created a situation where RCCC staff has moved to install procedures and policies aimed at successful management of the Park. Its Manual for Management of Conservation Lands outlines how a facility such as the Park will be managed. The current situation is inconsistent with these policies.

Inappropriate Communications from PLPF As the relationship between RCCC and PLPF has deteriorated, RCCC staff has received numerous accusations and inflammatory communications from PLPF. The charges in these communications are vehemently denied and have resulted in an inability to work in a cooperative fashion. RCCC staff is working in the interest of county taxpayers and within legal parameters and will not be subjected to willfully misleading statements aimed to confuse the issue and create division amongst the parties involved. Copies of these communications are available upon request.

Also troubling was PLPF's public statements that a County budget request was falsely submitted by staff. RCCC records and meeting minutes clearly show the budget request as submitted was approved at its regular monthly meeting.<sup>3</sup> In addition, despite PLPF's statements to the contrary, a Planning position was placed in the budget with 60% of the employee's time being dedicated to the Park.

### **Financial irregularities**

Before October 2016, RCCC was not involved with the Park, outside of its move to provide \$100,000 from its capital reserve fund for the purchase of the property. Media reports on contracts and spending irregularities left RCCC uncomfortable with the financial management at the Park.<sup>4</sup> RCCC wanted to ensure strict conformance to county management practices given the bright spotlight on the Park.

In December 2016 RCCC requested an audit of the current management structure and finances and clarification of the ownership and status of the dam in light of the flooding of October 2015.<sup>5</sup> No response was received and no audit was conducted.

A number of irregularities have occurred in the financial management of the Park:

November 2016 RCCC was alerted to disputed invoices totaling \$85,976.10 dating back to May 2015. RCCC staff met with the County's Grant Manager who detailed difficulties in providing reimbursements to the Foundation because their submittals did not meet the Hospitality Tax (H-Tax) Guidelines.

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<sup>3</sup> RCCC Meeting Minutes available upon request.

<sup>4</sup> Collective articles available upon request

<sup>5</sup> See attached RCCC Audit Memorandum dated December 13, 2016

May 2017 Numerous comments by a member of Council stated that a \$150,000-line item existed in the county budget each year for 5-years for the Park's operation and maintenance. No line item for \$150,000 was discovered in the Richland County Budget or County Council records. This indirect line of authority created a clear disruption in the Park's operations and an unsubstantiated assumption by PLPF of its financial support by the County.

During the budget process, \$75,000 in H-Tax funds were awarded to the RCCC to be passed through to the PLPF for promotional activities. Council Norman Jackson allocated an amount of his discretionary H-tax funds to the PLPF which was unknown to the RCCC<sup>6</sup>. The allocation of these funds was inconsistent with Council, Administration and RCCC goals for the Park and the PLPF relationship.

RCCC authorized a letter requesting the County Administrator charge the H-Tax Grant Manager with administering the \$75,000 in H-Tax funds to PLPF. Administration requested the RCCC "hold off on the letter until we could determine our direction from these efforts" and that was done.<sup>7</sup>

February 2018 RCCC was copied on a letter from Chao & Associates regarding a cease and desist letter they received from the County Administrator for the Pinewood Lake Park – Phase II project.<sup>8</sup> RCCC approved a Memorandum to Council regarding the damaged dam and recommending reallocating funds from Pinewood Lake Park – Phase II to repair the dam if the current owner, Pinewood Lake Park Foundation, would donate the property to the county.<sup>9</sup>

The instability of the dam and the potential liability from its failure is extremely troubling to RCCC. The dam must be improved and this improvement must take precedence over other capital projects at the Park.

March 2018 An email was directed to the PLPF regarding the County's review and determination of its inability to pay certain invoices as submitted<sup>10</sup>. Particularly troubling is an invoice for janitorial services. The invoice is not in keeping with Richland County standards and it runs counter to directions from RCCC to PLPF.

In addition, this invoice runs counter to communication by RCCC staff to PLPF during a meeting on January 30 2018, where it was "made clear" the maintenance, cleaning, long range management, repairs, garbage, utilities and other related day-to-day operations will all be handled exclusively by the county and are not the responsibility of PLPF.

H-Tax reimbursement has been and continues to be an issue with PLPF. This unsatisfactory arrangement continues despite numerous efforts by staff to educate PLPF about what H-Tax funds can and cannot be used for at the Park.

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<sup>6</sup> See attached RCCC Minutes June 2017

<sup>7</sup> See Email dated October 10, 2017

<sup>8</sup> See attached Pinewood Lake Letter, Chao & Associates

<sup>9</sup> See attached RCCC minutes from February 2018

<sup>10</sup> See attached what dated March 13, 2014.

### **Need to Professionalize Conservation Lands Management**

RCCC has a conservation lands inventory approaching 4,000 acres. These sensitive properties offer wonderful resources for the community but are in need of a professional management structure. Over the past several months a committee of RCCC has drafted a Conservation Lands Management Manual. RCCC is committed to managing its properties in a form that emphasizes stewardship, multiuse and sustainable revenue generation.

PLPF's management at the Park was established in an ad hoc fashion and has not followed the principles of stewardship endorsed by the RCCC. With plans being developed for other properties, it is important that the fundamentals of the system be followed to ensure that all conservation lands are managed in a responsible manner. Our plans may at some point allow for a contractual relationship with a non-profit organization. But this relationship needs to be bettered structured, more tightly managed and the potential organization must adhere to the principles of a successful partnership we have endorsed.

**RECOMMENDATION:** RCCC respects the potential of Pinewood Lake Park to meet a need in the community. We intend to manage the facility to the highest professional standards expected for Richland County facilities and to the stewardship principles RCCC has established for itself. RCCC requests a final decision from Council regarding the management of the facility.



## Richland County Council

SPECIAL CALLED MEETING  
BUDGET – 2<sup>ND</sup> READING (GRANTS)  
May 25, 2017 – 6:00 PM  
Council Chambers

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Calvin “Chip” Jackson; Norman Jackson; Gwendolyn Davis-Kennedy; Paul Livingston; Jim Manning; Yvonne McBride; Dalhi Myers; Greg Pearce; and Seth Rose

OTHERS PRESENT: Beverly Harris, Brandon Madden, Sandra Yudice, Michelle Onley, Gerald Seals, Larry Smith, Ismail Ozbek, Tracy Hegler, Geo Price, Natasha Dozier, Quinton Epps, Nancy Stone-Collum, Ashley Powell, Latoisha Green and Donald Woodward

**CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:01 PM.

### **AMENDED ORDINANCES FOR SECOND READING**

- a. **An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2017 and ending June 30, 2018**
- b. **An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2018 and ending June 30, 2019**

Mr. Seals stated the purpose of tonight’s meeting is to take up the 2<sup>nd</sup> Reading of the budget, primarily the grants portion of the budget.

Mr. Pearce moved, seconded by Mr. Rose, to take up Accommodations Tax. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Rose, to adopt the recommendations of the Accommodations Tax Committee, which is listed on p. 147 of the budget book. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Pearce, to utilize a portion of the \$113,308 excess of revenues over expenditures for FY15-16 that grew the Accommodations Tax fund balance to \$345,270, as outlined in the May 11<sup>th</sup> Work Session companion document, to add an additional \$50,000 to the Columbia City Ballet (p. 147) and \$50,000 to the Columbia Classical Ballet (p. 148).

Mr. Malinowski inquired as to what the Accommodations Tax fund balance was.

Mr. Manning stated, according to the documents Council received, the Accommodations Tax fund balance is \$345,270.

Mr. Malinowski stated his concern is that all Council members will not have an opportunity to fund their organizations. He suggested taking the fund balance and dividing it amongst the Council members.

Mr. Malinowski made a substitute motion to divide the Accommodations Tax fund balance amongst the Council members. The motion died for lack of a second.

Ms. Dickerson requested, for clarification, to have Mr. Manning to restate his motion.

Mr. Manning moved, seconded by Mr. Pearce, to utilize a portion of the \$113,308 excess of revenues over expenditures for FY15-16 that grew the Accommodations Tax fund balance to \$345,270, as outlined in the May 11<sup>th</sup> Work Session companion document, to add an additional \$50,000 to the Columbia City Ballet (p. 147) and \$50,000 to the Columbia Classical Ballet (p. 148). The vote was in favor.

Mr. Livingston moved, seconded by Mr. Rose, to approve the recommendations of the Discretionary Grants Committee (pp. 141 – 146, budget book). The vote in favor was unanimous.

Mr. C. Jackson moved, seconded by Mr. Rose, to allocate an additional \$25,000 from the Accommodations Tax fund balance to the EdVenture Children’s Museum.

Ms. Dickerson requested clarification on the amount available in the Accommodations Tax fund balance.

Mr. Madden stated there was a \$345,270 available in the Accommodations Tax fund balance. Mr. Manning made a motion to distribute \$100,000 out of the fund balance, which would leave a balance of \$245,270.

Ms. Myers moved, seconded by Mr. Pearce, to offer a friendly amendment to Mr. C. Jackson’s motion and allocate an additional \$25,000 for a total of \$50,000 to EdVenture Children’s Museum.

Mr. Livingston expressed concern about depleting the Accommodations Tax fund balance and there not being enough funds available to cover the projects approved by the Accommodations Tax Committee. He inquired if EdVenture Children’s Museum submitted an application for Accommodations Tax and if the funding could come from the Hospitality Tax fund balance.

Mr. Pearce stated there was a potential that a motion was going to be made out of Hospitality Tax to assist EdVenture due to their unique needs. Personally, he has no preference whether the funding comes out of Hospitality Tax or Accommodations Tax.

Ms. Dickerson requested Council members to be mindful of the amount of funding available.

The vote in favor of allocate an additional \$50,000 from the Accommodations Tax fund balance to EdVenture Children’s Museum was unanimous.

Ms. McBride moved, seconded by Mr. Rose, to allocate \$30,000 from the Accommodations Tax fund balance to the Historic Columbia Foundation.

Mr. Pearce stated to him this fund balance is not like the General Fund Balance wherein the County must have funds for critical needs. He does not understand why Council would not want to spend this money since it is intended to keep heads in beds.

The vote was in favor of allocating \$30,000 from the Accommodations Tax fund balance to the Historic Columbia Foundation.

Ms. Dickerson moved, seconded by Mr. Rose, to allocate \$25,000 from the Accommodations Tax fund balance to the SC Philharmonic. The vote was in favor.

Mr. Malinowski moved, seconded by Mr. Manning, to allocate \$25,000 from the Accommodations Tax fund balance to the Columbia International Festival. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to lock the remaining Accommodations Tax fund balance in the amount of \$115,270 in place. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to vote on the Hospitality Tax items on a line by line basis. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Manning, to approve Tier I – Debt Service at \$1,489,800.

Mr. Manning stated the word “waterpark” is listed on p. 193a. He requested removing the word “waterpark” and replacing it with land or the land designation.

Mr. Seals stated Council can do what they would like, but when the bonds were issued the word waterpark was included as a part of the naming of that particular bond issue.

The vote in favor was unanimous to approve Tier I.

Mr. Pearce moved, seconded by Mr. Rose, to approve Tier II – Cost Allocation at \$1,000,000. The vote in favor was unanimous.

Mr. Pearce stated the next item is actually called “Community Promotions” in the ordinance and not “H-Tax Committee”.

Mr. Pearce moved, seconded by seconded by Mr. Manning, to approve Tier II – H-Tax Committee at \$347,516.

Mr. C. Jackson stated that the Sparkleberry Country Fair (p. 153) is underfunded and inquired as to how to increase the funding for this event.

Mr. Pearce stated this is a fixed amount of funding locked in by ordinance; therefore, in this particular section you would have to balance the funding out.

The vote in favor of approving Tier II – H- Tax Committee was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to approve funding the Columbia Museum of Art at \$765,872.

**FOR**

Pearce  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Myers  
McBride

**AGAINST**

Rose  
Manning

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Livingston, to approve funding the Historic Columbia Foundation at \$385,143. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Manning, to approve funding of EdVenture at \$155,557.

Ms. Myers made a friendly amendment to give an additional \$50,000 from H-Tax to EdVenture. Mr. Pearce accepted the friendly amendment.

Mr. Malinowski reminded Council that an additional \$50,000 from A-Tax was approved for EdVenture.

Mr. N. Jackson inquired how taking the additional funds will affect the H-Tax funds allocated for individual Council member disbursement.

Ms. Myers stated there was discussion at a previous meeting about another organization, which has not been discussed this evening. The suggestion is to reduce this organization's funding and use those funds to increase the funding to EdVenture.

Ms. Dickerson requested deferring the additional funding for EdVenture until the SERCO funding has been decided.

Mr. N. Jackson inquired as to what EdVenture's request was.

Mr. Manning stated the request was for \$160,000.

Mr. Malinowski moved, seconded by Ms. Myers, to defer the additional funding for EdVenture until Tier III has been discussed.

Mr. Pearce moved, seconded by Mr. N. Jackson, to approve Township Promotions in the amount of \$300,000 and Township Maintenance in the amount of \$70,171.

Mr. Manning suggested clarifying the motion to ensure the funding is only for FY18.

For clarity, Mr. Pearce stated that was his intent.

Mr. Malinowski stated for clarification Mr. Pearce made a motion for Township Promotions, but the budget book uses the title Township Operations.

Mr. Pearce stated he is quoting from the ordinance, which is Township Promotions and will replace the wording in the budget book.

Mr. N. Jackson requested before Third Reading to know if the Township funding is for promotions or operations.

Mr. Pearce stated the funding has been historically used to promote shows and bring people in.

The vote in favor of funding Township Promotions at \$300,000 and Township Maintenance at \$70,171 was unanimous.

Mr. Pearce stated he would like to take action on Tier IV prior to taking up Tier III.

Mr. Seals stated for clarification that the H-Tax ordinance simply says Township Auditorium; therefore, it includes operations and promotions.

Mr. Rose stated on p. 153 there are two (2) allocations at \$4,000 a piece to an entity entitled SCALE, Inc. The Director of the organization has encountered some legal troubles. Therefore, he made a motion to move the \$8,000 allocated to SCALE, Inc. to the Sparkleberry County Fair. Mr. C. Jackson seconded that motion.

Mr. N. Jackson stated SCALE, Inc. is in the Lower Richland community. The Executive Director may be indicted, but she has not been convicted. Mr. N. Jackson is in receipt of a letter stating the Executive Director has been removed. The organization should not be punished based upon the Executive Director. You are taking the funding from Lower Richland and sending it to Northeast Columbia.

Ms. Myers inquired if the letter regarding the SCALE, Inc. Executive Director's removal been provided to the County Administrator and the Hospitality Tax Committee members.

Mr. N. Jackson stated he is not sure, but he can provide it before Third Reading.

Mr. Seals stated he did not have a copy of the correspondence referenced by Mr. N. Jackson.

Ms. Myers stated she understands Mr. N. Jackson's concerns that one person does not an entity make and to not punish the entity for the person, but the information definitely needs to be provided through the proper channels. The entity has an obligation to provide the information to Council in order for Council to properly evaluate where the entity stands. She supported Mr. N. Jackson moving to set aside a fund to find a way to continue the programs continued, but until the Hospitality Tax Committee has been given some information it is just prudent in safeguarding taxpayer money to ask questions.

Mr. Pearce stated strictly on what he had heard he made an inquiry. It is his understanding the organization had been noncompliant with documentation and other things. He would support setting aside the funding, but does not feel comfortable arbitrarily approving money.

Mr. Pearce inquired as to what is to be clarified prior to Third Reading. (i.e. documentation or the legal issues).

Mr. N. Jackson stated the legal issue is with the individual and not the organization. He then inquired as to what legal issue Mr. Pearce is referring to.

Mr. Pearce stated he heard the Executive Director was indicted for misuse of the funds provided by Richland County.

Mr. N. Jackson stated the Executive Director was indicted for perjury and not misuse of funds.

Mr. Rose stated he is speaking on behalf of himself and his constituents; therefore, he will not be voting to allocate any funds to SCALE, Inc. It is not against the programs they purport to be doing in the Lower Richland community. There is another organization that can step in and fulfill that void. There is a criminal indictment that has come down on the Executive Director that oversees the operations of this organization.

Mr. Livingston stated he is looking for fairness. If the Executive Director of the EdVenture, Township, etc. were indicted would the County still fund them?

Mr. Manning stated as the representative for District Eight he would like to see the letter. Additionally, Mr. Manning made a motion to continue Second Reading of Tier IV until next week.

Mr. Malinowski inquired if doing so would allow time to follow the process.

Mr. Manning stated it is one Second Reading, but Council breaks it up into two separate meetings.

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

The vote in favor of continuing Second Reading of Tier IV was unanimous.

Mr. Pearce stated he does not have a recommendation for Tier III since he is unable to determine what is actually in Tier III. He was under the impression Council passed an ordinance to address Tier III.

Mr. N. Jackson stated in what is considered to be Tier III there was be a line item annually for \$150,000 for Pinewood Lake Park Foundation, similar to Historic Columbia and the Columbia Museum of Art. It is recommended for \$87,000 for the upcoming fiscal year, but it was approved for \$150,000 in the last fiscal year.

Mr. Pearce stated he recalls a discussion, but has been unable to find anything in writing to corroborate the funding for Pinewood Lake.

Mr. N. Jackson stated he inquired about why Pinewood Lake Park was not a Tier II organization and was told it would be reviewed and updated accordingly.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to approve \$150,000 for Pinewood Lake Park Foundation for promotions.

Mr. Malinowski inquired as to why there is not a figure listed for what Pinewood Lake Park received in FY17.

Mr. Seals stated it has been difficult to piece together because much of this is based upon memory and recollection. It appears there was \$150,000 allocated by motion. In addition, another \$80,000 in funding was allocated through the Council members' H-Tax discretionary funds for a total of \$230,000.

Mr. Rose stated the Conservation Commission will be taking over the Pinewood Lake Park on July 1<sup>st</sup>.

Mr. Rose made a substitute motion, seconded by Mr. Pearce, to allocate \$75,000 in Hospitality Tax to the Conservation Commission for the purpose of developing tourism at Pinewood Lake Park.

Mr. C. Jackson inquired if the operational authority and responsibility is going to shift from the Foundation to the Conservation Commission why would additional funding be provided to the Foundation.

Mr. N. Jackson stated it was his understanding that Pinewood Lake Park Foundation reported to Richland County itself. The motion was to put it under the Conservation Commission to oversee the Pinewood Lake Park Foundation. He did not know the Conservation Commission was going to go into the business of operating a park. He further stated, Council requested individuals to create Pinewood Lake Park Foundation. They developed a 501(c)3 organization to operate the park. There is a motion to shift it to report to the Conservation Commission, which is totally different.

Mr. N. Jackson further stated the intent of other Council members is to take the operations or promotions of Pinewood Lake Park away from the Lower Richland community by having the Conservation Commission operate the park. Historic Columbia , EdVenture, and Columbia Museum of Art all have their funding allocated to their foundations or organization for operations.

Mr. N. Jackson will be holding a community meeting in Lower Richland to discuss what his colleagues are planning to do. He stated he has been fighting for the funding and the park for the past 8 years. He will not allow others to undermine his efforts to promote Lower Richland.

Mr. Pearce assured Mr. N. Jackson that he has no desire to undermine the Pinewood Lake Park. It is his understanding Council voted for the Conservation Commission to begin managing the park with personnel on July 1<sup>st</sup> and the Foundation was going to provide activities in the park. The question is, how much does the Foundation need to provide activities?

Mr. N. Jackson stated he has been told the Conservation Commission had no intention of managing the park. He cannot trust the Conservation Commission if they tell him one thing and then do something totally different. Its fine if the Conservation Commission manages the park 7 days a week, 12 hours a day, but promotions is different from the operations of the park. The mistake was \$150,000 was allocated for operations, but because it was Hospitality Tax the Foundation had to utilize the money for promotions.

Mr. Pearce requested clarification on who is going to manage the park effective July 1<sup>st</sup> and what money is Council going to provide for management of the park.

Mr. Manning stated the motion addresses partially about promotions. Recently a public relations agency grant proposal was issued, which includes Lower Richland. Would a portion of that money and work of that group be doing some of the promotions?

Mr. Seals stated the promotions is broad and does include Lower Richland and a variety of other things. Council gave direction in that regard at the Council Retreat. The intention was to do a variety of things and cover a variety of promotions and/or issues with the County.

Mr. Rose stated Council voted to give the Conservation Commission the authority to run the park effective July 1<sup>st</sup>. His intent is to allocate funds for the Pinewood Lake Foundation, but to give the funds to the entity Council has voted to oversee the park.

Mr. Malinowski inquired if the Conservation Commission is going to manage Pinewood Lake Park.

Mr. Seals responded in the affirmative. He has requested staff to provide the documentation.

Mr. Malinowski inquired if promotion of the park is included in the management of the facility.

Mr. Seals stated there was a letter sent in February to the Foundation basically ending the contract the County had with the Foundation and explaining the responsibilities of the Conservation Commission. Those

responsibilities, as he recalls, would include promotion but Council left it up to the Commission to continue to use Pinewood Lake Foundation or other entities.

Mr. Malinowski inquired if promotional funding is going to be handled by the Conservation Commission or will an outside agency need promotional funding.

Mr. Seals stated, as he understands the direction of Council, the responsibility for management, which includes promotion, falls to the Commission. Council expressed concern that there are a variety of activities that the County is engaged in where it needed that kind of assistance, so that assistance will be solicited. And that assistance will be available to all of the County as needed, including the Conservation Commission.

Mr. Seals read into the record the letter to the Pinewood Lake Foundation dated February 15, 2017.

*"This letter is to formally notify the Pinewood Lake Foundation of the action taken by Richland County Council related to its Pinewood Lake property management agreement with the County. On October 18, 2016, County Council voted to transfer the management and operational functions outlined in the aforementioned agreement that are currently performed by the Foundation to the County's Conservation Department effective July 1, 2017. Thus the County's contract with the Foundation will not be renewed once it expires on June 30, 2017. The Conservation Department will work with volunteers and non-profit organizations such as the Foundation to ensure that local community involvement with the property is uninterrupted during the transition. Please feel free to contact me or the Conservation Department Director should you need additional information."*

Ms. Myers stated she shares wholeheartedly Mr. N. Jackson's desire to see the park become a thriving part of the larger Richland County community of parks and suggested moving forward as agreed upon, but to gradually scale back the Foundation's involvement to ensure continuity of the programs.

Mr. Livingston referenced a letter from the Conservation Commission dated March 15<sup>th</sup> that states "Pinewood Lake Foundation involvement in the park will continue as a sponsor of community involvement programs, special events and other promotional activities through H-Tax funding, other sources or volunteers." It would appear if the Conservation Commission is going to be in charge then a decision needs to be made whether they want to do this with Pinewood Lake Foundation, but Council has to make a decision on how much to give in terms of Hospitality Tax.

Mr. N. Jackson stated Pinewood Lake Park Foundation owns a portion of the park. It was his understanding the Conservation Commission was going to partner with a non-profit organization (i.e. Pinewood Lake Foundation) to continue running the park, but the Conservation Commission was not going to get into the business of operating the park and have someone out there 7 days a week, 12 hours a day. If the Conservation Commission wants to operate the park that's fine as long as the services do not deteriorate and are uninterrupted to the Lower Richland community. His concern is the promotion of the activities at the park and that the service is uninterrupted.

Mr. N. Jackson further stated he cannot support giving the Conservation Commission \$140,000 for one staff person when the Foundation was provided \$150,000 for 3 staff persons and promotions.

Mr. Rose stated the motion was since the Pinewood Lake Foundation is no longer running the park effective July 1<sup>st</sup>, by a vote of County Council, we would not fund the positions of the Foundation to run the park. Instead the entity taking over would receive \$75,000 in funding. Individual Council members can allocate additional funding from their individual H-Tax disbursement, if they wish.

Mr. Malinowski requested clarification if there was already funding in the Conservation Commission’s budget for promotions.

Mr. Seals stated the Conservation Department has been given the responsibility to manage and promote the park. During the first year, the department and Commission feel they will need additional funding for promotions.

Mr. Manning inquired if the Commission has met with or studied the award to Brett SC and the promotions they have been hired to do.

Mr. Seals stated Brett SC has been retained to assist with promotional activities of all County departments.

Mr. Manning made a substitute motion to provide \$70,000 for the Conservation Commission promotions.

The motion died for lack of a second.

Mr. C. Jackson stated this has less to do with money and more with the integrity of the intent. He expressed concern about the kind of language used to suggest that anyone would do anything that would refuse to promote this park, or any other park, to the highest degree. He stated his only concern was if a particular organization was going to assume the responsibility for the management and the operations of the park that they be given the funds and resources to do the job. It appears we have gotten away from that and are discussing whether or not people have the right intentions and right motives to do what is practical in running and managing operations. To suggest that the Conservation Commission does not have the intelligence, integrity or the professionalism to do the right thing, quite frankly is insulting to the Conservation Commission.

Mr. Livingston called for the question, seconded by Ms. Kennedy.

Mr. Pearce requested the motion to be restated.

Mr. Rose stated the motion was since the Pinewood Lake Foundation is no longer running the park effective July 1<sup>st</sup>, by a vote of County Council, we would not fund the positions of the Foundation to run the park. Instead the entity taking over would receive \$75,000 in funding. Individual Council members can allocate additional funding from their individual H-Tax disbursement, if they wish.

**FOR**  
Pearce  
Rose  
C. Jackson  
Malinowski  
Dickerson  
Kennedy  
Myers  
McBride

**AGAINST**  
Manning

The vote was in favor.

Mr. N. Jackson moved, seconded by C. Jackson, to approve \$75,000 for the Pinewood Lake Foundation for promotions.

Ms. Myers requested Mr. N. Jackson to explain what he would see as non-duplication.

Mr. N. Jackson stated he was not sure what the Conservation Commission is going to do with their promotions funding and how they want to promote the park. Pinewood Lake Foundation was awarded \$150,000 for promotions and it has been cut in half. Half of it goes to the Conservation Commission. There is still \$35,000 available for the Foundation, who owns a part of the park and would need some funding for their promotions.

Ms. Myers inquired if all promotions would not need to be harmonized. It was her assumption the Conservation Commission would need to coordinate with the other owners. She further inquired, if Mr. N. Jackson was suggesting that the Foundation and the Conservation Commission were going to be on separate tracts.

Mr. N. Jackson stated there should be a meeting of the mind, but the Foundation has programs/events they would like to continue.

Mr. Manning stated he is in favor of this motion since there are already two groups (Brett SC and the Conservation Commission) working together to promote the park.

Mr. Pearce stated when the County purchased the property, they purchased everything with the exception of the dam. He inquired if the Pinewood Lake Foundation purchased the dam from the non-profit that owned the portion of the property with the dam.

Mr. N. Jackson stated the Foundation owns 5 acres and a part of the lake. The County has an easement on the dam.

Mr. Pearce stated the dam was hit hard with the flood and inquired if anything has been appropriated to repair the dam.

Mr. Seals stated the County does not own the portion where the dam is located.

Mr. Pearce inquired if there was any funding allocated to the Pinewood Lake Foundation.

Mr. Malinowski stated it was his understanding the Conservation Commission was going to receive the dam as a donation and then funds would be allocated for the repair of the dam.

Mr. Seals stated Mr. Malinowski was correct there is a proposal to reallocate a portion of the funds for Phase II to repair the dam. At this time, the County does not own the dam nor does the County own the property that encompasses the dam. The Conservation Commission apparently has some desire in that regard.

Mr. C. Jackson inquired if there is funding for the different phases of construction for Pinewood Lake Park.

Mr. Seals stated there is \$4.5 million for Phase II.

Mr. C. Jackson inquired if there would be funds available to do the necessary repairs required.

Mr. Seals stated it is the prerogative of Council to decide if you want to reduce the funding. A case has been made the \$4.5 million is necessary to carry out Phase II.

Mr. C. Jackson stated he supports Mr. N. Jackson's motion the \$75,000 for the Pinewood Lake Foundation since there is funding for other work. He challenged the Conservation Commission to be the best partners they can possibly be with the Foundation and staff to ensure the quality of the park.

Ms. Myers stated for clarification that Brett SC was retained for Countywide promotions.

Mr. Manning inquired if Brett SC was going to have ownership of one of the buildings on the property since they are assisting with promotions as well.

Mr. N. Jackson stated he met with the Conservation Commission and they requested him to speak with the Foundation about donating the dam for repair. The biggest part of the park is the lake; therefore, it is to the County's benefit that the dam is repaired.

Mr. Livingston stated he is concerned about how the Conservation Commission will delineate funds for Pinewood Lake and other promotions. (i.e. who would have to enter into an agreement with the Foundation to make sure what is promoted and what needs to be promoted).

Ms. Kennedy requested a copy of the correspondence regarding this matter.

Ms. Dickerson inquired if the County owns the whole park. It appears part of the park is owned by the Foundation and part of the park is owned by Richland County. She further stated she was confused on what part the Conservation Commission is to manage/promote and what part the Foundation is responsible for. Is there one park or two parks?

Mr. Smith stated when this piece of property was purchased, Council purchased 44 acres. The property that was purchased did not include the portion of the property where the dam is located because there were maintenance and liability issues with the dam. At some point, that particular piece of property came into the hands of the Foundation. Whenever the property was purchase the whole piece of property was referred to as Pinewood Lake; therefore, there are not 2 parks.

Mr. Seals stated the portion that was acted on in October 2016 was the 44 acres. It did not include the portion that is the dam. He further stated he refers to the 44 acres as the park. Whereas Mr. N. Jackson and the Foundation refer to the park in its totality.

Ms. Dickerson stated the liability of the dam was a great concern, especially by Councilman Rose. Mr. N. Jackson stated when the initial discuss took place about the dam and Mr. Pope was the County Administrator and Mr. Rose was not on Council. Ms. Kit Smith was on Council at the time.

Mr. Rose stated he was on Council when the purchase of the property took place.

Mr. N. Jackson stated there was concerns the dam would fail. The County had a flood and the emergency spillway failed, but not the dam. The study by the engineers in Georgia was a sham because they compared a 12 feet deep dam (Pinewood Lake) to a 400 feet dam in Georgia.

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

Mr. Livingston yielded to Ms. Myers before the motion to call for the question was taken up.

Ms. Myers made a substitute motion, seconded by Mr. Rose, to instruct the Conservation Commission to use their \$75,000 in promotion funding in consultation with the Foundation. The Foundation will be the primary promotion engine for FY17-18.

Mr. Livingston expressed concern with instructing the Conservation Commission on who they should hire for promotions.

POINT OF ORDER – Mr. N. Jackson stated the motion to call for the question was made, but the maker of the motion allowed the substitute motion.

Mr. Livingston stated he did not call for the question. He stated he yielded to Ms. Myers and then the motion to call for the question was to be made.

Mr. N. Jackson inquired if the Chair was going to entertain the substitute motion without discussion.

Ms. Dickerson agreed to allow discussion on the substitute motion.

Mr. N. Jackson stated he agrees with Mr. Livingston that Council cannot tell the Conservation Commission they have the funding, but they have to use another organization. He stated he supports the original motion.

Mr. Rose moved, seconded by Mr. Livingston, to call for the question.

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

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

Mr. Manning requested that Ms. Myers restate her motion.

Ms. Myers stated her motion was that the Pinewood Lake Foundation be named as the proper entity for promotion of Pinewood Lake Park and that the Conservation Commission be so instructed.

Mr. Manning requested clarification that the funding for promotion is the funding approved in Mr. Rose's previous motion for \$75,000.

Ms. Myers responded in the affirmative.

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

The vote was in favor of the substitute motion.

Mr. Livingston stated the Conservation grants were listed on pp. 154-156.

Mr. Pearce stated the Hospitality allocations had not been completed.

Ms. Myers stated after consultation with SERCO, they have agreed they are more appropriately in Tier IV. Therefore, she moved, to move SERCO to Tier IV and allocate \$90,000 to them for FY18 rather than the \$200,000.

Mr. Manning requested clarification that the motion is to move SERCO to Tier IV.

Ms. Myers amended her motion, seconded by Mr. N. Jackson, to allocate \$72,895 to SERCO.

Mr. Malinowski stated the original motion was to move them to Tier IV. When it comes to the actual amount of funding, it was his understanding all of the Tier IV groups received their funding from the individual Council members. Therefore, the funding matter will need to be taken up later.

Ms. Myers stated on Tuesday there was a discussion about SERCO and what their role was within the County, what their funding level should be, and if they were an administrative agency. She stated she is acknowledging on their behalf that they have been misplaced, but they would like to retain their funding and move forward in future years to correct how they get their allocations.

Mr. Malinowski stated he recalled some talk about SERCO by Ms. Myers, but he did not recall there being a consensus by Council. He stated he stood by his statement that if they move to Tier IV, all Tier IV groups are then funded by the individual amounts provided by Council.

Ms. Myers recommended retaining SERCO in Tier III then.

Ms. Myers moved, seconded by Mr. N. Jackson, to allocate \$72,895 for SERCO and they be retained in Tier III.

Mr. Malinowski stated if you refer to the previous year's budget, SERCO was a Tier IV group. Therefore, how can Council arbitrarily put them in Tier III. Their funding came from individual Council members. They did not receive separate funding.

Ms. Myers stated last year was an outlier year for SERCO and that was a part of the discussion. It was her belief that Council was moving through where SERCO belongs. They no longer fund the smaller agencies and this was their request to have their funding for this year remain to move forward in future years because they did not properly make a request in a different tier this year.

Mr. Pearce stated his problem lies with the ordinance. He distinctly remembers Council taking action on organizations that annually receive funding, which is created Tier III. It is his recollection that SERCO and the International Festival was in it, but he has not been able to locate documentation about Tier III. He further stated he understands Ms. Myers' position, but if SERCO thought they were in Tier III they didn't apply because that's why Tier III was created.

Ms. Dickerson stated she wanted Mr. Smith to clarify that there was an ordinance that addressed this matter. It is her recollection SERCO was put in Tier IV in an attempt to prevent double dipping.

Mr. Smith stated his office received a request from Mr. Malinowski in regard to an ordinance related to SERCO. The Legal Department searched their files and they were unable to find an ordinance. Legal then reached out to the Clerk's Office to research the minutes to determine if Council passed an ordinance. The Clerk's Office was also unable to locate an ordinance, but there was an MOU in 2009 that was entered into

where SERCO was given \$250,000 from Hospitality Tax for that fiscal year. In any subsequent years, the Council would make a determination as to their level of funding.

Mr. Pearce stated it would appear the appropriate motion to fund SERCO is the one made by Ms. Myers.

Mr. Livingston stated last year SERCO was treated like a Tier IV organization. He recalls giving a portion of his funds to them in the last fiscal year.

Mr. Pearce requested the Chair to rule on where this item would be appropriately voted on.

Ms. Dickerson ruled, based on Mr. Smith's explanation, this will be voted on from year to year.

Mr. Smith stated the MOU indicated whatever amount SERCO received would be subject to the availability of funds on a year to year basis.

Ms. Dickerson moved, seconded by Ms. Myers, to fund SERCO at \$72,895 under Tier III and if individual Council members wish they may allocate additional funding to make up the difference.

Mr. Malinowski stated if the Council does this it's almost like double dipping. This is a community outreach group and they do not carry any more weight than any of the other outreach groups listed.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, to place SERCO in Tier IV and individual Council members may make allocations as they wish.

Mr. Livingston stated some of the agencies in Tier IV were voted on by Council and not just simply funded with Council member hospitality tax allocations. (i.e. Famously Hot New Year, Pinewood Lake Foundation, Gateway to the Army). Therefore, if a majority of Council believes SERCO should receive a certain amount then Council may want to vote on the item as a body.

Mr. Manning made a second substitute motion, seconded by Mr. Malinowski, to fund SERCO in Tier III at \$67,895.

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

The vote was in favor of the second substitute motion.

Mr. Livingston moved, seconded by Mr. Malinowski, to allocate \$140,091 for the Columbia Metro CVB.

**FOR**

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

**AGAINST**

The vote in favor was unanimous.

Mr. N. Jackson moved, seconded by Mr. C. Jackson, to allocate \$169,895 to the Columbia International Festival.

Mr. Malinowski stated the Columbia International Festival requested \$151,000, which is why the motion was approved earlier in the meeting to allocate an additional \$25,000. Therefore, he moved, seconded by Ms. Myers, to allocate \$151,000 to the Columbia International Festival.

Mr. N. Jackson stated even though the International Festival requested \$151,000. When staff saw the participation and activities of the International Festival it was recommended to fund them at \$169,985.

Mr. Manning inquired if the original motion was for \$169,895.

Mr. Malinowski answered in the affirmative.

Mr. Manning stated he was in favor of staff's recommendation. If the International Festival requested \$151,000 and staff reviewed the request and recommended the organization receive additional funding he is going to assume staff has good reason for the recommendation.

Mr. Malinowski inquired if the recommendation is by staff or a committee that looks at Hospitality Tax applications.

Mr. Seals stated the recommendation comes from staff. Staff generally went back 3 years and looked at the average funding for that time period to arrive at a recommendation.

Ms. Dickerson expressed concern an organization requesting an amount and staff recommending more than the funding request while not fully funding other organization's request.

Mr. Rose requested clarification on how the \$25,000 allocated earlier in the meeting factors into the Columbia International Festival's request. It would be his recommendation to fund them at the requested amount.

Mr. Manning moved, seconded by Mr. Livingston, to call for the question.

Mr. N. Jackson stated the additional \$25,000 the International Festival received is the same as the other organizations receiving additional funding.

As a point of clarification, Mr. Manning stated the ballets requested more funding than what was recommended for them to receive.

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

**FOR**  
Pearce  
Rose  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

**AGAINST**  
N. Jackson  
McBride

The vote was in favor of the substitute motion.

Mr. Pearce moved, seconded by Mr. Malinowski, to provide each Council member with \$164,395 to be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. N. Jackson stated there should be an additional \$75,000 available due to Pinewood Lake Foundation not receiving the \$75,000 in funding they requested. If the additional \$75,000 is divided among the 11 Council members that would be an additional \$6,818 for each Council member.

Mr. N. Jackson made a substitute motion to add \$6,818 to the \$164,000.

Mr. Pearce amended his motion to allocate \$1,883,345 to be divided evenly among the Council members and to then be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. Smith stated the issue with EdVenture was deferred until SERCO had been taken up.

Ms. Myers stated she is withdrawing her motion.

Mr. Livingston moved, seconded by Mr. Manning, to fund the Famously Hot New Year's event at \$75,000.

Mr. Pearce inquired if Mr. Livingston's motion negated the \$75,000 additional funding available referenced by Mr. N. Jackson.

Mr. Manning moved, seconded by Mr. Livingston, to codify into the biennium budget the Gateway to the Army at \$100,000 in FY18 & FY19.

**FOR**  
Pearce  
Rose  
C. Jackson  
Dickerson  
Livingston  
Myers  
Manning  
McBride

**AGAINST**  
N. Jackson  
Malinowski

The motion was not fully carried. Council members were unclear which motion they were voting on as there were three motions on the floor.

Mr. Pearce restated his motion to allocate \$1,883,345 to be divided evenly among the Council members and to then be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. Livingston stated he made his motion for the Famously Hot New Year event to be funded the same way it was in last year's budget and to leave the \$75,000 out of the allocation that is to be divided among the Council members. He inquired if Mr. Pearce would be willing to amend his motion to not include the \$75,000.

Mr. Pearce amended his motion to allocate \$1,808,345 to be divided among the Council members and to then be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. Manning requested a friendly amendment to reduce the amount by \$67,895 and move SERCO to Tier III.

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

Mr. Livingston stated the \$67,895 should be added to the total and not subtracted.

Mr. Manning amended his friendly amendment to add \$67,895 to the amount of Hospitality Tax to be divided evenly amongst the Council members. In addition, to include an allocation of \$100,000 to the Gateway to the Army for FY18 and FY19.

Mr. Livingston stated funding for the Gateway to the Army is already included in the budget.

Mr. Manning made a friendly amendment to add an additional \$5,000 (SERCO – Tier III) to the overall Council allocation.

Mr. Pearce accepted the friendly amendment. The total to be allocated is \$1,813, 345.

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

The vote in favor was unanimous to allocate \$1,813,345 to be divided equally among the Council members and to then be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. Livingston moved, seconded by Mr. Manning, to fund the Famously Hot New Year's event at \$75,000 from Hospitality Tax fund balance.

Mr. N. Jackson inquired if Famously Hot New Year could be funded from the Accommodations Tax fund.

The Chair stated Council voted to freeze the funding of the Accommodations Tax.

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

The vote in favor was unanimous to fund Famously Hot New Year in the amount of \$75,000.

Mr. Livingston moved, seconded by Mr. Manning, to approve the Historic Preservation Grants recommendations listed on p. 154 of the budget book.

Ms. Myers pointed out there is a recommendation for funding for Historic Columbia and additional funding was allocated earlier in the meeting to this organization.

Mr. Pearce stated the funding allocated to Historic Columbia earlier in the meeting is for their operations. Whereas this is a grant for a project.

Mr. Malinowski inquired as to where the funds for the historic grants are collected.

Mr. Seals stated the Conservation Commission receives ½ mill and is levied Countywide.

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

The vote was in favor of approving the Historic Preservation Grants recommendations.

Mr. Livingston moved, seconded by Ms. McBride, to approve the Community Conservation Grant recommendations listed on p. 156 in the budget book.

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

Budget – 2<sup>nd</sup> Reading (Grants)

May 25, 2017

-18-

The vote was in favor of approving the Community Conservation Grant recommendations.

Mr. Livingston requested to take up the Outside Agency requests listed on p. 137 of the budget book.

Mr. Pearce stated the only item listed on this page that needs to be taken up tonight is the Columbia Museum of Art, which is requesting \$250,000 to reinstall the original base exhibit.

Mr. Livingston requested to add EngenuitySC at \$45,000 to this section. They were funded from the Economic Development fund last year. In discussions with the Economic Development Director it was recommended only to fund them \$25,000 out of the Economic Development fund.

Ms. Kennedy requested staff to provide her an answer as to why the County is funding City projects.

Mr. N. Jackson stated there is an ordinance and/or policy not to spend more than 25% of the unincorporated Hospitality Tax funds in the City. Staff was requested to re-calculate the funding allocated to ensure the funding is being spent according to the rules of Council.

Mr. Malinowski requested a recommendation be provided for each organization prior to this item being taken up. In addition, the Hospitality Tax allocations currently equate to 75% being spent in the unincorporated area; therefore, if anything additional is to be spent there will need to be deductions to organizations located in the City.

Mr. Manning stated he does not have one registered vote in the City of Columbia; however, many of the school children in his district go to programs at EdVenture, Koger Center, etc. All though where the programs are held may be in the City does not mean that Hospitality Tax funding given to these organizations are only serving the City.

Ms. Myers stated focusing on the whole County and looking at our approach to how and where we spend money, as a policy matter, does not mean that people do not drive all over the County to go to events. It would be nice for the County to take the lead on making sure there are venues in other places across the County. She further stated the funding has been slightly imbalanced and the funding for the smaller entities will have to be funded through the Councilmembers individual appropriations or they will not be funded.

Mr. Pearce suggested those Councilmembers that have concerns review the ordinance that says the 75%/25% applies to the County Promotions portion of the budget and that requirement has been met. He further suggested if they wish to pursue the other parts of Hospitality Tax to make a motion and debate the issue.

Ms. Dickerson stated the organizations (i.e. EdVenture, Columbia Museum of Art, etc.) need to bring events out to the unincorporated area by coming into the schools, parks, etc.

Mr. N. Jackson stated the facilities in the unincorporated areas are visited by people from the City. People visit the sports complex on Garners Ferry Road, Adult Activity Center, and Pinewood Lake Park. The residents he has spoken with resent having the Hospitality Tax dollars collected in the unincorporated area being spent in the City, but the City does not spend Hospitality Tax funds in the unincorporated areas. He further stated he will be making a motion to address this issue in the future.

Mr. Livingston moved, seconded by Mr. Malinowski, to approve the Neighborhood Improvement Matching Grant Award recommendations listed on p. 157 of the budget book.

Mr. Manning stated funds were appropriated based upon the recommendations by the Hospitality Tax and Accommodations Tax Committees for several organizations in the unincorporated area. The organizations are not only funded by what is allocated by the individual Council members.

Mr. Jackson made a substitute motion to add the Hickory Ridge Neighborhood Association, Rose Cliff Neighborhood, and St. Mark Wood Neighborhood Association in the amount of \$1,500 each.

**POINT OF CLARIFICATION** - Mr. Malinowski stated this was done years ago when Councilmembers came in making motions to fund all of these neighborhoods that did not take the time to apply. It was decided the last couple years not to fund those neighborhoods that did not take the time to apply. He further stated he did not want to hear it was a Councilman's prerogative to bring these in. It's a penalty to the ones that did apply.

Mr. Jackson stated it is his understanding Council members had an opportunity to send in a motion list for those things that fall through the crack. He also pointed out that until recently he was not aware neighborhoods in the City were eligible to receive funding.

Ms. Dickerson suggested Council members submit their motions to Administration prior to Third Reading and continue with what's before Council tonight.

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

The vote in favor was unanimous to approve the Neighborhood Improvement Matching Grant Award recommendations.

Mr. Livingston inquired if any action needed to be taken on the items listed on p. 162 in the budget book.

Mr. Seals stated these items are grants the County departments are pursuing, but have not been received. The reason to put them in the budget is that Council will not have to come back each time, but would automatically move forward.

Mr. Livingston stated he was going to have to give this further thought. There may be commitments that he may or may not agree with. He stated his concern is there may be a grant that requires the County to continue to fund it at the end of the grant and he's not sure he wants to make a commitment without knowing that.

Mr. Seals stated Mr. Livingston's concerns are valid; however, as a matter of practicality this is the typical way it is done. It is brought to Council at budget time in anticipation of the funds being received. Expenditures cannot take place because it is specifically tied to the receipt of the monies. Council has options on how to proceed: (1) Not approve during the budget process and have the grant item come before Council to appropriate the funds; or (2) Ensure when the items come in there is a mechanism in place to report receipt to Council. Council will have the option at that time to not move forward with the grant or to proceed.

Mr. Livingston pointed out on p. 164 the following statement "Will request County funds to continue if grant funds become unavailable", which means the County will automatically continue the funding once the grant runs out. He stated he's not sure he wants to make that kind of commitment.

Mr. Malinowski moved to have the agencies bring these items to Council on an individual basis.

The motion died for lack of a second.

Mr. Livingston stated if voting to appropriate the funding will help move things faster he's willing to do that, but he would like to have the award of the individual grants come back to Council for a final vote prior to acceptance of the grant or expenditure of the funds.

Ms. McBride stated she does not think the County is legally bound to continue the funding once the grant has ended.

Mr. Seals stated that Ms. McBride's statement is generally true; however, there are some grants where there is a stipulation there will be an aggressive number of years the agency will take up funding. There are a few grants that are given conditionally on whether or not they will continue. He further stated he does not believe any of the grants listed fall into the two categories outlined.

Mr. Malinowski moved, seconded by Ms. Kennedy, to defer this to the budget meeting on May 30<sup>th</sup>.

**FOR**

Pearce  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Kennedy  
Manning

**AGAINST**

The vote in favor of deferral was unanimous.

Mr. Jackson inquired if the items on pp. 134 – 137 are a part of the grants also.

Mr. Seals stated these are outside agencies that do not submit applications.

Ms. Myers moved, seconded by Mr. N. Jackson, to fund the Sparkleberry County Fair, LR Sweet Potato Festival and Kingville Historical Foundation at \$30,000 each out of the Hospitality Tax fund balance.

Ms. Dickerson stated that has already been addressed.

Ms. Myers stated Council agreed that if Council members wished to make a motion they could and she wished to have the motion entertained.

Ms. Dickerson inquired if this was not in Tier IV, which has been taken up.

Ms. Myers stated these organizations were not approved. They will be approved if individual Council members find money to get them. Only one or two of the organizations were pulled out (i.e. Famously Hot).

Mr. Malinowski stated he realizes Ms. Myers was not here previously for the budget, but this is what starts individual Council members making motions for organizations in their districts. And before it's over Council has funded \$100,000 out of fund balance and the Council members still have their \$164,000 for other things.

Mr. Livingston inquired as to how much funding has been appropriated for these agencies.

Ms. Myers stated they are small amounts ranging from \$3,000 to \$11,000.

Mr. Pearce, Ms. Dickerson, and Mr. Livingston stated they give funding to the Kingville Historical Foundation each year. Mr. Pearce suggested Ms. Myers allow the Council members to make their Hospitality Tax allocations and see how much the organizations receive.

Ms. Myers stated she is amenable to that and withdrew her motion.

Mr. N. Jackson inquired about p. 138 in the budget book.

The Chair ruled that those items will be taken up at the May 30<sup>th</sup> budget meeting.

The meeting adjourned at approximately 9:24 PM.

X

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Joyce Dickerson  
Chairwoman

X

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Bill Malinowski  
Vice Chair

X

---

Calvin "Chip" Jackson  
District Nine

X

---

Norman Jackson  
District Eleven

X

---

Gwendolyn Kennedy  
District Seven

X

---

Paul Livingston  
District Four

X

---

Jim Manning  
District Eight

X

---

Yvonne McBride  
District Three

X

---

Dalhi Myers  
District Ten

X

---

Greg Pearce  
District Six

X

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Seth Rose  
District Five

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



**RICHLAND COUNTY  
GOVERNMENT**  
Office of the County Administrator

**Budget Memorandum 2017 – 1**

**To:** County Council  
**From:** County Administrator Gerald Seals  
**Date:** May 26, 2017  
**Subject:** Capture of Council Budget Deliberations – May 25, 2017

This memorandum serves as a complete capturing of the Council directives pursuant to its budget deliberations during its May 25, 2017 2<sup>nd</sup> reading of Biennium Budget I.

Staff records Council as having made the following budget decisions:

<b>Accommodations Tax Adopted Funding</b>		
Accommodations Tax Advisory Committee	\$700,000	At funding level recommendations
Columbia City Ballet	\$50,000	Utilized a portion of the \$113,308 excess of revenues over expenses for FY15-16 that grew the overall Accommodations Tax Fund balance to \$345,270
Columbia Classical Ballet	\$50,000	
Discretionary Grant Committee		Adopted the funding level recommendations
EdVenture Children's Museum	\$50,000	From Accommodations Tax Fund balance
Historic Columbia Foundation	\$30,000	From Accommodations Tax Fund balance
SC Philharmonic	\$25,000	From Accommodations Tax Fund balance
Columbia International Festival	\$25,000	From Accommodations Tax Fund balance
Capped the remaining Accommodations Tax Fund balance	\$115,270	

<b>Hospitality Tax Fund Adopted Funding</b>		
Approved the Tier 1 debt service	\$1,489,800	

**Millage Agency Request Summary**

Millage Agency	2017 Adopted Budget	2018 Rec. Budget	2018 Budget Request	Millage C.A.P Amount	% Difference between Req. vs. Rec.	% Difference between Req. vs. CAP	Look Back Mills Available	Estimated Mill Value	Est. Res. Tax Impact / per \$100,000	Est. Comm. Tax Impact per \$100,000
Rec.	\$13,470,125	\$13,890,690	\$14,111,057	\$14,095,690	2%	0%	N/A*	\$1,025,000	\$ .80 CAP	\$1.20 CAP
Mental Health	\$2,042,998	\$2,103,905	\$2,102,210	\$2,103,905	0%	0%	N/A*	\$1,505,000	N/A	N/A
Library	\$25,386,972	\$25,960,555	\$26,949,405	\$26,412,055	4%	2%	N/A*	\$1,505,000	\$1.20 CAP	\$1.80 CAP
RVRBNKS	\$2,143,731	\$2,245,995	\$2,245,995	\$2,245,995	0%	0%	N/A*	\$1,505,000	N/A	N/A
Midlands Tech	\$7,941,128	\$8,106,046	\$8,173,083	\$8,256,546	1%	-1%	N/A*	\$1,505,000	\$ .40 CAP	\$ .60 CAP
SCHDIST 1	\$204,912,872	\$206,208,756	\$214,153,671	\$208,235,256	4%	3%	7.8	\$579,000	N/A	\$67.80 CAP & LB
SCHDIST 2	\$142,202,732	\$145,873,293	\$147,354,353	\$148,227,493	1%	-1%	1.8	\$298,000	N/A	\$47.40 CAP
<b>Total</b>	<b>\$398,100,558</b>	<b>\$404,389,240</b>	<b>\$415,089,774</b>	<b>\$409,576,940</b>	<b>3%</b>	<b>1%</b>				

\*Not applicable as use of the look back millage was not requested

Approved the Hospitality Tax cost allocation recommendation	\$1,000,000	
Approved County Promotions funding level	\$347,516	Recommended by Hospitality Tax Advisory Committee
Columbia Museum of Art	\$765,872	Fund at the prior fiscal year's level
Historic Columbia Foundation	\$385,143	Fund at the prior fiscal year's level
EdVenture	\$155,557	Fund at the prior fiscal year's level
Township Auditorium (FY 2018)	\$300,000	Fund at the prior fiscal year's level for operations and promotions
Township Auditorium (FY 2018)	\$70,171	Fund at the prior fiscal year's level for maintenance
Conservation Commission	\$75,000	<ul style="list-style-type: none"> <li>To develop tourism at the Pinewood Lake Park.</li> <li>Approved for FY18 the Pinewood Lake Park Foundation to be named as the proper entity for the promotion of Pinewood Lake Park and the Conservation Commission to be so instructed.</li> </ul>
SERCO	\$67,895	Tier 3
Columbia Metro Convention and Visitors Bureau	\$104,091	Funding at recommended amount
Columbia International Festival	\$151,000	Funding at requested amount
Famously Hot New Year	\$75,000	
Gateway to the Army Foundation	\$100,000	Fiscal Year 2017 - 2018
Gateway to the Army Foundation	\$100,000	Fiscal Year 2018 - 2019
Council Hospitality Tax Discretionary Account	\$1,813,350	Amount to be divided among all 11 Council members to allocate at their discretion to Hospitality Tax qualified

		agencies, which equates to \$164,850. Agencies allocated funding must be approved by full County Council.
Funding levels of the Historic Preservation grant recommendations	\$170,000	
Funding levels of Community Conservation grant recommendations	\$80,000	
Funding levels of the Neighborhood Improvement grant recommendations	\$53,423	

Council may wish to note that the aforementioned actions will impact the following items in the Biennium Budget I budget ordinance for Fiscal Year 2017 – 2018:

Special Revenue Fund	Revenue	Transfer In	Fund Balance	Total Sources	Expenditures	Transfer Out	Total Uses
Hospitality Tax	\$6,592,000	\$0	\$3,621,626	\$10,213,626	\$7,723,826	\$2,489,800	\$10,213,626
Accommodation Tax	\$700,000	\$0	\$230,000	\$930,000	\$930,000	\$0	\$930,000

- The impact to the Accommodations Tax Fund balance is \$230,000, resulting in a remaining fund balance of \$115,270 for the Biennium.
- The impact to the Hospitality Tax Fund balance is \$621,626, resulting in a remaining fund balance of \$1,267,851 for the Biennium.

Attached for your review is a detailed summary of the changes to the individual line items vis-à-vis Council's aforementioned budget deliberations.

In the Spirit of Excellence,

Gerald Seals  
County Administrator



**Administration & Finance Committee Meeting  
Briefing Document**

**Agenda Item**

Council review of the Hospitality Tax process

**Background**

During its July 10, 2018 Council meeting, Councilperson Kennedy brought forth the following motion:

“Council review the H-Tax process and make any necessary changes”

Attached hereto is the County’s *Monitoring and Distribution of County Funds to External Agencies* policy. Amongst other things, this policy outlines the standardized set of internal controls for monitoring the distribution of County funds to external agencies through the County’s current promotional and community services-based funding initiatives, including the Hospitality Tax, Accommodations Tax and Discretionary grant programs.

Also attached is the County’s local hospitality tax ordinance which outlines the manner in which the county distributes hospitality tax funds.

**Issues**

Hospitality Tax process

**Fiscal Impact**

None.

**Past Legislative Actions**

Motion brought forth by Councilperson Kennedy during the July 10, 2018 Council meeting.

**Alternatives**

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

**Staff Recommendation**

Staff does not have any recommended changes and requests direction from Council in regards to this motion.

**Richland County Government  
Policies and Procedures Manual**

Title: Monitoring and Distribution of County Funds to External Agencies

Department: Policy Number: 2017-01

Effective Date: July 1, 2017

**I. Purpose**

To establish a standardized set of internal controls for monitoring the distribution of County funds to external agencies through the County's current promotional and community services-based funding initiatives, including the Hospitality Tax, Accommodations Tax and Discretionary grant programs. The purpose of the protocols outlined in this document is to:

- A. Ensure proper oversight of all funds appropriated by the County to external agencies.
- B. Minimize the County's risk of non-compliance by external agencies with the County's requirements.
- C. Ensure proper administration and accounting of all grant funds.
- D. Provide effective and excellent stewardship of taxpayers' money

**II. Definitions**

- A. Accommodations Tax Grants – grants that provide financial support to non-profit organizations and groups that fund tourism and tourism-related projects and events.
- B. Accommodations Tax Advisory Committee – A committee of seven members who are appointed by a majority vote of County Council that reviews Accommodations Tax grant applications and makes funding recommendations to County Council. The majority of the members must be from the hospitality industry and at least two members must be from the lodging industry and one member must represent cultural organizations.
- C. Hospitality Tax Grants – grants that provide financial support to organizations and projects whose primary mission is to attract tourists by promoting dining and overnight accommodations in unincorporated areas of Richland County.
- D. Hospitality Tax Advisory Committee - A Committee of five members who are appointed by a majority vote of County Council that reviews Hospitality Tax grant applications and makes funding recommendations to County Council. At least two committee members must be representative of the restaurant industry.

- E. Discretionary Grants** – grants that provide financial support to nonprofit or charitable organizations providing services to the citizens of Richland County.
- F. Discretionary Grants** – A committee of seven members that reviews Discretionary Grant applications and makes funding recommendations to County Council. The committee members are made up of Richland County Government employees and two members of County Council.
- G. Grant Application** – Application submitted by an organization for consideration of funding by the County.
- H. Grant Agreement** – Agreement between the County and the grantee outlining the conditions of accepting County funds.
- I. Grant Manager** – County staffer responsible for monitoring the funding provided to external agencies.
- J. Level 1 Funding** – Funding provided to external agencies to address funding gaps experienced by County Promotional entities and Community Service based organizations.
- K. Level 2 Funding** – Grants funding to organizations via the Hospitality Tax Advisory Committee, Accommodations Tax Advisory Committee and / or the Discretionary Grant Committee.
- L. Level 3 Funding** - Provides “seed” funding to organizations through Council advocacy based initiatives.
- M. “Seed” Funding** – Funding provided to developing organizations to facilitate the success of their projects or programs.
- N. Grantee** – Any non-County entity that was allocated funding by County Council.
- O. Fund Recovery** – The process utilized by County staff to recover funds provided to a non-County entity that were not utilized properly.
- P. Non-compliant** - A grantee that is being reviewed by the Grants Manager for one of the following actions:
  - 1. Provisions of the grant guidelines and signed grant award agreement are not met;
  - 2. Required Mid-Year and Final Reports are not provided by their due date;

3. Grant funds are not spent in accordance with the guidelines and/or procedures identified in the Accommodations Tax, Hospitality Tax and / or Discretionary Grant and / or have no back up invoices;
4. Grant funds are spent on items not eligible for grant funding;
5. Reporting requirements are not met;
6. Grant-required tasks/activities are not conducted according to the established requirements or as outlined in grant application; and / or
7. Other identified delinquencies exist

**Q.** Noncompliance – A status given to a grantee after a review of their funding expenditures resulted in being noncompliant with the County’s grant requirements.

**R.** External Agencies – Entities that are external to the day to day operations of Richland County Government.

### **III. Policy Statements**

**A.** It is recognized that the funding is awarded to external agencies by Council through a funding system that is based on contemporaneous processing on three funding levels:

1. Level 1 – Addresses funding gaps
2. Level 2 – Grants funding via grant review Committees
3. Level 3 – Provides “seed” funding for advocacy based initiatives

- a. Staff expectations: Organizations funding on level 3 are fledging and staff will provide incubation assistance in the form of formal grant training workshops, expenditure tracking best practices and capacity building assistance.

Organizations funding through any of the aforementioned levels are subject to the policy stipulations herein.

**B.** It is the policy of Richland County Government that all funding awarded to the entities shall be used in accordance with all applicable Federal and State Laws and Richland County Ordinances.

**C.** Instances of malfeasance and / or misuse of funding provided by Council to external agencies will be reported to County Council for its consideration.

#### **IV. Distribution Procedure**

##### **A. External Agencies Requirements:**

All external agencies awarded County funds through its promotional and community services-based funding initiatives, including the Hospitality Tax, Accommodations Tax and Discretionary grant programs are required to comply with the following requirements prior to receiving any funding:

1. Submit a completed grant application or a funding narrative outlining the purpose and intent of the project or program detailing the use of the Council awarded funding to support the funded project or program.
2. Submit a signed grant agreement
3. Provide proof of non-profit status or fall into one of the following categories:
  - a) Organizations exempt from federal income tax under Section 501(C)(3) of the Internal Revenue Code and whose primary goal is to attract additional visitors through tourism promotion. The letter of exemption from the Internal Revenue Service must accompany your proposal / application.
  - b) Destination Marketing Organizations, which are recognized non-profit organizations charged with the responsibility of marketing tourism for their specific municipalities, counties or regions, such as Chambers of Commerce, Convention and Visitors Bureaus and Regional Tourism Commissions.
4. Submit a copy of current Richland County Business License. - If it is determined that a Richland County Business License is not needed, a copy of the completed Business License Assessment Survey form is required. (Exhibit 2)

##### **B. Eligibility of External Agencies**

In order to be eligible for receiving County funds, external agencies entities must meet all of the following requirements:

1. Applicant organizations must have been in existence for at least one (1) year prior to requesting funds.
2. Applicants must provide proof of their non-profit status or fall into one of the following categories:
  - a) Organizations exempt from federal income tax under Section 501(C)(3) of the Internal Revenue Code and whose primary goal is to attract additional visitors through

tourism promotion. The letter of exemption from the Internal Revenue Service must accompany your proposal.

- b) Destination Marketing Organizations, which are recognized non-profit organizations charged with the responsibility of marketing tourism for their specific municipalities, counties or regions, such as Chambers of Commerce, Convention and Visitors Bureaus and Regional Tourism Commissions.
3. Religious organizations may receive funding; however, Richland County may not sponsor nor provide financial support to a religious organization in a manner which would actively involve it in a religious activity (i.e. public funds must not be used for a religious purpose). Thus, any funds provided must be solely utilized for secular purposes and the principal or primary goal of the sponsored activity must not be to advance religion.
4. Grantee organizations may not re-grant County funds to other organizations. All funds must be spent on direct program expenditures by the organization that is granted the allocation.
5. Beginning in FY18, all organizations that use a fiscal agent to administer grant funded projects through the Hospitality Tax grant program can only do so for one fiscal year, after which they must have a 501 (c) (3) tax exempt status to receive future Hospitality Tax grant funds from the County.
6. No grant application will be accepted from any applicant who has not successfully completed the terms of all previous grant agreements regardless of when the previous grant was awarded.
7. If based upon reasonable evidence, an applicant has presented false or misleading information on any aspect of an application, the board shall censure the applicant and declare the applicant ineligible for future grants from the County for a fixed period of at least two fiscal years.

**C. Request for Payment:**

In order to receive allocated funding, external agencies must submit the following documents:

1. A payment request form (Exhibit 1- Example of Hospitality Tax Grant Payment Request Form)
2. The payment request form must include invoices and proof(s) of payment to reimburse costs incurred.
3. Up to 75% of the allocated funding will be provided upfront. The remaining 25% or the balance of the allocated will be provided

once a Mid-Year report is submitted, reviewed and approved by the Grants Manager.

4. Organizations that are requesting the allocated funding upfront must include price quotes for the planned expenditures.
5. All invoices, quotes and proofs of payment must equate to the amount being requested and approved upon review of the Grants Manager.

**V. Reporting and Monitoring**

- A. Mid-Year Report:** All organizations that have received grant funding from the County must submit a complete Mid-Year report by January 31.
- B. End-Year Report:** All organizations that have received grant funding from the County must submit a complete End-Year report by July 31.

**VI. Noncompliance Protocols**

Once identified as noncompliant, the grantee is subject to a review process overseen by the Richland County Grants Manager and the Office of Administration to determine if the organization has reached a level of noncompliance. The noncompliance process provides assistance to the grantee to re-establish a status of compliance. However, if a grantee's actions do not re-establish a status of compliance, Richland County may initiate the grant funds recovery process. The grant funds recovery process typically involves actions by Richland County designed to recover funds awarded through the grant agreement. A grantee remains in noncompliant status until all delinquencies are resolved.

- A. Noncompliance Levels:** There are two levels of noncompliance, each with a progressive level of corrective action. At any level in the noncompliance process, grantees that correct their deficiencies by complying with the established standards may return to a status of compliance. If at any time a grantee receives a noncompliance notification from Richland County, but the grantee has already submitted a required report, a required deliverable or has corrected the stated deficiency, the grantee should immediately contact the Richland County Grants Manager to discuss the noncompliance situation.

- 1. Level 1:** Grantee organization receives a letter from the Grants Manager outlining the noncompliance issue and the steps the organization needs to take in order to clear up the issue. The grantee organization has 10 business days from the date of the letter to respond. If the instances of noncompliance are corrected, the grantee's record is cleared and the grant is removed from a status of non-compliance. Any pending grant payments for the noncompliant grantee will be suspended until the issue is resolved. Failure to respond or correct the noncompliant issue within 10 days moves the grantee into Level 2 noncompliance.

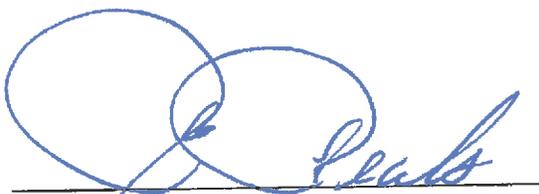
- a) Instances when grant funds are not used in accordance with grant guidelines and are to be restored or refunded to Richland County, an invoice will be sent to the grantee requesting funds be returned upon receipt of the invoice.

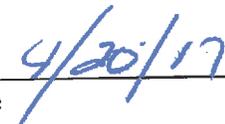
**2. Level 2:** Grantee receives a letter informing the grantee that the 10-day window in Level 1 of noncompliance has passed and that the issue has not been resolved. The grantee has 30 days to resolve the issue. All County grant funds for this organization are suspended until the noncompliance issue is resolved. If, following this notice, the grantee submits the required deliverable, or submits documentation of the completion of the previously unresolved grant requirement, Richland County grant staff will review it for sufficiency. If program staff finds the deliverable sufficient, the grant status returns to compliance.

- a) All organizations that reach Level 2 noncompliance are reported to Richland County Administration and County Council.
- b) If fund recovery is unsuccessful in either Level 1 or Level 2, the County will follow all available legal steps for debt recovery.

**VII. Annual Internal Audit:**

At the end of each fiscal year, the Grants Manager will conduct an internal audit to allow staff to test the efficiency of its internal controls for administering County Council allocated funds in accordance with the established guidelines and requirements. The results of the audit, along with any recommended improvements to this policy, will be shared with Council for its consideration.

  
\_\_\_\_\_  
County Administrator

  
\_\_\_\_\_  
Date

Date adopted by Richland County Council: April 4, 2017

**Exhibit 1**



# Hospitality Tax Grant Payment Request Form

Organization: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Amount Requested\*: \$ \_\_\_\_\_

**Pick-Up Check** \_\_\_\_\_  
(2020 Hampton Street, 4<sup>th</sup> Floor, Finance)

**Mail Check** \_\_\_\_\_

\* Per Richland County Policy, up to 75% of the allocated funding will be provided upfront. The remaining 25% or the balance of the allocated will be provided once a Mid-Year report is submitted, reviewed and approved by the Grants Manager.

Budget Item	Amount Approved	Amount Previously Drawn	Amount Requested this Draw	Remaining Balance
<b>Total Amount Requested:</b>			<b>\$</b>	

**REQUIRED ATTACHMENTS** (your payment will not be processed until the following documents are received)

**1. List of Grant Expenses** - Please attach an **itemized list** of expenditures. The total should match the total amount of funds you are requesting. The list should include vendor name, amount and expense category (Entertainment, Marketing or Security).

**2. A current balance sheet**, which is defined as a financial "picture" of a company at a given date in time that lists a nonprofit's assets, liabilities, and the difference between the two, which is the nonprofit's equity, or net worth. It can also be defined as an itemized statement which lists the total assets and the total liabilities of a given business to portray its net worth at a given moment of time.

For organizations who received a FY17 HTax Grant, Richland County must have a completed **final report** form for your 2016-2017 projects/programs on file prior to releasing FY18 funds.

**ORGANIZATION SIGNATURE:**

Provide signature of the Authorizing Official within organization, verifying accuracy of above statements and attachments.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**For questions, please call Natasha Dozier, Grants Manager at 803.576.2069.**

Richland County Administration PO Box 192 Columbia, SC 29202 Fax 803.576.2137 Email [doziern@rcgov.us](mailto:doziern@rcgov.us)

**Exhibit 2**



## Richland County Business Service Center

2020 Hampton Street, Suite 1050  
P.O. Box 192  
Columbia, SC 29202

Phone: (803) 576-2287  
Fax: (803) 576-2289  
[bsc@rcgov.us](mailto:bsc@rcgov.us)  
<http://www.rcgov.us/bsc>

# Business License Assessment Survey

- This form is intended to help the County better understand where and how your business operates, to assess whether or not a Richland County business license is needed. If a license is needed, our office will work collaboratively with you to facilitate compliance.
- If you already have a County license, please provide the number: \_\_\_\_\_. If your business does not currently have a license, please be aware a license may or may not be needed.
- Please complete and return this form to the Business Service Center. (Faxes not accepted.)

### Business Information

1. Corporate Business Name: \_\_\_\_\_
2. Doing Business As (if different): \_\_\_\_\_
3. Local Business Phone: \_\_\_\_\_ Open Date: \_\_\_\_\_
4. Business activity: \_\_\_\_\_ 2012 NAICS Code: \* \_\_\_\_\_  
\*See <http://www.census.gov/naics/> for assistance)
5. Description of your business (at least 10 words) \_\_\_\_\_  
\_\_\_\_\_

### Physical Location Information

6. Business Location (Street, City, State, Zip): \_\_\_\_\_
7. If the physical address is not in the unincorporated areas of the County, how often does your business go into – or expect to go into – the non-city areas of Richland County:  
Approximately: \_\_\_\_\_ times a (circle one) week month year
8. Name of best person to contact re: license requirements: \_\_\_\_\_
9. Title: \_\_\_\_\_ Work Phone: \_\_\_\_\_
10. Cell Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_
11. Area where business has been and/or will be conducted by the business: (check all that apply)
  - Arcadia Lakes       Cayce       Irmo
  - Blythewood       Forest Acres       non-city limits in Richland County
  - Columbia       Eastover       outside Richland County entirely

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. 073-14HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SO AS TO DELETE HISTORICAL DISBURSEMENT REFERENCES.

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

SECTION I. The Richland County Code of Ordinances; Chapter 23, Taxation; Article IV, Local Hospitality Tax; is hereby amended to read as follows:

ARTICLE VI. LOCAL HOSPITALITY TAX

Sec. 23-65. Definitions.

Whenever used in this article, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined:

*Local Hospitality Tax* means a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, within the incorporated municipalities and the unincorporated areas of the county.

*Person* means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

*Prepared Meals and Beverages* means the products sold ready for consumption either on or off premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including lunch counters and restaurant stands; restaurants, lunch counters, and drinking places operated as a subordinate facility by other establishments; and bars and restaurants owned by and operated for members of civic, social, and fraternal associations.

*Richland County* means the county and all of the unincorporated areas within the geographical boundaries of the county and all of the incorporated municipalities of the county.

Sec. 23-66. Local Hospitality Tax.

A local hospitality tax is hereby imposed on the sales of prepared meals and beverages sold in establishments within the incorporated municipalities and the unincorporated areas of the county. The local hospitality tax shall be in an amount equal to two percent (2%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the county and within the boundaries of the incorporated municipalities which have consented, by resolution adopted by their governing body, to the imposition of the local hospitality tax in the amount of two percent (2%). The local hospitality tax shall be in an amount equal to one percent (1%) of the gross proceeds of sales of prepared food and beverages sold in establishments located within the boundaries of the incorporated municipalities within the county which do not give their consent to the imposition of the local hospitality tax. Provided, however, the county shall not impose a local hospitality tax on those municipalities that have adopted a two percent (2%) local hospitality tax prior to July 1, 2003. Effective July 1, 2009 through June 30, 2011, the county shall temporarily reduce the local hospitality tax to one percent (1%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the

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JENNIFER W. MOORE  
C.C.P. & G.S.

county. This temporary suspension shall not affect the hospitality tax rates within the boundaries of any incorporated municipality.

**Sec. 23-67. Payment of Local Hospitality Tax.**

(a) Payment of the Local Hospitality Tax established herein shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies, and shall be collected by the provider of the services. The County shall promulgate a form of return that shall be utilized by the provider of services to calculate the amount of Local Hospitality Tax collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services.

(b) The tax provided for in this Article must be remitted to the County on a monthly basis when the estimated amount of average tax is more than fifty dollars (\$50.00) a month, on a quarterly basis when the estimated amount of average tax is twenty-five dollars (\$25.00) to fifty dollars (\$50.00) a month, and on an annual basis when the estimated amount of average tax is less than twenty-five dollars (\$25.00) a month.

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form and/or other approved revenue documentation, and the hospitality taxes when due, to the County on the 20<sup>th</sup> of the month, or on the next business day if the 20<sup>th</sup> is not a business day.

**Sec. 23-68. Local Hospitality Tax Special Revenue Fund.**

An interest-bearing, segregated and restricted account to be known as the "Richland County Local Hospitality Tax Revenue Fund" is hereby established. All revenues received from the Local Hospitality Tax shall be deposited into this Fund. The principal and any accrued interest in this Fund shall be expended only as permitted by this ordinance.

**Sec. 23-69. Distribution of Funds.**

(a) (1) The County shall distribute the Local Hospitality Tax collected and placed in the "Richland County Local Hospitality Tax Revenue Fund" to each of the following agencies and purposes ("Agency") in amounts as determined by County Council annually during the budget process:

Columbia Museum of Art  
Historic Columbia  
EdVenture Museum  
County Promotions  
Township Auditorium

(2) The amounts distributed to the Columbia Museum of Art, Historic Columbia, EdVenture Museum, and the Township Auditorium shall be paid quarterly. The amount distributed to organizations receiving County Promotions shall be paid to the organization as a one-time expenditure.

(3) As a condition of receiving its allocation, the Columbia Museum of Art, Historic Columbia, EdVenture Museum, and the Township Auditorium must annually submit to the County an affirmative marketing plan outlining how the agency will use its hospitality tax allocation for tourism promotion in the upcoming fiscal year. The plan shall include a detailed project budget which outlines the agency's proposed use of hospitality tax funds. The marketing plan shall also outline how the agency will promote access to programs and services for all citizens of Richland County, including documentation of "free" or discounted services that will be offered to Richland County - residents. In addition, each Agency shall demonstrate a good faith effort to expand programs and events into the unincorporated areas of Richland County. The annual marketing plan shall be due to the Grants Manager no later than March 1 of each year. If

an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in Section 23-69 (b) below.

(4) For the amounts distributed under the County Promotions program, funds will be distributed with a goal of seventy-five percent (75%) dedicated to organizations and projects that generate tourism in the unincorporated areas of Richland County and in municipal areas where Hospitality Tax revenues are collected by the county. These shall include:

a. Organizations that are physically located in the areas where the county collects Hospitality tax Revenues, provided the organization also sponsors projects or events within those areas;

b. Organizations that are not physically located in the areas where the county collects Hospitality Tax Revenues; however, the organization sponsors projects or events within those areas; and

c. Regional marketing organizations whose primary mission is to bring tourists to the region, including the areas where the county collects Hospitality Tax revenues.

(b) All Local Hospitality Tax revenue not distributed pursuant to Section 23-69(a) above shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as directed by County Council for projects related to tourism development, including, but not limited to, the planning, development, construction, promotion, marketing, operations, and financing (including debt service) of expenditures as provided in Article 7, Chapter 1, Title 6, Code of Laws of South Carolina 1976 as amended.

**Sec. 23-70. Oversight and Accountability.**

The following organizations: the Columbia Museum of Art, Historic Columbia, EdVenture Museum, and the Township Auditorium must submit a mid-year report by January 31 and a final report by July 31 of each year to the Richland County Grants Manager, which includes a detailed accounting of all hospitality tax fund expenditures and the impact on tourism for the preceding fiscal year, including copies of invoices and proof of payment. The county shall not release hospitality tax funds to any agency unless that agency has submitted an acceptable final report for the previous fiscal year. If an Agency fails to comply with these requirements by the July 31 deadline, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and may be distributed as provided in Section 23-69 (b).

Any organization receiving County Promotions funding must comply with all requirements of this article, as well as any application guidelines and annual reporting requirements as established by council, to include a detailed reporting of all grant expenditures.

**Sec. 23-71. Inspections, Audits and Administration.**

(a) For the purpose of enforcing the provisions of this article, the County Administrator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article and to make inspections, examine, and audit books and records.

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of tax determined to be due.

(c) The county administrator or other authorized agent of the county may make systematic inspections of all service providers that are governed by this article. Records of inspections shall not be deemed public records.

**Sec. 23-72. Assessments and appeals of hospitality tax.**

(a) When a person fails to pay or accurately pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein.

(b) Assessments of hospitality taxes and/or penalties, which are based upon records provided by businesses, shall be conveyed in writing to businesses. If a business fails to provide records as required by this Article or by the Business Service Center, the tax assessment shall be served by certified mail. Within five (5) business days after a tax assessment is mailed or otherwise conveyed in writing, any person who desires to have the assessment adjusted must make application to the Business Service Center for reassessment. The license official shall establish a procedure for hearing an application for a reassessment, and for issuing a notice of final assessment.

(c) A final assessment may be appealed to the County Council, provided that an application for reassessment was submitted within the allotted time period of five business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

(d) Requests for waivers of penalties, as described in Sec. 23-74 (b), shall be submitted to the Business Service Center Director simultaneously with corroborating documentation relating to the validity of the appeal within five (5) business days of receipt of a tax assessment. The Director shall determine if the provided documentation confirms the circumstances permitting a waiver of penalties as described in the aforementioned section. A decision shall be provided in writing within five (5) business days of the receipt of the request. Businesses wishing to appeal the decision of the Business Service Center Director may appeal to the Richland County Council within five (5) business days of receipt of the Director's decision.

**Sec. 23-73. Violations and Penalties.**

(a) It shall be a violation of this Article to:

- (1) fail to collect the Local Hospitality Tax as provided in this Article,
- (2) fail to remit to the County the Local Hospitality Tax collected, pursuant to this Article,
- (3) knowingly provide false information on the form of return submitted to the County, or
- (4) fail to provide books and records to the County Administrator or other authorized agent of the County for the purpose of an audit upon twenty-four (24) hours' notice.

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived, except if the following circumstances of reasonable cause are proven by the person. No more than six months of penalties shall be waived.

(1) An unexpected and unavoidable absence of the person from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the hospitality tax.

(2) A delay caused by death or serious, incapacitating illness of the person, the person's immediate family, or the person's accountant or other third party professional charged with determining the hospitality tax owed. In the case of a corporation or other

business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the hospitality tax.

(3) The hospitality tax was documented as paid on time, but inadvertently paid to another taxing entity.

(4) The delinquency was caused by the unavailability of necessary records directly relating to calculation of hospitality taxes, over which the person had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of hospitality tax penalties.

(5) The delinquency was the result of clear error on the part of the Business Service Center or Treasurer's Office staff in processing or posting receipt of the person's payment(s).

(6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either of these offices, no change in the law occurred, and the person produces written documentation.

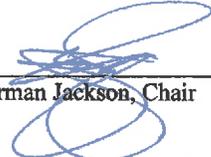
(c) Any person violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provision of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after December 9, 2014.

RICHLAND COUNTY COUNCIL

BY:   
Norman Jackson, Chair

ATTEST THIS THE 7 DAY  
OF January, 2014. 2015  
  
S. Monique McDaniels  
Clerk of Council

First Reading: November 18, 2014  
Second Reading: December 2, 2014  
Public Hearing: December 9, 2014  
Third Reading: December 9, 2014

Richland County Attorney's Office  
  
Approved As To LEGAL FORM:  
No Opinion Rendered As To Content.



**Administration and Finance Committee Meeting  
Briefing Document**

**Agenda Item**

The Richland Program Development Team (PDT) requests a wage rate increase for Calendar Year (CY) 2018 and retroactive payment for wage rate increases for CYs 2016 and 2017.

**Background**

Section VIII.A.4 (Compensation) of the Program Management Agreement (“Agreement”) between Richland County and the Program Development Team dated November 3, 2014, states:

Compensation for Task I was based on 2014 wage rates. The Contractor shall be eligible on the following dates for cost of wage increases to be added to the compensation from the base rate established at the date of this Agreement. (The base rate is the salary of the respective position as of the date of this Agreement.) The dates on which the Contractor shall be eligible for the increase are January 1, 2016 and January 1 of each subsequent year of this Agreement. Wage rate increases shall be calculated for each position based on the US Bureau of Labor Statistics, NAICS as most applicable to each position, plus two (2%) of the base salary for each such position. Wage rate increases shall be limited to those PDT positions assigned full-time to the Program (as mutually agreed to between the County and the Contractor) and physically located in the PDT office.

On December 29, 2016, the PDT requested a wage rate increase as stated in the Agreement for 2016 and 2017. The total increase for the two years was \$128,423.32. On January 31, 2017, former County Administrator Gerald Seals advised the PDT that he could not recommend wage rate increases for either year because the County did not grant cost of living increases to County personnel for 2016 and had not considered pay increases for County personnel for 2017.

On May 4, 2018, the PDT requested a wage rate increase for 2018, which totals \$100,716.22 in addition to requesting retroactive wage rate increases for the previous two years. The total for the increases for all three years is \$229,139.53.<sup>1</sup>

**Issues**

The issue is whether County Council will grant the PDT’s request for retroactive wage rate increases for 2016-2018.

**Fiscal Impact**

The fiscal impact can range from none (if Council decides to not grant the wage rate increases) to spending the 3% administrative budget for the Penny Program at a faster rate. For example, should the County Council decide to grant the wage rate increases retroactive for all three years, then, the County would immediately pay the PDT an additional \$229,139.53 in administrative costs plus an additional \$100,716.22 per year for subsequent years. Please note that there is a maximum amount of \$32,100,000 to cover both administrative costs (i.e., for the PDT and the County’s Transportation

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<sup>1</sup> A review of PDT’s request for wage rate increase calculations revealed that the formula used in PDT’s calculations is inaccurate. Richland County’s figures (see Attachment A) reflect the proper methodology as stated in the Agreement.

Department) and debt service on bonds issued to pay for Penny projects during the lifetime of the program. Should Council wish to consider granting a wage rate increase just for 2017, the fiscal impact would be an additional \$96,863.52 (see Attachment B).

Note that in the nearly five years of the program, Richland County has expended \$15,639,776.75 (\$13,611,856.28 in administrative costs and \$2,027,920.47 in debt service on bonds) or 48.7% of the total budget of \$32,100,000 with \$16,460,223.25 remaining for the life of the program. Moreover, it is anticipated that the County will spend approximately \$3,000,000 in administrative costs and \$3,571,667 in debt service in FY 2019, for an estimated total of \$6,571,667.

#### **Alternatives**

1. Provide no salary increase.
2. Provide salary increase request by PDT with correct calculations. Fiscal impact: \$229,139.53.
3. Provide salary increase just for 2017 using the 3.0% change for 2017 per the NAICS plus 2.0% of the base salary of the date of the Program Management Agreement, which is November 3, 2014. Fiscal impact: \$96,863.52.

#### **Staff Recommendation**

The intent of staff is to institute County Council's directive. Staff does not have a recommendation regarding this matter.



Name	Position	Base Rate	Current Salary	2% of the Base Rate as of 11/3/2014 (a)	2015			2016			2017			New Annual Salary with Retroactive Increase	Increase from Current Salary
					NAICS Percent Change (b)	Increase: NAICS Percent Change + 2% of Base Rate	New Salary	NAICS Percent Change (c)	Increase: NAICS Percent Change + 2% of Base Rate	New Salary	NAICS Percent Change (d)	Increase: NAICS Percent Change + 2% of Base Rate	New Salary		
	Program Manager	\$ 81.18	\$ 168,854.40	\$ 1.62	\$ 1.95	\$ 3.57	\$ 84.75	\$ 1.70	\$ 3.32	\$ 88.07	\$ 2.64	\$ 4.27	\$ 92.34	\$ 192,059.45	\$ 23,205.05
	Deputy Program Manager	\$ 76.31	\$ 158,724.80	\$ 1.53	\$ 1.83	\$ 3.36	\$ 79.67	\$ 1.59	\$ 3.12	\$ 81.26	\$ 2.44	\$ 3.96	\$ 85.23	\$ 177,268.05	\$ 18,543.25
	Program Administrator	\$ 60.28	\$ 125,382.40	\$ 1.21	\$ 1.45	\$ 2.65	\$ 61.73	\$ 1.23	\$ 2.44	\$ 64.17	\$ 1.93	\$ 3.13	\$ 67.30	\$ 139,978.72	\$ 14,596.32
	Assistant Program Director	\$ 62.72	\$ 130,457.60	\$ 1.25	\$ 1.51	\$ 2.76	\$ 64.23	\$ 1.28	\$ 2.54	\$ 66.76	\$ 2.00	\$ 3.26	\$ 70.02	\$ 145,644.74	\$ 15,187.14
	Assistant Program Director	\$ 62.72	\$ 130,457.60	\$ 1.25	\$ 1.51	\$ 2.76	\$ 64.23	\$ 1.28	\$ 2.54	\$ 66.76	\$ 2.00	\$ 3.26	\$ 70.02	\$ 145,644.74	\$ 15,187.14
	Assistant Program Director	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Assistant Program Director	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Assistant Program Director	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Assistant Program Director	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Ass. Public Information Director	\$ 42.16	\$ 87,692.80	\$ 0.84	\$ 1.01	\$ 1.86	\$ 43.17	\$ 0.86	\$ 1.71	\$ 44.88	\$ 1.35	\$ 2.19	\$ 47.07	\$ 97,901.50	\$ 10,208.70
	Construction Manager	\$ 63.07	\$ 131,185.60	\$ 1.26	\$ 1.51	\$ 2.78	\$ 64.58	\$ 1.29	\$ 2.55	\$ 67.14	\$ 2.01	\$ 3.28	\$ 70.41	\$ 146,457.49	\$ 15,271.89
	Program Controls	\$ 62.02	\$ 129,001.60	\$ 1.24	\$ 1.49	\$ 2.73	\$ 63.51	\$ 1.27	\$ 2.51	\$ 66.02	\$ 1.98	\$ 3.22	\$ 69.24	\$ 144,019.24	\$ 15,017.64
	Scheduler	\$ 35.19	\$ 73,195.20	\$ 0.70	\$ 0.84	\$ 1.55	\$ 36.03	\$ 0.72	\$ 1.42	\$ 37.46	\$ 1.12	\$ 1.83	\$ 39.29	\$ 81,716.18	\$ 8,520.98
	Estimator	\$ 46.34	\$ 96,387.20	\$ 0.93	\$ 1.11	\$ 2.04	\$ 47.45	\$ 0.95	\$ 1.88	\$ 49.33	\$ 1.48	\$ 2.41	\$ 51.73	\$ 107,608.06	\$ 11,220.86
	Accountant	\$ 32.75	\$ 68,120.00	\$ 0.66	\$ 0.79	\$ 1.44	\$ 33.54	\$ 0.67	\$ 1.33	\$ 34.86	\$ 1.05	\$ 1.70	\$ 36.56	\$ 76,050.15	\$ 7,930.15
	Ass. Procurement Manager	\$ 23.35	\$ 48,568.00	\$ 0.47	\$ 0.56	\$ 1.03	\$ 23.91	\$ 0.48	\$ 0.95	\$ 24.86	\$ 0.75	\$ 1.21	\$ 26.07	\$ 54,222.01	\$ 5,654.01
	Office Manager	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Secretary	\$ 25.09	\$ 52,187.20	\$ 0.50	\$ 0.60	\$ 1.10	\$ 25.69	\$ 0.51	\$ 1.02	\$ 26.71	\$ 0.80	\$ 1.30	\$ 28.01	\$ 58,262.54	\$ 6,075.34
	Project Utility Manager	\$ 45.65	\$ 94,952.00	\$ 0.91	\$ 1.10	\$ 2.01	\$ 46.75	\$ 0.93	\$ 1.85	\$ 48.59	\$ 1.46	\$ 2.37	\$ 50.96	\$ 106,005.78	\$ 11,053.78
	ROW Manager	\$ 55.75	\$ 115,960.00	\$ 1.12	\$ 1.34	\$ 2.45	\$ 57.09	\$ 1.14	\$ 2.26	\$ 59.34	\$ 1.78	\$ 2.90	\$ 62.24	\$ 129,459.41	\$ 13,499.41
	<b>Totals</b>		\$ 1,937,270.40											\$ 2,166,409.93	\$ 229,139.53
	Total Hours/Year	2080												PDT's Total:	\$ 266,550.18
														RC's Correct Figures	\$ 229,139.53
	Notes:													Difference between PDT's Total and RC's correct figures:	\$ 37,410.65

(a) Wage rate increases shall be calculated for each position based on the US Bureau of Labor Statistics, NAICS as most applicable to each position, plus two (2%) of the base salary for each such position.

The base rate is the salary of the respective position as of the date of the Agreement (November 3, 2014).

(b) NAICS Percent Change for 2015: 2.4%

(c) NAICS Percent Change for 2016: 2.0%

(d) NAICS Percent Change for 2017: 3.0%

Name	Position	Base Rate	Current Salary	2% of the Base Rate as of 11/3/2014 (a)	2017			New Annual Salary with 2017 Increase Only	Increase from Current Salary
					NAICS Percent Change (b)	Increase: NAICS Percent Change + 2% of Base Rate	New Salary		
	Program Manager	\$81.18	\$168,854.40	\$1.62	\$2.44	\$4.06	\$85.24	\$177,297.12	\$8,442.72
	Deputy Program Manager	\$76.31	\$158,724.80	\$1.53	\$2.29	\$3.82	\$80.13	\$166,661.04	\$7,936.24
	Program Administrator	\$60.28	\$125,382.40	\$1.21	\$1.81	\$3.01	\$63.29	\$131,651.52	\$6,269.12
	Assistant Program Director	\$62.72	\$130,457.60	\$1.25	\$1.88	\$3.14	\$65.86	\$136,980.48	\$6,522.88
	Assistant Program Director	\$62.72	\$130,457.60	\$1.25	\$1.88	\$3.14	\$65.86	\$136,980.48	\$6,522.88
	Assistant Program Director	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Assistant Program Director	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Assistant Program Director	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Assistant Program Director	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Ass. Public Information Director	\$42.16	\$87,692.80	\$0.84	\$1.26	\$2.11	\$44.27	\$92,077.44	\$4,384.64
	Construction Manager	\$63.07	\$131,185.60	\$1.26	\$1.89	\$3.15	\$66.22	\$137,744.88	\$6,559.28
	Program Controls	\$62.02	\$129,001.60	\$1.24	\$1.86	\$3.10	\$65.12	\$135,451.68	\$6,450.08
	Scheduler	\$35.19	\$73,195.20	\$0.70	\$1.06	\$1.76	\$36.95	\$76,854.96	\$3,659.76
	Estimator	\$46.34	\$96,387.20	\$0.93	\$1.39	\$2.32	\$48.66	\$101,206.56	\$4,819.36
	Accountant	\$32.75	\$68,120.00	\$0.66	\$0.98	\$1.64	\$34.39	\$71,526.00	\$3,406.00
	Ass. Procurement Manager	\$23.35	\$48,568.00	\$0.47	\$0.70	\$1.17	\$24.52	\$50,996.40	\$2,428.40
	Office Manager	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Secretary	\$25.09	\$52,187.20	\$0.50	\$0.75	\$1.25	\$26.34	\$54,796.56	\$2,609.36
	Project Utility Manager	\$45.65	\$94,952.00	\$0.91	\$1.37	\$2.28	\$47.93	\$99,699.60	\$4,747.60
	ROW Manager	\$55.75	\$115,960.00	\$1.12	\$1.67	\$2.79	\$58.54	\$121,758.00	\$5,798.00
Totals			\$1,937,270.40					\$2,034,133.92	\$96,863.52
Total Hours/Year	2080							PDT's Total with Retroactive Increases:	\$ 266,550.18
								2017 Wage Rate Increase Only:	\$ 96,863.52
								Difference between PDT's Total and 2017 Wage Rate Increase Only:	\$ 169,686.66
Notes:									
(a) Wage rate increases shall be calculated for each position based on the US Bureau of Labor Statistics, NAICS as most applicable to each position, plus two (2%) of the base salary for each such position. The base rate is the salary of the respective position as of the date of the Agreement (November 3, 2014).									
(b) NAICS Percent Change for 2017: 3.0%									



## TRANSPORTATION PROGRAM

VIA EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

May 4, 2018

Dr. John Thompson  
Director of Transportation  
Richland County Government  
P.O. Box 192  
Columbia, South Carolina 29202

Re: Richland County Sales Tax Transportation Improvement Program  
Personnel Wage Rate Increases

Dear Dr. Thompson:

We have compiled the attached data with regards to Article VIII. Compensation, Item A.4. of the Program Management Agreement between Richland County, South Carolina and Richland PDT, a Joint Venture, for Program Development, Program Management and Other Services related to the Richland County Sales Tax Transportation Program.

The Contractor is eligible for wage rate increases effective January 1, 2016, January 1, 2017 and January 1, 2018 according to the Agreement, for those PDT positions assigned full-time to the Program and physically located in the PDT office. A listing of positions, names and current salaries based on the hourly rate as shown in Exhibit E as well as the new annual rate and yearly increase are shown for your review.

In addition, a copy of the NAICS definition is attached. Wage rate increases were calculated from Table 9 of the U.S. Bureau of Labor Statistics dated October, 2015, 2016 and 2017. The percent change for Construction for the 12 months ending September, 2015 was 2.4% plus the allowable 2% as stated in the agreement would calculate to a 4.4% annual increase in wages for the year 2016. The percent change for Construction for the 12 months ending September, 2016 was 2.0% plus the allowable 2% as stated in the agreement would calculate to a 4.0% annual increase in wages for the year 2017. The percent change for Construction for the 12 months ending September, 2017 was 3.0% plus the allowable 2% as stated in the agreement would calculate to a 5.0% annual increase in wages for the year 2018.

From the data gathered together, we have calculated the wage rate increase for CY 2016, 2017 and 2018 to be **\$266,550.18 (Two Hundred Sixty Six Thousand Five Hundred Fifty Dollars and Eighteen Cents)**.

We would like to meet and discuss the attached at your convenience and should you have any questions, please do not hesitate to contact us.

Page 1 of 2



## TRANSPORTATION PROGRAM

Sincerely,  
**RICHLAND PDT, A JOINT VENTURE**

A handwritten signature in blue ink that reads "Ross A. Tilton".

Ross A. Tilton  
Program Administrator

Cc: Larry Smith, Esquire  
Richland County Attorney  
2020 Hampton Street  
Columbia, SC 29204

Sandra Yudice  
Acting County Administrator  
2020 Hampton Street  
Columbia, SC 29204

Frannie Heizer, Esquire  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, SC 29211

Calvin "Chip" Jackson  
Chairman Transportation Ad Hoc Committee  
2020 Hampton Street  
Columbia, SC 29204

RICHLAND COUNTY SALES TAX TRANSPORTATION PROGRAM  
 PERSONNEL RATE SCHEDULE (Rates for 2014 calculated at 2.87 DPF)  
 5/2/2018

POSITION	NAME	Hourly Rate + 2.87%	Base Rate	Yearly Rate	Base Rate Plus 4.4% (2015)	New Annual 2016 Rate	Yearly Increase 2016	Base Rate Plus 4.0% (2016)	New Annual 2017 Rate	Yearly Increase 2017	Base Rate Plus 5.0% (2017)	New Annual 2018 Rate	Yearly Increase 2018	Total Increase
Principal	Bill Cram	\$ 276.00	\$ 81.18	\$ 168,854.40	\$ 84.75	\$ 176,283.99	\$ 7,429.59	\$ 88.14	\$ 183,355.35	\$ 7,051.36	\$ 92.55	\$ 192,502.12	\$ 9,166.77	\$ 23,647.72
Program Manager	David Beatty	\$ 233.00	\$ 76.31	\$ 158,724.80	\$ 79.67	\$ 165,708.69	\$ 6,983.89	\$ 82.85	\$ 172,337.04	\$ 6,628.35	\$ 87.00	\$ 180,953.89	\$ 8,616.85	\$ 22,225.09
Deputy Program Manager	Robert Pratt	\$ 173.00	\$ 60.28	\$ 125,382.40	\$ 62.93	\$ 130,899.23	\$ 5,516.83	\$ 65.45	\$ 136,135.19	\$ 5,235.97	\$ 68.72	\$ 142,941.95	\$ 6,806.76	\$ 17,559.55
Program Administrator	Ross Tilton	\$ 180.00	\$ 62.72	\$ 130,457.60	\$ 65.48	\$ 136,197.73	\$ 5,740.13	\$ 68.10	\$ 141,645.64	\$ 5,447.91	\$ 71.50	\$ 148,727.93	\$ 7,082.28	\$ 18,270.33
Assistant Program Manager	Jennifer Bragg	\$ 180.00	\$ 62.72	\$ 130,457.60	\$ 65.48	\$ 136,197.73	\$ 5,740.13	\$ 68.10	\$ 141,645.64	\$ 5,447.91	\$ 71.50	\$ 148,727.93	\$ 7,082.28	\$ 18,270.33
Assistant Project Manager	Anthony Lawrence	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Assistant Project Manager	Perry Mayhew	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Assistant Project Manager	Aaron Marshall	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Assistant Project Manager	Raven Sumbrell	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Assistant Project Manager	Ben Lewis	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Public Information Director	Darrell Campbell	\$ 200.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Asst. Public Information Director	Nicole Smith	\$ 121.00	\$ 42.16	\$ 87,692.80	\$ 44.02	\$ 91,551.28	\$ 3,858.48	\$ 45.78	\$ 95,213.33	\$ 3,662.05	\$ -	\$ -	\$ -	\$ 7,520.53
Outreach Lead Strategist	Heyward Bannister	\$ 220.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Outreach Manager	Rania Jamieson	\$ 121.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Senior Traffic Engineer	John Junny	\$ 118.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Web Designer	Tim Burke	\$ 125.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Construction Manager	Clem Watson	\$ 181.00	\$ 63.07	\$ 131,185.60	\$ 65.85	\$ 136,957.77	\$ 5,772.17	\$ 68.48	\$ 142,436.08	\$ 5,478.31	\$ 71.90	\$ 149,557.88	\$ 7,121.80	\$ 18,372.28
Program Controls	Jennifer Manuwy	\$ 178.00	\$ 62.02	\$ 129,001.60	\$ 64.75	\$ 134,677.67	\$ 5,676.07	\$ 67.34	\$ 140,064.78	\$ 5,387.11	\$ 70.71	\$ 147,068.02	\$ 7,003.24	\$ 18,066.42
Scheduler	Trish Mintz	\$ 101.00	\$ 35.19	\$ 73,195.20	\$ 36.74	\$ 76,415.79	\$ 3,220.59	\$ 38.21	\$ 79,472.42	\$ 3,056.63	\$ 40.12	\$ 83,446.04	\$ 3,973.62	\$ 10,250.84
Senior Estimator	Robbie Brax	\$ 174.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Estimator	Gerald Walker	\$ 133.00	\$ 46.34	\$ 96,387.20	\$ 48.38	\$ 100,628.24	\$ 4,241.04	\$ 50.31	\$ 104,653.37	\$ 4,025.13	\$ 52.83	\$ 109,886.03	\$ 5,232.67	\$ 13,498.83
Accountant Manager	Bob Chisholm	\$ 173.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Accountant	Chanel Wallace	\$ 94.00	\$ 32.75	\$ 68,120.00	\$ 34.19	\$ 71,117.28	\$ 2,997.28	\$ 35.56	\$ 73,961.97	\$ 2,844.69	\$ 37.34	\$ 77,660.07	\$ 3,698.10	\$ 9,540.07
Procurement Manager	Dale Collier	\$ 225.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Asst. Procurement Manager	Janet Jones	\$ 67.00	\$ 23.35	\$ 48,568.00	\$ 24.38	\$ 50,704.99	\$ 2,136.99	\$ 25.35	\$ 52,733.19	\$ 2,028.20	\$ 26.62	\$ 55,369.85	\$ 2,636.66	\$ 6,801.85
Office Manager	Denise Gillard	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Secretary	Felicia Robinson	\$ 72.00	\$ 25.09	\$ 52,187.20	\$ 26.19	\$ 54,483.44	\$ 2,296.24	\$ 27.24	\$ 56,662.77	\$ 2,179.34	\$ 28.60	\$ 59,495.91	\$ 2,833.14	\$ 7,308.71
Project Utility Manager	Randy Roberts	\$ 131.00	\$ 45.65	\$ 94,952.00	\$ 47.66	\$ 99,129.89	\$ 4,177.89	\$ 49.56	\$ 103,095.08	\$ 3,965.20	\$ 52.04	\$ 108,249.84	\$ 5,154.75	\$ 13,297.84
ROW Manager	Tim Seybt	\$ 160.00	\$ 55.75	\$ 115,960.00	\$ 58.20	\$ 121,062.24	\$ 5,102.24	\$ 60.53	\$ 125,904.73	\$ 4,842.49	\$ 63.56	\$ 132,199.97	\$ 6,295.24	\$ 16,239.97
Totals		\$ 1,937,270.40		\$ 1,937,270.40	\$ 2,022,510.30	\$ 85,239.90	\$ 2,103,410.71	\$ 80,900.41	\$ 2,103,410.71	\$ 100,409.87	\$ 2,103,410.71	\$ 266,550.18		

Denotes Full Time/located at PDT

# Employment Cost Index Historical Listing – Volume III

April 2018

National Compensation Survey

[www.bls.gov/ect](http://www.bls.gov/ect)

Current Dollar, March 2001-March 2018 (December 2005=100)

*The estimates from 2001 to 2005 in this listing are not official; they are presented only to aid users in interpreting the industry and occupational classification systems that were introduced in March 2006.*

## Seasonally Adjusted

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This is the third volume of five historical listings for the Employment Cost Index. The other four are:

- I. Current Dollar, September 1975 – December 2005
- II. Constant Dollar, September 1975 – December 2005
- IV. Constant Dollar, March 2001 – current reference period
- V. Continuous Occupational and Industry Series, September 1975 – current reference period

*The listings are available at [www.bls.gov/ect/#tables](http://www.bls.gov/ect/#tables)*

## Technical Note

This document provides estimates from 2001 to the present reference month based on the 2012 North American Industry Classification System (NAICS), 2000 and 2010 Standard Occupational Classification (SOC) codes, and 2012 employment weights (beginning in December 2013) based on Occupational Employment Statistics employment counts.

Beginning with estimates for March 2006, the following changes were introduced to the ECI:

- The Standard Industrial Classification (SIC) System was replaced by the North American Industry Classification System for classifying establishments by industry.
- The Occupational Classification System (OCS) Manual was replaced by the Standard Occupational Classification Manual for classifying occupations.
- Estimates were weighted to 2002 fixed employment counts until December 2013 (see above). For March 1995 through December 2005, ECI estimates were weighted on 1990 fixed employment counts. A report on the 1990 reweighting, "Introducing 1990 Weights for the ECI," from the June 1995 issue of Compensation and Working Conditions is available upon request.
- The ECI base was changed to December 2005=100. Prior to this, the base was June 1989=100, which was used from March 1990 through December 2005. December 2005=100 indexes were calculated by dividing the June 1989=100 index values for each series by the December 2005 index value for that series and then multiplying by 100. Three- and 12-month percent changes were then calculated from the rebased indexes. These percent changes may differ from those calculated from the June 1989=100 indexes because of rounding. The change to the June 1989=100 base is explained in the technical note, "ECI Rebased to June 1989," in the April 1990 issue of the Monthly Labor Review ([www.bls.gov/opub/mlr/1990/04/rpt1full.pdf](http://www.bls.gov/opub/mlr/1990/04/rpt1full.pdf)).

For more information on these changes, see articles in the April 2006 issue of the Monthly Labor Review ([www.bls.gov/opub/mlr/2006](http://www.bls.gov/opub/mlr/2006)).

Fixed employment data are not available for the series based on bargaining status, census region and division, metropolitan area status, and series excluding incentive paid occupations. Therefore, the employment weights are reallocated within these series for each reference period based on the current ECI sample. The indexes for these series, consequently, are not strictly comparable with those for the aggregate industry and occupational series. A fuller explanation of the calculation of index numbers appears in an article, "Estimation Procedures for the ECI" in the May 1982 issue of the Monthly Labor Review ([www.bls.gov/opub/mlr/1982/05/rpt3full.pdf](http://www.bls.gov/opub/mlr/1982/05/rpt3full.pdf)).

When using the ECI for escalation contracts, users should review "How to Use the ECI for Escalation" ([www.bls.gov/ect/escalator.htm](http://www.bls.gov/ect/escalator.htm)).

This historical listing includes revised seasonally adjusted estimates based on the annual revisions process. For more information regarding the seasonal adjustment revisions see [www.bls.gov/ncs/ect/ectsfact.htm](http://www.bls.gov/ncs/ect/ectsfact.htm). Additionally, Employment Cost Index estimate corrections are announced on the Bureau's errata page, [www.bls.gov/bls/erratabysubject.htm](http://www.bls.gov/bls/erratabysubject.htm), and are reflected in this listing.

More information on the ECI is available from several sources. These include: "National Compensation Measures," in the BLS Handbook of Methods ([www.bls.gov/opub/hom/ncs/home.htm](http://www.bls.gov/opub/hom/ncs/home.htm)), and several articles published in the Monthly Labor Review ([www.bls.gov/opub/mlr/mlrhome.htm](http://www.bls.gov/opub/mlr/mlrhome.htm)). These articles, and other descriptive pieces, are also available by calling (202) 691-6199 or sending e-mail to [NCSinfo@bls.gov](mailto:NCSinfo@bls.gov).





# North American Industry Classification System

You are here: [Census.gov \(/\)](#) > [Business & Industry \(//econ/www/index.html\)](#) > [NAICS \(//eos/www/naics/index.html\)](#) > [NAICS Search/Tools](#)

## 2017 NAICS Definition

T = Canadian, Mexican, and United States industries are comparable.

### Sector 23 -- Construction<sup>T</sup>

#### The Sector as a Whole

The Construction sector comprises establishments primarily engaged in the construction of buildings or engineering projects (e.g., highways and utility systems). Establishments primarily engaged in the preparation of sites for new construction and establishments primarily engaged in subdividing land for sale as building sites also are included in this sector.

Construction work done may include new work, additions, alterations, or maintenance and repairs. Activities of these establishments generally are managed at a fixed place of business, but they usually perform construction activities at multiple project sites. Production responsibilities for establishments in this sector are usually specified in (1) contracts with the owners of construction projects (prime contracts) or (2) contracts with other construction establishments (subcontracts).

Establishments primarily engaged in contracts that include responsibility for all aspects of individual construction projects are commonly known as general contractors, but also may be known as design-builders, construction managers, turnkey contractors, or (in cases where two or more establishments jointly secure a general contract) joint-venture contractors. Construction managers that provide oversight and scheduling only (i.e., agency) as well as construction managers that are responsible for the entire project (i.e., at risk) are included as general contractor type establishments. Establishments of the "general contractor type" frequently arrange construction of separate parts of their projects through subcontract with other construction establishments.

Establishments primarily engaged in activities to produce a specific component (e.g., masonry, painting, and electrical work) of a construction project are commonly known as specialty trade contractors. Activities of specialty trade contractors are usually subcontracted from other construction establishments, but especially in remodeling and repair construction, the work may be done directly for the owner of the property.

Establishments primarily engaged in activities to construct buildings to be sold on sites that they own are known as for-sale builders, but also may be known as speculative builders or merchant builders. For-sale builders produce buildings in a manner similar to general contractors, but their production processes also include site acquisition and securing of financial backing. For-sale builders are most often associated with the construction of residential buildings. Like general contractors, they may subcontract all or part of the actual construction work on their buildings.

There are substantial differences in the types of equipment, work force skills, and other inputs required by establishments in this sector. To highlight these differences and variations in the underlying production functions, this sector is divided into three subsectors.

Subsector 236, Construction of Buildings, comprises establishments of the general contractor type and for-sale builders involved in the construction of buildings. Subsector 237, Heavy and Civil Engineering Construction, comprises establishments involved in the construction of engineering projects. Subsector 238, Specialty Trade Contractors, comprises establishments engaged in specialty trade activities generally needed in the construction of all types of buildings.

Force account construction is construction work performed by an enterprise primarily engaged in some business other than construction for its own account, using employees of the enterprise. This activity is not included in the construction sector unless the construction work performed is the primary activity of a separate establishment of the enterprise. The installation and the ongoing repair and maintenance of telecommunications and utility networks is excluded from construction when the establishments performing the work are not independent contractors. Although a growing proportion of this work is subcontracted to independent contractors in the Construction sector, the operating units of telecommunications and utility companies performing this work are included with the telecommunications or utility activities.

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Source: U.S. Census Bureau | North American Industry Classification System (NAICS) | (888) 756-2427 | [naics@census.gov](mailto:naics@census.gov) (<mailto:naics@census.gov>) | Last Revised: August 17, 2016

Table 9. Employment Cost Index for wages and salaries, for private industry workers, by occupational group and industry — Continued

(Not seasonally adjusted)

Occupational group and industry	Indexes (Dec. 2005 = 100)				Percent changes for—								
	Mar.	June	Sep.	Dec.	3-months ended—				12-months ended—				
					Mar.	June	Sep.	Dec.	Mar.	June	Sep.	Dec.	
<b>Construction</b>													
2001 .....	87.3	88.2	88.9	89.6	1.0	1.0	0.8	0.8	4.6	4.0	3.6	3.7	
2002 .....	89.9	90.7	91.3	92.1	.3	.9	.7	.9	3.0	2.8	2.7	2.8	
2003 .....	92.3	93.4	94.2	94.5	.2	1.2	.9	.3	2.7	3.0	3.2	2.6	
2004 .....	95.4	95.9	97.0	96.9	1.0	.5	1.1	-.1	3.4	2.7	3.0	2.5	
2005 .....	97.3	98.3	99.4	100.0	.4	1.0	1.1	.6	2.0	2.5	2.5	3.2	
2006 .....	100.6	102.0	102.9	103.7	.6	1.4	.9	.8	3.4	3.8	3.5	3.7	
2007 .....	104.9	106.0	107.0	107.8	1.2	1.0	.9	.7	4.3	3.9	4.0	4.0	
2008 .....	109.0	110.0	110.6	111.1	1.1	.9	.5	.5	3.9	3.8	3.4	3.1	
2009 .....	111.2	111.4	111.7	111.9	.1	.2	.3	.2	2.0	1.3	1.0	.7	
2010 .....	112.1	112.2	112.8	112.7	.2	.1	.5	-.1	.8	.7	1.0	.7	
2011 .....	112.7	113.2	113.6	114.1	.0	.4	.4	.4	.5	.9	.7	1.2	
2012 .....	113.9	114.4	115.2	115.5	-.2	.4	.7	.3	1.1	1.1	1.4	1.2	
2013 .....	115.8	116.4	117.3	117.4	.3	.5	.8	.1	1.7	1.7	1.8	1.6	
2014 .....	117.3	117.8	119.0	119.6	-.1	.4	1.0	.5	1.3	1.2	1.4	1.9	
2015 .....	119.7	120.6	121.8	122.7	.1	.8	1.0	.7	2.0	2.4	2.4	2.6	
2016 .....	122.8	123.9	124.2	125.3	.1	.9	.2	.9	2.6	2.7	2.0	2.1	
2017 .....	126.1	126.8	127.9	128.4	.6	.6	.9	.4	2.7	2.3	3.0	2.5	
2018 .....	129.5	-	-	-	.9	-	-	-	2.7	-	-	-	
<b>Manufacturing</b>													
2001 .....	88.3	89.1	89.6	90.2	1.4	.9	.6	.7	3.8	3.6	3.3	3.6	
2002 .....	91.2	91.8	92.2	92.8	1.1	.7	.4	.7	3.3	3.0	2.9	2.9	
2003 .....	93.8	94.5	94.8	95.1	1.1	.7	.3	.3	2.9	2.9	2.8	2.5	
2004 .....	95.7	96.5	97.4	97.4	.6	.8	.9	.0	2.0	2.1	2.7	2.4	
2005 .....	98.2	98.9	99.6	100.0	.8	.7	.7	.4	2.6	2.5	2.3	2.7	
2006 .....	100.7	101.7	101.9	102.3	.7	1.0	.2	.4	2.5	2.8	2.3	2.3	
2007 .....	103.3	103.9	104.5	104.9	1.0	.6	.6	.4	2.6	2.2	2.6	2.5	
2008 .....	105.9	106.7	107.4	107.7	1.0	.8	.7	.3	2.5	2.7	2.8	2.7	
2009 .....	108.1	108.4	108.6	108.9	.4	.3	.2	.3	2.1	1.6	1.1	1.1	
2010 .....	109.4	110.0	110.6	110.7	.5	.5	.5	.1	1.2	1.5	1.8	1.7	
2011 .....	111.5	112.0	112.5	112.7	.7	.4	.4	.2	1.9	1.8	1.7	1.8	
2012 .....	113.6	114.0	114.6	114.8	.8	.4	.5	.2	1.9	1.8	1.9	1.9	
2013 .....	115.7	116.4	116.9	117.2	.8	.6	.4	.3	1.8	2.1	2.0	2.1	
2014 .....	118.0	118.9	119.4	119.8	.7	.8	.4	.3	2.0	2.1	2.1	2.2	
2015 .....	120.8	121.8	122.3	123.0	.8	.8	.4	.6	2.4	2.4	2.4	2.7	
2016 .....	124.0	124.9	125.7	126.2	.8	.7	.6	.4	2.6	2.5	2.8	2.6	
2017 .....	127.1	127.9	128.7	129.3	.7	.6	.6	.5	2.5	2.4	2.4	2.5	
2018 .....	130.4	-	-	-	.9	-	-	-	2.6	-	-	-	
<b>White-collar occupations<sup>1,3</sup></b>													
2001 .....	88.5	89.3	89.4	89.7	1.5	.9	.1	.3	3.8	3.1	2.6	2.9	
2002 .....	91.1	91.6	92.0	92.5	1.6	.5	.4	.5	2.9	2.6	2.9	3.1	
2003 .....	93.6	94.5	94.6	94.8	1.2	1.0	.1	.2	2.7	3.2	2.8	2.5	
2004 .....	95.6	96.5	97.5	97.4	.8	.9	1.0	-.1	2.1	2.1	3.1	2.7	
2005 .....	98.1	98.9	99.9	100.0	.7	.8	1.0	.1	2.6	2.5	2.5	2.7	
2006 .....	100.6	102.2	101.9	102.2	.6	1.6	-.3	.3	2.5	3.3	2.0	2.2	
<b>Excluding sales occupations<sup>1</sup></b>													
2001 .....	89.2	90.0	89.9	90.3	1.0	.9	-.1	.4	3.7	3.2	2.5	2.3	
2002 .....	91.0	91.9	92.4	92.9	.8	1.0	.5	.5	2.0	2.1	2.8	2.9	
2003 .....	93.9	94.6	94.9	95.3	1.1	.7	.3	.4	3.2	2.9	2.7	2.6	
2004 .....	95.8	96.8	97.4	97.5	.5	1.0	.6	.1	2.0	2.3	2.6	2.3	
2005 .....	98.1	99.0	99.8	100.0	.6	.9	.8	.2	2.4	2.3	2.5	2.6	

See footnotes at end of table.

- A. All Services shall be subject to review by the County at all reasonable times and places prior to acceptance.
- B. Any such review is for the sole benefit of the County and shall not relieve the Contractor of the responsibility of providing quality services to comply with the Agreement requirements.
- C. No review by the County shall be construed as constituting or implying acceptance. Such review shall not relieve the Contractor of the responsibility to correctly perform the Services, nor shall it in any way affect the continuing rights (including warranty rights) of the County after acceptance of the completed Services.
- D. The Contractor shall, without charge, correct or re-perform any Services found by the County not to conform to this Agreement's requirements, unless the County consents in writing to accept such Services with an appropriate adjustment in the Contract Price.
- E. If the Contractor fails to correct or re-perform any Services not found to conform to the contract requirements within a reasonable period of time after written notice to the Contractor, the County shall have the right to self-perform those Services and charge back the cost to correct or re-perform those Services to the Contractor.
- F. Final acceptance of all Services does not occur until final payment is made by the County to Contractor for all Services performed under this Agreement.

#### VIII. Compensation.

- A. Compensation for Contractor's Program Related Services (Task I, Exhibit B).
1. The County agrees to pay the Contractor for the performance of the Services described in Task I of Exhibit B to this Agreement, including all items necessary to accomplish and complete the Services, in accordance with all terms and conditions as stated herein and on the following basis:
  2. Compensation for Task I of the Services as provided in Exhibit B shall be Six Million, Twenty Thousand Dollars (\$6,020,000.00) and no/cents for each year of this Agreement, to be invoiced by Contractor to the County in twelve equal monthly installments.
  3. Compensation for Task I of the Services shall be identical for every renewal year of this Agreement through its fifth year unless this Agreement is terminated prior to that time.
  4. Compensation for Task I was based on 2014 wage rates. The Contractor shall be eligible on the following dates for cost of wage increases to be added to the compensation from the base rate established at the date of this Agreement. (The base rate is the salary of the respective position as of the date of this Agreement.) The dates on which the Contractor shall be eligible for the increase are January 1, 2016 and January 1 of each subsequent year of this Agreement.

Wage rate increases shall be calculated for each position based on the US Bureau of Labor Statistics, NAICS as most applicable to each position, plus two (2%) of the base salary for each such position. Wage rate increases shall be limited to those PDT positions assigned full-time to the Program (as mutually agreed to between the County and the Contractor) and physically located in the PDT office.

5. Invoicing for Contractor's Program Services shall be in accordance with Section VIII, H. below.

6. In the event the Program Cost increases by ten (10%) percent or more, then the Program Management Fee may be equitably adjusted.

B. Compensation for Project Specific Services (Tasks II-III; V-VI, Exhibit B).

1. The County agrees to pay the Contractor for the performance of the Services described in Tasks II-II; and V-VI of Exhibit B to this Agreement, including all items necessary to accomplish and complete the Services, in accordance with all terms and conditions as stated herein and on the following basis:

2. For each Project (or group of Projects collectively if it would be more efficient), the Contractor, if assigned Tasks by the Contract Management Officer, shall be compensated as follows.

a) For each Project, the Contractor has prepared a "Budget Project Cost." The County must agree to the Budget Project Cost. Each Project's initial Budget Project Cost is attached hereto as Exhibit C. Recognizing that the initial Budget Project Cost listed in Exhibit C may have changed over time, the Contractor shall for each Project submit a proposed Budget Project Cost which the County in its sole discretion may accept.

b) The Contractor's compensation for each Project will be determined based on what Tasks as provided for in Exhibit B the Contractor performs for each Project listed on Exhibit C.

c) The Contractor shall be compensated for its Tasks based on a percentage of total cost of each Project.

d) The Contractor for each Project shall establish a "Milestone" list of Project activities as part of the schedule for such Project and the Contractor shall submit a proposed payment schedule for each "Milestone" in each Project's schedule for the Project.

e) The Contractor shall provide detail in its monthly invoices for each Project so that the County can to its satisfaction account for and understand the different Projects and corresponding charges for each.

shall be developed to federal standards to ensure funding eligibility.

- D. Once the CTIP is approved the PDT will develop and maintain an executive level project and program status reporting system with remote access for the PDT and the County. This program shall be tablet compatible. Members of the County IT, GIS, Transportation, Finance, Planning, Procurement, Public Works, and legal staff shall be consulted regarding format and content while the program status reporting system is being developed. The PDT should anticipate a minimum of four (4) meetings with County staff in the development of the reporting system. The PDT should also include in this contract upgrades and management to this reporting system over the duration of this Agreement.
- E. In conjunction with the CTIP approval, the PDT shall develop a master schedule for design, right-of-way acquisition and construction for all projects with milestone dates for submittals and reviews.
- F. The PDT shall include within the CTIP a master financial plan to include expenditures, projected revenues, and bonding as well as other sources of funding applied to the overall Program. This should be used to assist in determining the best schedule to complete projects effectively. The plan shall be updated monthly to reflect changes in project cost estimates, projected revenues and expenditures. This financial information shall be loaded into the CTIP and be included in the final, developed reporting system. The PDT shall also make a recommendation to the County for future bonding to complete the Program in a timely manner.
- G. The PDT shall provide a proper level of staffing for the Program activities. Staffing levels may fluctuate with project activity but the PDT shall maintain a base level of staff in the PDT office to accommodate all phases of the program. Any fluctuation in staffing shall be approved by the County. Staff may be offsite or provided by sub consultants. The County shall approve or disapprove of any future consultants not contained in the RFQ submission. The PDT shall provide additional staff as necessary to provide for an orderly flow of the work.
- H. The County understands that the PDT may not track personnel costs on an hourly basis, However, the PDT shall provide on a quarterly basis a report providing its best, good faith estimate of the total hours dedicated exclusively by the PDT to the Program for the prior month within a ten (10%) percent +/- accuracy.
- I. The staffing positions agreed to between the County and the PDT are:

POSITION		POSITION	
* Principal	BILL	* Web Designer	TIM BURKE
Program Manager	DAVID	Construction Manager	CLEM
Deputy Program Manager	SUNNY/ROBERT	Program Controls	J MANDLY
Program Administrator	FRANK	Scheduler	TRISH
Project Manager	J BRACE	* Senior Estimator	ROBERT
Project Manager	ANTHONY	Estimator	GERALD

Assistant Project Manager	PERRY	* Accountant Manager	BOB
Assistant Project Manager	SCOTT	Accountant	CHANEL
Assistant Project Manager	RAVEN	* Procurement Manager	DALE
Assistant Project Manager	BEN	Assistant Procurement Manager	NANCY
* Public Information Director	DARRELL	Office Manager	DENISE
Assistant Public Information Director	MIKOLE	Secretary	FELICIA
* Outreach Manager	HEYWARD	Project Utility manager	RANDY
* Outreach Strategist	RANIA	ROW Manager	TIM
* Senior Traffic Engineer	JOHN		

Intern Coordinator AMANDA

**I-2 Project Controls and Scheduling**

- A. The PDT shall develop a system to organize and maintain all project related files. This includes a system for file transfers that may include, but is not limited to a program ftp site, ProjectWise, or similar approved program. This data shall be accessible remotely and shall become the property of the County at the completion of the Contract.
- B. The PDT shall participate in regularly scheduled progress meetings with County Management, County Council, Transportation Advisory Committee (TPAC), Ad Hoc Transportation Committee, Ad Hoc Dirt Road Committee, SCDOT, municipalities, local and regional transportation committees, and the general public as necessary. The PDT shall be tasked with preparation of agendas, any presentation materials and follow-up meeting minutes as required. The PDT's Program Manager shall attend meetings as deemed appropriate by the County. The Program Manager shall also attend such additional meetings as directed by the County. The PDT can anticipate the following meetings monthly: TPAC, Ad Hoc Transportation Committee, Ad Hoc Dirt Road Committee, and SCDOT coordination meeting. The PDT shall also be available on an on-call status to attend County Council Meetings.
- C. The PDT shall investigate other sources of funding for the planned projects. These other sources of funding may include, but are not limited to: TIGER Grants, TAP funds, SCDOT Match funds, etc. The PDT shall budget to produce one TIGER, one State Infrastructure Bank and one TAP Grant yearly. The PDT shall also budget production of SCDOT Match Program applications bi-yearly. Project budgets may be increased through these additional funds.
- D. The PDT shall coordinate with other government entities (OGE's), including coordination with the Central Midlands Regional Transit Authority. Activities may include submittals required during project phasing, listing each subject project with regulatory agencies involved, and similar actions. For the purposes of this contract the PDT shall anticipate quarterly meetings with OGE's.
- E. The PDT shall establish standard specifications for enhancement items County wide in an effort to establish continuity. At a minimum this shall include, but is not limited to lighting, ADA detectable warning ramps, cross-walks, receptacles, and bike racks.

**EXHIBIT E**

<b>RICHLAND COUNTY SALES TAX TRANSPORTATION PROGRAM                      PERSONNEL RATE SCHEDULE (RATES FOR 2014 calculated at 2.87 DPE)</b>		
Position Code	Position	Hourly Rates
	<b>PROGRAM MANAGEMENT</b>	
100	Program Manager	\$ 233
101	Deputy Program Manager	\$ 219
102	Assistant Program Manager	\$ 180
103	Program Administrator	\$ 173
104	Principal	\$ 276
	<b>PUBLIC INFORMATION</b>	
200	Public Information Director	\$ 200
201	Public Relations Director	\$ 121
202	Outreach Lead Strategist	\$ 220
203	Outreach Manager	\$ 121
204	Web Designer	\$ 125
	<b>PROCUREMENT</b>	
300	Procurement Director	\$ 225
301	Procurement Manager	\$ 67
302	SWMBE Manager	\$ 108
	<b>PROJECT CONTROLS</b>	
400	Project Controls Director	\$ 178
401	Financial Controls	\$ 150
402	CPM Scheduler	\$ 101
403	TEAMS Coordinator	\$ 138
	<b>DESIGN</b>	
500	Principal Architect	\$ 180
501	Senior Architect	\$ 153
502	Architect	\$ 126
503	Principal Engineer	\$ 180
504	Senior Engineer	\$ 158
505	Engineer	\$ 130
506	Junior Engineer	\$ 64
507	Engineering Technician	\$ 118
508	Senior Structural Engineer	\$ 157
509	Structural Engineer	\$ 121
510	Senior Traffic Engineer	\$ 118

## EXHIBIT E

COST ESTIMATING		
600	Preconstruction Svcs. Director	\$174
601	Senior Estimator	\$133
602	Estimator	\$104
603	Quantity Surveyor	\$66
ENVIRONMENTAL		
700	Senior Geologist	\$189
701	Geologist	\$128
702	Senior Hydrologist	\$151
703	Hydrologist	\$102
704	Senior Environmentalist	\$114
705	Senior Biologist	\$189
706	Biologist	\$128
707	Environmental P. E.	\$180
708	Environmental Technician	\$118
CONSTRUCTION/INSPECTIONS		
800	Construction Manager	\$181
801	Project Manager	\$144
802	Assistant Project Manager	\$90
803	Senior Inspector	\$104
804	Inspector	\$93
805	Junior Inspector	\$63
806	Safety Compliance Officer	\$90
RIGHT-OF-WAY ACQUISITION		
900	Right-of-Way Principal	\$180
901	Right-of-Way Manager	\$160
902	Right-of-Way Agent/Mentor	\$60
903	Right-of-Way Protégé	\$60
904	Project Manager	\$145
905	Attorney Mentor	\$200
906	Attorney Protégé	\$200
SURVEY & MAPPING		
1000	Director	\$166
1001	Lead Utility Coordinator/Eng. IV	\$131
1002	Asst. Utility Coordinator/Eng. III	\$123
1003	Asst. Utility Coordinator/Eng. II	\$117
1004	Technical Assistant	\$96
1005	Lead Prof. Land Surveyor	\$109
1006	Asst. Prof. Land Surveyor	\$93
1007	Surveyor Tech III	\$72
1008	Surveyor Tech II	\$52

## EXHIBIT E

1009	Survey CAD Technician I	\$70
1010	GIS Specialist	\$95
	<b>ACCOUNTING</b>	
1100	Accounting Manager	\$173
1101	Accountant	\$94
1102	Accounting Clerk	\$58
	<b>LEGAL</b>	
1200	Attorney	TBD
1201	Legal Assistant	TBD
	<b>SUPPORT STAFF</b>	
1300	Contract Administrator	\$90
1301	Clerical	\$72
1302	Intern	\$54
1303	Student Intern	\$43
<b>Notes:</b> 1. Overtime premium is 1.5 of above rates . 2. Rates are subject to annual adjustment per Agreement. 3. Hourly cost = Base Rate x 2.875 (based on 2014 wages)		

End of Exhibit



## **Administration & Finance Committee Meeting Briefing Document**

### **Agenda Item**

Request from the University of South Carolina's Center for Applied Innovation and Advanced Analytics to partner and implement (including funding) a project that would provide rural internet to those areas of unincorporated Richland County that do not have access to broadband.

### **Background**

Technology plays a pivotal role in the way businesses operate, how institutions provide services and where consumers choose to live, work and play. The success of a community has become dependent on how broadly and deeply the community adopts technology resources, including access to reliable, high-speed networks, digital literacy of residents, and the use of online resources locally for business, government and leisure.

Despite a growing dependence on technology, the 2010 Census reports that 27% of Americans do not have a high-speed connection at home. Additional studies also indicate that 19.1 million children do not have broadband at home, and 6.1 million of those children live in low-income households.

In this environment, deploying broadband infrastructure, services and applications presents many challenges. Nevertheless, the universal adoption and meaningful use of broadband is necessary to advance twenty-first century technologically empowered communities. Every sector of a community requires the power of broadband and related applications to function at the highest capacity.

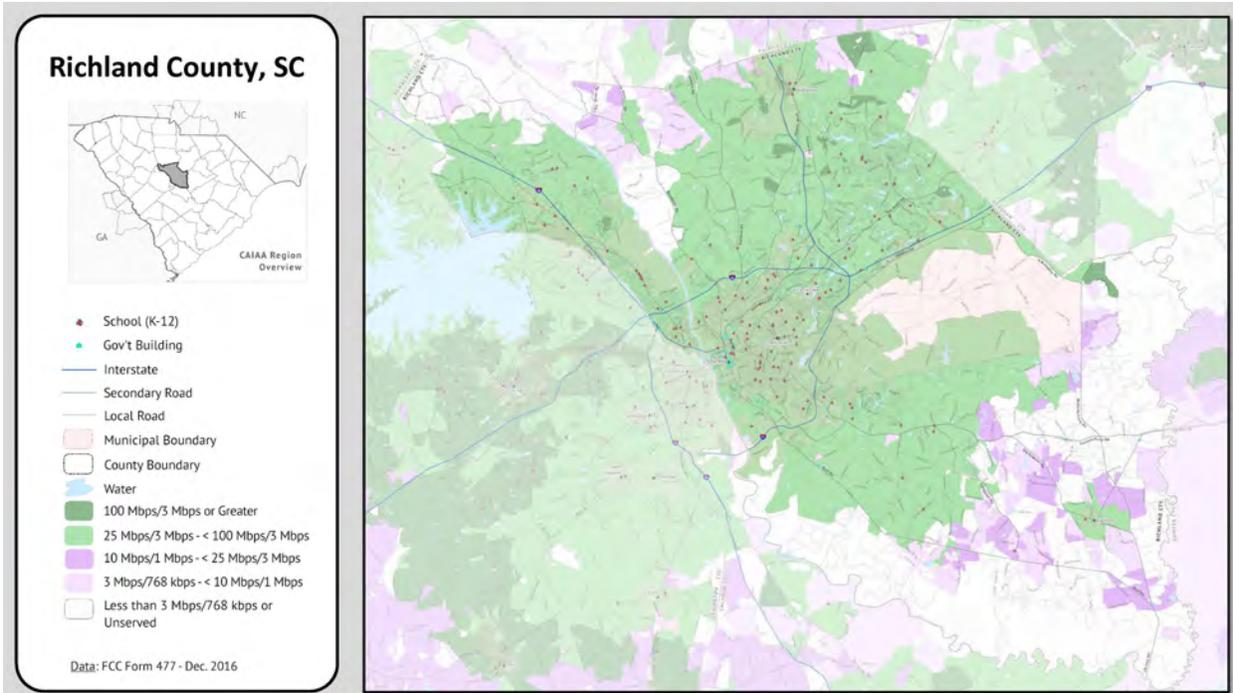
Locally, this issue is quite real. In our region, 434,902 residents (6.3%) and 160,615 households lack access to high speed service (defined as 25Mbps download speed and 3Mbps upload speed). Of those, 267,908 (3.9%) representing 97,030 households lack access to even basic service.

Through a grant, the University of South Carolina's Center for Applied Innovation and Advanced Analytics (CAIAA) has been researching the need for internet access in the state's rural areas and has developed a plan to provide that access. CAIAA is a public-private partnership that works with regional government, academia, and business for developing demand skills, accelerating research innovations into markets, and driving regional economic development.

Broadband access refers to the physical connection to high-speed infrastructure.

CAIAA partnered with IBM to develop a plan for providing access to these underserved areas. The plan generally assesses the local need, proposes technology to address the need and identifies necessary partners. Specific to Richland County, the need is great. 9.3% of our residents lack access to high-speed internet (75,377) and 5% lack access to basic internet (40,486).

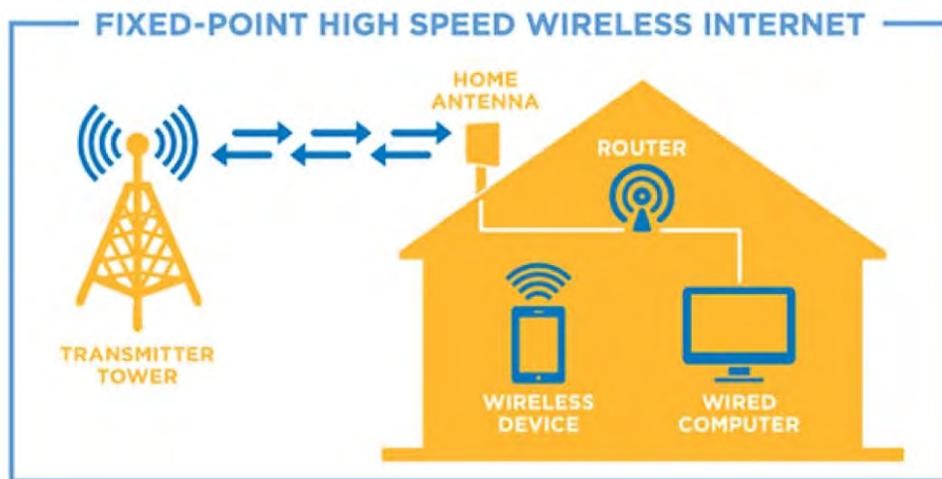




**Note: The white and purple shades indicate slow or no access.**

Deploying broadband to rural locations requires sophisticated use of wireless technology. While it is not cost effective to dig up hundreds of miles of roads to reach a few residents, the nation’s top providers are instead using what is known as fixed wireless technology to reach rural residents.

Simply put, an antenna is mounted on top of a transmitter tower and a small receiving antenna is placed on the customer’s premises. Fixed wireless is capable of delivering speeds of up to 30Mbps but is dependent on the customer’s distance from the tower and direct line-of-sight placement.



South Carolina is fortunate to have a large number of towers (650+) which are owned and operated by our public broadcasting and education network, SCETV. Many of these towers were placed in service in

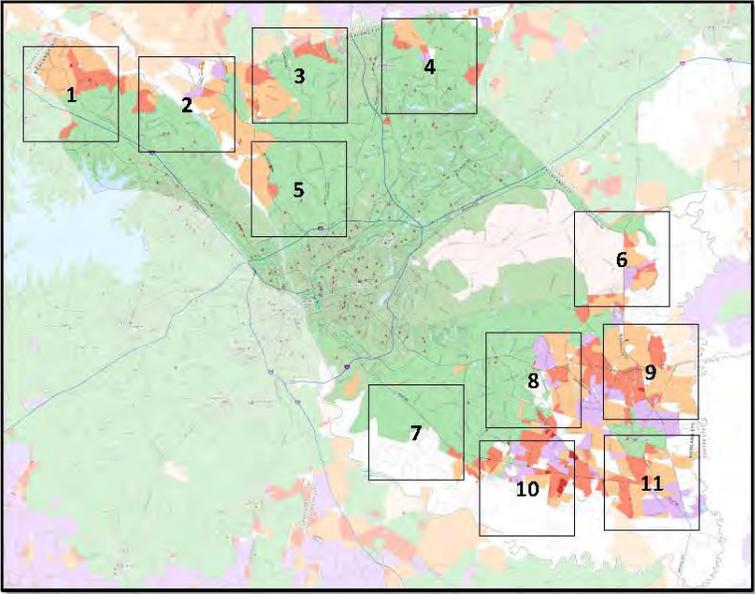
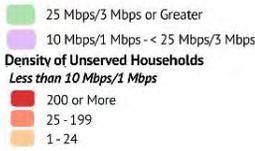


the 1980's and 1990's and are no longer needed. Most are in great condition, are movable and can be re-purposed as a transmitter source to solve a major part of SC's rural broadband problem. SCETV has already partnered with CAIAA on this project.

CAIAA has further researched to identify target areas (areas of high residential density and poor service) to determine the optimal placement of each SCETV tower.

The figure and table below highlight 11 such target areas in Richland County, where the density of unserved households would justify a need for wireless technology to provide internet access. Each area represents a 10 square mile footprint.

- Richland County Targets**
- 1) Jake Eargle Rd.
  - 2) Little River Rd.
  - 3) Winnsboro Rd.
  - 4) NE Miles Rd.
  - 5) Monticello Rd.
  - 6) Choures Pond Rd.
  - 7) Bluff Rd.
  - 8) Old Eastover Rd.
  - 9) Garners Ferry Rd.
  - 10) Dry Branch Rd.
  - 11) Eastover



Richland County Targets	Population	Residents < 25/3	Households < 25/3	Residents < 10/1	Households < 10/1	Fixed Assets	Moveable Assets	CAF Blocks
1) Jake Eargle Rd.	9,454	1,106	421	1,099	418			16
2) Little River Rd.	12,578	610	264	599	259			28
3) Winnsboro Rd.	1,702	429	187	401	173			13
4) NE Miles Rd.	24,719	381	143	359	135			11
5) Monticello Rd.	7,434	71	30	71	30			0
6) Choures Pond Rd.	5,496	1,489	581	1,316	514			40
7) Bluff Rd.	1,357	414	173	414	173			14
8) Old Eastover Rd.	5,060	1,206	446	886	333			17
9) Garners Ferry Rd.	1,929	1,888	751	1,392	555			44
10) Dry Branch Rd.	1,522	1,457	535	1,132	418			40
11) Eastover	1,875	813	326	554	224			34
<b>TOTAL</b>	<b>73,126</b>	<b>9,864</b>	<b>3,857</b>	<b>8,223</b>	<b>3,232</b>			<b>243</b>

The next step is to partner with the County team, if approved and a service provider, in addition to SCETV, to:

- field verify each of the 11 areas;
- identify existing transmitter sources, such as water towers;
- identify the optimal location for relocating SCETV towers to each target area;
- identify a local broadband vendor to provide last mile service to the underserved areas; and
- implementation of the above including the engineering and construction work required to relocate the tower.

CAIAA predicts a maximum of 25 towers or transmitter assets will be needed to ensure all of Richland County residents have access to high speed internet.

The goal is for Richland County to be the first in the state to be 100% green, meaning access is available to all residents.

### Issues

Lack of internet access in parts of unincorporated Richland County.

### Fiscal Impact

The cost to relocate an SCETV tower is roughly \$50,000 each. Relocating 25 SCETV towers to reach all portions of the County currently without broadband access is estimated, therefore, to not exceed \$1.25M. Sources of funding could be a combination of Hospitality Tax, General Fund, and CDBG and could also include private partners. However, if approved, Council may consider utilizing a portion of the revenue proceeds from the sale of the 1400 Huger St. property to fund this project in its entirety. The sale of the property, which is in its due diligence period, could close as soon as September 2018. The sale price for the property is \$4M.



### **Past Legislative Actions**

N/A

### **Alternatives**

1. Approve the project, enter into a partner agreement with CAIAA, identify funding and proceed accordingly.
2. Consider the project and do not proceed.

### **Staff Recommendation**

Staff recommends approval of this project to provide rural internet access to all of unincorporated Richland County and all components required to implement it. Any funding source requiring an amendment would be brought back to Council for consideration.

## Richland County Council Request for Action

**Subject:**

Funding the Senior programs should be distributed equally and fairly. It is not right for one organization to be receiving hundreds of thousands of dollars annually while other areas receive none. All areas pay taxes and all seniors should get the same and equal opportunity in receiving funding. I move that funding for seniors (Senior Activities) be distributed equally in all eleven districts. [N. JACKSON]

**Notes:**

Staff is still researching this item. This item will be placed on the September Committee agenda.