



RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS

Jim Manning	Bill Malinowski, Chair	Gwendolyn Davis Kennedy
District 8	District 1	District 7

**OCTOBER 16, 2012
4:45 PM**

Council Chambers

CALL TO ORDER

Approval Of Minutes

1. September 18, 2012 [PAGES 5-7]

Adoption Of Agenda

- 2.

Interviews

3. Accommodations Tax Committee-3 (needed are 1 person from the Hospitality industry, 1 person from the Lodging industry, and 1 person from the cultural industry)

No applications were received.

4. Building Codes Board of Appeals-3 (needed 1 engineer, 1 person from the gas industry, and 1 person from the building industry) **[PAGES 10-16]**

Applications were received from the following:

Jesse S Burke, Engineer
Michael T. Lowman, Building*
Greg Mackie, Gas*

Eligible for reappointment

5. Community Relations Council-1

No applications have been received at this time.

6. Planning Commission-1 **[PAGES 18-20]**

An application was received from the following:

William H. Theus

Items For Action

7. Agendas-FOIA Compliance **[PAGES 21-29]**

8. Appearance Commission: **[MALINOWSKI] [PAGES 30-32]**

- a. Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.

- b. Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.

9. I move Council consider allowing Master Gardeners to fulfill the roles of Landscaper and Horticulturalist on the Appearance commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this Commission, and request staff inform Council vacancies **[HUTCHINSON] [PAGES 33-38]**

10. Add to Section 4.1 of Council Rules: "No standing committees of Council shall be scheduled at the same time." **[LIVINGSTON] [PAGES 39-40]**

11. That all items currently listed at the end of the A&F and D&S Committee agendas as "Items Pending Analysis" be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now [MALINOWSKI] [PAGES41-42]

12. Midlands Workforce Development Board-1 [PAGES 43-45]

One applicant was nominated, Annie Caggiano, Richland County Economic Development; she will be replacing Nelson Lindsay, Richland County Economic Director.

13. Reviewing Committee Qualifications [PAGES 46-51]

Discussion

14. Due to recent issues with the Chair making announcements and having meetings on behalf of Richland County and County Council without Council's approval. I move that we have a workshop on the rules of the Chair. The do's and don'ts of the Chair. This will help with the problem and the chaos we are having on County Council. [JACKSON]

Adjournment



Richland County Council Request of Action

Subject

September 18, 2012 [PAGES 5-7]

Purpose

Minutes of



RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS COMMITTEE SPECIAL CALLED MEETING SEPTEMBER 18, 2012 5:00 PM

MEMBERS PRESENT:

Member Chair, Bill Malinowski
Member Gwendolyn Davis Kennedy
Member Jim Manning

ALSO PRESENT- Brad Farrar, Monique Walters

CALL TO ORDER

The meeting was called to order at approximately 5:03 p.m.

APPROVAL OF MINUTES

The minutes were approved with the following amendment: change the minutes to reflect the meeting was recessed on September 11th and reconvened on September 12th to complete the interviews.

ADOPTION OF AGENDA

The agenda was adopted as submitted.

ITEMS FOR ACTION

Agendas-FOIA Compliance – the Committee recommended that motions be allowed to come in within the 24 hour period prior to the meeting. Additional pages will receive a sub-letter

Airport Commission-3; applications were received from: Jeff Allen; James E. Christopher, Jr.*; Tom Clark; Dennis L. Dabney*; Mattie Davis, Ph.D; and Robert C. Pulliam* - the remaining interviews were conducted on Wednesday, September 12th. The Committee recommended the reappointment of Mr. Christopher, Mr. Dabney, and Mr. Pulliam.

Richland County/City of Columbia Animal Care Advisory Committee-2;
applications were received from: Dr. Patrick Greg Brown; Louise C. Emmott*; Joel Osmelowski; Peggy O’N. Wilson* - the remaining interviews were conducted on Wednesday, September 12th; the Committee recommended the reappointment of Louise Emmott, and the appointment of Joel Osmelowski.

Appearance Commission-2 (positions needed are Horticulturalist and Landscape Architect); applications were received from Alan D. Roblee; Ryan Nevius and Kenneth B. Simmons – the remaining interviews were held on Wednesday, September 12th. The Committee recommended the appointment of Kenneth Simmons as Landscape Architect, and Alan B. Roblee as the Horticulturalist. Ryan Nevius withdrew her application for appointment for the Horticulturalist position, but was appointed by Councilman Rose to represent his district on the commission.

Business Service Center Appeals Board-3;(1 position is for a CPA); applications were received from: Nancy Kauffman; Robert A. Leichtle (pronounced Likely), CPA; and Jake Sello – the remaining interviews were conducted on Wednesday, September 12th. The Committee recommended Robert Leichtle for the CPA position, and Nancy Kauffman for the remaining position.

Community Relations Council-2; applications were received from: Mattie Davis, Ph.D and Josephine A. McRant – the Committee interviewed Dr. Mattie Davis and Josephine McRant. The Committee recommended Ms. McRant for appointment, but asked that the remaining position be re-advertised.

East Richland Public Service Commission-1; one application was received from William H. Hancock* (deferred from July 24, 2012 meeting) – the Committee received the information requested regarding the makeup of this commission. The Committee recommended the appointment of Mr. Hancock.

Add to Section 4.1 of Council Rules: “No standing committees of Council shall be scheduled at the same time.” [LIVINGSTON] – the Legal department would provide language for the Council Rules.

That all items currently listed at the end of the A&F and D&S Committee agendas as “Items Pending Analysis” be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now [MALINOWSKI] – this item was deferred to the October 16th meeting, and a draft would be provided for the Rules Committee and Council.

Reviewing Committee Qualifications – the Committee recommended staff provide the document recommending audits, and this be the first item considered after adoption of the agenda. This item remained in Committee.

DISCUSSION

Appearance Commission: [MALINOWSKI]

- a. **Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.**
- b. **Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.**

The Committee received language at the meeting amending the ordinance of the Appearance Commission. The Committee will review the amended language at the next Rules Committee meeting.

I move Council consider allowing Master Gardeners to fulfill the roles of Landscaper and Horticulturalist on the Appearance Commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this commission, and request staff to inform Council of vacancies [HUTCHINSON] –the Committee did not have time to discuss this item, so it remains in Committee.

Due to recent issues with the Chair making announcements and having meetings on behalf of Richland County and County Council without Council's approval, I move that we have a workshop on the rules of the Chair. The dos and don'ts of the Chair. This will help with the problem and the chaos we are having on County Council [JACKSON] –due to lack of time this item was not discussed and remains in Committee.

ADJOURNMENT

The meeting adjourned at approximately 5:50 pm.

Minutes transcribed by Monique Walters

Richland County Council Request of Action

Subject

Purpose

Item# 2

Richland County Council Request of Action

Subject

Accommodations Tax Committee-3 (needed are 1 person from the Hospitality industry, 1 person from the Lodging industry, and 1 person from the cultural industry)

No applications were received.

Purpose

Richland County Council Request of Action

Subject

Building Codes Board of Appeals-3 (needed 1 engineer, 1 person from the gas industry, and 1 person from the building industry) **[PAGES 10-16]**

Applications were received from the following:

Jesse S Burke, Engineer
Michael T. Lowman, Building*
Greg Mackie, Gas*

Eligible for reappointment

Purpose



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Jesse S. Burke, PE

Home Address: 216 South Maple Street, Columbia, SC 29205

Telephone: (home) 803-779-5544 (work) 803-733-9595

Office Address: 3112 Devine Street, Columbia, SC 29205

Email Address: jesse@BurkeEngr.com

Educational Background: 1988 - BS in Civil Engr; 1989 - Masters of Engineering

Professional Background: Over 20 years experience in design of buildings & other structures

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

Name of Committee in which interested: Building Board of Adjustment and Appeal

Reason for interest: My knowledge of the Building Codes and building construction.

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

Roughly 30 years experience in construction and design. Extensive knowledge of the building codes (commercial & residential). Licensed Professional Engineer in 3 states.

Presently serve on any County Committee, Board or Commission? South Carolina Building Code Council's Code Study Committee - currently serving my second 3-year term.

Any other information you wish to give? State Chapter President of the Structural Engineer's Association of SC

Recommended by Council Member(s): _____

Hours willing to commit each month: Whatever is necessary. I realize it will vary month to month.

CONFLICT OF INTEREST POLICY

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

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

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

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

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

Yes _____ No **X** _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No **X** _____

If so, describe: _____



Applicant's Signature

17 September 2012
Date

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

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

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	Item# 4
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	Attachment number 1 \nPage 2



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: MICHAEL T. LOWMAN

Home Address: 5 OVERCUP CT, IRMO SC 29063

Telephone: (home) 803-781-1332 (work) 803-227-8414

Office Address: 441 WESTERN LN, IRMO SC 29063

Email Address: mikelowman760@gmail.com

Educational Background: AIZ DEGREE UNIVERSITY OF SC

Professional Background: LICENSOR POUNDER & REAL ESTATE

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

Name of Committee in which interested: BUILDING BOARD OF ADJUSTMENTS & APPEALS

Reason for interest: WISH TO CONTINUE SERVING.

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

CURRENTLY SERVES AS CHAIR OF THE BUILDING BOARD OF APPEALS

Presently serve on any County Committee, Board or Commission? YES, BUILDING BOARD OF ADJUSTMENTS & APPEALS

Any other information you wish to give?

Recommended by Council Member(s):

Hours willing to commit each month: WHATEVER NEEDED

CONFLICT OF INTEREST POLICY

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

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

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

Yes _____ No ✓

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes ✓ No _____

If so, describe: MANAGER OF MUNGU HOMES

[Signature] _____
Applicant's Signature Date 8/9/12

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Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	Item# 4

2



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Greg Mackie

Home Address: 61 Olde Springs Rd

Telephone: (home) 419-1007 (work) 736-9300

Office Address: 8551 Old Percival Rd

Email Address: GMackie@SC.RR.COM

Educational Background: High School grad

Professional Background: Master Plumber / Master Gas Fitter

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

Name of Committee in which interested: Building codes Board of Adjustment

Reason for interest: Currently Serving / Term expiring

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

Presently serve on any County Committee, Board or Commission? yes

Any other information you wish to give?

Recommended by Council Member(s):

Hours willing to commit each month: whatever necessary

CONFLICT OF INTEREST POLICY

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

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

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

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

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No _____

If so, describe: _____

Meg Mackie 8-2-12
Applicant's Signature Date

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

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

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	Item# 4

2

Richland County Council Request of Action

Subject

Community Relations Council-1

No applications have been received at this time.

Purpose

Richland County Council Request of Action

Subject

Planning Commission-1 [PAGES 18-20]

An application was received from the following:

William H. Theus

Purpose



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

Applicant must reside in Richland County.

Name: William H. Theus

Home Address: 1521 Tanglewood Road Columbia, SC 29205

Telephone: (home) (803) 254-9745 (work) (803)256-1050

Office Address: 1213 Lady Street, Ste. 300, Columbia, SC 29201

Email Address: btheus@taylortheus.com

Educational Background: B.S./MBA University of Virginia

Professional Background: Real Estate Investment/Development

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

Name of Committee in which interested: Planning Commission

Reason for interest: I am interested in serving the community in an
area in which I have experience.

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

I have real life experience with property development.

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

Any other information you wish to give? No

Recommended by Council Member(s): Greg Pearce

Hours willing to commit each month: Whatever is necessary

CONFLICT OF INTEREST POLICY

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

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

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

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

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

Yes _____ No X

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes X No _____

If so, describe: We own and have developed property in Richland County.

 W. A. Jones
Applicant's Signature

 9/20/12
Date

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

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

Applications are current for one year.

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

Item# 6

Richland County Council Request of Action

Subject

Agendas-FOIA Compliance [**PAGES 21-29**]

Purpose

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Dennis N. Lambries, Appellant,

v.

Saluda County Council; T.
Hardee Horne, Chairman;
William "Billie" Pugh,
Councilman; Steve Teer,
Councilman; Jacob Schumpert,
Councilman; and James Frank
Daniel, Sr., Councilman, Respondents.

Appeal From Saluda County
William P. Keesley, Circuit Court Judge

Opinion No. 4989
Heard March 15, 2012 – Filed June 13, 2012

REVERSED

Richard R. Gleissner, of Columbia, for Appellant.

Christian Giresi Spradley, of Saluda, for
Respondents.

Item# 7

Attachment number 1 \nPage 1

KONDUROS, J.: Dennis Lambries appeals the circuit court's ruling that the amendment of the agenda by the Saluda County Council (the Council) during its meetings does not violate the Freedom of Information Act (FOIA). We reverse.

FACTS

Lambries filed suit against the Council contending its practice of amending its agenda during regularly scheduled meetings violated FOIA. The circuit court concluded specific language in section 30-4-80 of the South Carolina Code (2007) indicated no agenda was required for regularly scheduled meetings and the amendments to the agenda were made in open public sessions in accordance with the Council's procedures so the action did not violate FOIA.¹ This appeal followed.

STANDARD OF REVIEW

"Statutory interpretation is a question of law." Hopper v. Terry Hunt Constr., 373 S.C. 475, 479, 646 S.E.2d 162, 165 (Ct. App. 2007). This court may decide matters of law with no particular deference to the circuit court. Pressley v. REA Constr. Co., 374 S.C. 283, 287-88, 648 S.E.2d 301, 303 (Ct. App. 2007).

LAW/ANALYSIS

Lambries argues the circuit court's interpretation of section 30-4-80 of the South Carolina Code (2007) was erroneous because it undercuts the purpose of FOIA to inform the public about business to be addressed at meetings of public bodies. We agree.

¹ Lambries initially requested that certain acts of the Council be declared null and void, but he abandoned those claims and seeks only an interpretation of FOIA that will prevent the Council from amending its agenda during meetings in the future.

Section 30-4-80 provides:

(a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agenda, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

....

(d) Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(e) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

Section 30-4-15 of the South Carolina Code (2007) discusses the purpose of FOIA.

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

Id. (emphasis added).

The circuit court determined the "if any" language in section 30-40-80(a) means that nothing requires Council to have an agenda for a regularly scheduled meeting. However, this interpretation is inconsistent with the requirement that agendas be posted twenty-four hours prior to a meeting. Applying such a construction, Council could circumvent the notice requirement by simply not preparing a formal agenda and then discussing matters on an ad hoc basis at the meeting. Such conduct would not be in keeping with the purpose of FOIA, and we will not construe a statute in a way that defeats the legislative intent. See Sloan v. S.C. Bd. of Physical Therapy Exam'rs, 370 S.C. 452, 468, 636 S.E.2d 598, 606 (2006) ("A statute as a whole must receive [a] practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of lawmakers."); Kiriakides v. United Artists Commc'ns, Inc., 312 S.C. 271, 275, 440 S.E.2d 364, 366 (1994) (stating courts will reject the ordinary meaning of words if accepting such an interpretation of a statute leads to an absurd result that would defeat the plain legislative intention.); id. ("If possible, the court will construe the statute so as to escape the absurdity and carry the intention into effect."). Additionally, if as Council argues no agenda is required because regularly scheduled meetings are open to the public, then the publication requirement when there is an agenda is superfluous. Meetings with or without an agenda are equally open to the public.

However, if "agenda"² is not viewed narrowly as only a formally prepared piece of paper but instead represents the impactful actions and business the paper memorializes, the statute can be read harmoniously. Then, the "if any" language simply recognizes that regularly scheduled meetings of public bodies may occur during which no formal action or discussion is to take place. If so, there is no agenda and no requirement for publication of a blank piece of paper.

The remainder of subsection (a) requires publication of the agenda for any called or special meeting. By implication, a called or special meeting would only occur if an item required formal discussion or action. This interpretation of the statute gives logical effect and meaning to each part of the statute and is in accord with the purpose of FOIA to notify the public of the activities of public bodies.

The remaining question is whether a published agenda for a regularly scheduled meeting can be amended during the meeting without violating FOIA. This is a close question, because no provision appears to prohibit such action. However, to allow an amendment of the agenda regarding substantive public matters undercuts the purpose of the notice requirement in section 30-4-80. A narrow construction of FOIA may support the position that so long as regularly scheduled meetings are open to the public, they are conducted in compliance with FOIA. However, such a construction would be inconsonant with the agenda notice requirement for regularly scheduled meetings and would go against the instruction that FOIA is to be liberally construed. See N.Y. Times Co. v. Spartanburg Cnty. Sch. Dist. No. 7, 374 S.C. 307, 311, 649 S.E.2d 28, 30 (2007) (stating FOIA is a statute remedial in nature and must be liberally construed to carry out the purpose mandated by the legislature); Evening Post Publ'g Co. v. City of N. Charleston, 363 S.C. 452, 457, 611 S.E.2d 496, 499 (2005) (holding FOIA exemptions are to be narrowly construed to fulfill the purpose of FOIA to guarantee the public reasonable access to certain activities of government).

While Lambries does not argue Council's deeds have been done with ill intent, permitting the amendments to the agenda during a regularly

² Agenda is not defined in FOIA.

scheduled meeting is a practice that could be abused and violates the spirit of FOIA. A South Carolina Attorney General opinion, while not authoritative, eloquently describes the ideal conduct for meeting the obligations set forth under FOIA.

Public bodies are encouraged to take all steps necessary to comply with both the letter and the spirit of the Act, to carry out the express purpose of keeping the public informed about the performance of their public officials and the conduct of public business. If any doubt exists as to action to be taken, the doubt should be resolved in a manner designed to promote openness and greater notice to the public.

1989 S.C. Op. Att'y Gen. 89-111, 1989 WL 406201 (October 11, 1989).

We recognize our decision may be inconvenient in some instances, but the purpose of FOIA is best served by prohibiting public bodies governed by FOIA from amending their agendas during meetings. Therefore, the ruling of the circuit court is

REVERSED.

GEATHERS, J., concurs.

PIEPER, J., dissents in a separate opinion.

PIEPER, J., dissenting:

I respectfully dissent. The majority opinion is well-reasoned and compelling. However, I am reluctant to reverse the denial of temporary injunctive relief by the trial court because the statute is completely silent as to whether a public body can amend an agenda that is not required for a regularly scheduled meeting. "A statute as a whole must receive practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of lawmakers." Sloan v. S.C. Bd. of Physical Therapy Exam'rs, 370 S.C. 452, 468, 636 S.E.2d 598, 606 (2006). "[I]t is vital in a democratic

society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity" S.C. Code Ann. § 30-4-15 (2007). FOIA must be construed to make it possible for citizens to learn and report fully the activities of public officials. Id. Section 30-4-80 of the South Carolina Code provides the following:

- (a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agenda, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

S.C. Code Ann. § 30-4-80 (2007).

Section 30-4-80 is completely silent as to whether an amendment to a published agenda for a regularly scheduled meeting is permitted. What is clear is that an agenda is not required for a regularly scheduled meeting, as indicated by the "if any" language in the statute. See S.C. Code Ann. § 30-4-80 (2007) ("Agenda, if any, for regularly scheduled meetings"). Because an agenda is not required for a regularly scheduled meeting, it is difficult to conclude that the statute's silence clearly demonstrates legislative intent to prohibit a public body from amending a discretionary agenda. Additionally, Council's amendment of the agenda did not violate FOIA's

purpose of providing the public access to a public body's actions behind closed doors. Council's amendment of the agenda did not infringe on Lambries' ability to learn and report fully on the activities of the public officials. While the public was not informed of the amendment to the agenda, the meeting was performed in an open and public manner, and the public was advised of both the meeting and the decisions reached at the meeting.

Moreover, because a FOIA violation can be criminal in nature, the law should be clear as to what is proscribed; otherwise, unintended prosecutions could be threatened. See S.C. Code Ann. § 30-4-110 (2007) ("Any person or group of persons who willfully violates the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for the first offense . . ."). Until the legislature resolves this issue, I would not judicially impose requirements that would have the effect of creating new and potentially unintended criminal liability. Furthermore, in light of the admitted lack of legislative clarity on this issue, I would alternatively affirm the trial court's denial of Lambries' temporary injunction, as the decision to grant or deny an injunction is within the discretion of the trial court. See Strategic Res. Co. v. BCS Life Ins. Co., 367 S.C. 540, 544, 627 S.E.2d 687, 689 (2006) ("An order granting or denying an injunction is reviewed for abuse of discretion."). Based on the foregoing reasons, I would affirm the order of the trial court.

Richland County Council Request of Action

Subject

Appearance Commission: **[MALINOWSKI] [PAGES 30-32]**

- a. Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.
- b. Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.

Purpose

Sec. 2-332. Boards, commissions and committees created.

The following boards, commissions and committees are hereby established and recognized:

(i) *Richland County Appearance Commission.*

(1) *Creation.* There is hereby created a Richland County Appearance Commission, which shall be a permanent county commission, appointed in whole by the county council.

(2) *Membership.* The Richland County Appearance Commission shall consist of ~~at least 11 members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.~~ appointed by county council. While any interested citizen residing in Richland County at the time of his or her appointment and remaining a citizen of Richland County during the tenure of his or her appointment is eligible to be a member, special consideration may be given to applicants with specialized knowledge of or proficiency in landscape architecture, horticulture or master gardening.

(3) *Purpose.* The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. Responsibilities include:

a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.

b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.

c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five-year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.

d. To develop a maintenance plan for the above LIMB Plan and five-year plan.

e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.

(4) *Terms of members; election of officers; and meetings.*

a. ~~An at-large A~~ A commission member shall serve a term of four years or until his or her successor is appointed. ~~The term of a member of the Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his or her term.~~

b. The commission shall elect a chairman, vice-chairman, secretary and treasurer.

c. The commission shall meet at such times and places as determined by the chairman, but shall hold at least one meeting each quarter. The county administrator shall assign staff to assist the

commission in making its recommendations to county council. All meetings of the commission shall be conducted in compliance with the South Carolina Freedom of Information Act.

(5) *By-laws.* The commission ~~shall~~ may adopt by-laws and rules of procedure by which meetings and activities of the commission will be conducted. ~~Such by-laws shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.~~ Any matter not addressed under the by-laws or rules of procedure the commission adopts shall be governed by Robert's Rules of Order, most recent edition.

(6) *Quorum.* A quorum of appointed members (*i.e.*, a majority of the appointed members), and not of the "fixed membership" of the commission, must be present for the commission to conduct business. [For example, if the commission has only five (5) appointed members at the time, notwithstanding the "fixed membership" described in subsection (2), a quorum of the "appointed members" would be three (3)].

Richland County Council Request of Action

Subject

I move Council consider allowing Master Gardeners to fulfill the roles of Landscaper and Horticulturalist on the Appearance commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this Commission, and request staff inform Council vacancies **[HUTCHINSON] [PAGES 33-38]**

Purpose

APPEARANCE COMMISSION

The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. The Commission, appointed in whole by Council, shall consists of at least eleven (11) members; at least one member who is a landscape architect and one member who is a horticulturist; and the other members being interested citizens residing in the county. Members shall serve a term of four (4) years or until his of her successor is appointed. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia and Richland County will serve as an ex-officio member.

	<u>District</u>	<u>Member</u>	<u>Expiration</u>
1	Malinowski	Kim Murphy	Concurrent
2	Dickerson		*
3	Jeter		*
4	Livingston		*
5	Rose	Carla Lewis Moore	*
6	Pearce		*
7	Kennedy	Jim Davis	*
8	Manning	Lee Phippen	*
9	Hutchinson	Mary Jane Henderson	*
10	Washington		*
11	Jackson	Angela Geiger	*

Other Members:
 Horticulturist (Vacant)
 Landscape Architect (Vacant)

APPEARANCE COMMISSION

The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. The Commission, appointed in whole by Council, shall consist of at least eleven (11) members: at least one member who is a landscape architect and one member who is a horticulturist; and the other members being interested citizens residing in the county. Members shall serve a term of four (4) years or until his or her successor is appointed. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and Richland County will serve as an ex-officio member.

District 1
Kim Murphy, *Chair*
154 Old Laurel Lane
Chapin, SC 29036
345-8855 (H)
12/31/14

District 2 (Vacant)
Betty Robinson
1916 Spotswood
Columbia, SC 29210
(H)
12/31/08

District 3 (Vacant)
William A. Niblock
4011 Highland Park Drive
Columbia, SC 29204
754-4429
12/31/08

District 4 (Vacant)
Betsy L. Boozer
2304 Lincoln Street
Columbia, SC 29201
779-7595 (H)
Retired (O)
12/31/14

District 5
Carla Lewis Moore
2300 Wilmot Ave
Columbia, SC 29205
(H) 770-0124
c-l-moore@att.net
12/31/14

District 6 (Vacant)
Ms. Arney Love
3 Cedarwood Lane
Columbia, SC 29205
256-1196
12/31/10

District 7
Jim Davis
120 Swandale Dr.
Columbia, SC 29203
(C) 318-1136
4/10/12

District 8
Lee Phippen
4230 Sandwood Drive
Columbia, SC 29205
(H) 738-0865
npippen@sc.rr.com
12/31/12

District 9
Mary Jane Henderson
19 Stagbriar Court
Columbia, SC 29229
736-0176
917-8670

District 10 (Vacant)
Susan R. Harris
2509 Flamingo Drive
Columbia, SC 29209
783-0130
12/31/12

District 11
Angela Geiger
405 N. Maney Ct.
Hopkins, SC 29061
776-6436 (H)
333-6104 (O)
12/31/14

Contact: James “Buddy” Atkins
RC Conservation Department
576-2080

Council Liaison:

Others Members:
James E. Storzier, Horticulturist (Resigned)
315 Kilbourne Rd. (Dist 5)
Columbia, SC 29205
(H) (706) 621-9947
(O) 978-1048
jstorzier@riverbanks.org
4/6/10-4/6/13

Landscape Architect
(Vacant)

Citizen Liaisons:

(i) *Richland County Appearance Commission.*

- (1) *Creation.* There is hereby created a Richland County Appearance Commission, which shall be a permanent county commission, appointed in whole by county council.
- (2) *Membership.* The Richland County Appearance Commission shall consist of at least 11 members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at-large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.
- (3) *Purpose.* The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. Responsibilities include:
 - a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.
 - b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.
 - c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five-year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.
 - d. To develop a maintenance plan for the above LIMB Plan and five-year plan.
 - e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.
- (4) *Terms of members: election of officers; and meetings.*
 - a. An at-large Commission member shall serve a term of four years or until his or her successor is appointed. The term of a member of the

Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his or her term.

- b. The commission shall elect a chairman, vice-chairman, secretary and treasurer.
 - c. The commission shall meet at such times and places as determined by the chairman, but shall hold at least one meeting each quarter. The county administrator shall assign staff to assist the commission in making its recommendations to county council. All meeting of the commission shall be conducted in compliance with the South Carolina Freedom of Information Act.
- (5) *By-laws*. The commission shall adopt by-laws by which meetings and activities of the commission will be conducted. Such by-laws shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.

Richland County Council Request of Action

Subject

Add to Section 4.1 of Council Rules: "No standing committees of Council shall be scheduled at the same time." [LIVINGSTON] [PAGES 39-40]

Purpose

4.5 Meetings

Committees shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquires and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.

Absent emergency circumstances, no meeting of a standing committee of Council shall be scheduled at the same time as another meeting of a standing committee of Council.

Richland County Council Request of Action

Subject

That all items currently listed at the end of the A&F and D&S Committee agendas as "Items Pending Analysis" be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now
[MALINOWSKI] [PAGES41-42]

Purpose

4.6 Legislative Action

Items referred to a committee for consideration shall be listed under one of the following categories: “Items for Action” or “Items for Information, Discussion, and/or Preliminary Action.” Additional agenda categories (including, but not limited to, “Presentations,” “Notifications,” and “Items Pending Analysis”) may be added to the agenda as needed for items not requiring immediate committee action.

- a) ITEMS FOR ACTION-For all items requiring action, the committee shall take one of the following actions by majority vote:
 - 1) Recommend that Council approve the item, which may or may not include amendments or modifications to the original request;
 - 2) Recommend that Council deny the item;
 - 3) Forward the item to Council without a recommendation;
 - 4) Defer consideration of the item to a future committee meeting;
 - 5) Refer the item to another committee or commission; or
 - 6) Table the item.

- b) ITEMS FOR INFORMATION, DISCUSSION AND/OR PRELIMINARY ACTION-For items on the agenda for information, discussion and/or preliminary action, the committee shall take one of the following actions by majority vote:
 - 1) Direct the administrator to bring the item back for action at a specified committee meeting;
 - 2) Defer consideration of the item until a specified committee meeting; or
 - 3) Receive the item for information or discussion purposes only, and dispose the item from the committee agenda;
 - 4) Items so removed will be reported as such by the committee to Council.

Any item on the Administration and Finance Committee agenda listed as an “Item Pending Analysis” must be resolved, tabled or otherwise disposed of within 90 days of that matter’s referral to the committee.

Any item on the Development and Services Committee agenda listed as an “Item Pending Analysis” must be resolved, tabled or otherwise disposed of within 90 days of that matter’s referral to the committee.

Richland County Council Request of Action

Subject

Midlands Workforce Development Board-1 **[PAGES 43-45]**

One applicant was nominated, Annie Caggiano, Richland County Economic Development; she will be replacing Nelson Lindsay, Richland County Economic Director.

Purpose



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

Name: Annie Caggiano

Home Address: 1306 Woodrow Street Columbia SC 29205

Telephone: (home) 803-960-1682 (work) 803-576-1344

Office Address: 2020 Hampton St, Suite 4069, PO Box 192, Columbia, SC 29202

Educational Background: B.S. in Marketing from Clemson University. Attended and completed
SC Economic Developers School.

Professional Background: Eight years' experience in economic development as Director of
Research at the Central SC Alliance and one and a half years' experience in project management
as Project Manager for the Darla Moore School of Business. Resume attached for your
reference.

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: Request to be appointed by Nelson Lindsay, Director of Economic
Development for Richland County, as his replacement on the board.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
I am the Assistant Director of Economic Development and liaison for existing industry here in
Richland County.

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: 15

Annie Caggiano
Applicant's Signature

10/8/2012
Date

ANNIE CAGGIANO

1306 Woodrow Street, Columbia, SC 29205 ~ 803.960.1682 ~ anniecaggiano@sc.rr.com

EDUCATION

Clemson University Clemson, SC
Bachelor of Science in Marketing August 2003

PROFESSIONAL EXPERIENCE

University of South Carolina Columbia, SC
Darla Moore School of Business April 11' to October 2012
Project Manager/Business Analyst

- Planned and led major construction projects for new Professional MBA facilities in Greenville and Charleston SC, new Polycom Telepresence classrooms in Aiken, Bluffton, Spartanburg, Columbia SC and Charlotte NC and the new Darla Moore School of Business.
- Proactively conducted interviews with project stakeholders to gather functional requirements, then managed and communicated those requirements throughout assigned projects.
- Organized and lead weekly team meetings to ensure all project deliverables (interior up-fit construction, equipment procurement, marketing, classroom usage MOUs, training of faculty and staff) were on time and within budget.
- Delivered informative and well-organized written and oral presentations to update university stakeholders on assigned projects.
- Researched, analyzed and reported information pertaining to business school facilities, advanced computer technologies, audio visual technologies, open floor plan practices, and collaborative work and study environments to stakeholders within the Business School.
- Reviewed all contracts and agreements pertaining to Professional MBA facilities leases and equipment.
- Act as liaison between the business community, Business School representatives and external partners for all project requirements during the analysis and execution phase of assigned projects.
- Responsible for maintenance of complete, current, and properly archived project documentation.
- Managed day-to-day operational aspects of assigned projects.

Central South Carolina Alliance Columbia, SC
Director, Research Jan 2004 to April 2011

- Organized RFI (request for information) responses between multiple parties including site consultants, member counties, the SC Department of Commerce and assigned Central SC Alliance project manager.
- Developed, wrote and expedited proposals, presentations and other general information packages for prospects.
- Advised Alliance and SC Department of Commerce project managers on available properties for prospects.
- Supervised and maintained the Alliance research information storage and retrieval system including existing industry, demographic, quality of life, tax and wage databases.
- Coordinated day to day research request from staff, prospects, member counties and other parties.
- Researched, composed and published county executive summaries, targeted marketing brochures, property maps, site and building flyers and other specialty marketing products.
- Developed, analyzed and published comprehensive legal and financial status of projects for client counties.
- Maintained all records regarding annual project capital investment and new job creation.
- Managed the Alliance website (www.centralsc.org) and its associated content.
- Assisted Executive Vice President in the preparation of the annual budget, quarterly activity reports, annual reports and other project documentation.
- Responsible for the employment and supervision of the Research Assistant and Intern Positions.
- Managed daily office functions including telecommunications, IT, printers, and general troubleshooting.

PROFESSIONAL DEVELOPMENT AND ASSOCIATIONS

University of South Carolina Continuing Education
Project Management Fundamentals Completed July 2012

Council for Community and Economic Research (formerly ACCRA)
Data-Driven Economic Development Techniques Completed Sept. 2010

South Carolina Economic Developers' School
Basic Program in Economic Development Graduated Nov. 2006

ESRI ArcGIS Training Course
Basic ArcMap, ArcCatalog Completed Sept. 2005

Council for Community and Economic Research (formerly ACCRA) Member 2006 -2011
South Carolina Economic Developers' Association Member since 2006
-Member of SCEDA social media subcommittee

SKILLS

Excellent written and oral communication, ability to establish strong working relationship with clients and colleagues by promoting a team environment, public speaking and presentations, organization. Computer Programs – ACT, Microsoft Office Suite (Word, Excel, PowerPoint), Microsoft Project, Apple (Pages, Keynote, Numbers), Adobe Creative Suite (Photoshop, InDesign, Illustrator, Acrobat) ArcGIS 9.3 (ArcMap, Arc Catalog), Delorme Xmap.

Item# 12

Richland County Council Request of Action

Subject

Reviewing Committee Qualifications [**PAGES 46-51**]

Purpose

Richland County Government

County Administration Building
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202



Phone: (803) 576-2050
Fax: (803) 576-2137
TDD: (803) 748-4999

Office of the County Administrator

MEMORANDUM

TO: Rules and Appointments Committee Members
FROM: Sparty Hammett
SUBJECT: Internal Audit Project List
DATE: October 12, 2012

The recommended internal audit project list was based on the results of the 2005 Follow-up Countywide Management Study conducted by Hammett Consulting (fieldwork was completed from November, 2004 to February, 2005), feedback from County management staff, and feedback from the Internal Audit Committee. The list is seven-years old and operations within some departments on the list have improved during this period of time. In addition, the focus areas of County management and County Council may have changed. While the list can be used as a general starting point, it should be updated based upon the current conditions and risks in Richland County. It should also be noted that four of the audits on the list were completed (Planning and Development Services; Human Resources; Detention Center; and Public Works).

POTENTIAL INTERNAL AUDIT PROJECTS

1. **Finance Department Performance Audit** – Hammett Consulting recommended further study of the Finance Department during the 2001 Countywide Management Study. Internal issues identified during the Follow-up Countywide Management Study, as well as concerns identified by the County’s external auditor, indicate a high level of potential risk.
2. **Treasurer’s Office Performance Audit** – Although the Treasurer’s Office was outside of the scope of review of the Follow-up Study, many concerns regarding the Office were identified by County staff both during this study and the 2001 study. Operational concerns were also identified by the County’s external auditor.
3. **Human Resources Performance Audit** – An efficient and effective Department of Human Resources is crucial to the overall effectiveness of Richland County government. The Department does not currently have the resources to meet the service demand and significant service delivery concerns were identified during the Follow-up Study.
4. **Planning and Development Services Performance Audit** – During the 2001 study, Planning and Development was identified as the most problematic department. Although significant improvements have been made since 2001, there are still many opportunities for improvement particularly given the expanded role of the department since implementation of the new Land Development Code.
5. **Performance Measurement Refinement** – During the 2001 Countywide Management Study, Hammett Consulting conducted a series of meetings with each direct report department to develop base level performance measures. This was intended as a starting point for Richland County’s performance measurement process. The Follow-up Study documented that many departments have made minimal progress in refining and compiling the measures since 2001.

6. **Procurement Audit** – Within any county government, procurement is a high risk area for potential fraud and abuse. Periodic audits of procurement transactions can help reduce the likelihood of fraud. After Richland County implements procurement cards, the potential risk will increase.
7. **Countywide Fee Study** – Hammett Consulting recently conducted a Countywide Fee Study for Gwinnett County, Georgia. Given the budgetary constraints in Richland County, this study could prove beneficial in ensuring that the County is collecting appropriate revenue from user fees and charges.
8. **Timekeeping Audit** – Fraud related to timekeeping is also a potential concern for county government. Controls over timekeeping have improved in Richland County since 2001, however there is still potential for abuse.
9. **Roads and Drainage Maintenance Performance Audit** – At the beginning of 2001 Countywide Management Study fieldwork, Roads and Drainage was one of the most troubled divisions within Richland County government. County Administration made several key operational changes, and the unit had improved significantly by the end of the study process. During the Follow-up Study, a significant number of concerns were again identified within the division.
10. **Detention Center Performance Audit** – A detention center is one of the highest risk areas for any county government. Significant supervisory concerns were identified within the Richland County Detention Center during the course of the Follow-up Study.
11. **Magistrate Court Audit** – Potential internal control issues were identified during the interview process of the 2003 Court Administration Audit conducted by Hammett Consulting.
12. **Animal Care Performance Audit** – County Administration made several key operational changes within the Department during the 2001 study, and the department had improved significantly by the end of the study process. Although the Follow-up Study indicated that operations were still effective, Animal Care issues are often a major concern for citizens. Also, if consolidation of services with the City of Columbia is not accomplished, additional resources and construction of a county animal shelter may be needed to provide the required level of service.

13. **County/City Service Consolidation Review** – Richland County and the City of Columbia have consolidated several governmental services including the Detention Center, Fire, Emergency Services, Dispatch and Business Licensing. This study would review how well these services are meeting the needs of the county and the citizens. The study could also include a review of other services which could be consolidated to enhance service delivery, such as Animal Care.

14. **Emergency Management Performance Review** – Emergency Management and Homeland Security are major concerns for county government today. Hammett Consulting recently conducted an Emergency Management Performance Review in Gwinnett County, Georgia.

15. **Register of Deeds Audit** - A more detailed external audit of the Register of Deeds is being conducted. However, consideration should still be given to conducting an internal audit of internal controls of the Register of Deeds Office due to the amount of cash handled by the department.

Richland County Council Request of Action

Subject

Due to recent issues with the Chair making announcements and having meetings on behalf of Richland County and County Council without Council's approval. I move that we have a workshop on the rules of the Chair. The do's and don'ts of the Chair. This will help with the problem and the chaos we are having on County Council. **[JACKSON]**

Purpose