



Richland County  
Rules & Appointments  
October 19, 2021 – 4:00 PM  
Zoom Meeting  
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, Gretchen Barron and Jesica Mackey

OTHERS PRESENT: Tamar Black, Michelle Onley and Elizabeth McLean

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 4:01 PM.
2. **APPROVAL OF MINUTES**
  - a. October 5, 2021 – Ms. Barron moved, seconded by Ms. Mackey, to approve the minutes as distributed.  
  
In Favor: Malinowski, Barron and Mackey  
  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Mackey moved, seconded Ms. Barron, to adopt the agenda as published.  
  
In Favor: Malinowski, Barron and Mackey  
  
The vote in favor was unanimous
4. **NOTIFICATION OF VACANCIES** –
  - a. **1. Accommodations Tax – Seven (7) Vacancies (TWO applicants must have a background in the lodging industry. THREE applicants must have a background in the hospitality industry. ONE (1) applicant must have a cultural background and ONE (1) applicant will fill an At-large seat)**
  - 2. Airport Commission – One (1) Vacancy ( The applicant must reside within one mile of the airport: Rosewood, Shandon or Hollywood-Rose Wales Garden neighborhoods)**
  - 3. Board of Assessment Appeals – One (1) Vacancy**
  - 4. Board of Zoning Appeals – Two (2) Vacancies**
  - 5. Building Codes Board of Appeals – Six (6) Vacancies (ONE applicant must be from the**

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**Architecture Industry, ONE from the Gas Industry, ONE from the Building Industry, ONE from the Contracting Industry & TWO from Fire Industry as alternates)**

**6. Business Service Center – Two (2) Vacancies (ONE applicant must be from the Business Industry and ONE applicant must be CPAs)**

**7. Central Midlands Council of Governments – One (1) Vacancy**

**8. Community Relations Council – One (1) Vacancy**

**9. Employee Grievance Committee – One (1) Vacancy (MUST be a Richland County employee; 1 seat is an alternate)**

**10. Hospitality Tax – Three (3) Vacancies (ONE applicant must be from the Restaurant Industry)**

**11. Internal Audit Committee – Two (2) Vacancies (applicant with CPA preferred)**

**12. Music Festival – One (1) Vacancy**

**13. Planning Commission – Three (3) Vacancies**

**14. Richland Memorial Hospital Board of Trustees – Two (2) Vacancies**

**15. Township Auditorium – Two (2) Vacancies**

**16. Transportation Penny Advisory Committee (TPAC) –Five (5) Vacancies**

Ms. Mackey moved, seconded by Ms. Barron, to approve the notification of vacancies.

Ms. Mackey inquired when the advertisement would be released,

Ms. Onley responded the notice should be published by the end of the week.

Ms. Mackey inquired, if the notice would be included in the paper, as well as on the website, so people could apply online.

Ms. Onley responded the website would be updated, and the notice would also be included in the Richland Weekly Review.

Ms. Barron noted the Richland Memorial Hospital Board had requested certain criteria. She wanted to ensure their request was included in the advertisement.

Ms. Onley responded she would include the requested criteria.

Mr. Malinowski noted, when a board makes a request, the language should be added in the advertisement.

In Favor: Malinowski, Barron and Mackey

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The vote in favor was unanimous.

5. **ITEMS FOR ACTION**

- a. **All County Council Contracts and agreements adopted by a majority vote to full Council will require a majority vote of full Council to amend and/or change [NOTE: This motion should be taken up as soon as possible, and note be addressed with the overall Council Rules update.] [LIVINGSTON – July 13, 2021]** – Mr. Malinowski noted Ms. McLean provided the following recommendation: “ On any matter to be addressed by council, a motion to temporarily suspend any rule requiring a majority vote (whether stated explicitly or implicitly), shall require unanimous consent of those members present (i.e. use of a plurality vote for approval shall require unanimous consent of council).” He noted he disagreed with that statement because they do everything else with either a majority or a two-thirds vote, with the exception of a resolution, which requires unanimous consent. He does not understand why they need unanimous consent to temporarily suspend a rule that normally requires a majority vote.

Ms. Mackey stated, at the previous meeting, they requested examples from Ms. McLean. She noted she did not see how this would apply or the intent.

Ms. McLean stated, instead of providing examples, she changed the language to include the blurb about plurality, which is what the motion was about. Basically, you can pass a motion with less than a majority, which is a plurality.

Mr. Malinowski stated, if you need a plurality vote, you will need unanimous consent to get the plurality, which seems like they would be doing two things.

Ms. McLean responded they would need to do double work because the maker of the motion wants Council to go to some trouble to be able to use a plurality vote as a way to make people aware there is a possibility a motion is going to pass with four votes.

Mr. Malinowski inquired if this motion was approved by Council if it would have to be added to Council Rules.

Ms. McLean responded in the affirmative.

Ms. Barron stated, if they are going to change the way they normally do business, they should probably take a couple of steps. She noted she agreed with the idea, but she did not know if she agreed with the motion and the intent.

Mr. Malinowski stated he believes they would have more non-unanimous votes on motions that came forward, and they would never get a plurality vote. He stated maybe plurality votes should not be allowed.

Ms. McLean stated that makes more sense than having to vote on it every time, but that was not the motion.

Mr. Malinowski inquired if there were other elected bodies that used plurality votes.

Ms. McLean responded it is not common or favored, but is allowed per Robert’s Rules.

Mr. Malinowski stated, if they do not have specific Council Rule, they would follow Robert's Rules, and the plurality vote that birthed this motion was correct.

Ms. McLean responded in the affirmative.

Ms. Mackey noted she could see pros and cons to the motion. She wished the maker of the motion could speak to his intent.

Mr. Malinowski noted this item is on the Council agenda. The committee could vote it up or down, or keep it in committee for further discussion, with input from the maker of the motion.

Ms. Barron moved, seconded by Ms. Mackey, to keep this item in committee to allow the maker of the motion to provide additional information and input.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

**b. Board, Committee and Commission Recruitment**

- 1. I Direct the Rules Committee to determine which Richland County Boards, Committees and Commissions should have as a qualification that they person applying must reside in the unincorporated area of Richland County only. There are some of these positions where other municipalities appoint individuals and if a person applying for one of those positions resides in that municipality then they should make application through them [MALINOWSKI - October 6, 2020]** – Ms. Mackey stated she looked at the ordinances that were tied to the committees, and the ordinance as they are currently written do not coincide with this motion. She noted, with the Planning Commission, the ordinance states they could accept applicants that live in other municipalities and Council could consider that when making appointments. She did not see why they want to rule out people that live in the County, and pay County taxes, if they are qualified.

Mr. Malinowski inquired if the “y” and “n” on the chart meant the other municipalities had their own committees or they were allowed to apply for Richland County committees.

Ms. Onley responded the other municipalities have their own committees.

Mr. Malinowski stated the County provides Accommodations Tax to the City of Columbia, and other municipalities; however, they do not provide any funding to unincorporated Richland County. He inquired why a committee member, which does not reside in the unincorporated area, should have a say on what is collected, and how the funds are distributed.

Ms. Mackey stated she understood why Mr. Malinowski would not want everyone on the planning and accommodations committees to be from a certain municipality. She noted that was a part of their job when making appointments. She does not think it is right to completely exclude someone who is a County resident and pays County taxes. Someone could live in the City and work and/or shop in unincorporated Richland County; therefore, it would be unfair to exclude them.

Mr. Malinowski noted they chose to live in the City and pay additional taxes. He did think it was

fair to allow them to have a say over individuals who do not reside where they do. He inquired why Councilmembers have to reside in the district they represent.

Ms. Mackey stated the argument was true in reverse. Those that run for a City of Columbia seat also live in Richland County.

Mr. Malinowski responded not when it comes to Planning Commission or Accommodations Tax committees.

Ms. Mackey noted Mr. Malinowski was correct, but they are talking about committees as a whole.

Mr. Malinowski stated his motion was not for every board, commission or committee, but only for specific ones that affect what happens in the unincorporated area.

Ms. Mackey stated she would like to see which committees Mr. Malinowski is referring to. She noted when she read the initial motion she took it as they want to do that for all committees.

Ms. Barron stated she lives in Blythewood and her business is in Forest Acres. As a business owner, she was able to give input and impact in Forest Acres because of her business is located there. She voiced her concerns about the committee having too much power to determine residency.

Mr. Malinowski noted the motion will still have to be voted on by Council.

Ms. Barron stated, before it goes to Council, it had to go through this committee as a recommendation. If Council approves it, the committee would have the power to impact the boards and commission on a whole new level. She wanted to know how many would be affected. She does not want to isolate qualified people with this decision.

Ms. Newton stated there may be boards or commissions where they could say they prefer residents in unincorporated Richland County, but leave the option open for the most qualified candidate.

Ms. Mackey moved, seconded by Ms. Barron, to keep Items (b)(1) and (b)(2) in committee until they receive additional information.

Ms. Mackey stated until a rule, and change to the ordinances, those applicants that were not interviewed need to be included in the next round of interviews.

Mr. Malinowski stated he did not know anyone that was turned away, with the exception of the Transportation Penny Advisory Committee.

Ms. Newton stated there were others who were denied an interview.

Ms. Mackey noted she had several in her district.

Ms. Newton stated they may want to determine a timeframe.

Ms. Mackey stated they should start with applicants from December 2020.

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Mr. Malinowski noted, when potential rule changes were previously discussed, interviews were not held because of the ongoing discussions.

Ms. Mackey stated she felt if someone submitted an application they should get an interview. Until the committee votes on the rule, those applicants could be grandfathered in until their term expires.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Ms. Mackey noted there appeared to be some committees in the ordinances they are not advertising for. There may be historical information she was not aware of, but the ordinance did not reflect it. In addition, the committees are required to report attendance quarterly, and she would like that to be implemented because she believes it would be good to know if the people appointed are actually showing up to the meetings.

Mr. Malinowski inquired if that information could be shared so the committee could review it and discuss.

2. **Based on the fact the Planning Commission makes decisions that affect unincorporated Richland County only, members assigned must reside in unincorporated Richland County [MALINOWSKI - September 21, 2021]**

6. **ADJOURNMENT** – The meeting adjourned at approximately 4:31 PM.