



Richland County
Rules and Appointments Committee
October 5, 2021 – 3:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Allison Terracio, Derrek Pugh, Tamar Black, Michelle Onley, Elizabeth McLean, Justin Landy, Angela Weathersby, Aric Jensen and Kyle Holsclaw

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 3:00 PM.
2. **APPROVAL OF MINUTES**
 - a. **September 21, 2021** – Ms. Mackey noted, at the last meeting, the committee discussed holding off on conducting interviews, but that was not reflected in the minutes.

Ms. Barron stated, she thought, we were done with interviews for this round.

Mr. Malinowski noted there were a few more interviews.

Ms. Onley stated we still applications for vacancies, but we could delay those interviews.

Mr. Malinowski noted the Notification of Vacancies will be on the next agenda.

Ms. Mackey moved, seconded by Ms. Barron, to approve the minutes as amended.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Ms. Mackey, to adopt the agenda as published.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.
4. **INTERVIEWS/APPOINTMENTS**

Ms. Mackey moved, seconded by Mr. Malinowski, to go into Executive Session to conduct interviews.

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In Favor: Malinowski and Mackey

The vote in favor was unanimous.

- a. Employee Grievance Committee – Two (2) Vacancies (MUST be a Richland County employee, 1 seat is an alternate) – Ms. Meghan Easler interviewed for the Employee Grievance Committee.
- b. Transportation Penny Advisory Committee (TPAC) – Six (6) Vacancies – Ms. Eva Young Prioleau interviewed for the Transportation Penny Advisory Committee.
- c. Township Auditorium – Two (2) Vacancies – Ms. Lisa Wiley withdrew her application, as her work schedule would not allow her to make the Board meetings.
- d. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the public procurement arena & one applicant must be from the consumer industry) – Ms. Tina Green interviewed for the Procurement Review Panel.

Ms. Barron moved, seconded by Ms. Mackey, to reconsider the agenda.

Ms. Barron noted the last couple meetings we have fumbled with the agenda.

Ms. Mackey stated she believes there are other applicants for the vacancies (i.e. Township and TPAC).

Ms. Onley responded the Clerk's Office received an application, after the deadline, for both of these vacancies. In addition, there is one application on file for the TPAC. The committee previously interviewed the applicant, and did not appoint him. It was noted the application deadline was August 27th.

Ms. Barron inquired, for clarification, if the applicant missed the deadline, but we still need applicants, what is the process? It seems like we have individuals that are interested, but we are not interviewing them because they missed the deadline. Yet, there applications will stay on file for the next vacancies, which means we run the risk of leaving vacancies.

Mr. Malinowski responded you have to call for deadlines at some point. If you do not have a scheduled deadline, you might as well keep them open constantly. He noted, when the vacancies are posted, it shows what the deadline is.

Mr. Malinowski inquired if the Clerk's Office contacts applicants that miss the deadline.

Ms. Onley responded in the affirmative.

Ms. Mackey inquired if Ms. Green is the only person that applied for the Procurement Review Panel.

Ms. Onley responded in the affirmative.

Ms. Mackey made a friendly amendment to re-advertise for the Employee Grievance Committee and the Transportation Penny Advisory Committee.

Mr. Malinowski noted we have to vote on reconsidering the agenda first, and take action on all of the "appointments" since they are listed on the Council agenda.

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In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Barron, to add Notification of Appointments to the agenda.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

- a. Employee Grievance Committee – Ms. Barron moved, seconded by Ms. Mackey, to forward to Council with a recommendation to appoint Ms. Easler for the full-time seat.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

- b. Transportation Penny Advisory Committee – Ms. Barron moved, seconded by Ms. Mackey, to forward to Council with a recommendation to appoint Ms. Prioleau.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

- c. Procurement Review Panel – Ms. Barron moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to appoint Ms. Green.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

7. **ITEMS FOR ACTION**

- a. I move that if matters such as Clerk to Council Search or Compensation for Interim Clerk of Council are to be a part of the Employee Evaluation Oversight Ad Hoc Committee that the name of the Ad Hoc Committee be changed to better reflect what would fall under the purview of its function, responsibility, and/or purpose [MANNING - October 20, 2020] – Mr. Malinowski stated he thought the Employee Evaluation and Oversight Ad Hoc Committee handled matters related to employees, and their evaluations. He noted if we are searching for an employee or discussing their compensation that is not evaluation of the employee(s).

Ms. Mackey stated, this was discussed at the last meeting, and she thought we decided there was no action to be taken.

Mr. Malinowski inquired about the newly established committee referenced in the minutes.

Ms. Mackey responded it is a committee to discuss restructuring of the Clerk to Council Office.

Ms. Barron stated, going into Mr. Manning's mind, the Employee Evaluation and Oversight Ad Hoc

Committee has evolved into so much. The question should be, what is the overall objective of the committee? If the objective is just evaluation, then they are doing too much. She noted we have shuffled lots of responsibilities over to the committee.

Mr. Malinowski noted “oversight” could give additional responsibilities to the committee. Once an employee, who is under the purview of the Council, receives an evaluation many times the next steps are related to compensation. It was suggested to inquire what the Chair’s intent was for the committee (i.e. evaluation).

Ms. Barron suggested querying full Council about their interpretation of the intent of the committee.

Ms. Barron moved, seconded by Mr. Malinowski, to present the motion to the Chair, and full Council, for their input, as to the roles and responsibilities, of the Employee Evaluation and Oversight Ad Hoc Committee.

Ms. Mackey inquired if the intent of the motion is to change the name of the committee or to provide specific duties. If the intent is to change the name, we should provide a proposed name.

Ms. Barron responded, before we can determine if a name change is needed, we have to find out what it is Council wants the committee to do.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

- b. All County Council contracts and agreements adopted by a majority vote of 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 not be addressed with the overall Council Rules update] [LIVINGSTON – July 13, 2021] – Mr. Malinowski noted this motion came about because a motion was made to take an action related to an employee, but the motion itself specifically stated “whichever receives the most votes” will be the succeeding vote. Mr. Livingston does not believe that was a proper vote.

Ms. McLean noted she was supposed to add some “examples” to the proposed language, but she was not able to provide it prior to the agenda deadline.

Mr. Malinowski requested Ms. McLean to provide the requested information, and list the item on the Rules and Appointments and Council agendas.

c. Boards, Committees and Commission Recruitment

1. Direct the Rules Committee to determine which Richland County Boards, Committees and Commissions should have a qualification that the 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]
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]

Ms. Barron stated she understands applicants need to reside in unincorporated Richland County, but is any credence given to individuals who are employed and/or own businesses in a particular area. She does not want us to shut qualified individuals out because of where they live. They may have as much influence where they work or have their business.

Mr. Malinowski noted many of our committees have requirements of a specific nature, and regardless of where the applicant comes from we are looking for the specificity of qualifications the committee is requesting. However, with the Planning Commission, the City of Columbia has its own Planning Commission. You can only be on the City's Planning Commission, if you reside in the City of Columbia. Therefore, to put someone from the City of Columbia on the County's Planning Commission, and similar committees, is not appropriate.

Ms. Barron stated, to that point, we should look at targeting those committees. The way it is stated currently, you could have some ambiguity.

Mr. Malinowski recommended having residency requirements be a part of the qualifications for the committee.

Ms. Mackey inquired if there is an ordinance tied to the Planning Commission that states what the body can or cannot be. Does the ordinance state the Planning Commission must be made up of members that reside in unincorporated Richland County?

Mr. Malinowski responded not to his recollection.

Ms. Mackey stated, she does not understand, why we would preclude individuals that live in a municipality.

Mr. Malinowski responded the City requires you to reside within the City to be on their Planning, so he does not see why we should not have the same kind of qualifications.

Ms. Mackey responded, when you live in the City, you also live in the County. You are paying taxes to the City and the County.

Mr. Malinowski stated, in his opinion, if you do not have any responsibility to the people in unincorporated Richland County, you should be making a decision on what affects the people in unincorporated Richland County.

Mr. Malinowski inquired if every committee is governed by ordinance.

Ms. McLean responded, unless the committee is an ad hoc committee, it should be done by ordinance. Chapter 2 of the County Code includes a Boards, Committees and Commissions section, which should include all of them.

Ms. Mackey noted, since we are keeping this matter in committee, we need to be mindful of who we are interviewing and who we are disqualifying.

Mr. Malinowski stated, in the past, we had something similar to this, and we put appointments on hold pending the resolution of the matter.

Ms. Mackey inquired if the committee needs to take action on the draft vacancy and application

deadline.

Ms. Mackey moved, seconded by Ms. Barron, to accept the draft vacancy and application deadline provided by the Clerk's Office.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Ms. Mackey inquired if the Clerk's Office will be providing the committee with an updated list of vacancies.

Ms. Onley stated the updated list will be on the October 19th committee agenda.

d. Boards, Committees and Commissions Descriptions and Duties

Ms. Mackey recommended adding whether other municipalities have appointment authority for the committees. (i.e. Planning Commission, TPAC, etc.)

Community Relations Council – Mr. Malinowski inquired about the new language: “Applicants will be responsible for assisting with fundraising efforts.”

Ms. Onley responded the language was included in information left by the former Clerk, and she believes it is a part of their suggested requirements.

Mr. Malinowski also noted the meeting dates and times was updated.

Ms. Barron responded the previous meeting dates and times was for the luncheon club.

Ms. Onley responded she spoke with the Executive Director and he provided the correct meeting dates and times.

Lexington/Richland Alcohol and Drug Abuse Council – Mr. Malinowski noted we should not be using the term “qualifications”, but preferred experience.

Ms. Mackey requested to add email addresses for those that do not have them listed.

Board of Zoning Appeals – Mr. Malinowski questioned the meeting day and time.

Ms. Onley responded she believes the information provided is incorrect, and that the meetings are held on 1st Wednesday of each month at 3:00 PM.

Ms. Barron inquired, for the committees that do not have experience listed, was there no information offered.

Ms. Onley responded she has not received a response from the contact(s).

Ms. Barron stated, for the sake of consistency, we should list “Preferred Experience” for each committee. If there is no information provided, we can simply state “none”. Then, we people start looking at the document, they will want to see certain things because of how we have laid it out.

Ms. Mackey requested to add terms limits to the document.

Building Codes Board of Appeal – Mr. Malinowski inquired if the registered professional has to be registered in South Carolina.

Mr. Price responded it is his understanding the professional has to be registered in South Carolina.

Ms. Barron noted there are some places in the document where the numbers are bold and others where they are not. She requested there be consistency throughout.

Library Board of Trustees – Mr. Malinowski noted there was more detail in the previous version of the document. He requested Ms. Onley to review the language to ensure the necessary requirements are included.

River Alliance – Mr. Malinowski requested the Clerk’s Office to verify the number of meetings held each year.

Ms. Terracio requested, when the committee conducts interviews, to include the committee descriptions in the agenda packet.

Township Auditorium – Mr. Malinowski requested the meeting dates and times be included in the document.

Mr. Pugh stated the meetings are at 9:00 AM and last approximately an hour.

Mr. Malinowski noted the following language seems to conflict: “The Board of Directors shall not be less than SEVEN (7) members, and not more than FIFTEEN (15), as determined by the Board of Directors. Members are appointed by County Council, or appointed by invitation from the Board of Directors.” Either Council is appointing the members or the Board of Directors. According to the language the Board of Directors could appoint all 15 members.

Ms. McLean responded the first step is to determine who has appointment authority.

Historic Columbia Foundation – Mr. Malinowski expressed concern that an appointee would be required to make a financial contribution to serve on the board.

Ms. McLean responded, it is her understanding, it is a request, not a requirement. She noted some of this has to do with what you are appointing to. If Council chooses, they can remove the language.

Mr. Malinowski views it as purchasing a seat on the board.

Ms. Barron stated, when she was on the CRC Board, it was either a “give” or “get”. If you a part of an organization, you want someone to sit on the board that has financial by-in. Whether they donate to the organization or they assist with fundraising.

Ms. Newton noted it is a standard part of non-profit boards for them to ask for a “give” or “get”. Many non-profits are evaluated on whether or not their board members are contributing to the organization.

Conservation Commission – Mr. Malinowski requested the Clerk’s Office to contact Mr. Epps to

determine the meeting dates and times.

Ms. Terracio noted, when she first came on Council, the Conservation Commission meeting dates would be placed on her calendar.

Ms. Onley responded she believes they suspended the meetings during the pandemic, but they may have started meeting again.

Midlands Regional Convention Center Authority – Mr. Malinowski stated, according to the document, the board is suspended. He requested Ms. McLean to inquire if we are required to appoint to the board.

Richland County/City of Columbia Animal Care Advisory Committee – Mr. Malinowski requested to add experience/qualifications for this board.

Employee Grievance Committee – Mr. Malinowski inquired if there are any qualifications to serve on this committee. If not, then it should state “None.”

Hospitality Tax Committee – Mr. Malinowski inquired if there is any preferred experience for the committee.

Internal Audit Committee – Mr. Malinowski requested a copy of the ordinance for this committee. He inquired if the Internal Audit Committee is responsible for auditing financial matters within Richland County departments.

Mr. Brown responded, according to the purpose, the committee provides independent oversight and support of other departments to ensure public resources are being handled responsibly.

Mr. Malinowski inquired if it matters where an individual resides, as long as they live in Richland County.

Mr. Brown responded he believes the profession is more important than whether you live in the unincorporated area of the County.

Procurement Review Panel – Ms. Barron requested the required membership be notated differently in the document.

Transportation Penny Advisory Committee – Mr. Malinowski requested to know how many appointees each municipality has on the committee.

Ms. Barron again requested consistency in notating numbers in the document.

Central Midlands Regional Transit Authority (RTA) Board – Mr. Malinowski requested confirmation of the meeting dates and time.

Ms. Terracio responded the Board meeting is on the 4th Wednesdays at Noon. She suggested including that members will be asked to serve on either the finance or service committee.

9. **ADJOURNMENT** – The meeting adjourned at approximately 4:59 PM.