



## Richland County Council

### RULES AND APPOINTMENTS COMMITTEE

November 14, 2017 – 4:00 PM

4<sup>th</sup> Floor Conference Room

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Bill Malinowski and Norman Jackson

OTHERS PRESENT: Greg Pearce, Calvin “Chip” Jackson, Michelle Onley and Kim Roberts

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 4:00 PM.
2. **APPROVAL OF MINUTES**
  - a. October 17, 2017 – Mr. N. Jackson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Mr. N. Jackson moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.
4. **INTERVIEWS**
  - a. Historic Columbia – 1

Mr. Gary Gabel was interviewed for the Historic Columbia Board.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to appoint Mr. Gary Gabel. The vote in favor was unanimous.
  - b. East Richland Public Service Commission – 1

Mr. Thad A. Timmons interviewed for the East Richland Public Service Commission.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to appoint Mr. Thad A. Simmons. The vote in favor was unanimous.
  - c. Central Midlands Regional Transit Authority (CMRTA) – 1 – Mr. Malinowski stated Ms. Boulware was contacted and told not to appear for an interview this evening. Ms. Dickerson mentioned to Mr. Malinowski that the CMRTA Board needs to have people with more specific skills or background in Transportation. He suggested she create a motion that sets forth what skills and requirements are needed, so in the future people that apply can look at it and see if they are qualified.

Mr. N. Jackson stated if you want someone with Transportation experience all you are going to get is people from DOT.

Mr. Malinowski stated he does not think she cares where they come from they just do not want someone coming in that has no expertise in the Transportation field. Based on that request, we are holding interviews and applications in abeyance until she and legal can create the qualifications.

Mr. N. Jackson stated you cannot come in at the last minute and say you want to create a rule, so tell the applicants to wait.

Mr. Malinowski stated she spoke with him and he agreed to postpone the interview. It is up to Ms. Dickerson to create the motion to get it into play.

Mr. N. Jackson stated you need citizens who have needs and concerns to make the decisions. When you want some professionals or somebody with certain backgrounds...

Mr. Malinowski stated we have other committees where we have specific needs. He further stated Mr. N. Jackson would have to take the matter of qualifications up with Ms. Dickerson when she brings the motion forward.

If you read Ms. Boulware's reason for interest, she is "interested in having a voice for the community when it comes to fairness and speaking objectively for those who are economically and educationally challenged."

Mr. Malinowski does not think this has anything to do with being on the board.

Mr. N. Jackson and Mr. Pearce vehemently disagreed with him.

Mr. N. Jackson stated it about having a voice for a certain demographic. When they changed the bus routes, certain people had to gather somewhere else or in the rain because certain stores did not want them standing out there. Sandhills did not want certain people coming to Sandhills from certain areas.

Mr. Malinowski inquired how being educationally challenged precludes you from riding the bus and why you need someone to support you on the board.

Mr. N. Jackson stated if you are educationally challenged you may not be able to speak for yourself.

Mr. Pearce stated getting on the bus may be difficult for people. For example, if they ordered new buses that required a credit card you would have someone to speak for those disadvantaged people.

Mr. Malinowski stated he will accept the reasons stated, but out of respect for Ms. Dickerson it is up to her to create this motion. We can discuss this with her then.

Mr. N. Jackson stated if we do not have a motion in front of us we cannot stop it.

Mr. Malinowski stated Ms. Roberts told the applicant we were in the process of considering some particular requirements for the board. They are still eligible to apply.

Mr. N. Jackson stated in the meantime the board is meeting and they are short a member. We are delaying the process because we want to develop something. That is not the rule. The rule is unless we have a motion we cannot consider it.

Mr. Malinowski stated at this point you will need to speak to Ms. Dickerson about it. If she does not get a motion in by the next meeting, we will move forward with this one.

- d. Building Codes Board of Appeals – 2 (One applicant must be from Architecture Industry and One applicant from the Contractor Industry)

Mr. Wade M. Carlisle interviewed for the Building Codes Board of Appeals.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to appoint Mr. Wade M. Carlisle. The vote in favor was unanimous.

5. **ITEMS FOR ACTION**

- a. I move that Council's standing Rules and Appointments Committee study the possibility of electronic voting. This would include due diligence of best practices generally and specifically models utilized by other South Carolina counties. Additionally, the South Carolina House of Representatives' process should be considered as it was presented as a model when Council voted to have on the record voting like the House did. Recommendations of the Committee should then be brought to Council for consideration and possible action [MANNING and C. JACKSON] – Mr. Malinowski stated the motion pertains to electronic voting at Council meetings. It has come to his attention that on July 28, 2015, there was a motion passed by Council related to electronic voting. The motion was as follows, "I move that Council record non-electronic roll call voting for all votes that are not unanimous for second and third reading or one time votes; and which are not merely procedural in nature." Procedural being approval of the minutes, adoption of the agenda, adjournment, citizens' input, etc. We do have this rule in Council Rules, which means the actual voting we did last Council meeting via the electronic method was against Council's rules because it was done for every item in front of us. And that is a system that we more or less were told, "Hey look what we did for you. We put this in there." But no one consulted us and nobody asked did we want it or how did we wanted to use it. He stated he believes we need to follow the existing rule and get input, as requested by the motion and bring it back to the committee to determine what type of rule we want to have in regards to the new electronic voting available.

Mr. C. Jackson stated when he co-sponsored the motion he did so with the absence of the information provided by Mr. Malinowski. He was co-sponsoring with the understanding of being fully transparent that we would be recording all votes. He was simply endorsing the mechanism of the electronic voting.

Mr. Malinowski stated he only recently recalled that Council had done something in the past and requested the Clerk's Office research the matter. Right now we have a rule and we need to change the rule to move forward with electronic voting. He also outlined the differences between voting by a show of hands instead of electronically. The traditional show of hands you are able to see how other Council members are voting, which could influence your vote. Whereas with the electronic voting, it is not known how a particular Council member is voting.

Mr. Malinowski further stated that this matter will have to go to full Council for action, but for now he does not believe Council can continue to use the electronic voting.

Mr. N. Jackson stated we used the electronic voting at the last Council meeting.

Mr. Malinowski stated he thought about the use of the electronic voting after the fact. Actually Council used the system in violation of Council Rules. He suggested the committee receive legal input to ensure the wording is accurate.

Mr. N. Jackson moved to move forward with the use of the electronic voting system.

Mr. Malinowski stated that is not what the committee is here to decide.

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Mr. N. Jackson stated it is a recommendation from the committee before Council uses the system at tonight's meeting.

Mr. Pearce stated the committee can make a recommendation.

Mr. N. Jackson stated the Council agenda can be amended to take up the issue at the beginning of the meeting.

Mr. Malinowski stated one of the makers of the motion has requested since they were unable to make the committee meeting to not move forward until they have an opportunity to speak to the committee regarding the motion.

Mr. N. Jackson stated the intent of the motion is what we are going to move forward with.

Mr. N. Jackson moved to move forward with the current system of electronic voting. The motion died for lack of a second.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to forward to Council without a recommendation and adjust the Council agenda to place the item at the beginning of the meeting. The vote in favor was unanimous.

- b. I move that 2020 Hampton Street discontinue the practice of scheduling meetings for Council members at the same time [MANNING]

Mr. Malinowski stated the Council Rules say any committee meetings will not be scheduled at the same time; however, they are using a loophole. If your meeting starts at 4:00, I start my meeting at 4:15. I did not start it at the same time, but I am overlapping it. Therefore, it is not allowing people to go to both of them. He believes the language needs to be changed to say that no committee meeting will overlap any other committee meeting in the timeframe allotted. If we are scheduled for 4:00 – 5:00 and you schedule another meeting at 5:15 and we are still meeting at 5:30 that is not my fault.

Mr. N. Jackson inquired if he is not on the committee can he schedule a meeting at the same time.

Mr. Malinowski stated you cannot start a meeting at the same time, but you can schedule a meeting to start 15 minutes later. It currently does not address that.

Mr. N. Jackson stated the reason for the committee meeting is to say all Council members have the opportunity to attend if they choose. Some committee meetings may last 15 – 30 minutes and then you have to wait for the next meeting.

Mr. Malinowski stated that is why we have the scheduling with the clerks. Either the clerks or the chairperson can decide on the length of the meeting.

Mr. N. Jackson stated based on the schedule you can limit it to 15 minutes.

Mr. Malinowski directed staff to coordinate with legal to create a new rule stating that a committee meeting time will not overlap another committee meeting's allotted time. The Chair of each committee will be responsible to determine the length of time needed to conduct the business of their respective committee.

6. **ADJOURNMENT** – The meeting adjourned at approximately 4:54 PM.