



Richland County Council

ADMINISTRATION AND FINANCE COMMITTEE

May 23, 2019 – 6:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Yvonne McBride and Dalhi Myers

OTHERS PRESENT: Michelle Onley, Kimberly Williams-Roberts, Larry Smith, Stacey Hamm, Jennifer Wladischkin, John Thompson, Clayton Voignier and Geo Price

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.
2. **APPROVAL OF MINUTES**
 - a. April 23, 2019 – Ms. Myers moved, seconded by Ms. McBride, to approve the minutes as distributed.

In Favor: Malinowski, Myers, Dickerson and McBride

The vote in favor was unanimous.

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

In Favor: Malinowski, Myers, Dickerson and McBride

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. I move that all RC contracts must be reviewed & approved by the Office of the County Attorney & that notices under or modifications to RC contracts must be sent to the County Attorney, but may be copied to external counsel, as desired [MYERS] – Mr. Malinowski stated, on p. 15, it says, “Costs associated with the use of outside counsel may be incurred and will be determined upon engagement thereof.” He stated he does not understand why we would be utilizing outside counsel for this.

Mr. Smith stated he does not envision, at this point, that we would need outside counsel for review. Initially, when this motion came up, it stayed in committee because it was unclear as to what Ms. Myers meant by “all RC contracts”. She came back and clarified that, and said that would include all contracts where we were talking about the County potentially having some liability or the County’s good faith and credit being on the line should something happen. So, that would include all County contracts, and would include contracts that could potentially come from departments that are under the supervision of the County Administrator. That would also mean, potentially, that you are talking about the review of contracts from Elected and

Appointed Officials. He and the maker of the motion also had a discussion about the fact that, if you are talking about a constitutional officer, the County would not necessarily have the authority to tell that constitutional officer they could not enter into an agreement. If a constitutional officer, or an Elected/Appointed Official wants us to review a document, they certainly will do that, and try to give them advice as to how the terms and conditions of that contract can be strengthened, so we make sure the County is protected, which he thinks was the intent of the maker of the motion. To the extent, that they voluntarily say they want the Legal Department to review it, they will do so. He also indicated that, at the end of the day, this probably is going to require some additional manpower to do. He thinks the Legal Department can review the contracts, and make recommendations to the departments, as to how to modify the terms and conditions, so the County is in the best position to be protected. However, from his position, he thinks the biggest issue the County has with contracts is not necessarily the language in contract. It has to do with the administration of the contract. Once the contract goes out, there is nobody that is administering the contract. There is nobody that is monitoring the contract, so by the time we look up, there has been a breach, or the vendor has not done what they were supposed to do. In addition to reviewing the contract, we need to address how we administer the contracts. The Procurement Department has a contracting officer that is supposed to represent each department. They have certain prescribed duties and responsibilities, which include monitoring these contracts. He does not know how well that is working, and maybe that is not the correct model. The point is, while we are addressing the issue of reviewing the contract, you may want to also focus on how we can better administer them, once the contract is entered into.

Ms. Myers stated, for example, if there is an accident involving a fire engine, the County, because we run the Fire Department, and are self-insured, is the body that pays out money to make whomever is harmed whole. But, on the frontend, we do not have the ability of what contracts are being entered, and what protections have been wrapped around the County. Many times, the Legal Department gets the contract after something has "blown up" in it. There are simple things they could have suggested that protects the County as a self-insured body. If there is a rule that they have to come through the Legal Department, it provides a layer of protection to shield taxpayer dollars from being exposed to unlimited liability from people being out there putting the full faith and credit of the County on the line without the Legal Department having an opportunity to protect us. She thinks Mr. Smith makes a good point, and we probably should consider, when we do the County's reorganization, an Office of Contract Administration. We know from the Penny contract that if we had Contract Administrators we would be in a lot better position because somebody would be birdogging it every day. She stated it is unusual in a County this size that the "client" does not have any obligation to present them with a contract before it is signed.

Mr. Livingston inquired what this is going to mean, in terms of resources.

Mr. Smith stated, on the review side, you are talking about 1-2 positions. If you take it further with the Contract Administrator, that is a separate piece.

Mr. Livingston inquired if we can legally stop an Elected/Appointed Officials' contract occurring because we do not approve of it, or are we just putting them on notice that we do not approve of the contract.

Mr. Smith stated, at the end of the day, Council does not authority over Elected Officials. The maker of the motion, when he talked to her about it, the goal of this is for us to have a cooperative effort, so that it protects everybody, including the Elected Officials. To the extent, that they come to us, and ask us to review the contracts. Hopefully, in most of those cases, they will accept our recommendations, in terms of any changes, in the terms and conditions of the

contract. At the end of the day, if something happens, it is our dollars that is on the line because we are self-insured.

Mr. Malinowski stated, after listening to Mr. Smith, it seems we are just scratching the surface if we approve the review of the contracts. We really need to, and it may be more important, to monitor the contracts once issued. He thinks we can move forward with this part, but he thinks we need to also have Mr. Smith come back to this committee with Part II, and some recommendations (i.e. cost, employees, etc.).

Ms. McBride stated, we may not need to employ a person, we may need to contract the work out, depending on the volume of work that is there. Also, we would need to work with Procurement on the monitoring of the contracts.

Mr. Smith stated, right now, as it is currently set up, the Contract Administrators work under Procurement. If we are going to do the 2nd part, that deals with contract administration, we need to work with Procurement on how we are going to do it.

Mr. Malinowski stated, potentially, the Internal Auditor that has been approved.

Ms. Myers moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the policy for the review and approval of all contracts and amendments, and to request Mr. Smith to undertake an analysis of what we need to get a Contract Administration Office set up, as well.

In Favor: Malinowski, Myers, Dickerson and McBride

The vote in favor was unanimous.

- b. I move that Richland County remove the salary history question on employment applications in an effort to ensure fair hiring practices. The mandated change should apply to employment applications in print and online and the salary history question should also be removed from verbal interviews and employment screenings [TERRACIO] – Ms. Terracio stated the last time this came before the committee the recommendation was that banning the salary history questions really did not make any difference, so we should not do it. There was a little bit of discussion, and she walked away from it with the idea that we should seek other means to insure that we have fair hiring practices and salaries. As she looked through some of the discussion put together by staff, there are some points here that she would like to point out. For instance, employers are unable to let candidates know about a pay disparity early in the interview process, decreasing their interview-to-hire ratio and prolonging their time to hire. Dealing a salary discussion between an employer and a job seeker can add both time and frustration to a job search. She thinks the recommendation is that staff continue to be trained on fair hiring practices to support the objective and spirit of the motion. She would be curious to know what staff has seen as a good first step.

Ms. Myers stated, before she came to Richland County, she had never seen people set salaries based on what people were making in their prior job. She stated there was always a set salary. The person was either qualified for it, or not. She requested Mr. Hanna to explain where this came from, on the government side.

Mr. Hanna stated HR is not against removing the salary question. What they were trying to do, was to give some pros and cons so Council could see various views that are out there. HR thinks removing the salary is a step, but not the total of what needs to be done to get at the essence of the issue. There is no doubt, if you look at the data, there is a variance in salaries. Then, you get into why there is a variance, and certainly some people will say there is voluntary. For example,

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if a woman decides to leave work, or is out of work for a while, to have a child, and she comes back later, she may be behind, in terms of the escalation of her salary. Should the weight of that be borne by just the woman? Certainly there are choices, but those choices were probably not singular choices. If there are intentional, or unintentional bias, that are at play, just removing the salary alone will not address that. Employees need training on how to deal with those things. Also, because we have done it this way for so long, department heads were against it. If you have always done something a certain way, until you are taught to do it a different way, it is normal human nature to resist. Setting the salaries can be done by using the experience of the applicant, education, years of relevant experience, and compare it to the job description, minimum requirements, etc. If we do not provide the training, it will create anxiousness with the department heads/supervisors. If we use historical salaries, we are making an assumption that the other employer precisely and accurately set the applicant's salary. If the salary is not accurate, it perpetuates the applicant being paid less, or more, than they are worth because we are making an assumption based on something another employer has done.

Ms. Terracio stated, on the flip side of the pros and cons, if someone is named Sally, and you do not know her salary history, you might make certain assumptions about Sally that you would not make about Bill. She stated she has been looking at other "Ban the Box" and "Ban the Question" studies, and she understands there is implicate bias built into everything.

Ms. Myers moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the receipt of this analysis as information as well as support of fair hiring practices. In addition, to request Mr. Hanna to provide a cost for training for the department heads.

In Favor: Myers, Dickerson and McBride

Opposed: Malinowski

The vote was in favor.

- c. I move that Richland County Council pass the resolution to "Ban the Box" and join more than 150 cities and counties and 33 states nationwide that have "Ban the Box" laws to remove questions about convictions from job applications; so that applications could be judged first on their qualifications [McBRIDE] – McBride stated, given the impact this has on Richland County, and our economic system, she believes it is very important. The motion prohibits employer from asking about criminal history, on the initial job application and interviews. What it does not do is prevent criminal background checks. All of that is still in place. It allows the individual, once they have paid their debt to society, to come and apply for a job, and be interviewed based on his/her merits and qualifications. The one exception, to the resolution, is if it is public safety, or there are positions that the State or Federal government prohibit.

Ms. McBride moved, seconded by Ms. Myers, to forward to Council with a recommendation to authorize staff to revise applicable procedures and forms to enact the resolution and ensure compliance with all applicable requirements for public safety departments, and to train departments on the procedure changes and revised documents.

In Favor: Myers, Dickerson and McBride

Opposed: Malinowski

The vote was in favor.

- d. Residential Utilities Assistance Program – Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to create the Residential Utilities Assistance

Program Fund (APF) as Special Revenue Fund to implement the Residential Utilities Assistance Program (RUAP). The RUAP will assist low-income households with a \$10.00 monthly credit using private donations. These donations may be made to the Residential Utilities Assistance Program Fund to implement the RUAP and provide financial assistance (i.e., \$10 per month) on a first come, first served basis to eligible and qualified low-income households. The fund will be subject to County Council's annual appropriations, and funds will be available each fiscal year until the appropriation is exhausted.

In Favor: Myers, Dickerson and McBride

Opposed: Malinowski

The vote was in favor.

- e. Clemson Road Recycling Drop-Off Site Lease Renewal – Mr. Malinowski moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the proposed lease with Clemson University for use of the Clemson Road Recycling Drop-off Site.

In Favor: Malinowski, Myers, Dickerson and McBride

The vote in favor was unanimous.

- 5 **ADJOURNMENT** – The meeting adjourned at approximately 6:32 p.m.