



# **RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS**

Valerie Hutchinson	Bill Malinowski, Chair	Gwendolyn Davis Kennedy
District 9	District 1	District 7

**FEBRUARY 21, 2012  
4:00 PM**

**Administration Conference Room**

## **CALL TO ORDER**

### **Election Of Chair**

1. Election of Chair

### **Approval Of Minutes**

2. February 7, 2012 [PAGES 5-6]

### **Adoption Of Agenda**

3.

### **Items For Action**

4. Whenever a motion is forwarded to full Council from Committee, the only way it goes back to Committee is if Council directs it back to Committee [JACKSON][PAGES 8-9]

### **Discussion**

5. Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take affect [HUTCHINSON, JACKSON, ROSE]
6. Request for an opinion from the Ethics Commission [PAGES 11-14]
7. Reviewing Committee Qualifications

### **Other Items**

8. Advertising with other publications [PAGES 16-17]

### **Adjournment**



# Richland County Council Request of Action

**Subject**

Election of Chair

**Purpose**

# Richland County Council Request of Action

**Subject**

February 7, 2012 [PAGES 5-6]

**Purpose**

# Minutes of



## RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS COMMITTEE SPECIAL CALLED MEETING FEBRUARY 7, 2012 4:00 PM

### MEMBERS PRESENT:

**Member** Chair, Bill Malinowski  
**Member** Valerie Hutchinson  
**Member** Gwendolyn Davis Kennedy

**ALSO PRESENT-** Larry Smith, Pau Livingston, Greg Pearce, Norman Jackson, Kelvin Washington, Monique Walters

### CALL TO ORDER

The meeting was called to order at approximately 4:00 p.m.

### APPROVAL OF MINUTES

The minutes from January 10, 2012 were approved as submitted.

### ADOPTION OF AGENDA

The agenda was adopted as submitted.

### INTERVIEWS

**Richland Memorial Hospital Board-2; applications were received from James L. Best and Felicia Rhue Howard** – the Committee interviewed both applicants and recommended them for appointment to the Hospital Board.

**Township Auditorium Board-1; applications were received from the following: Dawn Mills Campbell, Kem R. Smith, and Tony B. White** – the Committee all of the applicants, after a brief discussion the Committee recommended Ms. Smith be appointed to the Board.

## DISCUSSION

**Whenever a motion is forwarded to full Council from Committee, the only way it goes back to Committee is if Council directs it back to Committee [Jackson]** –the Committee kept this in committee to have time to amend the Council Rules, and asked that this item be brought back as an item for action on the next Rules Committee agenda.

**Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take affect [HUTCHINSON, JACKSON, ROSE]** - after discussion the Committee recommended keeping this item in Committee for further discussion.

**Request for an opinion from the Ethics Commission** – this item was kept in committee due to lack of time.

**Reviewing Committee Qualifications** – this item was kept in committee due to lack of time.

## ADJOURNMENT

The meeting adjourned at approximately 4:59 pm.

Minutes transcribed by Monique Walters

# Richland County Council Request of Action

**Subject**

**Purpose**

# Richland County Council Request of Action

**Subject**

Whenever a motion is forwarded to full Council from Committee, the only way it goes back to Committee is if Council directs it back to Committee **[JACKSON][PAGES 8-9]**

**Purpose**



#### **4.7 Reports**

All committee recommendations requiring formal action by Council shall be included in the agenda and distributed to all members of Council prior to consideration and adoption by Council, provided that if any matter is considered by the majority of any committee to be an emergency, copies of such reports may be furnished to each member of Council at the time of said Council meeting.

All items presented to Council by a committee must carry the committee's disposition of the item, whether that disposition is a recommendation for approval, a recommendation for denial, no recommendation or to make any other disposition with respect to the item.

Any not reported out to the full council by a committee within 90 days of that item having first appeared on the committee's agenda may be placed on the Council agenda when the Clerk's Office has received a written request signed by three members of Council, not less than 24 hours prior to the scheduled meeting.

A minority report may be made if requested. Presentation of the committee's motion at the regular Council meeting does not require a second.

#### **4.7 a. Recommitting**

Any item, which may come before the Council, may be committed or recommitted before a final decision thereon. Provided, however once a motion or matter is forwarded to full Council from committee, that motion or matter may not be returned to committee other than as directed by Council.

# Richland County Council Request of Action

## **Subject**

Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take affect [**HUTCHINSON, JACKSON, ROSE**]

## **Purpose**

# Richland County Council Request of Action

**Subject**

Request for an opinion from the Ethics Commission [**PAGES 11-14**]

**Purpose**

# State of South Carolina State Ethics Commission

COMMISSIONERS  
PHILLIP FLORENCE, JR., MEMBER AT LARGE  
CHAIR  
E. KAY BIERMANN BROHL, 3<sup>rd</sup> DISTRICT,  
VICE CHAIR  
RICHARD H. FITZGERALD, 1<sup>st</sup> DISTRICT



COMMISSIONERS  
EDWARD E. DURYEY, 2<sup>nd</sup> DISTRICT  
JB HOLEMAN, 4<sup>th</sup> DISTRICT  
JONATHAN H. BURNETT, 5<sup>th</sup> DISTRICT  
PRISCILLA L. TANNER, 6<sup>th</sup> DISTRICT  
G. CARLTON MANLEY, MEMBER AT LARGE  
VACANT, MEMBER AT LARGE

5000 THURMOND MALL, SUITE 250  
COLUMBIA, S.C. 29201

HERBERT R. HAYDEN, JR.  
EXECUTIVE DIRECTOR

January 25, 2012

Mr. Bill Malinowski  
Richland County Council  
Post Office Box 192  
Columbia, South Carolina 29202

RE: Request for Informal Opinion

Dear Mr. Malinowski:

Thank you for your recent request for an informal opinion. At the outset I wish to apologize for the delay. An informal opinion is the opinion of the Commission staff based on the State Ethics Commission's prior published opinions; however, an informal opinion is not binding on the Commission. S.C. Code Ann. §8-13-320 (Supp. 2011). The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991. This opinion is based on the facts as you submitted. Any material deviation from the submitted facts or failure to disclose relevant information will void this opinion. An opinion does not supersede any other statutory or regulatory restrictions which may apply to this situation.

## Issue

In your letter you state the following:

This is to request a State Ethics Commission Informal Advisory Opinion based on the following set of facts and circumstances and the issue set forth herein.

## FACTS

A Richland County Councilmember's spouse has applied to serve as an "at large" appointee on the County's Internal Audit Committee (IAC). "At large" appointments to the IAC are made by a majority vote of County Council, and the IAC has those duties set forth in Richland County Code of Ordinances, Chapter 2 (Administration), subsection 2-332(q), attached.

## ISSUE:

May a County Councilmember's spouse serve on the County's Internal Audit Committee (IAC) where the spouse's appointment would be made by County Council and where the IAC's duties include, among other things, "review(ing), for recommendation to (County) Council for approval by majority vote, all areas of County operations for which County funds are levied, collected, expended, or otherwise used."

Guidance from prior State Ethics Commission Advisory Opinions, including SEC AO 092-030, SEC AO2006-003, SEC AO2009-001 and SEC AO93-072, is instructive, but we want to make sure for County Council as well as for the applicant that any relevant Ethics Act issues, including nepotism, are properly considered incident to consideration of this possible appointment. Any guidance you could provide based on the above facts and circumstances would be appreciated. Please advise if you need further information in this regard.

## Law

### **Section 8-13-750 states:**

(A) No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages.

(B) A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's, or public employee's family member.

### **Section 8-13-100(15) states:**

"Family member" means an individual who is:

(a) the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild;  
or

- (b) a member of the individual's immediate family.

### Discussion

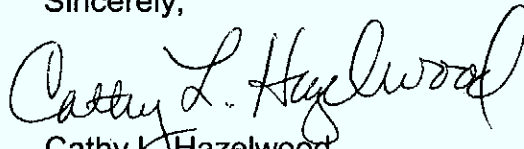
Section 8-13-750(A) prohibits a public official from causing the employment, appointment, etc. of a family member to a position in which the public official supervises or manages. The definition of family member includes spouse. In your request you don't ask whether the council member can participate in the appointment, but whether the spouse can serve.

### Conclusion

It is my opinion that the Ethics Reform Act would not prohibit a Richland County Council member's spouse from serving on the county's Internal Audit Committee. The council member could vote on the appointment, as long as county council exercises no direct management or supervision of the audit committee.

Thank you for contacting the State Ethics Commission. If I can be of further assistance in matters within the Commission's jurisdiction, please contact me.

Sincerely,



Cathy L. Hazelwood  
Deputy Director and General Counsel

CLH/

# Richland County Council Request of Action

**Subject**

Reviewing Committee Qualifications

**Purpose**

# Richland County Council Request of Action

**Subject**

Advertising with other publications [**PAGES 16-17**]

**Purpose**



## MONIQUE WALTERS

---

**From:** Howard <HowardB@sc.rr.com>  
**Sent:** Wednesday, January 18, 2012 9:02 AM  
**To:** MONIQUE WALTERS  
**Subject:** RE: Advertising with other papers...

Good morning Monique!!  
Getting back to you with information on advertising for board members...

Both Free Times and NE News will run this information at no charge, as editorial content...

The Columbia Star will run at a discounted rate of right at \$13 per column inch, which is about half as expensive as The State...

I guess the only thing that I feel a little funny about would be taking the Free Times an NE News up on the no/charge offer and then paying other papers to run it...

Let me know what you think and give me a call if you'd like to discuss...

Thanks!!

Howard Buonasera  
Buonasera Media Services  
4124 East Buchanan Dr.  
Columbia, SC 29206

[www.buonaseramedia.com](http://www.buonaseramedia.com)  
803.463.3160 phone  
803.790.7225 fax

---

**From:** MONIQUE WALTERS [<mailto:WALTERSM@rcgov.us>]  
**Sent:** Wednesday, January 11, 2012 3:20 PM  
**To:** [HowardB@sc.rr.com](mailto:HowardB@sc.rr.com)  
**Subject:** RE: Advertising with other papers...

Yes, I remember you looking into advertising in another section of the State...but since we don't want to pay much more we left it in the Legal Section.

If you can check with the Columbia Star and the Free Times, and other community papers I would really appreciate that. Circulation may be less at these papers, but perhaps citizens may look at the ads regarding community service in these.

And yes, we are looking for distribution in just Richland County.

Thank you!!

*Monique Walters*  
*Assistant to the Clerk of Council*  
*2020 Hampton Street*  
*Columbia, SC 29204*  
*(803) 576-2068, fax (803) 576-2136*  
*[waltersm@rcgov.us](mailto:waltersm@rcgov.us)*