



Richland County Council
Rules and Appointment Committee Meeting
MINUTES
October 4, 2022 – 3:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Chakisse Newton, Paul Livingston, Allison Terracio, Anette Kirylo, Justin Landy, Tamar Black, Kyle Holsclaw, Patrick Wright, Dale Welch, Angela Weathersby and Elizabeth McLean

1. **CALL TO ORDER** – Chairwoman Gretchen Barron called the meeting to order at approximately 3:00 PM.
2. **APPROVAL OF MINUTES**
 - a. September 27, 2022 – Mr. Malinowski moved to approve the minutes as distributed, seconded by Ms. Mackey.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Malinowski moved to adopt the agenda as published, seconded by Ms. Mackey.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

4. **INTERVIEWS**

Ms. Mackey moved to go into Executive Session to conduct interviews for the Central Midlands Council of Governments, seconded by Mr. Malinowski.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

***The committee entered Executive Session at approximately 3:09 PM
and exited at approximately 4:00 PM***

Mr. Malinowski moved to come out of Executive Session, seconded by Ms. Mackey.

No actions were taken by the committee during executive session.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

- a. Central Midlands Council of Governments – One (1) Vacancy – Ms. Susan Brill, Mr. Gethro Benn, Mr. Edward Frazier and Ms. Carol DuBose were interviewed for the Central Midlands Council of Governments' vacancies.

5. **NOTIFICATION OF VACANCIES**

- a. 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 applicant must have a cultural background and ONE applicant will fill an at-large seat)
- b. Airport Commission – One (1) Vacancy (Applicant must reside in the Rosewood, Shandon or Hollywood-Rose Wales Gardens neighborhoods)
- c. Board of Zoning Appeals – Six (6) Vacancies
- d. Building Codes Board of Appeals – Nine (9) Vacancies (ONE applicant must be from the Architecture Industry, ONE applicant must be from the Gas Industry, ONE applicant must be from the Building Industry, ONE applicant must be from the Contracting Industry, ONE applicant must be from the Plumbing Industry, ONE applicant must be from the Electrical Industry, ONE applicant must be from the Engineering Industry and TWO applicants must be from the Fire Industry)
- e. Business Service Center – Three (3) Vacancies (ONE applicant must be from the Business Industry, and TWO applicants must be CPAs)
- f. Community Relations Council – One (1) Vacancy
- g. East Richland Public Service Commission – One (1) Vacancy
- h. Hospitality Tax – One (1) Vacancy (Applicant must be from the Restaurant Industry)
- i. Internal Audit Committee – Two (2) Vacancies (applicant with CPA preferred)
- j. Lexington-Richland Alcohol and Drug Abuse Council (LRADAC) – One (1) Vacancy
- k. Midlands Workforce Development – Six (6) Vacancies (ONE applicant must have a background in Apprenticeship, ONE applicant must have a background in Adult Education, ONE applicant must have a background in Education and THREE applicants must be from the Private Sector)
- l. Music Festival – One (1) Vacancy
- m. Richland Library – Six (6) Vacancies
- n. Richland Memorial Hospital Board of Trustees – Six (6) Vacancies
- o. Riverbanks Park Commission – One (1) Vacancy
- p. Township Auditorium – Three (3) Vacancies
- q. Transportation Penny Advisory Committee (TPAC) – Three (3) Vacancies

Mr. Malinowski moved to advertise the vacancies, seconded by Ms. Barron.

Ms. Mackey inquired if the numbers have been updated.

Ms. Kirylo responded the numbers are active until an appointment is made.

Mr. Malinowski noted an Internal Auditor has never been hired; therefore, he suggested removing the Internal Audit Committee until such time as an Internal Auditor has been hired.

Mr. Malinowski amended the motion to remove the Internal Audit Committee from the list of vacancies until such time as an Internal Auditor has been hired.

Ms. Mackey inquired about the impact of not having someone serve on the Internal Audit Committee or if this could be fulfilled somewhere else.

Mr. Malinowski stated the only way individuals would serve is if we had an Internal Auditor, which is why we need to have Council approve the hiring of the Internal Auditor. He suggested Ms. Barron include this in her report at tonight's Council meeting.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

6. **ITEMS FOR ACTION**

- a. **Review of Comprehensive Council Rules** – Ms. Mackey moved to accept the suggested language provided for Item 1.3, seconded by Mr. Malinowski.

“All meetings of county council shall be open to the public except as provided for in Section 30-4-10 et. seq. of the South Carolina Code of Laws, 1976, as amended. All regular and special called meetings of Council will be broadcast live (and recorded), where practical.

Public notice of regularly scheduled meetings, special called meetings, and committee meetings will be given in accordance with S.C. Code Ann. Section 30-4-80 “Notice of meetings of public bodies.”

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Ms. Mackey moved to approve the following language for “Electronic Participation”, seconded by Ms. Barron.

“Council members are expected to regularly attend meetings in person, but electronic participation may be permitted in circumstances with notification being made to the Chair at least 24 hours prior to the meeting start time.

Electronic participation, including participation via online platforms such as Zoom, WebEx or similar medium, is permitted in circumstances where a Council member may not be present in Council chambers or other Council meeting location due to illness, public health crises or emergencies, quarantine, government-imposed curfew or restriction on movement, traffic or other delays, or other cause that reasonably would be expected to impede or prevent a member of Council from attending a Council meeting in person. Any Council members participating electronically may not participate in any executive session. Council members participating electronically may choose to abstain from a vote on the issue discussed in executive session.

For the purposes of this section, “electronic” participation shall mean videoconferencing or teleconferencing which allows all persons participating in the meeting to hear each other at the same time (and, if videoconferencing, to see each other as well).”

Mr. Malinowski requested to defer this section until the next Rules and Appointments meeting to allow him time to review the language. He noted if we have a public health crisis, curfews or quarantines we would revert back to meetings via electronic participation. However, when individuals run for County Council they know when the meetings are and they should be at the meeting. When you start to say, “Well if you are sick” it opens up abuse of the system. He noted when citizens come to speak before Council (i.e. Citizens’ Input or Zoning Public Hearing) and their representative is not present it looks unprofessional.

Ms. Barron noted she will be out of town the first week of November for business. Her business will conclude at Noon on Tuesday, but she will still be out of town, and would like to participate in the meeting virtually. Should a Council member not do what is needed, the people will speak.

Ms. Mackey stated, in her motion, she took the time to spell out those things that talk about illness and emergencies because she came into office during the pandemic, which has shifted how we operate. She noted there may be a compromise to limit it, but she does not want to us to think it is not possible.

Mr. Malinowski suggested allowing Council members to participate in the discussion, but not cast a vote if not present at the meeting.

In Favor: Barron and Mackey

Opposed: Malinowski

The vote was in favor.

Ms. Mackey moved to accept the recommendation to remove Sec. 2.4 – “Censure”, seconded by Mr. Malinowski.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Mr. Malinowski stated, as it relates to Sec. 1.1 – “Purpose and Scope”, we need to review the boards, commissions and committees to determine which ones already have rules in place and if they need to follow the rules outlined in Sec. 1.1.

Ms. Mackey stated, for clarification, is this in the rules or a part of the ordinances and committee descriptions, which is separate from this. She noted we approved the updated committee descriptions and reviewed the ordinance and deleted the inactive committees.

Mr. Patrick Wright, County Attorney, responded the ordinance has a description of the particular board, commission or committee, but it does not provide rules on how to conduct their meetings. Generally, the boards, commissions and committees operate under the same rules as Council and/or Robert’s Rules.

Mr. Malinowski noted Richland County appoints the majority of the members of the Transportation Penny Advisory Committee, but it is his understanding they have a set of rules they are supposed to follow. He does not know how many appointees we have to the Central Midlands Regional Transit Authority Board. He stated we need to determine which boards, commissions and committees the County appoints the majority to and if we want to apply the rules to them.

Mr. Wright stated the boards, commissions and committees that do not have their own bylaws are guided by the Council Rules.

Ms. Elizabeth McLean, Chief Deputy County Attorney, stated the existing language is fine. She was trying to make it clear Council Rules would apply to any board, commission or committee that did not have rules already in place.

Ms. Newton stated her interpretation of the proposed language is the rules would not apply to boards, commissions and committees not associated with County Council (i.e. CMRTA).

Mr. Malinowski moved to approve the following language: *“These Rules shall apply to all meetings of county council, including committee meetings, and to all boards and commissions for which the county council appoints a majority of the members and they have no rules in place. Where applicable, the term “county council” means not only the county council, but also any other board or commission in the county governed by these Rules. These Rules were adopted as guidelines to assist county council, and county boards and commissions in conducting orderly and productive meetings. Any deviation from or waiver of these Rules shall not affect or void any action taken by county council, or a county board or commission. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties not otherwise imposed by law”*, seconded by Ms. Mackey.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Mr. Malinowski stated, as it relates to Sec. 1.7 – “Agendas”, Ms. McLean noted, *“The strict rules for time leaves almost no room for dealing with real issues that may arise in the days following the deadlines. Sometimes maneuverability is best.”* In addition, Ms. McLean commented that “19) Motion period/Announcements: *This rule appears to contradict other time rules that require materials and items an entire week before the meeting. Does this 24-hour motion rule still apply?”* He noted in 2019/2020 Council passed a rule dealing with the time, which is how we moved things back to get the Thursday delivery of the packages. If we continue to make changes and amend agendas following that deadline then we should just throw the rule out. The purpose of the rule was for Council members to have time to review the agendas.

Ms. Mackey moved to approve the following language: *“Title of propose agenda items should be delivered to the Clerk’s office no later than 9:00 AM Tuesday one week prior to the scheduled council meeting and/or before the scheduled Horizon meeting. Support documentation should be delivered to the Clerk’s Office no later than Noon Wednesday one week prior to the council meeting”*, seconded by Mr. Malinowski.

Mr. Wright noted motions can be made up to 24 hours prior to the Council meeting; therefore, the motion would not appear on the agenda.

Ms. Mackey responded any Council motions could still be addressed during the “Motion Period”. The Chair would forward those motions to the appropriate committee(s).

Ms. McLean stated there are occasions (i.e. resolutions) where action would be required during the “Motion Period”.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Mr. Malinowski noted, as it relates to Sec. 2.5 – “Points of Order – Appeal” and Sec. 5.8 – “Motions During Debate”, Ms. McLean indicated we could have cheat sheets where these different points are made. If we do that there could potentially be a lot of shuffling of sheets trying to find out what

is where. He noted it is easier to look at the brief points in Council Rules instead of trying to refer to Robert's Rules.

Mr. Malinowski moved to retain the current language in Sections 5.8 – 5.12, seconded by Ms. Barron.

Ms. Mackey requested clarification on what the "Model Rules Version" would be.

Ms. McLean responded she did not have the model rules before her, but she does not think it will cause problems if you leave the language as is.

Ms. Mackey inquired if the "Model Rules" are different than Robert's Rules.

Ms. McLean responded the "Model Rules" are a set of rules created by the Association of Counties.

Ms. Mackey requested Ms. McLean to forward her a copy of the "Model Rules".

Mr. Malinowski withdrew his motion until we can review the "Model Rules".

Mr. Malinowski moved to approve the suggested language for Sec. 5.18, seconded by Ms. Barron.

"Voting to Elect Boards, Committees, and Commissions. When council is voting to elect one or more persons to open positions on a board, committee, or commission, ballot elections should be used if the number of candidates exceeds the number of positions available. With a ballot election, each council member shall vote—on one ballot—for up to as many positions as are open. Each member shall sign or otherwise mark his or her ballot and the minutes will reflect each member's vote. Members may vote by ballot for someone who was not nominated. Each ballot is considered one vote cast, and a candidate must receive a majority of votes to be elected. If no candidate receives a majority vote, balloting continues as needed until all positions are filled. If fewer than the proper number of candidates receive a majority vote, those candidates receiving a majority are elected, and balloting continues with all other candidates remaining on the ballot. If more candidates receive a majority vote than there are positions open, those receiving the largest number of votes will be elected and those receiving a majority, but tied for last of those receiving a majority, will remain on the ballot for repeat balloting, as needed. If all positions are not filled after the first vote, no candidates shall be involuntarily eliminated."

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Ms. Mackey moved to accept the recommendation to remove the following language from Sec. 4.1(c), seconded by Ms. Barron.

~~"The vacancy on a County board, commission, or committee shall be announced at least two meetings prior Council making the appointment. Such vacancy will be advertised in a local newspaper, the County website, PIO's Weekly Review and other appropriate media. Any individual who wishes to apply for service on a County board, commission, or committee must submit an application to the Clerk of Council. The Clerk of Council shall supply the application form. The Clerk shall, on the date designated by the Rules and Appointments Committee, submit all applications to the County Council for consideration. The County Council shall then elect an individual to fill the vacancy or vacancies, which exist at that time in accordance with the voting procedures set forth in Rule 5.19. After an appointment(s) has been made, applications shall be retained by the Clerk of Council for one (1) year and may be considered upon the request of the applicant whenever a vacancy occurs within that one (1) year period of time."~~

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

7. **ITEMS FOR INFORMATION**

- a. Boards, Commissions, and Committees Advertisement Schedule – No action was taken.
- b. Applications Currently on File – No action was taken.

8. **ADJOURNMENT** – Ms. Mackey moved to adjourn the meeting, seconded by Mr. Malinowski.

In Favor: Malinowski, Barron and Mackey

The meeting adjourned at approximately 4:54 PM.