



Richland County Council  
RULES AND APPOINTMENTS COMMITTEE  
**MINUTES**  
May 17, 2022 – 3:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

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COMMITTEE MEMBERS PRESENT: Gretchen Barron, Chair, Bill Malinowski, Jesica Mackey

OTHERS PRESENT: Anette Kirylo, Tamar Black, Kyle Holsclaw, Justin Landy, Patrick Wright, Ashiya Myers, Leonardo Brown, Lori Thomas, Randy Pruitt, Angela Weathersby, Dwight Hanna and Aric Jensen

1. **CALL TO ORDER** – Chairwoman Gretchen Barron called the meeting to order at approximately 3:00 PM.

2. **APPROVAL OF MINUTES**

- a. May 3, 2022 – Mr. Malinowski noted, in the minutes, Mr. Livingston and Mr. Wright both stated that ad hoc committees are short-term or temporary committees; therefore, there are not descriptions. The minutes also state that Ms. Mackey questioned whether the committee (i.e. Sewer Ad Hoc) needed to be dissolved and items sent to D&S or A&F, and he suggested looking at the other ad hoc committees to determine if others need to be dissolved as well. He would like this to be an item for discussion on a future Rules & Appointments agenda and draft language from Legal for Council Rules.

Mr. Malinowski moved, seconded by Ms. Barron, to approve the minutes as distributed.

In Favor: Malinowski and Barron

The motion in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Anette Kirylo, Clerk to Council, requested to add the six vacancies for the Richland Library to the Notification of Vacancies.

Mr. Malinowski moved, seconded Ms. Barron, to adopt the agenda as amended.

Ms. Barron noted she was informed that Ms. Jennifer Blocker Sanders would not be participating in today's interviews.

In Favor: Malinowski and Barron

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The vote in favor was unanimous.

4. **INTERVIEWS** – Mr. Malinowski moved, seconded by Ms. Barron, to go into Executive Session to conduct interviews.

In Favor: Malinowski and Barron

The vote in favor was unanimous.

***The committee went into Executive Session at approximately 3:09 pm  
and came out at approximately 3:27 pm.***

- a. Planning Commission – Three (3) Vacancies – Ms. Jennifer Blocker Sanders was interviewed for the Planning Commission.

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

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

#### 5. **APPOINTMENTS**

- a. Planning Commission Three (3) Vacancies – Ms. Mackey moved, seconded by Ms. Barron, to forward a recommendation to Council to appoint Mr. Frederick Johnson, II and Mr. Charles Durant.

Mr. Malinowski made a substitute motion to forward to Council a recommendation to appoint Mr. Charles Durant, Mr. Chris Siercks and Ms. Jennifer Blocker Sanders.

The substitute motion died for lack of a second.

Mr. Malinowski made a substitute motion, seconded by Ms. Barron, to vote on the applicants individually.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Ms. Mackey moved, seconded by Mr. Malinowski, to forward a recommendation to Council to appoint Mr. Charles Durant.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous to recommend appointment of Mr. Charles Durant.

Mr. Malinowski moved to forward a recommendation to Council to appoint Ms. Jennifer Blocker Sanders.

The motion died for lack of a second.

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Ms. Barron moved, seconded by Mr. Malinowski, to forward a recommendation to Council to appoint Mr. Chris Siercks.

Ms. Mackey stated she is concerned with appointing Mr. Siercks, at this time, since there are others currently on the Planning Commission with similar backgrounds.

Mr. Malinowski noted we want individuals with experience that are willing to participate; therefore, he would rather have people with similar backgrounds that are participating instead of appointing someone because they are different.

Ms. Barron noted it her concerns her if one could govern fairly, when it is your livelihood. It seems like the lines can be blurred quickly.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous to recommendation appointment of Mr. Chris Siercks.

Ms. Mackey moved, seconded by Ms. Barron, to forward a recommendation to Council to appoint Mr. Frederick Johnson, II.

Mr. Malinowski noted he was not in favor of appointing Mr. Johnson due to the fact that he listed commercial real estate endeavors, yet he does not feel there are any conflict of interests.

Ms. Mackey stated, in the interview, Mr. Johnson noted most of his work was not in Richland County.

Ms. Barron stated she felt the same way about this gentleman as she did Mr. Siercks.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

## 6. **NOTIFICATION OF VACANCIES**

- a. 1. 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)
2. Airport Commission – One (1) Vacancy
3. Board of Assessment Appeals – One (1) Vacancy
4. Board of Zoning Appeals – Six (6) Vacancies
5. Building Codes Board of Appeals – Nine (9) Vacancies (ONE applicant must be from the Architecture Industry, ONE from the Gas Industry, ONE from the Building Industry, ONE 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 from the Fire Industry as alternates)

6. Business Service Center – Four (4) Vacancies (ONE applicant must be from the Business Industry, ONE applicant must be an Attorney and TWO applicants must be CPAs)
7. Central Midlands Council of Governments – One (1) Vacancy
8. Community Relations Council – One (1) Vacancy
9. Employee Grievance Committee – Two (2) Vacancies (MUST be Richland County employees; 2 seats are alternates)
10. Hospitality Tax – Two (2) Vacancies (ONE applicant must be from the Restaurant Industry)
11. Internal Audit Committee – Two (2) Vacancies (applicant with a CPA preferred)
12. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) – Two (2) Vacancies
13. Music Festival – One (1) Vacancy
14. Planning Commission – Three (3) Vacancies
15. Richland Library – Six (6) Vacancies
16. Richland Memorial Hospital Board of Trustees – Three (3) Vacancies
17. Township Auditorium – Two (2) Vacancies
18. Transportation Penny Advisory Committee (TPAC) – Three (3) Vacancies

Mr. Malinowski moved, seconded by Ms. Mackey, to forward to Council with a recommendation to advertise the vacancies.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

## 7. **ITEMS FOR DISCUSSION/ACTION**

- a. Renaming the Sewer Ad Hoc Committee to the Utilities Ad Hoc Committee – Ms. Mackey requested Mr. Patrick Wright, County Attorney, to be prepared to discuss how ad hoc committees are organized, their functions and if they are still needed. She noted she spoke with Mr. Bill Davis, Utilities Director, regarding the Sewer Ad Hoc Committee, and if there is still a need for it. Mr. Davis stated he is comfortable with the ad hoc committee being dissolved and the items going to the A&F Committee instead.

Mr. Leonardo Brown, County Administrator, agreed with Mr. Davis' recommendation.

Mr. Malinowski noted this will also reduce the workload of staff.

Mr. Wright noted Council should weigh in on which ad hoc committees they believe still are active and needed.

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Mr. Malinowski moved, seconded by Ms. Barron, to keep this item in committee and bring back the information he requested during the “approval of the minutes” regarding the ad hoc committees. In addition, have staff come back with a list of all of the ad hoc committees.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

- b. I move that Council work with staff to conduct a comprehensive review of Council rules and recommend changes to streamline the rules to improve the functioning of Council business [NEWTON – March 19, 2019] – Ms. Mackey recommended amending the language in Rule 1.5(b) as follows: “Electronic Participation- During any Special Called meeting, not held in conjunction with a regularly scheduled Zoning Public Hearing ~~and Planning Meeting~~”. She inquired if the language “may choose to abstain from a vote on the issue discussed in executive session” is appropriate.

Mr. Wright responded, since the Council member would not be participating in Executive Session, the Council member can choose not to vote on an item discussed in Executive Session.

Mr. Malinowski stated, previously, abstinences were not allowed; therefore, this was an exception.

Ms. Barron requested the Clerk’s Office to ensure abstinences are consistent throughout Council Rules.

Ms. Mackey requested, when referring to the Zoning Public Hearing in Council Rules, to not include “and Planning Meeting” for consistency. She noted, as we look at a world where we are operating in hybrid settings, we need to ensure we can maximize opportunities for involvement.

Ms. Barron stated some of the recommendations Administration will be bringing forward regarding technology, and the adoption of the Strategic Plan, will force us to tweak this portion of Council Rules.

Mr. Malinowski noted his recollection is that Legal was to draft language that ad hoc committees would follow the same rules as standing committees.

Mr. Brown responded it was covered in Rule 4.2: “Ad Hoc Committees will be appointed by the Chair on an as-needed basis and shall follow the same rules and procedures as the Standing Committees.”

Ms. Mackey moved, seconded by Mr. Malinowski, to forward this item to Council.

Mr. Malinowski noted Council can provide proposed revisions until June 21<sup>st</sup>.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

- c. Board, Commission and Committee Descriptions – Ms. Mackey moved, seconded by Mr. Malinowski, to forward to Council with a recommendation for approval.

Mr. Malinowski noted on p. 77 “Board of Assessment Appeals” the word “day” was struck, but not

replaced with “year”. Re-appointment eligibility requirements need to be added in the “Richland Library” description. The terms for the “Midlands Workforce Development Board” and “Riverbanks Park Commission” need to also be added to their descriptions. He also noted we need to determine if the City of Columbia and Lexington County have term limits for the “Riverbanks Park Commission”. In addition, we need to enforce the Richland County/City of Columbia Animal Care Advisory Committee meeting once a year. He noted there are no re-appointment eligibility requirements listed for the “Internal Audit Committee”. In addition, the Internal Auditor position has not been filled. He recommended having the Chair fill the position by the end of this year. He inquired as to why there are no terms limits for the “Procurement Review Panel”. Lastly, there are no re-appointment eligibility requirements listed for the “Transportation Penny Advisory Committee”. He inquired if the other municipalities have re-appointment requirements for TPAC.

Mr. Malinowski made a substitute motion, seconded by Ms. Barron, to hold this in committee and direct staff to bring back information to the June 7<sup>th</sup> Rules and Appointments Committee meeting.

Mr. Brown stated in order for the “Animal Care Advisory Committee” to be appropriately addressed it will need to come before Council.

Ms. Mackey noted this item has been in committee for several months and this information is important to applicants to have prior to applying for the boards, commissions and committees. She inquired if the information not listed something that stops use from informing the public of the updated descriptions.

Mr. Wright stated, because this is set by ordinance, until the ordinance is changed, it will not be in effect.

Ms. Barron stated, for clarification, all of the changes can be made at the same time.

In Favor: Malinowski and Barron

Opposed: Mackey

The vote was in favor of the substitute motion.

Mr. Malinowski moved, seconded by Ms. Barron, to place the “Animal Care Advisory Committee” on the June 7<sup>th</sup> Rules and Appointments Committee agenda.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

Ms. Mackey noted that we need to ensure an attendance schedule, and a uniform attendance template, is implemented for all of the committees.

Ms. Kirylo responded she and IT are working on an online form that will be submitted quarterly by the boards, commissions and committees.

Ms. Mackey inquired if this will be brought back to committee before it is implemented.

Mr. Malinowski inquired if we can include “attendance is mandatory” on each description.

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Ms. Barron noted we will see the attendance form once the Clerk's Office and IT has an example for the committee's review.

- d. Consider moving the Horizon Meeting to Tuesday and have delivery of finished agenda to Council members by Thursday close of business [Malinowski- April 6, 2021] – Mr. Brown stated Ms. Ashiya Myers, Assistant to the County Administrator, prepared the briefing document as she assists with coordinating agenda documentation.

Ms. Myers stated staff does not have a specific issue with the Thursday delivery date. Staff did want the committee to consider that as you add more meetings, it requires additional documentation. Presently, staff is spending about one-third of their time on standing committee briefing documents. This does not include ad hoc committees, special called meetings, or other meetings which require documentation to be prepared, reviewed and vetted. She noted, when the agenda are delivered on Thursday, and people are able to see the agenda there are changes, so it further delays Council being provided a final agenda. In addition, there are Legal matters that may arise, which delays providing a final agenda. One of staff's recommendations is that ad hoc committee agendas need to follow the same schedule as standing committees. This will give staff a set due date for the backup information. She noted if there are changes that come in prior to Monday's FOIA deadline, the agenda is amended, but only electronically. The hard copies are not provided to Council until Tuesday at the meeting(s), which may prevent Council members from being adequately prepared. Receiving the agendas electronically would allow Council to receive updated agendas in a timely manner and saves on printing and fuels charges.

Mr. Malinowski stated everyone needs to be advised we have rules that needs to be adhered to when it comes requesting changes after the agendas are provided to Council members. He realizes there are FOIA statute that allows 24-hour notice, but if we follow the rules, unless it is an exceptional, time-sensitive circumstance, we should not be changing the agendas. He requested the cost savings of providing the agendas electronically.

Ms. Myers responded the printing costs come out of the Clerk to Council's budget. The fuel charges would come out of Central Services budget.

Mr. Malinowski suggested, in the future, taking the fuel charges out of Council's budget. He stated, it is his understanding, Central Services prints and mails documents for other departments. He believes those departments should be responsible for those costs.

Ms. Myers responded Central Services charges the various departments a printing fee and for any postage used.

Ms. Mackey stated she has some concerns when it comes to ad hoc committees being scheduled. Sometimes the ad hoc committees may need to meet, and they cannot anticipate that need 2 weeks in advance.

Ms. Myers responded, staff will move as directed by Council, but we want Council to be aware the Thursday delivery date becomes harder when you add those ad hoc committee meetings. For example, if there are 11 items on an ad hoc committee agenda that is 11 documents that needs to be prepared, and does not include any backup to the briefing. Those 11 documents equate to 55 staff hours, which are on top of those documents being prepared for standing committees. Quality may suffer and information may be missing based upon the time available.

Mr. Brown stated staff may receive information 2 days before the meeting that makes a difference on the recommendation, which has already been made. There may also be a staff flow issue where the information could come to you, but if there is a question why something is missing and we pull the item, now the efficiency of the work suffers.

Mr. Wright stated we have a certain amount of control or oversight with internal entities, but we have zero control over the Court. He noted his staff is very limited. There are 4 attorneys, including himself, so last minute items affect them.

Ms. Barron stated, at the end of the day, there is a human element to this. She noted the Clerk's Office does not print 11 agenda packets any longer. She has opted to not receive a printed agenda and is trying to rally the other Council members to do so.

Ms. Myers noted internally the deadline is the deadline. If a department does not provide the information by the deadline, it does not go forward. The issue we have had recently has been items that are time-sensitive.

Mr. Malinowski noted the new rule regarding ad hoc committees, and the review of the ad hoc committees' purpose, should ease some of staff's concerns.

Ms. Mackey stated flexibility is key and she believes it is in the best interest of the citizens to not establish rigid timelines.

Ms. Barron noted flexibility is still key, but we want to govern with our staff in mind.

Ms. Mackey moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to continue Thursday delivery.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

8. **ITEMS FOR INFORMATION**

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

9. **ADJOURNMENT** – Ms. Mackey moved, seconded by Mr. Malinowski, to adjourn.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

The meeting adjourned at approximately 4:30 PM.