



Richland County Council

Rules and Appointments April 19, 2016 - 4:00 PM 4th Floor Conference Room

Julie-Ann Dixon	Bill Malinowski (Chair)	Jim Manning
District 9	District 1	District 8

Call to Order

- 1 The Honorable Bill Malinowski

Approval of Minutes

- 2 April 5, 2016 [PAGES 4-5]

Adoption of Agenda

- 3

Items for Action

- 4 a. Terms of Service
b. Membership Requirements for Business Service Center Appeals Board [PAGE 6]
 1. An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; Article VII. Boards, Commissions and Committees; Section 2-332. Boards, Commissions and Committees Created; Subsection (L), Richland County Business Service Center Appeals Board; Paragraph (2), Membership; so as to revise the membership requirements of the Business Service Center Appeals Board [FIRST READING] [PAGE 7-10]



Richland County Council

Items for Discussion

- 5** a. All motions must be posted a minimum of 24 hours before a scheduled Council meeting. Note: When Council made this change it was to eliminate any surprise or intent of secrecy. It eliminated Chairs of committees adding motions to an agenda before the meeting without notice. The change was for all motions not some. [JACKSON]

- b. Based on Richland County guideline and grievance procedure I move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify Council at the next available Council meeting. This also include any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council. [JACKSON and MALINOWSKI]

Adjournment



Richland County Council



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

RICHLAND COUNTY COUNCIL SOUTH CAROLINA



RULES AND APPOINTMENTS COMMITTEE

April 5, 2016
4:00 PM
4th Floor Conference Room

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Malinowski called the meeting to order at approximately 4:01

APPROVAL OF MINUTES

March 1, 2016 – Ms. Dixon moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Ms. Dixon moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

NOTIFICATION OF VACANCIES

- a. **Community Relations - 3**
- b. **Employee Grievance - 1**
- c. **Board of Assessment Appeals - 1**
- d. **Hospitality Tax - 1**

Ms. Dixon moved, seconded by Mr. Malinowski, to advertise for the vacancies. The vote in favor was unanimous.

INTERVIEWS

- a. **Transportation Penny Advisory Committee (TPAC) - 2** – Ms. Margaret Middleton Sumpter, David Via and Mr. Jason C. McLees were interviewed.
- b. **Board of Zoning Appeals - 1** – Mr. Jason C. McLees and Ms. LaTonya B. Derrick were interviewed.
- c. **Music Festival Commission - 1** – Mr. Derek Riley was interviewed.

Committee Members Present

Bill Malinowski, Chair
Julie-Ann Dixon
Jim Manning

Others Present:

Norman Jackson
Kimberly Roberts
Michelle Onley

NOTIFICATION OF APPOINTMENTS

- a. Transportation Penny Advisory Committee (TPAC) - 2** – Mr. Manning moved, seconded by Ms. Dixon, to table the appointments in committee until Council makes a final decision on the Transportation Penny Advisory Committee. The vote in favor was unanimous.
- b. Board of Zoning Appeals - 1** – Mr. Manning moved, seconded by Ms. Dixon, to appoint Ms. LaTonya B. Derrick. The vote in favor was unanimous.
- c. Music Festival Commission - 1** – Ms. Dixon moved, seconded by Mr. Manning, to appoint Mr. Derek Riley. The vote in favor was unanimous.

NOTIFICATION OF VACANCIES

Ms. Onley stated Ms. Roberts had informed her of the following additional vacancies that need to be advertised:

- a. Accommodations Tax - 1**
- b. Township Auditorium Board - 1**
- c. Board of Zoning Appeals - 2**

Ms. Dixon moved, seconded by Mr. Manning, to advertise for the additional vacancies. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 4:56 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

Red-Lined Version

[DRAFT Amendment—Term limits with one (1) year of non-service interval following expiration of member’s term]

Section 2-327. Terms of service

(a) The members of such boards, commissions and committees shall not serve more than two (2) consecutive terms; provided, however, that upon service of two (2) consecutive terms a member may be eligible for reappointment after one ~~day~~ **year of non-service following such member’s term expiring**. ~~Provided, however, that an individual serving in an executive position on a county board, commission, or committee shall be allowed to complete the term for that position when the individual’s term on the board, commission expires prior to the expiration of the executive appointment. Further provided, regional boards, commissions and committees are exempt from the two (2) consecutive term limits requirement whenever the other jurisdiction(s) appointing said members do not limit the number of terms held by their appointee(s).~~

(b) Notwithstanding any other provision of this Article, any member serving on a board, commission or committee may continue to serve until such time as ~~an advertisement has appeared in the local newspaper and a successor has been duly appointed~~; provided, however, the term of an elected member (who is serving on a board, commission or committee) ends when such member’s **term expires**. ~~is no longer serving in the capacity of an elected member.~~
(Ord. No. 015-11HR, § I, 3-1-11)

Richland County Council Request of Action

Subject: Membership Requirements for Business Service Center Appeals Board

A. Purpose

To amend the requirements for the Business Service Center Appeals Board.

B. Background / Discussion

The Business Service Center Appeals Board is currently required to have five members: three CPA's, one attorney, and one business person.

In order to provide greater flexibility and thereby enhance the ability to fill vacant Board positions, it is requested that the membership requirements be revised. The new membership requirements requested would maintain the five positions. However, the number of CPA's, attorneys, and business people permitted to be on the Board would be flexible:

- No more than three and no less than two CPA's,
- No more than two and no less than one attorney, and
- No more than two and no less than one business person.

Additionally, the definition of "business person" is added, referring to a person who owns his/her own business or holds an executive role in a business.

Please see the ordinance amendment on the following pages.

C. Legislative / Chronological History

The Business Service Center Appeals Board was established in 2006. (There were seven appeals in 2008, two appeals in 2009, one appeal in 2014, and two appeals in 2015.)

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to revise the membership as requested.
2. Do not approve the membership revisions and maintain the current membership requirements.

F. Recommendation

This request is at Council's discretion.

Recommended by: Pam Davis
Department: Business Service Center
Date: February 29, 2016

G. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 2/29/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

One observation of the ROA is that given the number of appeals over the past three years, the member requirements may be unnecessarily restrictive. However, since I have not been involved in the working process of the board, I will defer the recommendation in support of the BSC Manager’s recommendation.

Business Service Center

Reviewed by: Pam Davis

Date: 3/7/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This change is at Council’s discretion. However, allowing some flexibility in the membership requirements would seem to make it easier for vacancies to be filled.

Legal

Reviewed by: Brad Farrar

Date: 3/8/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision of Council.

Administration

Reviewed by: Tony McDonald

Date: 3/11/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval as outlined above by the Business Service Center Manager.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-16HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 2, ADMINISTRATION; ARTICLE VII. BOARDS, COMMISSIONS AND COMMITTEES; SECTION 2-332. BOARDS, COMMISSIONS AND COMMITTEES CREATED; SUBSECTION (L), RICHLAND COUNTY BUSINESS SERVICE CENTER APPEALS BOARD; PARAGRAPH (2), MEMBERSHIP; SO AS TO REVISE THE MEMBERSHIP REQUIREMENTS OF THE BUSINESS SERVICE CENTER APPEALS BOARD.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 2, Administration; Article VII. Boards, Commissions and Committees; Section 2-332. Boards, Commissions and Committees; Subsection (l), Richland County Business Service Center Appeals Board; Paragraph (2), Membership; is hereby amended to read as follows:

(2) *Membership.* The Business Service Center Appeals Board shall consist of five members who shall be appointed by majority vote of the Council. The five-member board shall be comprised of no more than three and no less than two Certified Public Accountants, no more than two and no less than one member of the S.C. Bar Association, and no more than two and no less than one other business person, defined as a person who either owns their own business or has an executive role in a business. All members must be interested citizens residing in Richland County. ~~Not more than one member of the Appeals Board may be an employee of the County.~~

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. All sections of this ordinance shall be effective on and after _____, 2016.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST this the ____ day of _____, 2016.

S. Monique McDaniels, Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

First Reading:
Second Reading:
Third Reading: