

RICHLAND COUNTY

ADMINISTRATION & FINANCE COMMITTEE AGENDA



Thursday, NOVEMBER 15, 2018

6:00 PM

RICHLAND COUNTY

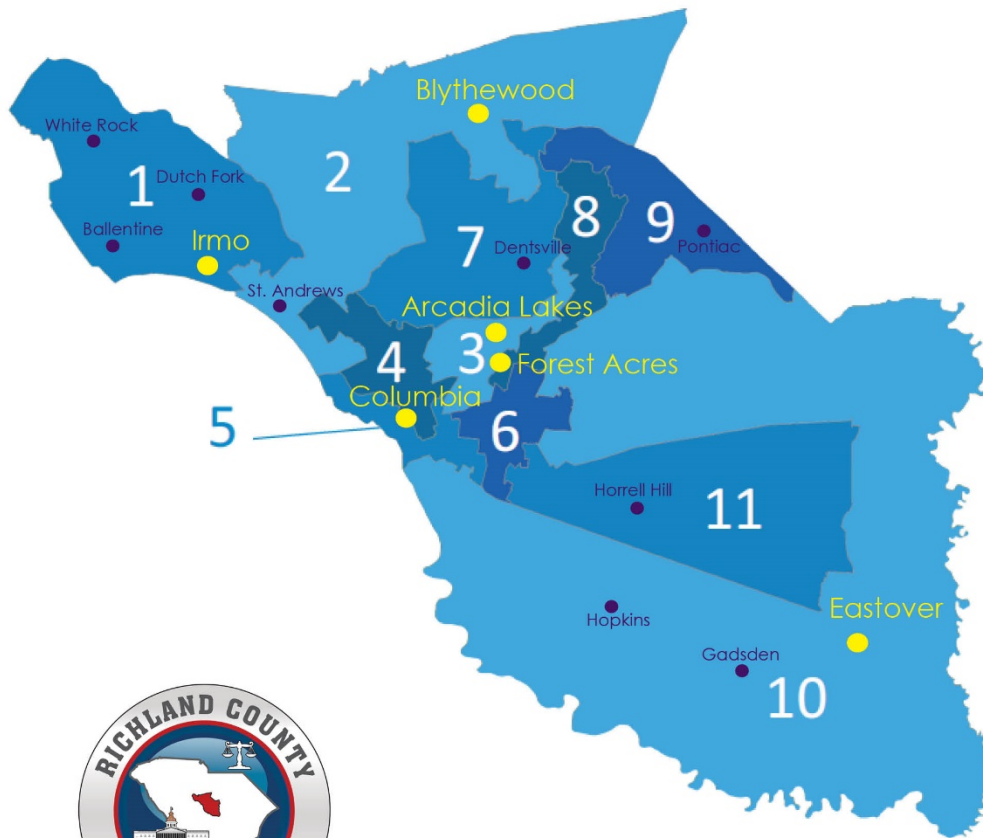
ADMINISTRATION & FINANCE COMMITTEE AGENDA



Thursday, NOVEMBER 15, 2018

6:00 PM

RICHLAND COUNTY COUNCIL 2017-2018



VICE CHAIR
Bill Malinowski
District 1



CHAIR
Joyce Dickerson
District 2



Yvonne McBride
District 3



Paul Livingston
District 4



Seth Rose
District 5



Greg Pearce
District 6



Gwendolyn Kennedy
District 7



Jim Manning
District 8



Calvin "Chip" Jackson
District 9



Dalhi Myers
District 10



Norman Jackson
District 11



Richland County Administration & Finance Committee

November 15, 2018 - 11/15/2018 6:00:00 PM

2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Paul Livingston
2. **APPROVAL OF MINUTES** The Honorable Paul Livingston
 - a. Regular Session: October 23, 2018 [PAGES]
3. **APPROVAL OF AGENDA** The Honorable Paul Livingston
4. **ITEMS FOR ACTION**
 - a. Approval to award Emergency Services Department purchase orders for Self Contained Breathing Apparatus (SCBA's or air packs) purchase to Newton's Fire & Safety Equipment, Inc. [PAGES 20-25]
 - b. Electronic recording (e-recording) memorandum of understanding (MOU) between Richland County and Corporation Service Company (CSC) [PAGES 26-33]
 - c. Shakespeare Crossing Affordable Housing Development Project [PAGES 34-70]
 - d. Intergovernmental Agreement between Richland County, Lexington County and Town of Irmo for Engineering Services and Infrastructure Maintenance (Attachment A) [PAGES 71-88]
 - e. Ordinance Amendments – Revising the Business License Ordinance [PAGES 89-174]
 - f. Request to provide funding to the Lourie Center [PAGE 175]
 - g. Use of Assigned Funds – Salary Adjustments [PAGES 176-179]
 - h. Alvin S. Glenn Detention Center Inmate Food Services Contract [PAGES 180-182]

5. ADJOURN



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

ADMINISTRATION AND FINANCE COMMITTEE

October 23, 2018 – 6:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Paul Livingston, Chair; Bill Malinowski, Dalhi Myers, Yvonne McBride, and Norman Jackson

OTHERS PRESENT: Brandon Madden, Michelle Onley, Trenia Bowers, Sandra Yudice, Kimberly Williams-Roberts, Larry Smith, John Thompson, Ismail Ozbek, James Hayes, Chris Eversmann, Nathaniel Miller, Stephen Staley, Allison Steele, Dale Welch, Michael Byrd, George Rice, Mohammed Al-Tofan, Eden Logan, and Janet Claggett

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **APPROVAL OF MINUTES**
 - a. July 24, 2018 – Ms. McBride moved, seconded by Ms. Myers, to approve the minutes as submitted.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Madden stated staff is requesting Item 4(i): “Approval to award Emergency Services Department purchase orders for Self Contained Breathing Apparatus (SCBA’s or air packs) purchase to Newton’s Fire & Safety Equipment, Inc.” be deferred to the November committee meeting.

Mr. Malinowski stated he saw information in Item 4(m): “Program Development Team Contract” that relates to Item 4(a): “The Richland Program Development Team (PDT) requests a wage rate increase for Calendar Year (CY) 2018 and retroactive payment for wage rate increases for CYs 2016 and 2017”; therefore, should Item 4(a) be included in Item 4(m) or deferred until after the committee takes up Item 4(m).

Ms. McBride moved, seconded by Ms. Myers, to adopt the agenda as amended.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**
 - a. The Richland Program Development Team (PDT) requests a wage rate increase for Calendar Year (CY) 2018 and retroactive payment for wage rate increases for CYs 2016 and 2017 – Mr. Livingston stated there was a request for what kind of raises staff received, as it relates to the years that were

in question. He stated, on p. 17 of the agenda, it shows that staff received a Countywide raise of 4% in 2017 and 3% raise in 2018.

Mr. Malinowski moved to deny. The motion died for lack of a second.

Ms. McBride moved, seconded by Mr. N. Jackson, to move forward without any particular recommendation.

Ms. McBride stated the last time we discussed this issue we divided it into 2 parts. There were several options we had regarding the rate increase. One was to provide rate increases for both 2016 and 2017. Then, there was another discussion regarding making it consistent with the wage increase for County employees.

Mr. Malinowski stated Sec. 8 of the contract reads, "The contractor shall be eligible for cost of wage increases." The language that says, "eligible for" does not indicate that they are entitled to such increases. They can merely be considered. To him, if you contract someone to do a particular job, within your contract there should be the wherewithal to take care of your employees. That is why you are making a contract with them. The reason he made the motion for denial is because they are guaranteed it. He thinks some of the recent information that has come to light in the media regarding one particular employee being paid \$30,000, yet we had information saying the employee received \$52,000, should raise quite a bit of question as to what is going on with all the other employees for the monies we have been given regarding salaries. That is just one out of the many that they have. And, they have not come back to tell us one way or another if it was accurate or not. To him, there are a lot of questions about the money they are getting, the salaries they are paying, and whether or not we should be considering giving raises until we resolve those matters.

Mr. C. Jackson stated although he, sort of, disagrees with what Mr. Malinowski just said, he does agree with what he what he initially tried to do, which was to have this conversation deferred until after the Executive Session where the specific contract is going to be discussed. In the discussion of the contract, there is the real possibility and potential of this matter being one of the contractual issues that will be discussed. He wanted to say, before it got voted up or down, there is a possibility to not do that until after Executive Session, it might prove beneficial.

Ms. Myers inquired if the PDT can choose to, within the current profit that it makes, or bonuses and increases as it chooses, with the administrative costs that it is already being paid. She inquired if there was anything in the contract that precludes them from doing that.

Mr. Smith stated he is not aware of anything that precludes them from doing that.

Ms. Myers stated, for clarification, they have the flexibility, within the amounts they are already being paid, if they deem this Council has not provided increases in a way that is consistent with what they want their employees paid, they could take less profit and pay increases.

Mr. Smith stated once we have paid them, under the terms and conditions of the contract, in terms of how they use those funds, as it relates to paying their employees, would be up to them.

Mr. N. Jackson inquired if their salaries were set in the original contract.

Mr. Livingston stated at 2014 rates.

Mr. N. Jackson inquired if they built in anything for inflation.

Administration and Finance

October 23, 2018

-2-

Mr. Livingston stated that was contingent upon whether or not you get the raises over the time. This is why this is before us now.

Mr. N. Jackson stated his concern is, they have a contract, we gave them so much to do business. What he has seen they are making, compared to the industry, for example, the County employees, SCDOT employees, it is almost twice. When it comes to the Penny Tax money, and the public eyes and how that is spent, he just has some concern.

Mr. Livingston made a substitute motion, seconded by Mr. Malinowski, to defer this item until after Executive Session.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- b. Freedom of Information Act Policy Revision – Mr. Madden stated this item is a revision to the County's current FOIA policy. It is an update to the policy, so that it is in compliance with the amendments to the State FOIA law. On p. 22, under Issues section, it outlines what the changes are, then, in the subsequent draft policy the amendments are red-lined. Staff is requesting approval, as presented.

Ms. Myers stated on p. 22, bullet #3 states, "Convicted prisoners do not have the right to request records under FOIA." Do you mean convicted felons? Do you mean incarcerated people? Who are we talking about there?

Mr. Madden stated he thinks the wording can be adjusted. He stated they are referring to individuals that are incarcerated.

Ms. Myers stated, for clarification, so prisoners.

Mr. Smith stated he believes they have to be convicted, as opposed to just being detainees. There is a presumption that you are innocent.

Ms. Myers inquired if we are referring to convicted felons, who are serving time, or do you mean convicted felons who have served their time. Technically, once they have served their time, this would be another burden on their rights. And, while she has been the subject of many of unwanted FOIA, for foolishness, she still does not want to infringe on people's constitutional rights and make them even further suspect, once they have served their time. Therefore, her question is, are we talking about people who have been convicted of felonies, and are vexatious because they are behind bars and have unlimited free time, or are you talking about people who have served their time and are out roaming free and harassing us because they do not like one or the other of us.

Mr. Smith stated he does not know that the current changes explicitly say that, but we can go back and make sure we get some clarification of exactly who they are talking about, as it relates to the prisoners.

Ms. Myers stated she is for as much freedom to harass elected officials, as is warranted, just so we get the right language.

Mr. Malinowski stated he has to agree with Ms. Myers on that. He stated he may be in prison even, but if he has a home and is paying his taxes, you mean he does not have the right as anyone else to make a request for information. Especially, if he is paying for it. In addition to that, on p. 26 of the

Administration and Finance

October 23, 2018

-3-

agenda, it says, “excluding weekends and ~~County holidays~~ legal public holidays)”. What if the County has some holidays that are not legal holidays? We are still not here. The staff cannot do the work and we are cutting into the days. Something else that is not mentioned in here, and we all very recently participated in, is time given off for natural disasters. If you get a couple days off in there for something like that, you are going to be in violation of your own ordinance. The last thing, is under (B) “A fee shall not be charged if the total cost to produce the record(s) is \$20.00 or less.” If you have 1,000 people coming in, and it is \$20, that’s \$20,000. It just seems that if you make the request, you pay the price regardless of what that amount is. You are taking staff time, which is taxpayers’ monies to do this for you, or whoever is making the request. Therefore, they should reimburse whatever that fee is.

Ms. McBride stated she definitely supports Ms. Myers’ comments. She inquired if this is totally different from the State law, or did you adopt it. How did we come up with this language?

Mr. Madden stated it is updating our policy so that it is compliant with State law.

Ms. McBride stated, for clarification, the verbiage that was used was from State law, or is the verbiage what we decided to put in.

Mr. Madden stated the additional language is similar to what was used in State law. It is essentially trying to make sure that we are compliant with the amendments the State approved.

Mr. Smith stated, if you take a look on p. 24, this is the language right out of the change, in terms of what Ms. Myers was asking about. He stated if you look at the 1st bullet, it says, “This right does not extend to individuals serving a sentence of imprisonment in a state or county correctional facility. Pre-trial detainees not yet sentenced or other persons not yet sentenced detained in a state or county correctional facility have the right to inspect or copy any public record of a public body.” That is why he indicated that he thought they were talking about people convicted, as opposed to detainees.

Ms. Myers stated, if you read that bullet, in harmony with the one on the front page, it still does not tell you what happens once someone has served their sentence. Her question is, are we adding a burden onto people who have done their time, and now are just like you and me, or is this just for people who are presently incarcerated.

Mr. Smith stated he would read it to say that you actually have to be serving a sentence.

Ms. Myers stated, so if you have already done your time, you are free to harass at will.

Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the revised FOIA policy and procedures, with the clarification to Sec. IV(ii) regarding holidays and the inclusion of language to cover natural disasters/storms notated by Mr. Malinowski.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- c. Council Motion: Requesting Palmetto Health and Providence to proceed with their proposals to build a free standing emergency room facility to include an ER and outpatient care, pharmacy, clinic and other preventive healthcare services – Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to allow staff to continue to entertain the proposals being put forth by Palmetto Health and Providence.

Administration and Finance

October 23, 2018

-4-

Mr. Livingston inquired if we know what those proposals are.

Ms. Myers stated she knows we have been asked by one or both of these groups to sign a non-disclosure agreement, so they can put together a proposal for us. Because no one has the authority to sign such a document, we cannot get the information because, obviously, people want some confidentiality to present anything to Richland County. She would think this would allow them to open discussions.

Mr. Livingston stated he thought there were already proposals.

Mr. N. Jackson stated, the last time he spoke, Mr. Pearce said there was a proposal by Palmetto Health, but they have not gotten to us yet. Mr. Pearce said they were working on something, and he had spoken to Vince Ford, and they wanted to present it to us.

Ms. Myers stated she knows that Providence has an interest as well. She would like hear all of the proposals.

Mr. Malinowski stated, like his colleagues are saying, "proceed with their proposals." He would like to know what their proposals are so we can discuss them. If it is their proposal, he is thinking, they are ones that are going to be funding the placement of this. He does not know that we should forward it to Council until we get all of this information.

Mr. Malinowski made a substitute motion, seconded by Mr. Livingston, to hold it in committee and request that all of this information be brought back to us at the November committee meeting.

Ms. Myers stated, for clarification, there is a group very interested in providing information, but they cannot without someone signing a non-disclosure agreement.

Mr. Malinowski stated, if there is a non-disclosure agreement that needs to be signed, we have to do it to get what they are proposing.

Ms. Myers made a second substitute motion, seconded by Mr. Malinowski, to allow staff to sign whatever non-disclosure agreement is necessary, so we can get the information to present to full Council.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor of the second substitute motion was unanimous.

- d. Council Motion: Completion of an ISO study to give the County guidance on the need for and potential recommended locations of new fire stations and the proper use of/mix of volunteer and paid fire department employees in all areas of Richland County – Ms. Myers moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation for approval.

Ms. Myers noted that staff said the fire consultant is already putting together something, so they want us to come back after.

Mr. Madden stated the current consultant is already performing this, and that will be included in the report they present to us. He stated it is a 90-day process to complete the report.

Ms. Myers withdrew her motion. She stated the staff's analysis says they have already undertaken this, based on our prior instructions. If they have already done it, telling them to do it again is kind of a waste of time.

Mr. Malinowski moved, seconded by Ms. Myers, to hold in committee until the report is available.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- e. Council Motion: Use of HA5 asphalt sealant to increase the life of all roads new and existing – Mr. N. Jackson stated Council was invited to look at a demonstration, at the Owens Field Airport, where they used this product on part of the road. It is very inexpensive and extends the life of the road by 10 – 15 years. A staff member called him and told him that it takes about a day or 2 to dry. He stated it would save us money because the roads last longer. It seals the road, so the cracks and the potholes do not happen in the winter when the water gets in.

Mr. Livingston stated he would have liked to have advantages or disadvantages of it, or one of the professionals would have said something about it.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation to direct staff to research the use, present a cost comparison of this versus the way we are doing it now, the life spans, and bring back.

In Favor: Malinowski, Myers, N. Jackson, Livingston, and McBride

The vote in favor was unanimous.

- f. Council Motion: Funding the Senior programs should be distributed equally and fairly. It is not right for one organization to be receiving hundreds of thousands of dollars annually while other areas receive none. All areas pay taxes and all seniors should get the same and equal opportunity in receiving funding. I move that funding for seniors (Senior Activities) be distributed equally in all eleven districts – Mr. N. Jackson stated over the years he has seen where some senior organizations receive hundreds of thousands of dollars while others, in some areas, receive nothing. He wanted Council to be aware, so we can, at least, look for equal and fair distribution of these funds. It is not fair for one area to constantly get funds. There is one area in the City, but when you look into unincorporated and rural areas, they receive nothing. If we could come up with a formula or something so it can be equally or fairly distributed so everyone could have that opportunity, he thinks it would be a good thing. At least, we are looking for everyone and not neglecting some. He just wants staff to explore it, so we have an idea how to distribute everything to our seniors. There is one organization that started off as a one-time funding request for \$160,000, and they have been getting that for the last 10 years.

Ms. Dickerson inquired if the organization services other senior organizations.

Mr. N. Jackson stated they service a certain area. He just wants it to be fair distribution, or look into it for recommendations. He is constantly told it was a one-time, but we are constantly giving them more.

Ms. Dickerson inquired if Mr. N. Jackson is asking for them to apply.

Mr. N. Jackson stated they would have to apply. We are not just giving funding to organizations. There is a formula that would help us on how we distribute funds.

Administration and Finance

October 23, 2018

-6-

Mr. Livingston stated, for clarification, Mr. N. Jackson is asking for an evaluation of the County's distribution of funding to senior programs.

Ms. McBride stated the County needs to look at possibly providing enough funding to ensure adequate all of the districts. She supports Mr. N. Jackson motion to look at overall funding.

Mr. N. Jackson stated they would have to apply. We would not just give it to them.

Ms. McBride stated her concern is giving adequate funding for all of the entities involved with senior services that are interested.

Ms. Dickerson stated she would like to know the services. Are we talking about a comprehensive service like Meal on Wheels? Some of these organizations do not have the capacity do some of that. Her concern would be how they could partner with the one that we are talking about, and them help the others to distribute these services. She thinks if each one of these start doing Meal on Wheels, then this other organization's service to a particular area may be affected.

Mr. N. Jackson stated the COG provides funding to a lot of people.

Mr. Livingston stated we are not asking staff to make any decision, but to simply get us some information to evaluate it. Senior Resources used to be the Council on Aging for the County, and it became Senior Resources to provide service throughout this County. It is not just one little agency. They are all treated rather differently, in terms of what they do.

Mr. N. Jackson moved, seconded by Ms. McBride, to forward to Council with a recommendation to direct staff to conduct an evaluation of the County's distribution of funding to senior programs and bring back the Council Retreat.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- g. County Council is requested to provide guidance to the staff on paving/construction of Willow Wind Road – Ms. Dickerson inquired if this item was forwarded to committee, or is it a staff initiated request.

Mr. Madden stated this is a staff initiated request.

Mr. Livingston stated staff is requesting guidance on where we are with Willow Wind Road.

Ms. Myers stated her question is the same that she always asks, for all of these dirt roads that are on our list with the Penny Project. It would shock her that we have \$500,000 to dedicate this project when we have a list of dirt roads that have been organized. And, she believes it would be blatantly unfair to select this one out, and put it ahead of all those roads on that list. She stated it is in her district. She would love to see it paved, but she would love to see it done in order, so she can honestly say to the citizens who ask her about this that we are doing this fairly and equitably. She just thinks it is surprising to have \$500,000 drawn out of the project, and assigned to a road.

Ms. Dickerson stated this is a very strong concern of hers that Mr. Eversmann could bring this before this Council, and have staff bring this before this Council, when she remembers looking at that dirt road list and this road was way down on that list. She does not know how it is going to jump ahead of all...

Administration and Finance

October 23, 2018

-7-

Mr. Ozbek stated we are not asking to have this in front of any other project. This is currently on the list. We do have some information to share between the Penny and the Public Works Department. We have already met with Administration and Legal, and there are some requests made. We wanted to share some information. This is not a new request. Or, it is not a request to put it up on the top. There is no time limit. It is a commitment that the County made.

Mr. Eversmann stated it is a unique situation, in which we require guidance. As Mr. Ozbek said, we are not looking jump in front of any established priority. We merely have a situation in which a particular road has, for whatever reason, has fallen through the cracks, and despite an earlier commitment by Richland County to pave it, and the continuation of that commitment, by virtue of it being included, and a budget assigned under the Penny Transportation Program. We are looking for a way to bring together past effort, current efforts, as well as ongoing development, that would be impacted by the possible negotiation of a public-private partnership to get the road paved. That is the unique situation that we are bringing before you, and asking for some guidance. It has been discussed at the Administration level. The consensus was that bringing it before Council would be the appropriate thing.

Mr. Livingston inquired Mr. Eversmann had a recommendation.

Mr. Eversmann stated they do have a recommendation from the standpoint that we believe that an improved, engineered alignment of the road is the way to go forward, which is a little bit in conflict with the procedures that are followed by the Transportation Penny Department. However, we are talking about the use of existing funds, at some time, in the future, that have already been programmed within the Transportation Penny Program.

Ms. Dickerson stated she has looked at the list of those roads. She has been working from its inception, and she cannot understand how this one, of all the roads, gets pulled out to even be brought to Council, with Mr. Eversmann's explanation. She stated this road should stay just like everybody else's road, and go right down and follow the procedures like everybody else's road. She cannot see why, if you were going to single out one road... She stated she was not voting on this committee, but she has a serious problem with that.

Mr. N. Jackson stated he can understand some concern with staff. He is not sure why it is here before us, and the reason for staff to have it here. He remembers this road well. At one time, they did not want it paved because people had horses, and it was turned down in 2006.

Mr. Eversmann stated he thinks it was earlier than that, but he knows what Mr. N Jackson is saying.

Mr. N. Jackson stated he was on the Planning Commission, and then when he got on Council in 2007, it had moved from #160 to #1. Since then there is a criteria/ranking for these roads. It depends on commercial, # of houses on the road, and as these roads grow, then it moves up the list. He is not sure if more houses have been built, or are being built on that road for it to increase in the ranking. He knows the entrance on Old Hopkins Road may be a safety concern. He does not know if that is what staff is talking about.

Mr. Eversmann stated that is part of their concern. What we are looking at, and what we, as engineers, advocate is an improved alignment to that road. That appears to be somewhat in conflict with the proceeds followed by the Transportation Penny Program of staying within the existing prescriptive easement alignment. That is one of the issues that we are seeking to address. He wants to reiterate, what Mr. Ozbek referenced, nowhere in the briefing document will you see any sort of a hint of a staff recommendation of bumping up the priority, or anything like that. In fact, to the

Administration and Finance

October 23, 2018

-8-

contrary we actually stated that there is no time constraint associated with the existing granting of the right of way, with regards to improvements.

Mr. N. Jackson stated the reason he came to that conclusion, as a retired highway design engineer, he knows in the area that is where he has concern. And, staff is saying that is part of theirs. When it comes to safety, he always supports those situations because he does not want anyone to die or get involved in an accident because we neglect safety procedures. Once it has been discussed, that there is a safety issue, and we decide not to do it then we are potentially liable because we knew about the situation and did not correct it. At that point, at that intersection, he has concerns, but the rest of the road paving should go with the criteria.

Ms. Myers stated we have a Transportation Ad Hoc Committee for just this kind of thing. She thinks this is properly before that committee, and not this one. She thinks it is asking a lot for us to make a decision on the Transportation Penny budget, that Mr. C. Jackson is charged to bring out of committee for recommendation to Council. Somehow this road found its way onto someone's desk. For every issue that Mr. N. Jackson points out, in terms of roads needing assistance, she could give you 100 with little old ladies, over 80 years old, living on them. She thinks it is patently unfair to be taking this one...for this to be before us, given the magnitude of what we know we have to do with the Penny, and the sparse nature of the funding that is left, she thinks it is galling to even be looking at making sure that we segregate this money out, whenever this road comes up. So this \$500,000 will be sitting and waiting on it. Segregate money out for all the little old ladies that need their roads paved. She has said this repeatedly; she is real exercised over this dirt road paving project because there are a lot of people who were promised that their roads were going to get paved through this penny. We have gotten through 1/100th of the list, if that many. For us to be looking at this road, as separate and apart from everybody else's road, in her opinion, is very unfair.

Ms. Myers moved, seconded by Ms. McBride, to forward this item to Council with a recommendation to forward the matter to the Transportation Ad Hoc Committee, and that the Transportation Ad Hoc Committee take this matter up with the list of the other roads that we want paved.

Mr. Malinowski stated, while Mr. Eversmann gave a very eloquent and diplomatic opening statement, the fact of the matter to him is, when you look at the maps provided on pp. 64 – 65, leaving Willow Wind Road where it currently is does not allow for the development of numerous lots of the planned development, but if you relocate the road, as you are saying, all of a sudden we have about 15 additional lots that can be built by a developer. So who is this really benefitting, the residents currently there or a developer?

Mr. Eversmann stated, he understands the point, he does not think that the question of benefit is exclusive to a developer or the public, at large, in this case. He would point out that the alignment of the road, in the plans that were developed by the Public Works Department, under the "C-Fund" program in the early 2000s, determined what a good alignment for the road should be, and based on that the developer subsequently designed around.

Mr. Malinowski inquired about how many dollars on the Penny Tax Referendum were allocated for this road.

Mr. Eversmann stated, his understanding from Dr. Thompson, is \$491,000.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

Administration and Finance

October 23, 2018

-9-

- h. Richland County Coroner's Request for Generator – Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the pursuit of the grant by the Coroner's Department and acceptance of the grant, if awarded.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- i. Approval to award Emergency Services Department purchase orders for Self Contained Breathing Apparatus (SCBA's or air packs) purchase to Newton Fire & Safety Equipment, Inc. – This item was deferred to the November committee meeting.
- j. Approval to award Emergency Services Department open purchase orders for supplies and services needed for the operations of the Emergency Services Department. Funds are available in the FY 2018-2019 budget. No additional funds are needed. – Ms. Myers moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation to approve the Purchase Orders and Contracts for equipment and services.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- k. Use of existing capital bond proceeds for fund architectural, engineering and design studies and to purchase equipment for the County's GIS (geographic information systems) program – Mr. N. Jackson moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve a Resolution authorizing the expenditure of \$1,869,668 of the unspent proceeds remaining from the pursuit of Richland Renaissance for the purchase GIS program servers (\$350,000), the design of the revised Lower Richland Sewer Plan (up to \$750,000), the architectural and engineering evaluation of the County's Columbia Place Mall properties (up to \$400,000) and the body worn cameras (\$369,668).

Mr. Malinowski stated somewhere in here it said there was \$2 million remaining from bonds proceeds, but are those strictly for these things, or is \$2 million for a lot of other things in here. There was more than one item that keep saying we are going to use the capital bond proceeds. He stated we are going to run out of the \$2 million.

Mr. Madden stated there was \$2.2 million remaining in the bond proceeds, that were originally set aside for Richland Renaissance.

Mr. Malinowski inquired if we don't need dollars to upfit these buildings that we are going to be using over at the mall. He inquired about the cost we have there.

Mr. Madden stated, pursuant to the bond ordinance, it was dedicated specifically for Richland Renaissance, to use it for another purpose, if it is unspent proceeds, it has to come back to Council. If you look at the items we are looking at spending the funds, particularly the architectural and engineering evaluation of the County's Columbia Place Mall properties, that funding is tied to that, so we want to use the remaining funds for that purpose, along with the other three.

Mr. Malinowski inquired what happens when the architectural and engineering evaluation, for that property, comes back and its says you need \$500,000 to put it where it needs to be. We do not have it now because we are spending it on this other stuff.

Administration and Finance

October 23, 2018

-10-

Mr. Maddens stated, as he understands it, the staff's intent, once the studies are completed, is to come back with our financial advisor, bond counsel and our internal financial team, and present an overall funding mechanism to fund it completely.

Mr. Malinowski inquired about the body worn cameras, which are a yearly expense. He thought when we approved those they were approved for the entire 5-year contract.

Mr. Madden stated, typically, we use existing funds that were already budgeted. This would allow us to use the remaining funds, and free up those budgeted funds to serve other needs that the County may have throughout the fiscal year. It is just reusing funds that are just sitting there for capital purchases.

Mr. Malinowski inquired if we can get any specifics regarding these body worn cameras. How many times, from that camera, it has been used for a court situation?

Mr. Madden stated this is a part of a contractual obligation that we entered into. This is year 3.

In Favor: Myers, N. Jackson and McBride

Opposed: Malinowski

The vote was in favor.

- i. Sheriff's Purchase of Mobile Data Terminals (MDTs) and In-Car Cameras – Mr. Madden stated, as you may recall, during the last Council meeting, Council approved assigning a specific amount of dollars for this purpose. It was in the assigned fund balance. What we are asking now, is to allocate those dollars to actually purchase these items.

Mr. N. Jackson moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the allocation and expenditure of the assigned funds for the purchase of mobile data terminals (MDTs) and in-car cameras for the Sheriff's Department vehicles.

Mr. Malinowski inquired about how many cars the Sheriff's Department has.

Staff responded there are 650 cars.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- m. Program Development Team Contract [Executive Session] – Ms. Dickerson stated this item may take some time. You might want to adjourn and then reconvene.

Mr. Livingston stated the agenda does not say the meeting is going to last until a certain time. It says it is going to start at 6:00. We should be okay going into Executive Session.

Ms. Dickerson stated, but if you go until 7:00, you will be into another meeting.

Ms. Myers stated the meeting was cancelled.

Ms. Dickerson stated the meeting was cancelled, but, the fact of the matter, is that is the allotted time.

Mr. Livingston stated our agenda says our meeting starts at 6:00. It does not say it ends at a certain time, so we can stop whenever we want to stop.

Ms. Dickerson inquired if that is correct.

Mr. Livingston stated if we do not have another meeting to interfere with it.

Ms. Dickerson stated Mr. Livingston probably needs to clarify that because she is not sure.

Mr. N. Jackson stated he thought each committee was allocated an hour.

Mr. Smith stated the Council's committees are allocated an hour, based on the fact that you had Zoning Public Hearing at 7:00. It is his understanding that Zoning Public Hearing for this evening has been cancelled. He was looking at the Rules. The Rules, while it has a starting time, as Mr. Livingston said, there is not a time that it says it ends. However, it has customarily been an hour because you had another meeting. What he would simply suggest that we go forward with the last item on the agenda, and finish that item.

Mr. Malinowski stated, when he got word that the Zoning Public Hearing was cancelled, he made an appointment for 7:15, knowing that this always ended at 7:00, so he will not be here.

Mr. N. Jackson stated he did also.

Mr. Livingston inquired, if the Executive Session item, is an essential item that has to be taken up tonight. He stated he has 2 committee members that say they are not going to be here.

Mr. N. Jackson stated there will still be a quorum.

Mr. Livingston stated this is an important item, and he would rather have the full committee, if possible. He inquired as to when the next meeting is.

Ms. Dickerson stated November 13th.

Mr. Livingston inquired if there are any suggestions.

Ms. Myers moved, seconded by Mr. Livingston, to go into Executive Session.

Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to adjourn.

In Favor: Malinowski and N. Jackson

Opposed: Myers, Livingston and McBride

The substitute motion failed.

In Favor: Myers, Livingston and McBride

Opposed: Malinowski and N. Jackson

The vote was in favor of going into Executive Session.

Administration and Finance

October 23, 2018

-12-

***The Committee went into Executive Session at approximately 7:02 PM
and came out at approximately 7:53 PM***

Ms. Myers moved, seconded by Ms. McBride, to come out of Executive Session.

In Favor: Myers, Livingston and McBride

The vote in favor of coming out of Executive Session was unanimous.

Ms. Myers moved, seconded by Ms. McBride, to forward to Council with a recommendation to allow staff to move forward with mediation, as previously agreed and discussed in Executive Session.

Mr. Livingston stated, he thinks, there was one thing incorporated that was not before, and that was someone from staff.

Mr. Smith stated, what we talked about, was to get with them to ensure that, if they were requesting the presence of anyone, other than the attorneys, that we agree upon who would be appropriate.

In Favor: Myers, Livingston and McBride

The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. McBride, to forward to Council with a recommendation to reduce, within the confines of the current PDT contract, the minority participation percentage from 51% to 39%, which would work, by operation, relief from the penalty. This only applies to the duration of the current contract.

In Favor: Myers, Livingston and McBride

The vote in favor was unanimous.

Ms. McBride moved, seconded by Ms. Myers, to forward to Council with a recommendation to increase the salaries, consistent with the contract, and consistent with the County's raises for FY 17 - 18.

In Favor: Myers, Livingston and McBride

The vote in favor was unanimous.

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. Council Motion: The Lourie Center recently lost funding from United Way necessary to continue operating a program that transports seniors to medical appointments and essential shopping. They are requesting Council provide \$12K in additional funding so that this program can continue [PEARCE] – No action was taken on this item.

5. **ADJOURNMENT** – The meeting adjourned at approximately 7:57 p.m.

Administration and Finance

October 23, 2018

-13-



**Administration & Finance Committee Meeting
Briefing Document**

Agenda Item

Approval to award Emergency Services Department purchase orders for Self Contained Breathing Apparatus (SCBA's or air packs) purchase to Newton's Fire & Safety Equipment, Inc. Funding is available and this is a Sole Source procurement. No additional funds are needed.

Background

The fire department and the Richland County Fire Marshal's office use SCBA's in routine and special operations response. The current SCBA's have reached the "end of life" and are no longer supported in maintenance and parts. The Columbia Fire Department has determined that the replacement will be the MSA G1 4500 to include telemetry and thermal imaging camera. Columbia is purchasing the City's replacement SCBA's and has issued a purchase order for their purchase to Newton's Fire & Safety, Inc. Newton's is the sole provider of MSA products in South Carolina.

To remain compatible with the type of equipment purchased by the Columbia Fire Department for their firefighters, Richland County will purchase the same model for those needed for the County stations and Fire Marshal teams. Funding is available in the FY19 budget for this expenditure.

Fire Department	\$1,370,682.00
RC Fire Marshal	\$446,180.40

Total	\$1,816,862.40

This is a Sole Source procurement.

Issues

None.

Fiscal Impact

The total cost of this purchase is \$1,816,862.40. Funding is available in the FY19 budget for this expenditure. No additional funds are being requested.

Past Legislative Actions

Council approved third reading for the bond issuance on July 10, 2018.

Alternatives

1. Approve the purchase for the new SCBA's.
2. Do not approve the purchase.
3. Bid the equipment out.

Staff Recommendation

It is recommended that Council approve the purchase of SCBA's from Newton's Fire & Safety Equipment, Inc., for \$1,816,862.40.

Submitted by: Emergency Services Department

Date: October 16, 2018





PO Box 13 ~ 2724 Swepsonville-Saxapahaw Rd.
 Swepsonville, NC 27359
 Toll Free: 800-672-5918 Fax: (336) 578-1982

Quotation

Date: July 17, 2018
 Quote #:
 Purchased/Requested By: Paul Baust
 Salesperson: Seth Newton
 County: Richland
 Payment Terms: NET/30
 FOB: Origin PPD/Add

BILL TO: Columbia Fire Dept
(Richland County)

SHIP TO: Columbia Fire Dept
1901 Harden St
Columbia, SC 29201

Quantity	Units	Item No.	Item Description	Unit Price	Extd. Price
150			MSA G1 4500 PSI SCBA w/Threaded Remote Connection Standard Harness w/Chest Strap, Metal Cylinder Band. Adjustable Swiveling Lumbar Pad, Solid Cover Left Shoulder Regulator w/Continuous Hose, ExtendAire II Left Chest Speaker Module, Telemetry PASS on on Right Shoulder, Rechargeable Battery G1FS-422MA2C2LCR	\$ 4,930.00	\$ 739,500.00
150		10156467	MSA Kevlar Transfill Pouch Only	\$ 170.00	\$ 25,500.00
275		10156424-SP	MSA 4500 PSI 45 Minute Superlight Cylinder	\$ 835.00	\$ 229,625.00
395		G1FPM1M4C1	MSA G1 Facepiece Hycar Rubber w/4 Point Adustable Harness & Neck Strap	\$ 252.00	\$ 99,540.00
20		10144230	MSA G1 Spectacle Kit	\$ 80.00	\$ 1,600.00
3		10072240	MSA Base Station w/Magnetic Antenna	\$ 1,375.00	\$ 4,125.00
1		10158407	MSA G1 RFID Reader/Writer	\$ 395.00	\$ 395.00
150		10083875	MSA Telemetry ID Tag	\$ 25.00	\$ 3,750.00
150		ATO Config "G"	MSA Integrated Thermal Imaging Camera	\$ 795.00	\$ 119,250.00
24		10158385	MSA G1 6 Bank Battery Charging Station	\$ 385.00	\$ 9,240.00
160		10148741-SP	MSA G1 Replacement Lithium-Ion Rechargeable Batteries	\$ 210.00	\$ 33,600.00
5		10165336	MSA RescueAire II Conversion Kit, G1	\$ 605.00	\$ 3,025.00

*Freight Free

NOTES:

(Richland) 8.00% Sales Total: \$ 1,269,150.00
 Estimated Freight:
 Sales Tax: \$ 101,532.00
Total: \$ 1,370,682.00

County Cylinder Labeling and Facepiece

<u>Name</u>	<u>Qty</u>
ENGINE 14	9
ENGINE 15	9
ENGINE 17	9
ENGINE 18	9
ENGINE 19	9
ENGINE 20	9
ENGINE 21	9
ENGINE 22	9
ENGINE 23	9
ENGINE 24	9
ENGINE 25	9
ENGINE 26	9
ENGINE 27	9
ENGINE 28	9
ENGINE 29	9
ENGINE 30	9
ENGINE 31	9
ENGINE 32	9
ENGINE 33	9
ENGINE 34	9
LADDER 14	12
RESCUE 2	14
RESCUE 3	14
RESCUE 4	14
RESCUE 5	14
TANKER 15	1
TANKER 17	1
TANKER 18	1
TANKER 19	1
TANKER 20	1
TANKER 21	1
TANKER 22	1
TANKER 23	1
TANKER 25	1
TANKER 26	1
TANKER 27	1
TANKER 28	1
TANKER 29	1
TANKER 30	1
TANKER 31	1

<u>Name</u>	<u>Qty</u>
BATTALION 3	1
BATTALION 4	1
BATTALION 5	1
RCFS	9

Total County	275 45min

Facepieces

Small – 70
 Medium – 250
 Large – 75

Total = 395



July 5, 2017

City of Columbia Fire Department

MSA Corporate Center
1000 Cranberry Woods Drive
Cranberry Township, PA 16066
800.MSA.2222
www.MSAnet.com

To Whom It May Concern:

Thank you, Columbia Fire Department for your interest in the MSA product line.

This letter confirms that Newton's Fire & Safety is the sole authorized distributor of MSA SCBA and Thermal Imaging Cameras for the Municipal Fire Service Market for Richland County, South Carolina.

By way of background, in the fire service / first responder markets, MSA imposes specific requirements upon our distributors, which can result in a small number of distributors authorized to call upon a particular region. We impose these requirements because the equipment we manufacture and sell requires the involvement of partners with special knowledge, training and experience. Accordingly MSA's distributors are obligated to acquire and maintain extensive knowledge, training, and experience necessary to properly educate, assist and service our end user customers before, during and after the sale. MSA's fire service / first responder distributor qualification requirements are likewise intended to ensure the highest possible end user customer experience.

If you desire additional information about MSA, its product lines, or channel partners, please do not hesitate to contact me. Thank you for your interest in our products.

Sincerely,

A handwritten signature in black ink that reads "Scott McGuire".

Scott McGuire
North American Sales Channels Specialist
Phone: 724-742-8028
Email: scott.mcguire@MSAsafety.com



NEWTON'S
FIRE & SAFETY EQUIPMENT, INC.

PO Box 13 ~ 2724 Swepsonville-Saxapahaw Rd.
Swepsonville, NC 27359
Toll Free: 800-672-5918 Fax: (336) 578-1982

Quotation

Date: August 24, 2018
Quote #:
Purchased/Requested By: David Bagwell
Salesperson: Seth Newton
County: Richland
Payment Terms: NET/30
FOB: Origin PPD/Add

BILL TO: Richland County

SHIP TO: Richland Emergency Services

**1410 Laurens St
Columbia, SC 29201**

Quantity	Units	Item No.	Item Description	Unit Price	Extd. Price
50			MSA G1 4500 PSI SCBA w/Threaded Remote Connection Standard Harness w/Chest Strap, Metal Cylinder Band, Adjustable Swiveling Lumbar Pad, Solid Cover Left Shoulder Regulator w/Continuous Hose, ExtendAire II Left Chest Speaker Module, Telemetry PASS on on Right Shoulder, Rechargeable Battery G1FS-422MA2C2LCR	\$ 4,930.00	\$ 246,500.00
100		10156426-SP	MSA 4500 PSI 60 Minute Superlight Cylinder	\$ 1,055.00	\$ 105,500.00
50		G1FFPM1M4C1	MSA G1 Facepiece Hycar Rubber w/4 Point Adustable Harness & Neck Strap	\$ 252.00	\$ 12,600.00
3		10158385	MSA G1 6 Bank Battery Charging Station	\$ 385.00	\$ 1,155.00
20		10148741-SP	MSA G1 Replacement Lithium-Ion Rechargeable Batteries	\$ 210.00	\$ 4,200.00
50		ATO Config "G"	MSA Integrated Thermal Imaging Camera	\$ 795.00	\$ 39,750.00
10		10144230	MSA G1 Spectacle Kit	\$ 80.00	\$ 800.00
1		10072240	MSA Base Station w/Magnetic Antenna	\$ 1,375.00	\$ 1,375.00
50		10083875	MSA Telmetry ID Tag	\$ 25.00	\$ 1,250.00
*Freight Free					

NOTES:

Sales Total: \$ 413,130.00
Estimated Freight:
(Richland) 8.00% Sales Tax: \$ 33,050.40
Total: \$ 446,180.40



Administration and Finance Committee Meeting Briefing Document

Agenda Item

Electronic recording (e-recording) memorandum of understanding (MOU) between Richland County and Corporation Service Company (CSC).

Background

Electronic recording is the method of recording documents thru the internet. South Carolina Code of Law 30-6-30 establishes the validity of digitally recorded documents. Submitters will scan and upload original documents to the e-recording software program. The recording fees and applicable taxes are paid to CSC. Next, the documents are electronically submitted to Register of Deeds division. These digital documents are reviewed, recorded, indexed, proofed and returned. Lastly, CSC will make a daily deposits of monies collected for recordings to the County thru an Automated Clearing House (ACH) payment.

County's Legal Department has reviewed the MOU to form and provided edits (Attachment A).

Issues

Ability to e-record documents is contingent upon an MOU with Corporation Service Company.

Fiscal Impact

There are no fiscal impacts to the County.

Past Legislative Actions

There are no past legislative actions.

Alternatives

1. Consider the proposed memorandum of understanding and approve as is.
2. Do not approve the proposed memorandum of understanding.

Staff Recommendation

Staff recommends County Council approve the memorandum of understanding.

Submitted by: Tracy Hegler, Community Planning & Development Director

Date: November 9, 2018



CSC Memorandum of Understanding Agreement

A Response to Richland County, SC

Prepared for: Richland County, SC

Prepared by:

Joe DeLuca
National Account Manager

Prepared on:

September 6, 2018

CSC® 251 Little Falls Drive Wilmington, DE 19808-1674

Phone: 800-927-9800 x 65844

Phone: 302-636-5401 x 65844

Fax: 302-636-5454

Web: www.cscglobal.com

Contents of this proposal are confidential and are presented
for the exclusive use of Richland County, SC

Copyright © 2017 Corporation Service Company. All Rights Reserved.

CSC Memorandum of Understanding Agreement

THIS MEMORANDUM OF UNDERSTANDING, dated September 6, 2018, (this "MOU") is between the **Richland County, SC** Government Recording Office ("GRO") with its principal offices located at **1701 Main St, Columbia, South Carolina, 29201-2819**, and Corporation Service Company ("CSC"), a Delaware corporation with principal offices located at 251 Little Falls Drive, Wilmington, DE 19808.

The parties acknowledge that Electronic Recording permits its customers ("Submitters") to prepare and sign documents, transmit them in electronic format, and that the transmitted electronic likeness of the original documents can be considered as the "original" record of the transaction in substitution for, and with the same intended effect as, the original paper documents.

For purposes of this MOU, Electronic Recording ("E-Recording") is the electronic submission of documents from CSC to GRO for which GRO will provide CSC an electronic receipt

Therefore, the parties agree to the following:

GRO's Responsibilities:

GRO shall promptly notify CSC of any material changes to recording requirements or any changes to recording fees.

GRO shall examine the electronic documents and indexing information, and complete the recording process using the electronic documents (the "E-files"). GRO acknowledges that Submitter provides indexing data for convenience and that such indexing data is not required for the E-Recording of documents. GRO shall not reject a document based on the indexing information unless the incorrect indexing information prevents GRO from verifying the document image or correctly calculating the recording fees.

GRO shall monitor the documents received and recorded through E-Recording in an effort to ensure document integrity.

GRO shall test and maintain E-Recording software and hardware required to operate the E-Recording capability. GRO, however, shall be held harmless for any damages resulting from software or equipment failure.

GRO shall apply the same level of diligence in handling E-files as those submitted via hard copy. Documents received on any business day after 4pm local time may be processed the next business day and in the order they were received.

GRO shall not void a document after recording except when required by law and shall immediately notify CSC when GRO voids a recorded document.

GRO may refuse acceptance of documents from CSC at any time without prior written or verbal notice to CSC upon the failure of CSC to pay recording fees as outlined within this MOU.

CSC's Responsibilities:

CSC shall work to ensure that security measures and credentials implemented are protected from unauthorized access, including by utilizing unique credentials for Submitters.

CSC shall maintain an electronic audit trail of all activity.

CSC shall be responsible for supporting any technical issues associated with E-Recording through their submitting software program. CSC is solely responsible for any and all costs of the system or services that enable CSC to meet the E-Recording program requirements.

CSC will email a daily report to GRO each evening detailing the documents recorded that day and the

associated recording fees owed by Submitters ('ePay Report') Recording fees will be paid daily via ACH by CSC for the E- Files recorded on the prior business day.

General Understanding:

GRO will not incur any liability for the E-files transmitted by CSC to GRO.

GRO will not incur any liability for any breach of security, fraud or deceit as a result of E-Recording.

Neither party shall be liable to the other for (i) any special, incidental, exemplary or consequential damages arising from or as a result of any unintentional delay, omission or error in the E-Recording transmission or receipt; (ii) any failure to perform processing of the E-files where such failure results from any act of God or other cause beyond the party's reasonable control including, without limitation, any mechanical, electronic or communications failure which prevents the parties from transmitting or receiving the E-Recording transactions.

The parties will attempt in good faith to resolve claims arising out of or relating to E-Recording either through negotiation or mediation prior to initiating litigation.

The parties acknowledge that the electronic recording process is an emerging technology and that state and national standards 1, will continue to evolve. To further the technology and the E-Recording process, all parties agree to meet to discuss changes and additions to this MOU if necessary.

~~This MOU shall not be deemed to create a partnership between CSC and GRO in their respective endeavors, nor cause them to be considered members of any joint enterprise.~~

CSC shall be fully independent in performing the services and shall not act as an agent or employee of the GRO or the County of Richland. Nothing contained in this MOU shall be construed to create the relationship of employer and employee, principal and agent, partnership or joint venture, or any other fiduciary relationship. No party shall make any warranties or representations on behalf of any other party.

ENTIRE AGREEMENT. Except as expressly provided otherwise herein, this MOU, together with Attachment A, Technical Specifications, and Attachment 8, Contact Information, represents the entire agreement between the parties.

TERMINATION. Either party may terminate this MOU without cause with 30 days written notice to the other party. CSC remains responsible for payment of fees for the filing and recordation of documents prior to the effective date of termination.

NO WARRANTIES/RELEASE OF LIABILITY. Absent gross negligence or willful misconduct, CSC agrees to release the GRO, the County of Richland, its officers, agents and employees from any liability in connection with the E-Recording of documents under this MOU. Parties to E-Recording understand that there are no warranties, express or implied, in connection with such transactions or E-files.

GOVERNING LAW. Without regard to state conflict of law provisions, the parties agree that this MOU shall be governed by the laws of the state in which the E-files are recorded, as if this MOU were a contract wholly entered into and wholly performed within that state. Any action to enforce this MOU or any matter related to this MOU shall be brought in any federal or state court within the state in which the E-files are recorded.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their duly authorized representatives as of the Effective Date.

CSC®

RICHLAND COUNTY, SC



SIGNED

SIGNED

Mark Rosser

PRINT NAME

PRINT NAME

Vice President

TITLE

TITLE

September 6, 2018

DATE

DATE

Attachment A

Technical Specifications

~~**E-Recording** involves three levels of automation, which are described as follows:~~

LEVELS OF RECORDING – Electronic Recording has three recognized formats; Richland County will accept documents filed in the Model 2 format as described below.

Model 1 Submitters transmit the E-files of executed original documents (the "Original Copies") to the GRO. The GRO performs an electronic examination of the E-files and then completes the recording process using the E- Files. The E-files of the recorded document are returned electronically to the Submitters.

Model 2 Submitters transmit E-files of Original Copies along with electronic indexing *information* to the GRO. The GRO performs an electronic examination of the E-files and indexing data, and then completes the recording process using the E-files and electronic indexing information. The E-files are returned electronically to Submitters along with the electronic recording data.

Model 3 Submitters transmit documents which have been created, signed and notarized electronically along with the electronic indexing information. The GRO performs an electronic examination of the E-files and indexing information then completes the recording process using the E-files.

1) Format of the transmitted File:

PRIA file format standard will be used. Images will be in single page Group IV TIFF format

2) Communications Protocol and Options: TCP/IP, HTTP and HTTPS

3) Security Framework:

Encryption will be 128bit file and image encryption. SSL and user login/password will be employed.

4) Returned File Format:

PRIA file format standard will be used. Images **will** be in single page Group IV TIFF format

SJModels (or Levels) of Recording Supported: Models 1, 2 and 3 are supported.

6) Electronic Signatures and Use of Digital Certificates:

~~The use of Electronic or Digital signatures, notary seals, and notary signatures are to be provided as allowed and required by South Carolina state and local law and Richland County Policy~~ ~~The use of Electronic or Digital signatures, notary seals, and notary signatures are supported but are not required.~~ CSC must work with the GRO to accommodate their use. Digitized signatures, notary signatures, and notary seals are immediately acceptable.

7) Indexing Requirement and Imaging Standards:

Will be determined by CSC and the GRO during the implementation process.

8) Acceptance/Rejection of Documents:

Submitted documents that are accepted for recording will be provided to CSC by GRO

in electronic format after acceptance. Confirmation of acceptance and recordation by GRO will be provided to CSC in electronic format after recordation is complete. This confirmation will include the document image and

GRO recording data. GRO reserves the right to make changes to the index at a later date.

GRO will return rejected documents to CSC in electronic format after rejection, along with a description of the reason(s) for rejection. CSC will electronically return the documents to the Submitter for correction and resubmission.

CSC agrees to provide the transmission to the GRO following the specifications outlined. CSC understands that the specifications may change from time to time. In the event changes to the specification are required, the GRO will provide a written notice to the CSC within a reasonable timeframe.

Attachment B

Contact Information

Primary Contact Name:

Primary Contact Phone:

Primary Contact Email:

Additional Contact Names, Phone, Email:

Daily Reports will be sent to:

Additional recipients of Daily Reports (Name, Email):

or csc-help@csdnfo.com

2) Billing/Accounting Support:

Please contact csc-accounting@cscinfo.com

3) Additional Vendor Contacts:

Reggie Rogers, Operations Mgr. reggie.rogers@cscglobal.com(800) 927-9801 x64147

Tyler Worf, Operations Mgr. tyJer.worf@cscglobal.com(800) 927-9801 x64131



Administration and Finance Committee Meeting Briefing Document

Agenda Item

Shakespeare Crossing Affordable Housing Development Project

Background

Request County Council approval to award Federal Community Development Block Grant funds in the amount of \$166,448.00 for the completion of Phase III to Community Assistance Provider (CAP) (Attachment A). This would provide for the construction of infrastructure at Shakespeare Crossing located at 6319 Shakespeare Road, Columbia, SC 29203, Council District 3, in the New Castle/Trenholm Acres Master Plan area. This activity will complete the construction of infrastructure needed to assist 24 new multi-family affordable rental units for low-moderate income households.

Since 2015 Richland County Planning and Community Development has worked with CAP to provide financial support for the redevelopment of the former Columbia Mobile Home Park now known as Shakespeare Crossing. CAP agreed to secure non-county funding to initiate this development and to continue seeking other sources of funding, as well, as to complete phases I thru IV within a 48-month period. Items completed to date are:

- acquisition of the property
- construction of a blast barrier wall
- construction of infrastructure to include roads, sewer lines, taps, lighting and signage and
- construction of 8 of the planned 24 residential units.

In March 2015, County Council approved use of Neighborhood Improvement funds in the amount of \$38,584.00 for the acquisition of 6319 Shakespeare Road, Columbia, SC 29203. In May 2016, County Council approved \$100,000.00 Community Development Block Grant funds (CDBG) for the construction of a blast barrier wall in accordance with HUD Environmental Review regulations. In July 2016, County Council approved \$210,000 for infrastructure.

This project will count toward the County's Assessment of Fair Housing 5 year goal to create 1000 units of affordable housing by year 2021.

The infrastructure is expected to be completed by December 2018 and Phase IV – residential development will begin January 2019. Community Assistance Provider CDC has worked with the County as a Community Housing Development Organization since 2002 when the County became an Entitlement Community. CAP has a proven record of accomplishments by developing affordable housing throughout the State of SC.

The agreement has been reviewed to form by Richland County Legal.

Issues

As reviewed by County Staff, the project is behind schedule but there are no foreseeable issues that will prohibit this project from moving forward to completion.

Fiscal Impact

All CDBG funds come from the US Department of Housing Urban Development grant managed by the County's Community Development Division. In January 2017, HUD authorized the use of \$376,448.00 CDBG funding for this activity, as approved and submitted by Richland County. There is no fiscal impact to the County's general fund budget.

Past Legislative Actions

July, 2016 - County Council has previously awarded \$210,000 of \$376,448.00 costs needed for the construction of infrastructure at Shakespeare Crossing.

Alternatives

1. Approve the request to award CDBG funding to Community Assistance Provider in the amount not to exceed \$166,448.00 for the completion of infrastructure at Shakespeare Crossing.
2. Do not approve the request to award to Community Assistance Provider, and the project may not proceed. If we do not proceed and the contract is not executed, Richland County may not accomplish its Fair Housing goal and it will risk not meeting its 2018/19 CDBG expenditure timeliness.

Staff Recommendation

Staff recommends approving the request to award CDBG funds in the amount of \$166,448.00 to Community Assistance Provider to move forward with the development of Shakespeare Crossing.

Submitted By: Tracy Hegler, Community Planning and Development **Date:** October 25, 2018





**Professional Services Contract Amendment between Richland County and
The Community Assistance Provider (CAP)**

WHEREAS, **Richland County** (hereinafter referred to as the County) is participating in a program to provide Federal assistance under the Housing and Community Development Act of 1974 (hereafter referred to as CDBG); and;

WHEREAS, The Community Assistance Provider (CAP) (hereinafter referred to as Subrecipient) wishes to apply for CDBG funds from the County as a housing developer to construct infrastructure to continue the development of a 24 unit rental complex to benefit up to 50 low to moderate income clients in the Shakespeare Crossing community.

NOW, THEREFORE in consideration of the mutual covenants and obligations herein contained, including the Attachments, and subject to the terms hereinafter stated, the parties hereto understand and agree as follows:

Contract Goals: The **Subrecipient** agrees to complete the construction of site infrastructure at 6315 Shakespeare Road, Columbia, SC 29223, to include underground utilities (sewer/water lines); storm water management systems (curb and gutters); retention pond, asphalt signage and general landscape as described in the project proposal amendment (Attachment A) submitted. These efforts will make way for new construction of a 24 unit rental complex to benefit up to 50 low to moderate income persons. The funds provided for herein are subject to regulations found at 24 CFR 570.201(e).

1.1 Program Schedule/Contract Period:

1. This Professional Services Contract Amendment is made and entered into this 29th day of October 2018.
2. Termination of the Contract will occur automatically upon the expiration of the Contract period, which is June **30, 2019**; however, either party may terminate this Contract at any time by providing written notification of termination to the other party within fourteen (14) business days of the proposed date of termination.
3. The program schedule agreed to between the **Subrecipient** and the **County** is a timetable representing thresholds to be met. The project is expected to proceed according to the construction timeline provided by the **Subrecipient (Attachment C)**.
4. **Subrecipient** is required to submit monthly performance reports on program/project status and activities through project completion, by the 15th of each month.
5. CDBG awards may be terminated at any time prior to the award expiration date, due to documented absence of program/project productivity. The **County** will make this determination based upon evidence of insufficient project and/or financial progress, tardiness or non-existent drawdown requests, or other factors as deemed appropriate by the **County**.

1.2 Award: Upon execution of this contract, the **County** agrees to provide to **Subrecipient** Federal Assistance under the Housing and Community Development Act 1074, known as Community Development Block Grant or CDBG Program, subject to the terms and conditions of this Contract, applicable Laws, regulations and all other Federal and **County** requirements now or hereafter in effect. This Contract is effective with respect to such

assistance as of the date of the Contract and consists of the Contract included as **Attachment A**, as approved by the **County**. The **County** has allocated **One Hundred Sixty Six Thousand Four Hundred Fourty Eight Dollars (\$166,448.00)** for the scope of work described throughout this Contract and by executing this Contract, agrees to award said amount to **Subrecipient**. This Contract cannot exceed this allocated amount.

1.3 Scope of Work/Conditions:

1. **Subrecipient**, in accordance with the terms of this Contract, shall perform all professional services (obligations, duties, requirements, and responsibilities required for the successful completion of infrastructure needed to complete Shakespeare Crossing and this Contract) which are further outlined in **Subrecipient's** proposal with such documentation being attached hereto and incorporated herein by reference (**Attachment A, B, C**).
2. **Subrecipient** will perform the work necessary to affirmatively market to attract persons that meet HUD income eligibility requirements without regard to race, color, national origin, sex, religion, familial status or disability.
3. **Subrecipient** will construct infrastructure as designed by Cox and Dinkins Inc. and approved by Richland County, required to accommodate the development of 6 quads totaling a 24 town home style rental complex to benefit 50 low to moderate income clients.
4. **Subrecipient** will provide monthly progress reports to the **County**, due the 15th of each month to include if applicable, budget amendments and detailed construction reports, project, and time delays or potential problems. The monthly progress report will be an evolving document as the project moves forward.
5. The professional services and work tasks will be performed in the manner proposed in **Subrecipient's** proposal (**Attachment A**) that was received by the **County May 25, 2018**.

1.4 Budget: The project budget (**Attachment B**) and sections throughout this Contract show funding sources and uses of funds. The **Subrecipient** shall notify the **County** in writing of any budget revisions.

1.5 Financial Commitments: **Subrecipient** using CDBG funds in conjunction with other funding sources must submit executed commitments of all other financial sources to the **County** not later than 90 days from date of execution of this Contract.

1.6 Prohibited Activities: The **Subrecipient** is prohibited from using CDBG funds for the following uses:

1. General government expenses. Except as otherwise specifically authorized under OMB Circular A-87, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.
2. Political activities, such as lobbying, campaigning, etc.
3. Furnishings and personal property. The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible.
4. Maintenance and repair of publicly owned streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with disabilities, parking, and other public facilities and improvements.
5. Costs charged to local governments for preparation of their audits.

Costs that are not included in the above list **MUST** be approved by the **County** in writing in advance.

- 1.7 **Release of Funds:** The **County** will conduct site visits and inspections before approval of all request for payment prior to the release of funds.

The following conditions must be met before requests for funds can be made or funds will be released:

1. Any changes or modifications to project or activities after executing this Contract must be in writing and approved by the **County**.
2. After the **County** receives all approved monthly reports.
3. **Subrecipient** must submit all supporting documentation with the request for payment in order to receive payment. Payment requests should be submitted on a monthly basis.

- 1.9 **Program Limitations:** Program participation is limited to individuals who are determined to be very low or low to moderate income.

2.1-2.10 Other Federal Requirements

- 2.1 **General Requirements:** The **Subrecipient** agrees to conform to all federal and state regulatory requirements covered in the following sections 2.1 - 2.10, as well as all other applicable state and federal laws or regulations, whether cited herein or not. The Federal and **County** requirements include: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; and drug-free workplace.

The award and Contract is made available in conformity with the non-discrimination and equal opportunity requirements set forth in 24 CFR Part 511.10(m), as follows:

1. The requirements of Executive Order 11063, and with Title VI of the Civil Rights Act of 1964, 42 USC2000d. as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307). The Act prohibits discrimination against individuals on basis of race, religion, sex or national origin in the sale, rental, leasing or other disposition of residential property, or in the use or occupancy of housing assisted with Federal funds.
2. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, 42 USC 6101-07, and the prohibitions against discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973, 29 USC 794.
3. The nondiscrimination requirements at Section 282 of the Act are applicable.

Nondiscrimination and equal opportunity: *The Fair Housing Act* (42 U.S.C. 3601- 19) and implementing regulations at 24 CFR part 100 *et seq.*; The Act prohibits the discrimination in the sale or rental of housing, the financing of housing or the provisions of brokerage services against any person on the basis of race, color, religion, sex, national origin, handicap or familial status.

Title II of the Americans with Disabilities Act of 1990: Requires that State and local governments (1) may not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability; (2) must eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless "necessary" for the provisions of the service, program or activity; (3) are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result; (4) must furnish auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result; (5) may provide special

benefits, beyond those required by the regulation, to individuals with disabilities; (6) may not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters; (7) shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

Architectural Barriers Act of 1968: The ABA requires access to facilities designed, built, altered, or leased with federal funds. CDBG **Subrecipient** is responsible for ensuring compliance with Uniform Federal Accessibility Standards (UFAS) when designing, constructing, altering or leasing facilities.

2.2 Workers Compensation

The **Subrecipient** shall carry Worker's Compensation Insurance coverage in accordance with South Carolina Law for all its employees involved in the performance of this Contract. The **Subrecipient** is required to provide documentation of Worker's Compensation Insurance to the **County**.

2.3 Insurance and Bonding

Subrecipient shall be responsible for any damages resulting from its activities. Prior to commencing work hereunder, **Subrecipient**, at its own expense, shall obtain and maintain, throughout the duration of this Agreement, all such insurance as required by the laws of the State of South Carolina, and minimally the below listed insurance. A breach of the insurance requirements shall be material.

Such insurance shall be issued by a company or companies authorized to do business in the State of South Carolina and **Richland County**, and must have a Best Rating of A-, VII or higher. The **County** shall have the right to refuse or approve carriers. This agreement sets forth minimum coverages and limits and is not to be construed in any way as a limitation of liability on **Subrecipient**.

A. Commercial General Liability Insurance

Subrecipient shall maintain a commercial general liability insurance policy on an occurrence basis with limits of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury, property damage and personal injury. The policy shall include the following:

1. It shall have contractual liability.
2. It shall have a waiver of subrogation in favor of a) Richland County, its officials, employees, agents, leased, and temporary employees and volunteers and b) any other Subcontractor, Subcontractor and sub-subcontractors.
3. Richland County, its officials, employees, agents, temporary and leased employees and volunteers shall be endorsed as additional insured's with no special limitations on their additional insured coverage.
4. It shall provide that this policy is primary over any other County insurance or self- insurance.
5. It shall have severability of interest.

B. Professional Liability Insurance

Prior to commencing work and at all times, any party having design responsibility shall be covered under a professional liability insurance policy, which may be on a claims-made basis. It shall clearly state any retroactive coverage date, have a \$1,000,000 limit for each act, error or omission, have a \$1,000,000 aggregate, and have a \$1,000,000 limit for completed operations extending at least two years beyond completion of the project as minimum coverage.

C. Business Auto Coverage:

Subrecipient shall maintain business auto coverage for bodily injury and property damage for owned/leased, non-

owned, and hired vehicles with a combined single minimum limit of \$1,000,000 per occurrence. Physical damage is at the option of RCFE. The policy shall also include the following:

1. contractual liability;
2. a waiver of subrogation against the **County**, its officials, employees, leased and temporary employees and volunteers;
3. a provision that the policy is primary to all other insurance or self-insurance.

D. Workers Compensation and Employers Liability Insurance:

Subrecipient shall maintain worker's compensation and employer's liability insurance in accordance with the laws of the State of South Carolina. "Other States" coverage is not sufficient. Employer's Liability limits shall not be less than \$500,000 each accident / \$500,000 each disease / \$500,000 policy limit. The policy shall contain a waiver of subrogation in favor of Richland County, its officials, employees, agents, temporary, and leased workers and volunteers.

E. Builder's Risk

Subrecipient shall maintain a builder's "all risk" or equivalent policy in the amount of the initial contract price, plus the value of subsequent contract modifications and cost of materials supplied or installed by others, insuring the total value for the entire project at the site on a replacement cost basis.

F. Cancellation, Non-renewal, Reduction in Coverage and Material Change:

Subrecipient shall provide the **County** thirty (30) calendar days' notice in writing of any cancellation, non-renewal or reduction in coverage, or any other material policy change.

G. Certificates of Insurance

Subrecipient shall furnish the **County** at the below address with certified copies of certificates of insurance within five (5) calendar days of date of the notice to proceed. Richland County Government, Attn: Procurement, PO Box 192, Columbia, SC 29202. Richland County Government shall be named on the policies as certificate holder. Certificates shall state the insurance applies to work performed by or behalf of **Subrecipient**. Certificates shall state any retention and identify insurers.

H. Subcontractors

Subrecipient must require these same insurance provisions of its Subcontractors, if any, or insure its Subcontractors under its own policies. Failure of **Subrecipient** or its subcontractors to maintain insurance coverage shall not relieve **Subrecipient** of its contractual obligation or responsibility hereunder.

2.4 Disclosure Requirements

The **County** prohibits **Subrecipient** of Federal funds, whether grants, contracts, or cooperative agreements, from using these funds to lobby to obtain, extend, or modify a Federal award. The regulation is intended to prevent the use of Federal funds for lobbying, and to monitor the lobbying expenditures of Federal funds Participants. Even though the **Subrecipient** of a Federal award is legally the institution, individuals who are employed by the institution are also specifically included in the regulation. The regulation also requires that **Subrecipient** of Federal funds who use non-Federal funds for lobbying purposes report those activities to the awarding agency.

Subrecipient may not use federal funds to influence or attempt to influence any member of the Executive or

Legislative branches of government (including any agency employee) for the purpose of securing a grant, contract, or cooperative agreement or an extension, renewal or modification of the foregoing. Charging travel expenses to a Federal award or drawing salary from a Federal award while attempting to influence the awarding of Federal funds for a specific program is defined as lobbying, and is prohibited. **Subrecipient** may neither make such expenditures nor hire paid lobbyists to do so on their behalf.

2.5 Debarred, Suspended, or Ineligible Contractors and Participants; The prohibitions at 2 CFR Part 24 on the use of debarred, suspended, or ineligible contractors and participants, state that, CDBG funded projects may not employ any contractors or subcontractors that have been debarred or suspended from participating in federally funded programs. CDBG **Subrecipient** is responsible for determining whether they are entering into a covered transaction with an excluded or disqualified person. A listing of debarred contractors can be found on the Excluded Parties Listing System's (EPLS) web-site at www.epls.arnet.gov/index. All procured contractors and subcontractors awarded contracts in excess of \$100,000 and all non-procured transactions in excess of \$25,000 must submit the "Debarment Certification Form" certifying that they are not included on the Excluded Parties Listing System and are eligible to participate in federally assisted projects. This extends the coverage of the HUD non-procurement suspension and debarment requirements to all lower tiers of subcontracts under covered non-procurement transactions, as permitted under the OMB guidance at 2 CFR 180.220(c).

2.6 Drug-Free Workplace: The Drug-Free Workplace Act of 1988 (41 U.S.C. 701, *et seq.*) and HUD's implementing regulations at 24 CFR Part 21.

Subrecipient is required to provide a drug-free workplace by taking the following steps. **Subrecipient** and its third party contractors failing to meet these requirements will be subject to penalties:

1. Publish and give a policy statement to all covered employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace and specifying the actions that will be taken against employees who violate the policy.
2. Establish a drug-free awareness program to make employees aware of: a) the dangers of drug abuse in the workplace; b) the policy of maintaining a drug-free workplace; c) any available drug counseling, rehabilitation, and employee assistance programs; and d) the penalties that may be imposed upon employees for drug abuse violations.
3. Notify employees that as a condition of employment on a Federal contract or grant, the employee must: a) abide by the terms of the policy statement; and b) notify the employer, within five calendar days, if he or she is convicted of a criminal drug violation in the workplace.
4. Notify the contracting or granting agency within 10 days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace.
5. Impose a penalty on or require satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted of a reportable workplace drug conviction.
6. Make an ongoing, good faith effort to maintain a drug-free workplace by meeting the requirements of the Act.

2.7 Environmental Review: 24 CFR 92.352

The Subrecipient agrees that the environmental review for this activity will be carried out and assessed in accordance

with the provisions of the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed in HUD's implementing regulations at 24 CFR Parts 50 and 58. 3. A HUD written approval for release of funds is required PRIOR to release of these contract funds.

No project funds will be advanced, and no costs can be incurred, until an environmental review has been completed for each proposed project site and/or activity as required under 24 CFR Part 58. The **Subrecipient** will submit a Site-Specific Environmental to the **County** (Attachment C), where required by the **County**. The **Subrecipient** will adhere to the conditions of the Environmental Review and provide to the **County** additional documentation of mitigation actions and/or details of project modification if so required.

2.8 **Federal Labor Standards: 24 CFR 570.603.**

The **Subrecipient** agrees to confirm to all the labor requirements regarding laborers and contracts.

2.9 **Prevailing Wage Rates (Construction) Contract Provisions:** All contracts in excess of \$2,000 entered into for the actual construction, alteration and/or repair including painting and decorating of a public building or public work, or building or work financed in whole or part by federal funds are subject to and must include the labor standards provisions of 29 CFR Part 5.5, Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction.

Davis-Bacon and Related Acts: **Subrecipient** with eight (8) or more CDBG-assisted units under one (1) contract agree to conform to the Davis-Bacon and Related Acts. Davis-Bacon and the related labor acts ensure that mechanics and laborers employed under federally-assisted contracts are paid wages and benefits equal to those that prevail in the locality in which the work is performed. This Act also provides for the withholding of funds when the **Subrecipient** is not in compliance. Apprentices enrolled in bona fide apprenticeship programs are exempt from wage requirements.

The **Subrecipient** agrees to submit any and all Davis-Bacon reports (Certified Payrolls, Employee Interviews Forms, etc.) required by HUD or the **County** on the dates mentioned in this Contract or upon request. The **Subrecipient** also agrees to submit any information requested regarding Department of Labor Standards regulations pertaining to the labor standards and HUD handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs). The **Subrecipient** agrees that it will conform to the requirements that include but are not limited to the following:

- a. Prevailing Wage Rate Contract(s) must contain the wage provisions, which includes construction.
- b. and non- construction cost, or housing.
- b. Payrolls will be submitted weekly to the **County**.
- c. Payroll compliance statements will be provided with official signature that is original.
- d. **Subrecipient** will identify first and final payroll for the project.
- e. **Subrecipient** will provide payroll(s) to include the following: contractor/subcontractor name, business address, project name and number, week ending date, day and date for each day in the workweek, employee name (employee address and SSN the first time employee shows up on a payroll only), employee work classification, rate of pay, straight/overtime hours worked per day, per week on THIS project, gross wages, deductions from wages, and net pay.

f. **County** will conduct periodic employee interviews, as deemed appropriate.

Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. 327-333): This Act provides that mechanics and laborers employed on federally assisted projects are paid time and one-half for work in excess of forty hours per week, and provides for the payment of liquidated damages when violations of these provisions occur. The Act also addresses safe and healthy working conditions.

Copeland (Anti-Kickback) Act (40 U.S.C. 276c): The Copeland Anti-Kickback Act governs allowable deductions from paychecks. Copeland makes it a criminal offense to coerce anyone employed on a federally assisted project to relinquish compensation to which he/she is entitled, and requires all contractors to submit weekly payrolls and statements of compliance.

Section 110 of the Housing and Community Development Act of 1974: as amended by Section 955 of the Cranston-Gonzalez National Affordable Housing Act which exempts from the wage rate requirements, individuals that perform services for which the individual volunteered; does not receive compensation for such services, or is paid expenses, reasonable benefits, or a nominal fee for such services; and is not otherwise employed at any time in the construction work.

Fair Labor Standards Act of 1938, As Amended (29 U.S.C. 201, et seq.): The Fair Labor Standards Act establishes the basic minimum wage for all work and requires the payment of overtime at the rate of at least time and one-half for the entire time that an employee is required or permitted to work. It also establishes labor standards for children.

Equal Employment Opportunity, Executive Order 11246, implemented in 41 CFR Part 60: Executive Order 11246 prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex, or national origin. Provisions to effectuate this prohibition must be included in all contracts for capital projects exceeding \$100,000. Implementing regulations may be found in 41 CFR Part 60.

1. The work performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by this HUD- assisted project and to the greatest extent feasible, the **Subrecipient** will provide employment and training opportunities to low and very low income individuals or Section 3 Business.

2.10 Religious Activities

1. The **Subrecipient** agrees, as directly funded under the CDBG program, not to engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the assistance funded under the CDBG program.
2. The **Subrecipient** also agrees that religious activities such as worship, religious instruction, or proselytization will be offered separately, in time and location and is a voluntary decision of the beneficiary to participate. These separate religious activities cannot be funded by the CDBG program.
3. Religious organizations, in providing CDBG assistance, will not discriminate against program

beneficiaries based on religious character, belief or affiliation.

4. CDBG funds may not be used for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for inherently religious activities.

3.1 –3.6 Accountability, Financial Management, Recordkeeping

3.1 Accounting Standards

The **Subrecipient** agrees to comply with 24 CFR 84.21-28 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal financial controls, and maintain necessary source documentation for all costs incurred.

3.2 Cost Principles

The **Subrecipient** shall administer its program in conformance with OMB Circulars A-122, Cost Principles for Non-Profit Organization as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

- 3.3 General Audit Requirements:** Audits will be conducted in accordance with 24 CFR 84.26 and 85.26. CDBG **Subrecipient** that expends \$500,000 or more in total federal financial assistance in a year are responsible for obtaining an independent audit in accordance with the Single Audit Act of 1984 and OMB Circular A-133 as referenced at 24 CFR 84.26 and 85.26. The computation of the total of such assistance includes all federal funds received by the entity, and not just the amount in CDBG dollars. For purposes of determining the amount of federal assistance expended, all federal assistance shall be considered, including that which is received directly from a Federal agency, passed through a state or local government, passed through a non-profit organization, or any combination thereof.

If a **Subrecipient** expends less than \$500,000 per year in federal financial assistance, it is exempt from federal audit requirements. However, the **Subrecipient** must still have records available for review by the **County**.

If a **Subrecipient** has expended more than \$500,000 in a year under *only one federal program*, the **Subrecipient** may elect to have a program-specific audit conducted in lieu of a single audit. (*A single audit is an audit that includes both the entity's financial statements and the Federal funds it has expended.*) If the **Subrecipient** elects this option, the auditor(s) will perform the compliance testing for the individual grant program in accordance with OMB Circular 133, Subpart B— Audits - Program-specific audits.

3.4 Recordkeeping Requirements of Section 24 CFR 570.490:

General: Each **Subrecipient** will establish and maintain sufficient records to enable the **County** to determine whether the **Subrecipient** has met project requirements. The **Subrecipient** must provide citizens, public agencies, and other interested parties with reasonable access to records, consistent with applicable state and local laws regarding privacy and obligations of confidentiality. HUD and the Comptroller General of the United States, and any of their representatives, have the right of access to any pertinent books, documents, papers or other records of the **Subrecipient**, in order to make audits, examinations, excerpts, and transcripts. **Subrecipient** agrees to create and/or maintain all of the records outlined in this section.

At a minimum, the following records are needed:

1. The source and application of funds for each project, including supporting documentation in accordance with 24 CFR 85.20. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and sub-grant award documents, etc.
2. Records must be kept for each beneficiary assisted that demonstrates their eligibility, proof of class attendance and completion of the program, and proof of supportive services provided. Financial Records 24

Financial Records CFR 570.489:

1. Records identifying the source and application of program income, repayments and recaptured funds.
2. Records demonstrating adequate budget control, including evidence of periodic account reconciliations.

Program Administration Records:

1. Records demonstrating compliance with the written agreements required by 24 CFR 570.503.
2. Records demonstrating compliance with the applicable uniform administrative requirements required by 24 CFR 570.502.
3. Records documenting required inspections, monitoring reviews and audits, and the resolution of any findings or concerns.

Records Concerning Other Federal Requirements:

1. Equal Opportunity and Fair Housing Records:
 - a) Data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with CDBG funds.
 - b) Documentation of actions undertaken to meet the requirements of 24 CFR Part 135 which implement Section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701u). c) Documentation of the actions the **Subrecipient** has taken to affirmatively further fair housing.
2. Affirmative Marketing and Section 3 and MBE/ WBE Records:
 - a) Records demonstrating compliance with the affirmative marketing procedures and requirements of 24 CFR 570.601.
 - b) Documentation and data on the steps taken to implement the **Subrecipient** outreach programs to minority-owned (MBE) and female-owned (WBE) businesses including data indicating the racial/ethnic or gender character of each business entity receiving a contract or subcontract to be paid, with CDBG funds; the amount of the contract or subcontract, and documentation of participating jurisdiction's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction, and services.
3. Records demonstrating compliance with the environmental review requirements of 24 CFR 570.604 and 24 CFR Part 58, including flood insurance requirements.
4. Records demonstrating compliance with the lead-based paint requirements of 24 CFR Part 35, subparts A, B, J, K, and R of the title: LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES.

5. Records supporting exceptions to the conflict of interest prohibition pursuant to 24 CFR 570.611.
6. Debarment and suspension certifications required by 24 CFR 570.609.

Period of Record Retention:

All records pertaining to each fiscal year must be retained for the most recent five year period, except as provided below.

1. Written agreements must be retained for five years after the agreement terminates.
2. If any litigation, claim, negotiation, audit, monitoring, inspection or other action has been started before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

3.5 Performance Reports: The **Subrecipient** agrees to submit the performance reports listed according to the prescribed Program Schedule provided in this Contract as found in Addendum A.

3.6 Repayment of Funds:

The **Subrecipient** agrees to the repayment of CDBG funds if funds are invested in a project which is terminated before completion (either voluntarily or involuntarily), or invested in a housing project which fails to comply with the affordability requirements. The **Subrecipient** also agrees to repay any CDBG funds invested by the **County**, in the event the project fails to comply with the income limit requirements. The **County** reserves the right, with appropriate written documentation, to make this determination.

4.0 Performance Reviews

General. The **County** will review the performance of each **Subrecipient** in carrying out its responsibilities under this Contract whenever determined necessary by **County**. In conducting performance reviews, the **County** will rely primarily on information obtained from the **Subrecipient** and, as appropriate, the **Subrecipient's** records and reports, findings from on-site monitoring, audit reports, and information generated from the IDIS system established by HUD. Where applicable, the **County** may also consider relevant information pertaining to a **Subrecipient's** performance gained from other sources, including citizen comments, complaint determinations, audits and litigation. Reviews to determine compliance with specific requirements of this written agreement will be conducted as necessary, with or without prior notice to the **Subrecipient**. Comprehensive performance reviews under this section will be conducted after notice to the **Subrecipient**.

4.0(a) Performance Review:

1. If the **County** determines that a **Subrecipient** has not met a requirement of this section, the **Subrecipient** will be given notice of this determination and an opportunity to demonstrate, within the time prescribed by the **County** (not to exceed 30 days) and on the basis of substantial facts and data, that it has done so.
2. If the **Subrecipient** fails to demonstrate to the **County's** satisfaction that it has met the requirement, the **County** will take corrective or remedial action in accordance with this section.

Corrective and Remedial Actions: Corrective or remedial actions for a performance deficiency or breach of the requirements of this Contract will be designed to prevent a continuation of the deficiency; mitigate, to the extent possible, its adverse effects or consequences; and prevent its reoccurrence. The **County** may instruct the **Subrecipient** to submit and comply with proposals for action to correct, mitigate and prevent a performance deficiency or breach, including:

1. Preparing and following a schedule of actions for carrying out the affected activities, consisting of schedules, timetables, and milestones necessary to implement the affected activities;
2. Establishing and following a management plan that assigns responsibilities for carrying out the remedial actions;
3. Canceling or revising activities likely to be affected by the performance deficiency, there by de-obligating the CDBG funds for the activities;
4. Repayment to the **County** of any amount not used in accordance with this Contract;
5. Suspending the **Subrecipient** from participating in CDBG and other **County** programs for a specific period of time.

4.0(b) Program Suspension/Debarment:

Any of the following actions may result in suspension from participating in funding from any of The **County** administered programs for the time specified, but in any case up to a period of one (1) year:

1. Failure to complete a project/development by the completion deadline specified in the Contract and implementation schedule, will disqualify the applicant for a period of one (1) year.
2. Failure to complete or comply with the environmental review requirements as specified by 24 CFR Parts 50 and 58, as amended, will result in the disqualification of the applicant for the period of one (1) year.
3. Providing false or inaccurate certification that a development meets certain standards when, in fact, it does not, will result in the disqualification of the developer and the architect. The **County** will also file a complaint against the architect with the S.C. Department of Labor, Licensing and Regulation.

Permanent debarment:

1. Any **Subrecipient** who provides false or misleading information to the **County** with regard to a project seeking CDBG funds will be permanently debarred from further participation in the **County's** programs, in any capacity whatsoever, regardless of when such false or misleading information is discovered. Any award allocation obtained on the basis of such false or misleading information shall be void. Each **Subrecipient** shall be given written notice by the Program Director stating the reason for which the sanction of debarment was imposed.
2. Any **Subrecipient** that provides a partnership formation and/or developer agreement, whether written or otherwise, that attempts to circumvent **County** requirements, will be permanently debarred from further participation in the **County** programs, in any capacity whatsoever, regardless of when the violation is discovered.

The County, in its sole discretion, may determine other acts to be infractions of the program that require suspension or debarment.

Funding Sanctions: Following notice and opportunity for consultation, the **County** may withhold, reduce or terminate the assistance where any corrective or remedial actions taken under 24 CFR 570.492 fail to remedy the **Subrecipient's** performance deficiencies, and the deficiencies are sufficiently substantial, in the judgment of **County**, to warrant sanctions.

5.0 Reversion of Assets

Upon expiration of the Contract, the **Subrecipient** must transfer to the **County** any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds.

5.0(a) Incorporation of The Code of Federal Regulations: The **Subrecipient** agrees to comply with all requirements as set forth in the Code of Federal Regulations:

24 CFR Part 870 - Community Development Block Grants and
24 CFR Part 58 - Environmental Review Procedures (as amended)

This agreement contains specific requirements from the Code of Federal Regulations. However, the failure to include certain other requirements should not be construed as an omission of these requirements. In instances where the County's requirements are more restrictive than the Code of Federal Regulations, the County requirements shall take precedence over the Federal regulations.

6.0 Amendment and Enforcement of the Contract

Process for Amending the Contract: CDBG activities and projects may undergo changes during project implementation which may necessitate changes in scope, schedule or budget. In those cases, the **Subrecipient** will prescribe to the following process for changes to the Contract:

1. The **Subrecipient** shall provide a written request to include the appropriate documentation (i.e. sections of this contract) and identifiers regarding the project.
2. Requests will be reviewed by **County** staff for approval. In certain cases, the scope of the budget or cost change may merit additional underwriting or reviews for cost principle analysis as they relate to HUD's definition of cost reasonableness.
3. If the request is approved, a written amendment will be provided to the **Subrecipient** to be executed to reflect the approved changes to the original executed **Contract**.

Termination of the Contract: In the event that any of the provisions of this Contract are not met or the Subrecipient materially fails to comply with any term of the Contract, the following provisions and remedies for breach will be followed:

1. The **Subrecipient** may be suspended or debarred from participation in CDBG and other **County** programs.
2. The **Subrecipient** may be required to repay the CDBG funds and any other **County** funds invested in the project. The **County**, based upon various factors and documentation, will evaluate and make said determinations at such time, as deemed appropriate.

7.0 Hold Harmless

The **Subrecipient** shall hold harmless, defend and indemnify the **County** from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the **Subrecipient's** performance or nonperformance of the services or subject matter called for in this Contract.

8.0 Environmental and Conditions

The **Subrecipient** agrees to comply with all environmental conditions insofar as they apply to the performance of this agreement and under NEPA or National Environmental Protection Agency. These include but not limited to: Clean Air Act, 42 U.S.C; Flood Disaster Protection Act of 1973; Lead Based Paint at 24 CFR 570.608 and 24 CFR Par 35; Subpart B; and Historic Preservation Act of 1966.

9.0 Severability

If any provision of this Contract is held invalid, the remainder of the Contract shall not be affected thereby and all other parts of the Contract shall nevertheless be in full force and effect.

10.0 Section Headings and Subheadings

The section headings and subheadings contained in this Contract are included for convenience only and shall not limit or otherwise affect the terms of this Contract.

11.0 Waiver

The **County's** failure to act with respect to a breach by the **Subrecipient** does not constitute a waiver of its rights to act with respect to subsequent or similar breaches. The failure of the **County** to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

12.0 Entire Contract

This Contract constitutes the entire agreement between the **County** and the **Subrecipient** for the award and use of funds received under this Contract and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the **County** and the **Subrecipient** with respect to this Contract.

Interior ~~Sandra Yudice~~ Edward B. Gomeau
Assistant County Administrator

Date

Signature of Authorized Official
Community Assistance Provider

Date

Print Name and Title of Authorized Official

Richland County Attorney

Laurent Hogan 10/12/18
Richland County Attorney's Office
Approved as to LEGAL form ONLY
NO Opinion Rendered As To Content

ATTACHMENT A

Shakespeare Crossing Infrastructure Project

COMMUNITY ASSISTANCE PROVIDER

2800 North Main Street, Columbia, SC 29201

Mailing Address

Post Office Box 2623, Columbia, SC 29202

Telephone / Fax

(803) 771-0050 / (803) 771-0505

September 11, 2018

Jocelyn Jennings
2020 Hampton Street
Columbia, SC 29204

Re: Infrastructure Funding for Shakespeare Crossing

Dear Ms. Jennings:

Community Assistance Provider (CAP) is requesting additional funding for the above-mentioned activity to continue to improve the former Columbia Mobile Home Park located at 6315 Shakespeare Road. The property is ready for redevelopment consistent with the recommendations from the Trenholm Acres Neighborhood Master Plan.

CAP was awarded \$210,000.00 on July 12, 2018 for infrastructure costs. We are anticipating receiving \$66,448.00 for infrastructure costs. Currently, we are requesting an additional \$100,000.00 for infrastructure cost which are hard costs for materials and labor. The total investment for infrastructure from Richland County will be \$376,448.00. CAP's investment will be \$55,000.00. Please find a copy of the Development Budget attached.

CAP continues to meet with the contractor and will continue construction schedule as modified. We are also meeting with our engineer Cox & Dinkins to assist with the staking of the land for the layout and placement of roads, manholes and other infrastructure needs.

CAP is committed to completing this project according to the timeline as presented with funding assistance from our Partners and other funders as requested and awarded.

Thank you for the opportunity to continue our mission of providing safe, decent, affordable and energy efficient housing.

Sincerely,



Jamie L. Devine
President/CEO

Serving Calhoun, Chester, Clarendon, Fairfield, Georgetown, Kershaw, Lancaster,
Lee, Lexington, Newberry, Orangeburg, Saluda, Sumter, Richland and Williamsburg Counties



**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (FONSI/NOI RROF)**

Posting Date: November 30, 2016

Richland County Government
Community Development Department
2020 Hampton Street, Suite 3063
PO Box 192
Columbia, SC 29204
803-576-2230

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Richland County Government and its Community Development Department.

REQUEST FOR RELEASE OF FUNDS:

On or about December 28, 2016, the Richland County Government and its Community Development Department will submit a request to the US Department of Housing and Urban Development (HUD) for the release of the Community Development Block Grant (CDBG) funds administered under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership funds to undertake the following projects in Council District 3 in an approved neighborhood master plan area: New Castle/Trenholm Acres and in Council District 5 within the Columbia city limits, respectively.

Project Title: Shakespeare Crossing Phase I, II and III
Location: 6319 Shakespeare Road, Columbia, SC 29223, Richland County
Purpose of the Project: Pre-development Activities to include the construction of a blast barrier wall and site development to prepare for the construction of 24 units of rental housing.
Estimated Cost: 1.1 million
\$376,448 in County CDBG funds
\$150,000 in County HOME
✓ \$327,800 in State HOME funds

Project Title: East Central In-fill Housing
Location: Scattered sites
Purpose of the Project: Partnership with Columbia Housing Authority to construct 2 of 12 single family homes for homeownership for households that are 50% of the area median income.
Estimated Cost: 1,548,488.00
\$200,000 County HOME
\$700,000 Conventional Financing
\$643,488 City of Columbia

Background:

Trenholm Acres/New Castle Neighborhood: The Trenholm Acres/Newcastle area was approved by the Richland County Council as a priority focal area for Neighborhood/Community Master Planning. A project aimed to achieve the community goals is the redevelopment of the Columbia Mobile Home Park located on 3.77-acre and sits between Humphrey Drive and Judy Street in Columbia. The property is a parcel identified by Tax Map number R14215-13-13. The County is proposing to use CDBG funds to redevelop the former Columbia Mobile Home Park, the County used CDBG funds previously for spot removal of slum and blight at this site.

East Central Scattered In-fill Housing project is located in close proximity to Gonzales Garden, the city's oldest public housing complexes. The area is designated a Neighborhood Strategy Area by the City of Columbia. Gonzales Garden made up of 236 units will be raised by the Columbia Housing Authority at the end of 2016 and redeveloped as a mixed income low density affordable housing community in downtown Columbia. The East Central Scattered sites will be a jump start project for the area. The target audience for units funded by Richland County are the disabled, families and/or Section 8 voucher holders that have a household income that is 50% of area median income.

FINDING OF NO SIGNIFICANT IMPACT:

Richland County Government has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at Richland County Community Development, 2020 Hampton Street, Suite 3063, Columbia, SC 29204 and may be examined or copied weekdays 8:30 A.M. to 5:00 P.M.

PUBLIC COMMENTS:

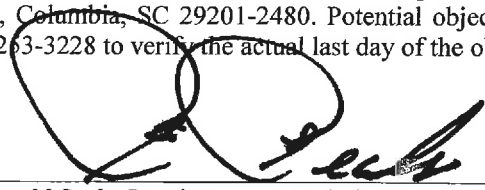
Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the Richland County Community Development Department, 2020 Hampton Street, Suite 3063, Columbia, SC 29204, the department responsible for receiving and responding to comments. All comments received by Wednesday, December 28, 2016 should specify this notice and received comments will be considered by this date.

RELEASE OF FUNDS:

Richland County certifies to HUD/Columbia Field Office that Gerald Seals, in his capacity as Interim County Administrator, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows Community Assistance Provider and the Columbia Housing Authority to use the CDBG and HOME Investment Partnership Program funds.

OBJECTIONS TO RELEASE OF FUNDS:

HUD/Columbia Field Office will accept objections to its release of funds and The Richland County Government's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Richland County Government; (b) The Richland County Government has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the Richland County Government has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: Bradley S. Evatt, Director, Community Planning and Development, US Department of HUD, 13th Floor, 1835 Assembly Street, Columbia, SC 29201-2480. Potential objectors should contact the HUD/Columbia Field Office at (803)263-3228 to verify the actual last day of the objection period.



Mr. Gerald Seals, Interim County Administrator, Certifying Officer

COX AND DRINKS
ENGINEERS - SURVEYORS
724 BELLEVILLE BLVD.
COLUMBIA, SC 29204
P: 803-771-0650
F: 803-771-0655
www.coxanddrinks.com

PROFESSIONAL ENGINEER
No. 1706
Cox and Drinks, Inc.
Professional Engineer
Columbia, South Carolina

PROFESSIONAL SURVEYOR
No. 1706
Cox and Drinks, Inc.
Professional Surveyor
Columbia, South Carolina

NO.	DATE	DESCRIPTION
1	01-09-2018	ISSUED PER COUNTY COMMENTS

COMMUNITY ASSISTANCE PROGRAM
MR. JAMIE DOVINE
2800 NORTH MAIN STREET
COLUMBIA, SC 29201
(P) 803-771-0650
(F) 803-771-0655

PHASE TWO
SHAKESPEARE CROSSING
EXISTING CONDITIONS AND DEMOLITION PLAN
LOCATED NEAR THE SOUTH OF COLUMBIA RICHLAND COUNTY, SOUTH CAROLINA
R1824.013
SHEET NO. 1828
DATE: 12/12/2017
C1 of 10

DEMOLITION LEGEND
EXISTING PAVEMENTS, CONCRETE AND BASE TO BE DEMOLISHED AND DEPOSITED ON PROPERTY.
EXISTING CURBS, PORTLAND CEMENT AND ASBESTOS-CONTAINING STRUCTURES TO BE DEMOLISHED AND DEPOSITED ON PROPERTY.
EXISTING TREES TO BE REMOVED.
TREE PROTECTION. SEE DETAIL.

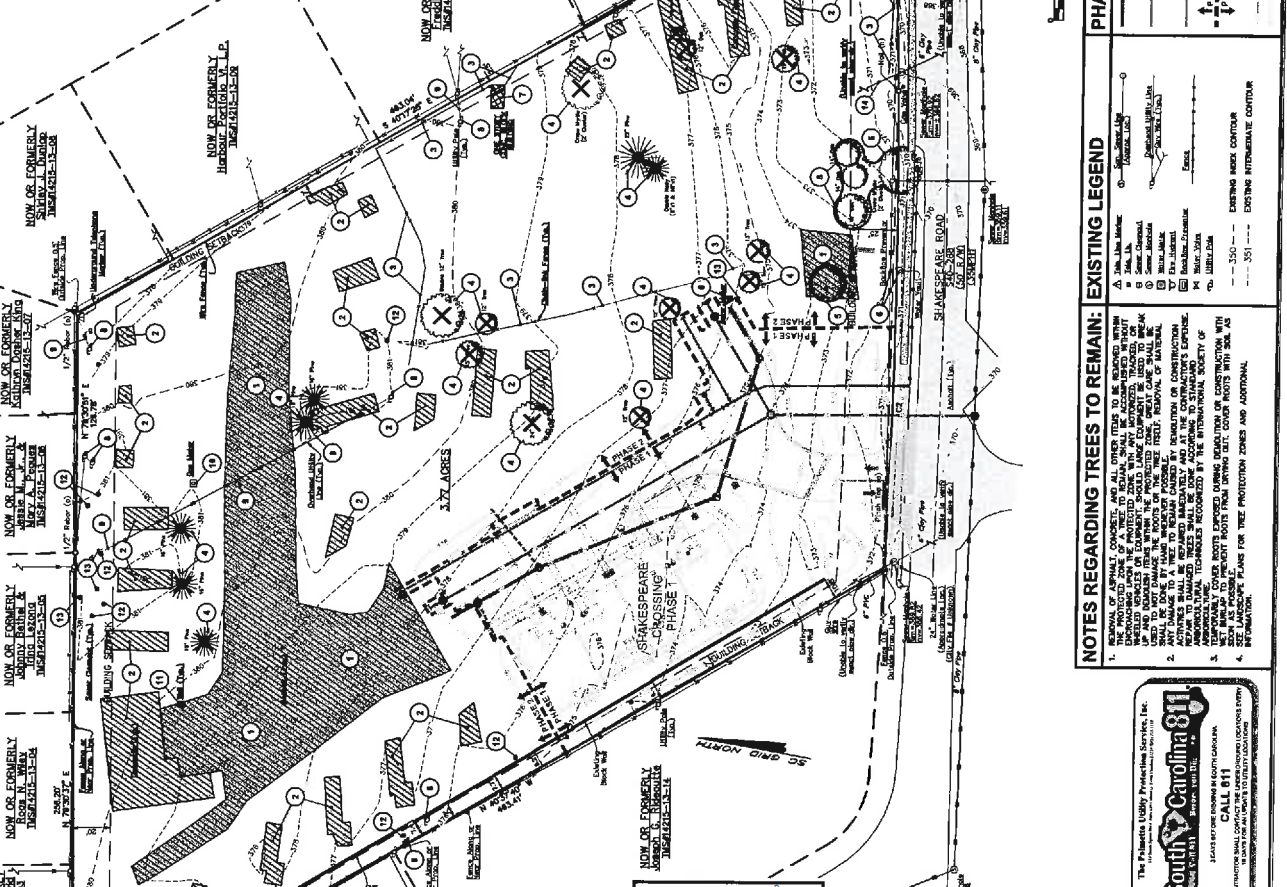
CODED DEMOLITION NOTES

- EXISTING ASPHALT PAVEMENT AND BASE TO BE DEMOLISHED AND DEPOSITED ON PROPERTY.
- EXISTING CONCRETE PAVEMENT AND BASE TO BE DEMOLISHED AND DEPOSITED ON PROPERTY.
- EXISTING CURBS TO BE DEMOLISHED AND DEPOSITED ON PROPERTY.
- EXISTING PORTLAND CEMENT AND ASBESTOS-CONTAINING STRUCTURES TO BE DEMOLISHED AND DEPOSITED ON PROPERTY. (TYPICAL SEE DETAIL)
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.

UNDERGROUND UTILITIES:
ONE AND DRINKS, INC. HAS ATTEMPTED TO LOCATE ALL KNOWN UNDERGROUND UTILITIES. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.

DEMOLITION/CLEARING NOTES:
1. THE CONTRACTOR SHALL VERIFY ALL UTILITIES TO BE REMOVED AND REMOVED PRIOR TO THE COMMENCEMENT OF DEMOLITION WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.

REFERENCES:
1. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION BY COX AND DRINKS, INC.
2. SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION BY COX AND DRINKS, INC.
3. SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION BY COX AND DRINKS, INC.



NOTES REGARDING TREES TO REMAIN:

- REMOVAL OF TRUNKS, BRANCHES, AND ALL OTHER PARTS TO BE REMOVED WITHIN THE PROTECTED ZONE SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.

PHASE ONE LEGEND

EXISTING INTERMEDIATE CONTOUR
--- 350 ---
--- 301 ---

PHASE TWO LEGEND

EXISTING INTERMEDIATE CONTOUR
--- 350 ---
--- 301 ---


NOTES REGARDING TREES TO REMAIN:

- REMOVAL OF TRUNKS, BRANCHES, AND ALL OTHER PARTS TO BE REMOVED WITHIN THE PROTECTED ZONE SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES AS REQUIRED.

South Carolina 811
CALL 811
FOR ALL YOUR UTILITY AND SERVICE CALLS
OPERATIONS CENTER: 1-800-888-8111
www.811sc.com


Richland County Department of Public Works Engineering
Approved
Richland County Department of Public Works Engineering
RECEIVED 12/12/2018
DATE: 12/20/2018
This approval expires two years from the above date.

Richland Development Services
Land Development Approval
RECEIVED 12/12/2018
DATE: 12/20/2018
This approval expires two years from the above date.




COX AND DRINKINS
ENGINEERS - ARCHITECTS

COX AND DRINKINS, INC.
1000 W. BROADWAY
COLUMBIA, SC 29201
TEL: 803-771-4800
FAX: 803-771-4805
EMAIL: COX@CDI-CORPORATION.COM



Professional Engineer
No. 12899
State of South Carolina



Professional Engineer
No. 12899
State of South Carolina

DATE: 01-09-2018
REVISIONS:

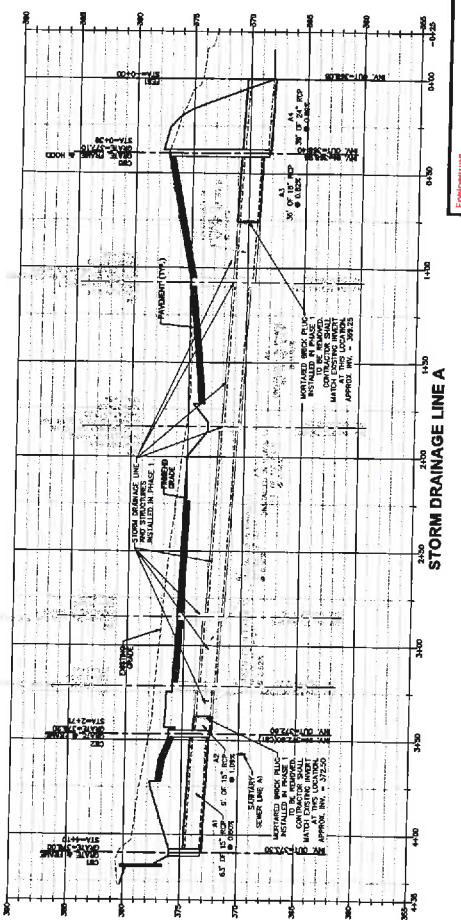
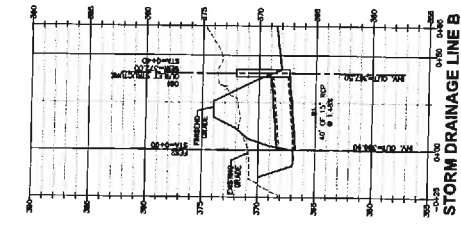
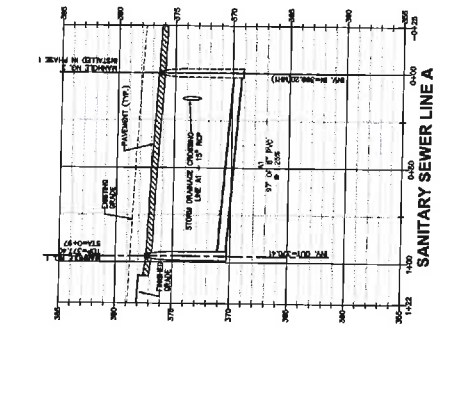
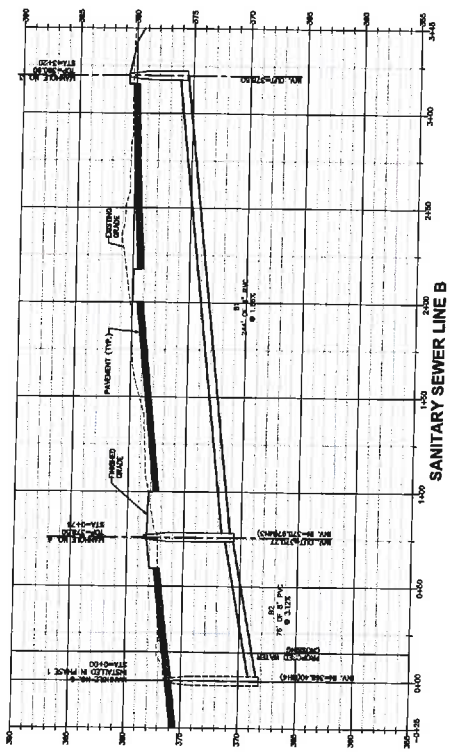
NO.	DATE	DESCRIPTION
1	01-09-2018	REVISED PER COUNTY COMMENTS

PROJECT: SHAKESPEARE CROSSING PHASE TWO
LOCATED NEAR THE CITY OF COLUMBIA
RICHLAND COUNTY, SOUTH CAROLINA


STORM DRAINAGE & SANITARY SEWER PROFILES

PROVIDED FOR:
COMMUNITY ASSISTANCE
PROVIDER (CAP)
MR. JAMIE DEVINE
2000 W. BROADWAY
COLUMBIA, SC 29201
(P) 803-771-4800
(F) 803-771-4805


THESE PLANS WERE PREPARED BY THE ENGINEER OR ARCHITECT AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ENGINEER OR ARCHITECT.



NOTES:
1. OTHER UTILITY CROSSINGS MAY EXIST THAT ARE NOT SHOWN ON THIS PLAN.
2. AS SHOWN, PIPE LENGTHS ARE CENTER TO CENTER OF STRUCTURES.



Approval

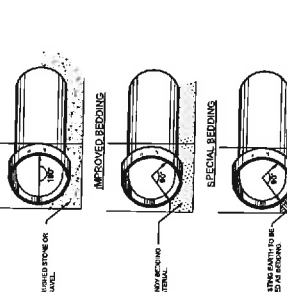
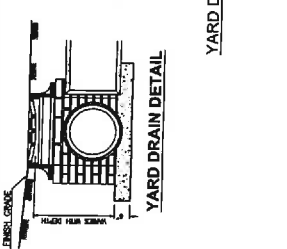
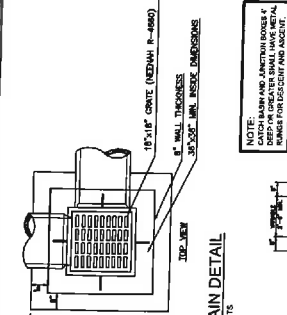


Representing

Richland County Department of Public Works Engineering

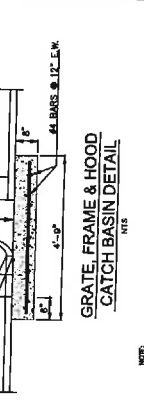
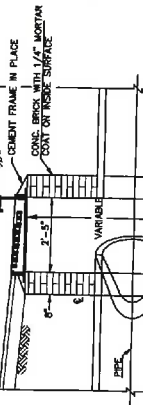
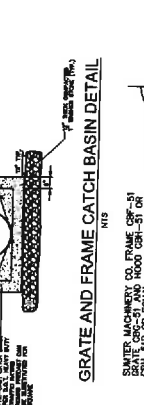
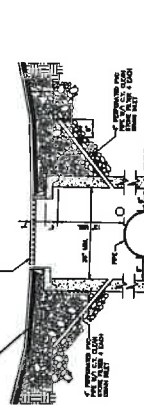
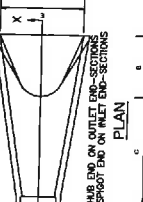
Richland County Engineers has reviewed these plans and they have been approved for construction under the authority of the Richland County Department of Public Works Engineering. All work to be conducted shall be pursuant to the applicable standards and specifications of the South Carolina Department of Transportation. For review and approval prior to any work being undertaken.

January 22, 2018
521 Year - 180041

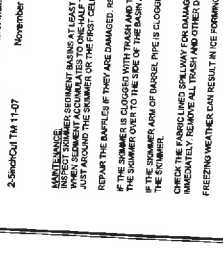
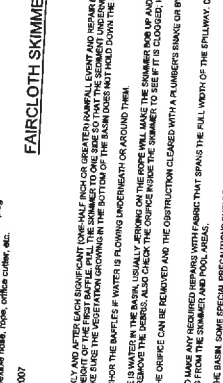
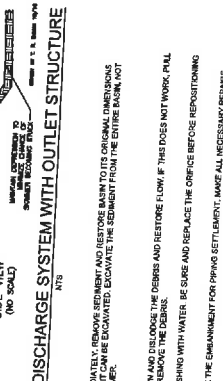
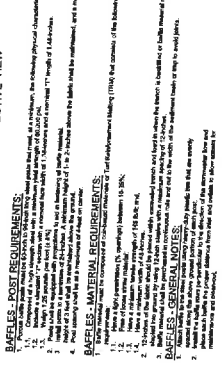
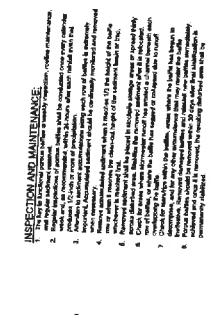
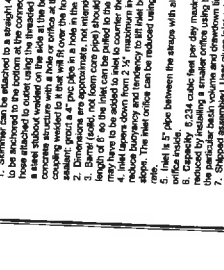
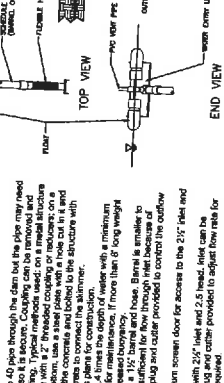
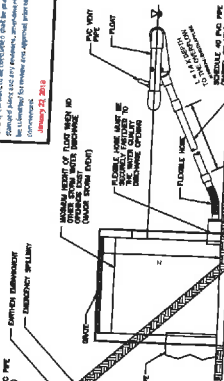
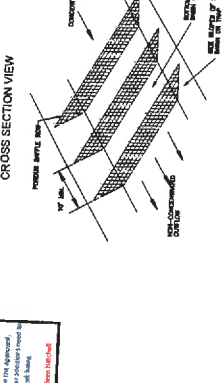
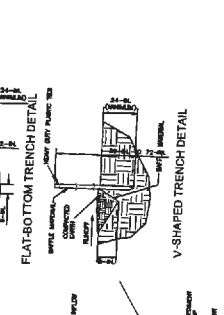
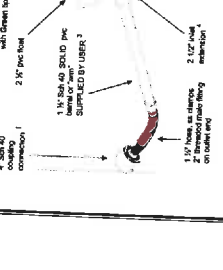
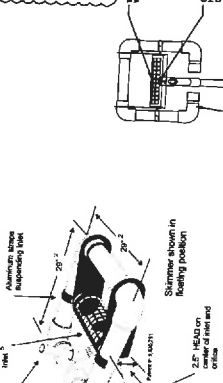
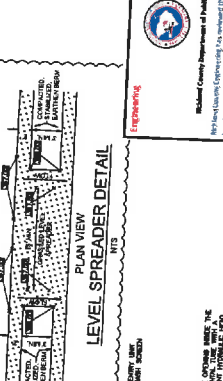
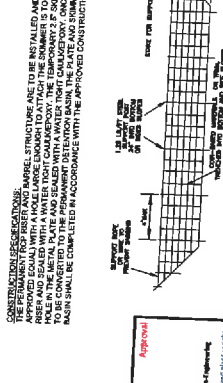
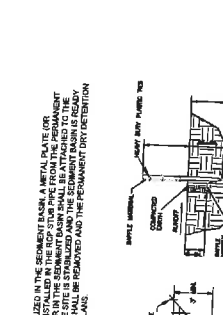
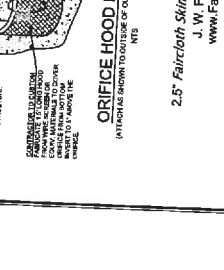
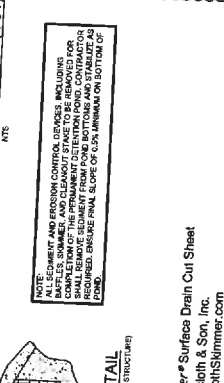
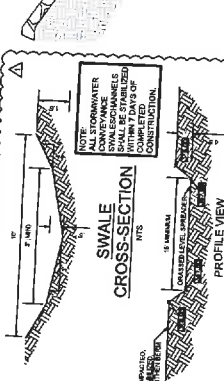
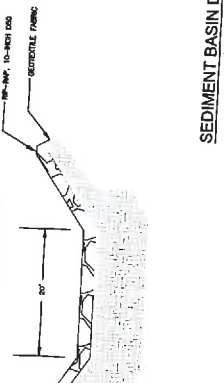
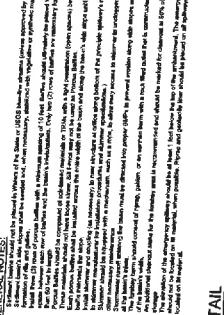
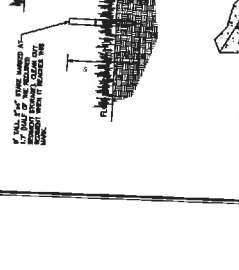
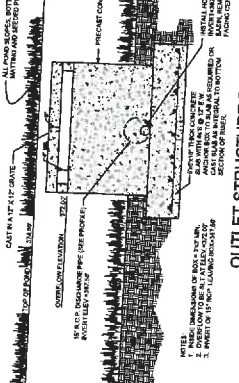
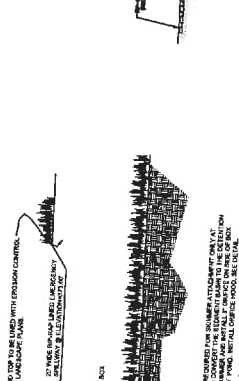
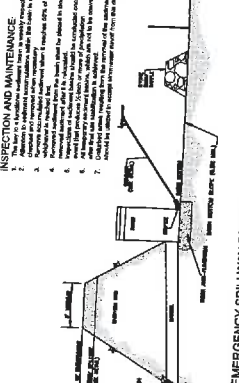
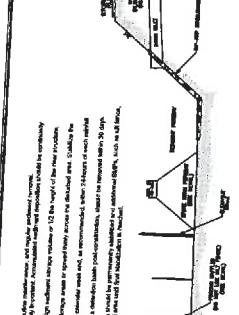


1. EXISTING DRAIN TO BE USED AS BENCH ONE WITH DETECHNICAL ENGINEERS APPROVAL.
2. ALL BEDDING SHALL BE 10% SLOPE TO THE DRAIN OR TO THE MAIN LINE.
3. ALL BEDDING SHALL BE APPROVED BY THE COUNTY ENGINEER.
4. ALL BEDDING SHALL BE APPROVED BY THE COUNTY ENGINEER.
5. ALL BEDDING SHALL BE APPROVED BY THE COUNTY ENGINEER.
6. ALL BEDDING SHALL BE APPROVED BY THE COUNTY ENGINEER.
7. ALL BEDDING SHALL BE APPROVED BY THE COUNTY ENGINEER.
8. ALL BEDDING SHALL BE APPROVED BY THE COUNTY ENGINEER.
9. ALL BEDDING SHALL BE APPROVED BY THE COUNTY ENGINEER.
10. ALL BEDDING SHALL BE APPROVED BY THE COUNTY ENGINEER.

END SECTION DIMENSIONS	A	B	C	D	E
12"	12"	12"	12"	12"	12"
18"	18"	18"	18"	18"	18"
24"	24"	24"	24"	24"	24"
30"	30"	30"	30"	30"	30"
36"	36"	36"	36"	36"	36"
42"	42"	42"	42"	42"	42"
48"	48"	48"	48"	48"	48"

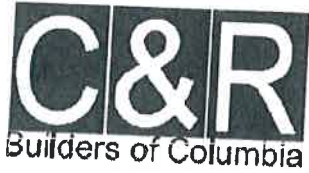


OUTLET	APPROX. LENGTH	APPROX. WIDTH	APPROX. HEIGHT	APPROX. VOLUME	APPROX. WEIGHT
1	10'	10'	10'	1000	1000
2	15'	15'	15'	1500	1500
3	20'	20'	20'	2000	2000
4	25'	25'	25'	2500	2500
5	30'	30'	30'	3000	3000
6	35'	35'	35'	3500	3500
7	40'	40'	40'	4000	4000
8	45'	45'	45'	4500	4500
9	50'	50'	50'	5000	5000
10	55'	55'	55'	5500	5500
11	60'	60'	60'	6000	6000
12	65'	65'	65'	6500	6500
13	70'	70'	70'	7000	7000
14	75'	75'	75'	7500	7500
15	80'	80'	80'	8000	8000
16	85'	85'	85'	8500	8500
17	90'	90'	90'	9000	9000
18	95'	95'	95'	9500	9500
19	100'	100'	100'	10000	10000
20	105'	105'	105'	10500	10500
21	110'	110'	110'	11000	11000
22	115'	115'	115'	11500	11500
23	120'	120'	120'	12000	12000
24	125'	125'	125'	12500	12500
25	130'	130'	130'	13000	13000
26	135'	135'	135'	13500	13500
27	140'	140'	140'	14000	14000
28	145'	145'	145'	14500	14500
29	150'	150'	150'	15000	15000
30	155'	155'	155'	15500	15500
31	160'	160'	160'	16000	16000
32	165'	165'	165'	16500	16500
33	170'	170'	170'	17000	17000
34	175'	175'	175'	17500	17500
35	180'	180'	180'	18000	18000
36	185'	185'	185'	18500	18500
37	190'	190'	190'	19000	19000
38	195'	195'	195'	19500	19500
39	200'	200'	200'	20000	20000
40	205'	205'	205'	20500	20500
41	210'	210'	210'	21000	21000
42	215'	215'	215'	21500	21500
43	220'	220'	220'	22000	22000
44	225'	225'	225'	22500	22500
45	230'	230'	230'	23000	23000
46	235'	235'	235'	23500	23500
47	240'	240'	240'	24000	24000
48	245'	245'	245'	24500	24500
49	250'	250'	250'	25000	25000
50	255'	255'	255'	25500	25500
51	260'	260'	260'	26000	26000
52	265'	265'	265'	26500	26500
53	270'	270'	270'	27000	27000
54	275'	275'	275'	27500	27500
55	280'	280'	280'	28000	28000
56	285'	285'	285'	28500	28500
57	290'	290'	290'	29000	29000
58	295'	295'	295'	29500	29500
59	300'	300'	300'	30000	30000
60	305'	305'	305'	30500	30500
61	310'	310'	310'	31000	31000
62	315'	315'	315'	31500	31500
63	320'	320'	320'	32000	32000
64	325'	325'	325'	32500	32500
65	330'	330'	330'	33000	33000
66	335'	335'	335'	33500	33500
67	340'	340'	340'	34000	34000
68	345'	345'	345'	34500	34500
69	350'	350'	350'	35000	35000
70	355'	355'	355'	35500	35500
71	360'	360'	360'	36000	36000
72	365'	365'	365'	36500	36500
73	370'	370'	370'	37000	37000
74	375'	375'	375'	37500	37500
75	380'	380'	380'	38000	38000
76	385'	385'	385'	38500	38500
77	390'	390'	390'	39000	39000
78	395'	395'	395'	39500	39500
79	400'	400'	400'	40000	40000
80	405'	405'	405'	40500	40500
81	410'	410'	410'	41000	41000
82	415'	415'	415'	41500	41500
83	420'	420'	420'	42000	42000
84	425'	425'	425'	42500	42500
85	430'	430'	430'	43000	43000
86	435'	435'	435'	43500	43500
87	440'	440'	440'	44000	44000
88	445'	445'	445'	44500	44500
89	450'	450'	450'	45000	45000
90	455'	455'	455'	45500	45500
91	460'	460'	460'	46000	46000
92	465'	465'	465'	46500	46500
93	470'	470'	470'	47000	47000
94	475'	475'	475'	47500	47500
95	480'	480'	480'	48000	48000
96	485'	485'	485'	48500	48500
97	490'	490'	490'	49000	49000
98	495'	495'	495'	49500	49500
99	500'	500'	500'	50000	50000
100	505'	505'	505'	50500	50500
101	510'	510'	510'	51000	51000
102	515'	515'	515'	51500	51500
103	520'	520'	520'	52000	52000
104	525'	525'	525'	52500	52500
105	530'	530'	530'	53000	53000
106	535'	535'	535'	53500	53500
107	540'	540'	540'	54000	54000
108	545'	545'	545'	54500	54500
109	550'	550'	550'	55000	55000
110	555'	555'	555'	55500	55500
111	560'	560'	560'	56000	56000
112	565'	565'	565'	56500	56500
113	570'	570'	570'	57000	57000
114	575'	575'	575'	57500	57500
115	580'	580'	580'	58000	58000
116	585'	585'	585'	58500	58500
117	590'	590'	590'	59000	59000
118	595'	595'	595'	59500	59500
119	600'	600'	600'	60000	60000
120	605'	605'	605'	60500	60500
121	610'	610'	610'	61000	61000
122	615'	615'	615'	61500	61500
123	620'	620'	620'	62000	62000
124	625'	625'	625'	62500	62500
125	630'	630'	630'	63000	63000
126	635'	635'	635'	63500	63500
127	640'	640'	640'	64000	64000
128	645'	645'	645'	64500	64500
129	650'	650'	650'	65000	65000
130	655'	655'	655'	65500	65500
131	660'	660'	660'	66000	66000
132	665'	665'	665'	66500	66500
133	670'	670'	670'	67000	67000
134	675'	675'	675'	67500	67500
135	680'	680'	680'	68000	68000
136	685'	685'	685'	68500	68500
137	690'	690'	690'	69000	69000
138	695'	695'	695'	69500	69500
139	700'	700'	700'	70000	70000
140	705'	705'	705'	70500	70500
141	710'	710'	710'	71000	71000
142	715'	715'	715'	71500	71500
143	720'	720'	720'	72000	72000
144	725'	725'	725'	72500	72500
145	730'	730'	730'	73000	73000
146	735'	735'	735'	73500	73500
147	740'	740'	740'	74000	74000
148	745'	745'	745'	74500	74500
149	750'	750'	750'	75000	75000
150	755'	755'	755'	75500	75500
151	760'	760'	760'	76000	76000
152	765'	765'	765'	76500	76500
153	770'	770'	770'	77000	77000
154	775'	775'	775'	77500	77500
155	780'	780'	780'	78000	78000
156	785'	785'	785'	78500	78500
157	790'	790'	790'	79000	79000
158	795'	795'	795'	79500	79500
159	800'	800'	800'	80000	80000
160	805'	805'	805'	80500	80500
161	810'	810'	810'	81000	81000
162	815'	815'	815'	81500	81500
163	820'	820'	820'	82000	82000
164	825'	825'	825'	82500	82500



ATTACHMENT B

Shakespeare Crossing Infrastructure Project Budget



C&R Builders of Columbia, LLC
 PO Box 210666
 Columbia, SC 29221 US
 803-386-7303
 candrbuilder@gmail.com

ADDRESS

Mr. Jamie Devine
 Community Assistance
 Provider
 2800 North Main Stree
 Columbia, South Carolina
 29203 USA

DATE 05/08/2018
EXPIRATION DATE 05/11/2018

SALES REP

Rodney Taylor

ACTIVITY

	AMOUNT
Site clearing	
Clear site in preparation for new buildings	18,112.00
Demo and haul off	
Storm drainage and systems	23,000.00
Site sewer	78,000.00
Site water	86,250.00
Site grading	62,100.00
Curbing and asphalt	40,250.00
	83,488.00

Revised shakespeare infrastructure

TOTAL

\$391,200.00

Accepted By

Jamie E. Devine

Accepted Date

5/10/18

Shakespeare Crossing Infrastructure Analysis

Activity	Unit Cost	Unit	Qty
Erosion Control (Silt Fence)	\$6.00	ft	360
Clearing & Grubbing	\$12,800.00	acres	3.5
Retention Pond	\$12.00	cubic yds	2200
Base Materials (8" Rock)	\$22.00	ton	2000
Base Materials (6" Rock)	\$22.00	ton	600
Asphalt(Installed)	\$170.00	ton	525
Curb & Gutter	\$235.00	cubic yds	55
Storm Drainage	\$75,000.00	ea	1
Sewer	\$65,000.00	ea	1
Water	\$50,000.00	ea	1

Prepared by Perkins Contractors & Engineers, LLC

Development Costs:

	Total Projected Cost	HOME (State)	HTF	HOME (PJ)	Source 1 Richland Co	Source 2 CAP
Acquisition Costs						
1. Land	0.00					
2. Existing Structures	0.00					
3. Other Infrastructure	431,448.00					
Subtotal	431,448.00					
Site Costs						
4. Demolition	0.00					
5. On-Site Improvements	0.00					
Subtotal	0.00					
Construction Costs						
6. New Building	0.00					
7. Rehabilitation	0.00					
8. General Requirements	0.00					
9. Contractor Profit & Overhead	0.00					
10. Other Contingency	0.00					
Subtotal	0.00					
Professional Fees						
11. Accountant	0.00					
12. Architect	0.00					
13. Attorney	0.00					
14. Consultant	0.00					
15. Other Survey/Engineering	0.00					
Subtotal	0.00					
Interim Costs						
16. Hazard/Liability Insurance	0.00					
17. Interest	0.00					
18. Payment/Performance Bond	0.00					
19. Title/Recording/Legal Fees	0.00					
20. Other	0.00					
Subtotal	0.00					
Financing Fees and Expenses						
21. Credit Report	0.00					
22. Loan Origination/Closing	0.00					
23. Title/Recording/Legal Fees	0.00					
24. Other	0.00					
Subtotal	0.00					
Soft Costs						
25. Appraisal	0.00					
26. Market Study	0.00					
27. Environmental Review	0.00					
28. Relocation Expenses	0.00					
29. Other Soil Borings	0.00					
Subtotal	0.00					
Development Reserves						
30. Rent-up Reserve	0.00					
31. Operating Reserve	0.00					
32. Developer Fees 5% (Acquisition)	0.00					
33. Developer Fees 15% (New, Rehab)	0.00					
34. Other 1st Year Taxes	0.00					
Subtotal	0.00					
35. TOTALS	431,448.00	0.00	0.00	0.00	376,448.00	55,000.00

Richland County Community Development Project Development Team

PROJECT NAME:	shakespeare Crossing	Project Type	Infrastructure
Street Address	6315 Shakespeare Road	Council District	3
Tax Map #	R14215-13-13	Congressional District	6

Developer	Community Assistance Provider	Non-profit	Yes	For-profit	
Street Address	2800 North Main Street	Contact Name	Jamie L. Devine		
City	Columbia	Telephone #	803.771.0050		
State	SC	Fax #	803.771.0505		
Zip	29201	Cell #	803.238.2880		
		e-mail Address	ldevine@communityassistance.com		

Co-Developer		Non-profit		For-profit	
Street Address		Contact Name			
City		Telephone #			
State		Fax #			
Zip		E-mail address			

Architect Company	RDS Design
Street address	821 Kinlock Court
City	Columbia
State	SC
Zip	29201

Contact Name	Robert Simpkins
Telephone #	803.447.4817
Fax #	
E-mail address	simpkins8@aol.com

Builder	C & R Builders
Street Address	P O Box 210666
City	Columbia
State	SC
Zip	29221

Contact Name	Rodney Taylor
Telephone #	803.386.7303
Fax #	
E-mail Address	candrbuilders@gmail.com

Sub-contractor	Johnson Construction
Street Address	146 Saddlefield Road
City	Columbia
State	SC
Zip	29203

Contact Name	Corey Johnson
Telephone	803.738.6483
Fax #	
E-mail Address	coreyjohnson803@gmail.com

Sub-contractor	
Street Address	
City	
State	
Zip	

Contact Name	
Telephone #	
Fax #	
E-mail Address	

Engineer:	Cox and Dinkins
Street Address:	724 Beltline Blvd.
City:	Columbia
State:	SC
Zip:	29205

Contact Name	Darren Holcombe
Telephone #	803.254.0518
Fax #	803.765.0993
E-mail Address	darren@coxanddinkins.com

ATTACHMENT C

Shakespeare Crossing Infrastructure Project Timeline for Completion



Administration & Finance Committee Meeting Briefing Document

Agenda Item

Intergovernmental Agreement between Richland County, Lexington County and Town of Irmo for Engineering Services and Infrastructure Maintenance (Attachment A).

Background

The Town of Irmo is partly in Richland County and partly in Lexington County. Richland County and the Town of Irmo began operating under an intergovernmental agreement in 2007 (Attachment B), when the Town received its NPDES Phase II Permit, from DHEC, through Lexington County.

Amendments to the County's Ordinance, Chapter 21, were approved in 2013 that better outlined the expectations for road standards and Richland County maintenance (Attachment C).

The Town reached out to both Lexington and Richland Counties to update the agreement and expand the engineering review responsibilities of Richland County.

The Legal Department has reviewed the IGA to form only, rendering no opinion on the contents.

Issues

Staff would note a couple things to consider:

- The IGA, as proposed, does not mention any review fees for the County's work related to this.
- The Town of Irmo holds the construction bonds, meaning the County has little control over ensuring there are provisions in place to properly complete roads and drainage before we take them over for maintenance.
- Lexington County issues all building permits for the Town of Irmo, even within Richland County's jurisdiction, which often creates confusion.

Fiscal Impact

There is a cost associated with staff's plan review time and maintenance of infrastructure.

Past Legislative Actions

- July 10, 2007 – Approval of intergovernmental agreement with Town of Irmo implementing the Town's Phase II NPDES Permit.
- November 3, 2015 – Approval of an Ordinance amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; so as to create a new section to handle roadway improvements in the Town of Irmo, South Carolina; and amending Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-6(a); so as to accommodate the new section.

Alternatives

1. Approve the updated IGA as presented.
2. Do not approve the updated IGA as presented.

Staff Recommendation

This is a decision of County Council.



ATTACHMENT A

Intergovernmental Agreement of the Town of Irmo with Richland County and Lexington County for Land Development Services

This agreement and entered into this ____ day of ____ 2018, by and between the County of Richland, the County of Lexington, bodies politic duly created and existing pursuant to the provisions of the S.C. Code Ann. § 4-9-10 *et seq.*, and the **Town of Irmo**, a municipal corporation, created and existing pursuant to S.C. Code Ann. § 5-7-10 *et seq.*;

WITNESSETH:

WHEREAS, The Municipal Limits of the Town of Irmo lies in both Richland and Lexington Counties

WHEREAS, The Town of Irmo has entered into Intergovernmental Agreements with Richland County and Lexington County for the counties to provide engineering services for land development projects and the maintenance of roadways within the respective counties.

WHEREAS, The Town of Irmo has formally adopted the Stormwater Ordinance and Land Development Manual, with Lexington County to allow for review, approval, and inspection of development for the Town within Lexington County.

WHEREAS, The Town of Irmo is desirous to continue Intergovernmental Agreements with Richland County and Lexington County.

WHEREAS, Representatives from the Town of Irmo, Richland County, and Lexington County have conducted coordinating meetings to develop the process for determining jurisdictional review, permitting, and inspection authority for land development projects within the Town of Irmo that are located in either Richland and Lexington County or both.

NOW THEREFORE, in consideration of the promises and mutual understanding and obligations herein set forth, the parties agree to as follows:

Section One: Determining County of Jurisdiction for Land Development Projects within the Town of Irmo

- A. Land Development projects within the Town of Irmo located entirely within either county boundary will be reviewed, inspected, and maintained by the county in which it is located.
- B. For projects within the Town of Irmo where the project lies in both counties, the Town shall submit copies of the proposed development to each county. The following determines which county will be responsible for review and inspection:

1. **Residential Developments** - The County which has the majority of the existing and proposed roadway within the development that will be maintained by that county will review and inspect the project to that county's engineering standards. Once the final plat has been approved, each county agrees to maintain their respective roadways and storm drainage systems as to the approved plans. Coordination between the two counties will decide who has the majority of the roadway. The county inspecting the project will give a courtesy call to the other county for inspection of major items such as proof rolls, etc.
2. **Commercial Developments** - The County with the majority of the acreage of disturbance will review and inspect the project to that county's engineering standards. Coordination between the two counties will decide who has the majority of the acreage of disturbance.
3. The county responsible for review and inspections will be responsible for notifying the Town and for contacting the developer and/or engineer to inform them to which county the project has been allocated.

Section Two: Land Development Applications

The Town of Irmo shall receive all Land Development applications for processing as established by Town Ordinance. The Town of Irmo shall transmit the Land Development applications to the appropriate county of jurisdiction once all internal requirements have been met. Once the county of jurisdiction has approved the Land Disturbance Permit and NPDES coverage is acquired the approved Land Disturbance Permit will be forwarded to Town of Irmo for distribution to applicant. The county of jurisdiction will not allow applicant, engineer, or contractor to take ~~procession~~ ~~(possession?)~~ possession of approved Land Disturbance Permits.

Section Three: Richland County Maintenance Responsibilities

A. Through its Department of Public Works, the County will provide routine maintenance on all those roads, located within the corporate limits of the Municipality, that have been accepted for maintenance ~~either by the County in accordance with Section 21-7 of the Richland County Code of Ordinances or~~ by the Municipality. The level of maintenance provided will be subject to the availability of funds, labor, and equipment for the County's overall road maintenance responsibility. The same level of maintenance will be provided on roads within the corporate limits as on those in unincorporated areas. Maintenance will include, but not be limited to:

- Pavement
- Drainage within the R/W
- Traffic Control signs
- Street name signs
- Shoulders, if necessary

With the exception of street name signs, the County will not provide maintenance on roads that have been taken into the State Highway System. The County will provide name signs on all roads within the corporate limits.

- B. The County will incorporate the County maintained roads within the corporate limits into its pavement management system. All roads will be selected and prioritized for resurfacing based on their overall condition relative to all other roads in the pavement management system as measured by their pavement condition rating.
- C. The drainage infrastructure located off of road rights-of-way within the corporate limits will be maintained by the County subject to the limitations contained in Chapters 21 & 26 of the Richland County Code of Ordinances. The level of maintenance provided will be subject to the availability of funds, labor, and equipment available for the County's overall drainage maintenance responsibilities and strictly within County's guidelines. The same level of maintenance will be provided within the corporate limits as in unincorporated areas.

Maintenance under the terms of this agreement is comprised of, but not limited to, activities such as:

- Cleaning drainage ditches
- Cleaning and/or repairing closed storm sewers
- Cleaning and/or repairing catch basins, drop inlets, junction boxes, etc.
- Minor ditch excavation
- Minor storm sewer installation that can be accomplished by County maintenance forces.

Maintenance does not include construction of major capital drainage improvement projects. Under the terms of this agreement, a major capital drainage improvement project is one requiring a private construction contract in the judgement of the County's Public Works Director.

Section Four: Duration

The duration of this Agreement shall be for a term of five (5) years and will be automatically renewed for a like term unless one of the parties to the Agreement gives written notice to the other parties of an intent to terminate. Said notices must be given at least sixty (60) days prior to the anniversary date of this Agreement.

Section Five: Previous Agreements

- A. The Town of Irmo currently has an Intergovernmental Agreement (IG) with Lexington County Outlining the Implementation of the Stormwater Management Program (SWMP) in Support of the National Pollutant Discharge Elimination System (NPDES) General

Permit for Small Municipal Separate Storm Sewer System (SMS4). This new agreement will better define the responsibilities of services to implement Minimum Control Measure (MCM4) as shown in the 2014 IG as line Item #7. These services are now being provided to the Town of Irmo by both Lexington County and Richland County.

B. This agreement supersedes all previous agreements between the Town of Irmo and Richland County.

Section Six: Funding

The County will assess the residents of the Municipality in Richland County the same taxes and fees for the aforementioned services, and at the same rates that are assessed in the unincorporated areas of Richland County. The taxes and fees generated thereby shall be full compensation to the County for the services provided by the County pursuant to this agreement. The provisions of this section are applicable to:

- Real and personal property taxes
- Automobile registration fees
- Subdivision processing fees

"C" funds allocated to Richland County pursuant to State statute will be utilized by the County for road improvement projects within the corporate limits in Richland County as well as in the unincorporated parts of Richland County. The County will initiate projects on behalf of the Municipality in accordance with its established capital road improvement programs.

IN WITNESS WHEREOF, the parties hereto have hereunder caused their names to be affixed as heretofore duly authorized on the date first above written,

WITNESSES:

COUNTY OF RICHLAND

BY: _____

WITNESSES:

COUNTY OF LEXINGTON

BY: _____

WITNESSES:

TOWN OF IRMO

BY: _____

ATTACHMENT B

STATE OF SOUTH CAROLINA) INTERGOVERNMENTAL AGREEMENT
) FOR ROADS & MAINTENANCE AND
COUNTY OF RICHLAND) NPDES PHASE II COMPLIANCE

This agreement, made and entered into in duplicate originals this __ day of July, 2007, by and between the **County of Richland**, a body politic duly created and existing pursuant to the provisions of the S.C. Code Ann. § 4-9-10 *et seq.*, (hereinafter referred to as "the County"), and the **Town of Irmo**, a municipal corporation, created and existing pursuant to S.C. Code Ann. § 5-7-10 *et seq.* (hereinafter referred to as "the Municipality");

WITNESSETH:

ARTICLE 1 - ROADS, DRAINAGE, SEDIMENT CONTROL, PLAN REVIEW, AND INSPECTION.

WHEREAS, the Municipality wishes to provide for the maintenance of roads and drainage infrastructure within its corporate limits; and

WHEREAS, the Municipality has no staff or equipment for maintenance of roads or drainage infrastructure; and

WHEREAS, the County has staff and equipment for maintenance of roads and drainage infrastructure and provides these services in the unincorporated parts of Richland County; and

WHEREAS, the Municipality wishes to establish consistency with the County with regard to the design and construction of roads and drainage infrastructure, sediment control, and floodplain management; and

WHEREAS, the County has adopted and administers comprehensive design and construction standards for roads, drainage infrastructure, and sediment control measures constructed under its jurisdiction; and

WHEREAS, both parties hereto are authorized to enter into this agreement by virtue of the provisions of Section 4-9-40 of the South Carolina Code of Laws of 1976.

NOW, THEREFORE, in consideration of the promises, and the mutual understanding and obligations hereinafter set forth, the parties hereto agree as follows:

Section I - County Responsibilities

A. Through its Department of Public Works, the County will provide routine maintenance on all those roads, located within the corporate limits of the Municipality, that have been accepted for maintenance either by the County in accordance with Section 21-7 of the Richland County Code of Ordinances or by the Municipality.

The level of maintenance provided will be subject to the availability of funds, labor,

RECEIVED

Page 1 of 6 OCT 18 2007

and equipment for the County's overall road maintenance responsibility. The same level of maintenance will be provided on roads within the corporate limits as on those in unincorporated areas. Maintenance will include, but not be limited to:

- Pavement
- Drainage within the R/W
- Traffic Control signs
- Street name signs
- Shoulders, if necessary

With the exception of street name signs, the County will not provide maintenance on roads that have been taken into the State Highway System. The County will provide name signs on all roads within the corporate limits.

B. The County will incorporate the County maintained roads within the corporate limits into its pavement management system. All roads will be selected and prioritized for resurfacing based on their overall condition relative to all other roads in the pavement management system as measured by their pavement condition rating.

C. The drainage infrastructure located off of road rights-of-way within the corporate limits will be maintained by the County subject to the limitations contained in Chapters 21 & 26 of the Richland County Code of Ordinances. The level of maintenance provided will be subject to the availability of funds, labor, and equipment available for the County's overall drainage maintenance responsibilities and strictly within County's guidelines. The same level of maintenance will be provided within the corporate limits as in unincorporated areas.

Maintenance under the terms of this agreement is comprised of, but not limited to, activities such as:

- Cleaning drainage ditches
- Cleaning and/or repairing closed storm sewers
- Cleaning and/or repairing catch basins, drop inlets, junction boxes, etc.
- Minor ditch excavation
- Minor storm sewer installation that can be accomplished by County maintenance forces.

Maintenance does not include construction of major capital drainage improvement projects. Under the terms of this agreement, a major capital drainage improvement project is one requiring a private construction contract in the judgement of the County's Public Works Director.

D. Beginning September 1, 2007, Municipality will be responsible for plan review. The County recognizes the Municipality as an approved Delegated Entity. The County will accept roads and drainage maintenance for these approved projects in accordance with Chapters 21 & 26 of the Richland County Code of Ordinances. The County may require from time to time

documentation as needed, to insure its standards are being met. In addition, the County reserves the right, at any time, to inspect plan review process or inspection reports of a land disturbance project as necessary for quality assurance purposes. The County will be the final authority of issues related to construction quality of facilities it is expected to maintain.

Section II - Municipal Responsibilities

- A. As a prerequisite to its authorization for the construction of new developments within the corporate limits involving new roads and/or drainage infrastructure, the Municipality will maintain an approved Delegated Entity.
- B. As a prerequisite to its issuance of building permits or land disturbance permits for new commercial buildings within the corporate limits, the Municipality will require the review and approval of site plans with regard to erosion control measures, floodplain management requirements, and road access regulations.
- C. As a prerequisite to its acceptance of maintenance responsibilities for new roads and/or drainage systems within the corporate limits, the Municipality will require a certification that they were constructed in accordance with approved plans and specifications.
- D. As a prerequisite to its issuance of certificates of occupancy for new commercial buildings within the corporate limits, the Municipality will require the inspection and approval of site improvements related to stormwater management, floodplain management, and road access.
- E. The Municipality will submit plans (preliminary plans, approved plans and as-built plans) for developments and commercial buildings within the corporate limits to the County's Engineer's office for Quality Assurance and data management purposes. Municipality will copy to County any of the quality inspection reports during the execution of the project and any other related documentation for County filing purposes.
- F. The Municipality, within a reasonable time after the execution of this agreement, shall adopt or amend applicable ordinances as required to make them compatible with the requirements of a Delegated Entity for SC DHEC approval.

Section III – Funding

The County will assess the residents of the Municipality the same taxes and fees for the aforementioned services, and at the same rates that are assessed in the unincorporated areas of Richland County. The taxes and fees generated thereby shall be full compensation to the County for the services provided by the County pursuant to this agreement. The provisions of this section are applicable to:

- Real and personal property taxes
- Automobile registration fees
- Subdivision processing fees

"C" funds allocated to Richland County pursuant to State statute will be utilized by the

County for road improvement projects within the corporate limits as well as in the unincorporated parts of Richland County. The County will initiate projects on behalf of the Municipality in accordance with its established capital road improvement programs.

Section IV - Capital Drainage Improvements

Capital improvement programs to improve drainage and reduce the impact of flooding in the unincorporated parts of Richland County are occasionally funded by the County through the issuance of bonds. To participate in these programs, the Municipality must request and agree to have the millage for bond debt service levied within the corporate limits. If approved by County Council, capital projects within the corporate limits will be eligible for inclusion in the program. The County would provide program management and project management. Project selection within the corporate limits will be done in consultation with the Municipality.

ARTICLE 2 – NPDES STORMWATER PERMIT COVERAGE

WHEREAS, the Municipality is responsible for compliance with NPDES stormwater discharge permit requirements within its corporate limits; and

WHEREAS, the Municipality and the County have determined that the Municipality will be responsible for providing the services required by the NPDES permit within the corporate limits; and

WHEREAS, both parties hereto are authorized to enter into this agreement by virtue of the provisions of Section 4-9-40 of the South Carolina Code of Laws of 1976.

NOW, THEREFORE, in consideration of the promises, and the mutual understanding and obligations hereinafter set forth, the parties hereto agree as follows:

Section I- Obligation to Comply with Permit

The Municipality shall be responsible for compliance with the NPDES permit and the County shall have no responsibility for compliance. The County shall only be responsible for maintenance of the storm drainage system per Article 1.

ARTICLE 3 - GENERAL

Section I- Severability

The provisions of this Agreement are to be considered joint and severability such that the invalidity of any one section will not invalidate the entire agreement.

Section II- Successors and Assigns

Whenever in this Agreement the Municipality or the County is named or referred to, it shall be deemed to include its or their successors and assigns and all covenants and agreements in this

Agreement contained by or on behalf of the Municipality or the County shall bind and inure to the benefit of its or their successors and assigns whether so expressed or not.

Section III - Extension of Authority

The parties agree that all authorizations, empowerments, and all rights, titles, and interest referred or referenced to in this Agreement are intended to supplement the authority the County has or may have under any provision of law.

Section IV - Termination by the County

The County shall be entitled to terminate this Agreement, and the County shall be released from any obligations under this agreement if: (1) the County is rendered unable to charge or collect the applicable taxes or fee; or (2) the County Council acts to terminate this Agreement with the Municipality due to an adverse court decision affecting the intent of this Agreement.

Section V- Termination by the Municipality

The Municipality shall be entitled to terminate this Agreement, and the County shall be released from any obligations under this agreement if the Municipal governing body acts to terminate this Agreement with the County due to an adverse court decision regarding this Agreement or a contrary EPA/SC DHEC regulation.

In the event the Municipality terminates this agreement, the County shall be entitled to continue to collect all applicable taxes and fees within the Municipality for the tax year when the termination occurs. However, the Municipality will be entitled to a pro-rata distribution of such collections based on the percentage of the calendar year such services were provided.

Section VI- Insurance

For the duration of this Agreement, each party shall maintain a liability program adequate to meet at least the limits of the South Carolina Tort Claims Act.

Section VII- Duration

The duration of this Agreement shall be for a term of five (5) years, and will be automatically renewed for a like term unless one of the parties to the Agreement gives written notice to the other parties of an intent to terminate. Said notices must be given at least sixty (60) days prior to the County Auditor's calculations of the millage rates for the upcoming tax year; or unless otherwise terminated pursuant to Article III, Section IV or V, above.

Section VIII- Previous Agreements

This agreement supersedes all previous agreements between the County and the Municipality covering provision of these services.

IN WITNESS WHEREOF, the parties hereto have hereunder caused their names to be affixed

as heretofore duly authorized on the date first above written.

WITNESSES:

Sydney Keatney

Tony McDonald

John L. Gibbons

[Signature]

COUNTY OF RICHLAND

By:

J. Milton Pope

J. Milton Pope
County Administrator

Richland County Attorney's Office

Amelia K. Linder

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

TOWN OF IRMO

By:

John L. Gibbons

John L. Gibbons
Mayor

ATTACHMENT C

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 056-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; ARTICLE I, IN GENERAL; SO AS TO CREATE A NEW SECTION TO HANDLE ROADWAY IMPROVEMENTS IN THE TOWN OF IRMO, SOUTH CAROLINA; AND AMENDING CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; ARTICLE I, IN GENERAL; SECTION 21-6 (A); SO AS TO ACCOMMODATE THE NEW SECTION.

NOW, THEREFORE, 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 21, Roads, Highways, and Bridges; Article I, In General; is hereby amended by the creation of a new Section to read as follows:

Sec. 21-5.5. Standards for improving roadways in the Town of Irmo, South Carolina.

On roadways being constructed or improved in the Town of Irmo, South Carolina, which are going to be or are already located in both Richland County and Lexington County, the following regulations shall be followed:

- (1) If more than fifty percent (50%) of the planned roadway improvement for all phases of the approved development are located in Lexington County:
 - a. All improvements will be constructed to the standards of Lexington County.
 - b. Upon acceptance of improvements by Lexington County and the Town of Irmo, Richland County will accept the improvements located in Richland County for maintenance.
- (2) If more than fifty percent (50%) of the planned roadway improvements for all phases of the approved development are located in Richland County:
 - a. All improvements will be constructed to the standards of Richland County.
 - b. Upon acceptance of improvements by Richland County and the Town of Irmo, Lexington County will accept the improvements located in Lexington County for maintenance.
- (3) The percentage of planned roadway improvements in each County will be based upon centerline feet of roadway.
- (4) In conformance with Section 21-6 (b) of this Chapter, the provisions of this Section will apply to residential, commercial and industrial subdivisions. Streets and drainage systems serving group developments such as shopping centers, apartment complexes, condominiums, and mobile home parks will not be accepted for maintenance by Richland County.

SECTION II. The Richland County Code of Ordinances, Chapter 21, Roads, Highways, and Bridges; Article I, In General; Section 26-6 (a); is hereby amended to read as follows:


- (a) Except as provided for in sections 21-4, 21-5, and 21-5.5 above, only those streets, roads, and drainage systems designed and constructed in accordance with the standards prescribed herein will be accepted for maintenance by the County.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after November 5, 2013.

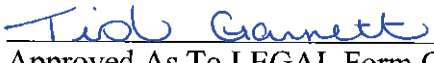
RICHLAND COUNTY COUNCIL

BY: 
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE 6th DAY
OF November, 2013.


Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE


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

First Reading: October 1, 2013
Second Reading: October 15, 2013
Public Hearing: November 5, 2013
Third Reading: November 5, 2013



Development and Services Committee Meeting Briefing Document

Agenda Item

Ordinance Amendments – Revising the Business License Ordinance

Background

Council is requested to amend the Richland County Code of Ordinances relating to business licenses. These proposed amendments would standardize the ordinance, clarify language, adjust to changing circumstances, better serve the business community, and better serve the County's priorities more effectively and efficiently.

Twelve years ago, in 2006, the Business Service Center was developed to better meet the County's license and tax compliance needs. In 2007, the business license ordinance was completely overhauled, modified for almost the first time since the business license ordinance was initially approved by Council in 1987.

Now, eleven years later, staff reviewed the business license ordinance once again to consider what revisions are appropriate. The resulting proposed business license ordinance amendments would:

1. Standardize the ordinance to more closely mirror the recently updated Model Business License Ordinance recommended by the Business Licensing Officials Association for adoption by business license operations around the state – to help make business licensing easier for businesses around the state;
2. Clarify existing ordinance language where needed or appropriate;
3. Update the ordinance based on experiences encountered over the last eleven years;
4. Update the ordinance to reflect a better understanding of developing business trends – and proactively equipping the County to meet those needs (i.e., virtual offices, food delivery services, etc.);
5. Enhance the quality of services provided to the business community; and
6. Enhance the County's ability to protect and improve the quality of life for its citizens from businesses operating unlawfully.

Issues

The Richland County business license ordinance has not been comprehensively reviewed and updated since 2007. During the intervening eleven years, many lessons have been learned and multiple issues have arisen that demonstrate the need for a substantial revision. Key issues include:

- Difficulty in effectively addressing the challenges the County encounters relating to bars, nightclubs, and strip clubs with existing ordinance language
- Lack of clarification in existing business license ordinance language
- Basic “house-keeping” of the ordinance, including better organizing the ordinance sections, deleting duplicative language, and deleting language which does not relate to County business license operations
- Judicial decisions relating to business licenses that should be addressed
- Adverse implications of previously proposed state-mandated legislation resulting from lack of standardization among business license operations statewide

Timing: In order for these proposed revisions to take effect on January 1, at the start of the upcoming business license renewal season, these ordinance amendments would need to be approved by December 31.

Legal will be present at the Committee meeting to answer any questions or to provide guidance if requested.

Fiscal Impact

There is no financial impact to the business license ordinance amendments currently being proposed.

Past Legislative Actions

At the 2018 County Council retreat, Council requested that staff review the business license ordinance and consider any amendments that may better meet the County’s needs.

Alternatives

1. Approve the proposed ordinance amendments to go to Council for first reading.
2. Approve the proposed ordinance amendments to go to Council for first reading and recommend a work session to review and discuss further.
3. Do not approve the proposed ordinance amendments for consideration by Council.

Staff Recommendation

Staff recommends the business license ordinance amendments as proposed be approved to go to County Council for first reading and schedule a work session to review.



Submitted by: Tracy Hegler, Community Planning & Development Director

Date: November 13, 2018

Attachments: See also the “Business License Ordinance Overhaul Review”



Business License Ordinance Overhaul Review

Table of Contents

Purpose for Business License Ordinance Rewrite.....	3
Preparation for Overhaul.....	3
Descriptions of Revisions to the Business License Ordinance	4
Section 16-1: License Required.....	4
Section 16-2: Definitions	4
Section 16-3: Purpose and Duration	4
Section 16-4: License Fee.....	4
Section 16-5: Classification and Rates.....	4
Section 16-6: Registration Required.....	5
Section 16-7: Deductions, Exemptions, Charitable Organizations, and Determination of Classification	5
Section 16-8: False Application Unlawful.....	6
Section 16-9: Display and Transfer	6
Section 16-10: Administration, Enforcement	6
Section 16-11: Inspection and Audits.....	6
Section 16-12: Assessments.....	6
Section 16-13: Delinquent License Fees, Partial Payments.....	6
Section 16-14: Notices	7
Section 16-15: Denial of License.....	7
Section 16-16: Drinking Places.....	7
Section 16-17: Sexually Oriented Businesses.....	8
Section 16-18: Revocation of License	9
Section 16-19: Appeals.....	9
Section 16-20: Consent, Franchise or Business License Fee Required	9
Section 16-21: Confidentiality.....	10
Section 16-22: Criminal and Civil Penalties, Injunctive Relief.....	10
New Section: Severability.....	10
Fee Schedule	10

Class Schedule10

Business License Ordinance Amendments11

 Section 16-1: License Required11

 Section 16-2: Definitions12

 Section 16-3: Purpose and Duration14

 Section 16-4: License Fee14

 Section 16-5: Classification and Rates.....15

 Section 16-6: Registration Required.....16

 Section 16-7: Deductions, Exemptions, Charitable Organizations, and Determination of
 Classification18

 Section 16-8: False Application Unlawful.....20

 Section 16-9: Display and Transfer20

 Section 16-10: Administration, Enforcement21

 Section 16-11: Inspection and Audits.....21

 Section 16-12: Assessments.....22

 Section 16-13: Delinquent License Fees, Partial Payment.22

 Section 16-14: Notices.....23

 Section 16-16: Drinking Places.....23

 Section 16-17: Sexually Oriented Businesses.....25

 Section 16-15: Denial of License.....28

 Section 16-18: Revocation of License30

 Section 16-19: Appeals.....31

 Section 16-20: Consent, Franchise, or Business License Fee Tax Required.....33

 Section 16-21: Confidentiality.....34

 Section 16-22: Criminal and Civil Penalties, Injunctive Relief.....34

 Section 16-23: Severability.....35

Appendix A: Rate Schedule37

Appendix B: Class Schedule47

Purpose for Business License Ordinance Rewrite

1. To standardize the ordinance to more closely mirror the recently updated Model Business License Ordinance recommended by the Business Licensing Officials Association for adoption by business license operations around the state – to help make business licensing easier for businesses around the state
2. To update the ordinance based on experiences encountered over the last eleven years
3. To update the ordinance to reflect a better understanding of developing business trends – and proactively equip the County to meet those needs (i.e., virtual offices, food delivery services, etc.)
4. To clarify existing ordinance language where needed or appropriate
5. To enhance the County’s ability to protect and improve the quality of life for its citizens from businesses operating unlawfully.
6. To enhance the quality of services provided to the business community

Preparation for Overhaul

Reference Sources

- 2018 Municipal Association of SC’s Model Business License Ordinance
- MASC – 2017 BL Legislation Submitted to the State General Assembly
- Other business license ordinances around the state

Intended Reviewers:

- BSC Staff
- Major Harry Polis, Richland County Sheriff’s Dept.
- Municipal Association of SC: BLOA Staff Liaison
- CP & D Director Tracy Hegler
- County Attorney’s Office
- Danny Crowe, Business License attorney

Descriptions of Revisions to the Business License Ordinance

In all sections, the phrase “business license fee” has been changed to “business license tax” to reflect more accurately the nature of the business license. The Municipal Association of SC’s recently updated Model Business License Ordinance includes this change.

Section 16-1: License Required

1. Identify approved business activity on the business license
2. Specify violation of “unlicensed activity”

Section 16-2: Definitions

3. Standardize some definitions
4. Remove unnecessary definitions
5. Revise the definition of a Drinking Place to refer to NAICS codes and the Land Development Code, and not use financial data, which requires an audit
6. Remove language from within definition of “business” regarding charitable organizations and give it its own paragraph within section 16-7, Deductions, Exemptions, etc.
7. Add a definition for NAICS, so this acronym can be used throughout the ordinance

Section 16-3: Purpose and Duration

8. Standardize the license year to begin on May 1 and expire on April 30, to be effective in 2020

Section 16-4: License Fee

9. Change the business license tax due date to April 30, to be effective in 2020. This will make it much easier for businesses to accurately report their exact income from the prior year.
10. Refunds of business license taxes shall not be issued to businesses which are discontinued or sold

Section 16-5: Classification and Rates

11. Standardize the sections and language to more closely mirror the Business Licensing Officials Association’s Model Business License Ordinance
12. Add language requiring the updating of the Business License Class Schedule every fifth year

13. Make rates effective by the following fiscal year rather than calendar year
14. Add reference to the Class Schedule as Appendix B of this ordinance, based on NAICS codes, including any modified NAICS codes
15. Add reference to the Rate Schedule as Appendix A of this ordinance
16. Add language requiring that, in years that the Class Schedule is updated, business license tax rates shall be adjusted either up or down so that roughly the same amount of business license revenue is generated by the County
17. Delete the now-unnecessary requirement relating to licenses obtained for years prior to 2008 in which the pre-NAICS code classification system was used
18. Delete language relating to increasing rates by the Consumer Price Index, as this is now done by Council discretion during the budget process
19. Move the subparagraph requiring taxi or shuttle decals to the Business License Rate Schedule
20. Move the subparagraph requiring contractor decals to the Business License Rate Schedule

Section 16-6: Registration Required

21. Clarify language as deemed appropriate
22. Authorize documentation of required information as deemed appropriate
23. Authorize requirement of other financial documents reflecting gross income as deemed appropriate
24. Add language (from Section 16-13, re: penalties) to this more appropriate section relating to when a business license may not be issued, even if payment in full is made. (This language also removes the language regarding accrual of penalties even if payment in full is made, as penalties cannot accrue if payment is made in full.)
25. Delete unnecessary language relating to insurance companies
26. Add language relating to fireworks businesses to comply with Hazardous Materials requirements specified in Code Section 13

Section 16-7: Deductions, Exemptions, Charitable Organizations, and Determination of Classification

27. Standardize the sections and language to more closely mirror the Business Licensing Officials Association's Model Business License Ordinance
28. Remove unnecessary language specifying exemptions which are already specified in state and federal law
29. Move one subparagraph within the same section and combine two other subparagraphs

30. Standardize language regarding charitable organizations
31. Move the subparagraph regarding Determination of Classification to the more appropriate Section 16-5, Classification and Rates

Section 16-8: False Application Unlawful

No change recommended

Section 16-9: Display and Transfer

No change recommended

Section 16-10: Administration, Enforcement

32. Clarify administrative language
33. Remove specific names of departments/divisions and reference offices responsible for different types of codes
34. Clarify powers authorized to other County offices

Section 16-11: Inspection and Audits

35. Remove the third paragraph, as it is unnecessary with the addition of standardizing language to this effect in Section 16-21, Confidentiality

Section 16-12: Assessments

36. Standardize the language to the revised Model Ordinance regarding appeals of assessments
37. Revise delivery methods of assessments to include personal service and electronic methods which document delivery to recipient(s)

Section 16-13: Delinquent License Fees, Partial Payments

38. Revise section heading to include penalties
39. Add standardized language about penalties (moved from Section 16-22)
40. Move the section regarding conditions for which a business license shall not be issued to the more appropriate Section 16-6, Registration Required

Section 16-14: Notices

41. Change the words “business license fee” to “business license tax”

Section 16-15: Denial of License

42. Standardize the denial reasons to more closely mirror the Business Licensing Officials Association’s Model Business License Ordinance
43. Move this section to the more appropriate later location just prior to Section 16-18, Revocation
44. Consolidate some reasons to appeal into one bullet instead of two and clarify
45. Remove writing a bad check as a reason for a denial
46. Expand the condition for denying a license from the applicant to the Licensee, prior Licensee, or the person in control of the business if they have violated certain crimes already specified in this section
47. Add as a reason for a denial if the applicant to the Licensee, prior Licensee, or the person in control of the business was convicted of any crime relative to operating a sexually oriented business in Richland County or any other jurisdiction
48. Specify that all denials are effective immediately and the activity of a business must cease after a denial until an appeal is filed
49. Add as a reason for denial if a business license was denied, suspended, or revoked during the previous business license year
50. Add as a reason for denial if a business is delinquent with any County tax or fee and is not on a payment plan in good standing for that tax or fee

Section 16-16: Drinking Places

51. Expand the information and/or documentation that may be required of officers, principals, or financial backers with their application
52. Clarify reasons for denial of a business license
53. Increase the length of time for which an alcohol or liquor license was suspended, revoked, or not renewed as a reason to deny a license from two years to three years to be consistent with the same three year period of time that a business license being denied or revoked is an allowable reason for denying a business license
54. Add as an additional reason for denial the same reason for denial as specified in the sexually oriented business section, i.e., a conviction, within the last five years, of a crime associated with operating a drinking place or a sexually oriented business by State or County Codes

55. Hold businesses responsible for the full compliance of all their independent contractors, with each business required to provide this office a biannual list of the names, addresses, and contact information for each of their contractors
56. Provide notification that business licenses issued to independent contractors for dancing or entertaining does not authorize the contractor to violate the County's Code of Ordinances.
57. Hold all property owners or backers responsible for the legal or illegal activity of any business or activity occurring on any property owned by them, with their knowledge or consent
58. Hold businesses responsible for any illegal activities of their independent contractors, if those activities occurred with their knowledge or consent

Section 16-17: Sexually Oriented Businesses

59. Expand the information and/or documentation that may be required of officers, principals, or financial backers with their application
60. Remove both sections stipulating thirty (30) day requirement to review applications.
61. Remove language authorizing pre-existing sexually oriented businesses to continue to operate during the review process.
62. Add as an additional reason to deny a business license to be the same as a Drinking Place – if an alcohol or liquor license has been suspended, revoked, or not renewed within the last three years
63. Add as an additional reason to deny a business license to be the same as a Drinking Place – if a business license has been denied or revoked within the last three years
64. Add as an additional reason to deny a business license to be the same as a Drinking Place – if within the last five years the applicant or owner/principal has been convicted of a crime associated with a Drinking Place or Sexually Oriented Business according to the County Code of Ordinances
65. Remove the requirement for businesses to complete a statement of their qualifications to operate
66. Hold businesses responsible for the full compliance of all their independent contractors, with each business required to provide this office a biannual list of the names, addresses, and contact information for each of their contractors
67. Provide notification that business licenses to independent contractors for dancing or entertaining does not authorize the contractor to violate the County's Code of Ordinances.
68. Hold all property owners or backers responsible for the legal or illegal activity of any business or activity occurring on any property owned by them, with their knowledge or consent
69. Hold businesses responsible for any illegal activities of their independent contractors, whether or not those activities occurred with their knowledge or consent

Section 16-18: Revocation of License

70. Standardize the suspension/revocation process to more closely mirror the Business Licensing Officials Association's Model Business License Ordinance
71. Add reasons to revoke to mirror the reasons authorized to deny a business license
72. Remove writing a bad check as a reason to revoke
73. Add as a reason to revoke if a business is delinquent with any County tax or fee and is not on a payment plan in good standing for that tax or fee

Section 16-19: Appeals

74. Standardize the Appeals process to more closely mirror the Business Licensing Officials Association's Model Business License Ordinance
75. Reformat authorized reasons for appeal into paragraph form rather than list form
76. Clarify and standardize the length of time a business has to make an appeal and the conditions for an appeal
77. Add a suspension as an allowable appeal
78. Authorize the County Administrator or his/her designee to reject an appeal for failure to comply with the requirements to file an appeal
79. Remove the administrative fee for appeals
80. Extend the amount of time to hold a hearing from thirty calendar days to thirty business days
81. Allow the Business Service Center Director to waive penalties (not to exceed six months) with the provision of documentation relating to the existence of an authorized reason for waiver of penalties. (Any imposition of penalties may be appealed.)
82. Remove the waiver of penalties for timely submission to other taxing entities. This was initially included as a result of the 2006 transfer of business license operations from the City of Columbia to Richland County
83. Remove a duplicate paragraph relating to a waiver of penalties due to an error by the License Official
84. Remove language specifying an appeal of Board decisions in order to remove the ability of a business to operate during any post-Board appeal process.

Section 16-20: Consent, Franchise or Business License Fee Required

85. Replace language with language included in the Business Licensing Officials Association's Model Business License Ordinance. There is no appreciable change in meaning.

Section 16-21: Confidentiality

- 86. Minor language changes to more closely mirror the Business Licensing Officials Association’s Model Business License Ordinance.
- 87. Add language to allow (State-authorized) sharing of business license information with other public officials and employees, to more closely mirror the Business Licensing Officials Association’s Model Business License Ordinance. This language will replace other language requiring the County Administrator’s approval to share such information.

Section 16-22: Criminal and Civil Penalties, Injunctive Relief

- 88. Move language on civil penalties to Sec. 16-13. Delinquent License Fees, Penalties, and Partial Payment to more closely mirror the Business Licensing Officials Association’s Model Business License Ordinance.

New Section: Severability

- 89. Add new Section relating to severability, to more closely mirror the Business Licensing Officials Association’s Model Business License Ordinance.

Fee Schedule

- 90. Rename Fee Schedule to Rate Schedule.
- 91. Move the taxi, shuttle, or limo decals requirement from Section 16-5 to the Rate Schedule.
- 92. Clarify taxi or shuttle decal requirement to include *all* vehicles, motorized or non-motorized, whose primary purpose is to move people from one place to another, in the same manner as taxis and shuttles.
- 93. Reformat Rate Class 8 businesses into a table format.

Class Schedule

No change recommended

Business License Ordinance Amendments

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-17HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE I, IN GENERAL; SO AS TO STANDARDIZE THIS CHAPTER MORE CLOSELY WITH THE MUNICIPAL ASSOCIATION OF SC'S MODEL BUSINESS LICENSE ORDINANCE AND TO REFLECT ENHANCED ENFORCEMENT PRIORITIES TO PURSUE ENHANCED QUALITY OF LIFE FOR THE RICHLAND COUNTY COMMUNITY.

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 16-1: License Required

SECTION I. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-1, License Required, is hereby amended to read as follows:

Sec. 16-1. License Required and Unlicensed Activity.

(1) Every person engaged or intending to engage in any calling, business, occupation or profession, whether or not it is listed in the rate classification index portion of the Business License Fee Rate Schedule, in whole or in part, within the unincorporated areas of the county is required to submit a completed application for a business license accompanied by the appropriate fees taxes for the privilege of doing business in the county and to obtain a business license as herein provided, except those as noted in Section 16-7.

(2) On the face of every business license shall be listed the type of business activity (using the applicable NAICS Code descriptions whenever possible) permitted at, within or on a business' premises.

(3) Any person who engages in any calling, business, occupation or profession, in whole or in part, within the unincorporated areas of the county without a business license for an activity being conducted at, within or on the business' premises at any time regardless of frequency shall be guilty of the misdemeanor offense of operating without a license (also known as "unlicensed activity"). Licensing for one type of business activity does not automatically mean that all activity at, within or on a business establishment or location is licensed or authorized. Each day of operation without a business license for each activity shall be considered a separate offense.

Section 16-2: Definitions

SECTION II. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-2, Definitions: subparagraphs (5), (10), and (11) are hereby deleted with all subsequent paragraphs to be renumbered, a new subparagraph (13) for NAICS is hereby added with all subsequent paragraphs to be renumbered, and subparagraphs (1), (2), (3), (8), (9), and (12), are hereby amended to read as follows:

(1) *Business* means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. ~~A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.~~

(2) *Charitable organization* means a person: ~~(a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section (501)(c) of the Internal Revenue Code~~ from federal income taxes under 26 U.S.C. Section 501 (c) (3), (4), (6), (7), (8), (10), or (19).

~~(b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety; or~~

~~(c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.~~

(3) *Charitable purpose* means a ~~purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or eleemosynary purpose objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization which does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.~~

(5) *Construction Manager* means any self-employed individual, firm, partnership, corporation, or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof. Notwithstanding payment by fixed price, commission, fee, or wage, said *construction manager* shall be classified in the category of *construction contractors* for purposes of this article and shall pay a license fee based upon the total cost of the undertaking supervised or coordinated, except as otherwise exempted.

(8) *Drinking Place* means any business which obtains the majority, not necessarily at least 50.1%, of its gross income from the sale or provision of alcohol for onsite consumption meets the description ascribed to it by the most recent version of NAICS codes and which meets the description ascribed to it in the County's Land Development Code, Chapter 26 of the Code of Ordinances.

(9) *Gross income* means the gross receipts or gross revenues of a business, total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county County, or from business conducted within the County, from the performance of services and from the sale, lease or rental of goods or other property in the ordinary course of business, including the value of any bartered goods or trade-in merchandise and with no reduction for the cost of goods sold or other business expenses and with no deductions, excepting therefrom business income earned outside of the County done wholly outside of the county on which a license fee tax is paid to some other county or a municipality and fully reported to Richland County.

Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for business license fee tax purposes shall not include taxes collected for and remitted to a governmental entity (~~such as sales taxes~~), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The *gross income receipts or gross revenues* for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies.

(10) ~~Gross receipts means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.~~

(11) ~~Insurance company refers to a business which meets the definition established in South Carolina Code of Laws, § 38-1-20, Definitions: an insurer defined as “any corporation, ... or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance [defined as a “contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies”] or surety business, including the exchanging of reciprocal or inter insurance contracts between individuals, partnerships, and corporations”, and does not meet the criteria for a health maintenance organization as covered by South Carolina Code of Laws, § 38-33-104(D).~~

(12) License official means a county employee person who is designated to administer this article; and/or his/her designee(s).

(13) “NAICS” is an acronym referring to the North American Industrial Classification System, started in 1997 and which is used by business and government to classify business establishments according to type of economic activity (process of production) in Canada, Mexico, and the United States of America. (NAICS codes may be modified to better meet the County’s classification needs.)

Section 16-3: Purpose and Duration

SECTION III. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-3, Purpose and Duration, is hereby amended to read as follows:

Sec. 16-3. Purpose and Duration.

(1) ~~The requirement of a business license required by this article~~ is for the purpose of assuring that a business conducted within unincorporated Richland County complies with all applicable State and County regulations and requirements in order to protect the health, safety and welfare of the citizens of the County. Additionally, the requirement of a business license ~~fee~~ tax levied by this article serves to establish an excise tax for the privilege of doing business within unincorporated Richland County.

(2) Each license that is issued shall be valid for one ~~calendar~~ year, beginning on ~~January 1~~ May 1 and expiring on ~~December 31~~ April 30, starting in the year 2020. This time period shall be considered a license year. The provisions of this article and the rates referenced by this article shall remain in effect from year to year as amended by the County Council.

Section 16-4: License Fee

SECTION IV. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-4, License Fee, is hereby amended to read as follows:

Section 16-4. License ~~Fee~~ Tax

(1) The required license ~~fee~~ tax shall be paid for each business subject to this article according to the applicable rate classification on or before ~~March 15 of each year~~ the due date of April 30 in each year, starting in the year 2020.

(2) A separate license shall be required for each place of business and for each classification of business conducted at one place. If gross income cannot be separated for classifications at one location, the license ~~fee~~ tax shall be computed on the combined gross income for the classification requiring the highest rate.

(3) A license ~~fee~~ tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a ~~twelve~~ 12-month projected income based on the monthly average for a business in operation for less than one year. The ~~fee~~ tax for a new business shall be computed on the estimated ~~or~~ probable gross income stated in the license application for the balance of the ~~calendar~~ license year, or if the estimated ~~or~~ probable gross income is unknown, shall be computed on the average actual first-year income of all similar businesses, identified by NAICS codes, and updated prior to renewing ~~for~~ the following year. No refund of business license tax shall

be made for a business which no longer needs a County license due to discontinuation or sale of the business.

(4) Unless otherwise specifically provided, all ~~minimum fees~~ taxes and rates shall be multiplied by 200 percent (200%) for nonresidents of Richland County and for itinerants having no fixed principal place of business within the county.

Section 16-5: Classification and Rates

SECTION V. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-5, Classification and Rates, is hereby amended to read as follows:

Sec. 16-5. Classification and Rates.

(1) The Class Structure Model by NAICS code, except as amended by the License Official in order to better meet the business classification needs of the County, is designated as Appendix B to this ordinance. The County Council shall adopt by ordinance the latest Standardized Business License Class Schedule, as provided by the Municipal Association of South Carolina using the latest NAICS codes, by December thirty-first (31st) of every fifth year, starting in the year 2020, to be effective on and after July 1 of the following year. Current copies shall be kept in the office responsible for business licenses. Appendix B is a tool for classification and not a limitation on businesses subject to a license tax.

(2) ~~The sectors of businesses included in each Rate Class are listed with the United States North American Industry Classification System (NAICS) codes. The alphabetical index in the Business License Fee Schedule is a tool for classification, not a limitation on businesses subject to a license fee.~~ The License Official shall determine the proper classification for a each business according to the most recent applicable NAICS codes manual or website or with modified NAICS codes as appropriate, whether or not the business is listed in the alphabetical index or on the NAICS website.

(~~3~~) The license tax for each class of businesses subject to this article shall be computed in accordance with the Business License Rate Schedule, designated as Appendix A to this ordinance. The County Council ~~shall~~may, by ordinance and in conjunction with the passage of the yearly budget ordinance, ~~establish and approve~~ amend a ~~the~~ Business License Fee Rate Schedule ~~providing a business license rate for each Class of businesses subject to this article. If the County Council fails to ~~fix~~ set such rates for a particular ~~calendar~~ year, the rates previously adopted by the County Council shall continue to govern until new rates are ~~fixed~~ set. County Council, ~~at its discretion~~, may also amend, at any time, by ordinance, the Business License Fee Rate Schedule, to establish new rates, to be effective and payable for the following ~~calendar~~ fiscal year. Current copies shall be kept in the office responsible for business licenses.~~

~~(3) Any business license covering a year prior to 2008 but obtained on or after January 1, 2008 will be calculated based on the rate structure established in the Business License Fee Schedule and with the rates in the Business License Fee Schedule in effect at the time the business license is obtained.~~

~~(3) In the years with Class Schedule updates, the County shall amend its Business License Rate Schedule for the following July 1 using the gross income reported by businesses for the most recently completed calendar or fiscal year period so that the aggregate business license tax calculated for the next calendar or fiscal year does not exceed the aggregate business license tax collected from businesses during the most recent calendar or fiscal year period (unless gross income reported in the next license year increase).~~

~~(4) (a) One decal shall be required for each vehicle used by contractor companies for going to and from job sites to identify their business as being properly licensed. Decals shall cost no more and no less than the cost to produce the decal, rounded up to the nearest quarter value.~~

~~(b) Taxis, limos, and shuttles shall post one taxi or shuttle decal on each vehicle. Vehicles registered in Richland County shall be charged \$115.84 per decal; vehicles not registered in Richland County shall be charged \$173.76 per decal.~~

~~(5) (a) All rates, including the cost of decals and stickers, shall be automatically adjusted every three years by July 1, to be effective the following January 1, to account for changes in the Consumer Price Index (CPI). The adjustment shall be made in the following manner: the CPI, using the CPI calculation used by the County in other contexts, for the previous three years shall be determined and averaged together. The rates described in the Business License Fee Schedule shall be increased by the sum of the three-year average CPI for each of the last three years. (Rates shall be rounded up to the nearest nickel value; fees for decals and stickers shall be rounded up to the nearest quarter value.)~~

~~(b) If County Council increases the rates independent of the automatic CPI increases, the next CPI increase shall not be calculated until the third year, by July 1, following the County Council increase.~~

Section 16-6: Registration Required

SECTION VI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-6, Registration Required, is hereby amended to read as follows:

Sec. 16-6. Registration Required.

(1) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within any unincorporated area of the county.

(2) Application shall be on a form provided by the License Official which shall contain the social security number and/or the federal employer's identification number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, the business name as it appears to the public at the physical location, and all information about the applicant, ~~the Licensee~~ and the business deemed appropriate to carry out the purpose of this article by the License Official. The License Official may require applicants or licensees to provide documentation of required information to carry out the purposes of this article. Applicants may be required to submit copies of portions of state and federal income tax returns ~~reflecting gross income figures, or other financial documents reflecting gross receipts and gross revenue figures as deemed appropriate by the License Official.~~

(3) The applicant shall certify that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, that all funds due to the ~~e~~County have been paid, and that all other licenses and permits required by the ~~e~~County or ~~state~~ the State of South Carolina to do business in the county have been obtained.

(4) No business license shall be issued, ~~even if a payment in full for such license is made,~~ until (a) the applicant has obtained all other necessary licenses and/or permits required by the County or the State of South Carolina to do business in the County, (b) ~~and~~ paid in full any associated necessary license and permit fees and taxes or business-related fees and taxes, including any late fees, ~~taxes, or penalties;~~ and/or (c) satisfied any other necessary requirements to obtain a business license.

(5) As a prerequisite to submittal of a business license application, the premises and real property to be used ~~as for or by~~ a business must be in compliance with all applicable state and local health, fire, zoning and building codes or regulations. As part of the Business License application, the applicant must submit to the License Official documentation that shows that the premises is currently in compliance with the Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other applicable regulatory Codes as adopted by the County Council.

~~(6) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.~~

(7) Fireworks sales: Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws ~~for~~ (1976). Prior approval of the Richland County Sheriff's Department is required as governed by regulations of the State Fire Marshal pursuant to the 1976 Code, Chapter 9 of Title 23, and Chapter 43 of Title 39, governing the transportation and use of pyrotechnics. All businesses manufacturing, storing, distributing, vending or in any way possessing fireworks at any time are required to comply with the Code of Ordinances Section 13. This includes completing a Hazardous Materials Plan and obtaining a Hazardous Materials Registration.

(8) Miscellaneous sales (antique malls, flea markets or leased space sales): Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the lessor of the spaces to advise the business license office of persons leasing space.

Section 16-7: Deductions, Exemptions, Charitable Organizations, and Determination of Classification

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification, is hereby amended to read as follows:

Sec. 16-7. Deductions, Exemptions, Temporary Permits and Charitable Organizations, and Determination of Classification.

(1) No deductions from gross income shall be made except as follows:

(a) ~~Income from business done wholly earned~~ outside of the County jurisdiction on which a license fee tax is paid by the business to another county or to any municipality and fully reported to the County, taxes collected for a governmental entity, or income which cannot be taxed included for computation of the tax pursuant to state State or federal Federal law. The applicant shall have the burden to establish the right to ~~deduction~~ deduct or exempt income by providing satisfactory records and proof by including submitted simultaneously with the business license application, either new or renewing, with a separate itemized list showing all types and amounts of deductions claimed, or no deductions or exemptions will be allowed. ~~Deductions will be approved as authorized by this section.~~

(b) Businesses whose business activity(ies) are described by the North American Industry Classification System (NAICS) with codes beginning with 4411 or 4412, which includes the following:

1. New and Used Automobile Dealers (441110 and 441120);
2. Recreational Vehicle Dealers (441210);
3. Motorcycle, ATV, and Personal Watercraft Dealers (441221);
4. Boat Dealers (441222); and
5. All Other Motor Vehicle Dealers (441229).

These businesses shall be authorized to deduct the amounts paid to customers in exchange for motor vehicle trade-ins as part of sales transactions.

(e b) Income from sales generated by interstate commerce, i.e. sales of goods or products across state lines. Provided, however, such deducted income shall be included in the business' reported gross income.

(2) Exemptions.

(a) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the County, unless exempted by state State or federal Federal law. No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of the application of this article.

~~—(b) The following businesses, occupations or professions are exempt from the requirements of this article:~~

~~—1. Teachers;~~

~~—2. Ministers, pastors, preachers, rabbis and other leaders of commonly recognized religious faiths;~~

~~—3. Telephone, telegraph, gas and electric and other utilities or providers regulated by the South Carolina Public Service Commission;~~

~~—4. Insurance companies; and~~

~~—5. An entity which is exempt from license tax under any state law other than South Carolina Code of Laws, § 4-9-30(12), or a subsidiary or affiliate of any such exempt entity.~~

~~(c) No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~

(3) In lieu of the license required by Section 16-1, a participant in a single annual event of not more than ten consecutive calendar days in length may be issued a permit at the rate of \$10.00 on gross income on the first \$2,000.00 and \$1.20 on each additional \$1,000.00 of gross income or fraction thereof, or as modified and approved as part of the Council's annual budget process. This permit will be valid only for the time period specified thereon and can be obtained for no more than one event annually. Organizers of such events may pay for and obtain a business license on behalf ~~on~~ of all its vendors at a rate of \$10.00 per vendor or on the previous year's income generated by the event based upon the rate above, whichever is greater.

Inspections prior to the issuance of a permit may be waived. Inspections may be conducted during the event. For purposes of this subsection, an event is defined as participation by a group of exhibitors or others where displays are established in individual booths or stalls for the purpose of presenting to the audience goods, wares, merchandise or services offered for sale, rent or promotional purposes or for the general good will of the exhibitors. An event may be a trade show, an antique show, a craft show, or any other type of show fitting this definition.

(45) Notwithstanding any provision to the contrary, businesses and individuals defined as *contractor* herein shall be exempt from the provisions of this article in the following manner:

The business license fee tax shall be reduced by excluding that portion of the business' gross income generated from work done for which a Richland County building permit was obtained and a building permit fee paid (by either the general contractor or subcontractor responsible for that work), pursuant to the provisions of Section 6-51 of the Richland County Code of Ordinances.

If all income of a contractor is generated from work done for which a building permit fee is paid (by either the general contractor or subcontractor responsible for that work), said contractor shall be

exempt from paying any business license fee tax. Such an exempt contractor shall still submit a business license application by the deadline with documentation attached establishing such contractor's right to an exemption.

Income generated from work done for which a Richland County building permit is not required, such as general repairs or maintenance, shall be subject to a business license fee tax on that income.

~~(5) Charitable organizations which have exemptions from state and federal income taxes and/or are 501(c)(3) organizations according to the IRS Tax Code and where all proceeds are devoted to charitable purposes are exempt from a business license fee. Documentation of the claim to this exemption must be provided. A Charitable Organization, as defined by this article, shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for federal income tax purposes to the Internal Revenue Service, shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.~~

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

(6) The provisions of this article shall not extend to persons who grow their own agricultural produce or products, and use the Columbia State Farmers' Market, or other farmers' markets officially recognized by the County, to sell their produce directly to consumers.

~~(7) The License Official shall determine the appropriate classification for each business.~~

Section 16-8: False Application Unlawful

No change recommended.

Section 16-9: Display and Transfer

No change recommended.

Section 16-10: Administration, Enforcement

SECTION VIII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-10, Administration, Enforcement is hereby amended to read as follows:

Sec. 16-10. Administration, and Enforcement.

(1) The License Official shall administer the provisions of this article, collect license ~~fees~~ taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the appropriate department, ~~and~~ assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this article; and perform such other duties as may be duly assigned by the County Administrator.

(2) ~~The Planning and Development Services Department, Building Codes and Inspections Department, Fire Marshal's Office, The County offices responsible for zoning codes, building codes, and fire and hazardous materials codes, and the Sheriff's Department,~~ in addition to the License Official, are hereby empowered to make or initiate investigations to ensure compliance with the provisions of this article, to issue uniform ordinance summonses pursuant to S.C. Code Ann. Section 56-7-80, to issue citations by any other means authorized by law and to initiate prosecution of violations of this article.

Section 16-11: Inspection and Audits.

SECTION IX. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-11, Inspections and Audits, is hereby amended to read as follows:

Sec. 16-11. Inspections and Audits.

(1) For the purpose of enforcing the provisions of this article, the License Official or other authorized agent of the ~~county~~ County is empowered to enter upon the premises of any person subject to this article to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license ~~fee~~ tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license ~~fee~~ tax shall constitute a separate offense.

(2) The License Official shall ~~make systematic and random~~ have the authority to conduct inspections and audits of all businesses within the county to ensure compliance with this article. Records of Financial information obtained by inspections and audits shall not be deemed public

records, and the License Official shall not release the amount of license fees taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this article, State or Federal law, or proper judicial order. ~~Provided that s~~Statistics compiled by classifications ~~may be made public~~ are public records.

~~(3) The License Official, upon approval of the County Administrator, may disclose gross income of licensees to the Internal Revenue Service, State Departments of Revenue, Richland County Auditor, Richland County Business Service Center Appeals Board, and other State, County, and municipal business license offices for the purpose of assisting tax assessments, tax collections, and enforcement. Such disclosures shall be for internal, confidential, and official use of these governmental agencies and shall not be deemed public records.~~

Section 16-12: Assessments.

SECTION X. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-12, Assessments, is hereby amended to read as follows:

Sec. 16-12. Assessments.

(1) ~~When~~ If a person fails to obtain a business license or to furnish the information required by this article or by the License Official, the License Official shall ~~proceed to~~ examine such records of the business or any other available records as may be appropriate and ~~to~~ conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license ~~fee~~ tax and penalties as provided herein.

(2) A notice of assessment shall be served by ~~certified mail, personal service, or electronic methods with documentation of delivery.~~ An application for adjustment of the assessment may be made to the License Official within five (5) business days after the notice is mailed or personally served or transmitted electronically or the assessment will become final. The License Official shall ~~establish by regulation the procedure~~ a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

(3) A final assessment may be appealed to the Business Service Center Appeals Board only by payment in full of the assessment under protest within five (5) business days of the assessment becoming final and the filing of written notice of appeal within ten (10) business days after payment as described in pursuant to the provisions of this article relating to appeals.

Section 16-13: Delinquent License Fees, Partial Payment.

SECTION XI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-13, Delinquent License Fees, Partial Payment, is hereby amended to read as follows:

Sec. 16-13. Delinquent License Fees Taxes, Penalties, and Partial Payment.

(1) A license fee tax shall be considered delinquent if all or any part of such fee tax has not been paid on or before ~~March 15~~ the due date of each calendar license year. ~~Businesses providing business license payments by the deadline but which have: a) indebtedness to the County, or b) have not yet obtained other necessary permits or licenses, or c) have not met other requirements necessary to obtain a business license, as specified in Section 16-6, shall accrue penalties not be issued a business license until the indebtedness is cleared, the permits or licenses obtained, or met the other requirements necessary to obtain a business license, at which time the business license application processing may continue.~~

(2) For non-payment of all or any part of the correct tax, the License Official shall levy and collect a late penalty of five percent (5%) of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived except as specified in the section of this article relating to waiver of penalties.

(~~2~~3) Partial payment may be accepted by the License Official to toll imposition of penalties as ~~authorized in Section 16-22~~ on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the ~~balance~~ tax due, with penalties, has been paid.

Section 16-14: Notices.

SECTION XII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-14, Notices, is hereby amended to read as follows:

Sec. 16-14. Notices.

The License Official may, but shall not be required to, mail written notices that license fees taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the county three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the fee tax due or grounds for waiver of penalties.

Section 16-16: Drinking Places

SECTION XIII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-16, Drinking Places, is hereby moved to Section 16-15 (and renumbering all subsequent sections) and amended to read as follows:

Sec. 16-~~16~~15. Drinking Places.

(1) No business license to operate a ~~d~~Drinking ~~p~~Place shall be issued to, or in the name of, a corporation, association, or trade name as such. Any license application for by a person, corporation, ~~or association, or trade name~~ shall be made by the officers for its use, ~~and s~~Such officers shall identify in the application their full names, titles, and home addresses; the full names and home addresses of all backers of the business and the percentage of each backer's financial or other support; the name by which the business will be operated and the name by which the business will be seen by the public.

In addition, such officers in making an application shall be held to assume all responsibility ~~there~~ under thereunder as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances. All officers and backers, by their application, agree to provide all such documentation as required by the License Official to ensure that all provisions and requirements have been satisfied.

(2) In addition to the reasons for denial of a license set forth in ~~Section 16-5 of this article,~~ the section of this article relating to denials, the License Official shall deny a business license to an applicant for a Drinking Place if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:

- (a) ~~is a minor~~ under the age of eighteen (18) years; or
- (b) has had ~~an~~ any type of alcohol or liquor license issued in the name of or to the applicant, or other officer, or backer pursuant to South Carolina Code of Laws, §616-10 et. seq. suspended, revoked, or not renewed within a ~~two-year~~ three-year period immediately preceding the filing of the application; or
- (c) has had a business license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application; ~~or~~ or
- (d) within five years from the date of application, the applicant has been convicted of or pled guilty or nolo contendere to any crime(s) or offense(s) relative to the operation of a Drinking Place or Sexually Oriented Business as provided for in the Richland County Code of Ordinances or the State Code of Laws or the same crime or offense in another jurisdiction.

(3) Owners/Principals of Drinking Place businesses are responsible and will be held liable for ensuring that all their independent contractors, regardless of activity, are properly licensed, according to their activity, with the County. Owners/principals shall provide to the County, on a County-provided form, a biannual list of all of their current contractors' names, mailing addresses, and current contact information; and maintaining a photo ID for each contractor on file. Failure to do so is a violation of this article.

(4) Business licenses issued to independent contractors for dancing or entertaining shall at no time and in no circumstance authorize the license holder to engage in conduct which violates the County's Land Development Code or ordinances.

(6) All real estate property owners or principals or financial backers leasing, renting, or otherwise allowing the use of their property to businesses operating as Drinking Places or Sexually Oriented Businesses, in exchange for legal tender or anything of value shall be held liable for any unlawful activity occurring, with their knowledge or consent, on any property owned by them. Likewise, all business owners, principals, backers, or persons in control of these types of business at any time for any time duration shall be held liable for any unlawful activity occurring, with their knowledge or consent, in any establishment they own or control, however temporarily, by the business' independent contractors,

Section 16-17: Sexually Oriented Businesses

SECTION XIV. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-17, Sexually Oriented Businesses, is hereby amended to read as follows:

Sec. 16-1716. Sexually Oriented Businesses.

(1) The purpose of this section is to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of this ordinance article to restrict or deny access by adults to sexually oriented materials or expression protected by the First amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance article to condone or legitimize the distribution or exhibition of obscenity.

(2) Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, All U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B&M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); *U.S. v. Pendergrass*, Petition to Enter a Plea of Guilty and Plea Agreement on the Charge of Tax Evasion (3:06-00147, M.D. Term. 2007); and other cases; and on reports of secondary effects occurring in

and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of *Sexually Oriented Businesses: An Insider's View*, by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; *Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values*, by Duncan Associates, September 2004; and the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, (June 6, 1989, State of Minnesota), the Richland County Council finds:

(a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, and sexual assault and exploitation.

(b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

(3) ~~No license to operate a sexually oriented business shall be issued to, or in the name of, a corporation, association, or trade name as such. Any license application for by a person,~~ corporation, ~~or association, or trade name shall be made by the officers for its use, and s~~Such officers shall identify in the application their full names, titles, and home addresses; the full names and home addresses of all backers of the business and the percentage of each backer's financial or other support; and the name by which the business will be operated and the name by which the business will be seen by the public.

In addition, such officers in making an application shall be held to assume all responsibility ~~there under~~ thereunder as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances. All officers and backers, by their application, agree to provide all such documentation as requested to ensure that all provisions and requirements have been satisfied.

(4) Notwithstanding the pre-application process wherein an applicant must obtain documentation of compliance with all applicable state and local health, fire, zoning, and building codes or regulations pursuant to ~~section~~ Section 16-6(5) of this ~~ordinance article~~, upon application for a business license by an applicant identifying the business as a sexually oriented business, the License Official must

circulate a form on which compliance shall be certified by the officials administering the applicable zoning, fire, building and health regulations.

~~The applicable aforementioned officials shall determine compliance with their respective codes or regulations and inform the License Official of their determination within thirty days from the earliest date of receipt of the compliance form by any one of the aforementioned officials. If the License Official does not receive a particular determination of compliance from an official administering the aforementioned codes and regulations on or before this thirty day time period, that compliance determination not received by the License Official shall be deemed approved. All other compliance determinations received before the thirty-day time period expires shall be unaffected by any other compliance determination that fails to meet the thirty-day time period.~~

~~—(5) During the time in which an application for a pre-existing Sexually Oriented Business is pending, the applicant may continue its business activity and shall not be subject to citations for violations of any provision of this article, nor any enforcement proceedings pursuant to this article or Section 1-8 of this Code of Ordinances.~~

~~—(6) The License Official shall approve or deny an application for a license for a Sexually Oriented Business within thirty days (30) calendar days from the date of receipt of the application. If the License Official fails to either approve or deny the application within thirty calendar days, then the application shall be deemed approved and business activity may begin or continue immediately, notwithstanding the fact that no license has been issued.~~

(7~~5~~) In addition to the reasons for denial of a license set forth in ~~Section 16-15~~ the section of this article relating to denials, the License Official shall deny a business license to an applicant for a Sexually Oriented Business if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:

(a) is under the age of eighteen (18) years; or

(b) has had an any type of alcohol or liquor license issued in the name of or to the applicant, owner/principal, or financial backer pursuant to South Carolina Code of Laws, §616-10 et. seq. suspended, revoked, or not renewed within a three-year period immediately preceding the filing of the application; or

(c) has had a business license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application; or

(d) within five years of the date of application, has been convicted of or pled guilty or nolo contendere to any of the following crimes: South Carolina Code of Laws, § 16-15-90, § 16-15-100, § 16-15-305, § 16-15-325, § 16-15-335, § 16-15-342, § 16-15-345, § 16-15-355, § 16-15-365, § 16-15-385, § 16-15-387, § 16-15-395, § 16-15-405, § 16-15-410, § 16-15-415, or § 16-15-425, or of the same crime in any other jurisdiction; or

(e) within five years from the date of application, the applicant has been convicted of or pled guilty or nolo contendere to any crime(s) or offense(s) relative to the operation of a Drinking

Place or Sexually Oriented Business as provided for in the Richland County Code of Ordinances or the State Code of Laws or the same crime or offense in another jurisdiction.

~~—(8) Applicants for a sexually oriented business herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section.~~

(96) Owners/Principals of sexually oriented businesses are responsible and will be held liable for ensuring that all their independent contractors, regardless of activity, are properly licensed, according to their activity, with the County. Owners/principals shall provide to the County, on a County-provided form, maintaining a biannual list of all of their current independent contractors' names, mailing addresses, and current contact information; and maintaining a photo ID for each contractor on file. Failure to do so is a violation of this article.

(7) A business license for dancing or entertaining shall at no time and in no circumstance authorize the license holder to engage in conduct which violates the County's Land Development Code or ordinances.

(8) All real estate property owners or backers leasing, renting, or otherwise allowing the use of their property to businesses operating as Drinking Places or Sexually Oriented Businesses, in exchange for legal tender or anything of value shall be held liable for any unlawful activity occurring, with their knowledge or consent, on any property owned by them. Likewise, all business owners, principals, or persons in control of these types of business at any time for any time duration shall be held liable for any unlawful activity occurring, with their knowledge or consent, in any establishment they own or control, however temporarily, by the business' independent contractors.

Section 16-15: Denial of License.

SECTION XV. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-15, Denial of License is hereby amended by moving this section to Section 16-19 and renumbering all subsequent sections, and to read as follows:

Sec. 16-1519. Denial of License.

(1) The License Official shall deny a license to an applicant ~~if~~ when the License Official determines:

(a) the application is incomplete; or contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or

~~—(b) the application contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;~~

~~—(c) the applicant has given a bad check or tendered illegal consideration for any license fee;~~

(db) within five years from the date of application, the applicant, Licensee or prior Licensee or the person in control of the business has been convicted of or pled guilty or nolo contendere to any crime(s) or offense(s) under South Carolina Code of Laws, Title 16, Crimes and Offenses, Chapter 13, Forgery, Larceny, Embezzlement, False Pretenses and Cheats; Chapter 14, the Financial Transaction Card Crime Act; or South Carolina Code of Laws, § 39-15-1190, Sale of Goods or Services with a Counterfeit Mark; or the same crime or offense in another jurisdiction; or

(c) within five years from the date of application, the applicant, Licensee or prior Licensee or the person in control of the business has been convicted of or pled guilty or nolo contendere to any crime(s) or offense(s) relative to the operation of a sexually oriented business as provided for in the Richland County Code of Ordinances; or the same crime or offense in another jurisdiction; or

(d) The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity related to the business or to a similar business in the County or in another jurisdiction; or

(e) The applicant, Licensee or prior Licensee or the person in control of the business has proven to be a public nuisance as determined by a court of law has operated the business so as to constitute a public nuisance per se or per accidens; or

(ef) the premises and parcel of real property to be used for the business activity for which a license is sought is not in compliance with applicable state and/or local health, fire, zoning, and building codes and regulations; or

~~—(f) the business activity for which a license is sought is unlawful; or~~

~~—(g) the business constitutes a public nuisance as determined by a court of law.~~

(g) The license for the business or for a similar business of the Licensee in the County or another jurisdiction has been denied, suspended or revoked in the previous license year; or

(h) a Licensee or person in control of the business is delinquent in the payment to the County of any tax or fee (if not on a payment plan in good standing for that tax or fee).

A decision of the License Official shall be subject to appeal to the Business Service Center Appeals Board as herein provided. Denial shall be written with reasons stated.

(2) All denials shall be effective immediately upon receipt by the business of the notice of denial. All activities associated with the business license application which have been denied shall not be authorized and are subject to the enforcement set forth by this article.

Section 16-18: Revocation of License

SECTION XVI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-18, Revocation of License, is hereby amended to read as follows:

Sec. 16-1820. Suspension or Revocation of License.

When the License Official determines that:

- (a) a license has been mistakenly or improperly issued or issued contrary to law; or
- (b) a Licensee or person in control of the business has breached any condition upon which the license was issued or has failed to comply with any provision of this article; or
- (c) a Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or
- ~~(d) has given a bad check or tendered illegal consideration for any license fee; or~~
- (d) within five years from the date of application, a Licensee or the person in control of the business has been convicted of or pled guilty or nolo contendere to any crime(s) or offense(s) under South Carolina Code of Laws, Title 16, Crimes and Offenses, Chapter 13, Forgery, Larceny, Embezzlement, False Pretenses and Cheats; Chapter 14, the Financial Transaction Card Crime Act; or South Carolina Code of Laws, § 39-15-1190, Sale of Goods or Services with a Counterfeit Mark; or the same crime or offense in another jurisdiction; or
- (e) within five years from the date of application, the applicant, Licensee or prior Licensee or the person in control of the business has been convicted of or pled guilty or nolo contendere to any crime(s) or offense(s) relative to the operation of a sexually oriented business as provided for in the Richland County Code of Ordinances; or the same crime or offense in another jurisdiction; or
- ~~(e) the business activity for which a license was obtained has proven to be a public nuisance as determined by a court of law;~~
- (e) a Licensee or person in control of the business has engaged in an unlawful activity related to the business or to a similar business in the County or in another jurisdiction; or
- (f) a Licensee or person in control of the business has proven to be a public nuisance as determined by a court of law has operated the business so as to constitute a public nuisance per se or per accidens; or
- (g) a Licensee or person in control of the business is delinquent in the payment to the County of any tax or fee (if not on a payment plan in good standing for that tax or fee);

the License Official shall give written notice of ~~intent to revoke~~ to the ~~Licensee~~ or person in control of the business ~~within the County~~ by personal service or ~~certified mail~~ or electronic methods with documentation of delivery that the license is suspended pending stating the License Official's basis for revocation and setting forth a date and time for a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held. The hearing shall be held within thirty (30) business days, or as soon as reasonably possible, from the date of service of the notice. The notice shall also contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article. A Licensee or person in control of the business who received proper notice yet fails to appear or defend at the revocation hearing waives his or her right to contest the revocation.

Section 16-19: Appeals

SECTION XVII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-19, Appeals, is hereby amended to read as follows:

Sec. 16-1921. Appeals.

(1) Any person aggrieved by ~~the following actions or a decisions, final assessment, suspension, proposed revocation, or a denial of a business license made by the License Official may bring an appeal to the Business Service Center Appeals Board by written request stating the reasons therefor, filed with the License Official within ten (10) business days after service by mail or personal service or electronic delivery with documented delivery of the notice of decision, final assessment, suspension, proposed revocation, or denial. Payment under protest of all applicable taxes and penalties, assessments, or audit charge-backs shall be a condition precedent to appeal. The requirements for submission of an appeal must be strictly complied with. The County Administrator or his/her designee is authorized to reject an appeal for failure to comply with the requirements of this subsection.~~

~~— a. A final assessment pursuant to Section 16-12;~~

~~— b. Charge backs or other adjustment to the business license fee as determined by an audit conducted pursuant to Section 16-11;~~

~~— c. A suspension, revocation or a denial of a business license pursuant to Section 16-15 or Section 16-18;~~

~~— d. Imposition of a business license penalty; or~~

~~— e. A decision or determination made by the License Official concerning the proper classification of a business or the proper calculation of business license fees. This ground for appeal~~

~~shall not be construed to authorize appeals based on objections to the business license fee structure established by Richland County Council.~~

~~—(2) Those wishing to appeal must first file a written appeal with the License Official for decision by the Business Service Center Appeals Board. The Business Service Center Appeals Board, or its designee, is authorized to reject an appeal for failure to comply with the requirements of this subsection. The following requirements for submission of an appeal must be strictly complied with:~~

~~a. The appeal must be in writing and state the reasons for the appeal.~~

~~—b. The appeal shall be filed with the License Official within fifteen (15) ten business (10) days after the payment of all applicable fees and penalties, including assessments or charge backs of an audit, and within twenty (20) business days after receipt of the License Official's written and certified mailed notification of an assessment, charge backs of an audit, or notice of denial or revocation.~~

~~—c. The written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of all applicable fees and penalties, an assessment, or audit charge backs shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.~~

~~(32) An appeal or a hearing on proposed revocation shall be held by the Appeals Board within thirty (30) ~~calendar~~ business days, or as soon as reasonably possible, after receipt of a request for appeal or service of notice of suspension or intent to revoke. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel and to present testimony and evidence. The proceedings, if not regularly recorded and/or transcribed, shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing. The Board shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives within ten (10) business days and shall be the final decision of the County.~~

~~(43) If a Licensee appeals the assessment of business license penalties, In the event of an appeal of business license penalties paid, the Appeals Board Business Service Center Director may waive a waive business license penaltyies paid (not to exceed six months) only if any of the following circumstances of reasonable cause are proven by submitted documentation by the applicant:~~

~~a. An unexpected and unavoidable temporary (not to exceed twelve months) absence of the appellant from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the business license fee tax.~~

~~b. A delay caused by death or serious, incapacitating illness of the appellant, the appellant's immediate family, or the appellant's accountant or other third party professional charged with determining the business fee tax owed. In the case of a corporation or other business entity, the~~

death or serious, incapacitating illness must have been an individual having primary authority to pay the business license fee tax.

~~—c. The business license fee was documented as paid on time, but inadvertently paid to another taxing entity.~~

~~d c.~~ The delinquency was caused by the unavailability of necessary records directly relating to calculation of business fees taxes, over which the appellant had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of business license penalties.

~~e d.~~ The delinquency was the result of clear error on the part of the License Official ~~or Business Service Center staff~~ in processing or posting receipt of appellant's payment.

~~—f. Delay or failure caused by good faith reliance on erroneous guidance provided by the License Official or other staff, so long as complete and accurate information was given to the Business License Service Center, no change in the law occurred, and the appellant produces written documentation.~~

~~(5) The Board shall, by majority vote of members present, render a written decision based upon findings of fact and the application of the standards herein which shall be served upon all parties or their representatives within fifteen (15) calendar days, or as soon as reasonably possible, after the hearing. The decision of the Board shall be final, unless appealed to County Council with ten (10) calendar days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error of fact by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) calendar days after service of County Council's decision.~~

Section 16-20: Consent, Franchise, or Business License Fee Tax Required

SECTION XVIII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-20, Consent, Franchise, or Business License Tax Required, is hereby amended to read as follows:

Sec. 16-~~2022~~. Consent, Franchise, or Business License Fee Tax Required.

~~The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set pursuant to the agreement, and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.~~

1. It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the County any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees or taxes and conditions for use, except as limited by State or federal law.

2. The annual fee or tax for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees or taxes shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 16-21: Confidentiality

SECTION XIX. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-21, Confidentiality, is hereby amended to read as follows:

Sec. 16-~~21~~23. Confidentiality.

Except in accordance with proper judicial order, ~~pursuant to an appeal~~, or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance, as authorized by State Code Section 6-1-120(b)(3).

Section 16-22: Criminal and Civil Penalties, Injunctive Relief

SECTION XX. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-22, Criminal and Civil Penalties, Injunctive Relief, is hereby amended to read as follows:

Sec. 16-~~22~~24. ~~Criminal and Civil Penalties~~ Violations and Injunctive Relief.

a 1. *Criminal Penalty.* Any person violating any provision of this article shall be deemed guilty of a ~~misdemeanor~~ an offense and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a

fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees taxes, penalties, and costs provided for herein.

~~b. *Civil Penalty.* For non-payment of all or any part of the business license fee, the License Official shall levy and collect a penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived except in accordance with circumstances of reasonable cause set forth in Section 16-19 of this article as determined by the Business Service Center Appeals Board.~~

e 2. *Injunctive Relief.* The County may seek injunctive relief in a court of competent jurisdiction as a means of enforcing the provisions of this article.

Section 16-23: Severability

SECTION XXI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby amended by adding Section 16-23, to read as follows:

Sec. 16-23. Severability.

A determination that any portion of this article is invalid or unenforceable shall not affect the remaining portions.

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

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

SECTION XXIV. Effective Date. This ordinance shall be enforced from and after December 31, 2018.

RICHLAND COUNTY COUNCIL

BY: _____
Joyce Dickerson, Chair

ATTEST THIS THE _____ DAY

OF _____, 2018

Michelle Onley
Clerk of Council

First Reading:
Public Hearing:
Second Reading:
Third Reading:

Appendix A: Rate Schedule

Richland County Business Service Center Business License Fee Rate Schedule

This Class Schedule is referenced in Code Section 16-5(2), Classification and Rates.

(1) **RATES**

RATE CLASS	INCOME: \$0 - \$2000 (Minimum Fee <u>Tax</u>)	ALL INCOME OVER \$2000 (Rate per \$1,000 or fraction thereof)
1	\$16.85	\$0.84
2	\$18.96	\$0.93
3	\$21.06	\$1.01
4	\$23.17	\$1.10
5	\$25.27	\$1.18
6	\$27.38	\$1.26
7	\$29.49	\$1.35
8	See Class 8 Rates below	

(2) **NON-RESIDENT RATES**

Unless otherwise specifically provided, all ~~minimum fees~~ taxes and rates shall be doubled for non-residents of Richland County and itinerants having no fixed principal place of business within the county.

Post Office Boxes and virtual offices shall not be considered as constituting a fixed principal place of business within the county.

(3) **DECLINING RATES**

Declining rates apply in all classes for gross income over \$1,000,000.00

Gross Income (In Millions)	Percent of Class Rate for each additional \$1,000
0.00 – 1.00	100%
1.01 – 2.00	95%
2.01 – 3.00	90%
3.01 – 4.00	85%
4.01 – 5.00	80%

Gross Income (In Millions)	Percent of Class Rate for each additional \$1,000
5.01 – 6.00	75%
6.01 – 7.00	70%
7.01 – 8.00	65%
8.01 – 9.00	60%
9.01 – 10.00	55%
Over 10.00	50%

(4)

DECALS

A. (a) Coin Operated Machines.

All coin-operated amusement, skill, and music machines shall have a decal posted upon it. The cost per decal is \$12.50 (in accordance with State Code of Laws Section 12-21-2746).

B. (b) Passenger Transportation Vehicles.

All taxis, limos, shuttles, or any other type vehicle, motorized or non-motorized, whose primary purpose is to move people from one place to another shall post one decal on the rear of each vehicle. Vehicles shall be charged according to the table below.

Place of Registration	Cost per Decal
In Richland County	\$115.84
Outside Richland County	\$173.76

~~All vehicle~~ These ~~decals required in Section 16-5(4)(b) of the Richland County Code of Ordinances, affecting taxis, limos, and shuttles,~~ shall be discounted in the following manner:

- on the first five vehicles, the decal discount is 0%
- on the next five vehicles, the decal discount is 25%
- on all vehicles after the tenth vehicle, the decal discount is 50%

(c) Business Vehicles

Any personal or company vehicle, used by contractor companies, which has anywhere upon it any visible markings, i.e., magnets, stickers, decals, etc. to identify the vehicle as associated with a business and is used by the business to go to or from locations in the County to conduct any business, shall post one decal on the rear of each vehicle to identify the business as being properly licensed. Decals shall cost no more and no less than the cost to produce the decal, rounded up to the nearest quarter value.

(5)

CLASS 8 RATES

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State Law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates.

Rate NAICS # Business Type

8.00 22112 Electric and Gas Companies Franchise required
 22121 exempt from County, SC Code Section 4-9-30

8.00 482 Railroad Companies
 exempt from County, SC Code Section 4-9-30

8.00 5171 Telephone companies occupying public streets pursuant to Franchise
 exempt from County, SC Code Section 4-9-30

8.00 5172 Telephone Companies not occupying public streets pursuant to Franchise
 exempt from County, SC Code Section 4-9-30

8.00 5173 Telecommunications, Resellers
 exempt from County, SC Code Section 4-9-30

8.00 5174 Telecommunications, Satellite
 exempt from County, SC Code Section 4-9-30

~~4 8.00~~ 5175 Television, Cable or Pay Franchise required

8.00 5179 Other Telecommunications
 exempt from County, SC Code Section 4-9-30

8.00 5241 Insurance Carriers
 exempt from County: SC Code Section 4-9-30, *except* as specifically authorized

Business Industries with Franchise Agreements Required

<u>Rate Class</u>	<u>Business Type</u>	<u>NAICS Group(s)</u>
8.0	<u>Electric and Gas Companies</u>	<u>22112 – 22121</u>
8.0	<u>Television, Cable or Pay</u>	<u>5175</u>

Businesses Industries Exempt From County License Requirements (SC Code 4-9-30)

<u>Rate Class</u>	<u>Business Type</u>	<u>NAICS Group(s)</u>
<u>8.0</u>	<u>Electric and Gas Companies</u>	<u>22112 – 22121</u>
<u>8.0</u>	<u>Railroad Companies</u>	<u>482</u>
<u>8.0</u>	<u>Telephone companies (occupying public streets pursuant to Franchise)</u>	<u>5171</u>
<u>8.0</u>	<u>Telephone Companies (not occupying public streets pursuant to Franchise)</u>	<u>5172</u>
<u>8.0</u>	<u>Telecommunications, Resellers</u>	<u>5173</u>
<u>8.0</u>	<u>Telecommunications, Satellite</u>	<u>5174</u>
<u>8.0</u>	<u>Other Telecommunications</u>	<u>5179</u>
<u>8.0</u>	<u>Insurance Carriers (except as specifically authorized)</u>	<u>5241</u>

Rate Class: 8.01

<u>Rate</u>	<u>NAICS #</u>	<u>Business Type</u>	<u>Rate</u>
-------------	----------------	----------------------	-------------

8.01	23	<u>Contractors, Construction - All Types</u>	
------	----	---	--

(1) Rates

A. Itinerant (having no permanent place of business within the county, or non-resident).

Double the in-county rates indicated in 1B.

B. Having a place of business within the County, for work performed within the county:

First \$2,000 of income	\$42.12
Each additional \$1,000	\$1.26/thousand

All out-of-county income, for which a business license has been paid, must be reported as part of the gross income. (This income ~~will~~ may then be deducted, as described in Section 16-7 of the Business License ordinance.)

- C. Having a place of business within the County, for work performed outside the county on which a business license ~~fee~~ tax has not been paid to another jurisdiction:

First \$2,000 of income	\$42.12
Each additional \$1,000	\$0.21/thousand

All out-of-county income, for which no business license tax has been paid, must be reported as gross income for this rate. Documentation establishing the right to this discounted rate must be simultaneously submitted with the business license application, whether new or renewing, in order to be granted this discounted rate.

- (2) A trailer at the construction site is not a permanent place of business under this ~~ordinance~~ article.
- (3) The total business license ~~fee~~ tax for the full amount of the contract shall be paid prior to the issuing of a building permit or the commencement of work and shall entitle the contractor to complete the job ~~without regard to the normal license expiration date~~ without being required to pay business license taxes for future business licenses, which must still be obtained, while the job is being completed, except any increase in any revenues generated the previous year from the job not previously reported for business license purposes. Before any County Certificate of Occupancy is issued, any change orders resulting in a higher contract value to the contractor must be reported and the business license ~~fee~~ tax increased as necessary (except as provided in Section 16-7(4)). An amended ~~report~~ business license application shall be ~~filed~~ submitted for each new job and the appropriate additional license ~~fee~~ tax per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base ~~fee~~ tax shall be paid in a ~~calendar~~ license year.
- (4) Before any electrical or plumbing contractor shall be issued a business license, a master's license must be obtained in his or her respective field and post bond as provided by the plumbing and electrical ordinances of the county. Subcontractors furnishing labor for and/or supervision over construction or providing any type of contractual service shall be held liable for payment of the business license ~~fees~~ taxes set forth in this section on the same basis as ~~are~~ prime or general contractors.
- (5) No contractor shall be issued a business license until all State and County qualification examinations and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job and shall furnish the License Inspector with a list of all sub-contractors for the same job. Each ~~and every~~ vehicle at the job site shall display a ~~contractor~~ Licensed Business Vehicle decal, as provided in ~~Section 16-5(4)(a) paragraph 4(c) of this Rate Schedule.~~
- (6) Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job, and no deductions shall be made by a general or prime contractor for value of

work performed by a subcontractor for business license purposes. General or prime contractors will be responsible and will pay for the business license tax and penalties of any sub-contractor doing work on the project if the sub-contractor is found without a eCounty business license.

(7) All contractors located in the unincorporated areas of Richland County must report all income received in the prior year to the business license office during the renewal period. Each such contractor shall ~~itemize and deduct all update fees paid to Richland County, or any other jurisdiction,~~ itemize all building permit revenues reported to Richland County as part of the business license application report.

(8) No part of this rate shall be construed to conflict with the exemption provided for in Section 16-7(4).

Rate Class: 8.02

Rate	NAICS #	Business Type	Rate
8.02	5622	Waste Treatment and Disposal	
		First \$2,000	\$42.12
		Each additional \$1,000 <u>(or portion thereof)</u>	\$1.68/thousand

Rate Class: 8.03

Rate	NAICS #	Business Type	Rate
8.03	423930	Recyclable Materials, Scrap Dealers	
		First \$2,000	\$84.25
		Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

8.03	454210	Vending Machines	
		If income is not reported in gross income of business where located, the following rates apply.	
		First \$2,000	\$84.25
		Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

Rate Class: 8.04

Rate	NAICS #	Business Type	Rate
8.04	522298	Pawn Brokers - All Types	

First \$2,000	\$42.12
Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

8.04 522291 Consumer Lending (Title Loans, Check Cashing, etc.)

First \$2,000	\$42.12
Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

Rate Class: 8.05

Rate	NAICS #	Business Type	Rate
8.05	812990-PA	Psychic Arts: Fortune Tellers, Palm Readers, Tarot Readers, Phrenologists, "Spiritual Counselors," and similar occupations	
		First \$2,000	\$84.25
		Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

Rate Class: 8.06

Rate	NAICS #	Business Type	Rate
8.06	454390	<u>Peddlers, Solicitors, Canvassers, Door-to-Door Sales, direct retail</u>	
		First \$2,000	\$42.12
		Each additional \$1,000 <u>(or portion thereof)</u>	\$4.21/thousand
8.06	711190	<u>Carnivals and Circuses</u>	
		First \$2,000 Gross Income	\$42.12
		Each additional \$1,000 <u>(or portion thereof)</u>	\$4.21/thousand

Rate Class: 8.07

Rate	NAICS #	Business Type	Rate
8.07	4411-4412	<u>Automobile & Motor Vehicle Dealers, Farm Machinery Dealers, Boat Dealers Retail</u>	
		First \$2,000 Gross Income	\$29.49
		Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

One sales lot not more than 400 feet from main showroom may be operated under this license provided that proceeds from sales there are included in gross receipts at main office when both are operated under the same name and ownership.

Gross income shall include full sales price without deduction for trade-ins.

Rate Class: 8.08

Rate	NAICS #	Business Type	Rate
8.08	722410	Drinking Places (alcoholic beverages, beer & wine)	
		First \$2,000	\$42.12
		Each additional \$1,000 (<u>or portion thereof</u>)	\$1.26/thousand
8.08	713990	Billiard or Pool Rooms , all types – <u>All Types</u>	
		If income is not reported in gross income of business where located, the following rates apply.	
		First \$2,000	\$42.12
		Each additional \$1,000 (<u>or portion thereof</u>)	\$1.26/thousand

Rate Class: 8.09

Rate	NAICS #	Business Type	Rate
8.09	713120	Amusement Machines (coin operated, except gambling)	
		Music machines, juke boxes, kiddy rides, video games, pin tables with levers and other amusement machines with or without free play feature licensed by S.C. Code 12-21-2720(A)(1) and (A)(2).- Type I and Type II	
		1. <u>Operator of machine</u> (12-21-2746)	\$12.50 per machine
		First \$2,000	\$42.12
		Each additional \$1,000 (<u>or portion thereof</u>)	\$1.26/thousand
8.09	713120	Amusement Machines (coin operated, except gambling)	

Music machines, juke boxes, kiddy rides, video games, pin tables with levers and other amusement machines with or without free play feature licensed by S.C. Code 12-21-2720(A)(1) and (A)(2).- Type I and Type II

2. Distributor selling or leasing machines
(Not licensed by State as an operator, 12-21-278)

First \$2,000	\$42.12
Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

8.09——713290 Amusement Machines (coin operated – non payout)

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code 12-21-2720(A)(3)

Type III.

1. Operator of machine (owner of business) \$180.00 per machine
(12-21-2720(B))

First \$2,000	\$42.12
Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

8.09——713290 Amusement Machines, coin operated – non payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code 12-21-2720(A)(3) Type III.

2. Distributor selling or leasing machines (not licensed by the State as an operator pursuant to S.C. Code (12-21-2728)

[Nonresident rates apply]

First \$2,000	\$42.12
Each additional \$1,000 <u>(or portion thereof)</u>	\$1.26/thousand

Rate Class: 8.10

<u>Rate</u>	<u>NAICS #</u>	<u>Business Type</u>	<u>Rate</u>
--------------------	-----------------------	-----------------------------	--------------------

8.10———SB **Sexually Oriented Businesses**

First \$2,000 Gross Income	\$84.25
Each additional \$1,000 <u>(or portion thereof)</u>	\$8.42/thousand

This rate includes the following business types:

713120-SB Adult Amusement Arcades
611610-SB Adult Nude Model Studio
711110-SB Adult Theater Productions
721110-SB Adult Hotels and Motels
451211-SB Adult Bookstores
512131-SB Adult Movie Theaters
532230-SB Adult Video, Tape, Disc Rentals
722410-SB Adult Bars and Nightclubs
812990-SB Adult Escort Agency, All Other Misc. Sexually Oriented Business
453220-SB Adult Gift, Novelty, and Souvenir Stores
711510-SB Adult, Exotic Dancers, Performers

Appendix B: Class Schedule

Richland County Business Service Center Business License Class Schedule

BUSINESS CLASSIFICATION INDEX

This Class Schedule is referenced in Code Section 16-5(1), Classification and Rates.

This index is not intended to be a complete listing of all types of businesses. It is an aid in finding classifications by common name and reference to the NAICS Code. All businesses not exempt by law which are in the major groups or sectors listed under each rate class are subject to a license tax whether found in the alphabetical index or not. The License Official shall determine the proper classification of a business not listed.

(61)

RATE CLASS INDEX

RATE CLASS 1

<u>NAICS</u>	<u>Business Sector</u>
42	Wholesale Trade
442	Furniture and Home Furnishing Stores
445	Food and Beverage Stores
446	Health and Personal Care Stores
447	Gasoline Stations
451	Sporting Goods, Hobby, Book, Music Stores
721	Accommodation, Hotel, Motel, Inn, Camp
722	Eating Places, Food Services, Restaurants, Caterers, except drinking places
813	Membership Organizations
92	Public Administration

RATE CLASS 2

<u>NAICS</u>	<u>Business Sector</u>
4413	Automotive Parts, Tire Stores
443	Electronics and Appliance Stores
444	Building Material, Garden Equipment and Supply
448	Clothing and Accessory Stores
452	General Merchandise Stores
453	Miscellaneous Store Retailers
454	Nonstore Retailers, except peddlers
811	Repair and Maintenance Services

RATE CLASS 3

<u>NAICS</u>	<u>Business Sector</u>
31-33	Manufacturing
48	Transportation, except rail

RATE CLASS 4

<u>NAICS</u>	<u>Business Sector</u>
11	Agriculture, Forestry, Fishing and Hunting
21	Mining
2213	Water and Sewerage Systems
512	Motion Pictures, theaters, production
56	Administrative and Support, Waste Management and Remediation Services
711	Arts, Sports and Promoters of Events
712	Museums, Historical Sites, Zoos, Gardens
713	Amusement and Recreation, except coin-operated machines & gambling
812	Personal Care, Barber, Beauty, Laundry

RATE CLASS 5

<u>NAICS</u>	<u>Business Sector</u>
49	Warehousing and Couriers

RATE CLASS 6

<u>NAICS</u>	<u>Business Sector</u>
511	Information, Newspapers, Publishers
522	Mortgage Brokers and Credit Card Issuing, except banks and pawnshops
523	Security and Commodity Brokers
61	Education Services
62	Health Care and Social Assistance

RATE CLASS 7

<u>NAICS</u>	<u>Business Sector</u>
--------------	------------------------

515	Radio and Television Broadcasting
516	Internet Publishers
518	Internet Service Providers and Data Processing Services, on line
52421	Insurance Agencies, except brokers for non-admitted insurers
53	Real Estate and Rental and Leasing
54	Professional, Scientific, and Technical Services
55	Management of Companies and Enterprises

RATE CLASS 8

<u>NAICS</u>	<u>Rate</u>	<u>Business Sector</u>
2211	8.00	Electric Utilities
2212	8.00	Gas Utilities
23	8.01	Construction, all types
423930	8.03	Recyclable Material, Junk Dealers
4411	8.07	Automobile Dealers
4412	8.07	Other Motor Vehicle Dealers
45421	8.03	Vending Machines (distributors, sellers of products)
45439	8.06	Peddlers, Direct Selling
482	8.00	Rail Transportation
485112	8.00	Rail Transportation, Commuter
5171	8.00	Telecommunications, wired
5172	8.00	Telecommunications, cellular
5173	8.00	Telecommunications, resellers
5174	8.00	Telecommunications, satellite
5175	4	Cable Television – franchise required
5221	8.00	Banks and banking activities
522291	8.04	Consumer Lending (Title Loans, Check Cashing, etc.)
522298	8.04	Pawnshops
5241	8.00	Insurance Carriers
5622	8.02	Waste Treatment and Disposal
71119	8.06	Carnivals, Circuses
7131	8.09	Amusement Arcades, Parks (not gambling [Type I, II])
7132	8.09	Casinos, Other Gambling Industries (Nonpayout Amusement Machines [Type III])
71399	8.08	Billiards or Game Rooms, Pool Tables
722330	8.06	Peddlers, Mobile Food Stands
72241	8.08	Drinking Places, Bars (alcoholic)
812990-PA	8.05	Psychic Arts (fortune tellers, palm readers, etc.)
SB	8.10	Sexually Oriented, Adult Businesses

(2)

NAICS NUMERICAL INDEX

<u>Code</u>	<u>Class</u>	<u>NAICS Sector Description</u>
11	4	Agriculture, Forestry, Fishing and Hunting (except 111,112 &114)
21	4	Mining
2211	8	Electric Utilities
2212	8	Gas Utilities
2213	4	Water and Sewerage Systems
23	8	Construction, all types
31-33	3	Manufacturing
42	1	Wholesale Trade, except junk
423930	8	Recyclable Material, Junk
44-45		Retail Trade (See type)
4411	8	Automobile Dealers
4412	8	Other Motor Vehicle Dealers and Farm Machinery
4413	2	Automotive Parts, Tire Stores
442	1	Furniture and Home Furnishing Stores
443	2	Electronics and Appliance Stores
444	2	Building Material, Garden Equipment and Supply
445	1	Food and Beverage Stores
446	1	Health and Personal Care Stores
447	1	Gasoline Stations
448	2	Clothing and Accessory Stores
451	1	Sporting Goods, Hobby, Book, Music Stores
452	2	General Merchandise Stores
453	2	Miscellaneous Store Retailers
454	2	Nonstore Retailers, except peddlers
45421	8	Vending Machines
45439	8	Peddlers, Direct Selling
48	3	Transportation, except rail
482	8	Rail Transportation
49	5	Warehousing and Couriers
511	6	Information, Newspapers, Publishers
512	4	Motion Pictures, theaters, production, music, recording
515	7	Radio and Television Broadcasting
516	7	Internet Publishers
5171	8	Telecommunications, wired
5172	8	Telecommunications, cellular
5175	8	Cable Television
518	7	Internet Service Providers and Data Processing Services, on line
522	6	Mortgage Brokers, Credit Card Issuing, except banks and pawnshops
522291	8	Consumer Lending
522298	8	Pawnshops

523	6	Security and Commodity Brokers
5241	8	Insurance Carriers
5242	7	Insurance Agencies, except brokers for non-admitted insurers
52421	8	Brokers for Non-admitted Insurance Carriers
53	7	Real Estate and Rental
54	7	Professional, Scientific, and Technical Services
55	7	Management of Companies and Enterprises
56	4	Administrative and Support, Waste Management and Remediation Services
5622	8	Waste Treatment and Disposal
61	6	Education Services
62	6	Health Care and Social Assistance
711	4	Arts, Sports and Promoters of Events
71119	8	Carnivals, Circuses
712	4	Museums, Historical Sites, Zoos, Gardens
713	4	Amusement and Recreation, except coin-operated machines & gambling
7131	8	Amusement Arcades, except gambling [Sec. 12-21-2720(A)(1) and (2)]
7132	8	Nonpayout Amusement Machines [Sec. 12-21-2720(A)(3)]
71399	8	Billiard Parlor, Pool Tables
721	1	Accommodation, Hotel, Motel, Inn, Camp
722	1	Eating Places, Food Services, Restaurants, Caterers, except drinking places
72241	8	Drinking Places, Bars (alcoholic)
811	2	Repair and Maintenance Services
812	4	Personal Care, Barber, Beauty, Laundry
812990-PA	8	Psychic Arts: fortune tellers, palm readers, etc.
813	1	Membership Organizations
92	1	Public Administration
SB	8	Sexually Oriented, Adult Businesses

(3) NAICS ALPHABETICAL INDEX

NAICS Code	Rate Class	Business Activity
A		
311611	3	Abattoirs
611310	6	Academies, college or university
511140	6	Address list publishers
561110	4	Administrative management services
541810	7	Advertising agencies
323110	3	Advertising materials printing

NAICS Code	Rate Class	Business Activity
511120	6	Advertising periodical publishers
541850	7	Advertising services, indoor or outdoor display
713940	4	Aerobic dance and exercise centers
423860	1	Aeronautical equipment and supplies, wholesaling
524210	7	Agencies, insurance
531210	7	Agencies, real estate
711410	4	Agents for artists, authors, entertainers, models, sports and public figures, etc.
11	4	Agriculture (See type of operation)
111	4	Crop production (exempt)
112	4	Animal production (exempt)
113	4	Forestry and logging
114	4	Fishing, hunting and trapping (exempt)
115	4	Agriculture and forestry support activities
423820	1	Agricultural machinery and equipment, sale
811412	2	Air-conditioner, window, repair and maintenance services
238220	8	Air-conditioning installation contractors
481211	3	Aircraft charter services, passenger
441229	8	Aircraft dealers, retail
423860	1	Aircraft equipment and supplies, wholesaling
488119	3	Aircraft hangar rental
488190	3	Aircraft maintenance and repair services
532411	7	Aircraft rental and leasing
722310	1	Airline food service contractors
561599	4	Airline ticket offices
485999	3	Airport limousine services (shuttle)
561621	4	Alarm systems sales with installation, maintenance, or monitoring services
441221	8	All-terrain vehicle (ATV) dealers
621910	6	Ambulance services, air or ground
713120	8	Amusement device parlors (except gambling), coin-operated; arcades
713290	8	Amusement, gambling machines, coin-operated (video poker) – PROHIBITED
812910	4	Animal grooming services
541940	7	Animal hospitals
561421	4	Answering services, telephone
238990	8	Antenna installation construction contractors
444112	2	Antenna, satellite, sales and installation
441120	8	Antique auto dealers
811420	2	Antique furniture repair and restoration shops
453310	2	Antique shops
531110	7	Apartment rental or leasing
448150	2	Apparel accessory stores

NAICS Code	Rate Class	Business Activity
812320	4	Apparel pressing services
448130	2	Apparel stores, children's and infants' clothing
448110	2	Apparel stores, men's and boys' clothing
453310	2	Apparel stores, used clothing
448120	2	Apparel stores, women's and girls' clothing
532210	7	Appliance rental
443111	2	Appliance stores, household-type
453310	2	Appliance stores, household-type, used
811412	2	Appliance, household-type, repair and maintenance services
423720	1	Appliances, gas (except dryers, freezers, refrigerators), wholesaling
423620	1	Appliances, household-type (except gas ranges, gas water heaters), wholesaling
541990	7	Appraisal (except real estate) services
531320	7	Appraisal services, real estate
712130	4	Aquariums
541990	7	Arbitration and conciliation services (except by attorney, paralegal)
713120	8	Arcades, amusement
541310	7	Architectural (except landscape) services
541320	7	Architectural services, landscape
711310	4	Arena operators
811310	2	Armature rewinding services
561613	4	Armored car services
611610	6	Art (except commercial or graphic) instruction
453920	2	Art dealers
712110	4	Art galleries (except retail)
453920	2	Art galleries retailing art
511199	6	Art publishers
611519	6	Art schools, commercial or graphic
541430	7	Art studios, commercial
453998	2	Art supply stores
711510	4	Artist
453220	2	Arts and crafts, retail
711310	4	Arts event managers with facilities
711320	4	Arts event managers without facilities
562910	4	Asbestos removal contractors
623311	6	Assisted-living facilities with on-site nursing facilities
623312	6	Assisted-living facilities without on-site nursing care facilities
522320	6	ATM machine operator
541110	7	Attorneys' private practices
453998	2	Auction houses (general merchandise)

NAICS Code	Rate Class	Business Activity
423990	1	Audio and video tapes and disks, prerecorded, wholesaling
443112	2	Audio equipment stores (except automotive)
532490	7	Audio visual equipment rental or leasing
541211	7	Auditing services (CPA services), accounts
441310	2	Auto supply stores
423420	1	Automatic teller machines (ATM) wholesaling
493190	5	Automobile dead storage
441110	8	Automobile dealers, new only or new and used
441120	8	Automobile dealers, used only
611692	6	Automobile driving schools
522220	6	Automobile finance leasing companies
522220	6	Automobile financing
423120	1	Automobile glass wholesaling
532112	7	Automobile leasing
812930	4	Automobile parking garages or lots
441310	2	Automobile parts dealers
532111	7	Automobile rental
485320	3	Automobile rental with driver (except shuttle service, taxis)
561491	4	Automobile repossession services
561920	4	Automobile show promoters
811121	2	Automotive body shops
811118	2	Automotive brake repair shops
711212	4	Automobile racetracks
811192	2	Automotive detailing services (cleaning, polishing)
811112	2	Automotive exhaust system repair and replacement shops
811118	2	Automotive front end alignment shops
811122	2	Automotive glass shops
811191	2	Automotive oil change and lubrication shops
811121	2	Automotive paint shops
423120	1	Automotive parts, new, wholesaling
811118	2	Automotive radiator repair shops
811111	2	Automotive repair and replacement shops, general
441320	2	Automotive tire dealers
811113	2	Automotive transmission repair shops
811118	2	Automotive tune-up shops
811121	2	Automotive upholstery shops
811192	2	Automotive washing and polishing
611512	6	Aviation schools
B		
624410	6	Babysitting services, child day care
812990	4	Bail bonding services
445210	1	Baked ham stores
445291	1	Bakery stores, retailing only

NAICS Code	Rate Class	Business Activity
611610	6	Ballet schools (except academic)
711130	4	Bands, dance
812111	4	Barber shops
722410	8	Bars, drinking places, lounges, taverns, alcoholic
532292	7	Beach chair, umbrella rental
448190	2	Beachwear stores, retail
812112	4	Beauty salons
721191	1	Bed and breakfast inns
517221	8	Beeper (i.e., radio pager) communication carriers
722330	1	Beverage stands, nonalcoholic, mobile
451110	1	Bicycle (except motorized) shops
532292	7	Bicycle rental
811490	2	Bicycle repair and maintenance shops without retailing bicycles
441221	8	Bicycle shops, motorized
561440	4	Bill collection services
541850	7	Billboard display advertising services
713990	8	Billiard rooms, parlors
541219	7	Billing services
713290	8	Bingo halls, parlors
621410	6	Birth control clinics
561439	4	Blueprinting services
621999	6	Blood pressure screening services
812990	4	Blood pressure testing machine concession, coin-operated
115210	4	Boarding horses
721310	1	Boarding houses
611110	6	Boarding schools, elementary or secondary
812910	4	Boarding services, pet
441222	8	Boat dealers, new and used
441222	8	Boat trailer dealers
487210	3	Boat, fishing charter, sightseeing, dinner cruises, operation
811490	2	Boat, pleasure, repair & maintenance, not retailing new boats
713930	4	Boating clubs with marinas
713990	4	Boating clubs without marinas
423860	1	Boats (except pleasure) wholesaling
336612	3	Boats (i.e., suitable or intended for personal use) manufacturing
713940	4	Body building studios, physical fitness
811121	2	Body shops, automotive
238220	8	Boiler contractors
523120	6	Bond brokerages
493110	5	Bonded warehousing, general merchandise

NAICS Code	Rate Class	Business Activity
323121	3	Book binding shops
511130	6	Book publishers
451211	1	Book stores
541219	7	Bookkeeping services
323117	3	Books printing without publishing
424920	1	Books, wholesaling
235930	8	Boring contractors, building construction
424490	1	Bottled water (except water treating) wholesaling
454390	2	Bottled water providers, direct selling
713950	4	Bowling alleys, centers
423910	1	Bowling equipment and supplies, wholesaling
451110	1	Bowling equipment and supply stores
711310	4	Boxing event promoters
238140	8	Bricklaying construction contractors
423320	1	Bricks (except refractory) wholesaling
327121	3	Bricks, clay, manufacturing
448190	2	Bridal gown shops (except custom)
532220	7	Bridal wear rental
523120	6	Brokerages, securities
524210	7	Brokers' offices, insurance (see Class 8 for non-admitted rate)
522310	6	Brokers' offices, loan, mortgage
531210	7	Brokers' offices, real estate
		Brokers - see heading under type of operation
561720	4	Building cleaning services, janitorial
236210	8	Building construction, industrial, general construction contractors
236115	8	Building construction, residential
444110	2	Building materials supply dealers, home centers
424710	1	Bulk gasoline stations
532412	7	Bulldozer rental or leasing without operator
561621	4	Burglar alarm sales with installation, maintenance, or monitoring
485510	3	Bus charter services (except scenic, sightseeing)
561599	4	Bus ticket offices
611410	6	Business colleges or schools
541611	7	Business management consulting services
445210	1	Butcher shops
C		
541211	7	CPAs' (certified public accountants) offices
485310	3	Cab (taxi) services
238350	8	Cabinet work on site construction contractors
517510	8	Cable TV providers (except networks)
237130	8	Cable laying

NAICS Code	Rate Class	Business Activity
722310	1	Cafeteria food service contractors (e.g., office, hospital, school)
722212	1	Cafeterias
532210	7	Camcorder rental
423410	1	Camera equipment and supplies, photographic, wholesaling
443130	2	Camera shops, photographic
532120	7	Camper rental
721211	1	Campgrounds
713990	4	Camps (except instructional), day
445292	1	Candy stores, packaged, retailing only
424450	1	Candy wholesaling
532292	7	Canoe rental
722330	1	Canteens, mobile
424990	1	Canvas products wholesaling
454390	8	Canvassers (door-to-door), direct retail sale of merchandise
811192	2	Car detailers
532112	7	Car leasing
532111	7	Car rental agencies
811111	2	Car repair shops, general
811192	2	Car washes
453220	2	Card shops, greeting
424120	1	Cards, greeting, wholesaling
711190	8	Carnival traveling shows
238130	8	Carpentry, framing
238350	8	Carpentry, finish
532490	7	Carpet and rug cleaning equipment rental
561740	4	Carpet cleaning plants, services, including on premises cleaning
442210	1	Carpet stores
722211	1	Carryout restaurants
423850	1	Caskets, burial, wholesaling
532230	7	Cassette, prerecorded video, rental
722320	1	Caterers
238310	8	Ceiling construction contractors
444190	2	Ceiling fan stores
517212	8	Cellular telephone services
443112	2	Cellular telephone stores
423320	1	Cement wholesaling
812220	4	Cemeteries
423320	1	Ceramic construction materials (except refractory) wholesaling
444190	2	Ceramic tile stores

NAICS Code	Rate Class	Business Activity
523930	6	Certified financial planners, customized, fees paid by client
541211	7	Certified public accountants' (CPA) offices
522210	6	Charge card issuing
481212	3	Charter air freight services
481211	3	Charter air passenger services
485510	3	Charter bus services (except scenic, sightseeing)
541710	7	Chemical research and development laboratories or services
424690	1	Chemicals (household, industrial, photographic) wholesaling
424910	1	Chemicals, agricultural, wholesaling
424440	1	Chicken & chicken products (except packaged frozen) wholesaling
112310	4	Chicken egg production
487210	3	Charter fishing boat operation
522390	6	Check cashing services
112320	4	Chicken production (except egg laying)
311615	3	Chickens, slaughtering and dressing
624410	6	Child day care
561790	4	Chimney cleaning services
442299	1	Chinaware stores
621310	6	Chiropractors' offices (centers, clinics)
453220	2	Christmas stores
111421	4	Christmas tree growing
424990	1	Christmas trees (artificial, cut) wholesaling
454390	2	Christmas trees, cut, direct selling
453991	2	Cigarette stands, permanent
424940	1	Cigarettes wholesaling
711190	8	Circuses
524291	7	Claims adjusting, insurance
812320	4	Cleaners, drycleaning and laundry service
561790	4	Cleaning (power sweeping, washing) buildings, parking lots
561740	4	Cleaning carpets
561720	4	Cleaning homes, offices, new building interiors, shopping centers
561740	4	Cleaning services, carpet and rug
561790	4	Cleaning swimming pools
621498	6	Clinics/centers, health practitioners practicing in same office
519190	7	Clipping services, news
811490	2	Clock repair shops without retailing new clocks
448310	2	Clock shops
513220	8	Closed circuit television (CCTV)

NAICS Code	Rate Class	Business Activity
		Clothing – see also apparel
448150	2	Clothing accessories stores
811490	2	Clothing repair shops, alterations only
448140	2	Clothing stores, family
424320	1	Clothing, men's and boys', wholesaling
424330	1	Clothing accessories, women's, children's, infants', wholesaling
454319	2	Coal dealers, direct selling
448190	2	Coat stores
722410	8	Cocktail lounges
722213	1	Coffee shops, on premise brewing
713120	8	Coin-operated amusement devices; arcade (parlor), nongambling
812310	4	Coin-operated drycleaners and laundries
423990	1	Coin-operated game machines wholesaling
713990	8	Coin-operated nongambling amusement device operators
812990	4	Coin-operated personal service machine (e.g., photo, scales, etc.)
493120	5	Cold storage locker services
453220	2	Collectible gift shops (e.g., crystal, pewter, porcelain)
561440	4	Collection agencies
811310	2	Commercial & industrial machinery repair & maintenance services
236220	8	Commercial and institutional building construction management
541430	7	Commercial art services
311812	3	Commercial bakeries
236220	8	Commercial building construction
531120	7	Commercial building rental or leasing
561450	4	Commercial credit reporting bureaus
541922	7	Commercial photography services
531312	7	Commercial property managing
531210	7	Commercial real estate agencies
512110	4	Commercials, television, production
523140	6	Commodity contracts brokers' offices
238210	8	Communication equipment construction contractors
811213	2	Communication equipment repair and maintenance services
236900	1	Communications equipment wholesaling
485113	3	Commuter bus operation
423990	1	Compact discs (CDS), prerecorded, wholesaling
424690	1	Compressed gases (except LP gas) wholesaling
541519	7	Computer consultant
811212	2	Computer equipment repair and maintenance services
443120	2	Computer equipment stores

NAICS Code	Rate Class	Business Activity
518111	7	Computer - internet service providers (ISP)
611420	6	Computer operator training
541511	7	Computer program or software development, custom
532420	7	Computer rental or leasing
611519	6	Computer repair training
541513	7	Computer systems facilities management and operation services
518210	7	Computer time leasing
532230	7	Computer video game rental
541512	7	Computer-aided design systems integration design services
334111	3	Computers, manufacturing
443120	2	Computers, retailing
423430	1	Computers, wholesaling
713990	8	Concession operators, amusement device (except gambling), ride
722330	1	Concession stands, food, mobile
327320	3	Concrete batch plants, ready-mix manufacture and distribution
423320	1	Concrete building products wholesaling
238990	8	Concrete finishing construction contractors
531311	7	Condominium managers' offices
531120	7	Conference center, no promotion of events, rental or leasing
453310	2	Consignment shops, used
532412	7	Construction machinery and equipment rental without operator
811310	2	Construction machinery & equipment repair, maintenance services
423810	1	Construction machinery and equipment wholesaling
236220	8	Construction management firms, commercial and institutional
561450	4	Consumer credit reporting bureaus
522291	8	Consumer finance companies
623311	6	Continuing care retirement communities
23	8	Contractors, construction and special trade - all types
623110	6	Convalescent homes or convalescent hospitals
445120	1	Convenience food stores
447110	1	Convenience food with gasoline stations
561920	4	Convention promoters, managers, services
532420	7	Copier rental or leasing
561439	4	Copy shops
423420	1	Copying machines wholesaling
551114	7	Corporate offices
446120	1	Cosmetics stores

NAICS Code	Rate Class	Business Activity
424210	1	Cosmetics wholesaling
812112	4	Cosmetology salons or shops (beauty shops)
611511	6	Cosmetology schools
448150	2	Costume jewelry stores
423940	1	Costume jewelry wholesaling
532220	7	Costume rental
115111	4	Cotton ginning
624190	6	Counseling services
238990	8	Counter top construction contractors
713910	4	Country clubs
492110	5	Courier services
561920	4	Craft fair managers, organizers, promoters
451120	1	Craft supply stores
532412	7	Crane rental or leasing without operator
561450	4	Credit agencies, investigating services, reporting bureaus
522210	3	Credit card issuing (other than banks)
812220	6	Crematories (except combined with funeral homes)
115112	4	Crop dusting
111	4	Crop production, agriculture
561599	4	Cruise ship ticket offices
453220	2	Curio shops
442291	1	Curtain and drapery stores, packaged
812320	4	Curtain cleaning services
561720	4	Custodial services
337212	3	Custom architectural millwork and fixtures, manufacturing on a job shop basis
236115	8	Custom built house construction
315211	3	Cut and sew apparel contractors, men's and boys'
315212	3	Cut and sew apparel contractors, women's, girls', and infants'
D		
445299	1	Dairy product stores
424430	1	Dairy products, wholesaling
711130	4	Dance bands
713940	4	Dance centers, aerobic
713990	4	Dance halls, dance schools, studios
518210	7	Data processing computer services
511140	6	Database and directory publishers
624120	6	Day care centers, adult
624410	6	Day care centers, child or infant
541410	7	Decorating consulting services, interior
722211	1	Delicatessen restaurants
492210	5	Delivery service
238910	8	Demolition of buildings or other structures, construction contractors

NAICS Code	Rate Class	Business Activity
339116	3	Dental laboratories
621210	6	Dentists' offices (e.g., centers, clinics)
423450	1	Dentists' professional supplies wholesaling
452110	2	Department stores
621111	6	Dermatologists' offices
561410	4	Desktop publishing services
561611	4	Detective agencies
621420	6	Detoxification centers and clinics
811198	2	Diagnostic centers without repair, automotive
812331	4	Diaper supply services
561410	4	Dictation services
812191	4	Diet centers, non-medical
323115	3	Digital printing
722110	1	Diners, full service
487210	3	Dinner cruises
711110	4	Dinner theaters
541860	7	Direct mail advertising services
454390	8	Direct selling of merchandise (door-to-door, vehicles, stalls, street vendors)
511140	6	Directory and database publishers
713990	4	Discotheques (except those serving alcoholic beverages)
812990	4	Discount buying services
452110	2	Discount department stores
488310	3	Docking facility operations
561439	4	Document copying services
452990	2	Dollar stores
238350	8	Door and window construction contractors
722110	1	Doughnut shops
541340	7	Drafting services
561790	4	Drain cleaning services
237990	8	Dredging, general construction contractors
722410	8	Drinking places (i.e., bars, lounges, taverns), alcoholic
722211	1	Drive-in restaurants
611692	6	Driver education
713990	4	Driving ranges, golf
446110	1	Drug stores
424210	1	Drugs wholesaling
812320	4	Drycleaners
238310	8	Drywall construction contractors\
561790	4	Duct cleaning services
E		
812199	4	Ear piercing services
532412	7	Earth moving equipment rental or leasing without operator
237990	8	Earth moving not connected with building construction

NAICS Code	Rate Class	Business Activity
722110	1	Eating places
611699	6	Educational services, miscellaneous
112310	4	Egg production, chicken
811310	2	Electric motor repair and maintenance services
221122	8	Electric power distribution systems - franchise
444190	2	Electrical supply stores
238210	8	Electrical repair construction contractors
811118	2	Electrical repair shops, automotive
444190	2	Electrical supply stores
713120	8	Electronic game arcades, nongambling
423690	1	Electronic parts, wholesaling
811412	2	Electronic repair
443112	2	Electronic stores
238290	8	Elevator, escalator installation contractors
812210	4	Embalming services
561310	4	Employment agencies
811111	2	Engine repair and replacement shops, automotive
811411	2	Engine repair, small engine (e.g., lawnmowers)
541330	7	Engineering services
711510	4	Entertainers, independent
541620	7	Environmental consulting services
562910	4	Environmental remediation services
115310	4	Estimating timber
713940	4	Exercise centers
532292	7	Exercise equipment rental
451110	1	Exercise equipment stores
811112	2	Exhaust system repair and replacement shops, automotive
561710	4	Exterminating services
F		
451130	1	Fabric shops
424310	1	Fabrics, textile (except burlap, felt), wholesaling
811213	2	Facsimile machine repair and maintenance services
621410	6	Family planning counseling services
441229	8	Farm machinery, retail
424910	1	Farm supplies wholesaling
722211	1	Fast food restaurants
444220	2	Feed stores
237990	8	Fence construction contractors
561730	4	Fertilizing lawns
711310	3	Festival promoters
238210	8	Fiber optic cable construction contractors
522291	6	Finance companies
523930	6	Financial investment or planning services
313311	3	Finishing plants, broadwoven fabric

NAICS Code	Rate Class	Business Activity
561621	4	Fire alarm sales, installation, maintenance, or monitoring services
454319	2	Firewood dealers, direct selling
453998	2	Fireworks shops
487210	3	Fishing boat charter operation
451110	1	Fishing supply stores
445220	1	Fish markets
713940	4	Fitness centers
531120	7	Flea market space, rental or leasing
454390	8	Flea markets, direct selling - peddlers
713210	8	Floating casinos (i.e., gambling cruises, riverboat casinos)
238330	8	Floor laying, finishing, or refinishing construction contractors
561422	4	Floral wire services
453110	2	Florists
453110	2	Flower shops
561920	4	Flower show promoters
424930	1	Flowers wholesaling
611512	6	Flying instruction
445110	1	Food, grocery stores
446191	1	Food, health supplement stores
722330	1	Food carts, mobile
722310	1	Food service contractors, concession operator, or cafeteria
448210	2	Footwear stores
424340	1	Footwear wholesaling
115310	4	Forestry services
532220	7	Formal wear rental
812990-PA		Fortune-telling services
533110	7	Franchise agreements, leasing, selling or licensing only
488510	3	Freight forwarder
445230	1	Fruit and vegetable markets or stands, permanent
454311	2	Fuel oil (i.e., heating) dealers, direct selling
424720	1	Fuel oil wholesaling
812210	4	Funeral homes
532299	7	Furniture rental centers
442110	1	Furniture and appliance stores, new
561740	4	Furniture cleaning services
811420	2	Furniture refinishing, repair, or reupholstery shops
453310	2	Furniture stores, used
G		
713290	8	Gambling device arcades or parlors, coin-operated
562111	4	Garbage collection services
444220	2	Garden centers

NAICS Code	Rate Class	Business Activity
811411	2	Garden equipment repair and maintenance services
561730	4	Garden maintenance services
444210	2	Garden power equipment stores
532490	7	Garden tractor rental or leasing
811490	2	Garment alteration and/or repair shops
812320	4	Garment cleaning services
237120	8	Gas main construction
221210	8	Gas, natural, distribution - franchise
424710	1	Gasoline bulk stations and terminals
447110	1	Gasoline stations with convenience stores
447190	1	Gasoline stations without convenience stores
424720	1	Gasoline wholesaling (except bulk stations, terminals)
452990	2	General stores
541370	7	Geographic information system (GIS) base mapping services
453220	2	Gift shops and greeting card shops
115111	4	Ginning cotton
238150	8	Glass installation (except automotive) construction contractors
811122	2	Glass shops, automotive
444190	2	Glass stores
442299	1	Glassware stores
713910	4	Golf courses and country clubs
713990	4	Golf courses, miniature, pitch-n-putt, driving ranges
451110	1	Golf pro shops, sporting goods stores
445299	1	Gourmet food stores
311211	3	Grain mills
541430	7	Graphic art and related design services
424410	1	Groceries, general-line, wholesaling
445110	1	Grocery stores
624410	6	Group day care centers, child or infant
623110	6	Group homes for the disabled
561612	4	Guard services
721199	1	Guest houses
713990	4	Guide services
451110	1	Gun shops, gunsmiths
H		
621491	6	HMO (health maintenance organization)
812112	4	Hair stylist services, hairdresser
448150	2	Handbag stores
423710	1	Hardware (except motor vehicle) wholesaling
444130	2	Hardware stores
562112	4	Hazardous waste collection services
446110	1	Health and beauty aids stores
713940	4	Health club facilities, physical fitness

NAICS Code	Rate Class	Business Activity
446191	1	Health food stores
721110	1	Health spas
237990	8	Heavy construction equipment rental with operator
532412	7	Heavy construction equipment rental without operator
811310	2	Heavy machinery and equipment repair and maintenance services
481211	3	Helicopter passenger carriers
237310	8	Highway construction
451120	1	Hobby shops
551112	7	Holding companies
452990	2	Home and auto supply stores
442299	1	Home furnishings, miscellaneous retail
621610	6	Home health care agencies
444110	2	Home improvement centers
621399	6	Home nursing services
623110	6	Homes for the aged
487110	3	Horse-drawn carriage operation
621610	6	Hospice care services, in home
524114	8	Hospital and medical service plans, direct (insurance)
622110	6	Hospitals, general medical and surgical
721199	1	Hostels
453998	2	Hot tub stores
561110	4	Hotel management services
721110	1	Hotels
238990	8	House moving construction contractors
454390	8	House-to-house direct selling
561720	4	Housekeeping services
442299	1	Housewares stores
713990	4	Hunting clubs, recreational
114210	4	Hunting preserves
I		
722213	1	Ice cream parlors
722330	1	Ice cream truck vendors
541213	7	Income tax return preparation services
811310	2	Industrial equipment and machinery repair, maintenance services
541710	7	Industrial research and development
624410	6	Infant day care services
518111	7	Information access services, on-line
541512	7	Information management computer systems integration design services
721191	1	Inns, bed and breakfast
115112	4	Insect control for crops
561710	4	Insect extermination services
522220	6	Installment sales financing

NAICS Code	Rate Class	Business Activity
238310	8	Insulation construction contractors
524210	7	Insurance agencies
524114	8	Insurance carriers, health, direct
524113	8	Insurance carriers, life, disability, direct
524126	8	Insurance carriers, property and casualty, fidelity, surety, direct
524127	8	Insurance carriers, title, direct
524291	7	Insurance claims adjusting
541410	7	Interior decorator, design services
518111	7	Internet service providers (ISP)
516110	7	Internet publishers
561611	4	Investigators, private
523930	6	Investment advice consulting services
J		
423850	1	Janitorial equipment and supplies wholesaling
561720	4	Janitorial services
811490	2	Jewelry repair shops
448310	2	Jewelry stores
423940	1	Jewelry wholesaling
624310	6	Job counseling, vocational rehabilitation
423930	8	Junk dealers, wholesaling
K		
611620	6	Karate schools
812910	4	Kennels, pet boarding
		Kerosene - see fuel oil
811490	2	Key duplicating shops
621492	6	Kidney dialysis centers and clinics
611110	6	Kindergartens
444190	2	Kitchen cabinet (except custom) stores
337110	3	Kitchen cabinets, stock or custom wood, manufacturing
442299	1	Kitchenware stores
		Knitting mills - see textile mills
L		
621399	6	LPNs' (licensed practical nurses) offices
561330	4	Labor leasing services
621511	6	Laboratories, medical
541380	7	Laboratories, testing (except medical)
423450	1	Laboratory equipment, dental and medical, wholesaling
442299	1	Lamp shops, electric
238990	8	Land clearing and drainage construction contractors
531190	7	Land rental or leasing
237210	8	Land subdividers and developers (except cemeteries)
541370	7	Land surveying services
541320	7	Land use planning services
562212	8	Landfills

NAICS Code	Rate Class	Business Activity
541320	7	Landscape architectural services
561730	4	Landscape installation, care and maintenance services
812320	4	Laundries
812310	4	Laundromats
812331	4	Laundry services, linen supply
541110	7	Law offices
811411	2	Lawn and garden equipment repair and maintenance services
561730	4	Lawn care services
444220	2	Lawn supply stores
532490	7	Leasing equipment
532112	7	Leasing automobiles
444190	2	Lighting fixture stores
423610	1	Lighting fixtures, electric, wholesaling
532111	7	Limousine rental without driver
485320	3	Limousines for hire with driver (except taxis)
442299	1	Linen stores
448190	2	Lingerie stores
424710	1	Liquefied petroleum gas (LPG) bulk stations and terminals
454312	2	Liquefied petroleum gas (LPG) dealers, direct selling
424720	1	Liquefied petroleum gas (LPG) wholesaling
424520	1	Livestock auctions
522310	6	Loan brokers' or agents' offices
522291	6	Loan companies (i.e., consumer, personal, small, student)
561622	4	Locksmith services
113310	4	Logging
517110	8	Long-distance telephone carriers (except wireless)
517310	8	Long-distance telephone resellers (except satellite)
488320	3	Longshoremens services
722410	8	Lounges, cocktail
448320	2	Luggage stores
423310	1	Lumber (e.g., dressed, finished, rough) wholesaling
444190	2	Lumber retailing yards
M		
332710	3	Machine shops
811310	2	Machine tools repair and maintenance services
423420	1	Machines, office, wholesaling
454390	8	Magazine, sales or subscriptions, door-to-door
451212	1	Magazine stands
424920	1	Magazines wholesaling
561720	4	Maid services
532420	7	Mailing equipment rental or leasing
511140	6	Mailing list compiling services

NAICS Code	Rate Class	Business Activity
561110	4	Management services (except complete operation of business)
531312	7	Managers' offices, commercial real estate
531311	7	Managers' offices, residential real estate
561920	4	Managers, convention, trade fair or show
711410	4	Managers, entertainers, public figures, sports figures
812113	4	Manicurist services
423390	1	Manufactured (mobile) homes wholesaling
453930	2	Manufactured (mobile) home dealers
531190	7	Manufactured (mobile) home parks, sites rental or leasing
31	3	Manufacturing - food, beverages, tobacco products, textiles, apparel, leather goods
32	3	Manufacturing - wood products, manufactured (mobile) homes, prefabricated (modular) buildings, paper, printing, petroleum products, chemicals, gases, dyes, plastics, synthetic rubber, synthetic fibers, fertilizer, pesticides, medicine, paint, soap, film, rubber products, clay and ceramic products, glass, cement, concrete products, mineral products, etc.
33	3	Manufacturing - metals and metal products, small arms, ammunition, farm machinery, construction machinery, industrial machinery, commercial & service machinery, office machines, heating and air-conditioning equipment, tools, engines, pumps, elevators, computer and electronic products, communications equipment, audio and video equipment, instruments, timing devices, lighting equipment, appliances, electrical equipment, batteries, wire, transportation equipment and motor vehicles, trailers and campers, aircraft and parts, military equipment, home and office furniture, household products, medical equipment and supplies, jewelry, athletic goods, toys and games, signs, musical instruments, caskets, and Misc.
713930	4	Marina
441222	8	Marine supply dealers, boat dealers
423320	1	Mason's materials wholesaling
444190	2	Masonry (block, brick, stone) dealers
238140	8	Masonry construction contractors
448120	2	Maternity shops
442110	1	Mattress stores
812220	4	Mausoleums
624210	6	Meal delivery programs
445210	1	Meat markets
424470	1	Meats and meat products wholesaling

NAICS Code	Rate Class	Business Activity
238210	8	Mechanical construction contractors
541330	7	Mechanical engineering services
531120	7	Medical building rental or leasing
621111	6	Medical doctors' offices
423450	1	Medical equipment and supplies wholesaling
621511	6	Medical laboratories
813410	1	Membership associations, civic or social
812220	4	Memorial gardens (i.e., burial places)
561421	4	Message services, telephone answering
492210	5	Messenger service
423510	1	Metals, ferrous and nonferrous, wholesaling
561990	4	Meter reading services, contract
311511	3	Milk processing
423840	1	Mill supplies wholesaling
713990	4	Miniature golf courses
531130	7	Miniwarehouse rental or leasing
722330	1	Mobile food stands
531190	7	Mobile (manufactured) home parks, site rental or leasing
453930	2	Mobile (manufactured) home dealers
532120	7	Mobile home rental, except on site
238990	8	Mobile home site setup and tie down construction contractors
484220	3	Mobile home towing services
517212	8	Mobile telephone communication carriers
236115	8	Modular house assembly and installation on site, construction
522390	6	Money order issuance services, not related to banking
453998	2	Monument (burial marker) dealers
423990	1	Monuments and grave markers wholesaling
327991	3	Monuments and tombstone, cut stone manufacturing
441221	8	Moped dealers
532292	7	Moped rental
522292	6	Mortgage banking (nondepository mortgage lending)
522310	6	Mortgage brokers' or agents' offices (independent)
812210	4	Mortuaries
721110	1	Motels
512199	4	Motion picture booking agencies
512131	4	Motion picture theaters
484110	3	Motor freight carrier, general
441210	8	Motor home dealers
532120	7	Motor home rental
811310	2	Motor repair and maintenance services
441221	8	Motor scooter dealers
423120	1	Motor vehicle parts and accessories, wholesaling
488410	3	Motor vehicle towing services

NAICS Code	Rate Class	Business Activity
423110	1	Motor vehicles wholesaling
441221	8	Motorcycle dealers
532292	7	Motorcycle rental
811490	2	Motorcycle repair shops
561730	4	Mowing services
811112	2	Muffler repair and replacement shops
611610	6	Music instruction
451220	1	Music stores (e.g., cassette, compact disc, record, tape)
532299	7	Musical instrument rental
811490	2	Musical instrument repair shops
423990	1	Musical recordings wholesaling
711130	4	Musicians, independent
N		
221210	8	Natural gas distribution systems - franchise
621399	6	Naturopaths' offices (e.g., centers, clinics)
448150	2	Neckwear stores
451130	1	Needlecraft sewing supply stores
621111	6	Neurologists' offices (e.g., centers, clinics)
519110	7	News service, syndicate
511120	6	Newsletter publishers
541840	7	Newspaper advertising representatives (independent of media owners)
711510	4	Newspaper columnists, independent (freelance)
511110	6	Newspaper publishers
424920	1	Newspapers wholesaling
451212	1	Newsstands
722410	8	Night clubs, alcoholic beverage
424990	1	Novelties wholesaling
453220	2	Novelty shops
561310	4	Nurse registries
444220	2	Nursery and garden centers
424930	1	Nursery stock (except plant bulbs, seeds) wholesaling
111421	4	Nursery stock growing
621610	6	Nursing agencies, primarily providing home nursing services
623110	6	Nursing homes
O		
621111	6	Obstetricians' offices
621340	6	Occupational therapists' offices
531120	7	Office building rental or leasing
561720	4	Office cleaning services
423420	1	Office equipment wholesaling
532420	7	Office furniture rental or leasing
442110	1	Office furniture stores
423210	1	Office furniture wholesaling

NAICS Code	Rate Class	Business Activity
561320	4	Office help supply services
811212	2	Office machine repair & maintenance services (except communication equip.)
532420	7	Office machinery and equipment rental or leasing
423420	1	Office machines wholesaling
561110	4	Office management services
424120	1	Office supplies (except furniture, machines) wholesaling
453210	2	Office supply stores
811191	4	Oil change and lubrication shops, automotive
424710	1	Oil, petroleum, bulk stations and terminals
424720	1	Oil, petroleum, wholesaling (except bulk stations, terminals)
454311	2	Oil, heating, retail
518191	7	On-line access service providers
621111	6	Oncologists' offices
236115	8	Operative builders
621111	6	Ophthalmologists' offices
423460	1	Optical goods (except cameras) wholesaling
446130	1	Optical goods stores (except offices of optometrists)
518210	7	Optical scanning services
621320	6	Optometrists' offices
621210	6	Orthodontists' offices
621111	6	Orthopedic physicians' offices
621111	6	Osteopathic physicians' (except mental health) offices
441222	8	Outboard motor dealers
811490	2	Outboard motor repair shops
541850	7	Outdoor display advertising services
451110	1	Outdoor sporting equipment stores
P		
621999	6	Pacemaker monitoring services
517211	8	Paging services
811121	2	Paint shops, automotive
444120	2	Paint stores
424950	1	Painter's supplies wholesaling
711510	4	Painters (i.e., artists), independent
238320	8	Painting, exterior and interior, construction contractors
812990-PA	8	Palm reading services
423930	1	Paper, scrap, wholesaling
812930	4	Parking garages, lots, automobile
441310	2	Parts and accessories dealers, automotive
532299	7	Party rental supply centers
445120	1	Party shops, convenience stores
621111	6	Pathologists', neuropathological, offices
561612	4	Patrol services, security
522298	8	Pawnshops

NAICS Code	Rate Class	Business Activity
812990	4	Pay telephone equipment concession operators
513210	8	Pay television networks - franchise
621111	6	Pediatricians' offices
454390	8	Peddlers, direct selling of merchandise (door-to-door, from vehicles or stalls, street vendors)
611610	6	Performing arts schools (except academic)
517212	8	Personal communication services (PCS), communication carriers
561710	4	Pest control services
812910	4	Pet boarding services
812220	4	Pet cemeteries
812910	4	Pet grooming services
541940	7	Pet hospitals
453910	2	Pet shops
424990	1	Pet supplies (except pet food) wholesaling
812910	4	Pet training services
		Petroleum – see Gas or Oil
424210	1	Pharmaceuticals wholesaling
446110	1	Pharmacies
424120	1	Photocopy supplies wholesaling
811212	2	Photocopying machine repair and maintenance services
561439	4	Photocopying services
812921	4	Photofinishing services, developing
541922	7	Photographers, commercial
541921	7	Photographers, portraits
423410	1	Photographic equipment and supplies wholesaling
532210	7	Photographic equipment rental
811211	2	Photographic equipment repair shops
443130	2	Photographic supply stores
541921	7	Photography services, studios
713940	4	Physical fitness facilities
621340	6	Physical therapy offices
621111	6	Physicians' (except mental health) offices
621399	6	Physicians' assistants' offices
621340	6	Physiotherapists' offices
532299	7	Piano rental
451140	1	Piano stores
442299	1	Picture frame shops, custom
453998	2	Picture frames, ready made - retail
424310	1	Piece goods wholesaling
451130	1	Piece goods stores
237990	8	Pier construction
237110	8	Pipeline (e.g., gas, oil, sewer, water) construction
722110	1	Pizza parlors
561310	4	Placement agencies or services, employment

NAICS Code	Rate Class	Business Activity
561730	4	Plant and shrub maintenance services
621111	6	Plastic surgeons' offices
423930	1	Plastics scrap wholesaling
238220	8	Plumbing construction contractors - plumbers
423720	1	Plumbing equipment, fixtures, supplies wholesaling
444190	2	Plumbing supply stores
621391	6	Podiatrists' offices
561611	6	Polygraph services
561790	4	Pool cleaning
713990	8	Pool rooms
488310	3	Port facility operation
562991	4	Portable toilet renting and/or servicing
236220	8	Post office construction
445210	1	Poultry dealers
444210	2	Power equipment stores, outdoor
237130	8	Power line construction
532490	7	Power washer rental or leasing
561790	4	Power washing building exteriors
624410	6	Pre-kindergarten, preschool centers
238120	8	Precast concrete product placement construction contractors
236116	8	Prefabricated building erection
444190	2	Prefabricated building dealers
323114	3	Print shops - commercial
561611	4	Private detective services
611110	6	Private schools, elementary or secondary
451110	1	Pro shops (e.g., golf, skiing, tennis)
541199	7	Process server services
621111	6	Proctologists' offices
445230	1	Produce markets
424480	1	Produce, fresh, wholesaling
541511	7	Programming services, custom computer
711310	4	Promoters of events
531311	7	Propane - see Liquefied Petroleum Gas
531311	7	Property manager
446199	1	Prosthetic stores
561730	4	Pruning services, ornamental tree and shrub
623220	6	Psychiatric convalescent homes or hospitals
621112	6	Psychiatrists' offices
812990-PA	8	Psychic Arts (fortune tellers, palm readers, etc.)
621330	6	Psychologists' offices
541211	7	Public accountants' (CPAs) offices, certified
541219	7	Public accountants' (except CPAs) private practices
541820	7	Public relations services
423990	1	Pulpwood wholesaling

NAICS Code	Rate Class	Business Activity
562991	4	Pumping cesspools and septic tanks
Q		
323114	3	Quick printing - duplicating
811191	2	Quick-lube shops
523999	6	Quotation services, securities
R		
721211	1	RV (recreational vehicle) parks
532120	7	RV (recreational vehicle) rental or leasing
441210	8	RV dealers
711212	4	Racetracks (e.g., automobile, horse)
541380	7	Radiation testing laboratories or services
811118	2	Radiator repair shops, automotive
517211	8	Radio paging services communication carriers
811211	2	Radio repair and maintenance services
515112	7	Radio stations
562211	4	Radioactive waste collecting and/or disposal
621111	6	Radiologists' offices
541380	7	Radon testing laboratories or services
482	8	Railroads
327320	3	Ready-mixed concrete manufacturing and distributing
531190	7	Real estate (except building) rental or leasing
531210	7	Real estate agents' or brokers' offices
531320	7	Real estate appraisal services
531390	7	Real estate listing services
531312	7	Real estate property managers' offices, commercial
531311	7	Real estate property managers' offices, residential
531130	7	Real estate rental or leasing of miniwarehouses & self-storage
531120	7	Real estate rental or leasing of any nonresidential building (except miniwarehouse)
531110	7	Real estate rental or leasing of residential building (more than one dwelling unit)
237210	8	Real property (except cemetery lots) development or subdivision
326212	3	Recapping tires
451220	1	Record stores
512240	4	Recording studios, sound
713990	4	Recreational day camps (except instructional)
423910	1	Recreational equipment and supplies (except vehicles) wholesaling
532292	7	Recreational goods rental
451110	1	Recreational goods stores - retail
713940	4	Recreational sports club facilities
441210	8	Recreational vehicle (RV) dealers
532120	7	Recreational vehicle (RV) rental or leasing

NAICS Code	Rate Class	Business Activity
721211	1	Recreational vehicle parks
441210	8	Recreational vehicle parts and accessories stores
423110	1	Recreational vehicles wholesaling
423930	8	Recyclable material, junk, wholesaling
561310	4	Referral agencies or services, employment
722330	1	Refreshment stands, mobile
493120	5	Refrigerated warehousing
562111	4	Refuse collection services
562219	4	Refuse treatment and disposal, nonhazardous
624310	6	Rehabilitation job counseling and training, vocational
451211	1	Religious book stores
532310	7	Rent-all centers, miscellaneous rental
811	2	Repair services (see type of operation)
561491	4	Repossession services
561599	4	Reservation services (e.g., airline, car rental, hotel, restaurant)
623110	6	Rest, retirement homes
722110	1	Restaurants
44-45		Retail (see type of operation)
4411	8	Automobile dealers
4412	8	Other motor vehicle dealers
4413	2	Automotive parts, tire stores
442	1	Furniture & home furnishing stores
443	2	Electronics & appliance stores
444	2	Building material, garden equipment & supply dealers
445	1	Food & beverage stores
446	1	Health & personal care stores
447	1	Gasoline stations
448	2	Clothing & clothing accessories stores
451	1	Sporting goods, hobby, book & music stores
452	2	General merchandise stores
44-45	2	Miscellaneous store retailers
	2	Nonstore retailers, except peddlers
811420	2	Reupholstery shops, furniture
713990	4	Riding stables
713990	4	Rifle clubs, recreational
713940	4	Roller skating rinks
238160	8	Roof spraying, painting or coating, construction contractors
444190	2	Roofing material dealers
423330	1	Roofing materials (except wood) wholesaling
721310	1	Rooming and boarding houses
561740	4	Rug cleaning services
442210	1	Rug stores

S

NAICS Code	Rate Class	Business Activity
441222	8	Sailboat dealers
532292	7	Sailboat rental
713930	4	Sailing clubs
444190	2	Sand, retail
423320	1	Sand wholesaling
722211	1	Sandwich shops
424490	1	Sandwich wholesaling
562212	4	Sanitary landfills
444112	2	Satellite antenna sales & installation
811411	2	Saw repair and maintenance
321113	3	Sawmills
611	6	Schools (see type)
424460	1	Seafood (except canned, packaged frozen) wholesaling
445220	1	Seafood markets
561410	4	Secretarial services
523120	6	Securities brokers' offices
561621	4	Security alarm systems sales with installation, maintenance, or monitoring services
561612	4	Security guard services
531130	7	Self-storage warehousing
238220	8	Septic system construction contractors
562991	4	Septic tank cleaning services
447190	1	Service stations, gasoline
562998	4	Sewer cleaning and rodding services
221320	4	Sewer systems
443111	2	Sewing machine stores, household-type
451130	1	Sewing supply stores
SB	8	Sexually Oriented Businesses
811430	2	Shoe repair shops
448210	2	Shoe stores (except bowling, golf, spiked)
451110	1	Shoe stores, specialty sports footwear
424340	1	Shoes wholesaling
485999	3	Shuttle services (except employee bus)
238170	8	Siding construction contractors
444190	2	Siding dealers
487210	3	Sightseeing boat operation
487110	3	Sightseeing bus operation
238990	8	Sign contractors, installation (on buildings)
234110	8	Sign erection (i.e., highway, street) contractors
541890	7	Sign lettering and painting services
522291	6	Small loan companies
722213	1	Snack bars, soda fountains, fixed location
722330	1	Snack stands, mobile
424490	1	Soft drinks wholesaling
453220	2	Souvenir shops

NAICS Code	Rate Class	Business Activity
713940	4	Spa - health club
621340	6	Speech therapists' offices
532292	7	Sporting goods rental
451110	1	Sporting goods stores
711310	4	Sports event managers, promoters
711410	4	Sports figures' agents or managers
453210	2	Stationery stores
424120	1	Stationery supplies wholesaling
722110	1	Steak houses
423510	1	Steel wholesaling
561410	4	Stenographic services
443112	2	Stereo stores
488320	3	Stevedoring services
523120	6	Stock brokers' offices
454390	8	Street vendors (except food)
722330	1	Street vendors, food
445110	1	Supermarkets
452910	2	Superstores (food and general merchandise)
621111	7	Surgeons' (except dental) offices
541940	6	Surgeons' offices, veterinary
621210	6	Surgeons', dental, offices
423450	1	Surgical supplies wholesaling
541370	7	Surveying and mapping services (except geophysical)
423490	1	Surveying equipment and supplies wholesaling
541360	7	Surveying services, geophysical
611620	6	Swimming instruction
561790	4	Swimming pool cleaning and maintenance
238990	8	Swimming pool construction contractors
453998	2	Swimming pool supply stores
423910	1	Swimming pools and equipment wholesaling
T		
448190	2	T-shirt shops, custom printed
451110	1	Tackle shops (fishing)
811490	2	Tailor shops, alterations only
722211	1	Take out eating places
812199	4	Tanning salons
423990	1	Tapes, prerecorded, audio or video, wholesaling
722410	8	Taverns (i.e., drinking places)
561440	4	Tax collection services on a contract or fee basis
541213	7	Tax return preparation services
485310	3	Taxicab services
711510	4	Taxidermists, independent
517212	8	Telecommunications carriers, cellular telephone
517110	8	Telecommunications carriers, wired
532490	7	Telecommunications equipment rental or leasing

NAICS Code	Rate Class	Business Activity
237130	8	Telecommunications line construction (e.g., telephone, telegraph)
541618	7	Telecommunications management consulting services
517110	8	Telecommunications networks, wired
517310	8	Telecommunications resellers
238210	8	Telecommunications wiring installation contractors
513310	8	Telegram services
561422	4	Telemarketing bureaus
561421	4	Telephone answering services
561499	4	Telephone billing & collection services
541870	7	Telephone directory distribution services, door-to-door
511140	6	Telephone directory publishers
811213	2	Telephone equipment repair and maintenance services
423690	1	Telephone equipment wholesaling
561422	4	Telephone solicitation services on a contract or fee basis
443112	2	Telephone stores (including cellular)
541840	7	Television advertising representatives
443112	2	Television and radio stores
515120	7	Television broadcasting stations
511120	6	Television guide publishers
517510	8	Television operations, closed circuit
532210	7	Television rental
811211	2	Television repair services
561320	4	Temporary employment services
713940	4	Tennis club facilities
561710	4	Termite control services
313210	3	Textile mills
424310	1	Textiles wholesaling
711110	4	Theaters, live theatrical production
512131	4	Theaters, motion picture
711310	4	Theatrical production managers, organizers, promoters
713110	4	Theme parks, amusement
453310	2	Thrift shops, used merchandise
561599	4	Ticket agencies, amusement, sports, theatrical, travel
444190	2	Tile stores, ceramic
423990	1	Timber and timber products (except lumber) wholesaling
115310	4	Timber valuation
321114	3	Timber, structural, treating
561599	4	Time share exchange services, condominium
441320	2	Tire dealers, automotive
811198	2	Tire repair shops (except retreading), automotive
326212	3	Tire retreading, recapping or rebuilding
423130	1	Tires, motor vehicle, wholesaling
541191	7	Title companies, real estate, abstract
524127	8	Title insurance carriers, real estate, direct

NAICS Code	Rate Class	Business Activity
424940	1	Tobacco products wholesaling
453991	2	Tobacco stores
325992	3	Toner cartridges rebuilding
487110	3	Tour bus, scenic and sightseeing, operation
561520	4	Tour operators
713990	4	Tourist guide services
721199	1	Tourist homes
812331	4	Towel supply services
488410	3	Towing services, motor vehicle
562910	4	Toxic material removal contractors
451120	1	Toy stores
811310	2	Tractor, farm or construction equipment repair and maintenance
532490	7	Tractor, farm or garden, rental or leasing
811411	2	Tractors, lawn and garden repair and maintenance services
561920	4	Trade show managers, organizers, promoters
531190	7	Trailer park or court, residential
532120	7	Trailer rental or leasing
811113	2	Transmission repair shops, automotive
562111	4	Trash collection services
561510	4	Travel agencies
721211	1	Travel trailer campsites
441210	8	Travel trailer dealers
561730	4	Tree services, planting, trimming, removal
453998	2	Trophy shops
532120	7	Truck rental or leasing
811111	2	Truck repair shops, general
447190	1	Truck stops
488490	3	Trucking terminals, independently operated
811118	2	Tune-up shops, automotive
811490	2	Tuning and repair of musical instruments
532220	7	Tuxedo rental
561410	4	Typing services
U		
621512	6	Ultrasound imaging centers
238910	8	Underground tank removal construction contractors
812210	4	Undertaker services
812331	4	Uniform supply services
448190	2	Uniform stores (except athletic)
451110	1	Uniform stores, athletic
812112	4	Unisex hair stylist shops
811420	2	Upholstery (except motor vehicle) repair services
561740	4	Upholstery cleaning services
451130	1	Upholstery materials stores

NAICS Code	Rate Class	Business Activity
811121	2	Upholstery shops, automotive
621111	6	Urologists' offices
441120	8	Used car dealers
423110	1	Used cars wholesaling
453310	2	Used merchandise stores (except pawnshops)
423140	1	Used parts, motor vehicle, wholesaling
V		
721214	1	Vacation camps
443111	2	Vacuum cleaner stores, household-type
452990	2	Variety stores
445230	1	Vegetable markets
424480	1	Vegetables, fresh, wholesaling
454210	8	Vending machine distributors, sellers of products
541940	7	Veterinary services
811211	2	Video cassette recorder (VCR) repair services
713120	8	Video game arcades (except gambling)
713290	8	Video poker, gambling - PROHIBITED
532210	7	Video recorder rental
532230	7	Video tape rental stores
451220	1	Video tape stores
541921	7	Video taping services, special events
446191	1	Vitamin stores
561421	4	Voice mailbox services
621340	6	Voice pathologists' offices
W		
238320	8	Wall covering or removal construction contractors
444120	2	Wallpaper and wall coverings stores
493110	5	Warehousing and storage, general merchandise
493130	5	Warehousing, farm products (except refrigerated)
493120	5	Warehousing, refrigerated
531130	7	Warehousing, self storage, miniwarehouses
562112	4	Waste collection services, hazardous
562111	4	Waste collection services, nonhazardous solid
221320	4	Waste collection, treatment, and disposal through a sewer system
562213	8	Waste (except sewage) treatment facilities,
811490	2	Watch repair shops without retailing new watches
448310	2	Watch shops
811412	2	Water heater repair and maintenance services
237110	8	Water main and line construction
532292	7	Water ski rental
561990	4	Water softener services
221310	4	Water supply systems
237110	8	Water well drilling construction contractors
424490	1	Water, bottled (except water treating), wholesaling

NAICS Code	Rate Class	Business Activity
812990	4	Wedding chapels (except churches), wedding planning
541921	7	Wedding photography services
561730	4	Weed control and fertilizing services (except crop)
812191	4	Weight loss centers, non-medical
713940	4	Weight training centers
811310	2	Welding repair services
237990	8	Wharf construction
488310	3	Wharf operation
811118	2	Wheel alignment shops, automotive
532291	7	Wheel chair rental
42	1	Wholesale (see type of product)
423	1	- Durable goods
424	1	- Nondurable goods
448150	2	Wig and hairpiece stores
424990	2	Wigs wholesaling
561720	4	Window cleaning services
811490	2	Window shade repair and maintenance shops
444190	2	Window stores
811122	2	Window tinting, automotive
442291	1	Window treatment stores
561422	4	Wire services (telemarketing services), floral
423990	1	Wood products (e.g., chips, posts, shavings, ties) wholesaling
561410	4	Word processing services
488410	3	Wrecker services (towing services), motor vehicle
238910	8	Wrecking, buildings or other structures, construction contractors
X		
541380	7	X-ray inspection services
621512	6	X-ray laboratories, medical or dental
423450	1	X-ray machines and parts, medical and dental, wholesaling
Y		
713930	4	Yacht basins, operation
713930	4	Yacht clubs
532292	7	Yacht rental without crew
424310	1	Yard goods, textile wholesaling
Z		
712130	4	Zoos, aquariums, wild animal parks



**Administration & Finance Committee Meeting
Briefing Document**

Agenda Item

Request to provide funding to the Lourie Center

Background

During the September 11, 2018 Council meeting, Councilperson Pearce brought forth the following motion:

“The Lourie Center recently lost funding from United Way necessary to continue operating a program that transports seniors to medical appointments and essential shopping. They are requesting Council provide \$12K in additional funding so that this program can continue”

The historical funding levels for the Lourie Center since fiscal year 2015 as approved by County Council is provided below:

Table 1. *Historical Funding Level for the Lourie Center*

	FY15	FY16	FY17	FY18	FY19
Lourie Center	\$159,600	\$159,600	\$159,600	\$159,600	\$159,600

Issues

Request from the Lourie Center for additional funding.

Fiscal Impact

If approved by Council, the appropriate funding source is the County’s General Fund in the amount \$12,000. This will require a budget amendment via three readings and a public hearing.

Past Legislative Actions

None.

Alternatives

1. Consider the motion and approve accordingly.
2. Consider the motion and do not approve accordingly.

Staff Recommendation

This is a Council initiated request. As such, staff will proceed as directed by Council.



**Administration & Finance Committee Meeting
Briefing Document**

Agenda Item

Use of Assigned Funds – Salary Adjustments

Background

As part of the Council approved Biennium Budget I, staff engaged a consultant to conduct a countywide total rewards study (TRS). Attached is an executive update on the study.

During its October 16, 2018 meeting, Council assigned “seed” funding to begin implementing the recommendations of the Total Rewards Study during the current fiscal. Undergirding its implementation is the use of recurring revenues to fund increases in the personnel costs for making any recommended salary adjustments. Review of the executive update from the consultant (Buck) will reveal that jobs, countywide, are paid salaries that are 13% less than market salaries. Given this information, staff is recommending a phased approach to improve the County’s compensation provisions for employees as outlined below:

1. Seed funding: Phase I – the action of Council to assign seed funding for salary adjustments was to provide up to a 6% salary adjustment (i.e., COLA) for all employees pursuant to the results of the TRS. This approach address two concerns:
 - a. All employees will not receive a salary adjustment through the implementation of the total rewards study (i.e., those above the market rate). As such, this recommendation will allow for all employees to receive at least a 2% wage adjustment.
 - b. The 13% difference between the County’s current job salaries versus the market rates is significant. This recommended approach will lessen the amount of funding needed to begin bringing the County’s job salaries up to the market rate in future fiscal years, commencing the first year of Biennium Budget II – fiscal year 2019-2020. The increase will actually reduce the amount of the increase needed to bring employees closer to the [appropriate] market competitive pay rate in future fiscal years.
2. Phases II and III (if needed) – The Biennium Budget II submittals, Countywide, should not include significant funding requests for operations. This will allow the use of new revenues to close the gap between current salaries and market salaries. It is anticipated that Phase II will be recommended to Council for its approval during the upcoming budget process for the first year of Biennium Budget II – fiscal year 2019-2020 and Phase III, in fiscal year 2020-2021.
3. Assuming that all phases bring the County’s job salaries in line with the market rates, in order to maintain competitive wages, future Biennium Budgets will include Cost-of-living-adjustments for Council approval during its annual budget vetting process.

Issues

The total rewards study examines the County overall job salaries and benefits package. This item attempts to initiate its implementation by addressing the County current salaries.

Fiscal Impact

To implement the seed funding portion as outline above the fiscal impact is \$3,125,000, which Council assigned for this purpose during its October 16, 2018 meeting.

Past Legislative Actions

- October 16, 2018 – Council assigned \$3,125,000 to seed fund salary adjustments in January 2019.

Alternatives

1. Consider the request and approve accordingly.

2. Consider the request and do not approve accordingly.

Staff Recommendation

Staff recommends providing up to a 6% salary adjustment (i.e., COLA) for all employees pursuant to the results of the TRS in January 2019 using the funding assigned by Council during its October 16, 2018 meeting for this purpose.



October 23, 2018

T. Dwight Hanna
Director of Human Resources
Richland County Government
2020 Hampton Street, Suite 3058
Columbia, SC 29204

Dear Mr. Hanna,

Total Rewards Study Executive Summary

Richland County Government engaged Buck (formerly Conduent HR Consulting) to provide a Total Rewards Study.

The goal of the Study is to help RCG recruit, retain, and motivate employees. As a result, Richland County aims to address internal equity and wage compression and bring wages more appropriately in line with the market.

The Total Rewards Study, while inclusive of compensation, is a much more comprehensive study.

Richland County Government compensation levels have been assessed using published survey data based on about 100 County jobs, covering approximately 2,000 employees, included jobs representing all job groups and levels, and including jobs from all departments.

When Richland County considers its market position, it uses the market 50th percentile (market median) as its reference point. When Richland County salaries are compared to that reference point, they fall 12.8% below the 50th percentile.

As noted in our Compensation Market Analysis Report, Buck considers salaries/wages to be competitive if they are within the range of +/-10% of the target market reference point based on published and/or custom survey data. Based on this, base salaries at Richland County, in aggregate, would not be considered competitive.

We understand that RCG did not increase base salaries in 2009, 2010, 2011, 2014 or 2015, which contributed to County wages lagging the market on average.

Richland County Government benefits, overall, appear to be consistent with averages for peers with some benefits being more lucrative and others being less so.

Many group and individual meetings have been held thus far (and there are weeks of meetings remaining) with all departments, including Elected & Appointed Officials, to receive their input throughout this process.

Preliminary feedback from the Custom Employee Survey indicates a few common themes:

- Health Insurance is the most important benefit
- Most employees choose to come to work for Richland County for career opportunities (more than compensation or benefits)
- Most people stay at work at Richland County throughout their Career
- Employees throughout agree that the benefits at Richland County meet their needs

RCG is seeking to develop and sustain a consistent long-term total rewards plan, including regularly funded employee pay increases.

The Total Rewards Study is not only about employee pay increases but helping RCG to become an employer of choice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amy Heinze".

Amy Heinze
Buck



Briefing Document

Agenda Item

Alvin S. Glenn Detention Center Inmate Food Services Contract

Background

The County, on behalf of the Alvin S. Glenn Detention Center (ASGDC) solicited proposals from qualified firms to provide comprehensive food services for the inmates, staff and visitors. The ASGDC is a major jail facility administered by Richland County, Columbia, SC. The average daily population ranges from 800-850 based on a six month average. The successful offeror will be required to deliver food management services meeting all American Correctional Association (ACA) standards, delivered in a cost effective manner, with full reporting and accountability to the Director. Summit provides a qualified, well-trained staff to ensure smooth operation of the kitchen and is prepared to increase staffing levels as necessary.

The contractor, Summit shall furnish all labor, food, beverages, materials, supplies and chemicals necessary to provide food services for the ASGDC inmates and staff. The contractor will provide approximately 930,750 meals for FY19/20. The contractor will also provide a food service training program for inmate workers for the purpose of providing vocational training to be used when seeking employment upon release. Summit utilizes Operations Support Managers who solely report to the VP Operations. They have no financial ties and are utilized to conduct training and audits. Summit is committed to exceeding County expectations and will ensure American Correctional Association Accreditation is maintained.

Issues

None.

Fiscal Impact

RC-103-P-2019 Inmate Food Services was solicited and an independent evaluation team was established to review the submittals. Three submittals were received and after evaluation of all submittals, Summit was ranked the highest offeror. The estimated expenditure is \$1,098,285.00 annually. ASGDC has the available funding in their operational services budget. The current contract expires on December 31, 2018.

Past Legislative Actions

None.

Alternatives

1. Approve to enter into contract with Summit.
2. Do not approve to enter into contract with Summit.

Staff Recommendation

It is recommended that the County approve the contract to Summit for the approximate amount of \$1,098,285.00 per year.



Richland County Finance Department
Division of Procurement & Contracting

2020 Hampton Street, Suite 3064
Columbia, South Carolina 29204
Telephone: 803-576-2130
Facsimile: 803-576-2135

Date: October 23, 2018
To: Offerors of RC-103-P-2019 Inmate Food Services
From: Melissa Watts, Procurement Assistant Manager
Subject: Notice of Ranking

After a thorough evaluation of the submittals for the above named Request for Proposals, the evaluation team has ranked the firms in the following order:

- ✓ 1. Summit
- 2. Trinity Services Group
- 3. Aramark

The county will seek to enter into negotiations with the top ranked Offeror. If a successful contract cannot be reached, negotiations will cease and the process will begin with the next highest Offeror. The County will post the Notice of Intent to Award to the website once negotiations have been successfully completed.

Thank you for your interest in doing business with Richland County.

S. Yudeice
10/29/18

Consolidated Evaluations				
Evaluation Criteria RC-103-P-2019 Inmate Food Services	Maximum Points	Aramark	Summit	Trinity
Current Relevant Experience	25			
Evaluator #1		25	25	25
Evaluator #4		24	23	23
Evaluator #5		25	25	25
Total		74	73	73
Accreditation and Standard Compliance	25			
Evaluator #1		25	25	25
Evaluator #4		24	22	21
Evaluator #5		25	25	25
Total		74	72	71
Past Experience	20			
Evaluator #1		10	18	15
Evaluator #4		18	18	18
Evaluator #5		19	20	19
Total		47	56	52
Transition Plan	15			
Evaluator #1		15	15	15
Evaluator #4		14	11	14
Evaluator #5		15	15	15
Total		44	41	44
Cost				
		12.7	15	14.6
		12.7	15	14.6
		12.7	15	14.6
Total		38.1	45	43.8
GRANDTOTAL		277.1	287	283.8