



RICHLAND COUNTY COUNCIL

ADMINISTRATION AND FINANCE COMMITTEE

Kit Smith	Greg Pearce	Joyce Dickerson, Chair	Kelvin Washington	Valerie Hutchinson
District 5	District 6	District 2	District 10	District 9

**MARCH 23, 2010
6:00 PM**

2020 Hampton Street, Columbia, South Carolina

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: February 23, 2010 [pages 4-6]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Budget Amendment-Sheriff: Part-Time Employees [pages 8-9]
3. Fair Housing Resolution [pages 11-13]

4. Provide assistance to the City of Forest Acres for Building Plan Review and Inspections [pages 15-19]

5. Referendum on whether or not Richland County should adopt the Supervisor form of Government [pages 21-24]

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: February 23, 2010 [pages 4-6]

Reviews

MINUTES OF



**RICHLAND COUNTY COUNCIL
ADMINISTRATION AND FINANCE COMMITTEE
TUESDAY, FEBRUARY 23, 2010
6:00 P.M.**

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

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MEMBERS PRESENT

Chair: Joyce Dickerson
Member: Valerie Hutchinson
Member: L. Gregory Pearce, Jr.
Member: Kit Smith
Member: Kelvin E. Washington, Sr.

ALSO PRESENT: Paul Livingston, Damon Jeter, Norman Jackson, Bill Malinowski, Gwendolyn Davis Kennedy, Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Stephany Snowden, Jennifer Dowden, Tamara King, Daniel Driggers, Geo Price, Erica Hink, Amelia Linder, Tiaa Rutherford, Brian Cook, Brenda Carter, Anna Almeida, Alfreda Tindal, Jim Wilson, Valeria Jackson, Jocelyn Jennings, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 6:06 p.m.

ELECTION OF CHAIR

Ms. Hutchinson moved, seconded by Ms. Smith, to nominate Ms. Dickerson.

Mr. Pearce moved to nominate Mr. Washington. The motion died for lack of a second.

The vote in favor was unanimous to retain Ms. Dickerson as Chair.

APPROVAL OF MINUTES

January 26, 2010 (Regular Session) – Ms. Hutchinson moved, seconded by Mr. Washington, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Washington moved, seconded by Mr. Pearce, to adopt the agenda as distributed. The vote in favor was unanimous.

ITEMS FOR ACTION

Bed and Breakfast Homes/Inns – Ms. Smith moved, seconded by Mr. Washington, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Design Build Bio-Retention Rain Garden – Ms. Smith moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote was in favor.

Designated Historic Buildings Should be Exempt from Richland County Taxes and Permit Costs – Mr. Washington moved, seconded by Mr. Pearce, to forward this item to Council without a recommendation. A discussion took place.

The vote in favor was unanimous.

Grant for the 2009 State Criminal Alien Assistance Program – Ms. Smith moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Referendum on whether or not Richland County should adopt the Supervisor form of Government – Ms. Smith moved, seconded by Mr. Pearce, to defer this item to the March committee meeting. The vote in favor was unanimous.

Ridgewood Streetscape Design – Ms. Smith moved, seconded by Mr. Pearce, to forward this item to Council with a recommendation for approval, to direct staff to recommend a funding source and to do a comparison of purchase, to conclude the negotiations, and to forward as a funding option to the transportation committee. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 7:05 p.m.

Submitted by,

Joyce Dickerson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Budget Amendment-Sheriff: Part-Time Employees [pages 8-9]

Reviews

Richland County Council Request of Action

Subject: Budget Amendment - Sheriff

A. Purpose

County Council is requested to approve a budget amendment to the 511300 Part Time Employee wages budget in the amount of \$345,000.00.

B. Background / Discussion

Our Adopted 2009 Budget for part time wages was lowered by \$401,327.00 in an effort to meet budget reductions. Unfortunately, we need additional funding in order to keep up with existing workload to include processing sex offenders, investigating and following up on criminal offenses, and maintaining critical contact or secondary support to victims of violent crime. As you know our workload is dictated by the number of crimes committed or allegations made within our community. These cases must be worked in a timely fashion or else they become exponentially more difficult to solve. Furthermore the number of sex offenders who need to be registered or processed grows with every passing day. These part timers are not a luxury; they are a necessity in order to keep the Sheriff department running efficiently and effectively.

C. Financial Impact

YTD Expense through 2/12/2010	534,997
Estimated Expense for 2/12/2010 through 6/30/2010	345,000
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Estimated Expense for 2010	879,997

D. Alternatives

List the alternatives to the situation. There will always be at least two alternatives:

1. Approve the request to amend the budget to cover part time expense.
2. Do not approve which will result in an over run in budget and an inability to address the existing workload.

E. Recommendation

It is recommended that Council approve the request to amend the budget in order to fulfill obligations to our part time employees.

Recommended by: Chief Dan Johnson

Department: Sheriff’s Department

Date: March 3, 2010

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 3/07/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommendation is based on department analysis of need. Approval would require the identification of a funding source (use of fund balance) and a budget amendment.

Human Resources

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommendation based on the department’s analysis, need assessment, and comments herein.

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date: 3/17/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject

Fair Housing Resolution [pages 11-13]

Reviews

Richland County Council Request of Action

Subject: Fair Housing Resolution

A. Purpose

County Council is requested to approve a Resolution to Recognize April 2010 as National Fair Housing Month and commit to continue to affirmatively further fair housing choice. The Resolution will be formally presented to a HUD Fair Housing and Equal Opportunity Representative during the April 5, 2010 County Council meeting and the recipient will be allowed 2 minutes to address Council regarding fair housing.

B. Background / Discussion

In 2002 Richland County was designated an Entitlement Community by the US Department of Housing and Urban Development (HUD). As a result, in 2004 the County completed an Analysis of Impediments to Fair Housing. The study suggests that there are 13 impediments to fair housing choice in Richland County. As an Entitlement Community the County is mandated by HUD to address each impediment where and when possible. A resolution has been initiated each year since 2004. The action also certifies the County's commitment to fair housing for all residents. The requested action is a cost effective measure that can have a positive impact on County residents.

C. Financial Impact

There is no financial request being made that would have impact associated with this request.

D. Alternatives

- Approve the 2010 Fair Housing Month Resolution as presented.
- Do not approve a Resolution for 2010 Fair Housing Month.
- Revise the Resolution and approve.

E. Recommendation

It is recommended that Council approve the request to approve a Fair Housing Resolution for Fair Housing for Month in April.

Recommended by: Valeria Jackson
Date: 3/9/2010

Department: Community Development

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 3/10/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

Administration

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 3/11/10

Recommend Council denial

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

FAIR HOUSING RESOLUTION

**A RESOLUTION AFFIRMING RICHLAND COUNTY'S
COMMITMENT TO FAIR HOUSING**

WHEREAS, the Richland County Council commemorates the enactment of the Title VIII Civil Rights Act of 1968 as amended (Fair Housing Act); and

WHEREAS, the Richland County Council recognizes April as National Fair Housing Month and remains strongly committed to affirmatively further fair housing through its policies, building codes and community development programs; and

WHEREAS, the Richland County Council rejects discrimination in the provision of housing on the basis of race, religion, color, sex, national origin, familial status, or disability; and

WHEREAS, the Richland County Council desires that its citizens be afforded Fair Housing Choice without the occurrence of discrimination; and

WHEREAS, the Richland County Council encourages positive action toward the elimination of discriminatory practices in the sale, rental, financing and all other housing transactions;

WHEREAS, the Richland County Council recognizes the County Administrator as the Fair Housing Administrator for Richland County; and

WHEREAS, The Fair Housing Administrator recognizes the Community Development Department as the official coordinator of all Fair Housing initiatives on behalf of Richland County; and

NOW, THEREFORE, BE IT RESOLVED, that Richland County Council is a partner of The United States Department of Housing and Urban Development and acknowledges Fair Housing as one of the nations most cherished and fundamental values.

SIGNED AND SEALED this ____ day of _____, 2010, having been duly adopted by the Richland County Council on the ____ day of _____, 2010.

Paul Livingston, Chair
Richland County Council

ATTEST this ____ day of _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

Richland County Council Request of Action

Subject

Provide assistance to the City of Forest Acres for Building Plan Review and Inspections [pages 15-19]

Reviews

Richland County Council Request for Action

Subject: To provide assistance to the City of Forest Acres for building plan review and inspections for residential and commercial structures.

A. Purpose

County Council is requested to consider a memorandum of understanding and agreement between City of Forest Acres and Richland County to partner in the provision of required building code inspections and plan reviews.

B. Background / Discussion

The City of Forest Acres manager, Mr. Mark Williams, has notified the County that they are currently without a Building Official and are in need of assistance in order to help protect and inspect construction for the City of Forest Acres.

The City of Forest Acres has agreed to pay for services rendered, as shown in the memorandum of understanding and agreement, a copy of which is attached for Council's consideration.

C. Financial Impact

Increased revenue for Richland County through services provided by the Department of Building Codes and Inspections. Fees are broken down in the Memorandum.

D. Alternatives

1. Approve the memorandum to assist the City of Forest Acres until a Building Official can be hired for the City.
2. Do not approve the memorandum.

E. Recommendation

This request is at Council's discretion.

Recommended by:

Date: March 09, 2010

F. Approvals

Finance

Reviewed by Daniel Driggers:

Date: 3/10/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council. It is unclear with the information provided what the cost to the County will be for providing the service. Therefore we would recommend that approval include an evaluation to

ensure that the rates be set at a level that, at a minimum, covers the County cost of providing the service.

Building and Inspections

Reviewed by: Donny Phipps

Date: March 10, 2010

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith/Elizabeth McLean

Date: 3/12/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

This is a policy decision and left to Council's discretion; however, I do have some concerns about Forest Acres using the County's Board of Appeals. My main concern is what happens if that decision is then further appealed. It seems likely that this would then put the County in a position of having to defend the Board of Appeals in an action, which takes time and money. Therefore I would suggest either 1) Forest Acres be required to appoint their own Board, or 2) that Forest Acres agrees that if the Board's decision is appealed, that Forest Acres be required to pay for outside counsel to defend the suit, and pay for the time required for our employees to testify.

Administration

Reviewed by: Sparty Hammett

Date: 3/17/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: To address the Finance Director's concern, the fees were evaluated, and they more than cover the County cost of providing the service. I also agree with Legal that the agreement should be amended to require Forest Acres to pay for outside counsel to defend the suit, if the Board of Appeals action is further appealed, and pay for the time required for our employees to testify.

STATE OF SOUTH CAROLINA) MEMORANDUM OF UNDERSTANDING
) AND AGREEMENT BETWEEN FOREST
) ACRES, SOUTH CAROLINA; AND
 COUNTY OF RICHLAND) RICHLAND COUNTY, SOUTH CAROLINA

THIS MEMORANDUM OF UNDERSTANDING AND AGREEMENT is made and entered into this ____ day of _____, 2010, by and between the City of Forest Acres and Richland County, South Carolina.

WHEREAS, it is the desire of the jurisdictions to partner in the provision of required building code inspection and plan review of residential and commercial buildings for the City of Forest Acres for the purpose of providing code compliance for construction; and

WHEREAS, the Forest Acres and Richland County Councils recognize the positive influence this project will have on the quality of life for residents of Forest Acres, and desire to provide essential services through inspections and plan review; and

WHEREAS, Forest Acres agrees to reimburse Richland County for the cost of inspections and plan review as indicated below;

NOW, THEREFORE, in consideration of the services and agreement described herein, the parties hereto agree as follows:

1. Forest Acres agrees to compensate Richland County for provision of services as follows and pay to Richland County for services provided.
 - Plan Review- Commercial: 15% of permit value
 - Residential: \$10.00 per review, up to 2,000 sq. ft.; and \$25.00 per review if over 2,000 sq. ft.
 - Commercial inspections: \$50.00 per inspection hour for each inspector
 - Residential one & two family inspections: \$30.00 per inspector

- \$.50 per mile for vehicles used
 - Re-Inspections are the same fee as initial request for inspections
2. Forest Acres and Richland County, shall call-in all inspection requests to the Richland County permit office; contractors may also request inspections and re-inspections as required for inspections in Forest Acres city limits. A daily log shall be kept for all inspections.
 3. Forest Acres and Richland County agree that services for inspections and plan review will be handled by state licensed inspectors and plans examiners, as required by South Carolina LLR.
 4. Building code interpretations of the Building Official of Richland County may be appealed to the Richland County Code Board of Appeals. In the event of an appeal, the Richland County Department of Inspections will testify as to code requirements and Forest Acres will reimburse the County for the cost of inspection staff to appear before the Board. Fees for appeal shall be as set by County ordinance for residential and/or commercial.
 5. Forest Acres and its successors and assigns do hereby remise, release, acquit, and forever discharge Richland County, its employees, agents, successors, and assigns past, present, from future actions, causes of action, claims, demands, damages, costs, loss of services, expenses, compensation, third party actions, suits at law or indemnity of whatever nature, and all consequential damage on account of, or in any way arising from the services rendered under this Agreement, and further agrees to hold harmless and indemnify Richland County for any and all losses, claims, suits, and other liability arising from the services rendered under this Agreement.
 6. This Intergovernmental Agreement will continue in force until June 30, 2010 unless terminated sooner, in writing, by either party. This agreement may be terminated without prior notice or extended by written request of the Forest Acres City Administrator or Richland County designee upon Forest Acres' employment of its own Building Official or upon Richland County's inability to provide said inspection services.

IN WITNESS WHEREOF WE THE UNDERSIGNED have this _____ day of _____, 2010, set our hand and seal hereon.

CITY OF FOREST ACRES:

WITNESSES:

Chair of City Council

RICHLAND COUNTY:

WITNESSES:

Chair of County Council

Richland County Council Request of Action

Subject

Referendum on whether or not Richland County should adopt the Supervisor form of Government [pages 21-24]

Reviews

Richland County Council Request for Action

Subject: To place on the ballot for referendum whether or not Richland County should adopt the Council- Supervisor form of Government

A. Purpose

This request is, per Ms. Smith's motion, to place on the ballot for referendum whether or not Richland County should adopt the Council-Supervisor form of government.

B. Background / Discussion

During the Motion Period of the February 2, 2010, County Council meeting, Ms. Smith made a motion to place on the ballot for referendum whether or not Richland County should adopt the Council-Supervisor form of government.

Title 4 of the South Carolina Code of Laws sets out the allowed forms of government for counties. Richland County currently operates under the Council-Administrator form of government.

Section 4-9-10(c) establishes the requirements for changing the form of government of a county. The section states that a referendum is required to change a county's form of government, and such referendum "may be called by the governing body or upon petition of not less than ten percent of the registered electors of the county." It goes on to state:

Referendums shall be conducted by the county election commissioner and may be held in a general election or in a special election as determined by the governing body. No change to an alternate form of government, different number of council members, or method of election of council including the chairman as a result of a referendum shall become effective unless such proposed form receives a favorable vote of a majority of those persons voting in a referendum. In any referendum, the question voted upon, whether it be to change the form of government, number of council members, or methods of election, shall give the qualified electors an alternative to retain the existing form of government, number of council members, or method of election or change to one other designated form, number, or method of election. After a referendum has been held and whether or not a change in the form results therefrom, no additional referendums shall be held for a period of four years.

Ms. Smith has proposed that a referendum be held to consider adoption of the council-supervisor form of government. Section 4-9-410 et seq. of the South Carolina Code of Laws defines the council-supervisor form of government. Section 4-9-410 states:

The council in those counties adopting the council-supervisor form of government provided for in this article shall consist of not less than two nor more than twelve members who are qualified electors of the county. The supervisor shall serve as chairman and vote only to break tie votes. The supervisor shall be a qualified elector of the county, elected at large from the county in the general election for a term of two or four years.

The compensation for the supervisor shall be prescribed by the council by ordinance. The council shall not reduce or increase the compensation of the supervisor during the term of office for which he was elected.

The general powers and duties of the County Supervisor are similar to those of the County Administrator. Sections 4-9-410 et seq., which describe all of the particulars of the council-supervisor form of government, have been attached for your reference.

C. Financial Impact

No known financial impact.

D. Alternatives

1. Adopt an ordinance calling for the referendum.
2. Do not adopt the ordinance.

E. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean Department: Legal Date: 2/09/10

F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by Daniel Driggers: Date: 2/09/10
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: No recommendation

Legal

Reviewed by: Larry Smith Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: No recommendation

Administration

Reviewed by: J. Milton Pope Date: 2-9-2010
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Council discretion....

ARTICLE 5.

COUNCIL-SUPERVISOR FORM OF COUNTY GOVERNMENT (FORM NO. 2)

SECTION 4-9-410. Membership of council; election, term, and compensation of supervisor.

The council in those counties adopting the council-supervisor form of government provided for in this article shall consist of not less than two nor more than twelve members who are qualified electors of the county. The supervisor shall serve as chairman and vote only to break tie votes. The supervisor shall be a qualified elector of the county, elected at large from the county in the general election for a term of two or four years. The compensation for the supervisor shall be prescribed by the council by ordinance. The council shall not reduce or increase the compensation of the supervisor during the term of office for which he was elected.

SECTION 4-9-420. Powers and duties of supervisor.

The powers and duties of the supervisor shall include, but not be limited to, the following:

- (1) to serve as the chief administrative officer of the county government;
- (2) to execute the policies and legislative actions of the council;
- (3) to direct and coordinate operational agencies and administrative activities of the county government;
- (4) to prepare annual operating and capital improvement budgets for submission to the council;
- (5) to supervise the expenditure of funds appropriated by council;
- (6) to prepare annual, monthly and other reports for council on finances and administrative activities of the county;
- (7) to recommend measures for adoption;
- (8) to serve as presiding officer of the council, voting in case of council ties;
- (9) to serve as official spokesman for the council with respect to council's policies and programs;
- (10) to inspect books, accounts, records, or documents pertaining to the property, money or assets of the county;
- (11) to be responsible for the administration of county personnel policies approved by the council including salary and classification plans;
- (12) to be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of Section 4-9-30 and subject to the appropriation of funds by the council for that purpose.

SECTION 4-9-430. Powers of council and its members; authority of supervisor over certain elected officials.

The council shall not remove any county administrative officers or employees whom the county supervisor or any of his subordinates are empowered to appoint, unless by two-thirds vote of the members present and voting. Except for the purposes of inquiries and official investigations, neither the council nor its members shall give direct orders to any county officer or employee, either publicly or privately. With the exception of organizational policies established by the governing body, the county supervisor shall exercise no authority over any elected officials of the county whose offices were created either by the Constitution or by general law of the State.

SECTION 4-9-440. Applicability of Article 1.

Except as specifically provided for in this article, the structure, organization, powers, duties, functions, and responsibilities of county government under the council-supervisor form shall be as prescribed in Article 1 of this chapter.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-10HR

AN ORDINANCE CALLING FOR A REFERENDUM AND BALLOT QUESTION TO DETERMINE WHETHER THE COUNTY SHOULD CHANGE ITS FORM OF GOVERNMENT AND ADOPT THE COUNCIL-SUPERVISOR FORM OF GOVERNMENT, PURSUANT TO SECTIONS 4-9-10(C) AND 4-9-410 ET SEQ., CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.