



# **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

**MAY 25, 2010  
6:00 PM**

**2020 Hampton Street, Columbia, South Carolina**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: April 27, 2010 [ pages 4-7]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Amendment to Financial Policy-Carryover Funds [ pages 9-11]
3. Business Services Center: Hospitality Tax Ordinance Amendments [ pages 13-21]

4. Emergency Services Automatic Aid Agreement [ pages 23-30]
5. EMS Ambulance Purchase [ pages 32-33]
6. Jumps \$75,000 request [ pages 35-37]
7. Laboratory Tech-Full Time Grant-Sheriff's Department [ pages 39-42]
8. Pursue Properties Associated with Caughman Creek Using Hospitality Tax Funds [ pages 44-48]
9. Request for Contract Award-ADA Improvements-Administration and Health Complex [ pages 50-51]
10. Retirement System Deduction Program for Retired Public Safety Officers Insurance [ pages 53-59]
11. Richland County Freedom of Information Policy [ pages 61-65]

#### **ITEMS FOR DISCUSSION / INFORMATION**

12. List of Budget Amendments Approved by County Council during the 2009-10 Budget Year [ pages 67-68]

#### **ADJOURNMENT**



# Richland County Council Request of Action

## **Subject**

Regular Session: April 27, 2010 [ pages 4-7]

## **Reviews**

# MINUTES OF



## RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE TUESDAY, APRIL 27, 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.*

=====

### 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, Jim Manning, Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Stephany Snowden, Jennifer Dowden, Tamara King, Rodolfo Callwood, Bill Peters, Michael Byrd, Pam Davis, David Chambers, Jim Wilson, Daniel Driggers, John Hixson, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting started at approximately 6:0 p.m.

### APPROVAL OF MINUTES

**March 23, 2010 (Regular Session)** – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF AGENDA

Ms. Hutchinson moved, seconded by Mr. Washington, to add the Laurelwood Plantation Historic Preservation Acquisition from the D&S agenda to the beginning of the A&F agenda and adopt the agenda as amended. The vote in favor was unanimous.

## ITEMS FOR ACTION

**Laurelwood Plantation Historic Preservation Acquisition** – Mr. Pearce moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

**Richland County Library: USDA Grant Request-Eastover Branch** – Mr. Washington moved, seconded by Ms. Hutchinson, to forward this item to Council without a recommendation. A discussion took place.

The vote in favor was unanimous.

**Transportation Enhancement Grant for Woodrow Wilson Home** – Mr. Pearce moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**Request for Contract Award for Parking Garage Repairs** – Ms. Hutchinson moved, seconded by Mr. Washington, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**Victim's Assistance Fund-Budget Amendment** – Mr. Pearce moved, seconded by Ms. Hutchinson, to forward this item to Council without a recommendation and to have a representative from the Sheriff's Department available at the May 4<sup>th</sup> Council meeting. A discussion took place.

The vote was in favor.

**Job performance plan for the Clerk of Council position** – Mr. Pearce moved, seconded by Ms. Hutchinson, to forward to Council a recommendation to refer this item to the evaluation process. A discussion took place.

The vote in favor was unanimous.

**Replacement of Damaged RCSD Vehicles** – Ms. Hutchinson moved, seconded by Mr. Pearce, to forward this item to Council without a recommendation. A discussion took place.

The vote in favor was unanimous.

**Business Service Center-Records Retention Schedule** – Ms. Hutchinson moved, seconded by Mr. Washington, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**Approval of Exercise of an Option to Renew a Contract with Palmetto Posting, Inc.** – Ms. Hutchinson moved, seconded by Mr. Washington, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**Budget Amendment-Risk Management** – Mr. Pearce moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**Emergency Services Purchase Orders and Contract Approvals for FY 2010-11** – Ms. Hutchinson moved, seconded by Mr. Washington, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**Pursue properties associated with Caughman Creek using Hospitality Tax funds** – Ms. Smith moved, seconded by Ms. Hutchinson, to defer this item until the May A&F Committee meeting. The vote in favor was unanimous.

**Transfer funds allocated for SC Gospel Fest to Administration to be distributed as per County Rules** – Ms. Smith moved, seconded by Mr. Washington, to forward this item to Council with a recommendation to have the County Attorney review the 2008-2009 MOU to ascertain there were no violations. A discussion took place.

The vote in favor was unanimous.

**Eastover Sewer Plant Update (Contractual Matter)** – Mr. Washington moved, seconded by Ms. Hutchinson, to forward this item to Council without a recommendation. The vote in favor was unanimous.

#### ITEMS FOR DISCUSSION/INFORMATION

**Administration to provide necessary information to enter into Mutual Aid agreements for Fire and EMS with neighboring Counties and Municipalities where there are no current agreements** – This item was received as information.

**Jail Intervention Program** – Mr. Pearce moved, seconded by Ms. Hutchinson, to move this to an action item and forward it to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

**County Council to provide funding in the FY 2010-11 budget for the Midlands Housing Alliance** – This item will be taken up during the budget process.

## ADJOURNMENT

The meeting adjourned at approximately 6:25 p.m.

Submitted by,

Joyce Dickerson, Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Amendment to Financial Policy-Carryover Funds [ pages 9-11]

**Reviews**



## Richland County Council Request of Action

**Subject:** Amendment to financial policy – Carryover funds

**A. Purpose**

*County Council is requested to amend the financial policies to include the addition of language providing the County Auditor with a preferred method of handling carry over funds annually during the millage calculation.*

**B. Background / Discussion**

During the budget process for the FY10 budget, several questions were raised concerning the preferred method of using carry over funds in the calculation of the mill rate. The discussion was forwarded to the 2010 council retreat for discussion.

The outcome of the retreat discussion was the development of the following language to be added to the financial policy:

Each year when the mill rate is calculated for the millage ordinance, County Council has directed that the Auditor should utilize all estimated carry over funds as an addition to the \$ generated by the tax rate. If the agency is allowed to go to the legislative millage cap then the carry over funds would be added to this final calculation.

**C. Financial Impact**

The financial impact will vary for each agency based on several financial factors that will be determined each fiscal year.

**D. Alternatives**

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

1. Approve the request to amend the financial policy as requested.
2. Do not approve the change in policy

**E. Recommendation**

*This is a policy decision for Council. This will need to have a formal legal review to ensure compliance.*

Recommended by:

Department:

Date:

**F. Reviews**

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

**Finance**Reviewed by: Daniel Driggers

Date: 5/14/10

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Policy decision of Council

**Legal**Reviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Council discretion

**Administration**Reviewed by: Tony McDonald

Date: 5/20/10

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Approval of this item will incorporate into the County's financial policies the direction given by the Council at the January Retreat with respect to the handling of carryover funds. As this is consistent with the Council's earlier direction, approval is recommended.

May 7, 2010:

Milton,

At the Retreat, the Council adopted the following goal for handling carryover funds:

**2010 Goal**

**Carryover Policy**

**Goal:** Pursue "Add Carryover" option in FY 11 Budget Process

**Council Directives:** Explore trending

**Timeline:** FY 11 Budget Process

In other words, the Council agreed to set the millage rate at the cap (CPI plus growth) and add any carryover on top of that amount. For example:

Millage Rate Cap	Carryover (from prior year)	Maximum Total Budget	Total Tax Levy
\$50,000,000	\$5,000,000	\$55,000,000	\$50,000,000

Let me know if you have questions.

Tony

# Richland County Council Request of Action

## **Subject**

Business Services Center: Hospitality Tax Ordinance Amendments [ pages 13-21]

## **Reviews**

# Richland County Council Request of Action

**Subject:** Business Service Center: Hospitality Tax Ordinance Amendments

## **A. Purpose**

Council is requested to amend the Hospitality Tax ordinance to

- (1) add a definition of “person” to include business and other entities;
- (2) clarify the appeals process,
- (3) clarify the assessment process,
- (4) add waiver of penalties to be consistent with the Department of Revenue and the business license ordinance, and
- (5) revise language relating to administration to be consistent with State Code Section 6-1-730.

## **B. Background / Discussion**

- (1) Definition of “person”: The Code of Ordinances Section 23, relating to Hospitality Taxes, refers to “person” in various places. This term is not defined in Section 23-65, Definitions. It is appropriate to define what this term is intended to mean, which would include business entities. The definition of “person” in the Code’s business license section will be used in this section as well.
- (2) Appeals Process: The Code of Ordinances, in Sec. 23-73, currently states that appeals of Hospitality Tax final assessments “may be appealed to the Business Service Center Appeals Board, as described in Section 16-8 of this Code of Ordinances.” However, this section relates to business licenses. The Appeals Board referenced in the Code section relating to business licenses is not authorized to hear appeals relating to Hospitality Taxes.

County Council is requested to clarify their intention on how appeals relating to Hospitality Taxes should be handled. Appeals can either go (1) to County Council (via D&S or A&F Committee), or (2) to the Business Service Center Appeals Board. Both alternatives will require an amendment to an ordinance, the Hospitality Tax ordinance for the first option, and the Appeals Board ordinance for the second option.

It is recommended that the Hospitality Tax ordinance be amended to remove the language in Section 23-73 relating to the BSC Appeals Board and replaced with language establishing an alternative appeals process. This process is recommended to begin with consideration by the Business Service Center Director and ending with consideration by the County Council, and is described in the attached ordinance amendment. Staff recommends that Hospitality Tax appeals go to County Council via D&S or A&F Committee.

- (3) Assessment Process: Hospitality Tax assessments are described in the Code of Ordinances, Section 23-73. There is some ambiguity as to when tax assessments shall be delivered by certified mail. It is recommended that this be clarified to require that tax assessments resulting from businesses’ failure to provide requested information shall be served by

certified mail. The proposed language was crafted with an eye toward minimizing certified mail costs while still providing businesses with documented delivery of tax assessments. This language is included in the attached ordinance amendment.

(4) Waiver of Penalties: Currently, the Code of Ordinance prohibits the waiver of Hospitality Tax penalties. There are no exceptions to this. In keeping with the penalty waivers allowed by the Department of Revenue and the business license ordinance, via the Appeals Board, it is considered appropriate that penalties be allowed to be waived in certain limited circumstances. These circumstances include the following.

- (1) An unexpected and unavoidable 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 Hospitality Tax.
- (2) 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 Hospitality 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 Hospitality Tax.
- (3) The Hospitality Tax was documented as paid on time, but inadvertently paid to another taxing entity.
- (4) The delinquency was caused by the unavailability of necessary records directly relating to calculation of Hospitality 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 Hospitality Tax penalties.
- (5) The delinquency was the result of clear error on the part of the License Official or Business Service Center or Treasurer's Office staff in processing or posting receipt of the business' payment(s).
- (6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either office, no change in the law occurred, and the business produces written documentation.

In the interests of efficiency and cost for the County, the Appeals Board, and an appealing business, it is recommended that, in the event that any of the above circumstances apply and can be documented in writing, penalties may be waived by the Director of the Business Service Center. Any dispute or ambiguity regarding these circumstances may be considered by the County Council through the appeals process.

(5) Administration: The County Code of Ordinances Section 23-72 states that "All operational and administrative costs associated with the billing and collection of the local hospitality tax will be charged to the "Richland County Local Hospitality Tax Special Revenue Fund." (Please note, however, that no such "operational and administrative costs associated with the billing and collection of the local hospitality tax" have been charged to the Hospitality Tax

fund. Rather, the costs related with these functions have been absorbed by the departments associated with the hospitality tax.) The current ordinance language conflicts with the State Code section 6-1-730, which reads as follows:

**SECTION 6-1-730.** Use of revenue from local hospitality tax.

(A) The revenue generated by the hospitality tax must be used exclusively for the following purposes [emphasis added]:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities;
- (3) beach access and renourishment;
- (4) highways, roads, streets, and bridges providing access to tourist destinations;
- (5) advertisements and promotions related to tourism development; or
- (6) water and sewer infrastructure to serve tourism-related demand.

However, Section B of Section 6-1-730 does make one allowance for the revenue as it relates to these functions, which applies to Richland County:

(B)(1) In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the hospitality tax authorized in this article may be used for the operation and maintenance of those items provided in (A)(1) through (6) [emphasis added] including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

It is therefore recommended that County Council amend the Hospitality Tax ordinance to incorporate this allowance into the County Code of Ordinances so Council can exercise this allowance if desired at some point. This language is also incorporated into the proposed Hospitality Tax ordinance amendment attached at the end of this document.

### C. Financial Impact

- (1) Definition of “person”: There is no anticipated financial impact with this change.
- (2) Appeals Process: There is no anticipated financial impact with this change.
- (3) Assessment Process: There is no anticipated financial impact with this change.
- (4) Waiver of Penalties: Allowing penalties to be waived in certain limited circumstances may result in reduced revenues to the County, depending upon the frequency and amount of the waivers. However, these circumstances are deemed appropriate for waivers and are deliberately written to be unusual circumstances requiring documentation, and therefore is anticipated to be infrequently requested.
- (5) Administration Language: There is no anticipated financial impact with this change.

### D. Alternatives

1. Approve the ordinance amendments as recommended.

2. Revise the ordinance amendments as Council deems appropriate or desirable.
3. Deny the ordinance amendments in their entirety. The Code sections relating to Hospitality Taxes would then continue to be administered and enforced as currently written.

**E. Recommendation**

Council is requested to give approval to three readings of the ordinance amendment as shown in the drafted ordinance amendment.

Recommended by: Pam Davis Department: Business Service Center Date: April 05, 2010

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 5/12/10  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith Date:  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation: Council discretion

**Administration**

Reviewed by: Roxanne Ancheta Date: May 14, 2010  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation: It is recommended that Council approve various Hospitality Tax Ordinance amendments outlined in the Request of Action, including:

- (1) the addition of the definition of “person”;
- (2) the clarification of the appeals process for Hospitality Tax appeals (Administration recommends that Hospitality Tax appeals follow the Committee process of Council);
- (3) the revision that tax assessments resulting from businesses’ failure to provide requested information shall be served by certified mail;
- (4) the revision that penalties be allowed to be waived by the Director of the Business Service Center in certain **limited and documented** circumstances, which are the same circumstances authorized by the SC Department of Revenue. Any dispute or ambiguity regarding these circumstances may be considered by the County Council through the appeals process listed above;
- (5) the revision to incorporate the allowance to use Hospitality Tax revenues for the operation and maintenance of the following items, if Council so chooses:
  - (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
  - (2) tourism-related cultural, recreational, or historic facilities;
  - (3) beach access and renourishment;
  - (4) highways, roads, streets, and bridges providing access to tourist destinations;



- (5) advertisements and promotions related to tourism development; or  
(6) water and sewer infrastructure to serve tourism-related demand.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-65, DEFINITIONS; SECTION 23-72, INSPECTIONS, AUDITS, AND ADMINISTRATION; SECTION 23-73, ASSESSMENTS AND APPEALS OF HOSPITALITY TAX; AND SECTION 23-74, VIOLATIONS AND PENALTIES; SO AS TO CLARIFY AND REVISE THE LANGUAGE THEREIN.

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

SECTION I. The Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-65, Definitions; is hereby amended to read as follows:

**Section 23-65. Definitions.**

Whenever used in this article, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined:

(a) Local Hospitality Tax means a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, within the incorporated municipalities and the unincorporated areas of the county.

(b) Person means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

(c) Prepared Meals and Beverages means the products sold ready for consumption either on or off premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including lunch counters and restaurant stands; restaurants, lunch counters, and drinking places operated as a subordinate facility by other establishments; and bars and restaurants owned by and operated for members of civic, social, and fraternal associations.

(d) Richland County means the county and all of the unincorporated areas within the geographical boundaries of the county and all of the incorporated municipalities of the county.

SECTION II. The Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-72, Inspections, audits, and administration; is hereby amended to read as follows:

**Section 23-72. Inspections, audits, and administration.**

(a) For the purpose of enforcing the provisions of this article, the County Administrator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article and to make inspections, examine, and audit books and records.

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of tax determined to be due.

(c) ~~All operational and administrative costs associated with the billing and collection of the local hospitality tax will be charged to the "Richland County Local Hospitality Tax Special Revenue Fund."~~ Revenues of the hospitality tax shall be used in accordance with Section 23-69 of the South Carolina Code of Laws, including police, fire protection, emergency medical services, and emergency-preparedness operations, as provided for therein.

(d) The county administrator or other authorized agent of the county may make systematic inspections of all service providers that are governed by this article. Records of inspections shall not be deemed public records.

SECTION III. The Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-73, Assessments of hospitality tax; is hereby amended to read as follows:

**Section 23-73. Assessments and appeals of hospitality tax.**

(a) When a person fails to pay or accurately pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center 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 hospitality tax and penalties, as provided herein.

~~A notice of such tax assessment shall be served by certified mail.~~ Assessments of hospitality taxes and/or penalties shall be conveyed in writing to businesses. If a business fails to provide records as required by this Article or by the Business Service Center, the tax assessment shall be served by certified mail. Within five (5) business days after ~~the notice a tax assessment~~ is mailed or otherwise conveyed in writing, any person who desires to have the assessment adjusted must make application to the Business Service Center for reassessment. The license official shall establish a procedure for hearing an application for a reassessment, including a reassessment based upon a waiver of penalties as authorized in Section 23-74 (b), and for issuing a notice of final assessment.

(b) A final assessment may be appealed to the ~~Business Service Center Appeals Board, as described in Section 16-8 of this Code of Ordinances~~ County Council, provided that an application for reassessment was submitted within the allotted time period of five business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

**SECTION IV.** The Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-74, Violations and penalties; Subsection (b); is hereby amended to read as follows:

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived, except if the following circumstances of reasonable cause are proven by the person, but in any case not to exceed six months:

(1) An unexpected and unavoidable absence of the person 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 hospitality tax.

(2) A delay caused by death or serious, incapacitating illness of the person, the person's immediate family, or the person's accountant or other third party professional charged with determining the hospitality 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 hospitality tax.

(3) The hospitality tax was documented as paid on time, but inadvertently paid to another taxing entity.

(4) The delinquency was caused by the unavailability of necessary records directly relating to calculation of hospitality taxes, over which the person 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 hospitality tax penalties.

(5) The delinquency was the result of clear error on the part of the Business Service Center or Treasurer's Office staff in processing or posting receipt of the person's payment(s).

(6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either of these offices, no change in the law occurred, and the person produces written documentation.

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

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

**SECTION VII. Effective Date.** All sections of this ordinance shall be effective on and after June 1, 2010.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2010

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

# Richland County Council Request of Action

## **Subject**

Emergency Services Automatic Aid Agreement [ pages 23-30]

## **Reviews**

# Richland County Council Request of Action

**Subject: ESD Automatic Aid Agreement ESD03052010**

**A. Purpose**

The purpose of this report is to obtain Council’s approval to enter into an Automatic Aid Agreement with the Irmo Fire District. There is no financial impact to the ESD budget.

**B. Background / Discussion**

The Irmo Fire District is a special purpose district in Lexington County and also provides fire protection to the Town of Irmo. Richland County is responsible for providing fire protection in the areas of Richland County that are contiguous to the Irmo Fire District’s response area. The Irmo Fire District routinely responds “first-in” trucks into areas outside of their district assisting us in providing a rapid response to fires. Richland County trucks also respond to assist the Irmo Fire District. Automatic Aid is the term used to describe an immediate and automatic dispatch of fire trucks regardless of jurisdictional lines. Dispatchers respond in available trucks just as if they were Richland County assets. This creates a seamless response. Mutual Aid is the term given a “back-up” response when a jurisdiction needs additional help at the scene of an incident. A mutual aid response is requested after a jurisdiction arrives on the scene and determines they need additional resources to adequately deal with the incident and they have no other local resources available.

Richland County has placed communications equipment in the Irmo Fire District’s station to provide a link from our 911 communications center to Irmo fire fighters. However, a formal Automatic Aid Agreement is needed to insure a seamless response and to outline responsibilities for the Irmo Fire District and Richland County.

**C. Financial Impact**

There is no additional financial impact to Richland County. Costs associated with implementing the automatic response is included in the fire budget.

**D. Alternatives**

1. Approve the Automatic Aid Agreement with the Irmo Fire District.
2. Do not approve the agreement.
3. Change the agreement and resubmit it to the Irmo Fire District.

**E. Recommendation**

It is recommended that Richland County enter into the Automatic Aid Agreement with the Irmo Fire District to provide for a seamless response to fires in the northwest part of Richland County.

Recommended by: Michael A. Byrd Department: Emergency Services Date: 05-10-10

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers  
✓ Recommend Council approval  
Comments regarding recommendation:

Date: 5/13/10  
 Recommend Council denial

**Procurement**

Reviewed by: Rodolfo Callwood  
 Recommend Council approval  
Comments regarding recommendation:

Date: 5/17/2010  
 Recommend Council denial

**Legal**

Reviewed by: Larry Smith  
✓ Recommend Council approval  
Comments regarding recommendation:

Date:  
 Recommend Council denial

**Administration**

Reviewed by: Tony McDonald  
✓ Recommend Council approval  
Comments regarding recommendation:

Date: 5/18/10  
 Recommend Council denial



AUTOMATIC AID AGREEMENT  
FOR FIRE PROTECTION AND OTHER EMERGENCY SERVICES

THIS AGREEMENT, is made and entered into this     the day of     , 2009, by and between the County of Richland and the Irmo Fire District to provide for automatic assistance for fires and other types of emergency incidents as described under the terms of this agreement.

WITNESSETH:

WHEREAS, an informal agreement for automatic assistance in fire protection and response to other emergencies has existed between the County of Richland and the Irmo Fire District; and

WHEREAS, it is the desire of the Automatic Aid Agreement participants to this agreement to continue and improve the nature and coordination of emergency assistance to incidents that threaten loss of life or property within the geographic boundaries of their respective jurisdictions; and

WHEREAS, it is further the determination of each of the parties hereto that the decision to enter into this Automatic Aid Agreement constitutes a fundamental governmental policy of the parties hereto which is automatic in nature, and includes the determination of the proper use of the resources available with respect to the providing of governmental services and the utilization of existing resources of each of the parties hereto, including the use of equipment and personnel.

WHEREAS, it is the desire of the County and Fire District to initiate an "Automatic Aid Agreement" for fire department services:

NOW, THEREFORE, IT IS AGREED:

1. The parties hereto acknowledge that this Agreement is being entered into pursuant to applicable South Carolina law.

2. That the Automatic Aid Agreement participants executing this agreement agree to dispatch their respective assigned fire department units on an automatic basis, if such units are available. Each jurisdiction agrees that the closest available, most appropriate unit(s) regardless of jurisdictional boundaries, will respond.

3. It is agreed that the scope of this agreement includes automatic assistance in responding to fires, medical emergencies, hazardous materials incidents, rescue and extrication situations and other types of emergency incidents that are within the standard scope of services provided by fire departments in the Automatic Aid Agreement.

4. This agreement shall encourage the development of cooperative procedures and protocols, including but not limited to, communications coordination, training, health and safety, and other activities that will enhance the ability of the fire departments to fulfill their missions.

5. Nothing in this agreement shall limit the ability of any or all of the parties from agreeing to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this agreement.

6. The County of Richland and the Irmo Fire District shall retain ownership of any equipment or property it brings to the performance of this agreement and shall retain ultimate control of its employees.

7. Participants in this automatic aid agreement do further agree to the following standard service criteria as the primary response system elements of this automatic aid agreement:

- A. The Automatic Aid participants will use a Computer Aided Dispatch system(s) that automatically selects the closest, most appropriate unit(s) for dispatch.

- B. The Automatic Aid Agreement allows the closest, most appropriate emergency response unit to an emergency to be dispatched automatically - regardless of the jurisdiction where the emergency occurs or the jurisdictional affiliation of the response unit.
- C. The Automatic Aid Agreement utilizes a preplanned system of communications. Communications support for participants includes the provision of a main dispatch and multiple tactical radio frequencies, station alerting systems, direct phone lines between each participating fire station and the Dispatch Centers, and paging systems. These systems are in place and supported by the Dispatch Centers.
- D. All participants will use standard command procedures. A standardized Incident Management System (IMS) provides for efficient management of the emergency and for the safety of firefighters. The Incident Management System for use by Automatic Aid participants shall be NIMS.
- E. It is the desire of all Automatic Aid participants to explore other opportunities for joint training, including entry level training, mini academies, refresher training and systems training. By training together and using common procedures, participants have a higher level of confidence in each other.
- F. To ensure compatibility of equipment, participants should maintain a mutually agreed upon inventory of equipment (based upon minimum NFPA standards), including hoses, couplings, pump capacity, communications equipment, and will maintain the minimum standard amount of equipment on each type of apparatus (as recommended by related NFPA Standards).
- G. Participants shall utilize standardized terminology for all apparatus.
- H. Participants shall use standardized response criteria (i.e. pre-established type and number of apparatus that will be automatically dispatched based on type of call as

per standard NFPA and ISO recommendations). The Dispatch Centers can tailor the response to specific types of incidents by jurisdiction or part of a jurisdiction. This includes the capability to automatically dispatch selected specialty units.

- I. Participants recognize the importance of service delivery and personnel safety issues. Participants shall develop a plan to accomplish staffing per NFPA standards.
- J. Departments will use safety officers at emergency scenes and will follow standardized procedures as recommended by NFPA. Staff filling the role of safety officer will participate in training.
- K. Participants agree to the use of specialized unit resources. The assignment of a specialized unit to an incident relies on predefined response levels to specific types of incidents, the closest specialized unit to the call, and/or any special call for resources made by an incident commander that is not pre-programmed in the CAD system. This includes, but is not limited to, hazardous materials support, technical rescue support, loss control, rehab, command, utility, brush, and water tankers.
- L. Participants agree that automatic aid is reciprocal. While automatic aid does not ensure that a community will receive the exact same amount of assistance as it gives, it does mean that all participants will provide some assistance outside its jurisdictional boundaries and that the level of service delivered within the Automatic Aid Agreement will be comparable.
- M. Participants shall define "time of dispatch" as the point in time at which the Dispatch Center has notified the station or (responding unit if out of station) of the call through the station alert system or radio.
- N. Participants shall measure "response time" from the time of dispatch to time of arrival on-scene.

O. Calls outside the response boundaries of the Automatic Aid Response Agreement will be considered mutual aid where such written agreements exist. Requests for and responses to mutual aid will be at the sole discretion of the department/fire district involved.

9. No term or provision of this Agreement is intended to, or shall, create any rights in any person, firm, corporation or other entity not a party hereto, and no such person or entity shall have any cause of action hereunder.

10. It is specifically agreed by both parties for a particular incident, neither party shall be reimbursed by the other party for any costs incurred pursuant to this agreement. In the event of Declared Disasters, participants may apply for reimbursements from County, State and Federal agencies.

11. In the event a party shall sustain a loss or damage to its equipment or injury to any of its personnel while responding to an incident in the jurisdiction of the other party, such loss shall be the sole responsibility of the party responding to the incident, and the other party shall not have any liability for such damage or injury.

12. To the extent permitted by law, the parties hereto shall indemnify and hold harmless each other, its officers, trustees, agents, employees and assigns from and against loss, cost, damages, expense and liability caused by an accident or occurrence resulting in bodily injury, including death, sickness, disease to any person or damage or destruction to property, real or personal, arising directly or indirectly from operations or services rendered under this agreement.

13. The parties further understand that this agreement supersedes any previous Automatic Aid Agreement between either of the parties hereto.

14. If one party wishes to terminate this agreement, six months (180 days) notice in writing of intention to terminate shall be given to the parties involved.

15. No term or provision in this agreement is intended to create a partnership, joint venture or agency arrangement between any of the parties.

16. The parties to this agreement hereby agree that other departments dispatched by the Dispatch Centers may be added to this Automatic Aid Agreement upon approval of the participants.

17. This Automatic Aid Agreement shall be reviewed by the parties every five years or as deemed necessary.

IN WITNESS WHEREOF, the parties to hereto have executed this Agreement in duplicate original, the day and year first above written.

WITNESSES:

M.F. Apple

\_\_\_\_\_

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

DAVID BLACKWELDER

By David Blackwelder

On behalf of the Irmo Fire District

\_\_\_\_\_

By \_\_\_\_\_

On behalf of the County of Richland

# Richland County Council Request of Action

## **Subject**

EMS Ambulance Purchase [ pages 32-33]

## **Reviews**

# Richland County Council Request of Action

**Subject: EMS Ambulance Purchase ESD02052010**

**A. Purpose**

The purpose of this report is to obtain Council approval to purchase five new ambulance vehicles now and, as funding allows in the 2010-2011 budget, two additional ambulances within the next six months. This is a sole source procurement. Funding is available in this year's budget. The additional purchase is contingent on available funds appropriated in the 2010-2011 budget.

**B Background / Discussion**

EMS has ambulances that have exceeded the end of their life cycle. Each year we replace ambulance vehicles. Over ten years ago EMS began to replace ambulances using the same manufacturer to establish continuity and standardization in the fleet. In addition, standardization benefits parts acquisition, maintenance, service, training and familiarization of equipment. By being a member of the South Carolina EMS Association, we are members of the North Central EMS Cooperative (NCEMSC). The NCEMSC is a non profit corporation based in Minnesota and represents over 2,000 agencies. Its mission is to provide a mechanism to achieve cost reductions for its members while creating specifications for EMS products and supplies which NCEMSC uses to bid and write contracts. NCEMSC also endorses Taylor Made Ambulances in their "Best Pricing Program."

Establishing a standard ambulance vehicle from the same manufacturer creates a better working environment for Paramedics, establishes a "standard" for equipment storage and makes it easier and more cost effective to repair because all vehicles are the same. Taylor Made currently has three (3) 2010 chassis and two (2) 2009 chassis available.

**C. Financial Impact**

The cost of the vehicles is budgeted and is available in EMS account 2210-5313 for this budget year. The additional ambulance purchase is contingent on the allocated funds in the budget for 2010-2011.

Current Purchase Breakdown:

2010 Vehicles	\$105,428 x 3 =	\$316,284
2009 Vehicles	\$104,539 x 2 =	\$209,078
Tax	\$ 300 x 5 =	\$ 1,500

-----  
Total Cost for 2010 \$526,862

**D. Alternatives**

1. Approve the purchase of the five ambulances now and allow staff to initiate the purchase of the two additional ambulances in the next budget year provided funding is available.
2. Do not approve the purchase.
3. Conduct a bid solicitation.





# Richland County Council Request of Action

## **Subject**

Jumps \$75,000 request [ pages 35-37]

## **Reviews**

## Richland County Council Request of Action

**Subject:** JUMPS \$75,000 Request

**A. Purpose**

Council is requested to consider the \$75,000 request from JUMPS, and direct staff as appropriate.

**B. Background / Discussion**

The item was presented by Councilman Washington at the April 20, 2010 Council Meeting, and was forwarded to the June A&F Committee meeting.

Per the attached correspondence dated April 9, 2010 from Sammy Wade, CEO, JUMPS plans to submit a request for funding to the S.C. Department of Education in the amount of \$200,000 to expand services to children on the JUMPS waiting list. The organization will partner with several community organizations to extend additional services to children from Hopkins Elementary and Hopkins Middle School.

The grant is reimbursable. As such, JUMPS requests the County's support in the form of an appropriation of \$75,000, free of interest and administrative fees, to be set aside in order to provide upfront support in the event that JUMPS is awarded the \$200,000 grant. Per Mr. Wade, the \$75,000 would be repaid upon disbursement of funding.

It is at this time that staff is requesting direction from Council with regards to this request.

**C. Financial Impact**

JUMPS has requested \$75,000 from the County, which, according to Mr. Wade, would be repaid upon disbursement of grant funds.

**D. Alternatives**

1. Approve the \$75,000 request and direct staff as appropriate.
2. Do not approve the request.

**E. Recommendation**

Council discretion. Motion by Mr. Washington at the April 20, 2010 Council Meeting, which was forwarded to the June A&F Committee meeting.

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion. Approval will required the identification of a funding source and a budget amendment.

### **Legal**

Reviewed by: Larry Smith

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion

### **Administration**

Reviewed by: J. Milton Pope

Date: 4-30-10

Recommend Approval

Recommend Denial

No Recommendation

Comments: Recommend forwarding this item to the budget process for consideration. According to the attached letter the \$75,000 would have to be secured by May 7, 2010 therefore the organization should request an extension (a budget amendment cannot be accomplished by 5-7-10).

# J.U.M.P.S

## Jumping High To Reach Excellence

P.O. Box 24463 • Columbia, SC 29224

### Advisory Board

Celeste Pinckney  
Community Public Relation Advisor

Yolanda Scott-Cuttino  
Special Events Advisor

Willfred T. Roach  
Community Mentor Advisor

Dr. Ken Roach  
Project Coordinator Advisor

Willistine Lagree  
Tutor

Rev. Sammy Wade  
Founder/Chairman

April 9, 2010

*Subject Line:* 21<sup>st</sup> Century Community Learning Center Grants

*To:* Councilman Kelvin Washington

*Re:* Operating Expenses

*From:* Sammy Wade, CEO of JUMPS (Juveniles Upholding Moral Principles of Society)

Dear Councilman Washington:

JUMPS implements proven strategies that increase learning and contribute to reductions in teenage pregnancies, juvenile delinquency and gang violence. For nearly a decade, JUMPS has partnered with school, faith and community-based organizations and successfully used funding from organizations such as New Morning Foundation and NextGen to execute tutoring, mentoring, health and entrepreneurship education, community awareness and other activities that have positively impacted the Lower Richland area that we serve.

JUMPS is please to announce plans to submit a request for funding to the South Carolina Department of Education in the amount of \$200,000 to expand services to children on the JUMPS waiting list. JUMPS will partner with several community organizations to extend additional services to children from Hopkins Elementary School (where more than 90% of all students are eligible for free/reduced lunch) and Hopkins Middle School. Organizations supporting JUMPS in this effort include Sports Intelligence, DOVE, Beauty in Me, Touch of Joy, BEST Carolina, Changing Faces and Child, Youth and School Services among others.

If awarded the grant, JUMPS will be confronted with the task of functioning fiscally for up to 3 months, due to the reimbursable nature of the grant. As one of the few programs in the Lower Richland area geared towards helping youth to thrive, JUMPS is requesting your support in the form of an appropriation of \$75,000 (free of interest and administrative fees), to be set aside in order to provide upfront support in the event that JUMPS is awarded the \$200,000 grant. In order to continue providing the level of services we currently offer our participants, it is essential that JUMPS obtain outside funds until the funds are disbursed.

We anticipate that the 21<sup>st</sup> Century funds will enable us to serve more than 135 children. Your "loan" would be a worthy investment (which will be repaid upon disbursement of funding) that will boost the economy through increased numbers of high school graduates (instead of welfare recipients), fewer unwed mothers, less gang involvement, enhanced emotional health and more small businesses created by enterprising youth.

The proposal is due on May 7<sup>th</sup>, however we would appreciate a response as soon as possible to ensure that we meet the criteria established in the grant guidelines. Please help us expand opportunities for our youth.

Cordially,



Sammy Wade, CEO

# Richland County Council Request of Action

## **Subject**

Laboratory Tech-Full Time Grant-Sheriff's Department [ pages 39-42]

## **Reviews**

## Richland County Council Request of Action

**Subject:** Laboratory Technician/ Full-time Personnel/ No Match

### A. Purpose

*County Council is being requested to approve the addition of a full-time position to an existing grant proposal for the National Institute of Justice DNA Backlog Reduction Program. This addition was not included in the Grant Budget Request for 2010-2011.*

### B. Background / Discussion

The Richland County Sheriff's Department has applied for a grant from the National Institute of Justice DNA Backlog Reduction Program. The Grant Budget Request for this project was submitted during the original budget process; a revised Grant Budget Request and Position Request are attached. This is an addition to that project. This request will continue to fund a DNA Analyst and fund a new full-time Laboratory Compliance Technician for the Richland County Forensic Laboratory. This position is required to be picked up by county funds once grant funds are no longer available. The increased caseloads seen in the lab necessitates this request.

### C. Financial Impact

Once the grant is closed, Richland County will be required to maintain this position with an estimated cost of \$38,195 per year.

Grant Program	Costs	Match
Laboratory Compliance Technician	\$38,195	\$0
Total Grant Budget Request	\$145,000	\$0

### D. Alternatives

1. Approve the request to fund this program to decrease the backlog in DNA case examinations and CODIS entries.
2. Do not approve, forfeit funds, and decrease likelihood for future funding.

### E. Recommendation

It is recommended that Council approve the request to approve the additional personnel request for the Forensic DNA Backlog Reduction.

Recommended by: *Chief Deputy Dan Johnson, Richland County Sheriff's Depart.*      Department:      Date: *April 30, 2010*

## F. Reviews

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

### Finance

Reviewed by: Daniel Driggers:

Date: 5/07/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. While there is no immediate financial impact based on section c, the county will be required to pick up the full burden of the position in FY12.

### Grants

Reviewed by: Sara Salley

Date: 5/10/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion.

### Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

### Administration

Reviewed by: Sparty Hammett

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. As indicated by the Finance Director, there is no immediate financial impact; however, the County would have to fund 100% of the cost of the position after the grant funding ends.



**Richland County  
Grant Application Request  
Fiscal Year 2011 (July 2010 – June 2011)**

Complete a separate form for each grant application you intend to submit.

**Section A: Basic Information**

1.) Department: RCSD		2.) Dept. Contact: Traci Dove	
3.) Grant Title of Project: DNA Backlog Reduction			
4.) Grant Program: DNA Backlog Reduction			
5.) Grantor: National Institute of Justice		6.) Fund Source: <input checked="" type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other (check one)	
7.) Grant Period: From 10/1/10 To 9/30/11		8.) Application Due Date: June 2009	
9.) Status: <input type="checkbox"/> Application sent – date <input checked="" type="checkbox"/> To be submitted – date June 2010		10.) Anticipated Award Date: September 2010	
11.) <input type="checkbox"/> New Grant? or <input checked="" type="checkbox"/> Continuation Grant? (check one)		12.) If continuation grant, what is previous grant #? 8627	
13. a.) Amount of grant funds requested: \$145,000	13. b.) Percentage of total request: 100%	14. a.) Amount of matching funds requested: \$0	14. b.) Percentage of total request: 0%
15.) Total Project Cost: (Grant funds requested + matching funds requested) \$145,000 = 100%			

**Section B: Project Description**

16.) Provide a general statement of the purpose of the grant. Provides personnel and supplies for the processing of backlogged DNA cases.

**Section C: Financial Impact**

17.) Does grant allow administrative (indirect) costs? No If yes, what percentage? \_\_\_\_\_  
When applying for the grant, be sure to include this amount in your budget to assist with the County's and your Department's indirect costs of managing the grant.

**Grant Personnel**

For new grants:

18. a.) How many new, full-time positions will be created by this grant? 1  
Please complete and attach a **Grant Funded New Position Funding Request** form for each new position type (mandatory)

For continuation grants:

18. b.) How many full-time positions will be continuing with this grant? 1

For all:

19.) Does the grant require positions to be maintained following conclusion of the grant? Yes

20.) If yes, for how long? (i.e., one local fiscal year, 12 months, etc.) 12 months

21.) Is this grant funded through the American Recovery and Reinvestment Act? No.

**Grant Funded: Position Funding Request  
For Fiscal Year 2010 - 2011  
New Position Funding Request**

**Section A - Basic Information**

Requesting Department Name & Number: RCSD

Title & Pay Grade of Position Requested: Lab Compliance Technician

Number of this Position Requested: 1

Will this new position require police retirement? N

(If yes you must put Y, if no you must put N)

	<i>Column 1</i>	<i>Column 2</i>
	<i>Single Position</i>	<i>All Positions</i>
<b><u>Section B - Compensation</u></b>		
Salary (must be requested at the minimum salary for the pay grade)	\$ 30,925	\$ 30,925
FICA Expense (Salary X .0765)	2,366	2,366
Regular Retirement (Salary X .0939)	2,904	2,904
Police Retirement (Police Salary X .1153)	-	-
Health & Dental Insurance	-	-
Workers Compensation	-	-
<b>TOTAL COMPENSATION COST</b>	<b>\$ 36,195</b>	<b>\$ 36,195</b>
Grant % <u>100.00%</u>	36,195	36,195
County match portion % <u>0.00%</u>	-	-

**Section C - Costs Associated with Position**

Operating Costs (Supplies, Fuel, Phones, Etc.) *Please list below* Each Total

Computer **COST \$** 2,000 **\$** 2,000

Does the grant help pay for these items? If so, split costs here: Grant portion **2,000** 2,000  
County portion

Capital Costs (Equipment, Vehicle, Etc.) *Please list below* Each Total

**COST \$** **\$**

Does the grant help pay for these items? If so, split costs here: Grant portion  
County portion

*All costs on this form are associated with this grant request ONLY and should not be included on the budget request worksheet.*

**TOTAL COST TO GRANT \$** 38,195 **\$** 38,195  
**TOTAL COST TO COUNTY \$** - **\$** -

H.R. USE ONLY  
PAY GRADE \_\_\_\_\_ CLASS \_\_\_\_\_ HUMAN RESOURCES APPROVAL \_\_\_\_\_

# Richland County Council Request of Action

## **Subject**

Pursue Properties Associated with Caughman Creek Using Hospitality Tax Funds [ pages 44-48]

## **Reviews**

## Richland County Council Request of Action

**Subject:** Pursue Properties Associated with Caughman Creek Using Hospitality Tax Funds

**A. Purpose**

Council is requested to consider the motion made at the March 16, 2010 Council Meeting, and direct staff as appropriate.

**B. Background / Discussion**

The following motion was made at the March 16, 2010 Council Meeting by Councilman Jackson:

**Richland County, the Conservation Commission, and the Recreation Commission pursue purchasing all properties associated with Caughman Creek using Hospitality Tax Funds for recreational, historical, and conservation purposes; also explore a public/private partnership.**

It is at this time that staff is requesting direction from Council with regards to this motion.

**C. Financial Impact**

There is no financial impact associated with this request at this time, as further information and direction from Council will need to be obtained before a financial impact can be determined.

**D. Alternatives**

1. Approve the motion and direct staff as appropriate.
2. Do not approve the motion.

**E. Recommendation**

Council discretion.

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date:

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion

**Administration**

Reviewed by: J. Milton Pope

Date: 4-19-10

Recommend Approval

Recommend Denial

No Recommendation

Comments: The Committee and Council must first give direction to staff however all existing obligations of the H-Tax fund should be acknowledged before any “new” obligations are made.

**MEMORANDUM**

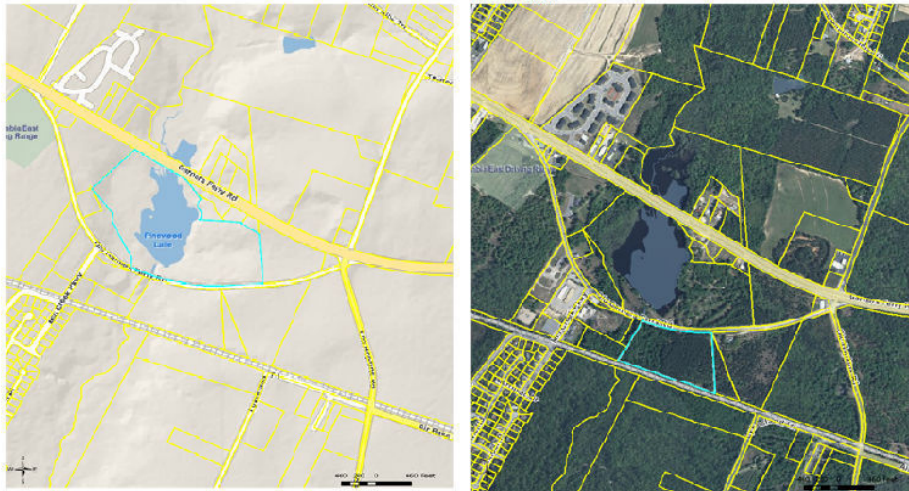
TO: MILTON POPE, COUNTY ADMINISTRATOR  
FROM: JIM WILSON, CONSERVATION COMMISSION  
RE: POSITION ON CAUGHMAN/MILL CREEK PROPERTY  
DATE: MAY 11, 2010

As requested, the Richland County Conservation Commission has reviewed the proposed acquisition of the Caughman property on U.S. Highway 378 in Lower Richland County. We are impressed with the property and recommend the County take an additional step of determining the property's value in order to adequately understand the project's chance of success.

**The property:** The property is comprised of two tracts of 56.01 (zoned commercial) acres and 17.23 (zoned rural). A 20 acre pond, known as Pinewood Lake on maps, is the defining feature and a restaurant was formerly on site. It burned in the 1980's. The pond is fed by Mill Creek.

There is a home site that, while in poor condition, is being rehabilitated. There are also several out buildings, some of historic significance. Two docks provide access to the pond and are in need of rehabilitation.

**Location**

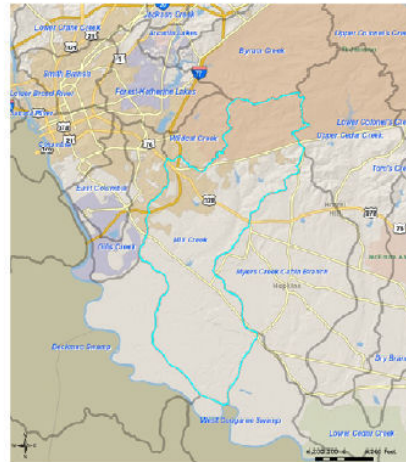


**Conservation value:**

The Mill Creek Watershed is a formal land area in Lower Richland with significant natural resource features such as perennial streams, wetlands, flood plains, and wildlife habitat. The watershed area is over 40 square miles and approximately 27,000 acres of rural landscape which includes forestland, agricultural fields, wildlife corridors, and large green space protected areas. The watershed begins on Fort Jackson with Mill Creek connecting with Congaree National Park and Congaree River system.

The Caughman Family Property lies in the upper one-third of the watershed directly on Mill Creek. A 20 acre lake currently exists on the property that has excellent water quality and potential recreational use. The surrounding floodplain and wetlands are sensitive buffers to the lake and Mill Creek.

*The Conservation Commission recommends protection of the lake, dam, and buffers to ensure proper watershed best management practices and remain in compliance with DHEC storm water regulations.*



*Mill Creek Watershed*

**Historic Value:**

The former restaurant, The Bounty, was a well known establishment that offered hospitality in a scenic, natural setting. Anecdotal evidence is told of “afternoons spent” at the Pinewood Lake.

**Historic farm buildings on site**



The truest historic value may be the remaining buildings involved with the residences. Given their age and their vernacular architecture they well may be eligible for listing on the National Register of Historic Places. The South Carolina Department of Archives and History has been requested to make a determination of their eligibility. In any event, they



reflect excellent examples of agricultural buildings.

*The Conservation Commission recommends protection of the historic structures and the traditional setting to ensure the continuation of this significant reminder of our County's legacy.*

**1939 - Pre Highway 378 view of Property – Notice buildings are on site**



**Recreational Value:**

The Richland County Recreation Commission has evaluated the property and find it extremely well suited for a recreational facility in Lower Richland County. RCRC has few water access sites and has been looking for ways to provide improved water-based recreation. This property could provide such a role, and when this is added to conservation and historic attributes make this property well suited for protection.

*The Conservation Commission recommends the property be used for water based recreational access by the Richland County Recreation Commission.*

**Financial Considerations:** The property was recently purchased in estate proceedings for \$605,000 by John C. Gwinn. There is some evidence this was not an arm's length transaction, though it may be a fair price. Agent Ken Steiner is our point of contact.

**Recommendation:** *The Conservation Commission recommends commissioning an appraisal of the property. Commission is willing to allocate the costs for this service.*





# Richland County Council Request of Action

**Subject**

Request for Contract Award-ADA Improvements-Administration and Health Complex [ pages 50-51]

**Reviews**

## **Richland County Council Request of Action**

**Subject:** Request for Contract Award - ADA Improvements - Administration and Health Complex

### **A. Purpose**

The purpose of this request is to seek County Council's approval to enter into a construction contract with the lowest, most responsive responder for the second phase of the ADA improvements project of the Administration Complex. This project is designed to make the Administration and Health buildings more accessible to the citizens of Richland County.

### **B. Background / Discussion**

After having a complete evaluation of the facilities and defining the need and detail for improving the access to the facilities, a priority list of tasks was determined and funds have been allocated by Council in the previous budget processes. The Facilities Division has completed one phase of this project by adding automatic assist door operators to Voters Registration where there was previously no assisted entrance and widening the sidewalk to meet current standards at the ground level entrance of the Administration building. During this first phase multiple public ADA spaces in this area were reconstructed to meet grade elevation requirements. Other projects have been completed in the past few years as well on the interior of the buildings by altering customer service counters to meet the ADA guidelines. We have now advertised and received several responses to make all public and employee entrances into the Administration and Health complex more accessible and current ADA Guideline compliant. Although the two rear entrances to the facility have pushbutton ADA operators the sidewalk does not meet standard for manual pushbutton operation and the systems are not entirely reliable. The main entrances from the Hampton St. and the employee entrances at the breezeways have no assisted entrance system for either facility. The advertisements for this phase of the project included all entrances, to include airlock portions, to be modified with new door systems and operators that will meet current ADA standard compliance as well as enhance the safe use of these systems. The current systems do not meet this goal. Based on the responses there are sufficient funds previously approved by Council to move forward with and complete this project.

### **C. Financial Impact**

No additional funds are requested for this phase of the project. All funds necessary to complete this phase are in the facilities ADA project budget JL-11320000 for the Administration Complex. The apparent most responsive responder is First Class Construction at a bid of \$117,036.00. Due to the fact that this will be a major remodel project to include electrical and proximity sensing technology, a 20% contingency will be set aside. All changes due to unknown circumstances will be submitted for review and completely subject to County staff approval. This will provide a project budget for this phase totaling \$140,400 that is within the current budget amount for this project. Once this project is complete, and after normal warranty expiration, normal planned and preventive maintenance will be utilized to protect the asset and help prevent future major unpredicted repairs or concerns with improved entrance systems.



# Richland County Council Request of Action

**Subject**

Retirement System Deduction Program for Retired Public Safety Officers Insurance [ pages 53-59]

**Reviews**

## Richland County Council Request of Action

**Subject:** Retirement System Deduction Program for Retired Public Safety Officers  
Insurance

**A. Purpose**

To permit Richland County Public Safety Retirees (Law Enforcement and EMS retirees) who elect to participate have county health premiums deducted from the SCRS/PORS retiree check monthly and exclude \$3,000 or less from their taxes.

**B. Background / Discussion**

**Origin of Issue:**

Retiree Request to Member of County Council

**Lead Department:**

Human Resources

**What are the Key Issues (Precipitation of Project):**

- The County must sign an agreement with the SC Retirement System.
- Upon approval by the County, a letter will be sent to each employee informing them about the program, benefits of the program, and retiree requirements of the program.
- Eligible County retirees (public safety retirees) as defined by the SC Retirement System will have the option of whether to participate in the program. The eligible retiree must properly complete, sign, and return an election form.
- The County has approximately 500 retirees.
- The County reconciles the retiree billing monthly. The reconciliation process involves comparing the billing, enrollment, premiums received, changes, new enrollees to ensure they all match. In order to mitigate errors, detect changes that need to be made promptly, and because of the number of retirees, this is an automated process.
- Retirees will need to pay premiums in the month prior to month of effective coverage. This will be consistent with how employees pay premiums and will provide adequate time to receive premiums deducted from public safety employee checks and submitted from the SC Retirement System.
- All Richland County retirees will be required to pay “catch-up month premium”. This includes retirees who are not public safety retirees and retirees who do not wish to participate in the program.
- Staff anticipates some retirees will prefer not to pay “catch-up month premium”, especially if they are not eligible to participate or elect not to participate in the program.

**Date Ready for Implementation:** 90 days after Council approval

**Multiple Year Project:** No

**Estimated Work Hours for Completion:** 100

**Process to Date:**

Research and discussion with SCRS and between Administration, Finance and HRD.

**Process Plan for Future Action:**

1. Request Council approval program
2. Sign agreement with SCRS (see attachment)
3. Inform all Richland County Retirees about the program and send SCRS election form
4. Obtain authorization from eligible retiree (see attachment)
5. Bill retirees for “catch up month premiums”
6. Submit retiree authorization forms to SCRS.

**Reference:** SCRS Regulation

**Financial Impact:**

All Retirees will be financially impacted, if they pay monthly premiums, by having to come up with catch up month premium in order to implement in the program.

**Estimated Fiscal Impact:**

Need definition of compared to Financial?

**C. Alternatives:**

1. Implement program
2. Not implement

**D. Recommendation**

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 5/10/10

Recommend Council approval

✓ Recommend Council denial

Comments regarding recommendation: Agree with HR Director comments.

**Human Resources**

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Because of the rules of the SCRS, only public safety retirees have the option to participate. There will likely be 50% or less of County retirees eligible to participate in the program. Human Resources anticipates that some retirees will not desire to pay the “catch-up” month premium, especially if they are not eligible under the SCRS rules to participate or they don’t wish to participate in the program. Consequently, some those retirees who are not eligible but required to pay the “catch-up” month may react strongly against compliance with the “catch-up” month requirement.

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

**Administration**

Reviewed by: Tony McDonald

Date: 5/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Concur with Human Resources Director’s comments. Recommend denial of this proposal.

**State Budget and Control Board  
South Carolina Retirement Systems  
Retired Public Safety Officers' Insurance Payment Program  
Memorandum of Agreement**

Section 845 of the Pension Protection Act of 2006 (PPA) allows eligible retired public safety officers to elect to exclude up to \$3,000 from gross income for certain distributions made from an eligible retirement plan to pay qualified health insurance premiums.

The term "Insurance Provider" includes insurance companies, third party administrators and employers.

In order to provide retired public safety officers who are retired under the South Carolina Retirement Systems (Retirement Systems) with the benefit of the aforementioned income exclusion, the Retirement Systems hereby enters into this Memorandum of Agreement with you, the insurance provider. The Retirement Systems assumes no liability associated with this premium payment. The Retirement Systems is simply functioning as a conduit between the retiree and the insurance provider. The following procedures will be required:

- The Retirement Systems will obtain self certifications from members to determine which retirees qualify as eligible retired public safety officers.
- Eligible retirees will be required to complete a Retired Public Safety Officers' Insurance Payment Program Deduction Form, Form 7701, for each insurance provider or policy and file it with the Retirement Systems.
- The Retirement Systems will remit payment to each insurance provider on the last business day of each month. A report will be provided that will include the following information for each monthly remittance:
  - Name of Insurance Provider
  - Insurance Provider Unique Identifier (assigned by the Retirement Systems)
  - Retiree Name (Last Name, First Name) and Retiree Social Security Number
  - Monthly Premium Remittance
  - Policy Number
- The Retirement Systems will stop premium remittances and change premium remittance amounts based upon notification from the retiree or the insurance provider.
- In order to participate in this program, insurance providers must be licensed to provide qualified products within the United States of America.
- If the retirees' monthly annuity check is not sufficient to cover the entire premium payment, the Retirement Systems will not make the payment to the insurance provider for that month.
- If a retiree exhausts the \$3,000 maximum eligible for exclusion, the Retirement Systems will continue to remit payment to the insurance providers on an after-tax basis.
- The insurance providers may only request premium payments for insurance types allowable for exclusion from income under the PPA (accident and health insurance and long-term care insurance).
- If at any time the insurance provider becomes aware of any non-compliance with state or federal laws or regulations, including but not limited to the PPA, the insurance provider must notify the Retirement Systems immediately.
- Either the insurance provider or the Retirement Systems can terminate this agreement by written notice received no less than 45 days in advance of the termination date.

I hereby certify that I am authorized to sign as an agent for my company (insurance provider). I hereby certify that my company (insurance provider) will comply with the terms in this agreement. I understand that if my company (insurance provider) does not comply with the terms of this agreement that the Retirement Systems may terminate its relationship with my company (insurance provider) at any time. If you have any questions, please contact Customer Services at (800) 868-9002 (in-state) , (803) 737-6800 or [cs@retirement.sc.gov](mailto:cs@retirement.sc.gov).

Legal Name \_\_\_\_\_ Contact Name \_\_\_\_\_  
Remittance \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_ E-mail Address \_\_\_\_\_  
Tax ID Number \_\_\_\_\_ License State \_\_\_\_\_  
Website Address \_\_\_\_\_ License Number \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**THE SOUTH CAROLINA RETIREMENT SYSTEMS RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT AND TO REVISE THIS PROGRAM AS IT DEEMS APPROPRIATE.**



Form 7701  
Revised 01/14/2008  
Page 1

State Budget and Control Board  
**South Carolina Retirement Systems**  
Retired Public Safety Officers' Insurance Payment Program Deduction Form  
Not Applicable for SC Employee Insurance Program (EIP)

**Public Safety Officer Certification**

At the time of my separation from service immediately prior to retirement, I (check appropriate box)

- Provided law enforcement services. Law enforcement officers are individuals involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws, including, but not limited to, police, corrections, probation, parole, and judicial officers.
- Provided firefighting services. Firefighters are professional firefighters or individuals serving as an officially recognized or designated member of a legally organized volunteer fire department.
- Provided emergency medical services. Rescue Squad or ambulance crew members are officially recognized members of a rescue squad or ambulance crew.
- Provided chaplain services. Chaplains are officially recognized or designated chaplains of volunteer fire departments, fire departments or police departments.
- Did **not** provide law enforcement, firefighting, emergency medical, or chaplain services.

**Insurance Provider Information** - Attach a copy of your invoice

New Designation       Change to Previously Designated Policy       Stop Previously Designated Payments

Insurance Company Name	Group/Policy Number
------------------------	---------------------

Insurance Provider Number - Assigned by the Retirement Systems

Payment Address	City	State
	Zip Code	Telephone Number

Insurance Type    Medical, Vision, Dental    Long Term Care   Monthly Premium Amount \$

**Member Information**

<b>Name</b>		
First	Middle	Last
Social Security Number		Daytime Telephone Number

**Withholding Authorization:**

- I hereby authorize the Retirement Systems to reduce my gross annuity benefit, after taxes are calculated, by the total amount of qualified insurance premiums up to \$3,000 per year and submit them directly to the insurance provider I have identified on this form. I understand this will result in a change of my net monthly pension annuity.
- I understand that the Retirement Systems is not responsible for lapsed premiums or lapsed insurance policy coverage or any other coverage or benefit issues that may arise between my insurance provider and me.
- I must contact the Retirement Systems to change or stop premium remittance amounts.
- To stop premium remittance with the Retirement Systems, complete an additional Form 7701 and check "Stop previously designated payments" in the insurance provider information block. I understand that I must contact my insurance provider directly to cancel my insurance policy.
- To change premium remittance amounts with the Retirement Systems, complete an additional Form 7701 and check "change to previously designated policy" in the insurance provider information block. The Retirement Systems must have at least 30 days notice to process premium remittance amount changes.
- This election will stay in effect until the Retirement Systems is notified to cancel or change the premium remittance.
- I authorize the Retirement Systems to process changes in premium amounts from the insurance providers designated on this form. As a result, the Retirement Systems will process changes to premium amounts upon notification from me, the retiree, or upon notification from my insurance provider.
- If after my initial election in the program, I would like to add an additional premium payment, I may do so by completing an additional Form 7701 and checking "new designation" in the insurance provider information block.

(Continued On Page 2)

Item# 10

Attachment number 1  
Page 5 of 7

- Payments will be made from the Retirement Systems directly to the insurance providers on the last business day of each month.
- If the amount of my monthly annuity check is not sufficient to cover the entire premium payment, the Retirement Systems will make no payment to the insurance provider.
- If I exhaust the \$3,000 calendar year maximum eligible for exclusion from income, the Retirement Systems will continue to remit payment to the insurance providers for the remainder of the year.
- By participating in this program and authorizing the Retirement Systems to remit premium payments on my behalf, I may not authorize another qualified retirement plan to also remit payments that will exceed the \$3,000 maximum annual amount.
- I understand that it will be my responsibility to report the premiums eligible for exclusion on my individual tax return in order to claim the exclusion from taxable income. The Retirement Systems will provide a separate statement at calendar year end stating the amount of qualified premiums deducted and paid on your behalf. If I receive a refund of qualified premiums during the calendar year, I understand the amount of qualified premiums reported on the SCRS annual statement must be adjusted to reflect the refund.
- If the Retirement Systems does not have a prior approved agreement with my insurance provider, implementation of the remittance of my premium payments may be delayed or not possible.
- The Retirement Systems will notify me when premium payments through the Retirement Systems will begin or if payments will not be possible.
- **BY SIGNING THIS FORM, I AGREE THAT I WILL NOT MAKE ANY LEGAL CLAIM OF ANY KIND AGAINST THE SOUTH CAROLINA RETIREMENT SYSTEMS, ITS STAFF AND ADVISORS, AND THE EMPLOYER AS A RESULT OF MY PARTICIPATION IN THIS PROGRAM, INCLUDING, BUT NOT LIMITED TO ANY UNEXPECTED TAX LIABILITY TO ME, INCLUDING INTEREST AND PENALTIES. I UNDERSTAND THAT MY ABILITY TO PARTICIPATE IN THIS PROGRAM IS A VALUABLE BENEFIT FOR WHICH I AM WILLING TO SIGN THIS WAIVER OF ALL CLAIMS. I FURTHER RELEASE THE SOUTH CAROLINA RETIREMENT SYSTEMS, ITS STAFF AND ADVISORS, AND THE EMPLOYER FROM ANY LIABILITY ARISING FROM THE ADMINISTRATION OF PAYMENTS TO ANY INSURER.**
- **THE SOUTH CAROLINA RETIREMENT SYSTEMS RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT AND TO REVISE THIS PROGRAM AS IT DEEMS APPROPRIATE.**

I have read the statements on this form and agree to the terms and conditions. I attest that the information provided on this form is true and accurate.

Retiree Signature \_\_\_\_\_ Date \_\_\_\_\_

SSN \_\_\_\_\_

### Instructions

The provisions of Section 845A of the Pension Protection Act of 2006 provides for the exclusion from taxable income a maximum of \$3,000 of qualified health and long term care insurance premiums for eligible retired public safety officers. The legislation requires that premiums be deducted from the distribution of a retiree's annuity and remitted directly to insurance providers.

*An eligible public safety employee is an employee of a state or political subdivision that provides law enforcement services, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision. Membership in the Police Officers Retirement System, does not qualify an employee for the exclusion - the employee must be a qualified public safety employee as defined in the PPA. The PPA also requires that retirees must have retired by reason of disability or attainment of normal retirement. The Retirement Systems does not determine whether an individual retiree is an eligible public safety officer and as a retiree, you are ultimately responsible for determining whether you are qualified to claim the deduction. By signing and submitting this form, you are certifying that you meet the federal criteria in the PPA.*

Qualified health and long term care insurance policies include premiums for employer-sponsored or self-insured health plans, Medicare Part B, Medicare Advantage, Medicare Part D, Medicare supplement, and individually purchased health, dental, or vision policies for both single and family coverage. You may only elect for the Retirement Systems to remit qualified insurance premiums on your behalf.

If the Retirement Systems does not have a prior relationship with your insurance provider, remittance of your premium payments may be delayed or not possible. The Retirement Systems will notify you when and if premium payments will begin. If you remit payments for insurance to your former employer, please include your employer's information in the insurance provider section.

**DO NOT STOP MAKING PREMIUM PAYMENTS UNTIL YOU ARE NOTIFIED BY THE RETIREMENT SYSTEMS OF THE DATE THAT PREMIUMS WILL BE PAID FROM YOUR RETIRMENT BENEFITS.**

Be sure to read the terms and conditions on Form 7701 and keep a copy for your records. Also please note that the IRS has not yet issued regulations regarding the PPA. Therefore, the terms and conditions of this program are subject to change based on future IRS regulations, rulings, and interpretations.

If you have any questions, please contact Customer Services at (803) 737-6800, (800) 868-9002 (in-state), or [cs@retirement.sc.gov](mailto:cs@retirement.sc.gov).

# Richland County Council Request of Action

**Subject**

Richland County Freedom of Information Policy [ pages 61-65]

**Reviews**

## Richland County Council Request of Action

**Subject:** Richland County Freedom of Information Policies and Procedures Manual

### **A. Purpose**

Richland County Council is being asked to approve an official policy which would govern how Richland County departments will respond and efficiently comply with Freedom of Information requests. The proposed policy complies with the South Carolina Freedom of Information Act Statute and seeks to centralize and streamline how these requests are handled, while establishing a uniform fee structure.

### **B. Background / Discussion**

Each year the county processes several hundred official FOI requests. Currently, the vast majority of these requests are documented by the county Ombudsman for follow up by departments, however as it stands there is no official county policy on how these requests should be processed or a uniform policy on the fees that should be charged particularly for requests requiring intensive research and documentation (copies).

It is therefore requested that Richland County Council adopt the official policy proposed in the Richland County Policies and Procedures Manual which complies with the South Carolina Freedom of Information Act. Among the highlights of this policy:

- Calls for the County Ombudsman's Office to compile and maintain a computerized log of all FOIA requests (something which currently takes place, though unofficially).
- All FOIA requests must be in writing and include the date, specific information being requested, as well as contact information and signature of the requester.
- The department receiving the request must date and time stamp the FOIA immediately upon receipt and retain a copy on file in their respective office.
- The policy calls for all requests to be responded to within 15 days, excluding Saturdays, Sundays, and holidays, after receipt of a written request.
- The County shall provide full disclosure of public records in its possession or control, except those specifically exempted by the state's FOIA.
- The policy clearly states a fee structure for copying and researching information (page 2), which includes \$.25 per page for copying and an hourly fee for record research based on the hourly rate (salary) of the person researching the records requested.

**C. Financial Impact**

There is no financial impact on adopting this policy, rather it will streamline and make uniform the current unofficial policy.

**D. Alternatives**

1. Approve the request to adopt of the official policy governing how FOI requests are handled.
2. Do not approve the official policy government how FOI are processed.

**E. Recommendation**

It is recommended that Council approve the request to adopt the Richland County Policies and Procedures Manual governing how FOI requests are handled and processed.

Recommended by: Stephany Snowden

Department: PIO

Date: 5/13/2010

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 5/17/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: I would recommend approval but would suggest, for clarification, that the policy be amended to include language that the fee is considered revenue to the County and not a reimbursement to County departments.

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

**Administration**

Reviewed by: J. Milton Pope

Date: 5-19-10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval

RICHLAND COUNTY  
POLICIES AND PROCEDURES MANUAL

Policy Title: Freedom of Information  
Section: 1  
Department: Administrative Policy Number: AD-070  
Effective Date:  
Page: 1 of 3

I. Purpose

To establish a policy, which complies with the South Carolina Freedom of Information Act (FOIA) in a responsive, appropriate and efficient manner. Richland County will attempt to provide the fullest and most rapid public access to County records and information so the rights of an informed public remain protected. FOIA requests must be responded to within 15 days, excluding Saturdays, Sundays and holidays, after receipt of a written request. The County recognizes the competing interest of personal privacy and the right of the public to have access to information concerning the conduct of the public's business. The County shall provide full disclosure of public records in its possession or control, except those specifically exempted by the state's FOIA.

II. Policy

It shall be the policy of Richland County to adhere to the following procedure:

- A. All FOI requests must be in writing to include the date, specific information being requested, name, address, phone number and signature of the requester.
- B. The department receiving the request must date and time stamp the FOI immediately upon receipt and retain a copy on file in the respective office.
- C. All requests under the South Carolina Freedom of Information Act must be faxed or hand delivered to the County Administrator's office the same day received addressed to the attention of :

The County Administrator  
Richland County Government  
P.O. Box 192, Suite 4069  
Columbia SC 29204  
Fax: 803-576-2137

- D. The County Administrator or his designee will advise the respective department and requestor once a determination is made whether the information requested is exempt from disclosure. FOI Requests must be responded to within the 15 days, excluding Saturdays, Sundays and holidays after receipt of the written request. If an attorney's opinion is needed on an issue related to availability of records, the County Administrator or his designee will ask for an extension agreement by letter. The County Administrator or designee will provide a copy of this letter, along with the request to the County Attorney for preparation of the opinion and/or appropriate response. If any agreement is made that varies the requirements of the Act, it must be made in writing with a copy delivered to the requestor acknowledging the agreement.

E. Public records and documents are open for inspect and/or copy and the public should be permitted to review them upon request if reasonable. However, such inspections shall be appropriately supervised.

Section 30-4-30(a) of Code of Laws of South Carolina (1976), as amended provides that:

“any person has a right to inspect or copy ad public record of a public body, except as otherwise provided by Section 30-4-40, in accordance with reasonable rules concerning time and places of access.”

F. Section 30-4-30 (b) Code of Laws of South Carolina (1976), as amended provides that:

“The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. However, member s of the General Assembly may receive copies of records or documents at no charge from the public bodies when their request relates to their legislative duties. The records must be furnished at the lowest possible cost to the person requesting the records. Records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for the public body to provide the records in this form. Documents may be furnished when appropriate without charge or at a reduced rate charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees may not be charged for examination and review to determine if the documents are subject to disclosure. Nothing in this chapter prevents the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of these costs before searching for or making copies of the records.” Pursuant to this section of the Code of Laws, Richland County shall adhere to the following fee schedule:

<b>Service</b>	<b>Fee</b>
a. Copying Fee	\$.25 per page. Hourly fee shall be based on the hourly rate of the person researching the records requested.
b. Record Research	
c. Information provided by fax	\$50. Per hour, with a minimum charge of \$50.00 compliance time Based on actual cost of media
d. Special computer programming fees and computer system data	
e. Computer medial used to store data requested and transmit same to individual making request	\$.08 per line (*applies in cases where a “hard copy” print out is requested).
f. Computer system printing time	



and paper costs

- G. The County Administrator or his designee will obtain a written listing of any applicable costs, from the respective department (s), based on the fees as set forth about. The County Administrator or his designee will advise the requestor once a determination is made relating to applicable costs. If the requestor decided to proceed with the FOI requests a deposit shall be required when the County reasonably believes fees shall exceed \$25.00 The deposit shall be equal to the total anticipated costs for searching and copying records. All deposits must be paid in advance.
- a. Requestors are encouraged to make their requests as specific as possible to minimize unnecessary costs.
  - b. Research costs shall not be charged if the entire process of making the information available takes less than one (1) hour.
  - c. It is not necessary for any County department to produce any reports, written or computerized, in any format other than that already kept by the department.
- H. The Richland County Ombudsman's Office will compile and maintain a computerized log of all FOI requests.
- I. The County Administrator's office will strive to make this process as efficient and responsive as possible while complying with the law and appropriately respecting confidentiality of exempt records/documents.
- J. Persons with questions regarding compliance with the FOIA and whether certain County information is a public record should contact the Richland County Attorney's Office.

Date: \_\_\_\_\_ County Administrator \_\_\_\_\_

# Richland County Council Request of Action

## **Subject**

List of Budget Amendments Approved by County Council during the 2009-10 Budget Year [ pages 67-68]

## **Reviews**

**Motion:**

**That the County Administrator direct staff to prepare a document prior to 2nd reading of the FY 2010-11 budget listing all budget amendments approved by County Council during the FY 2009-10 budget year. The list should include the County department receiving the additional funds, the amount requested, the amount approved by Council and a brief description as to why the additional appropriations were required. The listings should be grouped by department then by the date of Council action. [Pearce, Washington, Malinowski]: Forwarded to the May A&F Committee. **ACTION: ADMINISTRATION, BUDGET, FINANCE****

**Control Log  
Budget Amendments for FY10  
As of May 3, 2010**

Fund(s)	Department	Amount	Description of BA	Committee	Status of Budget Amendment		
					1st Reading	2nd Reading	3rd Reading
Conservation Commission	Conservation Commission	\$23,000	Appropriate use of fund balance for Wetlands Mitigation	10/6/2009	11/3/09	11/17/09	12/1/09
General Fund	Master-in-Equity	\$50,000	Increase Master-In-Equity from Undesignated GF Fund Balance		7/7/09	7/21/09	9/1/09
General Fund	Election Commission	\$81,000	Increase Election Commission	A&F 9/22/2009	10/6/09	11/3/09	11/17/09
General Fund	Various	\$90,157	Increase to Court Administration, Magistrates, and Central Services budget to comply with Uniform Expungement	A&F 9/22/2009	10/6/09	11/3/09	11/17/09
General Fund	Nondepartmental	\$500,000	EMSMC new ambulance fee collection procedures	A&F 1/26/2010	2/2/10	2/16/10	3/2/10
General Fund	Sheriff	\$345,000	Sheriff Department Part-Time Budget	A&F 3/23/2010	4/6/10	4/20/10	
General Fund	Risk Management	\$500,000	Increase to Risk Mgmt for liability and worker's comp	A&F 4/26/10			
Hospitality Tax		\$184,970	For the next steps in the design-development phase of the Regional Sports Complex.	A&F 9/22/2009	10/6/09	11/3/09	11/17/09
Hospitality Tax		\$83,203	Round II H-Tax Awards	A&F 10/27/2009	11/3/09	n/a	n/a
Road Maintenance	Public Works	\$40,000	Revised Transportation Study	Trans. 9/10/2009	10/6/09	11/3/09	11/17/09
Title IV-D Sheriff's	Sheriff	\$10,000	Appropriate increase in revenue	A&F 9/22/2009	10/6/09	11/3/09	11/17/09
Victim's Assist & County Oper	various	\$50,000	Increase in T/O from GF to Victim's Assistance	A&F 4/26/10			